January 10, 2012
Medway Planning and Economic Development Board
Medway Middle School – School Committee Room
45 Holliston Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegri, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

Private Way Standards:
The Board was in receipt of the revised draft copy dated January 6, 2012 entitled "Ideas for Private Way Standards. **(See Attached)**

The document contains the suggestions from Medway Planning and Economic Development Board members along with recommendations from Tetra Tech Rizzo consultant, Dave Pellegri and Tom Holder the Department of Public Works Director. The ideas were collected during several work sessions.

Department of Public Works Director Tom Holder was also present to provide his thoughts relative to the Private Way Standards.

The Board discussed that there needs to be clarity for the proposed small/large private way condo developments. It was suggested that this could be clarified by including definitions. The cul-de-sacs were discussed next. Dave Pellegri indicated that the minimum size must be 100. It was suggested that it be changed to 110 but after further discussion the consensus was to leave it at 120. There was also a suggestion to leave a buffer for encroachment. There was also a suggestion that the tear-drop would allow for flexibility. There will be language added about the turn around.

The next section discussed was the vertical clearance. Dave Pellegri communicated with the Fire Chief and he feels that 14 feet is sufficient. Dave also checked with the Town of Franklin and their standard is 14 feet. The Board would like to make sure there is room for utility lines.

The Road Composition & Materials section was discussed. The Board wants to make sure that the standard is referenced along with adding language indicating as approved by the Board.

In the sidewalk section of the standards, the Board recommended taking out the words as determined by the consulting engineer when there is a safety hazard. It may not always be just a safety factor.

The Board recommends that the design speed remain at 25 mph.

There needs to be a discussion about where does the town draw the line with the connections for the respective sewer and water lines. at the property line or at the connection point.

DPS Director Tom Holder has taken a strong stance that they are not responsible for the sewer lines going into the private ways. The private way roads will have water and sewer private and be maintained through the homeowners association. The town will own the water line up to the property where the private road begins. The sewer line will be owned up to the connection by the property owner. This way the town is not responsible and the property owner has control of what goes into the sewer pipe.

Tom Holder indicated that the Town is responsible for the quality of the water whether the water line is publically or privately owned.

The Board discussed that all of the language of the water and sewer maintenance will be written out so that all members know who is responsible. The town does not have the right to enter easements for private ways. The Board would like the policy regarding this referenced within the decisions.

The Board will continue working on the private way standards.

Economic Development Committee Priorities and Plans:
There were two members of the Economic Development Committee present at the meeting: Chairman, Ray Himmel and member Kent Scott.

The purpose of their presence at the meeting was to explain the priorities and plans for the Economic Development Committee.

The Board watched the PowerPoint presentation. **(See Attached)**

The EDC members each took one or two of the six priorities and will work in subgroups to accomplish the priorities. The subcommittees will provide a status update.

The presentation focused on the six priorities which included:

1. **Marketing:**
   The marketing will include listing properties which are available to potential buyers.

2. **Oak Grove Bottle Cap lots:**
   The priority is to advocate, plan and attract large real estate companies and list the lots so that developers know what is available.

3. **Website:**
   The subcommittee will make the website more interactive along with listing the properties online and having a single contact person.

4. **Promote Medway Externally:**
   Work at attracting businesses externally.

5. **Promote Medway Internally:**
   The main priority would be to work with the existing companies and make sure they stay in Medway. The sub-committee would communicate to developers how it is to have a business in town.

6. **Bylaw Improvements:**
   The subcommittee would work on identifying changes in the rules and regulations and Zoning Bylaw which address parking, signs and mixed use to make Medway more business friendly.

This presentation will be given to the Board of Selectmen on January 18th and will be incorporated into the EDC's 2011 annual report.

The Board next discussed the job description for adding economic development staff. This was covered with Options A and B. Option A is having a staff person working exclusively on economic development. Some towns have a person on town payroll that are doing this full time. The Committee feels that getting a person who represents Medway is important to increase economic development.

All were in agreement that it is not in the town's best interest to share a person with another town.

Option B included hiring an independent contract person instead of an in-house person

Kent Scott noted that there two different forms of measurement. How much are we going to get from a consultant? This will need to be discussed further.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to support the Economic Development Committee with their priorities and plans.

Proposed 2012 Annual Town Meeting Warrant Articles:
The Board is in receipt of a memorandum from Susy Affleck-Childs dated January 6, 2012. **(See Attached)** This memo covers the various proposed warrant articles:

- Street Acceptance (Claybrook II, Hartney Acres)

- Zoning Bylaw Amendments
    1. Rezone Area West of I-495 from AR1 to Ind. III.
    2. Allow home based businesses in Commercial III and IV.
    3. Allow accessory family dwelling units in Commercial III and IV

- Other recommended Zoning Articles:
    1. OSRD revisions
    2. Affordable Housing
    3. New – Estate/backLots
    4. New Definitions
    5. Revisions to Flood Plain section

Draft amendments for the OSRD and Affordable Housing Sub-Sections of the Medway Zoning Bylaw were included in the board packet. These will be discussed at a workshop meeting.

Energy Committee:
Chairman Rodenhiser informed the Board that the Planning and Economic Development Board needs to appoint a member to the Energy Committee. This committee meets the third Wednesday of the month.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Bob Tucker to the Energy Committee.

Warrant for January 17, 2012:
The Board received a copy of the January 17, 2012 Special Town Meeting Warrant. **(See Attached)**

The Board discussed Article 1 re: the acquisition of property owned by Henry Wicket and reviewed the summary of the appraisals of Wickett Property of Medway which relates to the Article. **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend dismissal of this article since there has not been enough time to review and consider if this land is valuable along with the fact that there are significant differences in the appraisals about the value of land.

Consultant Carlucci responded that the number of units included in the most recent appraisal is not accurate based on the 40B formula requiring at least 25% affordable dwelling units.

Correspondence:
- The Board received the Petrini and Associates Quarterly Update of Land Use Law dated January 3, 2012. **(See Attached)**

Minutes:
December 13, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from December 13, 2011.

Consulting Planners Report:
Consultant Carlucci communicated that there was a meeting about the Stormwater Regulations for the State and the EPA has pushed the MS4 permit process back to summer 2012.

There is also discussion at the State in relation to a bill to have regulations to not allow phosphorous fertilizer.

Speroni Acres:
The Board discussed the format for the meeting with the Speroni Acres neighbors which is scheduled for Tuesday, January 24, 2012. There will be a brief welcoming and introduction. Dave Pellegri will explain the drainage history of the site and describe current conditions. There will be a discussion about the future actions and next steps. Tom Holder will then speak about the force main sewer system. This will also include the history, current status, town concerns, and options for the neighborhood management. The last section of the presentation will include discussion about street/infrastructure and acceptance. Susy reported that Town Counsel will be present at the meeting.

2013 Budget:
The Board was provided with a copy of the draft budget for 2013. **(See Attached).** Susy explained that the Administrative Secretary's position is being upgraded per a determination by the Town Administrator. The Board discussed that the cost of part-time position has increased 15% but no further hours have been added. The Board wants clarity on why their budget is funding another department's position. There was also discussion about what they want the Planning and Economic Development office to be. It is clear that help is needed, but getting the right help is important. It was recommended that the deliverables be defined. The Planning Board also questioned why they are funding a mapping specialist through their budget. The budget will be discussed more at a later date. Susy reminded the Board that the budget is more of a PED office budget than it is a PEDB budget.

Workshop Meetings on Zoning:
The Board will be holding additional meetings on Tuesday, January 31st and February 7th to work on zoning articles for the 2012 annual town meeting.

There will be an Affordable Housing meeting on February 1, 2012.

Adjourn:
On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Future Meetings:
The next meetings scheduled are: Wednesday January 18 & and Tuesday 24, 2012.

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

IDEAS FOR PRIVATE WAY STANDARDS

REVISED Draft 1-6-2012

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Applicability	developments of 3 lots/dwelling units	7.9.1	2 & 3 lots	4 & 5 lots	up to 10 dwelling units	more than 11 dwelling units
Purpose of roadway	Legal frontage and access	NA	Legal frontage and access	Legal frontage and access	Access	Access
Ownership and Responsibility of Road and Stormwater Facilities	Current Practice - private home owners or association		homeowners association	homeowners association	homeowners association	homeowners association
Ownership and responsibility for Water and Sewer Lines in the Private way	Recent practice is that the Town is responsible. DPS is proposing that homeowners become responsible.					
ROW width	STANDARD - 50'	7.9.4 b)	35'	40'	40'	50'
Paved (surfaced) width - 1 way road	no existing standard	NA	NA	NA	14'	14'
Paved (surfaced) width - 2 way road	18'	7.9.7. g)	16' with a clear width of 18'	16' with a clear width of 18'	16' with a clear width of 18'	22' for main road and 16' for side roads

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Dead end length	STANDARD - 600' from the centerline of an intersecting through street	7.9.6. b)	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street; longer if a secondary emergency access is provided	STANDARD - 600' from the centerline of an intersecting through street; longer if a secondary emergency access is provided
Cul de sac - outside paved/surfaced roadway diameter	STANDARD - at least 100'	7.9.4.c)	STANDARD	STANDARD	STANDARD	STANDARD
Cul de sac - property line/ROW diameter	STANDARD - at least 120'	7.9.4.c)	STANDARD	STANDARD	STANDARD	STANDARD
Dead end Turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	7.9.6 e)	center landscaped island for cul de sac NOT required; 20' hammerhead or T shaped turnaround	24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround	24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround
Vertical Clearance	no existing standard	no standard	14'	14'	14'	14'
Roadway Apron	no existing standard	no standard	For unpaved roadways, a paved apron is required for 25' into the development from the edge of the ROW	For unpaved roadways, a paved apron is required for 25' into the development from the edge of the ROW	not applicable	not applicable

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PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Road composition & materials		7.9.7	Paving not required. If paved, roadway materials and depths shall meet the standard "Permanent Private Roadway Typical Section" detail. If roadway is not paved, the 4" of bituminous concrete pavement may be replaced with a processed gravel. Processed gravels may consist of dense graded crushed stone meeting the Massachusetts Department of Transportation specification M2.01.7)	Paving not required. If paved, roadway materials and depths shall meet the standard "Permanent Private Roadway Typical Section" detail. If roadway is not paved, the 4" of bituminous concrete pavement may be replaced with a processed gravel. Processed gravels may consist of dense graded crushed stone meeting the Massachusetts Department of Transportation specification M2.01.7)	Hot mix asphalt/Cape Cod berm	Hot mix asphalt/Cape Cod berm

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PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Curbing/edge treatment	Hot mix asphalt/Cape Cod berm	7.10.2	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Hot mix asphalt/ Cape Cod berm
Stormwater management	STANDARD	7.7	STANDARD; allow drainage to exist within road parcel; LID optional	STANDARD; allow drainage to exist in road parcel; LID optional	STANDARD; LID optional	STANDARD; LID optional
Sidewalks within the development	not required	7.13.2	not required	not required	not required	conventional sidewalks or install meandering walkways instead of set sidewalks to retain key features/trees
Grass strip between curb and sidewalk	not required	7.13.2	not required	not required	not required	not required
Walkways/bikeways to connect to adjacent neighborhoods	May be required at PB's discretion	7.22	If required - ADA and AAB compliant	If required - ADA and AAB compliant	If required - ADA and AAB compliant	If required - ADA and AAB compliant

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Sidewalks on frontage of the existing way on which the property fronts	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	7.13.3	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard
Minimum intersection/corner radii	28' for intersection and 40' for curb radii	*7.9.2.d)*	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)
Minimum Horizontal Centerline Radii	150'	7.9.2. b)	150'	150'	150'	150'
Maximum Centerline Grade	0.08	7.9.5.b)	0.08	0.08	0.08	0.08
Design Speed - Should this vary depending on type of road material/pavement?? Dave P to check	25 mph	Table CD-1	25 mph	25 mph	25 mph	25 mph

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Driveways	STANDARD	7.11.1	STANDARD - Common driveways allowed	STANDARD - common driveways allowed	STANDARD - common driveways allowed	STANDARD - common driveways allowed
Street Trees	STANDARD - 3 trees per lot set back at least 6' behind the ROW line	7.19.2	3 trees per lot. May be planted in the ROW but outside the 18' clear width area	STANDARD - 3 trees per lot set; May be back at least 6' behind the ROW line or planted in the ROW but outside the 18' clear width area	2 trees for every 50 linear feet of roadway to be planted on both sides of the street	2 trees for every 50 linear feet of roadway to be planted on both sides of the street
Street lights	STANDARD	7.21	pedestrian scale post light at end of each driveway	pedestrian scale post light at end of each driveway	STANDARD	STANDARD
Sewers						
Water						

REVISED 1-6-2012

NOTE - STANDARD means that the existing regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature of a private way

dna = does not apply

"Clear Width"- Roads designed with a paved width of less than 18' shall maintain a minimum clear width of 18'. The area within the clear width shall be free from potential obstructions such as retaining walls, trees, bushes, light poles, etc.

IDEAS FOR PRIVATE WAY STANDARDS

REVISED Draft 1-6-2012

ISSUES/IDEAS TO DISCUSS
Evaluate each site and the adjacent vacant area for the potential capability of the small private way roadway to serve as access to additional units in the future. In thos
Allow for roadway surface to not have to be centered within the ROW so that key site features can be retained
Allow for periodic pullovers along roadway shoulders in lieu of widely paved roads
Who should own and maintain the water and sewer lines located within a private way developments? Medway DPS is advocating that a homeowners association, not the Town, be responsible for repairs to the water and sewer lines beyond the public ROW.

Town of Medway

Economic Development Committee

Economic Development Committee

Member	Address	Description
Paul Yorkis	7 Independence Lane	Owner, Patriot Real Estate
Ray Himmel (Ch)	50 Cedar Farms Road	Waters Corporation, Milford
Kent Scott	14 Skyline Drive	Griffin Electric, Holliston
James Byrnes	21 High Street	Mass Technology Collaborative
Ann Sherry (V Ch)	2 Newton Lane	Charles River Bank, Medway
Andy Rodenhiser	104 Fischer Street	Rodenhiser Plumbing Heating and Air Conditioning
Ken Bancewicz	Non-resident	Facilities manager ,CYBEX

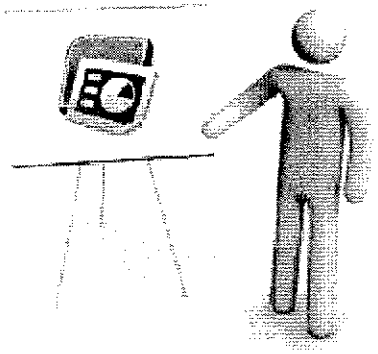
Economic Development Committee

Priorities for 2011/2012

2011/2012 EDC Priorities

1. Marketing Collateral
   - Power Point Presentation
   - Brochure
2. Oak Grove Bottle Cap Lots
3. Website Update
4. Promote Medway Externally
5. Promote Medway Internally
6. By-Law Improvements

Marketing Collateral



- Powerpoint Presentation
  - Medway's assets
  - Key Town Data
  - List of Commercial properties
  - List of Established Business and their trade
  - What makes Medway Attractive?
  - Key Contact (s) to Facilitate business in Medway (get things done)
  - Website for additional business and support
  - Tax Incentives
  - Brief Overview of a typical investment path into the town

Oak Grove Bottle Cap Lots

- Advocate/Plan
  - Site specific planning efforts that would improve and lead to more economic development on these lots

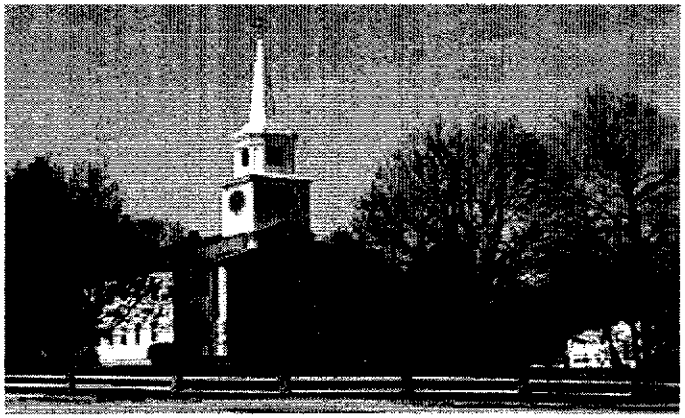
- Reach Out
  - To realtors and industrial developers for investment opportunities on the lots

Website Update

- Interactive website with key economic driver information
- Contact person to instigate a site selection process
- Ability to send an email to the committee or site selection

Promote Medway Externally

- Have a concrete investment opportunity to communicate
- Obtain a list of Industrial/Commercial Investors
- Liaise with the Real Estate Community
- Develop an investment opportunity
  - Biotech Incubators
  - Mixed use Real Estate
  - Alternative Energy Lot



Promote Medway Internally

- Communicate group efforts to the town and business community
- Retain existing business base
- Meet with the current Medway business owners to increase communication
  - Arthur Roberts – Mass Office of Business Development
    - Visit existing businesses

By-law Improvements

- Comprehensive review of the PEDB rules, regulations, policies and fees in order to facilitate economic development
- Review zoning bylaw parking requirements, Sign bylaw and permit bus stop shelters
- Permit residential duplex housing to promote affordable housing
- Consider "mixed use" development zoning for the east side of Summer Street north of Adams Street

Assignments

- Marketing Collateral – Ray Himmel, Ann Sherry
- Oak Grove Bottle Cap Lots – Andy Rodenhiser, Ray Himmel
- Promote Medway Externally – Kent Scott, Ann Sherry, Ken Banciwicz, Ray Himmel
- Promote Medway Internally – Ray Himmel, Ann Sherry, Kent Scott
- Bylaw Improvements – Paul Yorkis
- Website Update – James Byrnes, Susy Affleck-Childs

Proposed Budget FY2013

FY 13 Budget for Economic Development			
	Option A	Option B	
Budget Categories	$	$	Notes
Part Time Employee	$ 30,000.00		19 hours a week
Consulting/Contracted Services	$ 10,000.00	$ 50,000.00	
Professional development -	$500		
Books/Resource materials	$200		
Travel	$500		
Office Supplies	$300		
Printing	$250		
Business Development Expenses	$500		
	$ 42,250.00	$ 50,000.00	

Economic Development Specialist

SUMMARY - Provide professional, technical, marketing and administrative work to encourage economic development in Medway

- Develop and manage data bases of information related to economic development – inventory of sites, census and other data sources
- Serve as liaison with various organizations (495 MetroWest Partnership, Medway Business Council, MetroWest Tourism, Mass Office of Business Development, MassDevelopment, etc.)
- Assist with grant writing tied to economic development
- Respond to inquiries for space, land, pad sites, etc.
- Develop marketing tools/products to promote Medway including maintenance of web site
- Develop and maintain contact with existing Medway businesses
- Provide a wide range of technical assistance to support existing businesses to expand and new businesses to locate in Medway – financing, job training, etc.

Questions and Answers

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

MEMORANDUM

January 6, 2012

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Warrant Articles for 2012 Annual Town Meeting

Street Acceptance

Claybrook II
Hartney Acres

Zoning Bylaw Amendments

Zoning articles submitted for the fall 2011 special town meeting that were not placed on the warrant. These are all ready to go:

- Rezone area west of I-495 from AR1 to Ind. III
- Allow home based businesses in Commercial III, IV and Bus/Industrial
- Allow accessory family dwelling units in Commercial III and IV

Other Zoning articles I recommend we prepare for submittal

- OSRD revisions
- Affordable Housing revisions
- NEW - Estate/Back Lots
- NEW - Definitions
- Revision to Flood Plain section to reference new National Flood Insurance Maps

Telephone: 508-533-3291 Fax: 508-321-4987
saffleckchilds@townofmedway.org

Future Zoning Bylaw Work – Spring 2013 Town Meeting

- Updated parking standards (per forthcoming MAPC report)
- NEW - Outdoor dining
- Revise Accessory family dwelling units (as recommended by Town Counsel)
- NEW - Use tables
- Changes re: infill zoning for Affordable Housing
- NEW - Village Residential Zoning District
- NEW multi-family special permit for renovation of larger residential structures in Medway's two historic districts
- Series of zoning map changes – clean-ups
- Rezone selected parcels to provide for more business/industrial opportunities
- Establish an administrative site plan review option (for very small projects)

Longer Term Zoning Work

- Traditional Neighborhood Development Overlay Special Permit
- Oak Grove Mixed Use Overlay District
- Route 109 Mixed Use Overlay District

TOWN OF MEDWAY

WARRANT FOR JANUARY 17, 2012

SPECIAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street,** on **Tuesday, January 17, 2012** at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Citizens' Petition – Purchase 126.9 Acres of Land)
To see if the Town will purchase and/or direct the Selectmen to purchase a parcel of vacant land containing approximately 126.9 acres which said acreage is based on an engineering plan entitled "OSRD CONCEPT SKETCH 'B' FAIRWAY LANE, MEDWAY, MASSACHUSETTS," drawn by Faist Engineering, Inc. The subject lot has frontage at 98 Wintrhop Street, 13 Ohlson Circle, 21 Fairway Lane, and 11 Woodland Road. The parcels are numbered and shown as follows:

MAP	BLOCK	LOCATION	AREA	BOOK	PAGE
5	308	13 Ohlson Circle	85,031 sq. ft.	18196	542
5-4	308	21 Fairway Lane	13,416 sq. ft	13071	203
7-4	4E	11 Woodland Rd	415,998 sq. ft.	22145	114
8-4	3+8	0 Woodland Rd	3,049,200 sq. ft.	6607	537
8	9	0R Woodland Rd	544,500 sq. ft.	9472	202

Said purchase price to be $3,600,000.00 with terms and payment schedule to be determined by the owner of said property and the Board of Selectmen.

HENRY L. WICKETT JR., ET AL.

BOARD OF SELECTMEN RECOMMENDATION: DISMISS

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Free Cash Appropriation: Fund Oak Grove Title Exams)
To see if the Town will vote to appropriate the sum of $21,000 from Fiscal Year 2011 Certified Free Cash for the purpose of funding title research, mapping, and land survey work pertaining to the Oak Grove/Bottle Cap Lots area in Medway, or to act in any manner relating thereto.

BOARD OF ASSESSORS/
PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Free Cash Appropriation: Repay Deputy Collector Agency Account)
To see if the Town will vote to appropriate the sum of $24,932 from Fiscal Year 2011 Certified Free Cash and to transfer said amount to the Fiscal Year 2012 Deputy Collector Agency Account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Free Cash Appropriation: Fund IT Maintenance and Repair Account)
To see if the Town will vote to appropriate the sum of $10,000 from Fiscal Year 2011 Certified Free Cash to fund the Information Technology Maintenance and Repair Account, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Budget Transfer: Claybrook II Street Acceptances)
To see if the Town will vote to transfer the sum of $17,500 for the purpose of funding expenses related to street acceptance for the Claybrook II subdivision, said funds to be transferred from the remaining unused funds appropriated under Article 5 of the June 2011 Town Meeting for the Birch Hill Road Acceptance Account, and the remainder transferred from the Town's Fiscal Year 2012 Legal Expense Account, or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two locations in each precinct at least FOURTEEN days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 3rd day of January 2012.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

John Foresto, Chairman

Glenn Trindade, Vice Chairman

Dennis Crowley, Clerk

Andrew Espinosa, Member

Richard Dunne, Member

ATTEST:

Paul Trufant, Constable

Summary of Appraisals of Wickett Property in Medway

Appraiser	Date	Value	Client	Land Area	Build Out
Handverger & Associates	1/7/2011	$ 3,550,000	Henry Wickett	126.9 acres	40B - 91 market rate and 14 affordable = 105 (11 single family units & 94 duplex units)
Crosswhite Property Advisors	9/22/2010	$ 1,850,000	Henry Wickett	127 acres	Conventional - 36 market rate + 6 affordable = 42
Prospectus, LLC	10/13/2009	$ 1,680,000	Trust for Public Lands	124 acres	Conventional - 35 market rate + 6 affordable = 41

compiled by sac - 1/9/2012

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To: Board of Selectmen
Town Manager/Administrator/Executive Secretary
Planning Board
Board of Appeals
Building Commissioner

From: Barbara J. Saint André

Date: January 3, 2012

Re: Quarterly Update on Land Use Law

This Quarterly Update on Land Use Law sets forth a brief overview of relevant land use and zoning decisions issued by the Supreme Judicial Court (SJC) and Appeals Court in the months of October, November and December of 2011. This memorandum does not include every decision involving land use issued by the Massachusetts appellate courts. Some decisions were omitted if they were purely procedural in nature or did not provide any new substantive analysis. Selected Land Court decisions are also included. Although these are not appellate cases and therefore not binding precedent, they often provide useful guidance.

ZONING

Connors v. Annino, 460 Mass. 790 (2011)

In this case, the court ruled that a person that has adequate notice of the issuance of a building permit and claims to be aggrieved by it must appeal within thirty days, rather than bring a later request for zoning enforcement. Connors was concerned about plans by his abutter, Annino, to demolish his house and build a larger one. Connors wrote to the building commissioner while the building permit application was pending, urging him to deny it. The commissioner issued two building permits on September 15, 2008, and Connors learned of them on September 25, 2008. On October 1, 2009, Connors received a response from the building commissioner to his letter, in which the building commissioner stated that the permits were properly issued. On October 20, 2008, 35 days after the building permits were issued, Connors filed a petition with the zoning board of appeals (ZBA) under G.L. c. 40A §8, purporting to appeal the commissioner's letter. The board dismissed the appeal, stating that Connors failed to bring the appeal in a timely

fashion, and Connors filed an appeal with the Land Court. The Land Court dismissed the action, finding that Connors had filed his appeal with the ZBA too late.

The Supreme Judicial Court (SJC) agreed to hear the case on direct appellate review. General Laws chapter 40A, §8 allows an aggrieved party to appeal to the ZBA from an inability to obtain enforcement from the building commissioner or from an order or decision of the building commissioner. Any appeal of the issuance of a building permit must be made within 30 days after the permit was issued. Connors contended that he had the option to submit a written request for zoning enforcement to the building commissioner, and, upon its denial, appeal to the ZBA within 30 days of that response. However, given the six year statute of limitations under G.L. c.40A, §7, this interpretation would allow an aggrieved party to wait six years to file the enforcement request and subsequent appeal. The SJC ruled that a party that has adequate notice of the issuance of a building permit must file an administrative appeal within 30 days of the issuance, and failure to do so deprives the ZBA and the courts of jurisdiction to consider the appeal. In this case, Connors had 20 days from the date that he learned of the issuance of the building permits to appeal, which the court determined was indeed adequate.

In addition, the SJC found that the letter to the building commissioner was not an enforcement request under G.L. c. 40A, §7 because there was no alleged zoning violation at that time. Accordingly, it could not in any event be the basis for an appeal under §8.

Killorin v. Zoning Board of Appeals of Andover, 80 Mass. App. Ct. 655 (2011)

The court denied an attempt by plaintiffs to modify or remove conditions imposed in a special permit granted in 1940. The special permit allowed a parcel of land existing in 1940 to be subdivided into six lots. It also permitted the large colonial house on lot 1 to be converted into eight apartments, on the condition that, so long as the apartment house was maintained on the lot, lot 1 could not be further subdivided and could contain only the existing building, with no other buildings other than an eight car garage. The zoning board of appeals in 2007 and 2008 denied plaintiff's applications for modification of the special permit. Plaintiff appealed each denial under G.L. c. 40A, §17 and the cases were consolidated.

Plaintiff argued that the conditions in the special permit were no longer enforceable by operation of G.L. c. 184, §23, which provides that conditions or restrictions shall be limited to 30 years from the date of the deed or other instrument creating them. The court, however, determined that conditions included in a variance or special permit decision are not created by deed or other instrument, and therefore are not subject to the 30 year limitation. On the merits of the appeal, the court upheld the decisions of the ZBA, as the court could not "say with confidence or assurance that the board abused its considerable discretion when it denied a request to change long-standing restrictions imposed as part of an earlier approval for zoning relief."

SUBDIVISIONS

Fox Gate, LLC v. Millbury, 2011 WL 6016246 (Land Court 2011)

This case involved an unfinished subdivision that was sold at foreclosure by the mortgagee. Plaintiff acquired the subdivision after foreclosure, and was asked by the planning board to provide surety under G.L. c.41, §81U to ensure the completion of the roads and utilities in the subdivision. Plaintiff refused, telling the town that it should seize the bond posted by the prior owner and use those proceeds to complete the subdivision. The company that provided the bond for the prior owner, however, informed the town that the bond was non-assignable, and did not cover the obligations of the new subdivision owner. Lacking an enforceable surety, the planning board voted to request that all building permits be denied for the subdivision. When the building inspector denied a building permit for one of the lots, plaintiff appealed to the zoning board of appeals, which denied the appeal. Plaintiff then filed an appeal under G.L. c. 40A, §17, as well as an action for mandamus to require the building inspector to issue the permit.

The Land Court granted summary judgment in favor of the defendants. It determined that when plaintiff acquired the subdivision, it also acquired the obligation to complete the subdivision, regardless of any bond given by a prior owner. The court rejected plaintiff's argument that a private party could require a town to enforce whatever rights it might have had under the bond from the prior owner. The court noted that the language of §81U states that a bond "may" be enforced, and that enforcement is up to the discretion of the town. It further upheld the denial of the building permit under G.L. c. 41, §81Y, which provides that the building inspector shall not issue a building permit until satisfied that any condition endorsed on the subdivision plan limiting the right to erect buildings on the lot has been satisfied or waived by the planning board. The condition requiring security was endorsed on the subdivision plan, and had not been satisfied. The planning board properly looked to plaintiff, as owner, to provide the security.

BUDGET PROJECTION 20131 FY2013 GENERAL FUND BUDGET PROJECTION

ORG	OBJECT	PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL		PERCENT CHANGE
011750	015110		PLAN BD FULL TIME SALARIES	64,926.00	59,301.00	63,940.00	-1.52
	0001-01-175-000-000-1-000-000-5110 Planning and Economic Development Coordinator Grade 10 - Step 4 40 hrs/week 52 weeks/year $29.81/hr x 1040 hours = $31,002.40 (July - Dec 2012) $31.67/hr x 1040 hours = $32,936.80 (Jan - June 2013) Step increase to Grade 10 Step 5 effective 1/1/2013 Total = $63,939.20						
011750	015111		PLAN BD PART TIME SALARIES	21,000.00	21,000.00	24,160.00	15.05
	0001-01-175-000-000-1-000-000-5111 Administrative Secretary - 1/2 time position I propose reclassifying this postion from Grade 5/Step 5 at $20.07/hr to Grade 7/Step 4 @ $23.23/hour $23.23 x 1040 hours = $24,159.20 Proposed new job title - Administrative Assistant & Mapping Specialist						
011750	015150		PLAN BD FRINGE LONGEVITY	250.00	250.00	300.00	20.00
	0001-01-175-000-000-1-000-000-5150 Susan Affleck-Childs $ 250 Fran Hutton Lee $ 50 (half of the total of $100)						
011750	025304		PLAN BD LEGAL EXPENSES	.00	.00	.00	.00
	0001-01-175-000-000-2-000-000-5304						
011750	025305		PLAN BD CONSULTING SERVICES	3,006.00	3,006.00	3,000.00	-.20
	0001-01-175-000-000-2-000-000-5305						
011750	025306		PLAN BD ADVERTISING	1,000.00	1,000.00	750.00	-25.00
	0001-01-175-000-000-2-000-000-5306						
011750	025342		PLAN BD COPYING BINDING	315.00	315.00	200.00	-36.51
	0001-01-175-000-000-2-000-000-5342						
011750	025383		PLAN BD CONTRACTED SERVICES	10,180.00	10,180.00	7,000.00	-31.24
	0001-01-175-000-000-2-000-000-5383						
011750	025384		PLAN BD MAPPING	788.00	788.00	500.00	-36.55
	0001-01-175-000-000-2-000-000-5384						

BUDGET PROJECTION 20131 FY2013 GENERAL FUND BUDGET PROJECTION

ORG	OBJECT	PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL		PERCENT CHANGE
011750025420			PLAN BD OFFICE SUPPLIES	600.00	600.00	500.00	-16.67
	0001-01-175-000-000-2-000-000-5420						
011750025521			PLAN BD BOOKS	210.00	210.00	200.00	-4.76
	0001-01-175-000-000-2-000-000-5521						
011750025710			PLAN BD INSTATE TRAVEL	135.00	135.00	100.00	-25.93
	0001-01-175-000-000-2-000-000-5710						
011750025730			PLAN BD DUES SUBSCR MTGS	500.00	500.00	400.00	-20.00
	0001-01-175-000-000-2-000-000-5730						
011750025851			PLAN BD OFFICE EQUIPMENT	500.00	500.00	400.00	-20.00
	0001-01-175-000-000-2-000-000-5851						
			BUDGET CEILING:			103,410.00	
			TOTALS:	103,410.00	97,785.00	101,450.00	-1.90

** END OF REPORT - Generated by Susan Affleck-Childs **

Joint Meeting
Medway Economic Development Committee
Medway Board of Selectmen
Medway Planning and Economic Development Board

January 18, 2012
Medway Senior Center
76 Oakland Street

ECONOMIC DEVELOPMENT COMMITTEE MEMBERS PRESENT:
Ray Himmel, Ann Sherry, Kent Scott, Andy Rodenhiser, James Byrnes, Ken Bancewicz, and Paul Yorkis

PLANNING & ECONOMIC DEVELOPMENT BOARD MEMBERS PRESENT:
Andy Rodenhiser, Bob Tucker, Chan Rogers, and Karyl Spiller-Walsh

BOARD OF SELECTMEN PRESENT:
John Foresto, Dennis Crowley, Glenn Trindade, and Andy Espinosa

ALSO PRESENT: Suzanne Kennedy, Town Administrator
Susy Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Bruce Hamblin, 12 Crestview
Lisa Hofer, 2 Rockwood

The meeting for the Medway Economic Development Committee was opened at 7:00 pm.

The Economic Development Committee provided a PowerPoint presentation which is a collection of the work accomplished by the committee over the last two years. **(See Attached Presentation)**

The priority areas were narrowed down to six areas:

1.Marketing Collateral

- Finding and following up on key contacts
- Creating an overview of investment path
- Marketing what makes Medway attractive

2. Oak Grove Bottle Cap Lot:

- Reach out
- Identify real estate

3. Website Update:

- Establishing the right contact people
- Allow to interact with the committee
- Make the site interactive

4. Promote Externally:

- Making this a concrete investment opportunity
- Promote Medway to both State and Regional agencies

5. Promote internally

- Promoting business and assisting the businesses to stay in Medway
- If there are any issues get the information communicated quickly
- Visit the various businesses
- Provide Surveys to existing businesses along with finding out why some businesses left the town.

6. Improvement to Town Regulations:

- Look at the rules and regulations and the policies make easier to facilitate economic development
- Review the sign parking regulations.

Budget:

The group next presented a proposed budget for FY 13. The Committee would like to have a half time person on the town payroll to focus exclusively on Economic Development. The Committee looked at other towns, and many of those towns have a full-time Economic Development Director. This person could provide marketing to promote expanded development of Medway. This employee could research what is going on with economic development in other towns and see where certain properties might fit with the prospective business.

The selected person could complete the following tasks:

- Liason to various economic and regional agencies.
- Attend workshops and conferences.
- Write grants of private and public funding.
- Work with the subcommittee to improve the regulations
- Work with the business council
- Communicate with media & newspapers

The Committee proposes a part-time person possibly 19 hours a week. The Committee surveyed the salary and it ranges from $45,000 -$85,000.

The proposed consultant budget is $15,000.

EDC member Ken Bancewicz communicated a past business opportunity on the land next to Cybex. This was not pursued and the business went to another town. Prospective businesses need to be followed up on.

Chan Rogers communicated that it would be beneficial to hire a firm to recruit these businesses. This is common in the south and west with Phoenix, AZ as an example. The Town does not have to hire an individual.

Andy Espinosa noted that we have to know the numbers. We have to quantify this further. He further asks, do we have the industrial land to make a difference and what is the maximum return on investment that might be possible.

Andy Rodenhiser explained that the bottlecap lot title research is almost done and the report will show the best use of the land. The permitting (zoning) in this area may need to change to make it easier.

Paul Yorkis communicated that as an EDC member it is also one of our responsibilities to keep the businesses here. There are businesses that may have the opportunity to expand. We need a mechanism to assist with this and create a data base and a library of information about our community, working with different boards and committees. There is an opportunity to expand the industrial and commercial portion in town.

Andy Espinosa asked how much land do we have to offer as commercial land. We must find this out. We must get out numbers in a quantative sense. Without numbers, it is hard to determine why we may need a person on the payroll.

The EDC needs to get the numbers to explain the need and potential to the townspeople. We should put some numbers out there.

Kent Scott indicated that in order to promote this, we need a story that supports this position.

Andy Espinosa asked who would this person report to and how do we show accountability?

Chan Rogers responded that we must talk this through with an agenda in place.

The EDC does not decide who this person reports to.

Paul Yorkis stated that the Town cannot afford to not fund this and we cannot put this off.

Andy Espinosa responded that this must be quantified, there must be alternative ways to bring money into the town in without spending more.

Paul Yorkis responded that the seven members of the Economic Development Committee are unanimous that this needs to be done.

Kent Scott explained that the economic issues are always going to be there. It is like with all towns across the Commonwealth. The Town of Medway has said that they have wanted to be proactive on this for 10 years. The town is open for business, but we need to drive this and we are not promoting this. There needs to be a plan put in place now.

Glenn Trindade agreed that we need to do more and the town needs to have a point of contact. The number one drive for a business is to get a quick answer. If that answer is not available for the prospective business, they will more on to another town. An example of this was Verizon. This company wanted to lease property on Alder Street and the representatives met with the town and wanted a quick answer, but the past building inspector was the impediment to this business locating in Medway.

Andy Rodenhiser noted that it is not the responsibility of Susy Affleck-Childs to perform this task. This is not her skill set, she is not comfortable being a business promotion person.

Chan Rogers indicated again that the town needs to hire a firm and not a person.

It was suggested that a consultant be brought in for a year to evaluate how this may work.

Suzanne Kennedy explained that in one of her previous positions, there was a firm hired and two people handled the marketing and research along with providing networking capability.

Bruce Hamblin, 17 Crestview Avenue, shared that he is a retired planning director. He communicated that it is critical to have a person in place as the contact person. He suggested that a survey to the businesses be completed. It is important to figure out what brought the business to Medway. He further explained that it is important to know what are the positives and negatives of coming to Medway. It is also important to know if the potential business has expansion plans. The Town of Medway may have certain types of businesses that we want to encourage, but yet you may want to discourage others. Certain type of industries may not be desirable to the town. A survey would help to answer these questions.

Andy Rodenhiser communicated that we need to develop a plan for a return on investment, buildable potential, and what type of yield there is. Numbers need to be put in place.

Paul Yorkis indicated that the EDC can do the data analysis for the Finance Committee and the Board of Selectmen and provide it to them.

Chan Rogers explained that he would like to have a representative from a firm come and tell what they can do.

All members agreed that this was a productive meeting and it is a very necessary.

The Economic Development Committee thanked all for attending.

On a motion made by Ray Himmel and seconded by Kent Scott, the Committee voted unanimously to adjourn the meeting at 8:38 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway

Economic Development Committee
Presentation to Board of Selectmen and
Planning Board on 18 January 2012

Objectives

- Introduce team
- Outline/Discuss EDC Priorities for 2012/2013
- Propose 2013 Budget

Medway EDC Mission Statement

The Medway Economic Development Committee will work proactively to promote, encourage, and facilitate the development of responsible and properly planned business and industrial growth within the community in order to expand and strengthen the local economy and diversify the community's tax base.

Economic Development Committee

Member	Address	Description
Paul Yorkis	7 Independence Lane	Owner, Patriot Real Estate
Ray Himmel (Ch)	50 Cedar Farms Road	Waters Corporation, Milford
Kent Scott	14 Skyline Drive	Griffin Electric, Holliston
James Byrnes	21 High Street	Mass Technology Collaborative
Ann Sherry (V Ch)	2 Newton Lane	Charles River Bank, Medway
Andy Rodenhiser	104 Fischer Street	Owner, Rodenhiser Plumbing Heating and Air Conditioning
Ken Bancewicz	Non-resident	Facilities manager ,CYBEX

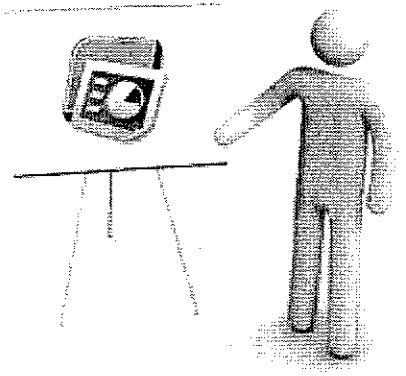
Economic Development Committee

Priorities for 2011/2012/2013

EDC Priorities

1. Marketing Collateral
   - Power Point Presentation
   - Brochure
2. Oak Grove Bottle Cap Lots
3. Website Update
4. Promote Medway Externally
5. Promote Medway Internally
6. Improvements to Town Regulations

Marketing Collateral



- Powerpoint Presentation
  - Medway's assets
  - Key Town Data
  - List of Commercial properties
  - List of Established Business and their trade
  - What makes Medway Attractive?
  - Key Contact (s) to Facilitate business in Medway (get things done)
  - Website for additional business and support
  - Tax Incentives
  - Brief Overview of a typical investment path into the town

Oak Grove Bottle Cap Lots

- Advocate/Plan
  - Site specific planning efforts that would improve and lead to more economic development on these lots
- Reach Out
  - To realtors and industrial developers for investment opportunities on the lots

Website Update

- Interactive website with key economic driver information
- Contact person to instigate a site selection process
- Ability to send an email to the committee or site selection

Promote Medway Externally

- Have a concrete investment opportunity to communicate
- Obtain a list of Industrial/Commercial Investors
- Promote Medway to state and regional economic development organizations
- Liaise with the Real Estate Community
- Develop an investment opportunity
  - Biotech Incubators
  - Mixed use Real Estate
  - Alternative Energy Lot

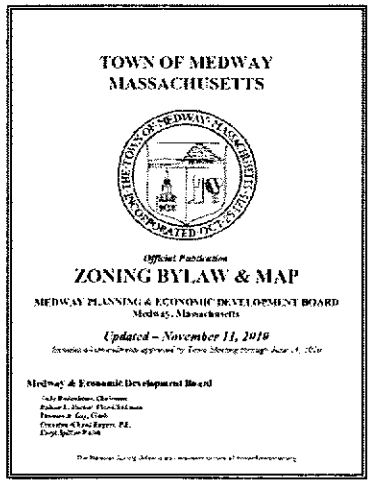
Massachusetts
It's all here.

Promote Medway Internally

- Communicate group efforts to the town and business community
- Retain existing business base
- Meet with the current Medway business owners to increase communication
  - Arthur Roberts – Mass Office of Business Development
    - Visit existing businesses

Improvements to Town Regulations

- Comprehensive review of Town rules, regulations, policies and fees in order to facilitate economic development
- Review Medway Zoning Bylaw, for example -- parking requirements, sign regulations, and to allow bus stop shelters
- Permit residential duplex housing as a matter of right in keeping with the spirit of the 2009 Master Plan to promote affordable housing
- Consider sites for possible "mixed use" development zoning, for example -- the east side of Summer Street north of Adams Street


TOWN OF MEDWAY
MASSACHUSETTS

Official Publication

ZONING BYLAW & MAP

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
Medway, Massachusetts

Updated – November 11, 2010

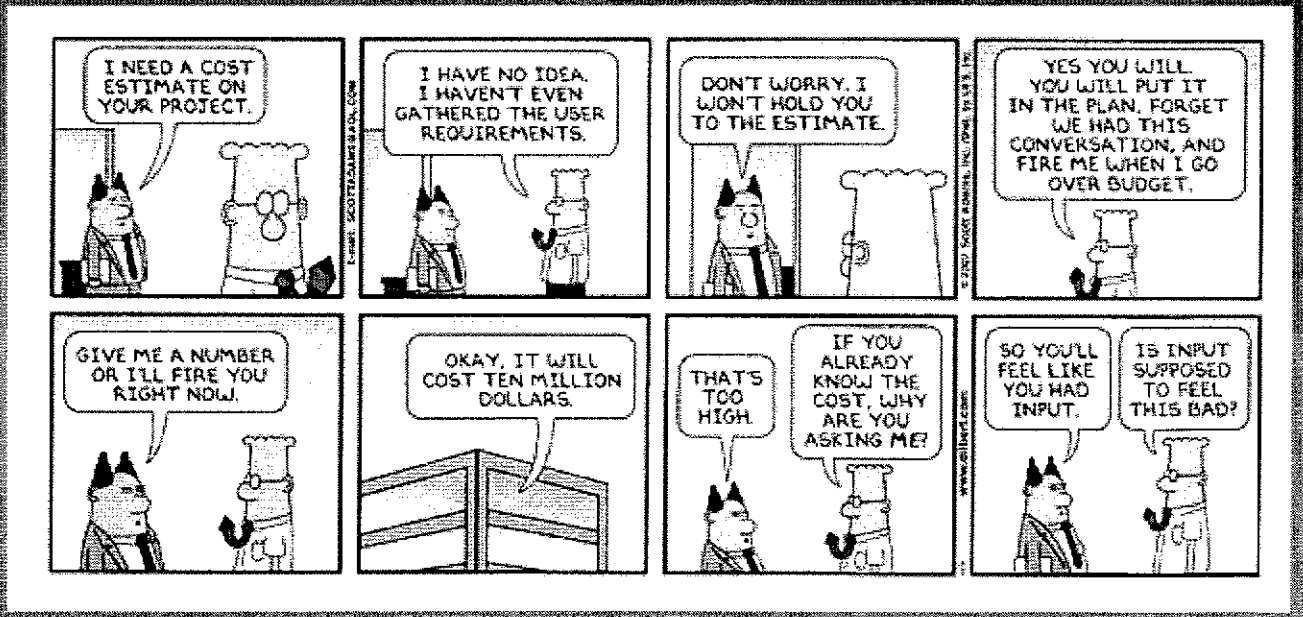
Medway Economic Development Board

Assignments

- Marketing Collateral – Ray Himmel, Ann Sherry
- Oak Grove Bottle Cap Lots – Andy Rodenhiser, Ray Himmel
- Promote Medway Externally – Kent Scott, Ann Sherry, Ken Banciwicz, Ray Himmel
- Promote Medway Internally – Ray Himmel, Ann Sherry, Kent Scott
- Bylaw Improvements – Paul Yorkis
- Website Update – James Byrnes, Susy Affleck-Childs

Economic Development Committee

Proposed Budget for 2013



Economic Development Coordinator

SUMMARY - Provide professional, technical, marketing and administrative work to encourage economic development in Medway

- Conducts the research, analysis, and evaluation necessary to identify and encourage the best possible use of available commercial properties in order to maximize economic and community benefit.
- Actively works with owners of available properties to identify and understand market opportunities and associated values in order to encourage available properties to market.
- Works with property owners to insure available commercial properties are heavily and effectively marketed through all available channels.
- Serves as liaison with various economic development organizations (495 MetroWest Partnership, Medway Business Council, MetroWest Tourism, Mass Office of Business Development, MassDevelopment, Metropolitan Area Planning Council, Mass Alliance for Economic Development, Mass Economic Development Council, Mass BioTech Council, Massachusetts Executive Office of Housing and Economic Development, etc.)
- Networks with industry leaders and trade groups to identify growing companies seeking relocation or expansion.

Economic Development Coordinator

- Advocates for community investment and seeks private or public funding for improvements that foster business development, increase property values and enhance community character.
- Identifies policies, rules, laws and regulations that hinder economic development and offers creative alternative solutions to eliminate unnecessary or burdensome regulations to business.
- Works with Medway Business Council and other business groups to form alliance and strengthen the overall voice of the business community in Medway.
- Establishes and maintains relationship with current businesses to identify factors that hinder business growth and expansion then advocates for business at all town/board meetings and hearings when necessary. Provides early intervention and offers solutions to prevent possible business departures.
- Manages media relations to continually disseminate the benefit and necessity of economic development efforts in the community and to cultivate a pro-business environment where commerce can flourish.
- Actively engages local, state and regional economic development entities to identify and obtain resources and opportunities available to the town.

FY 13 Budget for Economic Development

Budget Categories	$	Notes
Part Time Employee	$ 30,000.00	Base Salary
Benefits	$ 1,800.00	social security, medicare, unemployment compensation, workmen's comp = 6%
Consulting/Contracted Services	$ 15,000.00	Includes services such as Dukakis Center, Ninigret Partners, BSC etc
Professional development - workshops, membership dues, subscriptions, etc.	$500	Training
Books/Resource materials	$200	
Travel	$500	
Office Supplies	$300	
Printing	$250	
Business Development Expenses	$500	
	$ 49,050.00	

Questions and Answers

January 24, 2012
Medway Planning and Economic Development Board
Medway Senior Center – 76 Oakland Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Rizzo
Barbara Saint Andre, Town Counsel
Thomas Holder, Director Medway DPS
Owen Sullivan, Speroni Acres developer
Lou Caccavaro, attorney for Owen Sullivan
Rick Merrikin, Merrikin Engineering for Owen Sullivan

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

Minutes:
January 10, 2012:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from the January 10, 2012 meeting.

Release Subdivision Covenant – 25 Azalea:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the release of subdivision covenant for 25 Azalea Drive. (See Attached.)

Speroni Acres Neighborhood Meeting

The Chairman introduced the board members of the Planning and Economic Development Board.

The members of the audience introduced themselves.

The Chairman explained that the Planning and Economic Development Board invited the Speroni Acres neighborhood to the meeting for the purpose of updating the neighbors on where things stand with various aspects of the subdivision and to inform the neighbors of what issues need to be addressed as the possibility of street acceptance is considered.

The topics to be covered for the evening include status of the stormwater drainage, needed repairs, ownership of and responsibility for the force main sewer system in the neighborhood, and steps for the streets to be "accepted" as public ways by the Town.

Dave Pellegri of Tetra Tech Engineering, the Town's engineering consultant, explained the drainage history of the site along with explaining current conditions. There were visuals of the site shown. He explained that the approved subdivision plan was signed in 1998. The drainage ponds were highlighted in yellow. There is an easement line in blue. The red line is the sewer line. The green line is the wetland line. Since this time, an as-built plan was presented in 2004. VHB, the Town's prior consulting engineer, found and concluded that the as-built plan did not represent the actual conditions in the field. Next, the developer hired another engineer and another as-built was prepared. This was provided and shown. The 2009 as-built shows three detention basins. Basin #2 as constructed does not fall within the drainage easement boundary as shown on the definitive subdivision plan.

Dave communicated that he was asked to confirm the location of the detention basins. A survey was done and it was verified that the 2009 as-built is accurate. Dave indicated that he has met with Rick Merrikin of Merrikin Engineering regarding the performance of the basins. The basins appear to be in the same area but are a different shape. He checked to make sure the basins would perform as designed. There were minor modifications of the outlet structures. This was reviewed. Dave agreed with the evaluations.

The calculations for basin #2 are ok. The issue is that it falls outside the easement.

The other basins function and have stabilized with mature growth. The recommended approach is to leave the basins as they are but modify the outlet structure so that the capacity is the same.

One of the residents indicated that he lives next door, and during the heavy storms last March the basins were functioning.

The next part of the presentation was from the Department of Public Services Director, Tom Holder. He communicated that the knowledge he has is limited since he recently came on board with the Town and he is not in a position to discuss the layout. He did read all the materials presented. It is his view that the Town will not take the ownership of the force main system.

Dave Pellegri indicated that he did review how the system functions and the liquid goes down to a manhole. This is a force main with individual systems. The force main comes down Rustic Road and then becomes a gravity system which goes to Summer St.

Owen Sullivan communicated that he was asked to put a second line in just for others who may want to tie into the system in the future.

The Chairman noted that the second line should be shown on the as-built plan.

Rich Merriken indicated that he will work with the as-built plan preparer to develop an as-built plan that shows everything.

Tom Holder noted that the town will only accept flow from gravity line. This will start from the manhole on Summer Street.

Member Rogers responds that the Water and Sewer Commission has no responsibility for the operational side of the force main system.

Chairman Rodenhiser explained that the Water and Sewers stance was to not allow force mains in the public way.

The residents explained that currently, when there is a break, whoever's property the break happens on, is the one who pays for it.

Chairman Rodenhiser reiterated that by forming an association, this allows the association to deal with problems in a more efficient and fair way.

An abutter responded that he appreciates that the neighbors were notified. He does not want to create an adversarial atmosphere. He wants to know what was the basis for the Department of Public Services to not accept the force main system.

Ton Holder responded that it was not originally intended to be accepted.

The abutter again asked, what is the basis for it not being accepted?

Tom Holder responded that on each deed it specified that there are individual pumps. Another reason is that the force main is on private property. The meeting minutes of the Water/Sewer board indicated that there would be a Homeowner's Association formed and abutters would need to get the approval and join the association. This was always intended to be managed by the homeowners association.

Chairman Rodenhiser further explained that he has tried to get the Water and Sewer Commission to accept a force main system in the 495 industrial park area. It has been a long standing policy of the Town to not allow force main systems.

The abutter wanted to know why establishing a home owners association was not part of the subdivision approval. It is impossible to form an association now. This is not practical.

The Chairman responded that the Planning Board does not cover anything to do with the permitting process for Water and Sewer Commission.

The abutter also wanted to know why two property owners on Summer Street did get approval to join the system.

One resident wanted to know how Fasolino was able to tie into the Town system for his property at 25 Summer Street.

Susy Affleck Childs communicated that when the Planning Board reviewed this, Mr. Fasolino indicated that he secured permission from Owen O'Sullivan to tie in. The information about the ownership of the sewer system was not as clear then as it is now.

Dave Pellegri expressed that the easements are labeled but need to be defined.

Chairman Rodenhiser communicated that the easements are probably owned by Owen O'Sullivan, but they may not be recorded.

Owen O'Sullivan responded that the easements are recorded, and his thought is that they were going to the Town of Medway.

The Chairman communicated that the easements could be deeded to a Homeowners Associations. One of the residents noted that it will be difficult to put together a Homeowners Association at this point.

Lou Caccavaro, the Attorney for Owen O'Sullivan, communicated that it is not difficult to form a Homeowners Association.

An abutter asked if the easements are owned by Owen, would that change the DPW position?

Tom Holder responded that he would be legally bound to maintain the easements if those were given to Town.

Town Counsel indicated that the Town does not have to accept easements.

One of the residents wanted to know would the town have the right to refuse street acceptance.

Town Counsel Barbara Saint Andre responded that yes the town is not required to accept any street.

Another resident asked what happens if a break happens in the middle of the line?

Chairman Rodenhiser responded that if there is a break, the Town has no obligation to do anything. There is still a subdivision bond in place. The insurance company providing the bond cannot get a release until this is approved. The Town has been working on this for three years. There are lots of issues which need to be resolved.

Owen O'Sullivan communicated that he did not build the houses or put the systems in. This was done by different builders. He subdivided the land and sold off house lots. He did not install any of the systems. He did communicate to each builder that they had to leave a stub for each parcel.

One of the residents wanted to know if there was a signed sewer plan.

Member Rogers responded that the Water & Sewer Board would not accept a force main system. The issue came up 2 years ago when an overflow problem happened at Rustic Rd. When the residents of Speroni Acres signed their deed this must have been indicated. He further explained that a Homeowners Association works great in the Commonwealth.

Owen O'Sullivan explained that the design was always to have individual pumps at each house.

Rich Merriken communicated that this is want is called a low head sewer system. The purpose of this type of system is to service only a few houses. This is an E1 pump. This is very common on the Cape and not unusual. He has seen it in Medfield, Walpole and Hopkinton.

Town Counsel Barbara Saint Andre explained the street acceptance process. The first step is making sure that the subdivision is completed. The as-built plan must be prepared and a street acceptance plan presented to Board of Selectmen. The Board of Selectmen will determine if they accept the layout. Then it will be sent to the Planning Board for acceptance at which point it goes to the Town Meeting for a vote of the town. All of the titles and easements will need to be examined. There are 120 days to get all this recorded after the town meeting. If there is no clear title, it could be taken by eminent domain.

Member Tucker noted that basin #2 falls out of the easement and this will need to be rectified.

NOTE – In January 2011, Owen Sullivan filed a subdivision plan modification to reflect the changes that need to occur in the detention ponds. There is a 10 to 15 foot strip needed to maintain this and would involve the property owner granting an easement. The easements will need to be looked at. This impacts only Lot #9.

The Attorney communicated that the work on the modification plan has been completed.

Rich Merrikin noted that an easement plan will need to be presented. This will need the consent of the homeowner.

Susy Affleck Childs communicated that the town needs to get the funds from the developer to work on solving some of the issues. The Town cannot proceed without the funds to compensate the Town's various consultants.

One of the residents wanted to know how to get a picture of the sewer system.

Susy Affleck-Childs communicated that all plans are available to the public, but an updated as-built plan is forthcoming.

Engineer, Rich Merriken responded that he will be working to secure an updated as-built plan which will include the sewer.

One of the residents suggested having a follow-up meeting on the easements.

The Planning and Economic Development Board informed the residents that it is their responsibility going forward to check the website for an agenda item which might include the discussion of Speroni Acres. It was further communicated that they may call Susy Affleck-Childs to ask for information.

ZONING BYLAW AMENDMENTS DISCUSSION

ARI Estate Lots:
The Board is in receipt of the revised draft dated 1-23-201. **(See attached.)** A new item #7 was added. The purpose of the estate lots is to provide, through a special permit, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the Zoning District but which do not have the required minimum frontage. The Planning and Economic Development Board or Zoning Board of Appeals may grant a special permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage by designating it as an estate lot. This designation could be for pre-existing parcels or to newly established parcels.

The Board was in agreement that this would help homeowners with backland. It was recommended that Susy speak with the Board of Assessors to determine how many parcels exist which could use this designation.

The sections #8 & #9 need to be reworked. Tom Gay was not comfortable with the language regarding an estate lot shall not be permitted adjacent to any other estate lot. This would create a situation of who was there first? The Board is not comfortable with this.

This document will be revised and presented again to the Board for review

Adjourn:
On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Future Meetings:
The next meetings scheduled are: Tuesday, January 31st & February 14 2012.

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

ARI – Estate Lots

sac – revised draft 1-23-2012.

Add a new item 7. Estate Lots in the ARI zoning district

7. **Estate Lots** – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which do not have the required minimum frontage. The option for an Estate Lot is provided as an alternative to creating multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The ***PEDB or ZBA*** may grant a special permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria as set forth herein. Estate Lot status may be granted to pre-existing parcels or to newly established parcels.

a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.
   1. An Estate Lot shall be located entirely within the ARI zoning district.
   2. An Estate Lot shall have a minimum street frontage of least 50' *(35, 40')*. At no point between the public way and the rear of the Estate Lot shall the width of an Estate Lot be less than 50' *(35', 40')*.
   3. The required frontage for an Estate Lot shall be on a public way accepted by the Town of Medway.
   The area of an Estate Lot, exclusive of the access strip, shall be at least three times the minimum area required for this zoning district. The access strip is the portion of the Estate Lot from the street to the point where the lot width equals one hundred feet or more. The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage for this zoning district.
   5. All buildings and structures on an Estate Lot shall be located at least 100'from any street.
   6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50'from abutting property lines.
   7. All utilities shall be installed underground.
   8. No applicant shall be eligible for more than one Estate Lot from a single parcel of land, or from adjoining parcels of land held in common ownership, based on the ownership status of the land as determined by instruments and plans on file at the Norfolk County Registry of Deeds.

9. An Estate Lot shall not be permitted adjacent to any other Estate Lot.
10. The maximum length of an Estate Lot access strip shall not exceed _____ *(400')*.
11. Access/egress to and from the Estate Lot from the public way shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement over adjacent land.
12. The driveway to be constructed within the access strip to provide access for the house to be constructed on the Estate Lot shall:
    a. be at least 14'in wid th and have a vertical clearance of at least 14'. At least the first 50'(*25'*) of the driveway shall be paved.
    b. be located, constructed and maintained at a distance of at least 10'from any abutting properties.
    c. be designed to drain as to prevent damage or hazard to abutting properties. The existing drainage patterns shall not be disrupted by the construction of driveway on the access strip portion of the Estate Lot.
    d. have, in the opinion of the ***PEDB or ZBA,*** acceptable design grade and suitable construction for the safe access and turn-around of vehicles including moving vans, ambulances, fire and police vehicles and delivery trucks.
13. The sight distance at the intersection of the Estate Lot driveway and the street shall be such as to provide for safety to all vehicular traffic.
14. Said Estate Lot shall be in compliance with all other zoning requirements.
15. No Estate Lot shall be further subdivided or developed pursuant to other special permit options except that the ZBA may issue an accessory family dwelling unit special permit pursuant to the provisions of the Zoning By-law.

The Plan for an approved Estate Lot shall be endorsed "Ap proved as an Estate Lot." The following notes shall also be placed on the plan: *"Lot shown on this plan shall not be further subdivided."* and *" No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commissioner.*

b) **Application** – The applicant shall submit with the Estate Lot special permit application a plan depicting the proposed Estate Lot.
1. The plan shall be prepared by a civil engineer or land surveyor registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filling with the Land Court.
2. The building area shall be designated on the plan. Front, rear and side yard depths shall be shown.
3. The plan shall show the frontage and area of all lots abutting and across the street.

4. The plan shall show existing and proposed grading and sloping.

c) **Findings** - The ***PEDB or ZBA*** shall not issue a special permit under this section except upon making the following findings:

1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been placed so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.

2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.

3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

4. The existing drainage pattern shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.

d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what limitations, conditions, and safeguards if any to impose on such a special permit, the ***PEDB or ZBA*** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

####

Issues to Discuss/Decisions to Be Made:

1. Who is the Special Permit Granting Authority? ZBA or PEDB
2. What is minimum width of frontage on a public way? 50′ or ???
3. Maximum length of an Estate Lot access strip?
4. How much of the driveway length should be paved?

ARI – Estate Lots

sac – revised draft 1-23-2012.

Add a new item 7. Estate Lots in the ARI zoning district

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4. How much of the driveway length should be paved?

January 31, 2012
Medway Planning and Economic Development Board
Medway Senior Center, 76 Oakland Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Tom Gay, Chan Rogers and Karyl Spiller-Walsh

ABSENT WITH NOTICE: Andy Rodenhiser

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Barbara Saint Andre, Town Counsel

Vice-Chairman Tucker opened the meeting at 7:00 pm.

Vice-Chairman Tucker asked for any citizen comments. There were none.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the members voted by roll call vote to go into executive session under G.L. c. 30A, Section (a) (3) to discuss strategy with respect to litigation, specifically McDonald v. Medway Planning and Economic Development Board, where an open session would have a detrimental effect on the litigating position of the town. *(This lawsuit pertains to the Charles River Village Open Space Residential Development (OSRD) Special Permit for 6 Neelon Lane).*

Vice Chairman Tucker announced the Board would return to regular session after executive session adjourns.

Roll Call Vote:

Chan Rogers	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Bob Tucker	aye

NOTE - The Board returned from executive session to open session at 7:52.pm.

Vice Chairman Tucker provided an overview of the topics to be covered within the Zoning Bylaw work session. The first item will be the draft revisions to Affordable Housing section. The second item covered will be the draft of the new definitions. The third item will be draft revisions to the floodplain/wetlands district section.

Susy would like a member of the Board to attend the Board of Selectmen meeting which is to be held on February 6, 2012 night to discuss the settlement proposal for MacDonald vs. Medway Planning and Economic Development Board.

Street Acceptance:
Susy indicated that she would like to include Claybrook II and Hartney Acres on the warrant for the 2012 annual town meeting for street acceptance.

Zoning Bylaw Amendments:
The Zoning Articles noted below were not placed on the warrant for the fall 2011 special town meeting, but will be placed on the Spring Warrant.

- Rezone area west of I-495 from AR1 to Ind. III.
- Allow home based businesses in Commercial III, IV and Bus/Industrial
- Allow accessory family dwelling units in Commercial III and IV.

Affordable Housing:
The document was reviewed by the Board and revised January 26, 2012. **(See Attached).**

Under Section 1. Item f will be deleted and the bold sentence will be added noting it is intended this sub-section provide a mechanism to offset.....

3. Applicability:
There were new numbers one and two added with language relative to General Laws Chapter 41Section 81U and Chapter Section 81P (ANR). The old number four will be removed and a new one added.

Section C was added for provisions which shall not apply.

Section 4 entitled Special Permit Required was deleted.

Under Section 5 a). Each development project subject to the provisions of paragraph herein shall provide at least 10% affordable housing units as compared to the existing 15% requirements. The Board recommended that the chart should be referenced.

These changes are intended to unburden the small developments.

8. Methods of Providing Affordable Housing Units (e)

This section was added to provide combination of alternatives.

9. Provisions Applicable to Affordable Housing Units:

The units required should be changed. There is an error in the computation of the affordable housing units. The percentages need to be fixed on the chart.

b). Sitting of Affordable Housing Units- The bold language was added per Town Counsel.

Consultant Carlucci will review the numbers indicated on the chart.

It was recommended to stay consistent throughout the document writing out the numbers. Ex. (six) vs. 6.

Zoning Bylaw Definitions

The Board is in receipt of proposed zoning bylaw definitions for consideration at the May 2012 town meeting. **(See Attached.)**

The Board suggested that the retail sales be changed to indoor retail sales.

The Board discussed the deletion of the existing definition for Automotive Station and added vehicular_fuel station and vehicle repair. The Board agrees that the definition for vehicle repair has too many words. Tom Gay suggested edits. Susy will make the changes.

Frontage: The Board has no problem with this definition but does not want the word frontage referenced within the definition. Tom Gay suggested suitable edits. Susy will make the changes.

Zoning Bylaw Amendment:
The Board is in receipt of the document entitled Zoning Bylaw Amendment ideas. **(See Attached).**

ARII: There will be clarity on any single family dwelling hereafter erected in this district shall be....

Commercial I: This is in relation to the sales from the motor vehicles. There is a concern about used car sales in C1. This will change from by right to special permit. The discussion was about the best use of land.

Business/Industrial:
This section will change Automobile Service Station to Vehicular Station. The Board does not want the word fuel added.

Sign Regulations:
The Board is comfortable with the sign regulation section.

New Flood Plain Maps
The Board is in receipt of the proposed revisions to reflect new flood plain maps. (See Attached). It was suggested that maps be added. The Board is comfortable with the text as recommended by the Mass Department of Conservation and Recreation. The Board suggested that at the end of the document, the Building Enforcement Officer should be specified as the person to notify others when a river boundary is adjusted.

Adjourn:
On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Future Meetings:
The next meetings scheduled are: Tuesday, February 7 & February 14 2012.

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

MEMORANDUM

January 26, 2012

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Warrant Articles for 2012 Annual Town Meeting

Street Acceptance

Claybrook II
Hartney Acres

Zoning Bylaw Amendments

Zoning articles submitted for the fall 2011 special town meeting that were not placed on the warrant. These are all ready to go:

- Rezone area west of I-495 from AR1 to Ind. III
- Allow home based businesses in Commercial III, IV and Bus/Industrial
- Allow accessory family dwelling units in Commercial III and IV

Other Zoning articles I recommend we prepare for submittal

- OSRD revisions
- Affordable Housing revisions
- NEW - Estate/Back Lots
- NEW - Definitions
- Revision to Flood Plain section to reference new National Flood Insurance Maps

Telephone: 508-533-3291 Fax: 508-321-4987
saffleckchilds@townofmedway.org

Future Zoning Bylaw Work – Spring 2013 Town Meeting

- Updated parking standards (per forthcoming MAPC report)
- NEW - Outdoor dining
- Revise Accessory Family Dwelling Units (as recommended by Town Counsel)
- NEW - Use tables
- Changes re: infill zoning for Affordable Housing
- NEW - Village Residential Zoning District (allow 2 family by right and multi-family (3-5) units by special permit from PEDB)
- Series of zoning map changes – clean-ups
- Rezone selected parcels to provide for more business/industrial opportunities
- Establish an Administrative Site Plan review option (for very small projects)

Longer Term Zoning Work

- Traditional Neighborhood Development Overlay Special Permit
- Oak Grove Mixed Use Overlay District
- Route 109 Mixed Use Overlay District

IDEAS for possible amendments to the Medway Affordable Housing/ Inclusionary Zoning Bylaw

REVISED – February 6, 2012

X. AFFORDABLE HOUSING

1. ***Purpose and Intent*** – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

   a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

   b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

   c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

   d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

   e) provide more opportunities to enable Town of Medway employees to live in the community;

   f) ~~help maintain a stable economy.~~ **provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.**

2. ***Definitions***

Affordable Housing Restriction – A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An

Affordable Housing Restriction shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

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

Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six ~~(36)~~ months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of **four** 4, or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the

applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

DHCD – The Massachusetts Department of Housing and Community Development or a successor agency.

Local Initiative Program (LIP) – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

Maximum Affordable Purchase Price or Rent - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory.*

Qualified Purchaser: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidized Housing Inventory: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. ***Applicability*** – In all zoning districts, the provisions of this sub-section shall apply to the following:

~~a) Division of Land – The division of land into 3 or more lots under M.G.L. Chapter 41 *(the Subdivision Control Act)*, Sections 81L and 81-U for conventional or grid subdivisions and including those divisions of land that do not require subdivision approval.~~

a) ~~b) Multiple Units – Any residential~~ or mixed-use development project, **for which a Town permit is applied for after the effective date of this sub-section**~~, except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U.,~~ that results in a net increase of ~~3~~ **six** or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

1) The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.

2) The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 Section 81P (ANR)

3) Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

4) Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

b) ~~c)~~ The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that

cumulatively result in ~~an~~ **a net** increase of ~~3~~ **six** or more lots or dwelling units above the number existing thirty-six ~~(36)~~ months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) These provisions shall not apply to:

1) The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.

2) Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.

3) Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G. Commercial District I

~~4. *Special Permit Required* - An affordable housing special permit granted by the Planning Board shall be required for any development specified in paragraph 3 herein. A special permit may be granted if the proposed development meets the requirements of this sub-section. Where the proposed subdivision of land is for 3 or more lots pursuant to M.G.L. Chapter 41, Sections 81K-81GG *(the Subdivision Control Act)*, the Planning Board's special permit authority shall be limited only to enforcing the affordable housing provisions of this sub-section.~~

~~5. *Types of Affordable Housing Units* - Affordable housing units may be of the following types:~~

~~a) single family dwellings~~
~~b) duplexes~~
~~c) three-family dwelling units~~
~~d) multi-family dwelling units~~
~~e) mixed-use development dwelling units~~
~~f) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw~~

~~6.~~ **4.** *Mandatory Provision of Affordable Housing Units* - **In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units. In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein. In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein. See Figure 1.**

~~a) The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~

~~b) The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units in a multiple unit residential or mixed use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~

~~7.~~ 5. *Density Bonus* – **Affordable Housing Special Permit**

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to **issue an Affordable Housing Special Permit to adjust** ~~reduce the minimum~~ **any zoning** requirements ~~in any zoning district~~ for any development subject to these provisions as follows, but only to the extent needed to increase the total number of lots or dwelling units on-site by a number equal to **one-half of** the number of affordable **housing** units required, pursuant to paragraph ~~8~~ 7 a) or ~~8~~ 7 c) below. For example, if two ~~(2)~~ affordable **housing** units are required, an additional ~~two (2)~~ **one** ~~(1)~~ market rate units may be constructed. **See Figure 1.**

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. **ADDITIONAL TEXT NEEDED HERE – Gino**

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. **This may include:**

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units
6) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L, c. 40A, s. 9 and this sub-section.

e) When the requirements of this section are being met by providing the affordable **housing** units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 7. a) above, ~~but only to the extent needed to increase the total number of lots or dwelling units by a number equal to one-half the number of affordable units required,~~ rounded to the nearest whole number. For example, if two affordable **housing** units are required, **and will be provided off-site,** an additional one market rate unit may be constructed **on site.**

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to **7** d) below.

~~8.~~ **6.** ***Voluntary Affordable Housing Bonus*** – A new housing development that is not subject to the provisions of paragraph 5 herein but provides the minimum affordable housing requirements specified in paragraph **4** herein may **apply for an Affordable Housing Special Permit** ~~receive the same density bonus~~ as specified in paragraph **5** herein. ~~but only when the development is approved by special permit by the Planning Board.~~

~~9.~~ **7.** ***Methods of Providing Affordable Housing Units*** - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments

provided be less than the equivalent number or value of affordable **housing** units required by this sub-section.

a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development. ~~subject to the special permit;~~

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit~~. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable **housing** units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision. The Planning Board shall evaluate proposed off-site locations according to the following criteria:

1) Whether the off-site **affordable housing** unit(s) help preserve existing housing stock;
2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
3) Whether the off-site **affordable housing** unit(s) are compatible with the neighborhood where such would be located.
4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable **housing** units.

All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

c) *Donation of Land* - In the event the Planning Board determines that **the required** affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation **in fee simple** of **off-site** land to the *Medway Affordable Housing Trust Fund*, if and when said Fund is established pursuant to M.G.L. chapter 44, section 55ee, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land ~~in fee simple, on or off site,~~ are acceptable only when **the recipient organization agrees to such donation and** the Planning Board, in its sole discretion, determines that:

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.

Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), **b) or** c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable **housing** units ~~pursuant to paragraph 5 herein~~, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund*, ~~if and~~ when said Fund is established pursuant to M.G.L. c. 44, s. 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

1) For each affordable **housing** unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable **housing** units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for **the Affordable Housing** special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for ~~a~~ **the Affordable Housing** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD.*

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph ~~11~~ **9** herein.

e) Combination of alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.

~~e)~~ **f)** Donations of land and/or buildings or cash contributions made to pursuant to paragraph **7** c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

~~10.~~ **8.** ***Provisions Applicable to Affordable Housing Units (On and Off Site)***

a) *Partial Units* - In the instance when the provision of affordable units required by paragraph ~~6.~~ **4** ~~b) (1)~~ produces a requirement for a percentage of an affordable lot or unit, **the percentage shall be rounded up to the nearest whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up to one. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the**

number of required affordable housing units is rounded up to two. ~~the partial affordable lot or unit shall be provided as follows:~~ **See Figure 1.**

~~1) For any development of seven (7)~~ **six (6)** ~~or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

2) ~~For any development of 3-6 lots or units, the affordable lots or units shall be provided by:~~

~~a. rounding up to one (1); or~~

~~b. by making a cash payment equal to the corresponding proportion of the per-unit amount established in paragraph b. d) (1) or (2). For example, for a 5 unit development, the applicant would be required to provide .75 affordable units. In this instance, the applicant could provide a cash payment to the Medway Affordable Housing Trust Fund, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55c, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway, in an amount equal to equal to 75% of the amount established in paragraph b. d) 1) or 2).~~

b) *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

When an Affordable Housing special permit is applied for, the location of the affordable housing units **to be provided on site** shall be identified on a plan during the public hearing process and specifically referenced in the ~~special permit~~ decision. **When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.**

c) *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; **this shall include the provision of a garage for each affordable housing unit if the market rate units have a garage.**

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet **of living area** and **at least** three ~~(3)~~ bedrooms for single family detached houses and **a minimum size of** 1200 square feet **of living area** and **at least** two ~~(2)~~ bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable **housing** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable **housing** units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

d) *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

e) *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee **and/or the Medway Affordable Housing Trust**. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the non-discrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

f) Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, **the Medway Affordable Housing Trust or** to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

g) In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each **affordable housing** unit shall be subject to an *Affordable Housing Restriction*.

~~11.~~ **9.** ***Timing of Construction***

a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable **housing** units be delayed beyond the schedule below. Fractions of units shall not be counted.

MARKET-RATE UNIT %	*AFFORDABLE HOUSING UNIT %*
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

~~c) Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market rate housing units.~~

~~a)~~ **c)** In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
3) a combination of the above methods as may be approved by the Planning Board.

e) In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable ~~dwelling~~ **housing** unit.

~~12.~~ **10. Affordable Housing** ***Special Permit Approval Requirements*** - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

a) whether the applicant has conformed to the provisions of paragraph ~~10.~~ **8** herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

~~13.~~ **11.** ***Preservation of Affordability; Restrictions on Resale***

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel. ~~Such documents shall be executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

~~14.~~ **12.** R***ules and Regulations*** – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory*.

~~15.~~ **13.** ***Conflict with other Bylaws*** – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more restrictive provisions shall apply.

~~16.~~ **15.** ***Severability*** – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

(Sub-Section X. Affordable Housing was added June 2, 2008)

~~The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 9 a) only.~~

~~Proposed # of Dwelling Units~~	***~~Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)~~***	***~~# of Additional Market Rate Units Allowed as a Density Bonus~~***	***~~Total # of Market Rate and Affordable Dwelling Units~~***	***~~Overall Affordable % Achieved~~***
~~3~~	~~.45 > 1~~	~~+1~~	~~4~~	~~25%~~
~~4~~	~~.6 > 1~~	~~+1~~	~~5~~	~~20%~~
~~5~~	~~.75 > 1~~	~~+1~~	~~6~~	~~16.7%~~
~~6~~	~~.9 > 1~~	~~+1~~	~~7~~	~~14.3%~~
~~7~~	~~1.05 > 2~~	~~+2~~	~~9~~	~~22.2%~~
~~8~~	~~1.2 > 2~~	~~+2~~	~~10~~	~~20%~~
~~9~~	~~1.35 > 2~~	~~+2~~	~~11~~	~~18.2%~~
~~10~~	~~1.5 > 2~~	~~+2~~	~~12~~	~~16.7%~~
~~11~~	~~1.65 > 2~~	~~+2~~	~~13~~	~~15.4%~~
~~12~~	~~1.8 > 2~~	~~+2~~	~~14~~	~~14.3%~~
~~13~~	~~1.95 > 2~~	~~+2~~	~~15~~	~~13.3%~~
~~14~~	~~2.1 > 3~~	~~+3~~	~~17~~	~~17.7%~~
~~15~~	~~2.25 > 3~~	~~+3~~	~~18~~	~~16.7%~~
~~16~~	~~2.4 > 3~~	~~+3~~	~~19~~	~~15.8%~~
~~17~~	~~2.55 > 3~~	~~+3~~	~~20~~	~~15%~~
~~18~~	~~2.7 > 3~~	~~+3~~	~~21~~	~~14.3%~~
~~19~~	~~2.85 > 3~~	~~+3~~	~~22~~	~~13.6%~~
~~20~~	~~3~~	~~+3~~	~~23~~	~~13%~~
~~25~~	~~3.75 > 4~~	~~+4~~	~~29~~	~~13.8%~~
~~30~~	~~4.5 > 5~~	~~+5~~	~~35~~	~~14.3%~~
~~35~~	~~5.25 > 6~~	~~+6~~	~~41~~	~~14.6%~~
~~40~~	~~6~~	~~+6~~	~~46~~	~~13%~~
~~45~~	~~6.75 > 7~~	~~+7~~	~~52~~	~~13.46%~~
~~50~~	~~7.5 > 8~~	~~+8~~	~~58~~	~~13.8%~~

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 6 a) only.

A Net increase in Number of Lots or Dwelling Units	B Required # of Affordable Dwelling Units to be Provided based on 10% (rounded up)	C # of Additional Market Rate Units Allowed as a Density Bonus based on +1 market rate for every 2 required affordable (rounded up)	D Total # of Market Rate and Affordable Dwelling Units (A + B)	E Overall Affordable % achieved based on the number of affordable units as a % of the total # of units (D / B)
6	.6 > 1	0	7	14.3%
7	.7 > 1	0	8	12.5%
8	.8 > 1	0	9	11.2%
9	.9 > 1	0	10	10%
10	1 > 1	0	11	9.1%
11	1.1 > 2	+1	12	8.3%
12	1.2 > 2	+1	13	7.7%
13	1.3 > 2	+1	14	7.1%
14	1.4 > 2	+1	15	6.7%
15	1.5 > 2	+1	16	6.25%
16	1.6 > 2	+1	17	5.9%
17	1.7 > 2	+1	18	5.6%
18	1.8 > 2	+1	19	5.3%
19	1.9 > 2	+1	20	5%
20	2	+1	21	9.5%
21	2.1 > 3	+1.5 > 2	23	13%
22	2.2 > 3	+1.5 > 2	24	12.5%
23	2.3 > 3	+1.5 > 2	25	12%
24	2.4 > 3	+1.5 > 2	26	11.5%
25	2.5 > 3	+1.5 > 2	27	11.1%
26	2.6 > 3	+1.5 > 2	28	10.7%
27	2.7 > 3	+1.5 > 2	29	10.3%
28	2.8 > 3	+1.5 > 2	30	10%
29	2.9 > 3	+1.5 > 2	31	9.7%
30	3	+1.5 > 2	32	9.4%
35	3.5 > 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5>5	+2.5 > 3	48	10.4%
50	5	+2.5 > 3	53	9.4%

Ideas for Additional Zoning Bylaw DEFINITIONS for May 2012 town meeting

1-27-2012/sac

SECTION II.

Lot Area	The total area within the lots lines of a lot, excluding any street rights-of-way.
Lot Coverage	That portion of the lot that is covered by buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.
Lot Frontage	The length of a lot line(s) measured at the street right-of-way line
Lot Line	A line of record bounding a lot that divides one lot from another lot, or from a way or any public space. *The existing definition in the Medway Zoning Bylaw is: The established division line between lots or between a lot and the street.*
Lot Line, Front	A lot line separating a lot from a street right-of-way
Lot Line, Rear	The line opposite and most distant from the front lot line. Or/ A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street.
Lot Line, Side	Any lot line other than a front or rear lot line.
Lot Line, Street	A lot line separating a lot from a street right-of-way
Retail Sales	Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise.

Retail Sales, Outdoors Retail sales establishments where the display of products occurs ~~primarily~~ outside of a building or structure, including but not limited to automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

Services Establishments engaged primarily in providing assistance, as opposed to providing products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services.

Setback The distance between a structure and any lot line.

Common Driveway A privately owned road, paved or not, providing vehicular access between two or more buildings and a street. A common driveway does not serve as legal frontage for a lot.

Contractor's Yard An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1. the storage of equipment, supplies and materials;
2. the fabrication of sub-assemblies;
3. the parking of wheeled equipment;
4. the parking of 2 or more motorized vehicles with six (6) wheels or more;
5. the parking of 1 or more "c ommercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

Delete existing definition for *Automotive Service Station*
Add new definitions instead:

Vehicular Fuel Station – any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles.

Vehicle Repair – Any building, land area, or other premises, or portion thereof, in which or upon which a business establishment is engaged in the maintenance, painting, servicing, repair, or leasing of automobiles and other motor vehicles.

Frontage That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lots can be provided. Frontage is measured as the horizontal distance between the points of intersection of the side lot lines with the front lot line.

In the case of a corner lot with frontage on more than one way or street, the frontage on both streets may be used to determine if the lot meets the minimum frontage requirement of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets or ways.

For purposes of this Zoning Bylaw, only sufficient frontage on one of the following types of ways shall be recognized.

- A public way or a way certified by the Town Clerk that is maintained and used as a public way
- A way shown and constructed or secured through a suitable performance guarantee as specified on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of Deeds
- A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of the existing and future buildings and uses abutting thereon or to be served thereby.

With this definition for *Frontage*, the following sub-sections would need to be amended as follows:

Delete the term "Mini mum lot width" and replace it with the term "Minimum Continuou s Frontage" in SECTION V. USE REGULATIONS as follows:

Sub-Section G. Commercial District I – 2. c)
Sub-Section I. Commercial District III – 3. c)
Sub-Section J. Commercial District IV – 3. c)
Sub-Section K. Commercial District V – 2. c)
Sub-Section M. Industrial District I – 2. c)
Sub-Section N. Industrial District II – 2. c)
Sub-Section O. Industrial District III – 2. c)
Sub-Section V. Business/Industrial – 2. c)

****

NOTE – Existing Zoning Definitions of interest

Lot – A single area of land in one ownership defined by bounds or boundary lines in a recorded deed or shown on a recorded plan.

Existing Definition from the Subdivision Rules and Regs

Frontage – The boundary of a lot coinciding with a street line providing rights of access across that boundary to a potential building site, measured continuously along one street line between side lot lines, or in the case of a corner lot, from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets or ways.

ZONING BYLAW AMENDMENT ideas

1-26-2012/sac

AUTHORITY AND PURPOSE

Delete Sub-Section C. Purpose and Intent (all related to adult uses)

DEFINITIONS – See separate handout

USE REGULATIONS A. GENERAL REQUIREMETS

Delete paragraph 7 re: Kennels not being allowed in any district unless permitted by a special permit from the ZBA

ARI

1 c) insert a new 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Add a new item 7. *Estate Lot when authorized by a special permit from the Planning and Economic Development Board*

ARII

1 c) Insert a new 6)
6) Kennel when authorized by a special permit of the Zoning Board of Appeals

4) Insert
Any *single* family dwelling hereafter erected in this district shall be . . . .

COMMERCIAL I

1. b) Change Retail Stores to *Retail Sales* and delete the rest of the first sentence.

   d) Do we want to do something re: salesroom for motor vehicles, etc.??? concern about used car sales in CI

   j) Add 8. *Kennel* to list of special permits by ZBA

   Item 7. Change *Automobile Service Station* to *Vehicular Fuel Station*

   k) Add *Local Convenience Retail with Associated Vehicular Fuel Station* to list of special permits by PB

COMMERCIAL III

1 b) change Retail Stores to *Retail Sales* and delete the rest of the first sentence.

Add 1 g) *Kennel* as a special permit by ZBA

COMMERCIAL IV

1 b) change Retail Stores to *Retail Sales* and delete the rest of the first sentence.

Add 1 g) *Kennel* as a special permit by ZBA

COMMERCIAL V

1b) change Retail Stores to *Retail Sales* and delete the rest of the first sentence.

Add 1 m) *Kennel* as a special permit by ZBA??

INDUSTRIAL I

Add 1. l) *Contractor's Yard* by right.
Add 1. m) *Vehicle Repair* by right
Add 1. n) *Kennel* by special permit from the ZBA

- Allow outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises

- Prevent land from being used for outdoor parking and outdoor storage for a business which does not operate in a structure on the premises.

INDUSTRIAL II

Add 1. i) *Kennel* by special permit from the ZBA

- Allow outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises

- Prevent land from being used for outdoor parking and outdoor storage for a business which does not operate in a structure on the premises.

INDUSTRIAL III

Add 1. i) *Kennel* by special permit from the ZBA

- Allow outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises

- Prevent land from being used for outdoor parking and outdoor storage for a business which does not operate in a structure on the premises.

BUSINESS/INDUSTRIAL

1. l) Add *Kennel* to list of special permit uses

Change *Automobile Service Station* to *Vehicular Fuel Station*

1 o) Add *Outdoor Retail Sales* and *Vehicle Repair* to list of by right/ allowable uses

SIGN REGULATION

9 b) 10 Change requirement for a DRC review and letter to apply to any individual sign of 6 square feet or more (instead of 8 feet)

9 e) 1. Any individual sign 6 square feet or more shall be required to go to DRC (instead of 8 feet)

10. New item c) – A sign not specified in Sub-Section R as either allowed or permitted may be authorized by the ZBA for a Special Permit.

Relabel current item c) to d)

1-24-2012 - With proposed revisions to reflect new flood plain maps and further recommendations from DCR

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. ***Purpose***: In addition to the purpose in Section 1 of this Bylaw, the purposes of this district are:

   a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residences or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.

   b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.

   c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***

   d) To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.

2. ***Flood Plain/*Wetland Protection *District:*** **The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/wetland Protection District includes:**

   ~~a) The Flood Plain/***Wetland Protection*** District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/***Wetland Protection*** District includes~~

   a) All special flood hazard areas designated as Zone A, ***AE, AH, AO, A99, V, or VE*** ~~A1-30~~ on the ~~Medway~~ ***Norfolk County*** Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers ____ dated _____. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated _____. The FIRM and FIS*** ~~report~~ ***are incorporated herein by reference and*** are ~~and the Flood Boundary and Floodway Maps dated June 18, 1980~~ on file with the Town Clerk, Planning ***and Economic Development*** Board, ***Conservation Commission***, ***Building Department*** and ***Board of Assessors***. ~~Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.~~

   b) All that land bordering any natural waterbody that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.

   c) All water bodies encircled by boundary lines of the District.

d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.

e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. Base Flood Elevation and Floodway Data

a) Floodway Data. In Zones A, a1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

~~3~~.4. ***Use Regulations:***

a) The Flood Plain\Wetland Protection District ***is an overlay district to all*** ~~shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*** ~~Any uses permitted in the portion of the districts so overlaid shall be permitted except that:~~

1) No new building or structure shall be erected or constructed;
2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.

b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs **4** ~~3~~, a, 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.

1) Uses directly related to the conservation of water, plants and wildlife.
2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
4) Grazing and farming, including truck gardening and harvesting of crops.
5) Forestry and nurseries.
6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.

9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.

c) ***All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:***

1) ***Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMG 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");***
2) ***Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 13.00);***
3) ***Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).***

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

d) ***Other Use Regulations***

1) ***In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.***
3) ***All subdivision proposals must be designed to assure that:***
   a. ***such proposals minimize flood damage;***
   b. ***all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and***
   c. ***adequate drainage is provided to reduce exposure to flood hazards.***
4) ***Existing contour intervals of site and elevations of existing structures must be included on plan proposal.***

4.5. ***Lot Area Allowance:*** If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

~~5~~.6. ***Boundary Line Plot Plan***: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

~~6.~~ 7. ***Determination of Flooding and Suitability:*** If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.

~~7.~~8. ***Special Permit Requirements:*** Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.

~~8.~~ 9. If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.

10. ***Notification of Watercourse Alteration – In a riverine situation, the [redacted] shall notify the following of any alteration or relocation of a watercourse:***

a) ***Adjacent Communities***

b) ***NFIP State Coordinator***
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 - 700
Boston, MA 02114-2104

c) ***NFIP Program Specialist***
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

11. ***In this sub-section, the words used shall be defined as follows:***

Include applicable words . . . which words should be included??

ARI – Estate Lots

sac – revised draft 1-26-2012.

Add a new item 7. Estate Lots in the ARI zoning district

7. **Estate Lots** – The purpose of estate lot zoning is to provide, through a special permit process, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the zoning district but which do not have the required minimum frontage. The option for an Estate Lot is provided as an alternative to ~~creating~~ ***dividing a land parcel into*** multiple minimum size lots under a conventional subdivision plan. This alternative is meant to preserve rural character by reducing density, infrastructure construction, and congestion.

The ***Planning and Economic Development Board*** may grant a special permit **to authorize** ~~for~~ **the construction** ~~development~~ of a single family dwelling on a lot in the ARI district which lacks the minimum frontage required for the district by designating it as an Estate Lot, subject to the criteria set forth herein. Estate Lot status may be granted to pre-existing parcels or newly established parcels, **however in no circumstance shall a special permit be issued to permit an Estate Lot on land upon which there is already an existing dwelling.**

a) **General Requirements/Conditions** – A parcel which lacks the minimum frontage requirement may be designated as an Estate Lot and utilized for residential purposes provided that all of the following conditions are met.

1. ~~An Estate Lot shall be located~~ entirely within the ARI zoning district.

2. An Estate Lot shall have a minimum street frontage of least ***35'***. ~~50' (35, 40')~~. At no point between the public way and the rear of the Estate Lot shall the width of an Estate Lot be less than ***35'*** ~~50' (35', 40')~~.

3. The required frontage for an Estate Lot shall be on a public way accepted by the Town of Medway.

~~4.~~ The area of an Estate Lot, exclusive of the access strip, shall be at least three ***(or two??)*** times the minimum area required for this zoning district. The access strip is the portion of the Estate Lot from the ***public way*** ~~street~~ to the point where the lot width equals one hundred feet or more. ~~The Estate Lot must be capable of containing a square with each side having a length equal to or greater than the standard minimum required lot frontage for this zoning district.~~

5. All buildings and structures on an Estate Lot shall be located at least 100'from any street.

6. Front, rear and side yard setbacks. All buildings on an Estate Lot shall be located a minimum distance of 50'from abutting property lines. ***THIS is more stringent than the conventional setbacks. Is it too much?***

7. All utilities shall be installed underground.

8. No applicant shall be eligible *to create* ~~for~~ more than one Estate Lot from a single parcel of land, or from adjoining parcels of land held in common ownership, based on the ownership status of the land as determined by instruments and plans on file at the Norfolk County Registry of Deeds.

~~9. An Estate Lot shall not be permitted adjacent to another Estate Lot.~~

10. The maximum length of an Estate Lot access strip shall not exceed _____ *(400'). DO WE NEED THIS?*

11. Access/egress to and from the Estate Lot from the public way shall be within the boundary lines of the lot and shall not be subject to any right-of-way, or any public or private easement over adjacent land.

12. The driveway to be constructed ~~within the access strip~~ to provide access for the house to be constructed on the Estate Lot shall:
    a. be at least 14' wide throughout and have a vertical clearance of at least 14'. At least the first ~~50'~~ ***25'***of the driveway *from the public way* shall be paved.
    b. be located, constructed and maintained at a distance of at least 10'from any abutting property line.
    c. be designed to drain as to prevent damage or hazard to abutting properties. The existing drainage patterns shall not be disrupted by the construction of a driveway on the access strip portion of the Estate Lot.
    d. have, in the opinion of the ***Planning and Economic Development Board,*** acceptable design grade and suitable construction for the safe access and turn-around of vehicles including moving vans, ambulances, fire and police vehicles and delivery trucks.

13. The sight distance at the intersection of the Estate Lot driveway and the ***public way*** ~~street~~ shall be such as to provide for safety to all vehicular traffic.

14. Said Estate Lot shall be in compliance with all other zoning requirements.

15. No Estate Lot shall be further subdivided or developed pursuant to other special permit options except that the ZBA may issue an accessory family dwelling unit special permit pursuant to the provisions of the Zoning Bylaw.

16. The Plan for an approved Estate Lot shall be endorsed "Ap proved as an Estate Lot." The following notes shall also be placed on the plan: *" Lot shown on this plan shall not be further subdivided."* and *" No building permit shall be issued to construct a dwelling on the subject lot until a copy of the recorded special permit is provided to the Medway Building Commissioner.*

b) **Application** – The applicant shall submit with the Estate Lot special permit application a plan depicting the proposed Estate Lot.

1. The plan shall be prepared by a civil engineer or land surveyor registered in the Commonwealth of Massachusetts and shall be in such form as will be required for recording with the Registry of Deeds or filling with the Land Court.

2. The building area shall be designated on the plan. Front, rear and side yard ***setbacks*** ~~depths~~ shall be shown.

3. The plan shall show the frontage and area of all lots abutting and across the street.

4. The plan shall show existing and proposed grading and sloping.

c) **Findings** - The ***Planning and Economic Development Board*** shall not issue a special permit under this section except upon making the following findings:

1. The applicant has provided for safe access for public safety vehicles and personnel to the residence to be constructed on the Estate Lot, and the intersection of such access driveway and the public way has been placed so as to minimize conflicts with curb cuts on abutting lots and to maximize sight distances for exiting traffic.

2. Egress from the Estate Lot must have no greater hazard owing to grade and visibility limitations than would be expected for a standard land subdivision road at that location.

3. The development of the property as an Estate Lot will be more in keeping with the character of the adjacent neighborhood and the

protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant would be.

4. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the Estate Lot.

d) **Decision** - In determining whether or not to grant a special permit for an Estate Lot, and in determining what limitations, conditions, and safeguards if any, to impose on such a special permit, the ***Planning and Economic Development Board*** may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience. Such limitations, conditions and safeguards shall be included in the written decision.

####

Issues to Discuss/Decisions to Be Made:

1. Apply the standard lot shape factor requirement for/ require the ability to insert a 180'square within the estate lot
2. Review # of lots this might apply to

February 7, 2012
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE: Andy Rodenhiser

ABSENT WITHOUT NOTICE: Karyl Spiller-Walsh

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates

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

The Board had a joint meeting with the Open Space Committee (OSC) – Tina Wright, Paul Marble, Jim Wickis, Glenn Murphy, and Pat McHallam. The members reviewed the document entitled Proposed Amendments to OSRD Bylaw dated January 6, 2012. **(See Attached)**

The OSC agreed with adding the language relative to the other natural landscape features. It was also suggested to add the words "it is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan."

The minimum tract size of an OSRD has been changed from 8 to 10 acres. This will allow for more wiggle room. The Committee is in agreement with this.

The next section discussed was the pre-application review. The recommended language would allow the developer to secure feedback from the Planning and Economic Development Board.

The Open Space Committee agreed with the applicant being required to submit a pre-application and to schedule a pre-application review. It was also added that the pre-application materials will be reviewed by the various boards.

There was another section added noting the pre-application documents to be provided. There were six items which would be the pre-application information derived from the existing data/information sources.

The pre-application review shall include and identify the potential development areas and open space areas and amenities including potential trail connections, parking areas.

The Conservation Commission will now be included in the site visit.

On page 6, the Committee would like to provide clarity for the yield plan. The easement area shall include those portions of the tract that are already subject to utility easements.

The OSC members were comfortable with the rest of the document.

NOTE – The PEDB relocated to another room within the senior center for the rest of the meeting.

The Board is in receipt of another document entitled Existing and Proposed OSRD Provisions prepared by Gino Carlucci. (**See Attached.**) This document shows a comparison between the existing OSRD provisions and the proposed OSRD amendments and how such would apply to the Williamsburg OSRD project and the Charles River Village OSRD project.

In further discussion about the OSRD bylaw changes, the members indicated they did not want the pre-application to become highly burdensome. The new design standards would add text that dwellings must be sited to maximize views of the open space. The design standard amendments would also allow for dead end streets longer than 1,000 feet if a secondary emergency access is provided. The amended decision criteria would include that the development will provide convenient and safe access to all building and open spaces.

Zoning Bylaw Amendments for 2012 Annual Town Meeting:

OSRD Formula Idea:
Susy and Tom worked on creating a new OSRD Formula. The OSRD formula idea sheet is dated February 7, 2012. (**See Attached**).

The purpose of this revised formula is to cut down on the total number of units.

Susy introduced an alternative idea of a Potential Development Area that would equal Total Area – Easement Area.

After review from Consultant Carlucci, it was suggested that the formula needs further work. The Board would like to continue working on this formula.

Accessory Family Dwelling Units:
The Board is in receipt of a memo from Gino Carlucci dated February 7, 2012. **(See Attached)**

The memo is in regards to the Accessory Family Dwelling Units and provided language for a Purpose section.

Affordable Housing Bylaw Changes:

The affordable housing dimensional requirements were reclarified. The Board also discussed the proposed four alternatives which would require no lot be less than 80% of required dimensions. The Board would like the word dimensions changed to area and frontage. The Board is in agreement that they would prefer to have options available to build flexibility.

East Hill Associates Realty/49 Alder Street Site Plan – Plan Review Fees
The Board is in receipt of price estimates from PGC Associates and Tetra Tech. **(See Attached)**

The estimate for PGC Associates is $765.00 and the amount for Tetra Tech Rizzo is 5,835.

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the plan review estimates as provided for the 49 Alder Street site plan project.

Correspondence:
Susy informed the Board that Medway was selected for the new Local Energy Action Program (LEAP) being coordinated by the Metropolitan Area Planning Council. This is an energy action program to help eight communities strategize for renewable energy & energy work. **(See Attached news release)** Through the program, the Town will have access to two years of technical support

Minutes:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from the January 24, 2012 PEDB meeting.

Adjourn:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Comparison of Existing and Proposed OSRD Provisions
Medway Zoning Bylaw

	Existing OSRD provisions	Proposed OSRD Amendments	Notes
Minimum Tract Size	8 acres	10 acres	
Intent		States that it is not the intent for an OSRD to have more lots or dwelling units than what would be possible with a conventional subdivision plan.	
Pre-application		Requires more info but states that info for pre-application presentation is intended to come primarily from existing data sources	
Application		Provide a narrative to document a more rigorous 4 step site design process	
		Require open space plan	
		Require provision of a neighborhood density analysis	
		Require provision of a conventional subdivision sketch plan	
Yield	TA - (0.5 x WA) - (0.1 x TA) / Zoning District Minimum Lot Area	Reduce development area size by amount of land already covered by utility easements	
Open Space Requirement	50% of the tract	50% of the tract for parcels of 25 acres or less; 60% of the tract for parcels larger than 25 acres	
		Added emphasis for open space to be integrated into the development and abutting areas	

Comparison of Existing and Proposed OSRD Provisions
Medway Zoning Bylaw

	Existing OSRD provisions	Proposed OSRD Amendments	Notes
Design Standards		Add text that dwellings, etc. must be sited to maximize views of the open space	
		Allow for dead end streets longer than 1,000 feet if a secondary emergency access is provided	
Decision Criteria		Include criteria that the development will provide convenient and safe access to all buildings and open spaces	
		Add criteria that the development will not cause unreasonable traffic congestion or unsafe conditions	
			prepared 2/7/2012 sac

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Susy Affleck Childs

FROM: Gino D. Carlucci, Jr.

DATE: February 7, 2012

RE: Comments on accessory family dwelling units and affordable housing dimensions

1. **Accessory Family Dwelling Units** – Since the intent is to add a purpose while leaving the requirements the same, I suggest something like the following:

   In order to facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks or other activities of daily living, an accessory family dwelling unit may be authorized by special permit only.

   The above statement could replace the first sentence of the current accessory family dwelling unit section (or "may be" above could remain as "is" as it currently reads.

2. **Affordable Housing Dimensional Requirements** – For this issue, I have considered both Tom's suggestion of setting a minimum percentage (e.g 80%) of dimensional requirements that must be met regardless of relief granted by the Planning Board, as well as my suggestion that there be a maximum variation (e.g.10%) from the dimensional requirements among all the lots in a development that accommodate affordable units.

   The revisions as currently proposed would allow a bonus unit for projects of 11 units or greater. That represents an 8.3% increase in density. That percentage would decrease to 5% at 20 units, then go back up to 8.6% at 21 units (23 total units including 3 affordable and 2 bonus units). In theory, a 9% or 10% reduction in dimensional requirements could accommodate the additional units for a perfectly configured subdivision (11 lots times 44,000 equals 484,000, which redivided by 12 equals 40,333 square feet, which is 9.2% of 44,000. Also, 180 times 11 equals 1980 which divided by 12 equals 165 feet, which is also about 9.2% of 180). However, no parcel will divide perfectly so a 20% reduction will provide some flexibility.

   However, a downside of simply requiring that no lot be less than 80% of the dimensional requirements is that a development could end up with only the affordable lot(s) at 80% while the market rate lots are close to (or, in some cases even larger than) the required dimensions.

The downside of, instead, requiring that the lots not vary from each other by more than 10%, limits flexibility. There could be a case where some smaller lots and some larger lots would result in a better overall design, depending on the characteristics of the land.

Therefore, I propose 4 alternative suggestions for addressing this issue as follows:

a. Require no lot be less than 80% of required dimensions;
b. Require that lots vary by no more than 10% from each other;
c. Require that the affordable lots meet the median dimensions of the lots within the subdivision; or
d. Both a and b, or both a and c.

Requiring that the affordable lots meet the median dimensions of the lots within a subdivision ensures that the smallest lots in area or frontage are not the ones assigned to be affordable.

Another OSRD formula idea

2-7-2012 /sac

Potential Development Area (PDA) = Total Area – Required Minimum Open Space Area – portion of TA covered by existing utility easements

$$\text{Maximum Possible Yield (before AH bonus)} = \frac{(\text{PDA} \times .5) - (\text{PDA} \times .1)}{\text{Minimum lot size for respective zoning district}}$$

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February 3, 2012

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

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed site plan submitted by East Hill Associates Realty of Framingham. The proposal is to construct a 7400 square foot steel building consisting of 2400 square feet of office space and 5000 square feet of garage space plus outside storage and associated parking, drainage, landscaping, etc. The plan was prepared by Guerriere & Halnon. Inc. of Milford and is dated January 10, 2012.

Task	**Hours**
Prepare Estimate	0.5
Technical Review and comment on initial submittal	3.0
Attendance at Planning Board meetings/hearings	2.0
Review and comment on revised plans	1.5
Review and comment on draft Certificate of Action	2.0
Total	**9.0**
Cost Estimate (@$85)	**$765.00**

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

Sincerely,

Gino D. Carlucci, Jr.

TETRATECH

February 6, 2012

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

Re: Plan Review for
49 Alder Street
Medway, Massachusetts

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed 49 Alder Street Site Plan project in Medway, Massachusetts (the Project). The objective of our services is to review the Site Plan package and associated materials including but not limited to, the Hydrologic and Hydraulic Report, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Submission and Review of Site Plans, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

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

Task 1 Site Visit

- Perform one (1) site visit to review the site and its surroundings.

Task 2 Site Plan Review

- Review the proposed "49 Alder Street" Site Plans prepared by Guerriere & Halnon, Inc., and dated of January 10, 2012;
- Review the Hydrologic and Hydraulic Report prepared by Guerriere & Halnon, Inc. dated January 10, 2012;
- Review the proposed Application for Review and Approval of a Major Site Plan Project prepared by Guerriere & Halnon , Inc. and dated January 17, 2012;
- Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board (PEDB);
- Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications;

Task 3 Meeting Attendance

- Participate in three (3) hearings/meetings with the Town of Medway PEDB to review/discuss the project.

TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget of $5,835 for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	$310
Task 2	Site Plan Review	$4,400
Task 3	Meeting Attendance	$975
	Labor Subtotal	**$5,685**
	Expenses (3.5%)	$150
	Total Fee	**$5,835**

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

TETRA TECH

Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

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Amanda Linehan
Communications Manager
Metropolitan Area Planning Council (MAPC)
617-451-2770 x2030

For Immediate Release: Monday, February 6, 2012

MEDWAY SELECTED FOR NEW ENERGY PROGRAM

Local Energy Action Program (LEAP) to help eight communities strategize for renewable energy & energy efficiency work

BOSTON – The Metropolitan Area Planning Council (MAPC) today announced that Medway has been selected to participate in MAPC's new Local Energy Action Program (LEAP).

Through LEAP, which is funded with support from the Barr Foundation, MAPC will be working with **Marlborough, Medford, Medway, Stoughton,** and the towns served by the Reading Municipal Light Department – **Lynnfield, North Reading, Reading, and Wilmington** – to plan for long-range energy efficiency and renewable energy work.

"We are thrilled to be announcing that Medway was selected to participate in the LEAP program," said Marc Draisen, Executive Director of the Metropolitan Area Planning Council. "Medway and these seven other municipalities stand to save millions of dollars in energy costs by working in collaboration through this program, and we look forward to helping our member municipalities to make upgrades and become more energy efficient."

"Medway is delighted to participate in this program so that we can continue our efforts to reduce energy consumption. In particular, we look forward to developing new initiatives aimed at assisting residents and businesses to achieve energy efficiencies," said Suzanne Kennedy, Medway Town Administrator.

MAPC received 21 applications to the program and used a comprehensive selection process to choose a diverse group of MAPC member municipalities to participate in the first round of LEAP. MAPC will solicit a second round of LEAP applications from its member municipalities in the Summer or Fall of 2012.

The selected communities will receive technical assistance from MAPC to plan for and launch innovative and financially-sustainable projects that reduce energy use and greenhouse gas emissions in the municipal, residential, and commercial sectors. Both a public engagement process and the efforts of a municipal working group will be used to meet the unique needs and abilities of each participating city or town.

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. Our mission is promoting smart growth and regional collaboration.

LEAP will have a multi-stage process. In the first stage, MAPC staff will work with municipal officials and key stakeholders to create a Local Energy Action Plan, which will include a baseline of energy use across municipal, commercial and residential sectors, energy reduction goals for each sector, and short- and long-term strategies to achieve these goals. Once the plan is created, MAPC will work with each community to design and launch their program, including identifying financing mechanisms and funding sources to support local projects. After two years of MAPC support, each community will have the capacity and knowledge to sustain its energy efforts moving forward.

For more information, contact MAPC Energy Planner Erin Brandt at ebrandt@mapc.org or 617-451-2770 ext. 2044. Or, visit www.mapc.org/clean-energy.

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston. Our mission is promoting smart growth and regional collaboration.

February 14, 2012
Medway Planning and Economic Development Board
Medway Senior Center
Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Karyl Spiller-Walsh, Bob Tucker, Tom Gay, and Chan Rogers.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates

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

Chairman Rodenhiser arrived shortly after the meeting was opened.

Zoning Bylaw Amendments for 2012 Annual Town Meeting:

Medway Affordable Housing Inclusionary Zoning Bylaw:
Chairman Rodenhiser recused himself from this part in the discussion.

Mr. Bob Ferrari, co-chair of the Affordable Housing Committee was present for the discussion.

The Board reviewed the document with the most recent revisions dated February 9, 2012. **(See Attached)**

The members discussed staying consistent with writing out of the numbers. Page one needs to be changed from 4 to four.

Under Section 3 Applicability a). There was language added in regards to General Laws Chapter 41 Section 81U and Chapter 41 Section 81 P (ANR).

The replacement chart was reviewed and edited with Consultant Carlucci.

For the town meeting warrant, the Board would like the document submitted showing that the bold text indicates the new suggestions and the strikethrough text indicates deletions.

Mr. Ferrari indicated that the Affordable Housing Committee supports the changes.

Medway Design Review Committee:
Design Review Committee Chairman Matt Buckley was present at the meeting.

It was discussed that the Medway Design Review Committee is proposing new text for the illumination from LEDs. **(See Attached)**

The changes also included changes to the prohibited signs.

These are simple definitions and are clarified within the tables.

There is a concern that the internal illumination sign is very bright if at an ungoverned level.

Member Tucker notes that you see a lot of LED lights and in a dark rural areas. With the LED, you do not get the glare. The town could look at a level of lightness.

Susy Affleck-Childs is concerned about the appearance of a large collection of LED lights used on a sign. There are better alternatives than big lights which would fill up a sign.

The Board suggested looking at the grandfathering of signs and how to make it flexible.

Andy Rodenhiser mentioned that Framingham has a bylaw that sunsets old signs and then requires them to come into compliance.

It was suggested that the Design Review Committee use Dave Pellegri from Tetra Tech Rizzo.

It was also suggested to speak with a sign maker to gather information specifically about the use of LED lights.

Member Tucker suggested that the Design Review Committee talk with a manufacturer to see how these are made and packaged.

Susy noted that we should try to get away from the whole surface area filled with LED lights.

The issues are the brightness and where that light is going.

Matt Buckley responded said he wants the source of light to not be a single isolated bare bulb light.

It was suggested that this be worked on and resubmit in a year for background checking and to really address the issue. The main issue is control and spillage.

Susy recommended that the Design Review Committee look at the performance standards.

The board discussed what is meant by translucent lighting. There is no definition.

The Board was in agreement that there is not enough time to put this together for the 2012 annual town meeting.

Consultant Carlucci will also work with the Design Review Committee if needed.

Susy will also put it out to her network system for information regarding LED lights and also a sunsettng provisions for non-compliant signs.

The Board recommends that this not be placed on the warrant until further discussion takes place.

Accessory Family Dwelling Units:
The Board is in receipt of the revised Accessory Family Dwelling Units document dated February 10, 2012. **(See Attached)**

There was language added regarding the purpose which was to facilitate assistance within families in providing for the tasks of daily living, etc.

The Board agrees with adding this language relative to the purpose.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend submitting the Accessory Family Dwelling Units article as written.

New Flood Plain Maps:
The Board is in receipt of the revised new flood plain maps and further recommendations from Mass DCR. **(See Attached)**

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted to recommend submitting the article for the new flood plain maps from Mass DCR.

Medway Zoning Map:
The Board is in receipt of the article relative to amending the Medway Zoning Map. **(See Attached)**

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to recommend the amending the Medway Zoning Map to rezone the entire triangular shaped portion of parcel 3-43B that is located west of interstate 495 as shown on a map (SEE ATTACHED) from Agricultural Residential I to Industrial III.

Zoning Bylaw Definitions
The Board is in receipt of the revised Zoning Bylaw Definitions for the May 2012 town meeting. This document has a revision date of February 10, 2012. **(See Attached)**

There was a suggestion to change the language for vehicular fuel station to vehicle fueling station.

The Board was in agreement with the recommended change.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the Zoning Bylaw Definitions revised February 10, 2012 and the language revisions regarding vehicle fueling station.

Proposed new Formula for OSRD and Affordable Housing:
The Board is in receipt of a memo from Consultant Carlucci dated February 11, 2012. **(See Attached)**

The memo reviews the three recent OSRD projects. Consultant Carlucci recalculated both the maximum numbers of units based on the proposed new formula and the number of affordable, bonus, and units associated with each project.

The Board reviewed the memo and agrees that the new noted formula does accomplish getting the mass density down.

Member Rogers challenges the rounding up in the case of fractions.

Consultant Carlucci communicated that the intent is to always go up. He noted the required affordable percentage still went down from 15% to 10%.

Member Rogers makes a motion that rounding up is only for .5 and higher relative to 5(a) page 4 and this was seconded by Karyl Spiller Walsh.

Chan Rogers	aye
Karly Spiller-Walsh	aye
Bob Tucker	abstained
Tom Gay	abstained

This vote did not pass.

Member Rogers communicates that this is more burdensome to the developer. Spiller Walsh agrees with Rogers.

Consultant Carlucci indicated that with the new formula, the total area available for development would be reduced by the land with easements.

The Board was comfortable with the explanation.

On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to recommend the article for proposed amendments to OSRD and Affordable Housing Formula as indicated in the memo dated February 9, 2012.

Chairman Rodenhiser abstained from vote.

Minutes from January 31, 2012:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from January 31, 2012 as amended. Andy Rodenhiser abstained from vote.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the executive session minutes from January 31, 2012 as amended. Andy Rodenhiser abstained from vote.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:45 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

IDEAS for possible amendments to the Medway Affordable Housing Inclusionary Zoning Bylaw

REVISED – February 9, 2012

X. AFFORDABLE HOUSING

1. ***Purpose and Intent*** – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

   a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

   b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

   c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

   d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

   e) provide more opportunities to enable Town of Medway employees to live in the community;

   f) ~~help maintain a stable economy.~~ **provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.**

2. ***Definitions***

Affordable Housing Restriction - A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An

Affordable Housing Restriction shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

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

Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six ~~(36)~~ months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of **four** 4, or one person per bedroom plus one additional person with the number of bedrooms being the average number in

the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

DHCD – The Massachusetts Department of Housing and Community Development or a successor agency.

Local Initiative Program (LIP) – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

Maximum Affordable Purchase Price or Rent - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory.*

Qualified Purchaser: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidized Housing Inventory: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. ***Applicability*** – In all zoning districts, the provisions of this sub-section shall apply to the following:

   ~~a) Division of Land – The division of land into 3 or more lots under M.G.L. Chapter 41 *(the Subdivision Control Act)*, Sections 81L and 81 U for conventional or grid subdivisions and including these divisions of land that do not require subdivision approval.~~

   a) ~~b) Multiple Units –~~ Any residential or mixed-use development project, **for which a Town permit is applied for after the effective date of this sub-section**~~, except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U.,~~ that results in a net increase of ~~3~~ **six** or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

   1) The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.

   2) The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 Section 81P (ANR)

   3) Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

   4) Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

b) ~~c)~~ The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in ~~an~~ **a net** increase of ~~3~~ **six** or more lots or dwelling units above the number existing thirty-six ~~(36)~~ months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) These provisions shall not apply to:

1) The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.

2) Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.

3) Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G, Commercial District I

~~4. *Special Permit Required* - An affordable housing special permit granted by the Planning Board shall be required for any development specified in paragraph 3 herein. A special permit may be granted if the proposed development meets the requirements of this sub-section. Where the proposed subdivision of land is for 3 or more lots pursuant to M.G.L. Chapter 41, Sections 81K-81GG *(the Subdivision Control Act)*, the Planning Board's special permit authority shall be limited only to enforcing the affordable housing provisions of this sub-section.~~

~~5. *Types of Affordable Housing Units* - Affordable housing units may be of the following types:~~

~~a) single family dwellings~~
~~b) duplexes~~
~~c) three-family dwelling units~~
~~d) multi-family dwelling units~~
~~e) mixed-use development dwelling units~~
~~f) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw.~~

~~6.~~ **4.** ***Mandatory Provision of Affordable Housing Units***

~~a) The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~

~~b) The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units in a multiple unit residential or mixed use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~

a) **In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.**

b) **In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.**

c) **In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.**

d) **In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.**

~~7.~~ 5. *Density Bonus* – **Affordable Housing Special Permit**

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to **issue an Affordable Housing Special Permit to adjust** ~~reduce the minimum~~ **any zoning** requirements ~~in any zoning district~~ for any development subject to these provisions as follows, but only to the extent needed to increase the total number of **market rate** lots or dwelling units on-site by a number equal to **one-half of** the number of affordable **housing** units required, pursuant to paragraph ~~8~~ 7 a) or ~~8~~ 7 c) below. For example, if ~~two (2)~~ affordable **housing** units are required, an additional ~~two (2)~~ **one** ~~(1)~~ market rate units may be constructed. **In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.**

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. **Provided, however, that the layout of lots shall meet one of the following requirements:**

1) **No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or**
2) **The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.**

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. **This may include:**

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units
6) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L. c. 40A, s. 9 and this sub-section.

e) When the requirements of this **sub-**section are being met by providing the affordable **housing** units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 5. a), **b) and c) to accommodate the bonus market rate units** ~~above, but only to the extent needed to increase the total number of lots or dwelling units by a number equal to one-half the number of affordable units required, rounded to the nearest whole number.~~ For example, if two affordable **housing** units are required, **and will be provided off-site,** an additional one market rate unit may be constructed **on site.**

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to **7** d) below.

~~8.~~ **6.** ***Voluntary Affordable Housing Bonus*** – A new housing development that is not subject to the provisions of paragraph 3 herein but provides the minimum affordable housing requirements specified in paragraph **4.** b) herein may **apply for an Affordable Housing Special Permit** ~~receive the same density bonus~~ as specified in paragraph **5** herein. ~~but only when the development is approved by special permit by the Planning Board.~~

~~9.~~ **7.** ***Methods of Providing Affordable Housing Units*** - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments provided be less than the equivalent number or value of affordable **housing** units required by this sub-section.

a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development. ~~subject to the special permit;~~

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit~~. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable **housing** units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.

The Planning Board shall evaluate proposed off-site locations according to the following criteria:

1) Whether the off-site **affordable housing** unit(s) help preserve existing housing stock;
2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
3) Whether the off-site **affordable housing** unit(s) are compatible with the neighborhood where such would be located.
4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable **housing** units.

All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

c) *Donation of Land* - In the event the Planning Board determines that **the required** affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation **in fee simple** of **off-site** land to the *Medway Affordable Housing Trust Fund*, if and when said Fund is established pursuant to M.G.L. chapter 44, section 55~~ce~~, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land ~~in fee simple, on or off site,~~ are acceptable only when **the recipient organization agrees to such donation and** the Planning Board, in its sole discretion, determines that:

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.

Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), **b) or** c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable **housing** units , ~~pursuant to paragraph 5 herein~~, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund,* if and when said Fund is established pursuant to M.G.L. c. 44, s. 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

1) For each affordable **housing** unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable **housing** units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for **the Affordable Housing** special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for ~~a~~ **the Affordable Housing** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD*.

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph ~~11~~ **9** herein.

e) Combination of alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.

~~e)~~ **f)** Donations of land and/or buildings or cash contributions made to pursuant to paragraph **7** c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

~~10.~~ **8.** ***Provisions Applicable to Affordable Housing Units (On and Off Site)***

~~a) *Partial Units.* In the instance when the provision of affordable units required by paragraph 6. 4 b) (1) produces a requirement for a percentage of an affordable lot or unit,~~ **~~the percentage shall be rounded up to the nearest whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up to one. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up to two.~~** ~~the partial affordable lot or unit shall be provided as follows:~~ **~~See Figure 1.~~**

~~1) For any development of seven (7)~~ **~~six (6)~~** ~~or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

2) ~~For any development of 3-6 lots or units, the affordable lots or units shall be provided by:~~

~~a. rounding up to one (1); or~~

~~b. by making a cash payment equal to the corresponding proportion of the per unit amount established in paragraph 9. d) (1) or (2). For example, for a 5-unit development, the applicant would be required to provide .75 affordable units. In this instance, the applicant could provide a cash payment to the Medway Affordable Housing Trust Fund, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55c, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway, in an amount equal to equal to 75% of the amount established in paragraph 9 d) (1) or (2).~~

~~b)~~ **a)** *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

When an Affordable Housing special permit is applied for, the location of the affordable housing units **to be provided on site** shall be identified on a plan during the public hearing process and specifically referenced in the ~~special permit~~ decision. **When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.**

~~c)~~ **b)** *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; **this shall include the provision of a garage for each affordable housing unit if the market rate units have a garage.**

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet **of living area** and **at least** three ~~(3)~~ bedrooms for single family detached houses and **a minimum size of** 1200 square feet **of living area** and **at least** two ~~(2)~~ bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable **housing** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable **housing** units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

~~d)~~ **c)** *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

~~e)~~ **d)** *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee **and/or the Medway Affordable Housing Trust**. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

~~f)~~ **e)** Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, **the Medway Affordable Housing Trust** or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

~~g)~~ **f)** In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each **affordable housing** unit shall be subject to an *Affordable Housing Restriction*.

~~11.~~ **9.** ***Timing of Construction***

a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable **housing** units be delayed beyond the schedule below. Fractions of units shall not be counted.

MARKET-RATE UNIT %	*AFFORDABLE HOUSING UNIT %*
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

~~c) Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market-rate housing units.~~

~~a)~~ **c)** In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
3) a combination of the above methods as may be approved by the Planning Board.

~~c)~~ **d)** In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable ~~dwelling~~ **housing** unit.

~~12.~~ **10. Affordable Housing** ***Special Permit Approval Requirements*** - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

a) whether the applicant has conformed to the provisions of paragraph ~~10. B~~ herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

~~13.~~ **11.** ***Preservation of Affordability; Restrictions on Resale***

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel. ~~Such documents shall be~~

~~executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal/interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

~~14.~~ **12.** R***ules and Regulations*** – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory*.

~~15.~~ **13.** ***Conflict with other Bylaws*** – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more restrictive provisions shall apply.

~~16.~~ **14.** ***Severability*** – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

(Sub-Section X. Affordable Housing was added June 2, 2008)

~~The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 9 a) only.~~

~~Proposed # of Dwelling Units~~	***~~Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)~~***	***~~# of Additional Market Rate Units Allowed as a Density Bonus~~***	***~~Total # of Market Rate and Affordable Dwelling Units~~***	***~~Overall Affordable % Achieved~~***
~~3~~	~~.45 > 1~~	~~+1~~	~~4~~	~~25%~~
~~4~~	~~.6 >1~~	~~+1~~	~~5~~	~~20%~~
~~5~~	~~.75 >1~~	~~+1~~	~~6~~	~~16.7%~~
~~6~~	~~.9 > 1~~	~~+1~~	~~7~~	~~14.3%~~
~~7~~	~~1.05 > 2~~	~~+2~~	~~9~~	~~22.2%~~
~~8~~	~~1.2 > 2~~	~~+2~~	~~10~~	~~20%~~
~~9~~	~~1.35 > 2~~	~~+2~~	~~11~~	~~18.2%~~
~~10~~	~~1.5 > 2~~	~~+2~~	~~12~~	~~16.7%~~
~~11~~	~~1.65 > 2~~	~~+2~~	~~13~~	~~15.4%~~
~~12~~	~~1.8 > 2~~	~~+2~~	~~14~~	~~14.3%~~
~~13~~	~~1.95 > 2~~	~~+2~~	~~15~~	~~13.3%~~
~~14~~	~~2.1 > 3~~	~~+3~~	~~17~~	~~17.7%~~
~~15~~	~~2.25 > 3~~	~~+3~~	~~18~~	~~16.7%~~
~~16~~	~~2.4 > 3~~	~~+3~~	~~19~~	~~15.8%~~
~~17~~	~~2.55 > 3~~	~~+3~~	~~20~~	~~15%~~
~~18~~	~~2.7 > 3~~	~~+3~~	~~21~~	~~14.3%~~
~~19~~	~~2.85 > 3~~	~~+3~~	~~22~~	~~13.6%~~
~~20~~	~~3~~	~~+3~~	~~23~~	~~13%~~
~~25~~	~~3.75 > 4~~	~~+4~~	~~29~~	~~13.8%~~
~~30~~	~~4.5 > 5~~	~~+5~~	~~35~~	~~14.3%~~
~~35~~	~~5.25 > 6~~	~~+6~~	~~41~~	~~14.6%~~
~~40~~	~~6~~	~~+6~~	~~46~~	~~13%~~
~~45~~	~~6.75 > 7~~	~~+7~~	~~52~~	~~13.46%~~
~~50~~	~~7.5 > 8~~	~~+8~~	~~58~~	~~13.8%~~

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 6 a) only.

A *Net increase in Number of Lots or Dwelling Units*	*B* *Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)*	*C* *# of Additional Market Rate Units Allowed as a Density Bonus based on +.5 market rate unit for every 1 required affordable unit (rounded up)*	*D* *Total # of Market Rate and Affordable Dwelling Units (A + C)*	*E* *Overall Affordable % achieved based on the number of affordable units as a % of the total # of units (B/D)*
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

Accessory Family Dwelling Units

2-10-2012

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by adding Sub-Section L. Accessory Family Dwelling Units to SECTION V. USE REGULATIONS as follows:

1. **Purpose - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.**

~~2.~~ An accessory family dwelling unit **in a single family dwelling** ~~is~~ **may be** authorized by special permit ~~only.~~ **from the Zoning Board of Appeals**. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer **or conveyance of the** property, the special permit shall become null and void. ~~An accessory use in a single-family dwelling is subject to the following conditions:~~

3. An accessory family dwelling unit **in a single-family dwelling** is subject to the following conditions:

   a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence ~~for voting and tax purposes.~~

   b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/ grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.

   c) There shall not be more than one bedroom in the accessory family dwelling unit.

   d) The accessory family dwelling unit shall have an exterior design such that the ~~structure is not changed from~~ **premises has** the character of a single-family dwelling.

   e) There shall be no additional driveway or curb cut providing access to the **accessory family dwelling unit** ~~premises. All parking to be off-street~~. **At least one off-street parking space shall be provided for the accessory family dwelling unit.**

   f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. A certificate of

occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory family dwelling unit shall be null and void.

g) **Only one accessory family dwelling unit may be allowed per premises.**

DRAFT

Revised draft – 2-8-2012
With proposed revisions to reflect new flood plain maps and further recommendations from Mass DCR

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. ***Purpose***: In addition to the purpose in Section 1 of this Bylaw, the purposes of this district are:

   a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residences or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.

   b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.

   c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***

   d) To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.

2. ***Flood Plain/*Wetland Protection *District:*** **The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:**

   ~~a) The Flood Plain/***Wetland Protection*** District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/***Wetland Protection*** District includes~~

   a) All special flood hazard areas designated as Zone A ***or AE*** ~~A1-30~~ on the ~~Medway~~ ***Norfolk County*** Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 to take effect July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and*** are ~~and the Flood Boundary and Floodway Maps dated June 18, 1980~~ on file with the Town Clerk, Planning ***and Economic Development*** Board, ***Conservation Commission***, ***Building Department*** and ***Board of Assessors***. ~~Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.~~

b) All that land bordering any natural waterbody that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.

c) All water bodies encircled by boundary lines of the District.

d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.

e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. Base Flood Elevation and Floodway Data

a) Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

~~3~~.4. *Use Regulations:*

a) The Flood Plain/Wetland Protection District ***is an overlay district to all*** ~~shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*** ~~Any uses permitted in the portion of the districts so overlaid shall be permitted except that:~~

1) No new building or structure shall be erected or constructed;
2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.

b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs **4** ~~3~~, a)`1 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.

1) Uses directly related to the conservation of water, plants and wildlife.
2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.

3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
4) Grazing and farming, including truck gardening and harvesting of crops.
5) Forestry and nurseries.
6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.
10) Buildings lawfully existing prior to the adoption of these provisions.

c) All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

d) Other Use Regulations

1) In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2) All subdivision proposals must be designed to assure that:
a. such proposals minimize flood damage;
b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
c. adequate drainage is provided to reduce exposure to flood hazards.
3) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

4.5. ***Lot Area Allowance:*** If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

~~5.~~6. ***Boundary Line Plot Plan***: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

~~6.~~ 7. ***Determination of Flooding and Suitability***: If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.

~~7.~~8. ***Special Permit Requirements:*** Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.

~~8.~~ 9. If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.

10. ***Notification of Watercourse Alteration – In a riverine situation, the _____ shall notify the following of any alteration or relocation of a watercourse:***

a) *Adjacent Communities*

b) *NFIP State Coordinator*
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 - 700
Boston, MA 02114-2104

c) *NFIP Program Specialist*
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

11. *In this sub-section, the words used shall be defined as follows:*

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction"

commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Suggestions/Recommendations for Zoning Bylaw Amendments (Sign Regulations) from the Medway Design Review Committee

2-14-2012

Existing Text

2) *Internal* - Artificial illumination from a light source located behind the sign face and which transmits or allows light to pass through the front of the sign face or portions of the sign face to the viewer, e. g. exposed neon tubing and individually illuminated channel letters.

Proposed

Internal – A sign with a translucent surface that is illuminated by an internal light source behind the face of the sign, such as translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through the sign face or portions of the sign face, e.g. individually illuminated channel letters

****

Existing Text

Prohibited Signs: Any sign not expressly permitted under this Bylaw, or exempt from regulation as specified in Paragraph 5 is prohibited. Prohibited signs include, but are not limited to . . . . . .

Proposed

Prohibited Signs: Any sign not <u>sign not specifically identified</u> in the table section r-4/N under this Bylaw, or exempt from regulation as specified in Paragraph 5 is prohibited. Prohibited signs include, but are not limited to . . . . . .

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Susy Affleck-Childs

FROM: Gino D. Carlucci, Jr.

DATE: February 11, 2012

RE: Comments on proposed new formulas for OSRD and affordable housing

I reviewed the three recent OSRD projects and recalculated both the maximum number of units based on the proposed new formula and the number of affordable, and hence bonus, units associated with each project.

For Pine Ridge, the plans did not clearly indicate the areas of wetland resource areas so I was unable to recalculate those numbers. However, as indicated on the chart, at the time the project was approved, the formula indicated that 23 units could be developed and 20 were proposed. The affordable housing requirements were not yet in effect so that was not a factor. When I tried to calculate the number of units using a variety of assumptions, the number I got exceeded 23 so my assumptions were obviously incorrect.

Regarding Williamsburg, the proposed formula has no effect on the base number of units because there is no easement area to deduct from TA so TA and PDA are identical in this case. However, the proposed affordable housing formula does have an impact on the number of required units. Since the required minimum is reduced to 10%, only 2 affordable units would have been required and since only a single bonus market rate unit would have been granted, the total number of allowed units would have been 18 instead of 20. However, since the applicant proposed 18 units, the result would have been the same number of units but one less affordable unit.

On Charles River Village, again the base number of units would have been unaffected. This is due, in part, to the fact that the easement area that would have been deducted lies almost entirely within the resource area so deducting it from the total area had little effect.. However, again the proposed affordable housing formulas would have an impact. The number of affordables (at 10%) would remain at 2 because the 10% of 11 is 1.1 which would round up to 2. There would then be only a single bonus market rate unit instead of 2, which brings the total number of units to 12 instead of 13.

OSRD DEVELOPMENTS

UNIT CALCULATIONS UNDER ALTERNATIVE FORMULAS

	PINE RIDGE*	WILLIAMSBURG	CHARLES RIVER VILLAGE
A. Existing OSRD Formula[1]	23	17	11
B. Existing AH Bonus Formula[2]	Not Applicable	3	2
Total (A+B)	**23**	**20**	**13**
Actual Approved	**20**	**18**	**13**
C. Proposed OSRD Formula[3]		17	11
D. Existing AH Bonus Formula[2]		3	2
Total (C+D)		**20**	**13**
E. Proposed AH Bonus Formula[4]		1	1
Total (C+E)		**18**	**12**

*Insufficient area data was available to recalculate this project. Figures shown for existing are based on what was shown in decision and on plans.

[1] **Existing OSRD Formula: Max. Units =** $\frac{TA - (.5 \times WA) - (.1 \times TA)}{\text{Min. Lot Area}}$

[2] **One bonus market for each affordable unit**

[3] **Proposed OSRD Formula: Max. Units =** $\frac{PDA - (.5 \times WA) - (.1 \times PDA)}{\text{Min. Lot Area}}$

[4] **One bonus market rate for each two affordable units, with both calculated number of affordables and calculated bonus units rounded up in the case of fractions.**

TA = Total Area WA = Resource Area PDA = TA – easement area

Ideas for Additional Zoning Bylaw DEFINITIONS for May 2012 town meeting

Revised 2-10-2012/sac

SECTION II.

Lot Area — The total area within the lots lines of a lot, excluding any street rights-of-way.

Lot Coverage — That portion of the lot that is covered by buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.

Lot Frontage — The length of a lot line(s) measured at the street right-of-way line

Lot Line — A line of record bounding a lot that divides one lot from another lot, or from a way or any public space.

The existing definition in the Medway Zoning Bylaw is: The established division line between lots or between a lot and the street.

Lot Line, Front — A lot line separating a lot from a street right-of-way

Lot Line, Rear — A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street.

Lot Line, Side — Any lot line other than a front or rear lot line.

Lot Line, Street — A lot line separating a lot from a street right-of-way

Retail Sales — Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building.

Retail Sales, Outdoors — Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational

vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

Services Establishments engaged primarily in providing assistance, as opposed to providing products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services.

Setback The distance between a structure and any lot line.

Common Driveway A privately owned road, paved or not, providing vehicular access between two or more buildings and a street. A common driveway does not serve as legal frontage for a lot.

Contractor's Yard An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1. the storage of equipment, supplies and materials;
2. the fabrication of sub-assemblies;
3. the parking of wheeled equipment;
4. the parking of 2 or more motorized vehicles with six (6) wheels or more;
5. the parking of 1 or more "c ommercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

Delete existing definition for *Automotive Service Station*
Add new definitions instead:

Vehicular Fuel Station – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles.

Vehicle Repair – Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair, or leasing of motor vehicles.

Frontage That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lots can be provided. Frontage is measured as the horizontal distance between the points of intersection of the side lot lines with the front lot line.

In the case of a corner lot bounding more than one way or street, the measurement on both streets may be used to determine if the lot

meets the minimum frontage requirement of the particularzoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets or ways.

For purposes of this Zoning Bylaw, only sufficient frontage on one of the following types of ways shall be recognized.

- A public way or a way certified by the Town Clerk that is maintained and used as a public way
- A way shown and constructed or secured through a suitable performance guarantee as specified on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of Deeds
- A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of the existing and future buildings and uses abutting thereon or to be served thereby.

February 28, 2012
Medway Planning and Economic Development Board
Medway Senior Center
Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Karyl Spiller-Walsh, Bob Tucker, Tom Gay, and Chan Rogers.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

There were no citizen comments.

Minutes from February 7 and 14th, 2012:

February 7, 2012:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from the February 7, 2012 meeting as written. Andy Rodenhiser and Karyl Spiller-Walsh abstained from the vote as they were not present at the 2-7-2012 meeting.

February 14, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from the February 14, 2012 meeting as written.

Cost Estimate for Consultant Reviews – A123 Systems Minor Plan:
The Board is in receipt of an estimate from PGC Associates received February 28, 2012 in the amount of $297.50 for review and comments on the proposed minor site plan submitted by A123 Systems, Inc. for a proposed battery energy storage system. **(See Attached)**

The Board is also in receipt of an estimate from Tetra Tech Rizzo dated February 24, 2012 in the amount of $4,585. The estimate includes review of the site plan. **(See Attached)**

The Board is in agreement that the Town has existing conditions on site which should be the town's issue and not the applicant. Consultant Pellegri agrees and will take five hours out of the review totaling $500.00. The new Tetra Tech total will be $4,085.00

On a motion made by Tom Gay and seconded by Bob Tucker, the Board voted unanimously to accept the estimates from PGC Associates in the amount of $297.50 and the estimate from Tetra Tech Rizzo in the amount of $4,085.00.

Open Meeting Law:
Susy Affleck-Childs informed the Board that Town Counsel had provided an opinion for the Economic Development Committee that when any subcommittee of two or more meets, an agenda and meeting notification must be posted, the meeting must be held in a public place and minutes must be taken.

Daniels Wood II
The Board is in receipt of a memo dated February 22, 2012 from Fred Sibley. **(See Attached)**

Mr. Sibley was present at the meeting requesting that the $3,573.04 which is being held for construction observation be released back to him. Mr. Sibley explained that Lot 2B-1 has been for sale for over a year. It is his thinking that when the lot is purchased, the new owner will then be responsible for the construction of the access road and that party should pay for the construction observation oversight.

The Board communicated that it is their intent to keep the money in the account to make sure when the road access is constructed, it can be reviewed by the Town's engineering consultant because the funds would already be in the account as noted in the original decision.

The Board also explained that they do not want the burden to be on the Town to collect the money from the person who eventually buys the property.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to not release to $3,573.04 in the Construction Account for Daniels Wood II based on a the policies and procedures established by the Board.

Public Hearing, 49 Alder Street Site Plan Review:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to open the public hearing for Lawrence Waste Services.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to recess the meeting at 8:00 pm and will reopen when the applicants engineer arrives.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to reopen the public hearing for 49 Alder Street at 8:10 pm.

The Board agreed to waive the reading of the public hearing notice. **(See Attached)**

Peter Lavoie of Guerriere and Halnon made a presentation. This parcel is a 13.2 acre site in the Industrial III zoning district. It is located off the south side of Adler Street in the Medway 495 Business Park. The property is Medway Assessor's Parcel 3-41.

The application is for the approval of a site plan for the development of 49 Alder Street for use by Lawrence Waste Services.

The site plan is dated January 17, 2012. This plan was prepared by Guerriere & Halnon, Inc. of Milford, MA.

Mr. Lavoie explained that the applicant proposed to construct a 7,400 sq.ft. steel building at 49 Adler Street. Lawrence Waste is an independent, family owned business.

This building will include 2,400 sq. ft. for office space and a 5,000 sq.ft. garage space with four service bays.

The site work includes construction of a driveway, curbing, and sidewalk. There will also be 23 paved customer employee parking spaces, landscaping, lighting, and installation of a stormwater drainage system, public utilities and areas for the outdoor storage of empty containers/dumpsters.

There will be no waste stored on site, only clean waste containers. These will be plugged.

The engineer communicated that the proposed development will disturb approximately 35% of the property with 65% remaining undisturbed.

The runoff for the proposed development will be collected in a catch basin to drain manhole system. The peak flows and recharge will be attenuated by subsurface detention/recharge structures, with overflows discharging to the wetlands. Installations of all utilities will come from Adler Street.

This business will be for the pickup and delivery of trash containers.

The Board is in receipt of the Form Q Request for Waiver from Rules and Regulations. (See Attached)

The Board is in receipt of a review letter from Tetra Tech Rizzo dated February 22, 2012. **(See Attached)**. There were some items found not in conformance with the MA DEP Storm Water Management Standards, or required additional information. These items were noted on page four of the consultant report.

Chairman Rodenhiser inquired if the basin could be moved out of the groundwater protection area.

The Engineer responded that he will address the items in the consultant report. He further communicated that there will be a metal gate for security. This will be included with the waiver list.

There will be shielded security sensor lights.

Member Spiller-Walsh asked if there should be access to the back of the lot to provide for possible analysis of the wetlands.

Member Tucker communicated that there is a concern about the residual coming off.

The Engineer responded that they could change the catch basin to #450.

Peter Lavoie informed the Board that they will be going to the Conservation Commission on March 1, 2012.

Susy Affleck Childs informed the Board that the Building Commissioner had determined the scope of the work does not warrant a groundwater special permit from the ZBA.

Consultant Carlucci provided a review letter dated February 23, 2012. **(See Attached)** The review letter references that reducing the parking spaces to the minimum width would result in a slight reduction of the impervious surface. The site plan rules and regulations require spaces to be 10' x 20' (but the Board's practice has been to allow 9' x 18').

Member Spiller-Walsh recommends that the applicant look at landscaping and dressing up the front.

Susy noted the applicant is meeting with the Design Review Committee on March 5th.

Susy communicated that if the Board votes to continue the hearing then the revised documents need to be provided to the Board by March 13, 2012 including the waivers.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to continue the hearing for Lawrence Site Plan until March 27, 2012 at 7:15 pm.

Adjourn:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:15 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

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

RE: A123 Minor Site Plan

Dear Mr.Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed minor site plan submitted by A123 Systems, Inc. of Westborough for a proposed battery energy storage system. The property is owned by Sith West Medway LLC of Norwood. The plan was prepared byVine Associates, a division of GZA GeoEnvironmental, Inc., Inc., of Norwood, and is dated February 7, 2012.

Task	Hours
Prepare Estimate	0.5
Technical Review and comment on initial submittal	1.0
Attendance Planning Board meetings/hearings	1.0
Review and comment on revised plans	0.5
Review and comment on draft Certificate of Recommendation	0.5
Total	3.5
Cost Estimate (@$85)	**$297.50**

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

Sincerely,

Gino D. Carlucci, Jr.

TETRA TECH

RECEIVED
FEB 27 2012
TOWN OF MEDWAY
PLANNING BOARD

February 24, 2012

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

Re: Site Plan Review
Planning and Economic Development Board
34 West Street
Medway, Massachusetts

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed 34 West Street Site Plan project in Medway, Massachusetts (the Project). The objective of our services is to review the Site Plan package and associated materials including but not limited to, the Stormwater Report, A123 Systems specifications and project narrative and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Submission and Review of Site Plans, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

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

Task 1 Site Visit

- Perform one (1) site visit to review the site and its surroundings.

Task 2 Site Plan Review

- Review the proposed "Battery Energy Storage System (BESS), 34 West Street" Site Plans prepared by GZA GeoEnvironmental, Inc. and dated February 7, 2012;
- Review the Stormwater Report prepared by GZA GeoEnvironmental, Inc.
- Review the proposed "Application for Review and Approval of a Major Site Plan Project" prepared by GZA GeoEnvironmental, Inc.. and dated February 9, 2012;
- Review the Requested List of Waivers form Section IV prepared by GZA GeoEnvironmental, Inc.. and dated July 8, 2011;
- Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board (PEDB);
- Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications;

TETRA TECH

Task 3 Meeting Attendance

- Participate in two (2) hearings/meetings with the Town of Medway PEDB to review/discuss the project.

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget shown below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	$310
Task 2	Site Plan Review	~~$3,500~~ 3,000
Task 3	Meeting Attendance	$625
	Labor Subtotal	**$4,435**
	Expenses (3.5%)	$150
	Total Fee	~~$4,585~~ $4,085

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

TETRA TECH

Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

M:\SFE\DAVIDP\MEDWAY-34 WEST STREET-2012-02-24.DOC

Susan Affleck-Childs

From: Fredric Sibley [sibleys1@msn.com]
Sent: Wednesday, February 22, 2012 4:29 PM
To: Susan Affleck-Childs
Cc: sibleys1@msn.com
Subject: Refund of construction deposit

Lot 2B-1, Danielswood II has been for sale for over a year. When the lot is purchased, the new owner will be responsible for access road construction. Therefor, I am requesting that the sum of $3573.04 previously collected and held for construction observation be refunded. It is my understanding that the new owner will be notified through the building permit process of the need to re-fund the account. I appreciate your consideration in this matter.

Sincerely,
Frederic F. Sibley

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
NOTICE OF PUBLIC HEARING

Lawrence Waste Services Site Plan - 49 Alder Street

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Subsection C. Site Plan Review and Approval and the provisions of Chapter 40A, Massachusetts General Laws, notice is hereby given that ***the Medway Planning and Economic Development Board will conduct a Public Hearing on Tuesday, February 28, at 8:00 p.m. at the Medway Senior Center, 76 Oakland Street to consider the application of East Hill Associates Realty of Framingham, MA for approval of a site plan for the development of 49 Alder Street for use by Lawrence Waste Services.*** The application, site plan and drainage report were filed with the Town of Medway on January 31, 2012. The *Site Plan for 49 Alder Street* is dated January 17, 2012 and was prepared by Guerriere & Halnon, Inc. of Milford, MA.

The applicant/property owner proposes to construct a 7,400 sq. ft. steel building at 49 Alder Street for Lawrence Waste Services, an independent, family owned and operated waste and recycling disposal company presently based in Framingham, MA. The building will include 2,400 sq. ft. for office headquarters and a 5,000 sq. ft. garage space with 4 service bays. Proposed site work includes construction of a driveway, curbing and sidewalk, 23 paved customer/ employee parking spaces, landscaping, lighting, installation of a stormwater drainage system, public utilities, and areas for the outdoor storage of empty containers/dumpsters. There will be no waste stored on site, only clean waste containers. The 13.2 acre site in the Industrial III zoning district is located off the south side of Alder Street in the Medway 495 Business Park. The property is Medway Assessors' Parcel 3-41.

The application, proposed site plan, and drainage calculations/report are on file with the Medway Town Clerk and the Planning and Economic Development office at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The plans are also posted at the Planning and Economic Development web page at: http://www. townofmedway.org. Interested persons or parties are invited to review the plans, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser, Chairman

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

G-9035

PROJECT DESCRIPTION

Lot 3-41, Alder Street

Lawrence Waste Services

The site is a predominantly wooded 13.2 acre parcel of land located along the easterly side of Alder Street. Stall Brook flows through the southeast corner of the site and the property does contain bordering vegetated wetlands.

The owner/applicant, East Hill Associates Realty, is proposing to construct a 7,400 s.f. steel building for the operation of a waste removal business. There will be no waste stored on site only clean waste containers. The building will be divided into a 2,400 s.f. office area and a 5,000 s.f. garage. Paved parking areas for customer and employee parking are located in the front and side of the proposed building. Proposed paved and gravel lay down areas for empty containers will also be constructed. The proposed development will disturb approximately 35% of the property with 65% undisturbed.

Runoff from the proposed development will be collected in a catch basin to drain manhole system. Peak flows and recharge will be attenuated by subsurface detention\recharge structures, with overflows discharging to the wetlands. Installation of all utilities will come from Alder Street.

The business will have five employees and will operate from 6:30 a.m. to 7:30 p.m. The Site will be the headquarters for Lawrence Waste Services. Their business is the pickup and delivery of trash containers.

The timetable is for the project to start in the early spring and finish in the late summer or early fall of

Application for Review and Approval of a

MAJOR SITE PLAN PROJECT

JAN 31 2012

Planning & Economic Development Board – Town of Medway
155 Village Street - Medway, MA 02053
(508) 533-3291

This application for Site Plan Review and Approval is made pursuant to the Medway Zoning By-Law, Section V. USE REGULATIONS, Subsection C. SITE PLAN APPROVAL and the Board's Rules and Regulations for the Submission and Review of Site Plans (as approved December 3, 2002)

Date: _____

The undersigned, being the applicant and the owner of all land included within the proposed site shown on the accompanying plan(s) entitled Site Plan for 49 Alder Street dated January 17, 2012, prepared by Guerriere & Halnon, Inc. and _____, herewith submits this application and plan to the Medway Planning & Economic Development Board for Review and Approval of a *Major Site Plan Project.*

PROPERTY/SITE INFORMATION

1. Property Location Address 49 Alder Street

2. Assessor's Information Map: 34 Parcel: 3-41

3. Zoning District: Industrial III

4. The owner's title to the land is derived under a deed from: Herbert E. Rhone and Robert L. Higgins dated 5/29/1970 and recorded in Norfolk County Registry of Deeds, Book 28525, Page 127 or Land Court Certificate of Title # _____ registered in Norfolk County District Book _____ Page _____.

5. Frontage: Two Hundred Fifty Five Feet (255')

   Yard Depth: Front 134 Side 104 Side 109 Rear 1,036

6. Is any portion of the site within a flood plain area? ____ YES _x_ NO
If YES, is it clearly shown on the plan? ____ YES ____ NO

7. Is any portion of the site within a wetland resource area? _x_ YES ____ NO
If YES, is it clearly shown on the plan? _x_ YES ____ NO

8. Is any portion of the site within a groundwater protection area: _x_ YES __ NO
If YES, is it clearly shown on the plan?

9. Does any portion of the site have frontage on a Scenic Road? ____ YES _x_ NO

CONTACT INFORMATION

10a) **Property Owner**: East Hill Associates Realty
Address: 3 Thayer Street, Framingham, MA 02702

Primary Contact: Jim Lawrence
Telephone: 508-270-0597 FAX: 508-270-0598
E-Mail address: jim@lawrencewasteservices.com

10b) **Applicant** *(if other than property owner)*: SAME
Address: _____

Primary Contact: _____
Telephone: _____ FAX: _____
E-Mail address: _____

_____ *Please check here if you are the equitable owner (purchaser on a purchase and sales agreement.)*

10c) *NOTE* – If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:

Official Representative: _____
Address: _____

Primary Contact: _____
Telephone: _____ Fax: _____
E-Mail address: _____

11. **Engineer:** Guerriere & Halnon, Inc.
Address: P.O. Box 235 Milford, MA 01757

Primary Contact: Peter Lavoie, Project Engineer
Telephone: 508-473-6630 FAX: 508-473-8243
E-Mail address: plavoie@guerriereandhalnon.com

12. **Surveyor:** Guerriere & Halnon, Inc.
Address: P.O. Box 235
Milford, MA 01757
Primary Contact: John M Nenart, Survey Manager
Telephone: 508-473-6630 FAX: 508-473-8243

13. **Architect:** Group 7 Design
Address: 124 Grove Street, Suite 301
Franklin, MA 02038
Primary Contact: Doug Space
Telephone: 508-520-2065 FAX: 508-520-2091

14. **Contractor:** _____
Address: _____
_____
Primary Contact: _____
Telephone: _____ FAX: _____

PROJECT INFORMATION – Type of Project

15. A major site plan project is defined as any multi-family, commercial, industrial, institutional, or municipal project, which involves:

PLEASE CHECK (X) ALL THAT APPLY

__x__ New construction; or

_____ Alteration, reconstruction or renovation work that will result in a change in the outside appearance of an existing building or premises, visible from a public or private street or way; or

_____ A change in use of a building or buildings or premises;

and which includes one or more of the following:

PLEASE CHECK (X) ALL THAT APPLY

__x__ *New Construction* – Construction of 2,500 or more sq. ft. of **gross floor area"*
Building Dimensions: 40x60 / 50x100 Gross Square Footage 7,400 SF

_____ *New Construction* – Construction of a new building or addition requiring fifteen (15) or more parking spaces
Building Dimensions: _____ Gross Square Footage_____

_____ *Change in Use* – A change in use of an existing building requiring fifteen (15) or more parking spaces
Building Dimensions: _____ Gross Square Footage_____

- *"Gross floor area" includes the existing building and proposed addition if any, and/or proposed new building.*

_____ *Change in Parking Area* – Construction, expansion redesign or alteration of an existing parking area involving the addition of fifteen (15) or more new parking spaces.

Building Dimensions: _____ Gross Square Footage_____

_____ *Other* – Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria is met.

OTHER PROJECT INFORMATION

16. ***Project Description*** as specified in *s. 204-3* of the *Site Plan Rules & Regulations Please attach a separate sheet fully describing the proposed work. Provide as much detail as possible.*

17. ***Development Impact Statement*** as described in *s. 204-3* of the *Site Plan Rules & Regulations*

18. Description of easements, option to purchase, purchase and sale agreement, court decision, or other legal restrictions *(Please attach separate sheets as needed.)*

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief.

If Applicable, I hereby authorize _____ to serve as my *OFFICIAL REPRESENTATIVE* to represent my interests before the Town of Medway with respect to this application for site plan review and approval.

In submitting this application, I also authorize the Planning Board, its agents, and other Town officials to access the site during the plan review process.

Signature of Property Owner	1/10/2012 *Date*
Signature of Applicant (if other than Property Owner)	*Date*
Signature of Official Representative	1/17/12 *Date*

Revised – February 28, 2011

Medway Planning and Economic Development Board

FORM Q - Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	49 Alder Street Proposed Site Plan
Property Location:	49 Alder Street
Type of Project/Permit:	Major Site Plan Project
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 204-3 Planning Board Submittals Sub-section A. 7) Development Impact Statement
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Due to the size of the development and the location of the site & type of business, we feel the Impact Statement is not needed
What aspect of the Regulation do you propose be waived?	Waive submittal of a Development Impact Stmt
What do you propose instead?	Impacts are reflected on Proposed Site Plan
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The site is located in an industrial park and size of the business will not affect the neighborhood. A Notice of Intent will be submitted to address any concerns the Town may have regarding the development of the site.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Engineering fees
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The site has minimal distrubance due to location of Wetland and Riverfront Areas. The site was designed following stormwater management practices (BMPs) and will be reviewed by DEP.
What is the impact on the development if this waiver is denied?	No impact on development.
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	It will not affect the Town
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	No mitigation measures are required
What is the estimated value of the proposed mitigation measures?	None
Other Information?	
Waiver Request Prepared By:	Guerriere & Halnon, Inc. Peter M Lavoie, Project Engineer
Date:	1-17-2012

JAN 31 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

February 23, 2012

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

Re: **Lawrence Waste Site Plan**

Dear Mr. Rodenhiser:

I have reviewed the site plan submitted by owner/applicant East Hill Associates Realty of Framingham. MA. The plan is dated January 10, 2012, and it was prepared by Guerriere and Halnon, Inc. of Milford, MA. The property is located at 49 Alder Street in the Industrial III zoning district.

The plan proposes to construct a 7400 square foot building, including 5000 square feet of garage space and 2400 square feet of office space with associated parking, drainage, lighting, landscaping, signage, etc. I have comments as follows:

Zoning

1. The proposed use is general industrial in the form of storage and maintenance of waste containers (but no waste). This is allowed in the Industrial III zoning district, and the proposed development appears to comply with the Zoning Bylaw.

2. The plan proposes 22 parking spaces, including a van-accessible handicapped space. The Zoning Bylaw requires 1 space per 2 employees and 1 per 1000 square feet of space. The plan states that there will be 5 employees and calculates the parking requirement as 5 spaces for the 5 employees plus another 8 for the 7400 square feet of office space for a total of 13 required spaces and states that 28 are provided, which appears to be a typo. While the number provided exceeds the minimum, I would calculate the minimum as 11 rather than 13. It should be noted that the spaces are shown as 10 feet wide by 20 feet deep while the Zoning Bylaw only requires them to be 9 feet wide and 18 feet deep. Reducing the spaces to the minimum wide would result in a slight reduction of impervious surface. It should also be noted that the Site Plan Rules and Regulations require spaces to be 10 x 20.

3. Section V. B. 7. (e) (1) states that light trespass onto any abutting street or lot is not permitted. There is a slight light trespass from the site that reaches a maximum of .05 onto the lot to the southwest, .02 to the lot on the northeast and .03 on the Alder Street right-of-way.

4. A building sign is shown to be 42 square feet, which complies with the size requirements. A location for a freestanding sign is shown, but no other details are provided. A separate sign permit will be required for these.

Site Plan Rules and Regulations

3. Section 204.3 A. (7) requires a Development Impact Report. This is not provided, and a waiver from this requirement is requested.

4. Section 204-5 C. (3). The Existing Conditions Sheet also does not include an Existing Landscape Inventory prepared by a Landscape Architect. No waiver is requested.

5. Section 204-5 D. (7) requires that a landscape architect prepare the landscape plan. Landscape details are shown on the site plan, but it was not prepared by a Landscape Architect and a no waiver from this requirement is requested.

6. Section 204-5 D. (8) requires a color scheme and color renderings of the buildings. These have not been provided and no waiver is requested. I understand that the project has been presented to the Design Review Committee.

7. Section 204-5 D. (12) requires a signage plan indicating the design, location, materials, dimensions and lighting. As stated above, a freestanding sign location is shown but no additional details have been provided.

8. Section 204-5 D. (13) requires a lighting plan. A lighting plan has been provided. The photometric diagram indicates appropriate lighting levels but with some minor spillover to abutting properties.

9. Section 204-5 (14) requires horizontal sight distances be show on the plan. This information was not provided.

10. Section 204-5 (16) requires information about fire prevention and suppression. As discussed at the pre-hearing meeting, the location of a "Knox Box" should be added to the plan.

11. Section 205-6 (A) states that parking "should" be located to the side and rear of the building. This is not an absolute requirement but it also states that if parking is located close to the street, then it should be screened. Trees are proposed around the parking lot, but some additional shrubs could help screen the lot.

12. Section 205-6 (H) requires vertical granite curbing around the perimeter of a parking lot. The plan proposes Cape Cod berm and no waiver is requested. A concrete curb integral with the sidewalk in front of the building is also proposed along with concrete curb stops for those spaces facing the building.

13. Section 205-9 C requires that there be substantial landscaped islands within parking lots to reduce the "sea of asphalt" effect. More specifically, Section 209-6 C requires at least 1 deciduous tree per 6 spaces and only trees that provide shade to the parking area are to count toward this requirement. With 22 spaces, 6 trees are required. Seven trees are proposed

adjacent to the parking lot and another 4 are shown along the entrance driveway. However, they are shown to be 2" caliper while the regulations require 2 ½" caliper trees that are 10 feet in height at planting.

General Comments

14. The plan appears to meet the criteria specified in Section 203-9 C.

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

Sincerely,

Gino D. Carlucci, Jr.

TETRA TECH

February 22, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: 49 Alder Street
Site Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above – mentioned project. The project includes the construction of a 7,400 sf building with paved parking, loading, and laydown areas for the stacking of clean waste containers. The site is primarily wooded currently and the proposed improvements will disturb approximately 35% of the property. The new building will require utility connections including sewer, water, gas, electric, and telecommunications, from Alder Street. The stormwater design will collect runoff from the proposed development in a catch basin to manhole system. Peak flows and recharge will be attenuated by subsurface detention/recharge systems with overflows discharging to the wetlands.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Proposed Site Plan for 49 Alder Street in Medway, Massachusetts", dated January 10, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- A drainage report (Drainage Report) entitled "Hydrologic & Hydraulic Report, Lot#3-41, 49 Alder Street in Medway, Massachusetts", dated January 10, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- Application for Review and Approval of a Major Site Plan Project and Form Q-Request for Waiver from Rules and Regulations, prepared by Guerriere & Halnon, Inc. dated January 17, 2012

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with the Rules and Regulations for the Submission and Review of Site Plan (Chapter 200), or requiring additional information:

Article IV-Site Plan Submission (Section 204)

1. The Cover sheet and Lawrence Waste Services plans to be stamped, signed and dated by a Registered Professional Engineer, a Registered Architect, and/or a Registered Landscape Architect or other professional registered in the Commonwealth of Massachusetts. (Ch. 200 §204-4.A)

2. The applicant should verify that scale 1" = 30' has been approved in advance by the Planning Board. (Ch. 200 §204-4.B)

3. An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. (Ch. 200 §204-4.C-3)

4. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

5. Cover sheet shall include Board of Selectmen's Signature Block. (Ch. 200 §204-5.A)

6. The applicant should verify with Planning Board if Site Context Sheet shall be provided. (Ch. 200 §204-5.B)

7. Dimensions of parking lot line setbacks, access lanes and curb radii. (Ch. 200 §204-5.D-2)

8. Drainage and Erosion Plan shall provide methods to dispose of surface water on site including slope. (Ch. 200 §204-5.D-5)

9. The applicant should verify that landscape improvements were prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. (Ch. 200 §204-5.D-7)

10. The applicant should verify that Color Renderings and Signage Plan shall be provided. (Ch. 200 §204-5.D-9 & 12)

11. Horizontal sight distances on the public way(s) at all entrances in both directions should be provided. (Ch. 200 §204-5.D-14)

Article V-Development Standards (Section 205)

12. Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk. (Ch. 200 §205-3.D-4)

13. Landscape buffers between the street and parking areas are required. (Ch. 200 §205-9.B-1)

14. The applicant shall request a waiver for the requirement for replacement trees or comply with the regulations. (Ch. 200 §205-9.E)

15. The applicant should add Standard Utility Trench Detail for other utilities to be provided on site. (Town of Medway's Construction Details CD-24) (Ch. 200 §205-11)

16. Typical Bend Thrust Block Detail, Water Main Reducer, Plug and Tee Detail should meet or exceed standard Medway detail Concrete Thrust Block Detail, see Town of Medway's Construction Details CD-28. (Ch. 200 §205-11)

The following items were found to be not in conformance with the Town of Medway Water/Sewer Department Rules and Regulations, or requiring additional information:

17. There shall be three (3) valves at every roadway intersection. (Article V-Item 5)

18. Six inch pipe must be used to within 10' of the building, at which point standard 4" cast iron or schedule 40 pvc sewer pipe is to be used. (Article VI-Item 1)

19. Sewer Trench detail should be modified to reflect 6" of ¾ inch crushed stone above and below pipe. (Article VI-Item 3)

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

20. Existing drainage figure lists Drainage Area 2 to be 0.75 acres. It is written up as 0.38 acres in the drainage report.

21. Drainage analysis states that three points of analysis were evaluated. Only two are shown on the plans and discussed in the report.

22. Drainage analysis states that the entire site is located within Hydrologic Soil Group B soils. The drainage figures show the majority of the site is located within Hydrologic Soil Group C soil. The soil boundaries should be more clearly labeled on the plans and shown in the legend.

23. Recharge calculations must be verified based on actual soil types.

24. Basin volume output tables should be provided to verify actual recharge volumes at overflow invert elevations. Reviewer has nothing available to verify this number.

25. Pollutant removal section of the drainage analysis states that a Stormceptor 900 is being provided in Drainage Area 2 only with a pollutant removal efficiency of 80%. The TSS worksheets show a Stormceptor 450 being provided in Drainage Area 2 and Drainage Area 3 with a pollutant removal efficiency of 87%. Too many discrepancies. Drainage report must reflect actual design.

26. A water quality volume of 1 inch must be provided on site. The applicant is using an infiltration rate based on soil logs of 0.014 feet per minute which equates to over 10 inches per hour. MADEP regulations require a 1 inch water quality volume be provided within an area of rapid infiltration rate which exceeds 2.4 inches per hour.

27. Water quality volume calculations must be provided.

28. The applicant shall verify whether a Groundwater Protection District is a Zone II or Wellhead Protection Area. We believe it is. If so, we are discharging to a critical area and Specific Infiltration BMP's must be provided with 44% TSS removal from the runoff prior to discharge to the infiltration BMP's.

29. Applicant states that the Static Method is being used for the design of the infiltration BMP's. See DEP Checklist – Standard 3. Static method requires infiltration rates from the Rawls Tables be used. If in-situ rates are used in the analysis (Hydro CAD report shows this was used), the Dynamic Field Method must be used and 50% of the in-situ rate must be used in your sizing computations.

30. Checklist states that Critical areas for standard 6 are identified in the report. The report states that the drainage system does not discharge to a critical area.

31. The Hydro CAD model shows all HSG "B" soils are used in the analysis. This is consistent with the description in the write up but not the drainage figures. Verify Soil types.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

32. The applicant shall provide a scale for the Street and Parcel view on the Cover Sheet.

33. There is one handicap parking space shown on the Site Plan and does not match the amount proposed on the zoning table on the Cover Sheet.

34. Please clarify whether Stall Brook is designated as a River.

35. What's the intent with the jog in the pavement adjacent to the proposed dumpster?

36. The board typically prefers some type of fencing around the proposed dumpster, however given that the site is gated this may not be required. The decision may be based on if the dumpster is visible from the road or adjacent sites. Please clarify whether the dumpster is visible. Additionally, a note on sheet 8 states that "All dumpsters to be on concrete pads and to be properly screened". This conflicts with the drawings.

37. What type of gate is proposed?

38. Approximately how many containers will be stored on-site? How will the gravel area be utilized?

39. How are gates intended to be operated? Are they locked during the day? How will this affect emergency access?

40. The width of the access drive on the north side of the building should be labeled.

41. The proposed "252" contour should be added along the southern property line boundary.

42. What is the intent of the Proposed Drop Inlet set adjacent to the southern property line? What is the 24" pipe/flared end shown on the adjacent property?

43. What is the maximum slope in the grass/landscaped area in the southwest corner of the site?

44. There is a "Typ. Concrete Walk-Curb Detail" provided on Sheet 8, however the layout plans do not show a curb around the walk adjacent to the building. Please clarify where the curb will be located.

45. The "ND" line on Sheet 2 is not included in the legend. Please add that linetype and description to the legend.

46. According to the legend and plan, there is a proposed fence proposed around the majority of the perimeter of the site. Is this the silt fence? If so, please clarify on plans.

47. The fire department shall provide a statement regarding their access ability and the sufficiency of existing hydrant locations.

48. A detail for a water/sewer crossing should be provided.

49. The limits of work proposed in the roadway should be shown on the plans including sawcuts, curb replacement, striping, etc. associated with the utility improvements within the public Right of Way.

50. Clarification should be provided in regard to the restrictions of the drainage easement in front of the site.

51. The method of connection for the waterline should be provided.

52. The plan calls for a MDC manhole and the detail shows a Gas and Oil Separator. Please coordinate the labels as appropriate.

TETRATECH

53. A note should be added stating that all water mains shall be installed at a minimum depth of 4.5'.

54. There appears to be stubs for both the water and sewer entering the site. If these are not intended to be used, they should be cut, capped, and abandoned as directed by the Department of Public Works.

55. Please identify the limits of clearing. We assume it corresponds with the limits of the work shown.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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PROPOSED SITE PLAN
FOR
49 ALDER STREET
IN
MEDWAY, MASSACHUSETTS

OWNER/APPLICANT:
EAST HILL ASSOCIATES REALTY

3 THAYER STREET
FRAMINGHAM MA 01702

DATE JANUARY 10, 2012

NOTES

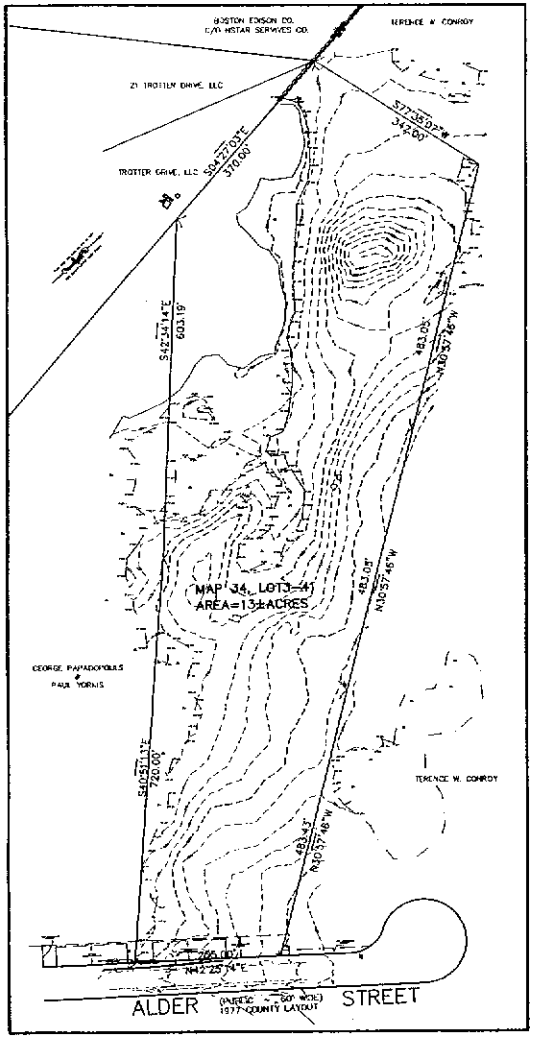
1) THIS PLAN REFERS TO THE TOWN OF MEDWAY ASSESSORS ATLAS SHEET 34 LOT 3-41A.

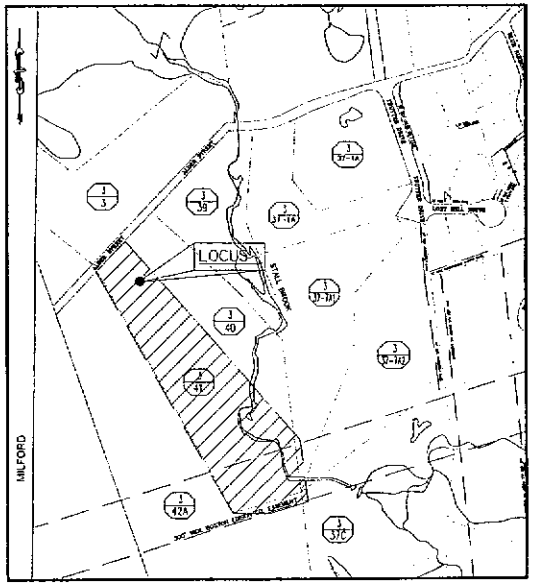
2) SEE DEED BOOK 4866 PAGE 13 RECORDED WITH NORFOLK DISTRICT REGISTRY OF DEEDS

3) SEE THE FOLLOWING PLANS RECORDED WITH NORFOLK DISTRICT REGISTRY OF DEEDS:
   1977 ALDER STREET LAYOUT PB 263 NO 334
   1959 ALDER STREET EASEMENT PB464 NO 180
   LAND COURT 32712A NOV 15, 1963
   PB 5312 NO 127 PG 454 OF 1977
   PB 3985 NO 575 PG 469 OF 1942

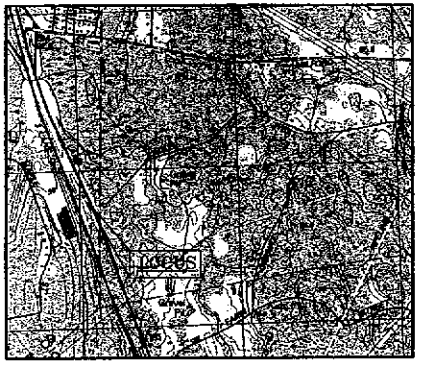
4) ZONING CLASSIFICATION IS INDUSTRIAL III

5) WAIVER REQUESTING NOT REQUIRING THE WRITTEN DEVELOPMENT IMPACT STATEMENT. FROM SECTION 204-3 PLANNING BOARD SUBMITTALS SUBSECTION A. 7) A WRITTEN DEVELOPMENT IMPACT STATEMENT.





LOCUS MAP
500 FEET TO AN INCH



LOCUS MAP USGS
2000 FEET TO 2½ INCH

INDEX

ZONE DESCRIPTION: ZONE - INDUSTRIAL III	MIN. REQ'D/ MAX. ALLOWED INDUSTRIAL III	PROPOSED
LOT REQUIREMENTS:		
MIN. AREA (S.F.)	40,000 S.F.	13.06± ACRES
MIN. WIDTH (FT.)	100'	255'
MIN. FRONTAGE (FT.)	255'	255'
YARD REQUIREMENTS:		
MIN. FRONT SETBACK (FT.)	30'	137'
MIN. SIDE SETBACK (FT.)	20'	104'
MIN. REAR SETBACK (FT.)	30'	1,036'
BUILDING:		
MAX % COVERAGE	40%	1.3%
OPEN SPACE:		
MIN % OF LOT AREA	-	64%
BUILDING HEIGHT (FT.)		
MAX. HEIGHT (FT.)	80'	39'
PARKING:		
MIN. NUMBER OF SPACES	***13	**28
MIN. HANDICAPPED SPACES	1	1

PARKING REQUIREMENT ** INCLUDES NUMBER OF HANDICAP SPACES.

OFFICE/SERVICE FACILITY:
1 SPACE FOR EACH EMPLOYEE ANTICIPATED AND
5 EMPLOYEES= 5 SPACES

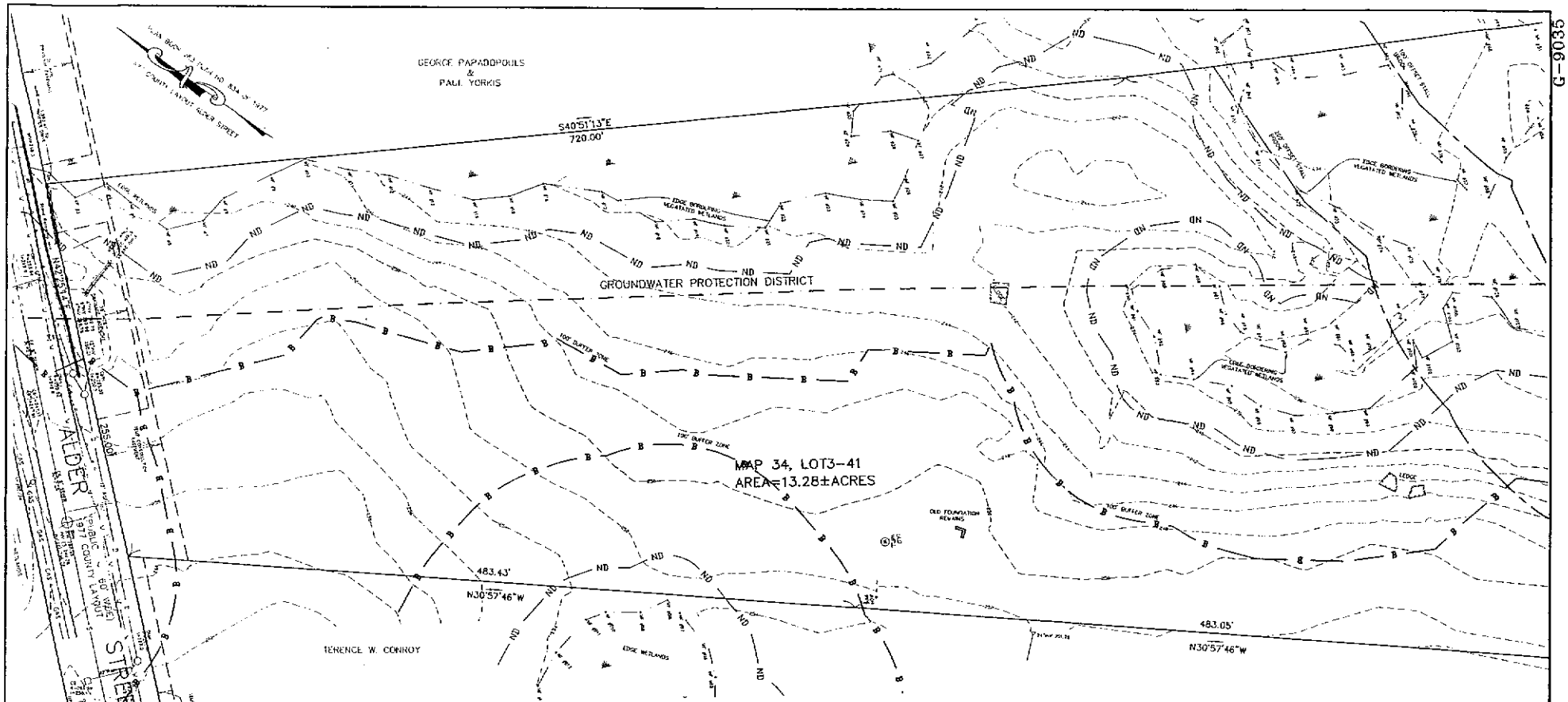
1 SPACE PER 1,000 S.F. OF FLOOR SPACE
7,400 S.F./1,000 S.F. = 7.4 SPACES

TOTAL SPACES REQUIRED= 13 SPACES

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MA 01757
(508) 473-6630 FAX: (508) 473-8243

G-9035

G-9035



"WARNING"

EXISTING UTILITY LINES SHOWN ON PLAN ARE BASED ON INFORMATION OBTAINED FROM RECORD DRAWINGS AND FIELD OBSERVATIONS. THE LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL TAKE CARE TO AVOID DAMAGE TO UTILITIES. THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES IMMEDIATELY IF DAMAGE OCCURS. IN THOSE AREAS CALL "DIG SAFE" 1-888-344-7233.

EXISTING LINES OTHER THAN THOSE INDICATED ON THESE DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE WITH CAUTION, DEPTH, ALL WORK, EXCAVATION, DEMOLITION, ETC. TO BE TAKEN ALL POSSIBLE PRECAUTIONS AS TO PRESENCE UNKNOWN UTILITY LINES.

REV.	DATE	DESCRIPTION	BY

NOTES

LEGEND

- EDGE OF WETLANDS
- EXISTING TREELINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- OVERHEAD WIRE
- DRAIN LINE
- SEWER LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- ROOF DRAIN
- PROPOSED FENCE
- 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

DATE

DATE

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE:

SIGNATURE DATE:

BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

"EXISTING CONDITIONS"
PLAN OF LAND
IN
MEDWAY, MA

SCALE: 1"=30'
DATE: JANUARY 10, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET 2 OF 10

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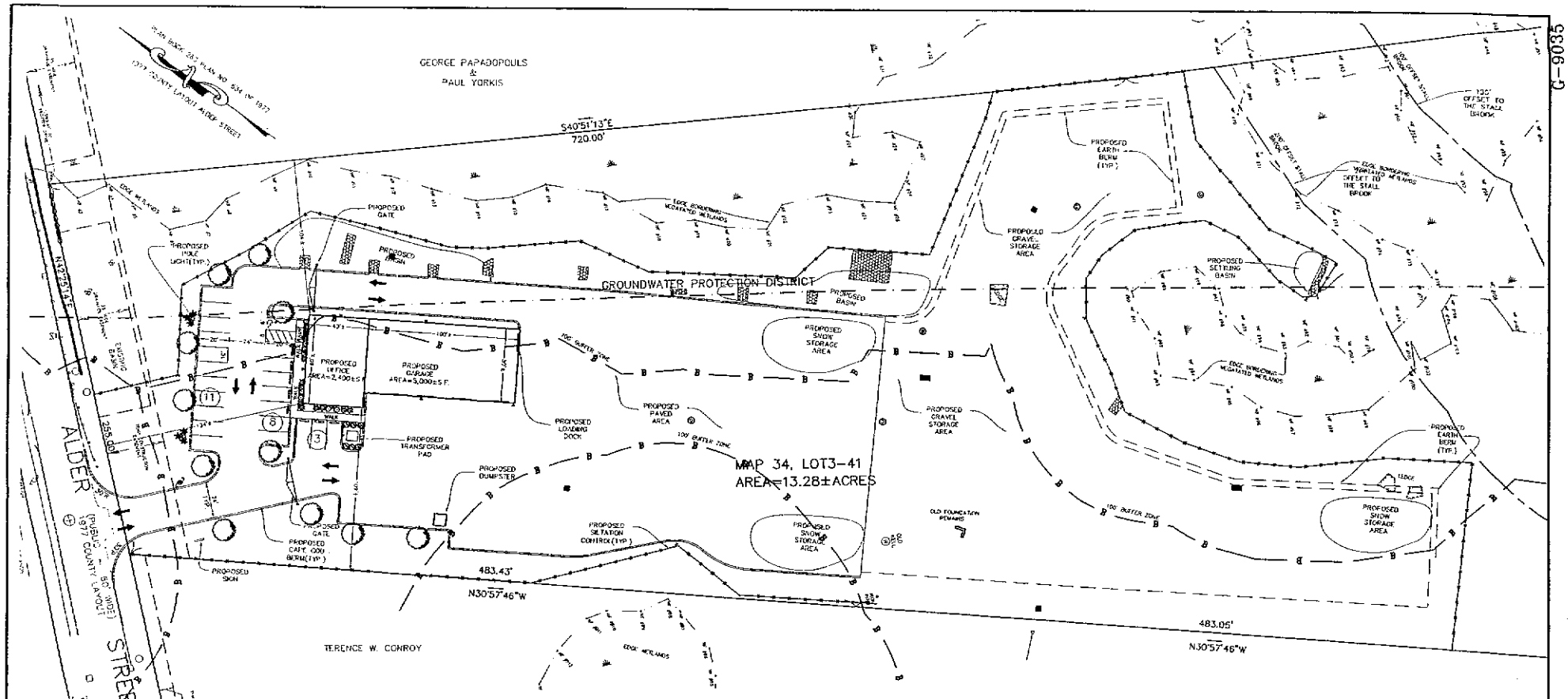

PLANT SCHEDULE

SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE
	11	FLOWERING PEAR	PYRUS CALLERYANA "AUSTIDERA"	2" CAL.
	6	PRUNUS	ARBORVITAE	4-5'
	4	YEW HATFIELD	BASIS	24"
	4	STEWART	AZALEA	15-18"
	6	PFITZER CONFACT	JUNIPER	3 GAL.
	14	SARGENT	JUNIPER	3 GAL.
LOAM & SEED/MULCH				

"WARNING"

EXISTING UTILITY LINES INDICATED OR NOTED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND NO ONE APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL ASCERTAIN IN FIELD AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS. CALL "DIG SAFE" 1-888-344-7233

EXISTING LINES OTHER THAN THOSE SHOWN ON THESE DRAWINGS MAY BE PRESENT. THE CONTRACTOR IS REQUIRED TO PROCEED WITH CAUTION WHEN ALL MEANS EXPENSIVE EXCAVATION WORK IN ORDER TO AVOID ALL POSSIBLE INTERRUPTIONS TO THESE DAMAGED UTILITY LINES.

REV	DATE	DESCRIPTION	BY

NOTES

LEGEND

- EDGE OF WETLANDS
- EXISTING TREELINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- OVERHEAD WIRE
- DRAIN LINE
- SEWER LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- ROOF DRAIN
- PROPOSED FENCE
- 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

DATE:

DATE:

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE:

SIGNATURE DATE: BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

"SITE"
PLAN OF LAND
IN
MEDWAY, MA

SCALE: 1"=30'
DATE: JANUARY 10, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET 3 OF 10

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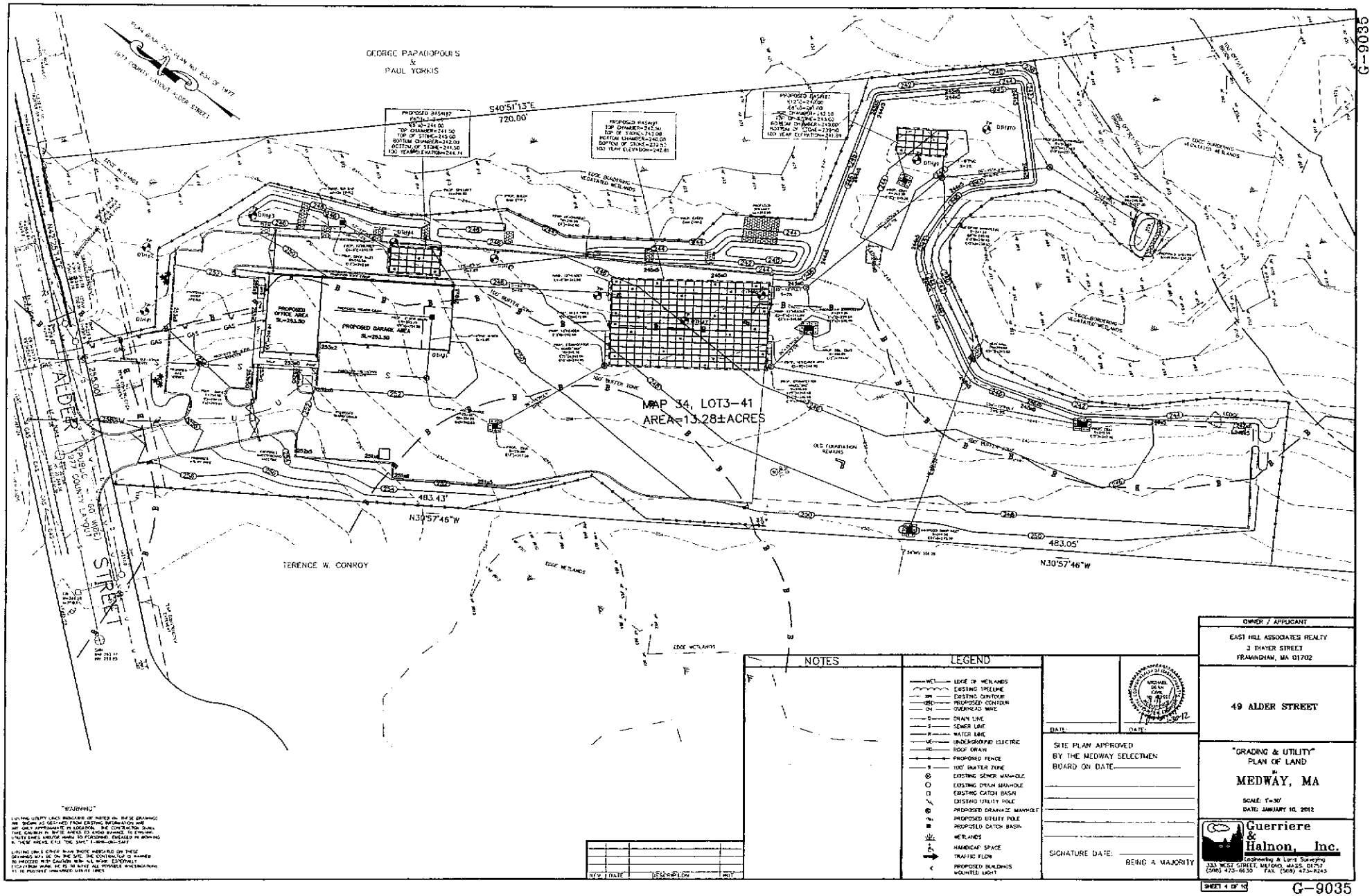
GEORGE PAPADOPOULS
&
PAUL YORKIS
S40°51'13"E
720.00'
MAP 34, LOT3-41
AREA=13.28±ACRES
483.43'
N30°57'46"W
483.05'
N30°57'46"W
TERENCE W. CONROY
ALDER STREET
PUBLIC 60' WIDE
1977 COUNTY LAYOUT
PROPOSED GARAGE AREA
EDGE WETLANDS
OLD FOUNDATION REMAINS
NOTES
LEGEND
EDGE OF WETLANDS
EXISTING TREELINE
EXISTING CONTOUR
PROPOSED CONTOUR
OVERHEAD WIRE
DRAIN LINE
SEWER LINE
WATER LINE
UNDERGROUND ELECTRIC
ROOF DRAIN
PROPOSED FENCE
100' BUFFER ZONE
EXISTING SEWER MANHOLE
EXISTING DRAIN MANHOLE
EXISTING CATCH BASIN
EXISTING UTILITY POLE
PROPOSED DRAINAGE MANHOLE
PROPOSED UTILITY POLE
PROPOSED CATCH BASIN
WETLANDS
HANDICAP SPACE
TRAFFIC FLOW
PROPOSED BUILDINGS MOUNTED LIGHT
SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE
SIGNATURE DATE:
BEING A MAJORITY
OWNER / APPLICANT
EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702
49 ALDER STREET
"GRADING & UTILITY"
PLAN OF LAND
IN
MEDWAY, MA
SCALE: 1"=30'
DATE: JANUARY 10, 2012
Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX (508) 473-8243
SHEET 4 OF 10
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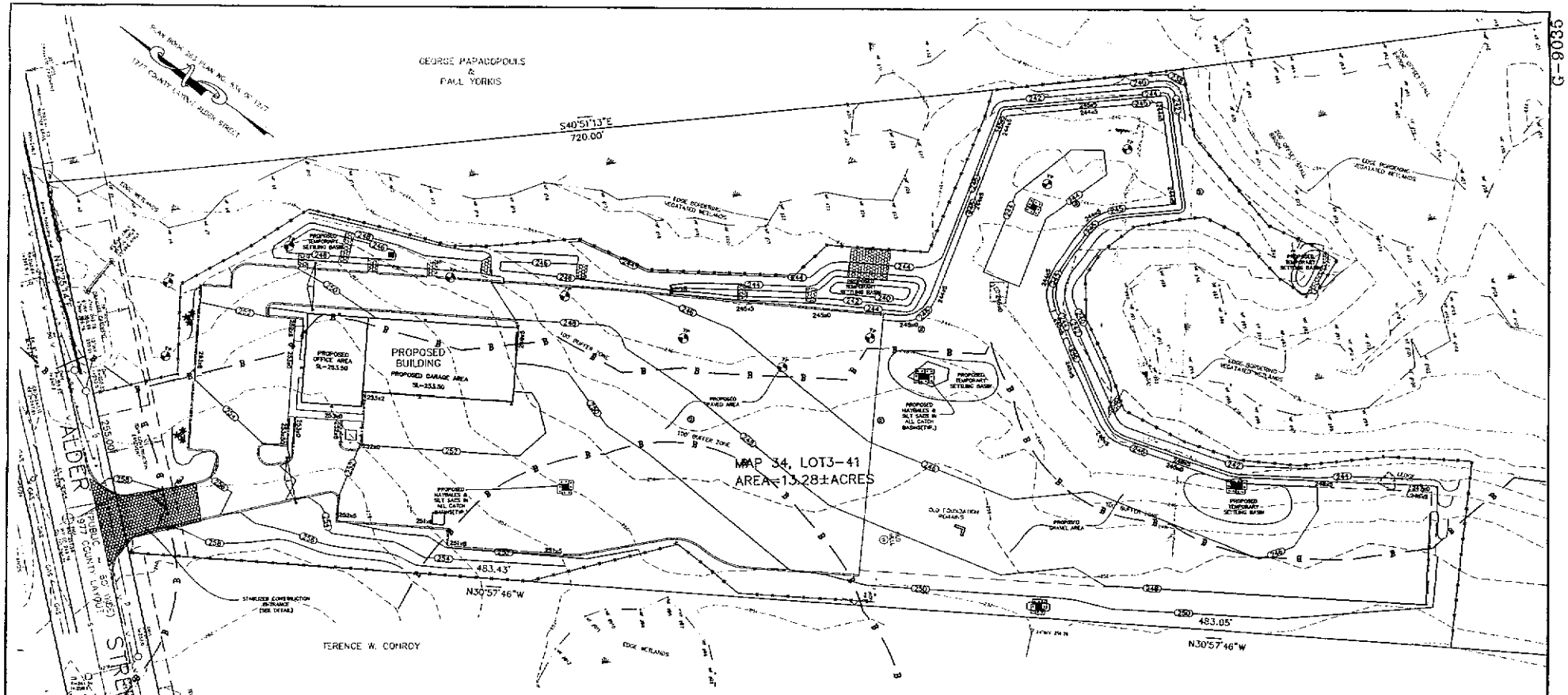
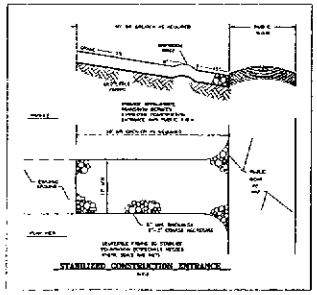
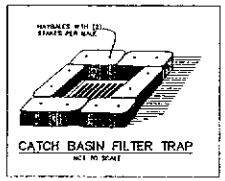
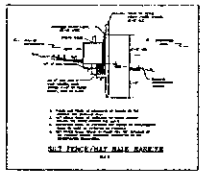
"WARNING"

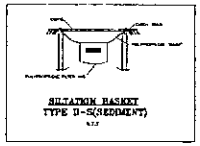
G-9035

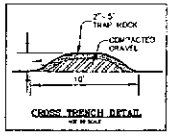












"WARNING"

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EXISTING LINES SHOWN FROM PLANS PROVIDED ON THESE DRAWINGS ARE FOR THE INFORMATION OF THE CONTRACTOR AS WARNED. PROVIDED BY THE OWNER, ALL WORK CURRENTLY UNDER CONSTRUCTION WHICH HAS NOT BEEN INSPECTED BY THE OWNER AS TO MEET ALL PROPERLY APPROVED STANDARDS AS TO PROTECT UNWARNED UTILITY LINES.

REV.	DATE	DESCRIPTION	INIT.

NOTES

LEGEND

- WET — EDGE OF WETLANDS
- EXISTING TREELINE
- 256 — EXISTING CONTOUR
- 256 — PROPOSED CONTOUR
- OH — OVERHEAD WIRE
- D — DRAIN LINE
- S — SEWER LINE
- W — WATER LINE
- E — UNDERGROUND ELECTRIC
- RD — ROOF DRAIN
- PROPOSED FENCE
- B — 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

DATE: _____ DATE: _____

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE: _____

SIGNATURE DATE: _____
BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

"EROSION CONTROL"
PLAN OF LAND
IN
MEDWAY, MA

SCALE: 1"=30'
DATE: JANUARY 10, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET 3 OF 10

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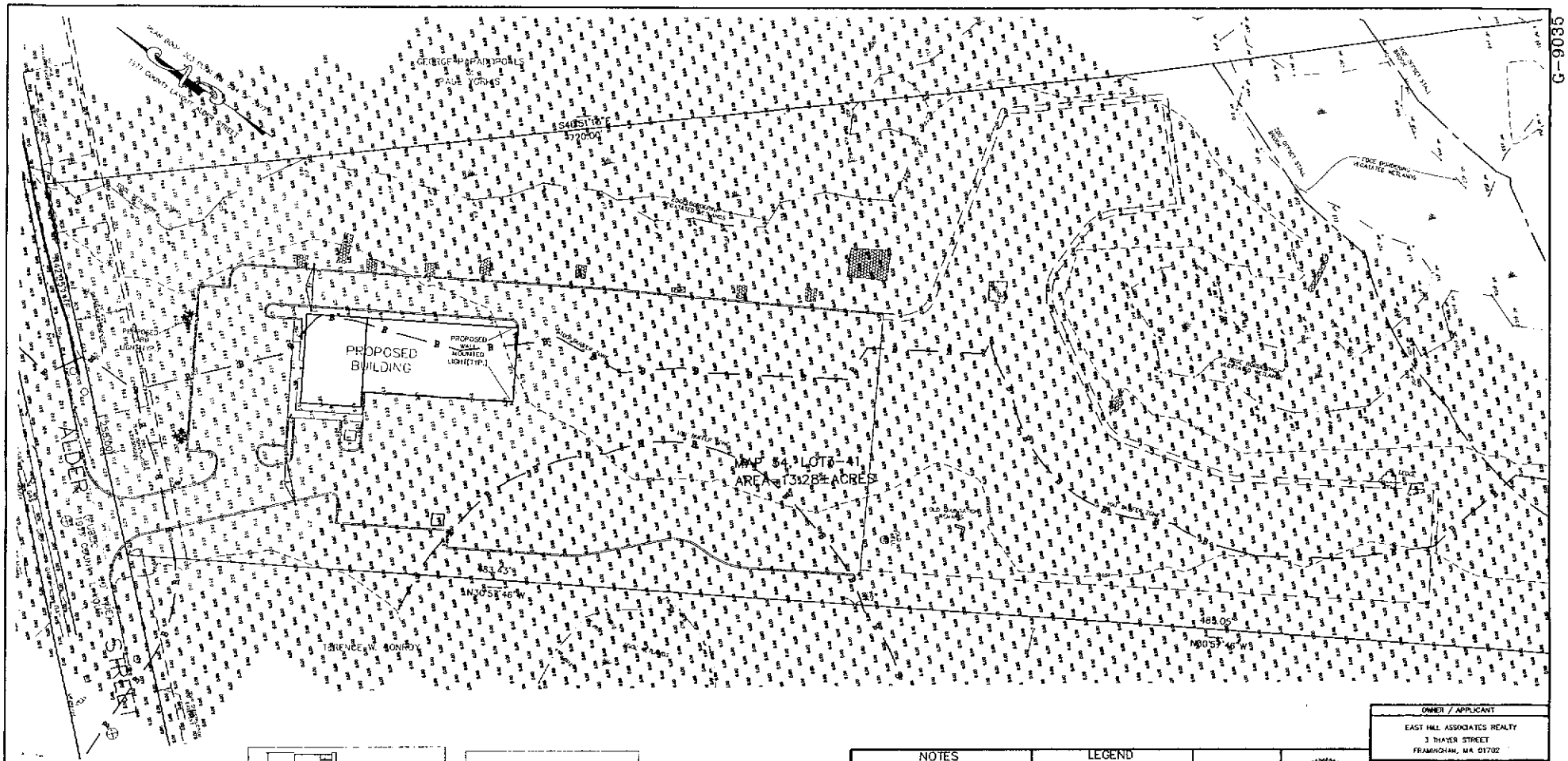
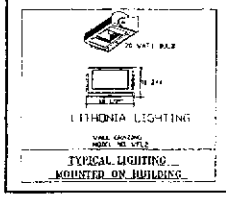
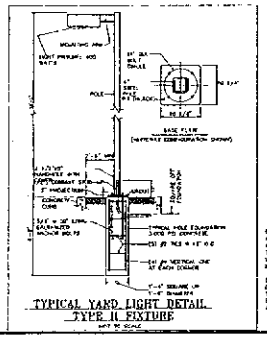




TYPICAL LIGHTING MOUNTED ON BUILDING



TYPICAL YARD LIGHT DETAIL TYPE II FIXTURE

NOT TO SCALE

LIGHTING NOTES

THIS PHOTOMETRIC PLAN IS A LIGHT GRID OF MINIMUM PHOTOMETRIC INFORMATION SUPPLIED BY THE LIGHTING MANUFACTURER AND CLEARY INTERNATIONAL.

LUMINAIRE LOCATIONS, EXISTING FIXTURES, AND ELEVATIONS WERE TAKEN FROM PROVIDED PLANS OF COMPLEX PROVIDED BY THE OWNER. THE LOCATIONS OF EXISTING FIXTURES ARE APPROXIMATE. OUTDOOR LTG VALUES SHOULD BE CONSIDERED APPROXIMATE IN NATURE AND SHOULD BE VERIFIED AT THE LUMINAIRE MANUFACTURER FROM TO INSTALLATION.

NOTE: ANY CHANGES OF LIGHTING PATTERN, MANUFACTURER, OR LUMINAIRE MODEL WILL VARY DUE TO CHANGES IN LIGHT SOURCE, ELECTRICAL SUPPLY, LAMP, OR LUMINAIRE OPTICS. UNFORESEEN FIELD CONDITIONS, OR USING A LUMINAIRE OTHER THAN SPECIFICALLY NOTED HEREON.

CLEARWISE & ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR ANY SAFETY AND/OR SECURITY ISSUES DUE TO INADEQUATE LIGHT LEVELS WHICH MAY OCCUR AFTER INSTALLATION.

"WARNING"

EXISTING UTILITY LINES INDICATED ON BOTH ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE ON-SITE IN THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS. CALL "DIG SAFE" 1-888-344-7233.

EXISTING LINES OTHER THAN THOSE INDICATED ON THESE DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR IS WARNED TO PROCEED WITH CAUTION WITH ALL WORK ESPECIALLY EXCAVATION WORK. HE IS TO MAKE ALL POSSIBLE INVESTIGATIONS AS TO POSSIBLE UNMARKED UTILITY LINES.

REV.	DATE	DESCRIPTION	INIT.

NOTES

LEGEND

- WET — EDGE OF WETLANDS
- EXISTING TREELINE
- 100 — EXISTING CONTOUR
- 100 — PROPOSED CONTOUR
- OH — OVERHEAD WIRE
- D — DRAIN LINE
- S — SEWER LINE
- W — WATER LINE
- UE — UNDERGROUND ELECTRIC
- RD — ROOF DRAIN
- F — PROPOSED FENCE
- B — 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

DATE

DATE

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE:

SIGNATURE DATE:

BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

LIGHTING
PLAN OF LAND
IN
MEDWAY, MA

SCALE: 1"=30'
DATE: JANUARY 10, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX (508) 473-8243

SHEET 6 OF 10

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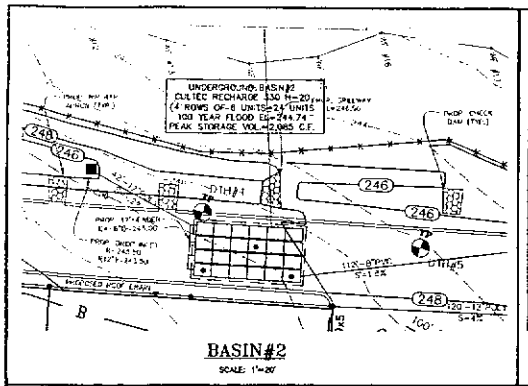
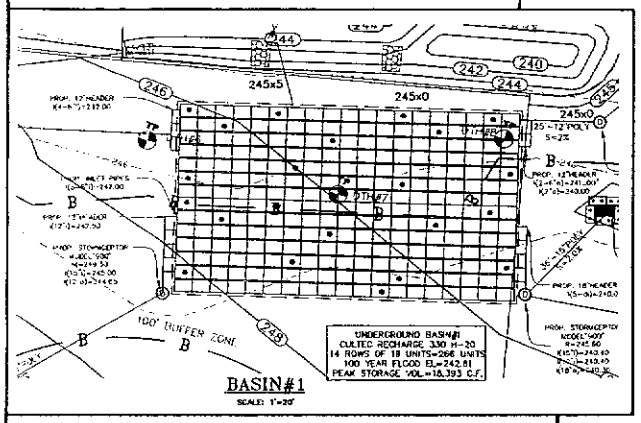


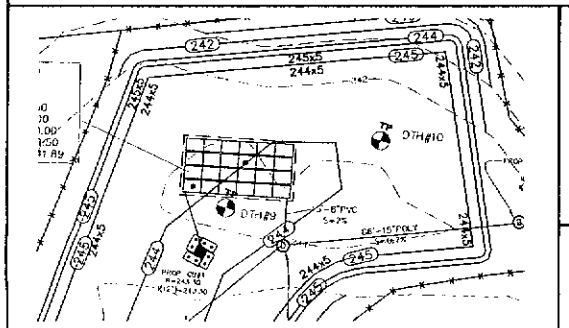
BASIN#2

SCALE: 1"=20'



BASIN#1

SCALE: 1"=20'



BASIN#3

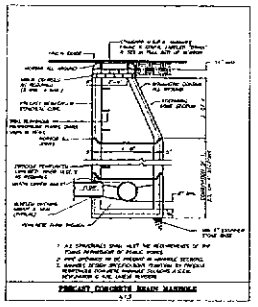
SCALE: 1"=20'

UNDERGROUND BASIN#3
CULTEC RECHARGE 330 H-20
(4 ROWS OF 6 UNITS=24 UNITS
100 YEAR FLOOD EL=241.89
PEAK STORAGE VOL=1,372 C.F.

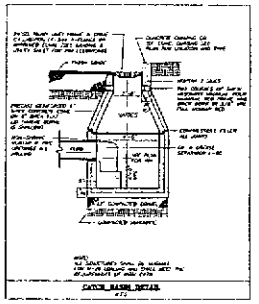
"WARNING"

EXISTING UTILITY LINES INDICATED ON NOTED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM SYSTEM RECORDS AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE CAUTION AT THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR NOTIFY THE PERSONNEL ENGAGED IN WORKING IN THESE AREAS CALL "DIG SAFE" 1-888-344-7233

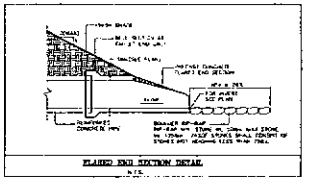
EXISTING LINES SHOWN THOSE INDICATED ON WATER DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR IS ADVISED TO PROCEED WITH CAUTION WHEN ALL WORK CONCERNED EXCAVATION WORK. HE IS TO MAKE ALL POSSIBLE INVESTIGATIONS AS TO POSSIBLE UNMARKED UTILITY LINES.



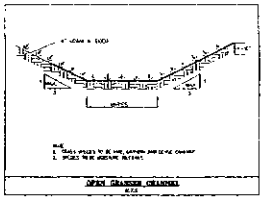
PRECAST CONCRETE DRAIN MANHOLE



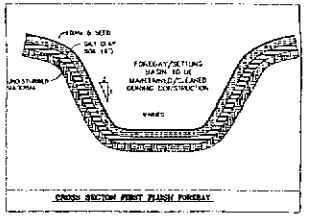
CATCH BASIN DETAIL



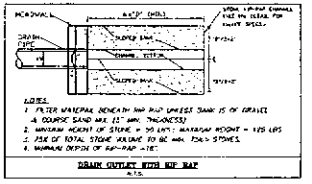
FLARED END SECTION DETAIL



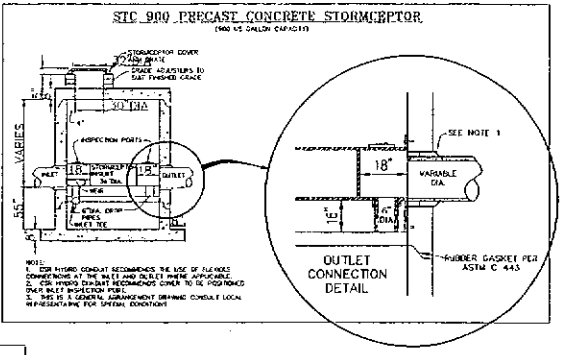
OPEN GRANITE CHANNEL

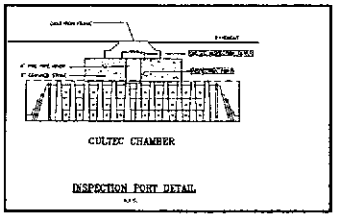


CROSS SECTION FIRST FLUSH FOREBAY

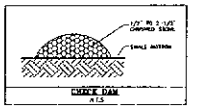


DRAIN OUTLET WITH RIP RAP

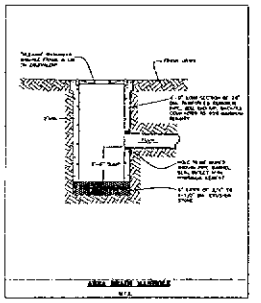




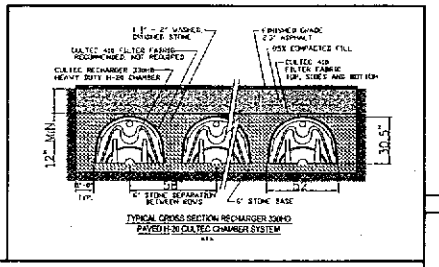
INSPECTION PORT DETAIL



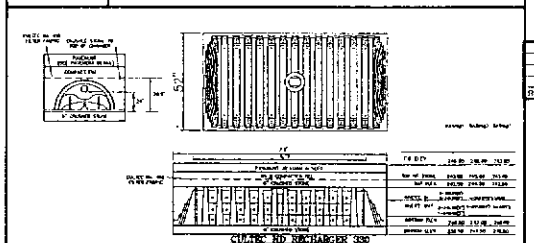
CHECK DAM



ABOVE BELOW SIDEWALK



TYPICAL CROSS SECTION RECHARGER 330HO
PAVED H-20 CULTEC CHAMBER SYSTEM



CULTEC RO RECHARGER 330
(FOR H-20 LOADING)

NOTES

REV	DATE	DESCRIPTION	INIT

LEGEND

- WET — EDGE OF WETLANDS
- EXISTING TREELINE
- 100 — EXISTING CONTOUR
- 100 — PROPOSED CONTOUR
- OH — OVERHEAD WIRE
- D — DRAIN LINE
- S — SEWER LINE
- W — WATER LINE
- UE — UNDERGROUND ELECTRIC
- RD — ROOF DRAIN
- PROPOSED FENCE
- 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

DATE: DATE:

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE:

SIGNATURE DATE:

BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 PRAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

"DETAIL SHEET 1"
PLAN OF LAND
IN
MEDWAY, MA

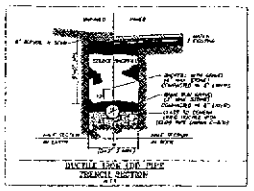
SCALE: AS SHOWN
DATE: JANUARY 10, 2012

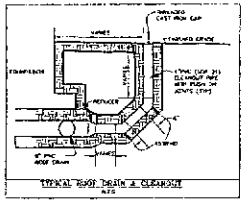
Guerriere & Halnon, Inc.
Engineering & Land Surveying
353 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

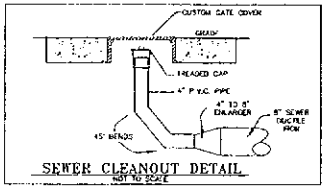
SHEET 7 OF 10

G-9035

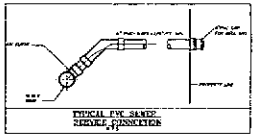
G-9036



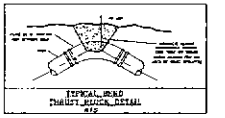




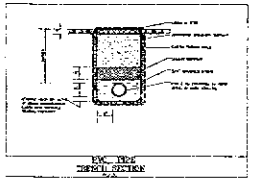
SEWER CLEANOUT DETAIL
NOT TO SCALE



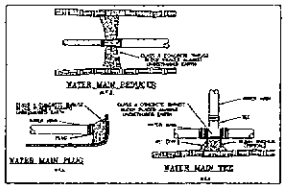
TYPICAL PVC SEWER SERVICE CONNECTION

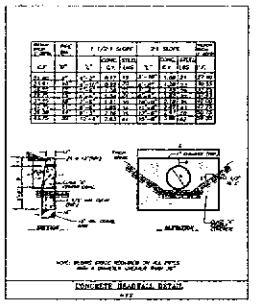


TYPICAL ROAD THRUST BLOCK DETAIL

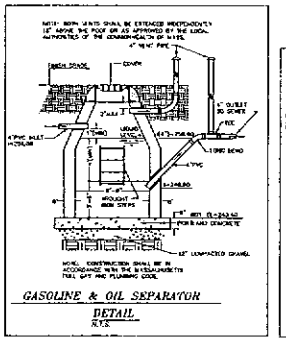


TYPICAL TRENCH

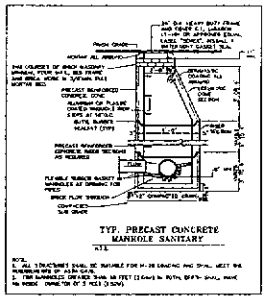




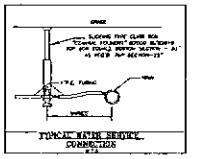
CONCRETE HEADWALL DETAIL



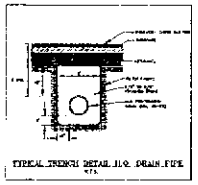
GASOLINE & OIL SEPARATOR DETAIL
N.T.S.



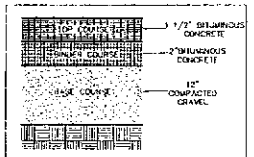
TYP. PRECAST CONCRETE MANHOLE SANITARY
N.T.S.



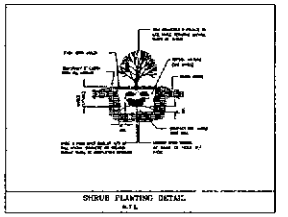
TYPICAL WATER SERVICE CONNECTION



TYPICAL TRENCH DETAIL H.D. DRAIN PIPE



TYPICAL PAVEMENT SECTION
N.T.S.



SHRUB PLANTING DETAIL
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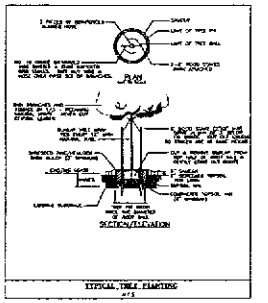
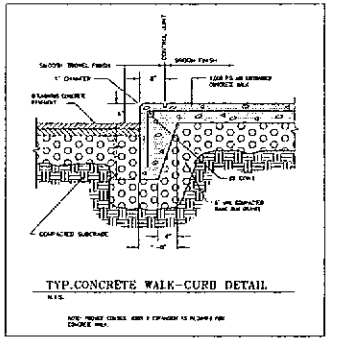


TYPICAL TREE PLANTING
N.T.S.



TYP. CONCRETE WALK-CURB DETAIL
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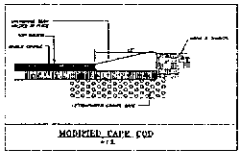

MODIFIED CAPE COD
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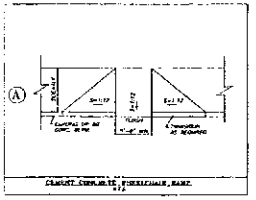

CONCRETE CURB TYPE VI
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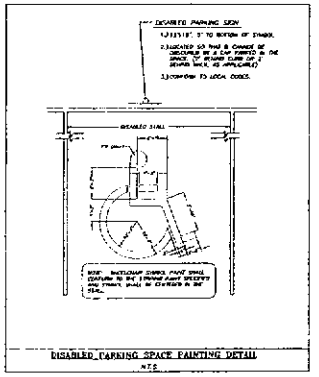
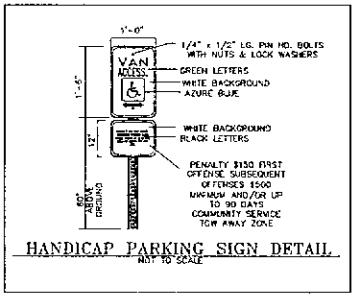


DISABLED PARKING SPACE PAINTING DETAIL
N.T.S.



HANDICAP PARKING SIGN DETAIL
NOT TO SCALE

NOTES

1. THIS PLAN REFERS TO THE MEDWAY ASSESSORS ATLAS SHEET 34 LOT 3-41.
2. ALL UTILITIES, STRUCTURES AND SITE FEATURES SHOWN ARE PROPOSED UNLESS NOTED OR OTHERWISE INDICATED AS EXISTING.
3. ELEVATIONS REFER TO USGS MEAN SEA LEVEL DATUM OF 1929.
4. TRAFFIC GENERATION IS 600 VEHICLES PER DAY.
5. SEWAGE FLOW
   75 GPD/1,000 S.F. OFFICE SPACE=2.4*75=180 GPD
   125 GPD/SERVICE BAY=4*125 = 500 GPD
   (GPD=GALLONS PER DAY) TOTAL=680 GPD
6. TOPOGRAPHIC INFORMATION COLLECTED ON THE GROUND BY GUERRIERE AND HALNON, INC.
7. FIRE LANES SHALL BE BUILT TO ACCOMMODATE 20 TON FIRE APPARATUS DURING CONSTRUCTION.
8. FIRE LANES TO BE POSTED AND APPROVED BY THE MEDWAY FIRE AND POLICE DEPARTMENTS.
9. EXTERIOR LIGHTS SHALL BE 200 WATT METAL HALIDE BULBS AND SHALL BE ORIENTED SO AS NOT TO GLARE ONTO ADJOINING PROPERTIES.
10. SILTATION BARRIERS AND DEVICES TO BE IN PRIOR TO ALL CONSTRUCTION.
11. NO EQUIPMENT SHALL BE STORED IN THE FIRE LANES. ALL FIRE LANES SHALL BE KEPT CLEAR AND PASSABLE AT ALL TIMES.
12. NO COMBUSTIBLES CONSTRUCTION SHALL BE ALLOWED UNTIL ALL HYDRANTS ARE INSTALLED TO GRADE, TESTED AND IN SERVICE.
13. ALL LOADING AREAS SHALL BE DESIGNED AND CONSTRUCTED SO THAT VEHICLES LOADING OR UNLOADING DO NOT OBSTRUCT THE FIRE LANE.
14. ALL CURBING TO BE BITUMINOUS CONCRETE BERM UNLESS OTHERWISE NOTED.
15. ALL DUMPSTERS TO BE ON CONCRETE PADS AND TO BE PROPERLY SCREENED.
16. KNOX BOXES TO BE REQUIRED ON ALL BUILDINGS.
17. ALL DRAINAGE PIPE TO BE SMOOTH BORE CORRUGATED POLYETHYLENE SIMILAR TO HDO PIPE AND FITTINGS AS MANUFACTURED BY HANCOR FUNDALAY, GHMQ, OR EQUIVALENT UNLESS OTHERWISE NOTED.
18. ALL SEWER PIPE TO BE SDR 35 (POLYVINYL CHLORIDE (PVC)), UNLESS NOTED.
19. ALL WATER PIPE TO BE 6" DUCTILE IRON(CLEX)CLASS 52 UNLESS NOTED.
20. DOMESTIC WATER SERVICE TO BE 2" COPPER TYPE K.
21. ALL MATERIAL AND INSTALLATION SHALL FOLLOW MEDWAY WATER SPECIFICATIONS.
22. GAS LINE SPECIFICATIONS BY UTILITY PROVIDER.
23. PROPOSED FREE STANDING SIGNS TO COMPLY WITH THE TOWN OF MEDWAY ZONING BYLAW SECTION.
24. ALL ENTRANCES TO BE HANDICAPPED ACCESSIBLE.

LEGEND

- EDGE OF WETLANDS
- EXISTING TREELINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- OVERHEAD WIRE
- DRAIN LINE
- SEWER LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- ROOF DRAIN
- PROPOSED FENCE
- 100' BUFFER ZONE
- EXISTING SEWER MANHOLE
- EXISTING DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING UTILITY POLE
- PROPOSED DRAINAGE MANHOLE
- PROPOSED UTILITY POLE
- PROPOSED CATCH BASIN
- WETLANDS
- HANDICAP SPACE
- TRAFFIC FLOW
- PROPOSED BUILDINGS MOUNTED LIGHT

REV	DATE	DESCRIPTION	BY

DATE:

DATE: 1-30-12

SITE PLAN APPROVED
BY THE MEDWAY SELECTMEN
BOARD ON DATE:

SIGNATURE DATE:

BEING A MAJORITY

OWNER / APPLICANT

EAST HILL ASSOCIATES REALTY
3 THAYER STREET
FRAMINGHAM, MA 01702

49 ALDER STREET

"DETAIL SHEET 2"
PLAN OF LAND
IN
MEDWAY, MA

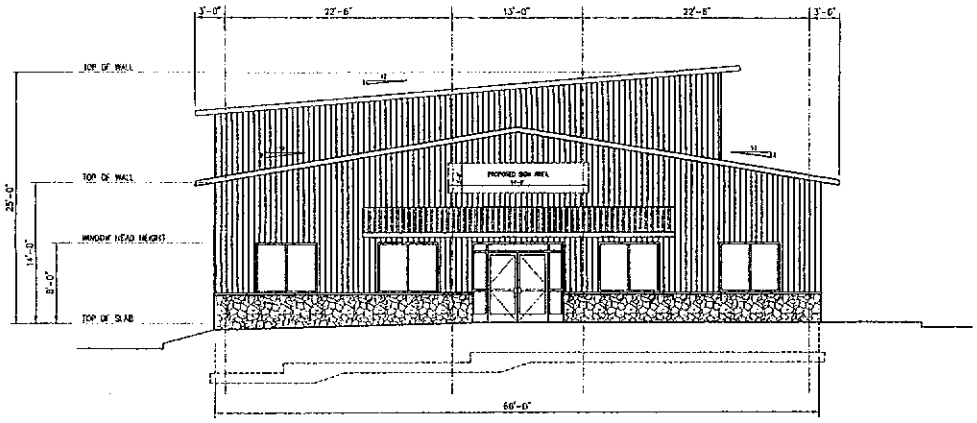
SCALED NOT TO SCALE
DATE: JANUARY 10, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-8630 FAX (508) 473-8243

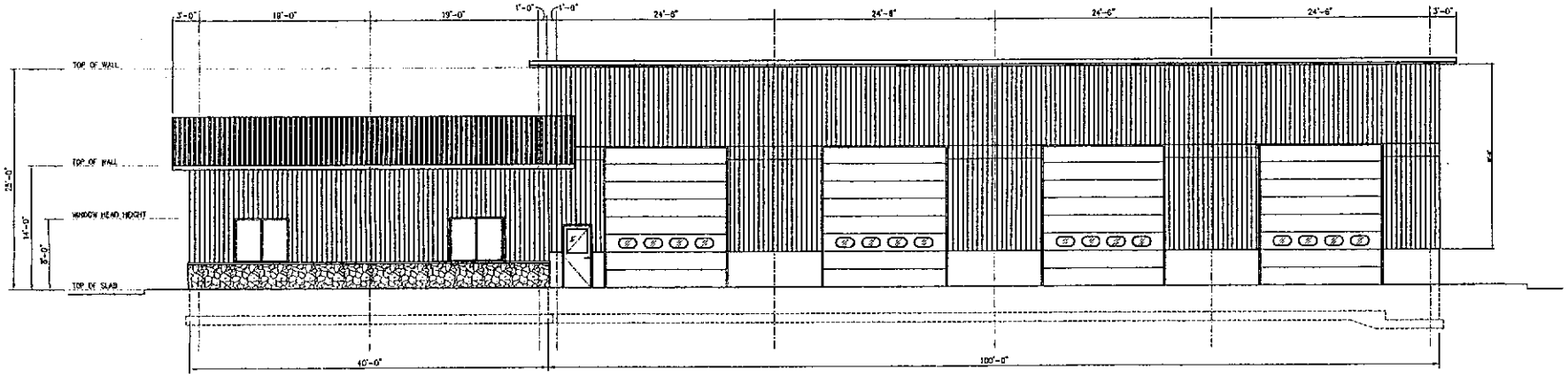
SHEET 8 OF 10

G-9035

G-9035



A Front Elevation
SK-1
1/4/12



B Side Elevation
SK-1
1/4/12

LAWRENCE WASTE SERVICES

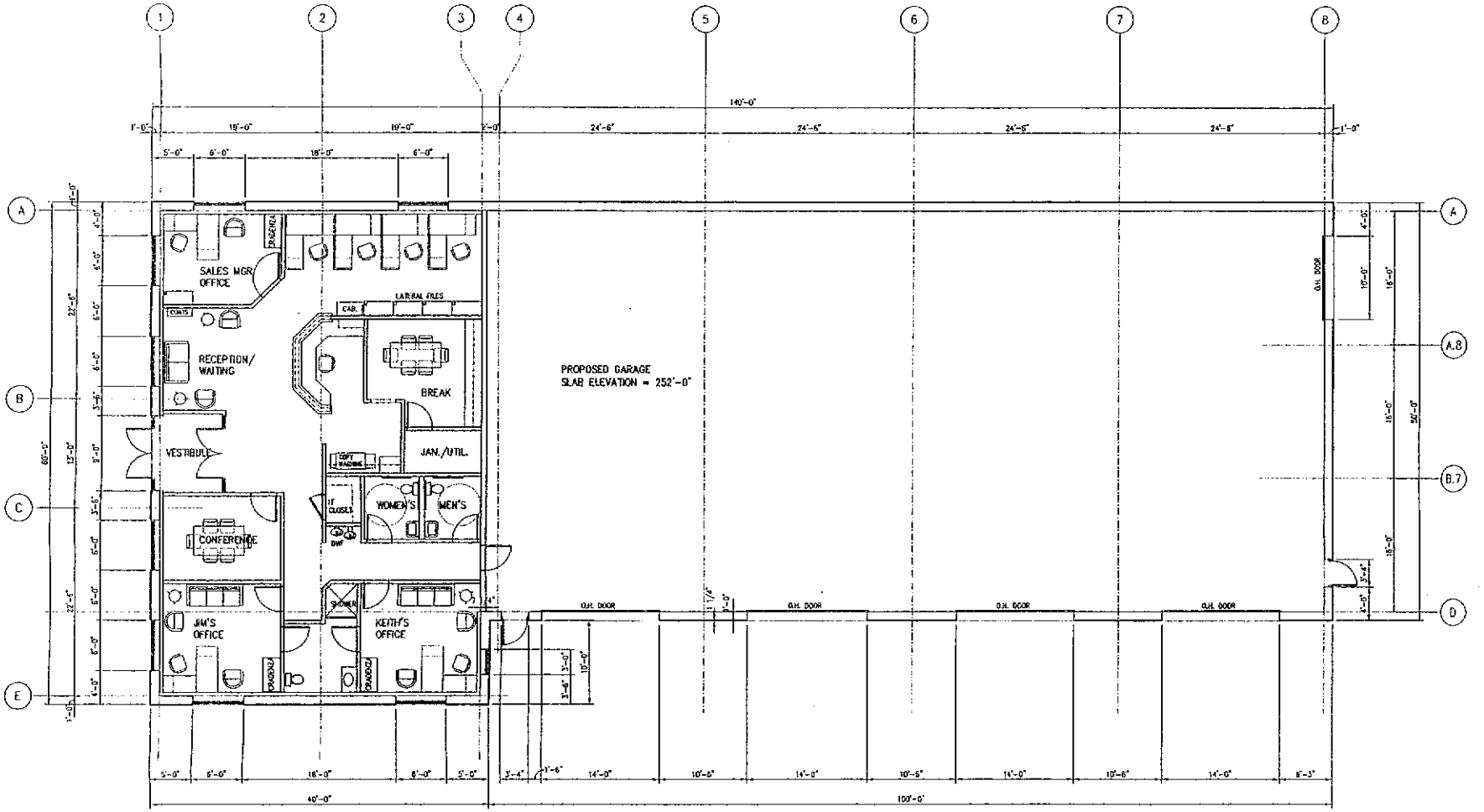
ALDER STREET

MEDWAY, MA

GROUP 7 DESIGN

Architecture • Interiors • Construction Management

124 Grove Street, Suite 301 Franklin, MA 02038
Tel (508) 520-1885 Fax (508) 520-1887



1/4/12
1 Floor Plan
2K-1

LAWRENCE WASTE SERVICES

ALDER STREET

MEDWAY, MA

GROUP 7 DESIGN

Architecture • Interiors • Construction Management

124 Grove Street, Suite 201 Franklin, MA 02038
Tel (508) 528-2000 Fax (508) 528-2001

March 13, 2012
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE: Bob Tucker

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

There were no citizen comments.

Alternative Street Acceptance Procedure:
Mark Cerel, Franklin Town Counsel was present at the meeting to discuss the alternative street acceptance procedure which has been proposed for the warrant for the May 14, 2012 annual town meeting. Mark distributed a memorandum dated March 11, 2002 which explained the thinking behind this alternative approach that was developed in Franklin. (See Attached).

Attorney Cerel noted that the current process and procedure for road acceptance for subdivisions in Massachusetts is lengthy and cumbersome and involve s three steps: laying out the public way, acceptance, and acquiring ownership. He further explained that Planning Boards have already addressed road creation issues through the public hearing process required by the subdivision control law. The roads have been surveyed, engineered, and shown on definitive subdivision plans, and it will have been constructed to public specifications. Thus the public acceptance and acquisition of those roadways should be a legal formality.

Susy Affleck-Childs provided some history on this issue. Franklin has successfully petitioned the State Legislature for authority to establish a more streamlined street acceptance procedure for subdivision roads. Susy suggested to the Town Administrator and Town Counsel that Medway consider something along these lines to address our street acceptance problem.

Town Counsel has drafted a warrant article and it needs a sponsor, thus the thought that the sponsor could be the Planning and Economic Development Board.

The warrant article would be to have Town Meeting vote to authorize the Board of Selectmen to petition the General Court for special legislation. **(See Attached).**

Member Spiller-Walsh communicated that the road standards change and asked at what point is it an approval or certificate.

Attorney Cerel responded that the Board would approve a street acceptance based on what the subdivision rules and regulations were at that time. The Board would be certifying based on whether it was built to the standards.

This is strictly layout and ownership.

Attorney Cerel believes that this should be added as a standard provision to the Subdivision Control Law.

Consultant Carlucci asked if this should be beyond construction including the public road standards.

Susy Affleck-Childs communicates that the intent would be to not look at the private permanent ways, only the subdivisions where the streets were clearly intended to be public.

The Board agreed to be the sponsors of the proposed warrant article for alternative street acceptance.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to sponsor the proposed warrant article as written for an alternative street acceptance.

PUBLIC BRIEFING - A123 Systems Minor Site Plan – 34 West Street:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to open and waive the reading of the public briefing notice for the A123 Systems Minor Site Plan for 34 West Street.

The team was introduced:

A123 Systems, Chris Quaranta
GZA GeoEnvironmental, Inc., Michele Simoneaux
GZA GeoEnvironmental, Inc., Peter Williams
NSTAR Electric Easement Holder, Frank Snyder
NSTAR – Richard Anderson
NSTAR – Duane Boyce

The Board is in receipt of a letter from Jack Hughes of Exelon Power dated March 9, 2012. **(See Attached)**

Ms. Simoneaux gave a Power Point presentation. **(See Attached).**

Chairman Rodenhiser disclosed that Rodenhiser Plumbing Heating and Air Conditioning had done work for A123 Systems at their Hopkinton facility years ago. They are not presently a customer.

The minor site plan is for the installation of one mobile containerized battery energy storage system (BESS) on a 5,700 square foot portion of the NSTAR Gas and Electric #65 Substation site at 34 West Street near the intersection of West and Beech Streets.

This system will be installed on a small portion of the 48.78 acre parcel located in the Industrial II Zoning district. This property is owned by Sithe West Medway LLC, a subsidiary of Exelon Corporation with which NSTAR Electric holds a long term lease agreement for its substation.

A123 Systems has a 5 year lease with NSTAR for this pilot alternative technology project, which would be NSTAR's first in Massachusetts. This project will study, test, and showcase the performance and reliability benefits of using a BESS within a suburban electric grid system. This project is part of the ISO-NE Alternative Technology Regulation Pilot Program and is considered a green technology.

Member Spiller-Walsh asked if there are toxicities to the environment or to the water system that we need to be concerned about.

A123 responded that the transformer has a mineral oil which is not PCB based. The batteries are Lithium Ion. It is the same core stuff in a lap top battery but is more stable and does not have same risks. Keep in mind with any class 9 hazmat it does have precautions. This area will be monitored and if there is something wrong the system shuts down and will call out and the Fire Department will be notified.

It was explained that there is nothing toxic. There are precautions around the site.

There will be monthly monitoring. The control systems will be running around the clock.

Susy reported there was a review by the various departments prior to this meeting. Some of the Departments at the meeting were Public Works, Conservation Commission, Fire Department, and Board of Health.

Member Gay wanted to know what will happen with the program after the five years.

At the end of the contract there are several possibilities. NSTAR could take ownership. A123 may take ownership, or both parties may agree that this is not the right site and will need to remove everything. There is a contractual agreement.

Member Rogers asked if the technology will expand.

It was indicated that not at this site.

Susy Affleck-Childs wanted to know if there is a possibility that there will be more containers on site after 5 years.

A123 does not see this happening.

The Board would like to get something in writing about the decommissioning. There was a recommendation to put something in the decision about the decommissioning.

Member Spiller-Walsh wanted to know if they have a have a landscape plan showing what it will look like from the street. She would like to see more trees along the front outside the fence.

Chairman Rodenhiser communicates that he does not see this needing a landscaping plan. There will be a chain link fence.

A123 responded that they do not to block in anything. For landscaping they will visually break it up but they do not want to screen the entire thing.

The decommissioning will include taking out the foundation, testing the soil and then adding loam and grass over with whatever type of grass is good for this area.

Chairman Rodenhiser indicated that there is an agricultural group of farmers who may want to be able to cut the grass.

NSTAR does not see a problem with this; they can continue to cut there.

Consultant Carlucci provided input about the placement of the trees. Per the regulations, the evergreen trees need to be 15 ft. apart. The plan has a total of nine instead of six.

Dave Pellegri inquired about the lighting.

A visual was shown. There is a spot light on the existing telephone pole. The plan is to not touch it.

The Board reviewed the letter from PGC Associates, Inc. dated March 8, 2012. **(See Attached).** The report notes that there is no designated parking proposed. Also, no signage is proposed. If the applicant is proposing any sign, the applicant needs to conform to the sign requirements of the Zoning Bylaw.

Tetra Tech Rizzo presented a review letter which was dated March 9, 2012. **(See Attached)** This letter makes reference to the various items which were not in conformance with the Rules and Regulations. The letter makes reference to items 1-6 regarding Article IV – Site Plan Submission. The second recommendation is in relation to Article V – Development Standards. The majority of the runoff from the proposed pads and roof top drain to the crushed stone surrounding the structures.

The DPS has requested the first 36 feet of the driveway at West Street be asphalt.

The site distances were shown and indicate what is required based on AASHTO methods.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board votes unanimously to close the briefing.

Susy Affleck-Childs will draft a decision and the Board can review it at the next meeting which will be March 27, 2012 at 8:45 pm.

Informal Site Plan – Pre-Application – 72 Main Street:

There was an informal discussion about a forthcoming site plan application for a commercial development at 72 Main Street. Roger Calarse was present along with the engineer Rob Paxon from Guerriere and Halnon. Mr. Calarese has a purchase and sale agreement to acquire the property from Charles River Bank.

The Board reviewed the plan entitled the Tri Valley Commons for 72 Main Street. **(See Attached)**

Susy Affleck-Childs reported that the applicant will be meeting with the Economic Development Committee March 20, 2012 at 7:00 pm.

Susy offered to facilitate a meeting with the Conservation Agent.

The applicant indicated that he is committed to having signage which complies with the rules and regulations but which is also beautiful. The applicant is willing to work with the Design Review Committee.

The applicant indicated that it is his intent is to build something that the Town of Medway is proud of.

The applicant will be getting a wetland delineation done within the next few months.

Member Rogers indicated that the applicant may want to see what the 109 Committee is proposing for curb cuts, etc.

Susy reported that the applicant's traffic engineers have met with the Town's traffic engineers for Route 109.

Mr. Calarese indicated he will be meeting with the Gould family to discuss sharing an entrance driveway that would serve both developments.

The applicant will follow-up with the Board when he is ready for formal submittal.

Zoning Bylaw Amendments:

The Board is in receipt of a memo dated March 6, 2012 from Susy Affleck-Childs relative to the proposed rezoning of small parcel west of I-495 from ARI to Industrial I **(See Attached).**

Susy Affleck-Childs communicates that after lengthy research, there is no evidence that this parcel was ever zoned ARI. She believes it was improperly shown on a zoning map in the mid 1980's and has been carried forward ever since.

Town Counsel has advised that the Board can simple correct the mapping mistake and withdraw the article from consideration by the 2012 annual town meeting.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to withdraw the warrant article for the proposed rezoning of small parcel west of I-495.

Special Permit for Signs:
The Board is in receipt of a memo dated March 7, 2012 from Susy Affleck-Childs regarding the Zoning Bylaw amendment allowing for special permits for signs **(See Attached).** She had recommended that the Board add criteria and provided drafts.

The Board was in agreement that this needs more work.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to withdraw the proposed zoning bylaw amendment that would allow special permits for signs.

DISCUSSSION on zoning bylaw proposals

Comments from Joe Musmanno:

The Board has in receipt of a copy of the email from Joe Musmanno with comments regarding the Board's proposed zoning bylaw amendments **(See Attached).**

The Board is also in receipt of response comments from Gino Carlucci and Susy Affleck-Childs to the comments from Joe Musmanno. **(See Attached).**

Discussion

Definitions:

Frontage:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to modify the language as indicated in the staff/comments to better clarify that type of way to be shown on a plan and to reference "vehicular traffic."

Lot Area:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board votes unanimously to amend the language for the lot area as recommended by Joe Musmanno and the staff/consultant comments.

Sign Regulations:
On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to strike the language re: special permits for signs as recommended by Joe Musmanno.

Accessory Family Dwelling Units:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the board voted to remove the first sentence is paragraph 2 as recommended by Joe Musmanno and the staff/consultant comments.

Home Based Businesses:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board votes unanimously to strike the phrase "by right" as recommended by Joe Musmanno and the staff/consultant comments.

Fox Run Farm 40B development

The Board is in receipt of a memo dated March 7, 2012 from Susy Affleck-Childs regarding Fox Run Farm. **(See Attached).**

Susy explained that the developer, Mujeeb Ahmad, had contacted the office. He has secured construction financing from Rockland Trust and wants to get back to work on the project. He is prepared to provide the performance security that the Board had previously indicated is needed.

The memo explains that since the bond estimate was prepared 14 months ago, Tetra Tech Rizzo was asked to complete a new estimate to determine if the bond estimate accurately reflects the most current Mass Highway pricing. The Board is also in receipt of the bond estimate from Tetra Tech Rizzo which is dated March 7, 2012. **(See Attached).** It is less than the first estimate.

The Board discussed that the developer needs to make a payment to the construction account before the Board will finalize the security for Fox Run Farm and release any lots for construction.

Susy Affleck-Childs will draft a letter to Mr. Ahmed about the expectations along with providing the invoice. The letter will also provide clarification about the utility service.

Chairman Rodenhiser indicated that he was concerned that the developer had already installed utilities for more units than the ZBA had finally approved with its most recent 40B permit. He wants the bond estimate to reflect any additional work that might be needed to address that. Also, the construction services estimate may need to be revised as well.

Dave Pellegri of Tetra Tech will research that to determine if the bond estimate needs to be modified.

Susy will bring back revised bond and construction inspection estimates for the Board's review.

25 Summer Street Definitive Subdivision Plan Modifications:

Susy reported that the expected modified definitive subdivision plan for 25 Summer Street had been submitted as expected.

The Board is in receipt of a cost estimate from PGC Associates, Inc. to review and comment on the proposed modified definitive subdivision for 25 Summer Street. The estimate is $552.50. **(See Attached)**

The Board is also in receipt of a cost estimate from Tetra Tech Rizzo for plan review services. The estimate is for $1,810. **(See Attached)**

The Board would like a letter sent to the applicant for 25 Summer Street explaining and clarifying that the cost estimate reflects a scope of the plan review services that does NOT address the tie in of the two lots to the Speroni Acres sewer system. .

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the estimates from PGC Associates and Tetra Tech Rizzo as presented.

Evergreen Meadow Bond Release
The Board is in receipt of a memo from Susy dated March 7, 2012 regarding the bond release for Evergreen Meadow. **(See Attached)**

Susy reported the project was completed; the deeds, easements, street acceptance plan were all recorded today at the Norfolk County Registry of Deeds. The recommendation is to have $2,500 of the bond release be provided to the Town of Medway for deposit to the Evergreen Meadow construction account which presently has a negative balance due to recent invoices from Petrini & Associates. The bond account balance of $37,000 will be provided to SENEK LLC.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to release the Evergreen Meadow bond in its entirety - the amount of $37,000+/- to SENEK, LLC but will put $2,500 into the Town's Evergreen Meadow construction account to cover the most recent invoices.

Minutes February 28, 2012:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from the February 28, 2012 PEDB meeting as presented.

PEDB 2011 Annual Report:

Susy Affleck-Childs provided a copy of the 2011 Annual Report for the Planning & Economic Development to the members. **(See Attached).**

Engineer's Report:

49 Adler Street/Lawrence Waste Site Plan
The applicant has submitted revised plans and those have been provided to Tetra Tech Rizzo. Dave will provide a report for the March 27, 2012 PEDB meeting.

Claybrook II:
The surveyors were on site and will produce the as-built and street acceptance plans soon.

Applegate:
Dave took a drive by Applegate and it did not appear that any construction activity was taking place. There was a sewer permit pulled.

Consulting Planner's Report
Consultant Carlucci indicated that there will be a SWAP meeting on March 21, 2012 about the MAPC census data program. The location has not been determined. The town would like to host a SWAP meeting once the Sanford Hall renovation is complete.

Other Business

Strategic Plan - The Board is in receipt of a memo dated March 9, 2012 from Susy Affleck-Childs regarding strategic planning in Medway. **(See Attached)**

The Planning and Economic Development Board is in support of meeting with the Board of Selectmen and other town boards/committees to discuss the development issues, challenges and opportunities facing Medway. The Board also wants to be an active partner in pursuing this endeavor.

Susy submitted to the Board of Selectmen a copy of the 2009 Medway Master Plan as approved by the Planning and Economic Development Board and adopted at Town Meeting.

Adjourn:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:45 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Mark G. Cerel, Town Attorney
Tel: (508) 520-4964

Town of Franklin

Fax: (508) 520-4903

150 Emmons Street
Franklin, Massachusetts 02038

MEMORANDUM

TO: Jeffrey D. Nutting, Town Administrator

FROM: Mark G. Cerel, Town Attorney

RE: Analysis of Existing Municipal Road Acceptance Procedure and Proposal for Simplifying

DATE: March 11, 2002

The existing municipal road acceptance procedure is found in statutes which significantly predate the subdivision control law and the primary purpose of which was to create new thoroughfares across largely undeveloped land to further public commerce and travel. Against this background, the procedure is both lengthy and cumbersome and involves three distinct steps: laying out (defining) the public way, acceptance (assuming obligation to maintain and repair) and acquiring ownership. The procedure is justifiable and necessary when one recognizes that, historically, a new public way would probably traverse the property of multiple owners, perhaps bisecting them. Furthermore, in many cases, the owners would receive only the indirect benefit of more convenient travel in common with others while incurring the burden of interference with the prior use of their land. It therefore makes sense, from a public policy standpoint, to employ a procedure with provisions for the engineering/surveying work involved with laying out a new road, public input from both affected landowners and the public at large, and property acquisition mechanism (voluntary conveyance or taking with compensation).

Neither this statutory procedure nor the underlying public policy considerations on which it is based are relevant to modern subdivision roads. In the first place, rather than providing thru ways for the traveling public, subdivision roads primarily exist to provide access for individual lot owners and neighborhood residents. The roads seldom provide a new through route and usually consist of a maze designed to create building lots which comply with zoning requirement for frontage. Frequently, they include dead-ends (cul-de-sacs) which serve no public interest. Secondly, the reasonable expectation of subdivision residents is that the roads are or will become public so that the residents will not be responsible for the cost of maintenance and repair. Thirdly, property owners' interest are not adversely impacted: the original owner(s) of a large

tract of land will have already subdivided creating multiple individual house lots abutting roads except for occasional easements (slope, sight, etc.), the roads do not generally infringe upon individual lots or interfere with the owners' use of their property. Public acquisition of the subdivision roads benefits the individual lot owners with no negatives except in the unusual situation where a subdivision connection actually creates a new through route.

With the foregoing in mind, I have drafted the attached proposed legislation which dramatically simplifies public acceptance of a subdivision road. It recognizes that the planning board has already largely addressed public road creation issues through the public hearing process embodied in the subdivision control law: the road will have been engineered/surveyed and shown on plans, and it will have been constructed to public specifications. As a result, public acceptance and acquisition should be a legal formality.

MGC:ce
Attachment

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

approved to sponsor

MEMORANDUM

March 6, 2012

TO: Planning and Economic Development Board members
FROM: Susy Affleck-Childs
RE: Proposed Warrant Article for May 14, 2012 ATM - Alternative Street Acceptance

I have invited Mark Cerel to attend the 3-13 PEDB mtg to speak with you about an alternative street acceptance procedure that has been developed in Franklin. You may recollect that Mark serves as Town Counsel in Franklin.

Franklin has successfully petitioned the State Legislature for authority to establish a more streamlined street acceptance procedure for subdivision roads. I learned about this from Mark last fall.

I suggested to the Town Administrator and Town Counsel that Medway consider something along these lines to address our street acceptance problem. Barbara has spoken with Mark and has drafted a warrant article that would give the BOS permission to petition the legislature. See attached draft warrant article.

This warrant article needs a sponsor. Would you be willing to do so?

Telephone: 508-533-3291 Fax: 508-321-4987
saffleckchilds@townofmedway.org

Draft – prepared by Town Counsel Barbara Saint Andre
3/1/2012

ARTICLE:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted in the form set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

SECTION 1. Notwithstanding the provisions of Chapters 82 and 79 of the General Laws or any other general or special law to the contrary, the Town of Medway may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive subdivision plan which has been approved under the Subdivision Control Law. The Town of Medway Planning and Economic Development Board, on request of the Medway Board of Selectmen, the developer of the subdivision, or on its own initiative, shall prepare a written certification that a subdivision road or roads has been constructed in accordance with the Planning and Economic Development Board's rules and regulations and the approved definitive plan. The Planning and Economic Development Board shall submit its certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an "as-built" plan, to the Medway Board of Selectmen. The Board of Selectmen shall hold a public hearing, after first giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road or roads, as appears from municipal records, and giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road or roads as a public way. If the Medway Board of Selectmen determines, after the public hearing, that it is in the public interest to accept the road or roads, they shall so-vote, by a majority vote, and place an article on the warrant for the next annual or special town meeting for acceptance of the road or roads. Upon a two-thirds vote of Town Meeting to accept the road or roads, the Board of Selectmen shall cause to be prepared for recording at the Norfolk County Registry of Deeds an Order of Acceptance setting forth the vote of the Town Meeting. The Order of Acceptance, together with the original acceptance plan, shall be recorded within thirty days following the Town Meeting vote and, upon recordation, shall operate to vest ownership in fee to the road or roads, together with ownership of all utility, drainage access, and other easements shown on the plan, as well as all pipes, structures, and other improvements located therein, in the Town of Medway with no additional notice or other action required. No owner or interest holder of land abutting a road so-accepted or subject to an easement shown on said plan shall have any claim for compensation against the Town on account of said acceptance.

SECTION 2. This act shall take effect upon its passage.

or take any other action relative thereto.

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

February 23, 2012

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

NOTICE OF PUBLIC BRIEFING – March 13, 2012

A123 Systems Minor Site Plan – 34 West Street

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Subsection C. Site Plan Review and Approval and the provisions of Chapter 40A, Massachusetts General Laws, notice is hereby given that ***the Medway Planning and Economic Development Board will conduct a Public Briefing on Tuesday, March 13, 2012 at 7:30 p.m. at the Medway Senior Center, 76 Oakland Street to consider the application of A123 Systems, Inc. of Westborough, MA for approval of a minor site plan for the installation of one mobile containerized Battery Energy Storage System (BESS)*** on a 5,700 square foot portion of the NSTAR Gas and Electric #65 Substation site at 34 West Street near the intersection of West and Beech Streets.

Project Description - A123 Systems plans to install one mobile containerized BESS on a small portion of the 48.78 acre parcel (Medway Assessors' parcel #2-59) located in the Industrial II zoning district. The property is owned by Sithe West Medway LLC, a subsidiary of Exelon Corporation with which NSTAR Electric holds a long term lease agreement for its substation. A123 Systems has a 5 year lease with NSTAR for this pilot alternative technology project, which would be NSTAR's first in Massachusetts. The BESS uses advanced Nanophosphate lithium batteries to minimize and levelize changes in NSTAR's electric power system. This demonstration project will study, test and showcase the performance and reliability benefits of using a BESS within a suburban electric grid system for "capacity firming and ramp management." This project is part of the ISO-NE Alternative Technology Regulation (ATR) Pilot Program and is considered a green technology.

As proposed, the BESS will be located in a new fenced in yard adjacent to the existing NSTAR substation building. The BESS container measures 53' long x 8.5' wide x 9.5' high. Auxiliary components include a 2 MW external inverter and various cabinets for a chiller, transformers, meters,

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

Exelon Medway Generating Station
9 Summer Street
Medway, MA 02053

www.exeloncorp.com

Exelon Power

RECEIVED
MAR 12 2012
TOWN OF MEDWAY
PLANNING BOARD

March 9, 2012,

Chairman Rodenhiser and Members of the Town of Medway Planning Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Exelon Approval of Nstar and A123 Battery Storage Project

To Planning Board Members:

Exelon West Medway LLC (Exelon) is the owner of a large industrial parcel located in the Town of Medway at 9 Summer Street with frontage along both Summer Street and West Street. Nstar Electric and Gas Corp. (Nstar) has an easement agreement with Exelon for access, operation and installation of electric transmission and distribution equipment located on portions of the property along West Street. Exelon is aware of the battery storage project proposed by Nstar and A123 at 34 West Street in Medway. Pending site plan and building permit approvals, Exelon gives its support and approval for the construction and operation of the battery storage pilot project by Nstar and A123. The pilot project will provide useful information to both Nstar and ISO-NE for the development of this technology for enhancing the reliability of the electric power grid in New England.

Please do not hesitate to contact me for further help or answers to questions.

Jack Hughes

Exelon Power

New England Operations Manager

9 Summer St.
Medway, MA 02053

508-533-3919

CC:

Frank Snyder
Senior Engineer, Systems Planning
Nstar Electric and Gas Corp.
1 Nstar Way
Mail Stop Summit SE320
Westwood, MA 02090

Kathy Horelic, P.E., P.M.P.
Senior Project Engineer
Smart Grid Energy Storage Integration Team
A123 Systems, Inc.
155 Flanders Road
Westborough, MA 01581

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

Micelle Simoneaux
Project Manager, Wetland Scientist
GZA GeoEnvironmental, Inc.
One Edgewater Drive
Norwood, MA 02062

GZA
GeoEnvironmental, Inc.

Engineers and Scientists

Requested List of Waivers from Section IV
Minor Site Plan Review
A123 Systems
Containerized Battery Energy Storage System (BESS)
West Street
Medway, Massachusetts

One Edgewater Drive
Norwood
Massachusetts
02062
781-278-3700
FAX 781-278-5701
http://www.gza.com

Name of Requirement	Citation
Development Impact Statement	Section IV s. 204-3(A)(7)
Existing Landscape Inventory	Section IV s. 204-5 (C)(3)
Landscape Architectural Plan	Section IV s. 204-5 (D)(7)
Building Layout/Floorplan	Section IV s. 204-5 (D)(10)

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	*Battery Energy Storage System (BESS)*
Property Location:	*34 West Street (NSTAR Substation # 65)*
Type of Project/Permit:	*Energy Storage / Minor Site Plan Review*
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	**Section IV s. 204-3 (A) (7)- Development Impact Statement**
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	The Development Impact Statement shall describe the potential and anticipated impacts of the proposed development, (positive and negative) and propose an acceptable program to prevent or mitigate adverse impacts.
What aspect of the Regulation do you propose be waived?	All Aspects: The Traffic Impact Assessment, Environmental Impact, Community Impact, Parking Impact
What do you propose instead?	This is a minor project that is in keeping with the existing use of the property and will appear to be a part of the NSTAR the Substation when complete; project will not add traffic to the area or add substantial impervious surface.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Only one maintenance vehicle will be at the site on a weekly basis; no trees will be cut; insignificant increase in impervious surface; no proposed office space and no daily employees will be at the site
What is the estimated value/cost savings to the applicant if the waiver is granted?	$50,000
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The project is already designed using Best Management Practices, environmnetal sensitivity and is in compliance with local zoning.
What is the impact on the development if this waiver is denied?	Delayed project schedule, increased project budget
What are the design alternatives to granting this waiver?	Use Best Management Practices, design in compliance with the Wetlands Protection Act.
Why is granting this waiver in the Town's best interest?	There is only a minor change in the view from the road and the project does not warrant an in-depth study of traffic, parking and community impact by the Planning Board.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Consultant review expenditures; Planning Board time could be spent on other important matters and major projects.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	See Stormwater Report and Project Description letter
Waiver Request Prepared By:	GZA GeoEnvironmental, Inc.
Date:	2-Feb-12

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	*Battery Energy Storage System (BESS)*
Property Location:	*34 West Street (NSTAR Substation # 65)*
Type of Project/Permit:	*Energy Storage / Minor Site Plan Review*
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	**Section IV s. 204-5 (C)(3) Existing Landscape Inventory AND s. 204-5 (D)(7)-Landscape Architectural Plan**
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	The Landscape Architectural Plan shall be prepared as an overlay and depict site features including topography, woodlands, trees and areas slated for excavation. Plan to be completed by a Registered Landscape Architect.
What aspect of the Regulation do you propose be waived?	All aspects: No woodlands or wetlands will be cleared for this project and no individual trees will be cut. It is a 5-year pilot project.
What do you propose instead?	Six screening trees (Arborviteae) along the south and east line the chain link fence.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The proposed project will be located in a cleared area currently maintained and mown as a lawn.
What is the estimated value/cost savings to the applicant if the waiver is granted?	$8,000
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	This is a minor project and the requirement will not enhance the plan since there are no significant features to depict.
What is the impact on the development if this waiver is denied?	Delayed project schedule, increased project budget
What are the design alternatives to granting this waiver?	
Why is granting this waiver in the Town's best interest?	There is only a minor change in the view from the road and the project does not warrant an in-depth review by the Planning Board.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Consultant review expenditures; Planning Board time could be spent on other important matters and major projects.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Planting six 6' Arbor vitae trees along two sides of the fence.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	See Drawing 4 for mitigation details and tree locations.
Waiver Request Prepared By:	GZA GeoEnvironmental, Inc.
Date:	6-Feb-12

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	*Battery Energy Storage System (BESS)*
Property Location:	*34 West Street (NSTAR Substation # 65)*
Type of Project/Permit:	*Energy Storage / Minor Site Plan Review*
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	**Section IV s. 204-5 (D)(10)-Building Layout/Floorplan**
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	The Building Layout Floorplan depicts (with labels) the use of all areas.
What aspect of the Regulation do you propose be waived?	All aspects.
What do you propose instead?	The dimensions and purpose of each component of the BESS system is described in the narrative and labeled on the project plans.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	This project does not propose a building that will be occupied by workers and does not have any internal work space.
What is the estimated value/cost savings to the applicant if the waiver is granted?	$0
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	This is a minor project and the requirement will not enhance the plan since there are no significant features to depict.
What is the impact on the development if this waiver is denied?	None- There is no building for which to design a floor plan
What are the design alternatives to granting this waiver?	N/A
Why is granting this waiver in the Town's best interest?	There is only a minor change in the view from the road and the project does not warrant an in-depth review by the Planning Board.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Consultant review expenditures; Planning Board time could be spent on other important matters and major projects.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Planting four Arbor vitae trees on each corner of the fenced area.
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	GZA GeoEnvironmental, Inc.
Date:	6-Feb-12

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

March 8, 2012

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

Re: A123 Minor Site Plan Review

Dear Mr. Rodenhiser:

I have reviewed the proposed site plan submitted by A123 Systems, Inc. of Westborough for property at 34 West Street, Assessor's Map 2, Parcel 59.. The plan was prepared by GZA GeoEnvironmental, Inc. of Norwood and is dated February 7, 2012. The property is owned by Sithe West Medway, LLC, a subsidiary of Exelon Corporation of Norwood. NStar holds an easement for use of the property and A123 holds a 5-year lease from NStar on the site.

The plan proposes to install a Battery Energy Storage System on the site, as a pilot project to test the system. I have comments as follows:

Zoning

1. The property is located within the Industrial II district. This district specifically allows by right both electrical power generation and research and development facilities including but not limited to renewable or alternative energy. The proposed system represents the research and development phase of a component that is integral to renewable or alternative energy production as well as conventional electric power generation.

2. The proposed development meets all dimensional requirements of the Industrial II district.

3. The Industrial II district requires a 30 foot green belt adjacent to residential district boundary lines., planted with evergreen shrubs not more than 15 feet apart. The plan proposes 3 arbor vitae plants across the front of the facility to the westerly side of the driveway and entrance to the fenced compound. Since the distance involved from the driveway to the meter and other equipment outside the fenced compound is approximately 80 feet, there should probably be 5 shrubs in that area to meet the technical requirement of the bylaw. It should be noted that while the area across West Street is zoned residential, it is currently occupied by construction/trucking facility.

There are 3 additional shrubs proposed on the easterly side of the facility. Again, to meet the 15 feet apart requirement, there should be an additional shrub on this side for a total of 9.

4. The submittal includes documentation demonstrating that the noise requirements of the Zoning Bylaw are met. The proposed new lighting to be mounted to the rear of the battery storage container also complies. However, an existing lamp post is proposed to be relocated to be in front of the facility. No information is provided as to whether this lamp post is in compliance with the lighting requirements.

5. No designated parking is proposed, but the site is not open to the public and there will be no employees on site. Occasional maintenance personnel can park within the fenced compound.

6. No signage is proposed. Any signage would need to conform to the sign requirements of the Zoning Bylaw.

Site Plan Rules and Regulations

7. Due to the limited nature of the proposed project, most of the site plan rules and regulations are not applicable. Waivers are requested for the requirements pertaining to submittals of a Development Impact Statement, Existing Landscape Inventory, Landscape Architectural Plan, and Building Layout/Floor plan. All of these requests are appropriate for this project.

8. There are some minor deviations from the site plan rules and regulations for which waivers have not been requested. For example, no scale is provided for the locus plan. The zoning district boundary is not shown on the site context plan. However, a very detailed and specific narrative statement is provided, which, combined with the plans, provides adequate information to determine that the proposal meets the criteria of Section 203-9 C.

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

Sincerely,

Gino D. Carlucci, Jr.

TETRA TECH

RECEIVED
MAR 09 2012
TOWN OF MEDWAY
PLANNING BOARD

March 9, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: 34 West Street
Site Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above – mentioned project. The project includes the installation of a mobile containerized Battery Energy Storage System adjacent to NSTAR's Substation on West Street in Medway. The site is primarily grass currently and the proposed improvements will disturb approximately 5,700 square feet of the property. The new facility will require the installation of utility connections, fencing, paved vehicular access drive, and a crushed stone equipment area underground electric from within the property.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Battery Energy Storage System (BESS), A123 Systems, Inc., NStar Station 65 West, 34 West Street in Medway, Massachusetts", dated February 7, 2012, prepared by Vine Associates A Division of GZA GeoEnvironmental, Inc. Engineers and Scientists. (GZA)
- A drainage report (Drainage Report) entitled "Stormwater Report, A123 Systems, Inc., BESS Project, 34 West Street, Medway", prepared by GZA
- Application for Review and Approval of a Minor Site Plan Project and Form Q-Request for Waiver from Rules and Regulations, prepared by GZA. dated February 9, 2012.

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), and good engineering practice. The following is a list of comments generated during the review of the design

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with the Rules and Regulations for the Submission and Review of Site Plan (Chapter 200), or requiring additional information:

Article IV-Site Plan Submission (Section 204)

1. The applicant requested a waiver for Development Impact Statement. (Ch. 200 §204-3.A-7)

2. The applicant should verify that scale 1" = 20' has been approved in advance by the Planning Board. (Ch. 200 §204-4.B)

3. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

4. A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be a maximum scale of one (1) inch equals one thousand (1,000) feet. (Ch. 200 §204-5.B-1)

5. The applicant shall verify with Planning Board if partial lot lines with dimensions are acceptable. (Ch. 200 §204-5.B-3)

6. The applicant requested a waiver for the Existing Landscape Inventory being prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. (Ch. 200 §204-5.C-3)

7. The applicant requested waiver for Landscape Architectural Plan. (Ch. 200 §204-5.D-7)

8. The applicant requested waiver for Building Layout/Floor Plan. (Ch. 200 §204-5.D-10)

Article V-Development Standards (Section 205)

9. The site must be evaluated as a whole in determining the number of curb cuts to be permitted. (Ch. 200 §205-3.A-1)

10. The applicant should add Siltsack Sediment Trap Detail for nearby catch basin. (Town of Medway's Construction Details CD-32) (Ch. 200 §205-11)

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

11. We do not agree with the designation of this project as a "redevelopment". The narrative states that the project is being constructed on a previously developed site therefore it qualifies as a redevelopment. Standard 7 of the MADEP Stormwater Regs defines a redevelopment project to include – *Development on previously developed sites, provided the redevelopment results in no net increase in impervious area.* The proposed project is sited on a fully established lawn area, and results in an increase in impervious area.

12. The drainage calculations were performed with the assumption that the site contains a Hydrologic Soil Group D Soil. Statements are made throughout the Redevelopment Checklist that standards were not met because of the poor soil condition. The NRCS Soil Survey provided in the report indicates that the soils are Udorthents, sandy, which is not indicative of an HSG "C" or "D" Soil.

- General Stormwater Comment- We do agree with the overall statement that the peak flows and volumes are negligible and will not have a negative impact on the site, so we don't necessarily require a redesign based on the comments above at this time. The majority of the runoff from the proposed pads and roof top drain to the crushed stone surrounding the structures. This stone may provide the required recharge and water quality volumes required, in addition to providing peak flow mitigation and TSS removal. We recommend discussing this topic further at the hearing and identifying the best path moving forward.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

13. The applicant shall verify the scale for the "Unnamed Aerial Plan" on the Cover sheet.

14. What types of erosion control are implemented for nearby catch basin and outlet (Conc. Headwall near the corner of Beech Street)?

15. The Narrative states that the system is temporary (5 year duration). What will happen to the site after that time?

16. It appears that there are a couple of buildings within the existing crushed stone area not identified on the existing conditions plan. I don't think that these structures will affect the proposed conditions in any way however, I'd like to confirm that they don't conflict with the underground electric conduit installation.

17. How thick is the crushed stone area within the proposed fence?

18. The plans provided in the Narrative states that the maximum slope of the proposed driveway shall be 3% yet the drawings indicate a 3.5% slope. The stamped drawings dictate in this case, and 3.5% is an acceptable slope, however, if the intent is to maintain a 3% maximum then the drawings should be modified accordingly.

19. The proposed underground electric line extending from Utility Pole #43/10 to the proposed fenced area runs through an existing fire hydrant. The electric line location should be modified to avoid this conflict.

20. Please identify what the required site distances are based on existing West Street classifications.

21. There is currently seven (7) arborvitae proposed in front of the proposed chain link along two sides of the development. Is this acceptable screening from the board? The Narrative states that the development is temporary. Additional screening may be desired if the fencing is intended to stay in place beyond the five (5) year period.

22. The limit of work line between Drawings 3 and 4 are not consistent. The line on Drawing 4 accommodates the soil stockpile.

23. If not already on the plans, please add a note that any areas disturbed during construction shall be restored with loam and seed or a suitable alternative.

24. On Drawing 4 there is a note that states "Lamp post to be reused and relocated from area in front of the property." There doesn't appear to be any existing lamp posts on the site that could be relocated. There is a utility pole adjacent to this area with a spotlight attached to it but I don't think the intent was to relocate the utility pole.

TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-533-3252
jemidy@townofmedway.org

March 6, 2012

Michele Simoneaux, Project Manager
GZA Geoenvironmental Inc.
One Edgewater Drive
Norwood, MA.
02062

Re: BESS Project

Dear Ms. Simoneaux:

I am in receipt of your letter dated February 16, 2012 regarding the above referenced location. You have requested an opinion whether the proposed BESS project would conform to the Medway Zoning By-Law, specifically: Section V USE REGULATIONS B AREA STANDARDS 2.(b) Noise . Attached to your request, is a copy of a report from your noise consultant Nancy S. Timmerman, P.E. . After reading her report, she has concluded that the Bess project as presented, will comply with the above referenced by-law section. Therefore, it is my opinion that the noise levels emitted from the proposed equipment as submitted shall be in compliance with the Zoning By-Law when measured at the property line.

Please contact me if you have any questions.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: file

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

March 6, 2012

TO: Planning and Economic Development Board members

FROM: Susy Affleck-Childs

RE: Proposed Rezoning of small parcel west of I-495

The PEDB has submitted a warrant article for the 2012 annual town meeting to rezone the small triangular shaped parcel of land that is west of Interstate 495 from ARI to Industrial III. This was proposed at the request/recommendation of Bruce Hamblin. I have some new information to share with you about the zoning of that parcel.

As you may recollect, Fran is updating the Medway Zoning Map using the ArcView software. Up until now, we have always contracted out the zoning map revisions. As part of this updating process, so we can accurately depict the zoning district boundaries, I asked Fran to review the annual town reports back to 1951 when zoning when first adopted in Medway. She has compiled a list of all zoning boundary changes approved by town meetings since 1951; she has reviewed the text of all warrant articles involving zoning boundary changes. With that information, she is revising the zoning district boundary lines on the zoning map to delineate the boundaries correctly so to accurately reflect the text descriptions.

Fran can find no evidence that the triangular shaped parcel west of I-495 was ever zoned ARI. We believe it shows that way on the current zoning map due to a mapping mistake that goes back to the 80's and was never caught. I believe the mistake probably occurred when I-495 was completed in 1982.

FYI . . . If there is ever a conflict between the map and text, the text describing the zoning boundary changes always takes precedence over what is shown on a map.

I have spoken with Town Counsel about this matter. She sees no need to have a warrant article to seek town meeting approval to correct a mapping mistake. We can just do it! Accordingly, I recommend the PEDB withdraw this article from consideration by the 2012 annual town meeting.

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

March 7, 2012

TO: Planning and Economic Development Board

FROM: Susy Affleck-Childs

RE: Proposed Zoning Bylaw Amendment – Special Permit for Signs

I would recommend that the Article submitted to provide for special permits for signs be revised to establish specific criteria.

Warrant article language as presently proposed re: special permits for signs

10. c) A sign not specified in Sub-Section R. as either allowed or permitted may be authorized by special permit from the Zoning Board of Appeals.

Recommended revised language for this article:

10. c) The Zoning Board of Appeals may grant a special permit for a sign which does not meet the requirements of this sub-section for type, amount of sign surface area, location, quantity, or form of illumination if it finds that installation of the proposed non-conforming sign meets all of the following criteria:

1. will not constitute a public safety concern;
2. will be suitably sized and positioned to be compatible with the building's features or the site's characteristics;
3. the particular building, storefront or site where the proposed sign will be located has unique limiting physical features/characteristics whereby strict compliance of this sub-section's sign regulations would cause substantial hardship to the applicant because the basic purposes of business signage could not be achieved;
4. will not be detrimental to adjacent businesses, properties or neighborhoods;
5. will not significantly alter the character of the zoning district.

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saffleckchilds@townofmedway.org

Topic	Joe Musmanno's Comments 1	Response Comments - Draft 3/10/2012
Article B - Definitions	"Common Driveway": The phrase "Common Driveway" does not appear anywhere in the ZBL, nor in your proposed amendments. So why define it? The attempt to limit a driveway's status as frontage is already in your definition of frontage. I recommend this paragraph be stricken.	The phrase "common or shared driveways" does appear in the Open Space Residential Development section of the Zoning Bylaw see (Section T. 10 (g))
Article B - Definitions	"Frontage", subpara 1: The proposed definition includes the phrase "...or a way certified by the Town Clerk that is maintained and used as a public way". I don't think there exists anywhere guidance for Town Clerks to decide what "maintained and used as a public way" should mean for any case other than as described in items 2 and 3. I recommend this phrase be deleted.	This language merely restates the language from the Subdivision Control Law, MGL Chapter 41, Section 81-L Definitions. That language is also intended to be used to determine when a plan must be endorsed by the Planning Board as not requiring approval under the Subdivision Control Law because it has frontage on an existing way.
Article B - Definitions	Article B, "Frontage", subpara 2: This wording is awkward. "...shown and constructed or secured..." leaves open the question, "Shown to whom?" I think what you want is "A way shown on an approved Definitive Subdivision Plan recorded at the Norfolk County Registry of Deeds, and either completely constructed, or secured through a suitable performance guarantee."	Again, this language is adapted from MGL 41, Section 81-L. We have changed this slightly from the state language in order to clarify that "a way shown on a plan theretofore approved under the subdivision control law" means a definitive plan and not an ANR plan. However, we agree that the language is somewhat awkward and propose to change it to "A way shown on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk Registry of Deeds, that is constructed or secured through a suitable covenant or performance guarantee."
Article B - Definitions	Article B, "Frontage", subpara 3: The problem with this paragraph is that the Subdivision Control Law became effective decades ago. Presumably, the Planning Board of that day should be on record as to which ways qualified at that time. If there is a disagreement about a particular way, it should be a matter for appeal under the normal appellate process. This subpara should be stricken, or it should refer to a map/plan showing all of the approved ways.	Again, this language is adapted from MGL 41, Section 81-L. However, the phrase "vehicular traffic" was inadvertently left out of the definition and we propose to restore it. Also, while any dispute about the status of any such way would, of course, still be subject to the normal appellate process.
Article B - Definitions	"Lot Area". This definition is terribly worded; the second phrase is ambiguous. I think what you meant was, "The total area of a lot, less the included area of any street rights-of-way." Did you mean to specify street, versus any other rights-of-way? I suspect you actually meant to exclude other rights, as well, since other types of public-access traffic would likewise reduce the availability of effective building area.	We agree that your suggested language is clearer and propose to amend the definition accordingly. It is not our intent to remove other types of easements across a lot from its lot area. We are addressing the specific instance when a property owner has a fee interest to the centerline of a street, and are clarifying that that portion of the street right-of-way is not to be included within the lot area, and your suggested language accomplishes this very well.
Article B - Definitions	"Lot Coverage". The second sentence is redundant with the first.	We agree that the second sentence is redundant, but we also believe that it helps to clarify how the building cobverage figure is to be calculated.

Topic	Joe Musmanno's Comments 2	Response Comments - Draft 3/10/2012
Article B - Definitions	"Lot Line, [front, side, rear]". In attempting to be clever you are opening the ZBL to a world of loopholes. A simple inspection of a map of parcels in the town will illustrate these definitions to be ineffective at best. I suggest they be stricken.	We do not agree. We believe that these definitions help distinguish lot lines from one another for the purpose of determining setback requirements.
Article B - Definitions	Article B, "Retail Sales", etc. I submit that the ZBL is no place to restate the Oxford English Dictionary. I've been hearing zoning appeals for a long, long, time, and I have never witnessed any conflict as to what the phrases "retail sales", "outdoors", or "services" mean. Please strike them.	We do not think that there is any conflict over the emaning of these terms. We are simply distinguishing these uses from one another in order that they may be treated differently in different districts.
Article B - Definitions	Article B, "Vehicle Fuel Station" and "Vehicle Repair". You propose to substitute one definition for two, and then later propose to replace the reference to the single phrase with references to each of the two new phrases. The net result is exactly no change in policy, but a great increase in confusion. (To make matters worse, you subsequently refer to one of the phrases in two places with different requirements!)	Again, this separation of fuel sales from vehicle repair recognizes that the marketplace has changed and that these two uses are no longer assumed to be offered together. Consequaently, our desire is to distinguish between them in order to address them differently.
Article C - Kennels	Article C, et seq: The effect of these proposals, if taken together (and assuming they all pass), would mean no change in any district but Commercial-II, where kennels would no longer be allowed. I suspect this is a simple oversight, and that the PEDB's intention was to continue allowance in all districts. In that case, I submit that the change is unnecessary, overly complicated, and fraught with problems. Given the PEDB's propensity to add overlay districts, I can't understand why there is a corresponding move to gut the "general requirements" applicable in all districts. (By the way, what will you do if Article C passes but any of the others fail due to other problems? You certainly won't get the intended result then.)	You are correct that this article does not propose a change, but merely a clarification. "Kennel" currently appears as an obscure sentence in Section V. A. rather than in the list of uses for each district making it difficult to find. Also, there is no longer a Commercial II zoning district. It was merged into Commercial I by action of the June 2008 town meeting. You raise a good point about the possibility of Article C passing and then not the subsequent one. This will need to be explained carefully at Town Meeting and the perhaps the replacement articles should be considered first.
Article E - ARII	(other than the part that is an extension of Article C) is pointless at best, and dangerous at worst. The language of paragraph 4 is fine the way it is. The fact that it's inclusive (re paragraph 5) is by design. Please leave it alone.	Adding the phrase "single family" to Paragraph 4 merely makes it consistent with Paragraphs 3 and 5 where the phrases "single-family" and "two-family" are used. The current language is inconsistent since "dwelling" is defined as including two-family and multifamily buildings. To say "Any dwelling" shall be located on a lot with 22,500 square feet is inconsistent with Paragraph 5 which then requires 30,000 for a two-family dwelling.
Article F - Commercial I Article G - Commercial III Article H - Commercial IV	Each have an improper first clause. I think what you mean is that you wish to delete items 1.b. and replace them, yes?	You are correct that this article proposes to replace the language of 1 . b) with "Retail sales."

Topic	Joe Musmanno's Comments 3	Response Comments - Draft 3/10/2012
Article F - Commercial I	The major effect of the clauses subsequent to the first is to suggest that vehicle fuel stations will go through different permitting processes depending on whether there is any convenience retail associated with fuel sales. I think this is extremely dangerous and ill-conceived.	You are correct that the intent is to establish different permitting processes for vehicular fuel stations with and without convenience retail sales. Our opinion is that the multiple uses on the same site warrant a singular permitting process for site plan and special permit since site plan conditions are more critical to the multiple uses.
Articles G & H - Commercial III & IV	These Articles are humorous in that they attempt to clarify that business (which is already allowed) includes business that is home-based, while failing to clarify that homes themselves are allowed. I do not think that either of these clarifications are necessary; the language already present states it about as well as the proposed language does	These changes only apply to the C-III and C-IV districts which have many residential units within them. No rights are taken away by these changes. However, home-based businesses would become subject to the performance standards of home-based businesses. The current language of the bylaw does not provide for mixed uses in these districts so this article adds options to property owners.
Article J - Accessory Family Dwelling Units	I agree that the AFDU provisions need amendment. I have proposed adjustment of these paragraphs several years in a row. However, I have major issues with the proposal.	No comment.
Article J - Accessory Family Dwelling Units	Paragraph 1: is specious and should be deleted.	The practice of the Planning and Economic Development Board is to always have a purpose stated for each bylaw. The purpose reflects, and is intended to be consistent with, our understanding of what the ZBA thinks should be the limits of accessory family dwelling units. This clarifies that they are intended to accommodate specific family circumstances and not intended to convert single family residences into two-family homes.
Article J - Accessory Family Dwelling Units	Paragraph 2: The first sentence is redundant with language later in the Article. The second two sentences are redundant with MGL 40A. The whole paragraph should be stricken.	Paragraph 2 is the existing language that already appears in the Zoning Bylaw in the AR-I and AR-II districts. We agree that the first sentence is redundant and will remove it. However, we believe the 2nd and 3rd sentences clarify the rules.
Article J - Accessory Family Dwelling Units	Penultimate paragraph: seeks to add AFDU eligibility to commercial districts. I can think of no worse thing to do. Considering the allowed uses and other zoning requirements in those districts, AFDUs have no place and make no sense. With my absolute strongest conviction, I oppose this amendment.	Limited only to Commercial III and IV (Village districts) where there are many existing residential properties

Topic	Joe Musmanno's Comments 4	Response Comments - Draft 3/10/2012
Article J - Accessory Family Dwelling Units	Article J, general: This is a good time to correct the biggest deficiency in the AFDU paragraphs. When the idea was originally put forth, the accessory was to be limited in size. This clause was eliminated at the last minute on advice which depended upon a misreading of MGL. The MGL clause barred towns from imposing size constraints, which was interpreted at the time to mean ANY size constraint. However, the context of the law has been generally upheld to mean towns are barred from imposing MINIMUM size constraints. I believe the debate concluded on the idea that towns are allowed to impose MAXIMUM size constraints, a fact which I think is made specific in the sections authorizing local control over zoning (e.g. "towns may limit size and bulk of structures"). The Board of Appeals formally recommended a maximum size limit when it proposed the use, and I strongly suggest such limit be reincorporated. (With my apologies, I cannot remember the specific number off the top of my head.)	We agree that a size limit is appropriate. This topic needs further discussion but the PEDB is willing to work with you on drafting such a limit for consideration at a future Town Meeting since it is too late to expand the scope of what is proposed for consideration now. We are not of the understanding that there has been a clear determination that Towns are barred from establishing maximum size limits. The Comprehensive Land Use Reform and Partnership Act now pending in the legislature would make this clear. In any case, there is no prohibition on size limits for uses such as this which are available only be special permit. Such maximum size limits, both in absolute area and percentage of total area, are common for accessory apartments throughout the Commonwealth.
Article N - Flood Plain	The language defining the area includes reference to plans "on file with" a series of Town bodies. It is a bad idea to list multiple agents with authoritative copies of a governing document--you'll be stuck if the documents aren't perfectly identical. I suggest that the entire phrase beginning with "and are on file" be stricken. Remember, it's the purpose of the ZBL to establish law, not to list for petitioner's convenience all of the sources of information.	The language refers to specific maps and documents that are produced by the federal government. The Town has no ability to change them so the multiple copies will of necessity be identical.
Article N- Flood Plain	Proposed paragraph Q.3.a. "Floodway data": Which data is the "best available"? This language needs revision.	The language for Article N is provided by the state and is required in order to continue eligibility for flood insurance in Medway.
Article N- Flood Plain	Proposed paragraph Q.3.b: Base flood elevation data is required *for what*? This language needs revision.	See above comment.
Article N- Flood Plain	Proposed paragraph Q.4: The first sentence potentially conflicts with paragraph Q and should be stricken. The second proposed sentence is much more awkward than the one it would replace, and it suffers the additional problem of citing items which zoning may not regulate. It MUST be deleted. Please leave the existing language untouched.	See above comment.
Article N- Flood Plain	Article N, proposed paragraph Q.4.b.10 is problematic. Since you don't distinguish what regulations you mean, one would have to conclude that you mean "since the Floodplain District was established". To the extent that the changes proposed today move the boundaries of that district, paragraph Q.4.b.10 will be in conflict with MGL 40A. Luckily, 40A already establishes what to do in the event of "grandfathered" uses, so best if the paragraph is simply stricken.	See above comment.

Topic	Joe Musmanno's Comments 5	Response Comments - Draft 3/10/2012
Article N- Flood Plain	Article N, proposed paragraph Q.4.c. attempts to restate laws that are already stated, many of which are specifically out of the town's jurisdiction. This paragraph must be eliminated	See above comment.
Article N- Flood Plain	Article N, proposed paragraph Q.4.d. is improperly worded. It's not the floodway that would result in increase, it's the encroachment. This language needs revision.	See above comment.
Article N- Flood Plain	Article N, proposed paragraph Q.10 rather obviously has a blank in it. This language needs revision.	See above comment. The blank needs to be filled in. This should probably be the Building Inspector, but it could also be the Conservation Commission.
Article N- Flood Plain	Article N, proposed paragraph Q.10.a doesn't define what a community is, and therefore nobody can know which ones are adjacent. This language needs revision.	See above comment.
Article O - Sign Regulations	Article O seeks to make a bunch of meaningless language more strict. R.9 would actually be stronger if it were deleted altogether, because then it wouldn't conflict with MGL's extremely clear set of rules for permits. The penalties for violations would then be stiffer too.	This article merely reduces the maximum sign size from 8 to 6 square feet.
Article O - Sign Regulations	Item 10.c: Whoa!!! Have you lost your collective heads? What's the point of having a sign by-law at all, if, in effect, you give a board power to authorize any and all signs without regard to use standards? The value of Section R is that it may not be overridden. If you allow item 10.c, you might as well delete all the rest of Section R. This proposal is a singularly bad idea, and absolutely must be stricken.	We plan to add language that provides criteria for determining whether signs not specified should be granted a special permit.
Article P - OSRD	It still makes me laugh that the PEDB can consider a "PRE-application" to be REQUIRED. If it's required, it's an application. And requiring appearance of petitioners is tantamount to arrest. If it's for the petitioner's benefit, how can you demand it? (If the petitioner wants the plan to speak for itself, that's somehow grounds for permit denial?) I strongly suggest that this language be revised to use "may" instead of "shall."	This language is already in the existing bylaw and it has survived Attorney General review, most recently in 2009.
Article R - Affordable Housing	Proposed paragraphs 7.d and 9.c ought to be stricken, as they are not compatible with the stated purposes of the section.	Again, this language is already in the existing bylaw. We do not agree that it is in conflict with the stated purposes. The payment in-lieu option merely provides an additional option for complying.
Article R - Affordable Housing	Proposed paragraph 8.b.4 violates MGL (refer to my discussion on Article J).	This language is already in the existing bylaw and it has survived Attorney general review.

Topic	Joe Musmanno's Comments 6	Response Comments - Draft 3/10/2012
Article S - Home Based Businesses	The phrase "by right" ought to be stricken. If it's truly by-right, there's no need for the section. If you seek to allow or limit it, it's something other than by-right.	We agree. We will remove that phrase.

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

March 7, 2012

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Fox Run Farm – 40 B development on Holliston Street

We were contacted by Mujeeb Ahmed, owner and developer. He seems ready to get resume work on the development. He indicates that he has secured construction financing from Rockland Trust. He wants to provide the bond.

There are several matters to decide:

1. Form of performance security. You cannot agree to a Letter of Credit as he has proposed.
2. Bond amount
3. Site 2ork to be completed before releasing lots.
4. Funding for the Construction Observation Account.

Attached is my recent email communication to Mr. Ahmed, a copy of the "old" bond estimate from December 2010, the new bond estimate prepared by Tetra Tech, and an estimate from TTR for continued construction services.

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, March 08, 2012 10:09 AM
To: 'Mujeeb Ahmed'
Subject: Bond for Fox Run Farm
Attachments: 12-20-2010 TTR Memo-Fox Run Farm Revised Bond Estimate.pdf; KMBT20020120308095932.pdf

Good morning Mujeeb,

I have some answers to your questions about performance security for Fox Run Farm.

FORM OF PERFORMANCE SECURITY - The Medway Planning and Economic Development Board routinely accepts cash bonds and would be very pleased to do so for Fox Run Farm. I expect the Board would also be agreeable to changing the form of performance security over time. However, pursuant to the Massachusetts Subdivision Control Law, a letter of credit is NOT one of authorized forms of subdivision performance security that a municipal planning board is allowed to accept. The Board cannot legally entertain your proposal for a letter of credit. An allowed alternative to a letter of credit is a tri-party agreement that would be executed by you, Rockland Trust and the Medway Planning and Economic Development Board. With a tri-party agreement, the bond amount is incorporated into the construction financing. I suggest you ask your lender about that option. I would be glad to speak with anyone at Rockland Trust to discuss this alternative. We have a standard template for a tri-party agreement which we can provide on request. As with any subdivision performance security, the bond amount can only be reduced upon approval of the Board.

BOND AMOUNT - The bond amount as approved by the Medway Planning and Economic Development Board in December 2010 was $93,701. A copy of that bond estimate dated December 20, 2010 from Tetra Tech Rizzo is attached. Since that estimate is now 14 months old, I have asked Tetra Tech Rizzo to review the bond estimate to determine if the various cost estimates accurately reflect the most current Mass Highway pricing, which is the standard Medway uses for calculating subdivision bonds. Depending on Tetra Tech's response, the bond amount may be adjusted. The Board will review a revised bond estimate for Fox Run Farm at its meeting on March 13, 2012.

CONSTRUCTION ACCOUNT - It will also be necessary for you to provide additional funds for the Fox Run Farm construction account. That account presently has a balance of -$196.22. A copy of the recently updated spreadsheet is provided for you. As you may recollect, the Town uses funds in the Construction Account to pay the fees of outside consultants which the Town retain to assist the Board carry out its responsibilities. The funds you provided in November 2010 have been depleted due to the extensive inspections during the fall of 2010 and the legal services needed to review your previous proposals for performance security and construction releases. The Fox Run Farm construction account must be recapitalized to provide sufficient resources for the Town to pay the cost of outside consultants for future construction inspections including curbing and roadway top coat; preparation of punch lists and re-inspections; review of as-built/street acceptance plans; and for legal services that will be associated with the Town's acceptance of the street and infrastructure. I will discuss this matter with the Board on March 13 to establish a new invoice amount. I will forward that to you next week. Your payment of the forthcoming Construction Account invoice is required before the Board will finalize the performance security for Fox Run Farm and release any lots for construction.

MINIMUM REQUIRED WORK BEFORE LOTS ARE RELEASED - I also need to draw your attention to the previously mentioned communication from Tetra Tech Rizzo dated December 20, 2010 in which several site items were noted as needing attention. You must complete items 1 *(rip rap apron reconstruction)* and 5 *(sidewalk binder installation)* to the Board's satisfaction before the Board will finalize the bond arrangements and release the lots for construction. That work will need to be inspected, so we will need the construction account funds as soon as possible.

Please contact me if you have any questions.

Thanks.

Susy Affleck-Childs

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

508-533-3291

saffleckchilds@townofmedway.org

From: Mujeeb Ahmed [mailto:mujeebahmed58@yahoo.com]
Sent: Tuesday, March 06, 2012 2:32 PM
To: Susan Affleck-Childs; Susan Affleck-Childs
Subject: Question for Bond for Fox Run

Susan,
I have commitment letters for construction loan to build houses and Letter of credit for Bond from Rockland trust. But this will take 2 months. At this time, I want to get private loan to post the cash Bond and get the bldg permit, then at the loan closing i want to change to letter of credit and returned the loan. Is this Possible ??? or just wait till loan closing.
Thanks
Mujeebuddin Ahmed
Office:508-328-2377
Fax:508-507-3349
Email: mujeebahmed58@yahoo.com

TETRA TECH RIZZO **MEMORANDUM**

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

Fr: Steven Bouley–Tetra Tech Rizzo

Re: **Fox Run Farm**
Bond Estimate
Medway, MA

Dt: December 2, 2010 (revised December 20, 2010)

At the request of the Medway Planning and Economic Development Board, Tetra Tech Rizzo (TTR) has performed an inspection of the Fox Run Farm development in order to prepare a bond estimate for the remaining work to be completed by the developer. The inspection is also required to determine whether the developer has satisfactorily completed the minimum infrastructure improvements as specified in Section 6.6.3 of the Town of Medway Planning Board Rules and Regulations that need to be completed before the board authorizes a release to allow for construction of the dwelling units.

On Thursday, December 2, 2010, Steven Bouley from TTR performed an inspection to accomplish the tasks specified above. It was our determination that items remain outstanding and must be addressed prior to the board issuing a release. The outstanding items are as follows.

Section 6.6.3

1. *Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as detention basins, swales, infiltration systems or any other stormwater management facilities.* (Ch. 100 §6.6.3c)

    - The flared end on the outlet pipe of the underground stormwater system and the rip-rap outlet protection does not appear to be constructed as detailed. A 3" layer of crushed stone has not been installed below the rip-rap. See attached photo #1-2.

    TTR 12/20 Update: It was determined at the December 14, 2010 planning board meeting that the rip-rap outlet protection must be constructed as detailed on the plans. The filter fabric must be removed and the 3" layer of crushed stone must be installed per detail.

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

2. *As-built plan of each detention pond and forebay contoured in two foot (2') intervals; and all critical elevations and details of the structures, pipes and headwalls.* (Ch. 100 §6.6.3d)

    - No As-Built Plan has been submitted.

    TTR 12/20 Update: An as-built plan was submitted by Outback Engineering Inc. TTR reviewed the plan and found it to be acceptable. However, the site was constructed using a non-approved site plan dated October 14, 2010. It is at the discretion of the board to allow the as-built condition of the site per the modified site plan.

3. *Street name signs and "Street Not Accepted by the Town" signs in a size and form as specified by the Medway Department of Public Services, and all regulatory signs as specified in the approved plan.* (Ch. 100 §6.6.3e)

    - No Street Signs have been installed.

    TTR 12/20 Update: The necessary street signs have been installed per the approved plans.

4. *Stop line pavement markings.* (Ch. 100 §6.6.3f)

    - A stop line and the word "STOP" have been painted in the roadway. However, the pavement markings do not appear to be per any standard. It is at the discretion of the town to allow the use of non-standard pavement markings. See attached photo #3-4.

    TTR 12/20 Update: It was determined at the December 14, 2010 planning board meeting that the stop line and the word "STOP" are sufficient as painted.

5. *Sidewalk binder.* (Ch. 100 §6.6.3g)

    - Sidewalk binder has not been installed.

Also, please find attached a draft bond estimate for preliminary discussion. This bond estimate will need to be revised prior to issuance, to include the outstanding items above. Once these items are addressed the attached bond estimate will be finalized and may be utilized by the planning board to assess a proper bond value. If you have any questions or require additional information, please don't hesitate to contact us at (508) 903-2000.

TETRA TECH RIZZO

Photo #1

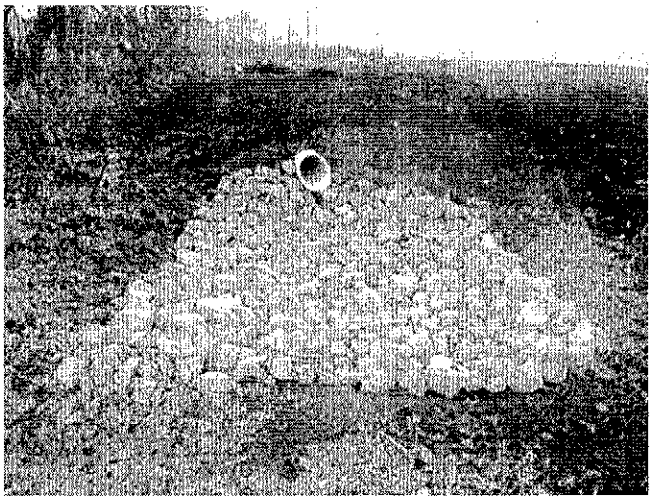
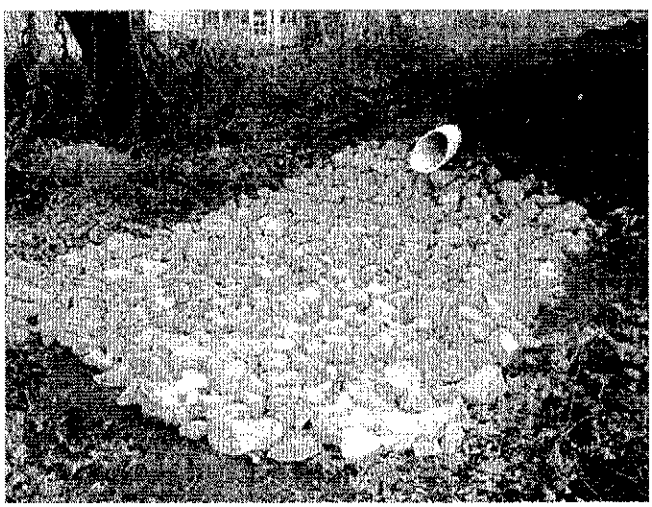


Photo #2



TETRA TECH RIZZO

Photo #3

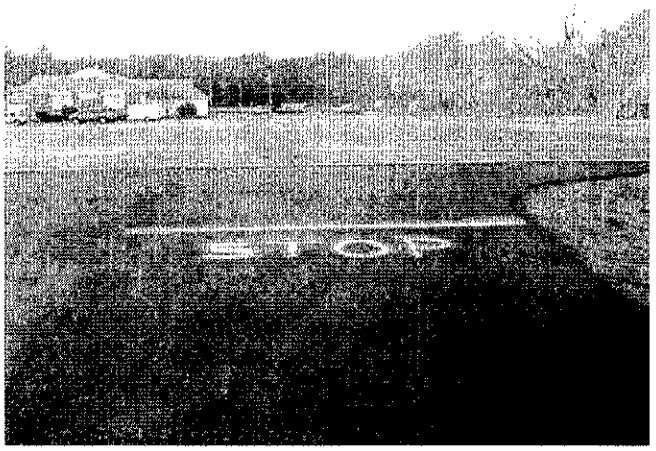


Photo #4

TETRA TECH RIZZO

Bond Value Estimate
Fox Run Farm
Comprehensive Permit
Medway, Massachusetts
December 20, 2010

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	125	TON	$100.00	$12,500
HMA Top Course - 1 1/4" Depth (Sidewalk)	23	TON	$100.00	$2,300
HMA Binder Course - 1 3/4" Depth (Sidewalk)	32	TON	$85.00	$2,720
HMA Berm - Modified	402	LF	$5.00	$2,010
HMA Binder Repair[2]	1	LS	$1,700.00	$1,700
Gravel Borrow (Sidewalk)	110	CY	$57.50	$6,325
Vertical Concrete Curb	333	LF	$40.00	$13,320
Vertical Granite Curb	125	LF	$39.00	$4,875
Concrete Wheelchair Ramp	30	SY	$78.00	$2,340
Loam[3]	44	CY	$40.00	$1,760
Seeding[3]	394	SY	$1.50	$591
Light Poles	3	EA	$5,000.00	$15,000
Pavement Markings	1	LS	$250.00	$250
2 year Snow Plowing	515	LF/YR	$2.50	$2,575
2 year Road Maintenance	515	LF/YR	$2.00	$2,060
2 year Drainage Maintenance	515	LF/YR	$2.00	$2,060
As-built Plans	515	LF	$5.00	$2,575
				$74,961

Subtotal	$74,961
Contingency (25%)	$18,740
Recommended Bond Value	$93,701

Notes:
1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2009 - 12/2010.
2. Binder repair pricing includes the area of roadway that will require repair as described in inspection report #16. Pricing includes removal of the existing binder and top 4" of gravel base and the replacement of both. The area of pavement and gravel to be removed and replaced includes the area north of the centerline of the roadway between STA 0+40 to STA 0+60. Area could increase/decrease per an inspection at the time of removal.
3. Loam and seeding pricing includes all non-hardscape areas within the right of way.

TETRA TECH RIZZO

Bond Value Estimate
Fox Run Farm
Comprehensive Permit
Medway, Massachusetts
March 7, 2012

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	125	TON	$95.00	$11,875
HMA Top Course - 1 1/4" Depth (Sidewalk)	23	TON	$95.00	$2,185
HMA Binder Course - 1 3/4" Depth (Sidewalk)	32	TON	$100.00	$3,200
HMA Berm - Modified	402	LF	$5.00	$2,010
HMA Binder Repair[2]	1	LS	$1,700.00	$1,700
Gravel Borrow (Sidewalk)	110	CY	$30.00	$3,300
Vertical Concrete Curb	333	LF	$38.00	$12,654
Vertical Granite Curb	125	LF	$40.00	$5,000
Concrete Wheelchair Ramp	30	SY	$75.00	$2,250
Loam[3]	44	CY	$38.10	$1,676
Seeding[3]	394	SY	$1.75	$690
Light Poles	3	EA	$5,000.00	$15,000
Pavement Markings	1	LS	$250.00	$250
2 year Snow Plowing	515	LF/YR	$2.50	$2,575
2 year Road Maintenance	515	LF/YR	$2.00	$2,060
2 year Drainage Maintenance	515	LF/YR	$2.00	$2,060
As-built Plans	515	LF	$5.00	$2,575
				$71,060

Subtotal	$71,060
Contingency (25%)	$17,765
Recommended Bond Value	$88,825

Notes:
1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 3/2011 - 3/2012.
2. Binder repair pricing includes the area of roadway that will require repair as described in inspection report #16. Pricing includes removal of the existing binder and top 4" of gravel base and the replacement of both. The area of pavement and gravel to be removed and replaced includes the area north of the centerline of the roadway between STA 0+40 to STA 0+60. Area could increase/decrease per an inspection at the time of removal.
3. Loam and seeding pricing includes all non-hardscape areas within the right of way.

SUBDIVISION - CONSTRUCTION OBSERVATION ACCOUNTING
PROJECT NAME: Fox Run Farm (40B subdivision) - Mujeeb Ahmed
DATE: March 7, 2012

Date Check Received	Amount	Check #	Payment Source	Date Submitted to Treasurer	Consultant's Construction Observation Fee	Consultant's Name	Consultant's Invoice Date	Invoice Number	Service Period	Date Submitted to Town Act or TA office for payment	Balance
11/05/10	$11,308.50	2784	Mujeeb Construction	12/10/10							$11,308.50
					$4,816.18	Tetra Tech	11/16/10	50406949	Oct 1 - Nov 5, 2010	12/30/10	$6,492.32
					$5,260.75	Tetra Tech	12/31/10	50418520	Nov 1 - Dec 17, 2010	01/06/11	$1,231.57
					$817.00	Petrini	01/07/11	24801	Dec 1 - 31, 2010	01/13/11	$414.57
					$38.00	Petrini	02/08/11	24855	Jan 1 - 31, 2011	02/10/11	$376.57
					$323.00	Petrini	03/03/11	25006	Feb 1 - 28, 2011	03/15/11	$53.57
					$249.79	Tetra Tech	03/11/11	50438185	Dec 18 - 23, 2010	HOLD	-$196.22
	$11,308.50				$11,504.72						-$196.22
	Total Paid by Applicant				Total Cons. Obsrvtn. Fees						Balance

Susan Affleck-Childs

From: Pellegri, David [david.pellegri@tetratech.com]
Sent: Wednesday, March 07, 2012 4:58 PM
To: Susan Affleck-Childs
Subject: RE:
Attachments: Bond Estimate_Fox Run Farm 2012-03-07.pdf

Actually the costs went down since based on the latest DOT prices. It's weird how that happens sometimes because you could have one job that cost a lot of money for one item and it skews the costs. Anyways, the revised estimate is attached. We can issue as you see fit.

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, March 06, 2012 3:37 PM
To: Pellegri, David
Subject:

Hi Dave,

I just heard from Mujeeb Ahmed re: Fox Run Farm. They want to get back to work. He says he has lined up the funding to provide the subdivision security.

Attached is the revised bond estimate you prepared in December 2010. Do you think this estimate would be substantially different now with current Mass Highway pricing?

This gives us a great opportunity to collect more CO $ from them so I can pay the outstanding invoice we owe you – I believe it dates back to March 2011.

I may need to ask you to prep an updated CO estimate on which I can base a new invoice to him. I need to look and see what the last one I have from you is for?

Thanks.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

TETRA TECH

March 7, 2012

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Revised Construction Administration Services
Fox Run Farm
Holliston Street, Medway, Massachusetts

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Fox Run Farm Residential Subdivision (the Project) in Medway, Massachusetts. This estimate represents our cost to provide limited construction administration services on behalf of the Town of Medway through completion of the project.

Scope of Services

We will undertake the following task:

Task 1 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.

Cost

Our cost for the above Scope of Services will be on a time and expense basis according to the breakdown provided in the Construction Inspection Budget. Hourly rates will be consistent with those included in the current contract between TTR and the Town of Medway. Direct expenses

TETRA TECH

will be billed at a fixed fee of three (3.5) percent of labor costs. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning and Economic Development Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This proposal is subject to the General Terms and Conditions included in the existing contract between TTR and the Town of Medway. Should this proposal meet with your approval, please sign and return one (1) copy of this Proposal to us for our files. Your signature provides us full authorization to proceed. Please contact us if you have any questions or require additional information.

Very truly yours,

David R. Pellegri, P.E.
Project Manager

Accepted by: _____ _____
Andy Rodenhiser Date
Medway Planning and Economic Development Chairman

Attachments
M:\SITE\DAVIDP\MEDWAY-CONSTRUCTION-REVISED FOX RUN FARM-2012-03-07.DOC

Revised Construction Administration Budget

Fox Run Farm
Medway, MA

3/7/12

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	0	0	$100.00	$0.00
2	Clear & Grub	0	0	$100.00	$0.00
3	Subgrade/Staking	0	0	$100.00	$0.00
4	Drainage System	0	0	$100.00	$0.00
5	Underground Drainage System	0	0	$100.00	$0.00
6	Roadway Gravel	0	0	$100.00	$0.00
7	Water System	1	3	$100.00	$300.00
8	Sewer System	1	2	$100.00	$200.00
9	Roadway Binder	0	0	$100.00	$0.00
10	Curb/Berm	2	4	$100.00	$800.00
11	Private Utilities	0	0	$100.00	$0.00
12	Sidewalk Base/Gravel	1	2	$100.00	$200.00
13	Sidewalk Binder	1	4	$100.00	$400.00
14	Roadway Top	1	6	$100.00	$600.00
15	Sidewalk Top	1	4	$100.00	$400.00
16	Frames and Covers/Grates	0	0	$100.00	$0.00
17	Adjust Frames & Covers/Grates	1	2	$100.00	$200.00
18	DMH Inverts	1	4	$100.00	$400.00
19	Bounds	1	2	$100.00	$200.00
20	Landscape/Plantings	1	2	$100.00	$200.00
21	Roadway Sub-Drain	0	0	$100.00	$0.00
22	Guard Rail/Fencing	0	0	$100.00	$0.00
23	Periodic Inspections (See Note 1)	2	4	$100.00	$800.00
24	Bond Estimates	1	3	$100.00	$300.00
25	As-Built Plans	2	3	$100.00	$600.00
26	Meetings	2	2	$120.00	$480.00
27	Admin	1	1	$50.00	$50.00
	Subtotal				$6,130.00
	Expenses			3.5%	$306.50
	TOTAL				**$6,436.50**

Notes:

1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.

2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

March 6, 2012

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

Re: **25 Summer Street Definitive Subdivision Plan Modification**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed modified definitive subdivision plan called "25 Summer Street" submitted by owner/applicant Fasolino Home Improvements, Inc. of Medway and prepared by Faist Engineering, Inc. of Southbridge and O'Driscoll Land Surveying Company of Medway. The plan is dated February 28, 2012.

Task	**Hours**
Technical review and comment regarding conformance with Zoning, subdivision regulations and general planning issues.	2.5
Planning Board meetings	1.5
Review of any plan revisions	1.0
Review of/input into Certificate of Action	1.5
Total	6.5
Cost Estimate (@$85)	**$552.50**

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

Sincerely,

Gino D. Carlucci, Jr.

TETRATECH

March 5, 2012

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

Re: Definitive Subdivision Amendment Review
Planning and Economic Development Board
25 Summer Street
Medway, Massachusetts

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed 25 Summer Street Definitive Subdivision Plan Amendment in Medway, Massachusetts (the Project). The objective of our services is to review the proposed amended Definitive Subdivision Plan, and associated application materials including, but not limited to, the Request for Waivers and the Stormwater Management Analysis, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

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

Task 1 Design Review

A. Review the proposed Application to Amend, Modify, or Rescind an Approval of a Definitive Subdivision Plan and/or a Subdivision Decision Certificate of Action, prepared by Faist Engineering, Inc. and O'Driscoll Land Surveying Co. dated February 28, 2012;
   - Budget Assumption: Cost included in Task 1B.

B. Review the proposed "25 Summer Street, Proposed Summer Valley Lane" Definitive Subdivision Modification plan prepared by Faist Engineering, Inc and O'Driscoll Land Surveying Co. dated February 28, 2012;
   - Budget Assumption: 2 hours @ $115/hr= $230
     2 hours @ $90/hr= $180
     Total= $410

C. Review the Request for Waivers from the Subdivision Rules and Regulations, dated February 28, 2012;
   - Budget Assumption: Cost included in Task 1B.

TETRA TECH

D. Review the revised Stormwater Calculations & Design and Long Term Operation and Maintenance Plan for compliance with the latest Department of Environmental Protection Stormwater Management Standards;
   - Budget Assumption: 3 hours @ $115/hr=$345.

E. Prepare a letter summarizing findings for presentation to the Town of Medway Planning Board;
   - Budget Assumption: 1 hour @ $155/hr=$155
     1 hours @ $90/hr= $90
     Total= $245

F. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:
   - Budget Assumption: 1 hour coordination @ $115/hr= $115
     2 hour plan review and update letter @ $90/hr=$180
     Total-$295

Task 2 Meeting Attendance

A. Participate in two (2) meetings with the Town of Medway Planning and Economic Development Board.
   - Budget Assumption: 2 Meetings
     1.5hrs/meeting @$155/hr= $465

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Design Review	$1,295
Task 2	Meeting Attendance	$465
	Labor Subtotal	**$1,760**
	Expenses (3.5%)	$50
	Total Fee	**$1,810**

TETRA TECH

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

M:\SITE\DAVIDP\MEDWAY-34 WEST STREET-2012-02-24.DOC

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

March 7, 2012

TO: Planning and Economic Development Board members
FROM: Susy Affleck-Childs
RE: Request for Bond Release – Evergreen Meadow

Evergreen Meadow developer Taniel Bedrosian has requested release of the subdivision bond. See attached email note dated March 4, 2012.

Bond History

10-17-205	Bond Established	$ 153,638.58
11-28-2006	Bond Reduction to	$ 100,000.00
6-20-2008	Bond Reduction to	$ 80,062.69
6-28-2011	Bond Reduction to	$ 40,000.00

This is a cash bond in an account at Charles River Bank.

Project Status

The November 2011 Town Meeting voted to accept Iarussi Way as a public way. Since then, the title research was completed, the neighborhood association was established for the purpose of maintaining the landscaped island in the cul-de-sac, and the Conservation Commission voted on March 1, 2012 to accept the deed conveying Parcel A and the open space parcel to the Town of Medway by and through the Conservation Commission. On March 8, 2012, the BOS is scheduled to accept the deed conveying the land comprised of Iarussi Way and the associated stormwater drainage easements to the Town of Medway by and through the Board of Selectmen. All documents will be recorded at the Norfolk County Registry of Deeds early next week.

Construction Account Status

I updated the construction account on 3/7/2012. See Attached. With the recent and expected invoices from Petrini, the account has a negative balance of $ 995.33.

Recommendation

I recommend the PEDB vote to release the Evergreen Meadow subdivision bond in full. I would further recommend that $2,500 of the bond release be provided to the Town of Medway for deposit to the Evergreen Meadow construction account to cover the above noted balance and any final expenses. The bond account balance of $37,500 would be provided directly to SENEK, LLC.

Telephone: 508-533-3291 Fax: 508-321-4987
saffleckchilds@townofmedway.org

Susan Affleck-Childs

From: Taniel Bedrosian [tbedros@gmail.com]
Sent: Sunday, March 04, 2012 7:39 AM
To: Susan Affleck-Childs
Subject: Evergreen Meadows

Hi Suzi,

As you know I have finally resolved the last remaining issues relating to the completion and acceptance of larussi way by the Town of Medway and at this time, I would like to request that the Planning board vote to release the remaining funds held by the town as surety for completion, as soon as possible.

Thank you very much

Taniel

SUBDIVISION - CONSTRUCTION OBSERVATION ACCOUNTING

PROJECT NAME: Evergreen Meadow

DATE: March 7, 2012

Date Check Received	Amount	Check #	Payment Source	Date Submitted to Treasurer	Consultant's Construction Observation Fee	Consultant's Name	Consultant's Invoice Date	Invoice Number	Date Approved by Planning Board	Date Submitted to Town Act.	Balance
11/08/04	$10,368.75	1044	Senek LLC	11/08/04							$10,368.75
					$790.68	VHB Eng.	07/28/05	32053			$9,578.07
					$349.70	VHB Eng.	08/25/03	33236			$9,228.37
					$1,438.84	VHB Eng.	09/23/05	34890			$7,789.53
					$4,938.62	VHB Eng.	10/20/05	35934			$2,850.91
					$718.51	VHB Eng.	11/16/05	37176			$2,132.40
					$642.00	VHB Eng.	05/03/06	45517			$1,490.40
					$345.00	VHB Eng.	08/21/06	50929			$1,145.40
					$584.04	VHB Eng.	10/19/06	54154			$561.36
					$610.02	VHB Eng.	11/14/06	55311			-$48.66
					$1,397.37	VHB Eng.	12/22/06	56639			-$1,446.03
08/14/07	$3,946.03	1456	Senek LLC	08/24/07							$2,500.00
					$424.22	VHB Eng.	04/28/08	82165			$2,075.78
					$979.35	VHB Eng.	05/27/08	83822			$1,096.43
					$172.92	VHB Eng.	11/12/08	93937			$923.51
					$316.14	Tetra Tech	09/25/09	50292922			$607.37
					$185.40	Tetra Tech	12/23/09	50318715			$421.97
06/10/10	$2,578.03	1940	Senek LLC								$3,000.00
					$364.62	Tetra Tech	07/08/10	50368558			$2,635.38
08/22/10	$3,000.00	3850	Town of Medway - from Bond Reduction								$5,635.38
					$2,075.72	Tetra Tech	08/18/11	50479523			$3,559.66
					$853.36	Tetra Tech	09/30/11	50491942			$2,706.30
					$468.00	Petrini	10/04/11	25904	legal		$2,238.30
					$564.00	Colby Welch	10/24/11	20816	title research		$1,674.30
					$663.84	Petrini	11/12/11	25996	legal		$1,010.46
					$78.00	Petrini	12/02/11	26149	legal		$932.46
					$507.20	Petrini	01/06/12	26281	legal		$425.26
					$296.64	Tetra Tech	01/03/12	50523670			$128.62
					$97.50	Petrini	02/03/12	26396	legal		$31.12
					$324.45	Tetra Tech	02/22/12	50538953			-$293.33
					$643.50	Petrini	March date	Feb	legal		-$936.83
					$58.50	Petrini	April date	March	legal		-$995.33
	$19,892.81				$20,888.14						-$995.33
	Total Paid by Applicant				**Total Cons. Obsrvtn. Fees**						**Balance**

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
2011 ANNUAL REPORT

OVERVIEW – The mission of the Medway Planning and Economic Development Board and Office is to develop policies, program initiatives and zoning provisions to guide the future development of Medway in ways that are consistent with the vision and values outlined in the 2009 Medway Master Plan. We do that by providing planning support, planning advisory services and coordination of town officials, boards, and committees on issues involving land use, zoning, economic development, affordable housing, open space and land preservation, land management, development/redevelopment, smart growth, sustainable development and public transportation.

The Town's adoption of a new charter in the spring of 2008 resulted in an expansion of the Board's role to now include ***economic development*** and to that end we are working in an expanded capacity to try to meet the mandate of the new charter. We endeavor to serve the Town of Medway with the highest degree of consideration for Medway's citizens by preserving the community's land/natural resources while also working to facilitate economic development investment in Medway.

The updated Medway Master Plan influences the Board's decisions on subdivision plans, site plans and various special permit applications, the development of proposals to amend the *Medway Zoning Bylaw,* and the on-going fine-tuning of our administrative *Rules and Regulations*. We have focused on changes to promote economic development, affordable housing, historic preservation, low impact development techniques, improved commercial signage, and the preservation of open space.

State law also authorizes municipal planning boards to recommend street acceptance to Town Meeting, update the Zoning Map, and conduct Scenic Road public hearings. Pursuant to the *Medway Zoning Bylaw,* the Board also serves as the special permit granting authority for Adult Retirement Community Planned Unit Developments (ARCPUD), Open Space Residential Developments (OSRD), and rehabilitation projects in the Adaptive Use Overlay Districts (AUOD). The *Zoning Bylaw* also authorizes the Board to review and act on all applications for site plan approval.

BOARD COMPOSITION – The Board is comprised of five elected members and an Associate Member who is appointed jointly by the Board of Selectmen and the Planning and Economic Development Board. At the May 2011 election, Medway's registered voters re-elected Andy Rodenhiser and Bob Tucker to three year terms through May 2014. Following the general election, the Board selected its officers for the next 12 months. Andy Rodenhiser was re-elected to the position of Chairman, Bob Tucker was re-elected to serve as Vice-Chairman, and Tom Gay was re-elected to serve as Clerk. Karyl Spiller-Walsh and Chan Rogers round out the group. During 2011, there was no Associate Member.

MEETINGS - The Planning and Economic Development Board meets regularly on the second and fourth Tuesday evening of each month at 7 pm in Sanford Hall at Medway Town Hall. During 2011, the Board held 23 regular and 10 special meetings including site visits or joint meetings with other boards or committees. Public hearings were conducted for proposed site plans, open space residential developments (OSRD), subdivisions, and proposed amendments to the Medway Zoning bylaw. Staff is available for one-to-one meetings with prospective developers, consultants, and residents as they consider development options for their property.

The Board is also available for informal/pre-application discussions with prospective developers; those occur during a Board meeting.

2011 KEY ACCOMPLISHMENTS

- Continued to implement the establishment of a Geographic Information System with People GIS/Maps on Line, funded through the Capital Improvement budget. During 2011, global positioning system equipment (GPS) was purchased and Town staff were trained. The office began providing mapping services to other town boards/committees including the Town Administrator, Historical Commission, Open Space Committee and Department of Public Services.

- Continued work to expedite the land use permitting process in Medway. We are now able to receive, store and circulate electronic versions of proposed plans which are also loaded to the Town's web site for improved public awareness and access.

- Assisted with implementation of the Green Communities Program.

- Continued to amend the Medway Zoning Bylaw – Changes proposed and approved by the Medway Town Meeting during 2011 include amendments to the sign regulation and open space residential development sections. The Zoning Map was modified to revise the boundaries of the Commercial III district and to establish a new Adaptive Use Overlay District in the Medway Village area. Those amendments were certified by the Massachusetts Attorney General's office in August and September, 2011.

- Supported the Affordable Housing Committee and Affordable Housing Trust in their efforts to secure Community Preservation Act funding and hire a half time Community Housing Coordinator to implement the Affordable Housing Trust Action Plan

- Worked toward resolving street acceptance issues for the Birch Hill, Evergreen Meadow and Claybrook II subdivisions.

- Commenced a planning initiative with funding from MassDevelopment for an Oak Grove redevelopment feasibility study to evaluate development opportunities in the Oak Grove/bottle cap area of Medway.

- Assisted with the preparation of several grant proposals – Green Communities implementation funds, trail development funds for amphitheatre site, public transit feasibility study.

- *Community Outreach* - During 2011, we started to post information about current applications before the Board including pdf versions of proposed residential and commercial development plans. The web page also includes final subdivision, site plan and special permit decisions. We endeavor to continuously improve our web page to meet the needs of both our residents and the development community.

COLLABORATION – The Board continued its efforts to communicate and collaborate with other Town boards, committees and departments. Either a Board member or staff serves as a liaison to the following Town boards/committees - Community Preservation Committee, Design

Review Committee, Conservation Commission, Water and Sewer Board, Board of Selectman, Economic Development Committee, Open Space Committee, Affordable Housing Committee, and the Medway Community Farm Liaison Committee. Joint meetings were held with the Design Review Committee and the Open Space Committee to establish goals for 2012. We also continue to work to strengthen relations with other Town boards and departments which are impacted by the Board's activity. These include the Treasurer/Collector's office, Assessor's office, Building Department, Department of Public Services, Zoning Board of Appeals, and the Fire and Police Departments.

SUBDIVISIONS – In 2011, applications were filed for several "new" residential subdivisions. All would be permanent private way subdivisions.

- Definitive Plan for Village Estates – 2 lots/272 Village ST(Approved: June 2011)
- Definitive Plan 25 Summer ST – 2 lots (Approved: November 2011)
- Preliminary Plan for Hill View Estates – 2 lots at 32R Hill ST
- Preliminary Plan for Bay Oaks – 4 lots at 104 Fisher ST
- Preliminary Plan Norwood Acres – 2 lots at 61 Summer ST

The following provides a status report on previously approved subdivisions as of December 31, 2011.

- ***Applegate Farm*** (Applegate Way) – 22 lots at the northeast corner of Coffee and Ellis Streets. Site clearance work continued. Several houses went under construction during 2011.
- ***Franklin Creek*** (Franklin Creek Lane) – 3 lot, permanent private way subdivision on the east side of Franklin Street. The land comprising this approved subdivision was sold to a new owner in 2007. Construction continued on the roadway and infrastructure and house construction has concluded. The developer conveyed the road to the neighbors in the fall of 2011.
- ***Pine Meadow II*** (Pine Meadow Road/Lantern Lane) - 7 lot subdivision off of Fisher Street approved in 2005. Infrastructure construction is completed. The owners await an improvement in the real estate market before house construction will commence.
- ***Hartney Acres*** (Newton Lane) – 8 lot subdivision east of Nobscott Road. House construction continued.
- ***Evergreen Meadow*** (Iarussi Way) – 15 lot subdivision south of Lovering Street. Housing construction continued. The road and open space parcels were accepted at the November 2011 town meeting.
- ***Rolling Hills*** (Harmony Lane) – 3 lot private way subdivision on the south side of Milford Street. No construction has occurred on the roadway or infrastructure.
- ***Daniels Wood II*** (Daniels Road extension) – No construction has occurred for the house lot or roadway.
- ***Speroni Acres*** (Little Tree and Rustic Roads) – The Board continues to work with the developer's engineer about needed modifications to the stormwater management facilities.
- ***Fox Run Farm 40B development*** (Morningside Drive) – Construction at the site has halted.

During 2011, no applications were submitted for *Subdivision Approval Not Required (ANR) Plans.*

STREET ACCEPTANCE – The process of accepting subdivision roads as public ways is quite involved. The Board facilitates this process with the Board of Selectmen and Town Meeting. With the change in Town Counsel, a more rigorous standard has been established to ensure the Town receives acceptable title to the roads, open space parcels and associated utility easements. The Board and the Board of Selectmen have established a policy to accomplish street acceptance for one of the long-standing unaccepted subdivisions per year. During 2011, all street acceptance related activities for portions of Ivy and Hunter Lane were completed. Also approved was Iarussi Way in the Evergreen Meadow subdivision off of Lovering Street. The bond funds for the Claybrook II subdivision were received; the Town will begin the street acceptance process during 2011.

SITE PLANS – The Site Plan section of the *Zoning Bylaw*, as approved by the 2005 Town Meeting, simplified the site plan process by combining the reviewing and permit granting authority to rest solely with the Planning Board. The Site Plan provisions also distinguished between minor and major site plan projects. The Board makes itself available for informal, site plan pre-application meetings with businesses and developers interested in developing, expanding, or opening a business in Medway.

Medway Middle School, 45 Holliston Street – Building renovations as part of the Middle School repair project.

Lawrence Waste Services, 49 Alder Street – Pre application discussion for a 7,000 square foot building.

NW Greene, 71 Main Street – Pre-application discussion for a small addition to the existing structure.

OPEN SPACE RESIDENTIAL DEVELOPMENTS (OSRD) – Construction has been completed at the ***Village at Pine Ridge***, a 20 unit, townhouse condominium community located off of Candlewood Drive. This OSRD project includes the permanent preservation of 14.4 acres of open space to be open to the general public as walking trails and natural wildlife areas; the land will be deeded to the Town through the Conservation Commission, but maintained by the future Pine Ridge condominium association. Several units remain to be sold.

In May 2009, the Board issued an OSRD Special Permit and approved a Concept Plan for the proposed ***Williamsburg Condominium*** development, to consist of nine duplex buildings (for a total of 18 residential dwellings including three affordable dwellings) located on a 13.86 acre site at 66A, 70, 70R and 72 West Street in the Agricultural Residential II zoning district. The site includes wetlands, a tributary of Hopping Brook, upland meadows, wet meadows, a pine grove, a vernal pool and several stone walls. Planned site improvements include construction of a sixteen foot wide one-way private way/driveway approximately 1,134 foot long, approximately 1,200 linear feet of interior sidewalks/pathways, connection to Town sewer and water services, associated stormwater drainage facilities, and 8.7 acres of permanently preserved open space to be accessible to the public with three designated visitor parking spaces. Site access and egress will be from West Street. 8.63 acres of the 13.86 acre site will be preserved as open space. In September 2009, a new owner of the property filed the application for the required Definitive OSRD plan which includes detailed engineering. That plan was approved and construction

commenced during 2010. The infrastructure is completed and construction has been concluded on 3 of the 9 buildings.

Charles River Village - The prospective owner of property at 9 Neelon Lane submitted an application in August 2010 for an OSRD special permit on the proposed development of a 13 unit single family cottage style condominium community. The subject property abuts the Charles River and will include 4+ acres of open space accessible to the public and 2 "affordable" dwelling units. The Board approved an OSRD special permit in March 2011. That decision was appealed by an abutter to the project; as of December 31, 2011, a lawsuit was still pending against the Planning Board and the developer. We expect it will be resolved early in 2012.

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENTS (ARCPUD) – An ARCPUD is a planned residential development for residents 55 years of age and older, also known as an active adult retirement community. During 2007, the Planning Board approved an ARCPUD Special Permit for ***Walnut Creek on the Charles (formerly known as River Bend Village).*** To be developed by Abbott Real Estate of Boston, the 125-unit active adult/over 55 condominium development was to be located on a 58 acre site south of Village Street abutting the Charles River. The project was to include construction of 48 apartment style units and 77 townhouses, along with 26 acres of dedicated open space including 5500 linear feet of unpaved walking trails/paths, river access and a canoe launch available to the public. During the summer of 2007, the developer decided to not pursue the project due to the economy and financing difficulties in the troubled real estate market. The special permit issued in 2007 has expired. The property owner, Charlotte Realty Trust, continues to evaluate other development alternatives for the site.

In May 2007, the Planning Board approved an ARCPUD Special Permit for Barberry Homes of Wayland, MA to develop a 51 acre site located on the west side of Winthrop Street south of Lovering Street as ***Daniels Village***, to be comprised of 80 single family homes and townhouses for active adult/over 55 persons. The plan included the dedication of 20.4 acres of preserved open space available to the general public. The special permit included a provision that the developer would donate $108,000 to the Town to be used exclusively to support the construction of the Senior Center addition. Subsequent to the decision, Barberry Homes filed suit in Norfolk Superior Court against the Planning Board, alleging the Board exceeded its authority regarding the mitigation payment. The case went to trial in November 2008. The Court vacated the decision and remanded the project back to the Board for reconsideration. Subsequent to the court's ruling, the developer/prospective buyer decided to withdraw their proposal from consideration. The property owner evaluated her options and also withdrew the project from further consideration as well.

ADAPTIVE USE OVERLAY DISTRICT (AUOD) SPECIAL PERMITS – An Adaptive Use Special Permit provides for the commercial and mixed use of residentially zoned property, in scale with the surrounding homes, on portions of Main Street/Route 109 between Mechanic Street and Elm Street. This special provision of the *Zoning Bylaw* encourages improvements to existing residentially zoned dwellings while promoting the highest and best use of these highly visible parcels. The goal is to facilitate economic investment and expand Medway's tax base by allowing for building renovation and new construction to convert residential property to limited business uses with sensitivity to the neighborhood's residential character.

During 2010, an Adaptive Use Overlay District special permit was issued for the redevelopment of the property at ***146 Main Street***. The approved project was to include extensive reconstruction of the existing structure and the construction of an approximately 7,000 sq. ft addition to be used for professional office space. During 2011, the applicant submitted a plan modification; the scope of work has been reduced and will focus primarily on the reconstruction of the existing structure. Construction is expected to commence in the spring of 2012.

SCENIC ROAD WORK PERMITS – Medway has designated 25 roadways as official Medway Scenic Roads. To protect the scenic/rural quality of these roadways, efforts are made to preserve the trees and stone walls that are located in the right of way of these Town streets. Whenever construction occurs on a scenic roadway that would result in the removal of trees or the destruction of stone walls that are located in the Town's right of way, the Medway Planning & Economic Development Board and the Tree Warden are required to conduct a public hearing and issue a Scenic Road Work Permit. In 2011, the Board modified a previous scenic road work permit for a minor change in plans for a curb cut on Ellis Street for a house in the Applegate subdivision.

PLANNING INITIATIVES

- The Town began a planning initiative to evaluate the Oak Grove/bottle cap lots area with funding support provided by Mass Development. The project was put on hold in April 2011 to conduct extensive title research on the backgrounds of the Oak Grove parcels. We expect it will resume in the summer of 2012.

- Medway participated in a parking study conducted by the Metropolitan Area Planning Council (MAPC). A series of parking improvement recommendations were provided in December 2011 which will be reviewed during 2012 and used to develop proposed amendments to the zoning bylaw and various rules/regulations which address parking.

- Medway actively participated in the development of the 495 MetroWest Compact Regional Plan by proposing target areas for preservation and development.

PERSONNEL – The Planning and Economic Development office is staffed by Susy Affleck-Childs who works full time as the Planning and Economic Development Coordinator and by Administrative Secretary Fran Hutton Lee whose time is split between the Planning/Economic Development and Building Departments. Amy Sutherland serves as a part-time recording secretary for Planning and Economic Development Board and the Economic Development Committee meetings. During 2011, the office provided staff support and professional services to the Design Review Committee, Open Space Committee, Affordable Housing Committee and Trust, the Economic Development Committee, and the Community Farm Liaison Committee.

Gino Carlucci, of PGC Associates, the Town's consulting planner, has increasingly aided the Board in developing strategies to improve the quality of the Town's residential and commercial development. His help has been instrumental in assisting the Board to develop proposals to amend the Medway Zoning bylaw. He participates in various regional planning and economic development organizations and chairs the Southwest Area sub-region of the Metropolitan Area Planning Council. Gino is a staunch advocate for Medway throughout the region and always represents us well.

Tetra Tech Rizzo (TTR), based in Framingham, serves as the Town's engineering consultant; we are ably assisted by professional engineer Dave Pellegri. TTR assists the Board by conducting the technical engineering reviews for all development projects, focusing on road construction and stormwater management. TTR also conducts site inspections during infrastructure construction of subdivisions and other development projects and is the Board's eyes on the ground to ensure that roadway and infrastructure construction are completed in accordance with approved plans.

The Board is also grateful to Town Counsel Barbara Saint Andre of Petrini and Associates for her ready advice and assistance as we attempt to craft creative zoning initiatives and manage the legal details of subdivisions, special permits, and street acceptance. A high commitment to protecting the Town's best interests is inherent in all her work and we appreciate that diligence and care.

We sincerely appreciate Susy, Fran, Amy, Gino, Dave and Barbara for their loyal service to Medway's Planning and Economic Development Board and office.

LOOKING TO 2012 - PRIORITIES

- Pursue Street Acceptance for the Claybrook II and The Meadows subdivisions
- Resume work on Oak Grove/bottle cap lots planning project
- Continue efforts to improve the zoning bylaw
- Review site plan for a commercial development proposal at 72 Main Street
- Participate in the Metropolitan Area Planning Council's Local Energy Action Program (LEAP)
- Support the Economic Development Committee's efforts to expand the Town's economic development services
- Publish a fully updated zoning map

CLOSING COMMENTS – Although it has continued to be a very challenging economic period for development, we believe Medway is on the cusp of a reinvention that will invigorate and excite the possibilities for future generations of Medway's residents.

This Board continues to believe that good results come from good planning. With that philosophy, we hope that Medway will continue to contribute and support us as elected officials and support the fundamental soundness of good planning and engineering practices. With each passing year and the build-out of more of Medway's land, it becomes even more imperative that Medway be vigilant in its efforts to grow smartly. This is how we endeavor to serve.

We will work toward a vision that establishes and promotes a more diversified tax base for Medway, thereby creating a more stable community for us to live in. We will do that by utilizing proper planning techniques, giving attention to design elements that make our community attractive, respecting residents' opinions and perspectives, and balancing the community's vision with private property rights. Past Planning Boards built the platform from which the current Planning and Economic Development Board works. They developed and promoted the adoption of zoning bylaw amendments to expand the available supply of commercially zoned land and a broader range of business types. Other zoning changes allowed for alternative housing options such as adult retirement communities and open space subdivisions. Compared to conventional

subdivisions, these types of residential development offer a wider array of housing options and preserve open space. Those bylaw changes are starting to bear fruit as reflected in the various developments described in this report.

I would like to recognize the hard work of the allied committees with whom we work closely - the Design Review Committee, Open Space Committee, Economic Development Committee and the Affordable Housing Committee. I encourage you to read their individual annual reports for highlights of their activities during 2011.

It has been my privilege and pleasure to serve Medway during 2011 with my fellow Board members Tom Gay, Chan Rogers, Karyl Spiller-Walsh and Bob Tucker. I admire their dedication and thank them for providing their time, talents and thoughtful perspectives. I specifically want to thank Bob Tucker for his support and always being available to pitch in when I wasn't able to participate. I would also like to recognize Planning and Economic Development Coordinator Susy Affleck-Childs for her tireless work on our behalf and for her comprehensive vision of what community planning and economic development can be in a small community.

On behalf of the full Board, I want to thank the citizens of Medway for affording us the opportunity to help guide the growth and development of this wonderful community we call HOME!

Respectfully submitted,

Andy Rodenhiser, Chairman
3/13/2012

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

March 9, 2012

TO: Board of Selectmen

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

RE: Strategic Plan for Medway

At the 3/8/2012 BOS meeting, you had a brief conversation about initiating a process to develop a strategic development plan for Medway. Chairman Foresto proposed that the BOS kick off such a project by meeting with various town boards/committees.

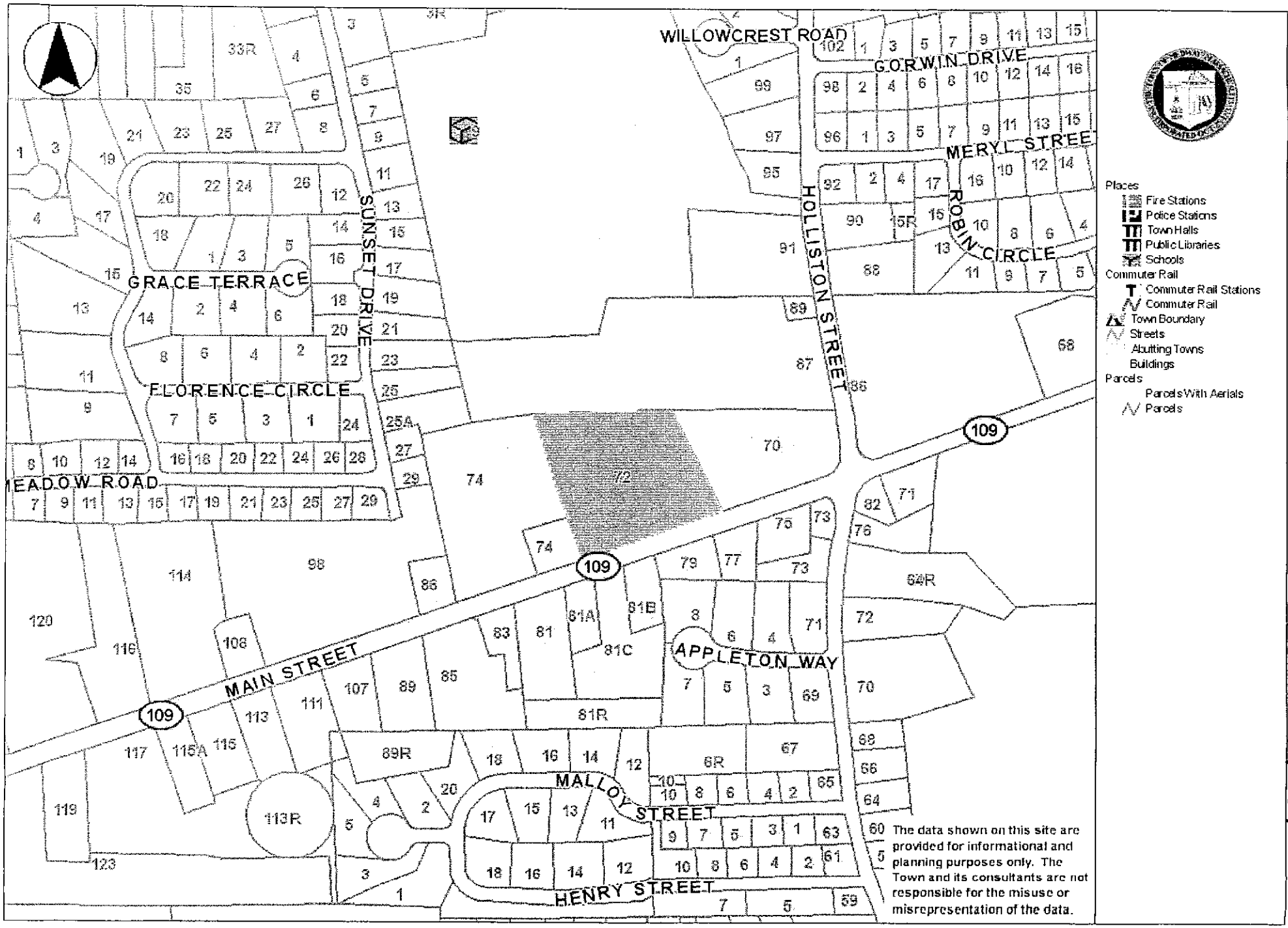
I know the Planning and Economic Development Board (PEDB) would welcome an opportunity to meet with the Board of Selectmen and other town boards/committees to discuss the development issues, challenges and opportunities facing Medway. I believe the PEDB would want to be a very active partner with you in this endeavor, as would I.

Attached is a copy of the 2009 Medway Master Plan as approved by the PEDB and adopted by Town Meeting. The preparation of the updated Master Plan was undertaken in 2008 by a group of talented Medway volunteers representing the various land use boards/committees. Guidance and support were provided by the PEDB, this office, and Gino Carlucci, the Town's planning consultant. As you begin to consider this important undertaking, I would encourage you to familiarize yourself with the Medway Master Plan and the thoughtful approach taken in its development.

Thanks.

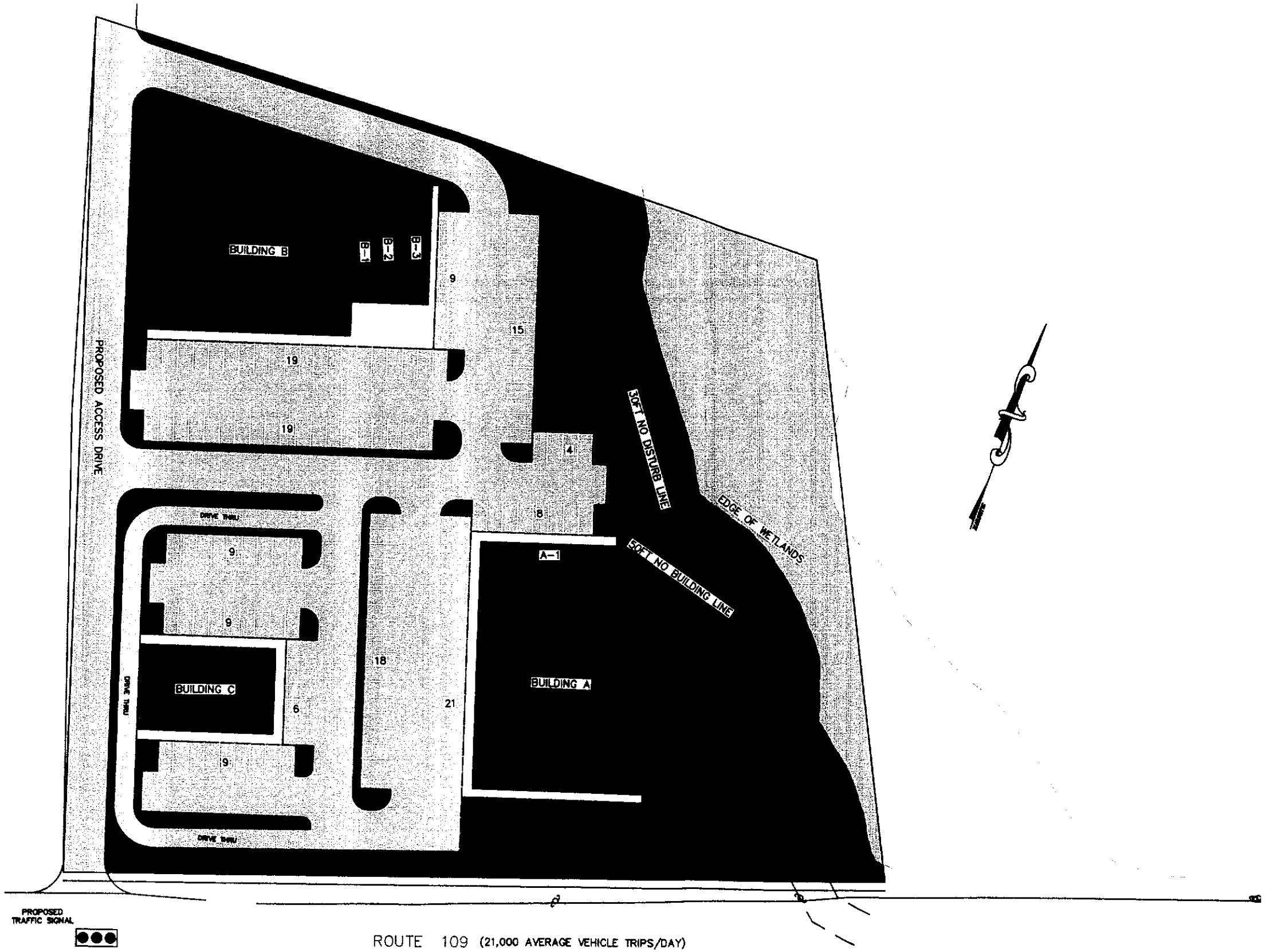
Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org


WILLOWCREST ROAD
GORWIN DRIVE
MERYL STREET
ROBIN CIRCLE
HOLLISTON STREET
SUNSET DRIVE
GRACE TERRACE
FLORENCE CIRCLE
MEADOW ROAD
MAIN STREET
APPLETON WAY
MALLOY STREET
HENRY STREET
109
Places
Fire Stations
Police Stations
Town Halls
Public Libraries
Schools
Commuter Rail
Commuter Rail Stations
Commuter Rail
Town Boundary
Streets
Abutting Towns
Buildings
Parcels
Parcels With Aerials
Parcels
The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.
0
440
880 ft
MapsOnline

1/2 MAIN ST


MAPS
PRINT
Sunset Dr
Main St
109
Main St
109
Main St
109
Holliston St
100 feet



TABLE

BUILDING	DIMENSIONS	AREA
A	100' X 130'	13,000 S.F.
A-1	80' X 15'	1,200 S.F.
B	90' X 120'	10,800 S.F.
B-1	70' X 15'	1,050 S.F.
B-2	70' X 15'	1,050 S.F.
B-3	70' X 15'	1,050 S.F.
C	50' X 80'	4,000 S.F.

146 PROPOSED PARKING APACES.

DEVELOPED BY:

BUILDING DESIGN BY:
LANDRY ARCHITECTS
389 MAIN STREET
SALEM, NH 03079

TRI VALLEY COMMONS

PRELIMINARY
PLAN OF LAND
IN

MEDWAY, MA

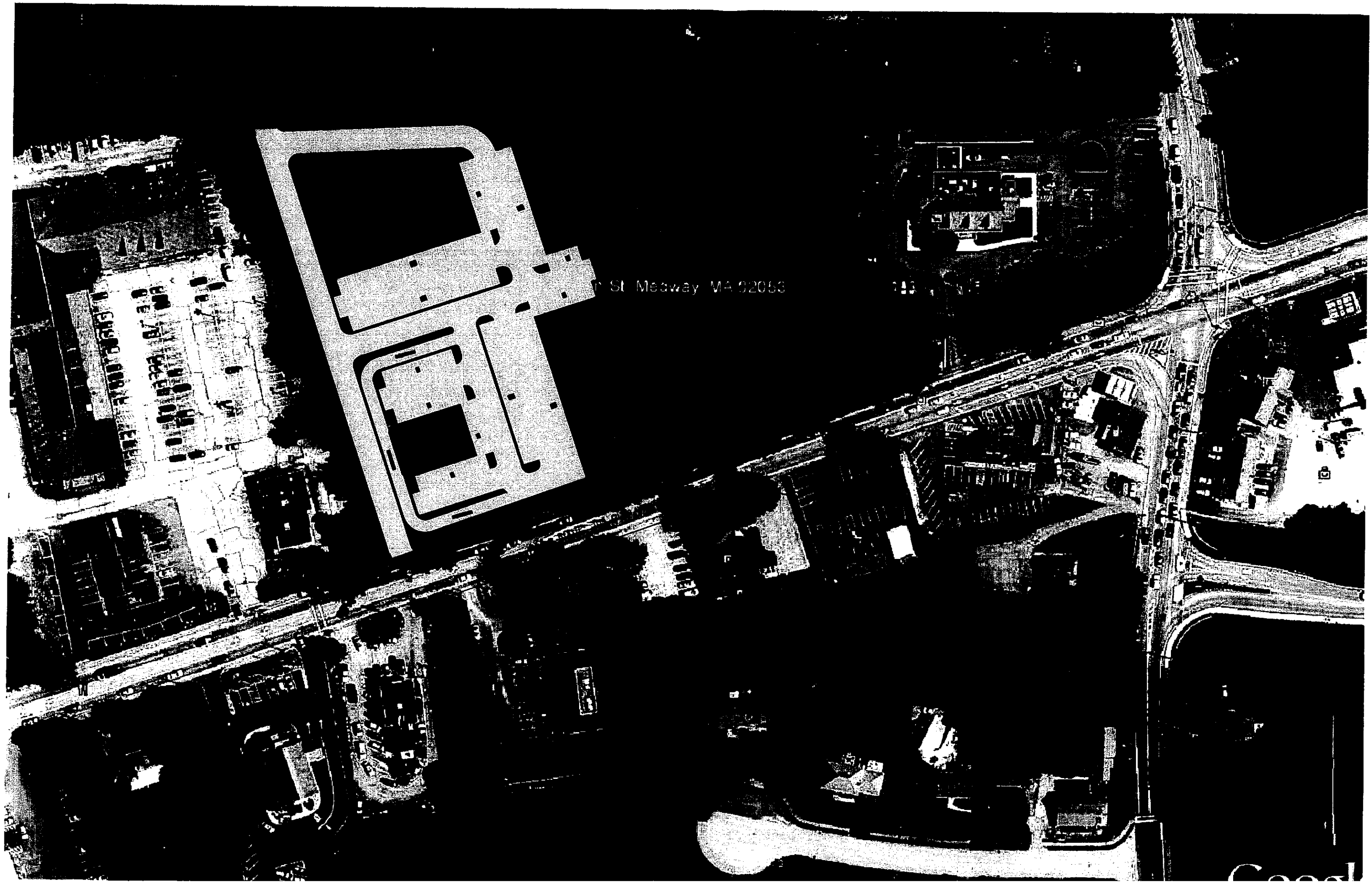
SCALE: 30 FEET TO AN INCH

DATE: MARCH 1, 2012

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

RJP

72 MAIN STREET G-4653


St Medway MA 02053
Google

BATTERY ENERGY STORAGE SYSTEM (BESS)
A123 SYSTEMS, INC.
NSTAR STATION 65 WEST
34 WEST STREET
MEDWAY, MASSACHUSETTS

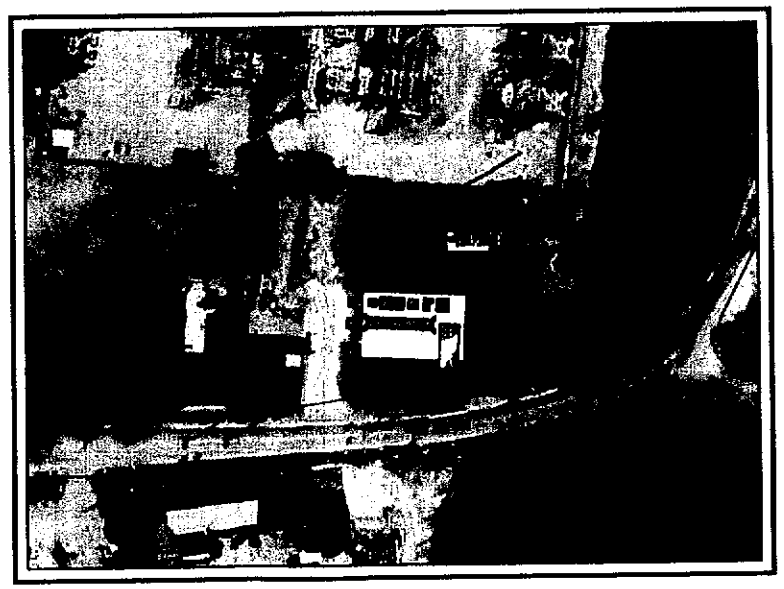
OWNER:
SITHE WEST MEDWAY LLC.
A SUBSIDIARY OF EXELON CORPORATION
P.O. BOX 567
NORWOOD, MA 02062

EASEMENT HOLDER:
NSTAR ELECTRIC
PROPERTY TAX DEPARTMENT
P.O. BOX 567
NORWOOD, MA 02062

APPLICANT:
A123 SYSTEMS, INC.
155 FLANDERS ROAD
WESTBOROUGH, MA 01581

ENGINEER:
GZA GEOENVIRONMENTAL, INC.
1 EDGEWATER DRIVE
NORWOOD, MA 02062

ASSESSOR'S MAP 2 LOT 59
MEDWAY ZONING DISTRICT IND-II



DRAWING LIST:

C	COVER SHEET
1	SITE CONTEXT PLAN
2	EXISTING CONDITIONS PLAN
3	PROPOSED SITE PLAN
4	PROPOSED LANDSCAPING, ARCHITECTURAL AND LIGHTING PLAN
5	DETAILS

MEDWAY ZONING DISTRICT IND-II
TABLE OF ZONING REQUIREMENTS

	REQUIRED	PROPOSED
LOT AREA	20,000 SF	48± ACRES
FRONTAGE	100 FEET	2300± FEET
LOT DEPTH		720± FEET
LOT WIDTH		2600± FEET
FRONT SETBACK	30 FEET	43± FEET
SIDE SETBACK	20 FEET	600± FEET
REAR SETBACK	30 FEET	560± FEET
LOT COVERAGE		1000± SF
PARKING SPACES		NONE

LIST OF REQUESTED WAIVERS:

• DEVELOPMENT IMPACT STATEMENT	SECTION IV S. 204-3 (A)(7)
• EXISTING LANDSCAPE INVENTORY	SECTION IV S. 204-5 (C)(3)
• LANDSCAPE ARCHITECTURAL PLAN	SECTION IV S. 204-5 (D)(7)
• BUILDING LAYOUT/FLOORPLAN	SECTION IV S. 204-5 (D)(10)

COMMONWEALTH OF MASSACHUSETTS
PETER J. WILLIAMS
CIVIL
No. 36237
PROFESSIONAL ENGINEER

PLANNING BOARD ENDORSEMENT

NO.	ISSUE/DESCRIPTION	BY	DATE

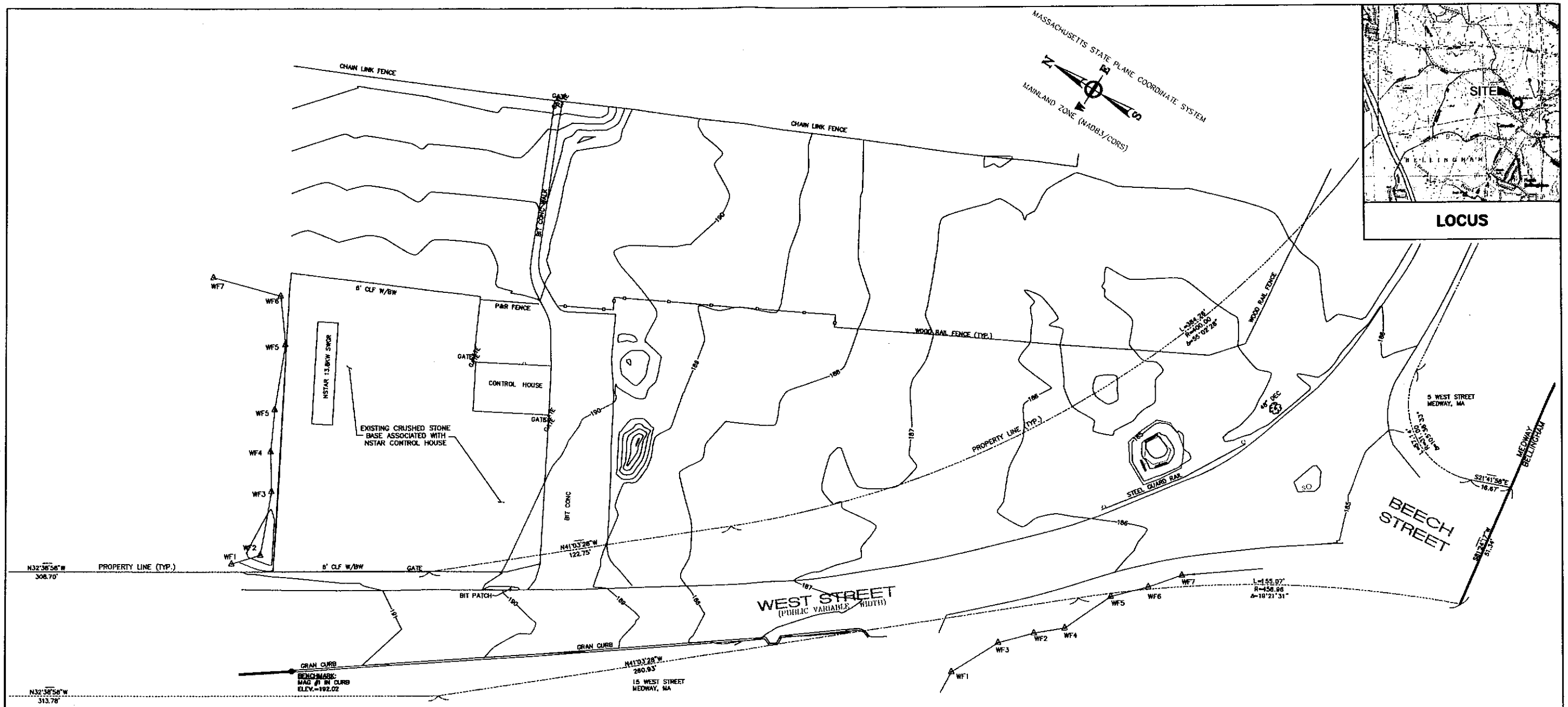
BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

COVER

PREPARED BY: Vine Associates; GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com

PREPARED FOR: A123 SYSTEMS

PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING C
DESIGNED BY: DMG	DRAWN BY: DMG	SCALE:	
DATE: FEB. 7, 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. C OF 5



LIST OF ABUTTERS

2-50
SITHE WEST MEDWAY LLC
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-34
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-42-5
LAU WAI KUENG & WONG
72 KNEELAND STREET
SUITE 205
BOSTON, MA 02111-1926

2-50
OLIMAN GERARD C.
47 WEST ST.
MEDWAY, MA 02053

2-53
JOHN MEME INVESTMENT TRUST
EDITH E. JOHN MENE, TR.
280 VILLAGE ST
UNIT 2A
MEDWAY, MA 02053

2-55A
SUMMIT HOME BUILDERS INC
10 HOLBROOK STREET
MEDWAY, MA 02053

2-57A
NEW ENGLAND POWER COMPANY
PROPERTY TAX DEPT.
40 SYLVAN ROAD
WALTHAM, MA 02451

2-56B-8A
DEXTER ROBERT
51 MILFORD STREET
MENDON, MA 02019

2-56B
WILLIAM J. BERRY LIVING
WILLIAM J. BERRY TR.
50 WEST ST.
MEDWAY, MA 02053

2-84
GROLEAU THERESA (LIFE
ANTONESKOU, MICHAEL N.
2 WEST ST.
MEDWAY, MA 02053

2-121-2
AZARGOOEH MOSTAFA/ZANGANI
AZARGOON & ZANGANI TRUST
6 JUNIPER RD
MEDWAY, MA 02053

2-37
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-43
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-51
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-54
FREY ERIK W. & MICHELLE
37 WEST ST.
MEDWAY, MA 02053

2-56
WHYTE JEFFREY S. & LISA
PO BOX 42
MEDWAY, MA 02053

2-58
WEST STREET REALTY TRUST
WILLIAM E D'ANNOCENZ/TR
15 WEST ST.
MEDWAY, MA 02053

2-121
CAHILL ROBERT E. & RITA
54 WEST ST
MEDWAY, MA 02053

2-61
NEW ENGLAND POWER COMPANY
PROPERTY TAX DEPT.
40 SYLVAN ROAD
WALTHAM, MA 02451

2-65A
SITHE WEST MEDWAY LLC
EXELON CORPORATION
REAL ESTATE DEPARTMENT
3 LINCOLN CENTER 4TH
OAK BROOK TERRACE, IL 60181

2-33
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-38-40
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-49
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-52
BOSTON EDISON CO
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567
NORWOOD, MA 02062

2-55
ASHMAN BARBARA E.
33 WEST ST.
MEDWAY, MA 02053

2-57
NEW ENGLAND POWER COMPANY
PROPERTY TAX DEPT.
40 SYLVAN ROAD
WALTHAM, MA 02451

2-58A
NEW ENGLAND POWER COMPANY
PROPERTY TAX DEPT.
40 SYLVAN ROAD
WALTHAM, MA 02451

2-59A
BARLOW FAMILY TRUST
WALTER P. & NANCY
46 WEST ST.
MEDWAY, MA 02053

2-63
SITHE WEST MEDWAY LLC
C/O NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
PO BOX 567

2-121-3
AZARGOOEH MOSTAFA/ZANGANI
AZARGOON & ZANGANI TRUST
6 JUNIPER ROAD

2-42 PINE MEADOW
DEVELOPMENT
17 HIGHGATE STREET
UNIT B
ALLSTON, MA 02134

2-42-8 LAU WAI KEUNG
72 KNEELAND STREET
SUITE 205
BOSTON, MA 02111-1926

2-48
BULMAN LARRY A. & MURIEL
51 WEST STREET
MEDWAY, MA 02053

2-49A-5A
FORTUNE JEAN & MARIE
9 MILLBROOK RD.
MEDWAY, MA 02053

2-49A-9
ROCHE'S BUILDING CO.
270 EXCHANGE ST.
MILLIS, MA 02054

2-50A
BOSTON EDISON CO.
C/ NSTAR SERVICES CO.
PROPERTY TAX DEPARTMENT
P.O. BOX 567
NORWOOD, MA 02062

2-29 CHAFFEE ALLAN H
49 MILFORD ST.
MEDWAY, MA 02053

2-42-4
LANTERN LANE LLC
17 HIGHGATE STREET
UNIT B
ALLSTON, MA 02134

2-49A-6A
BASSO PATRICIA J./DAVID
11 MILLBROOK RD.
MEDWAY, MA 02053

2-49A2
OLSEN KENNETH G.
49 WEST ST.
MEDWAY, MA 02053

2-47
CAHILL RUTH E. (MILLER) &
RUGGIERO JANET M.
53 WEST ST.
MEDWAY, MA 02053

2-49A
MORELL STEVEN D. & AUDRA
1 MILLBROOK RD.
MEDWAY, MA 02053

2-55-2
SUMMIT HOME BUILDERS INC.
10 HOLBROOK STREET
MEDWAY, MA 02053

2-120
MCCARTHY JOHN
269 MAIN ST.
MEDWAY, MA 02053

2-65-2A
PAPKEY JUDITH A.
268 MAIN ST.
MEDWAY, MA 02053

2-55-3
SUMMIT HOME BUILDERS NC
10 HOLBROOK ST.
MEDWAY, MA 02053

COMMONWEALTH OF MASSACHUSETTS
PETER J. WILLIAMS
CIVIL
No. 36222
PROFESSIONAL ENGINEER

0 10 20 40
SCALE IN FEET

NOTES:

1. EXISTING TOPOGRAPHIC AND UTILITY INFORMATION BASED ON FIELD SURVEY BY VINE ASSOCIATES – A DIVISION OF GZA GEOENVIRONMENTAL, INC. ON DECEMBER 9, 2011. AND PLAN TITLED "EXISTING CONDITIONS" BY SMC SURVEYING AND MAPPING CONSULTANTS OF BRAINTREE, MA DATED: 9/8/11.
2. VERTICAL DATUM: NAVD 88 SITE BENCHMARK IS 'MAG #1' NAIL SET IN GRANITE CURB ALONG WEST STREET, ELEVATION = 192.02.
3. UTILITY INFORMATION SHOWN IS BASED ON BOTH FIELD SURVEY AND THE LATEST PLANS OF RECORD. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES WHICH WILL EFFECT SITE DESIGN. NO CHANGES IN THE FIELD WITHOUT PRIOR NOTIFICATION OF THE DESIGN ENGINEER.
4. AT LEAST 72 HOURS PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY, IN WRITING, ALL UTILITIES SERVING THE SITE AND CALL 'DIG SAFE' 1-888-344-7233.
5. SITE IS LOCATED WITHIN THE TOWN OF MEDWAY ZONING DISTRICT IND-2.

NO.	ISSUE/DESCRIPTION	BY	DATE

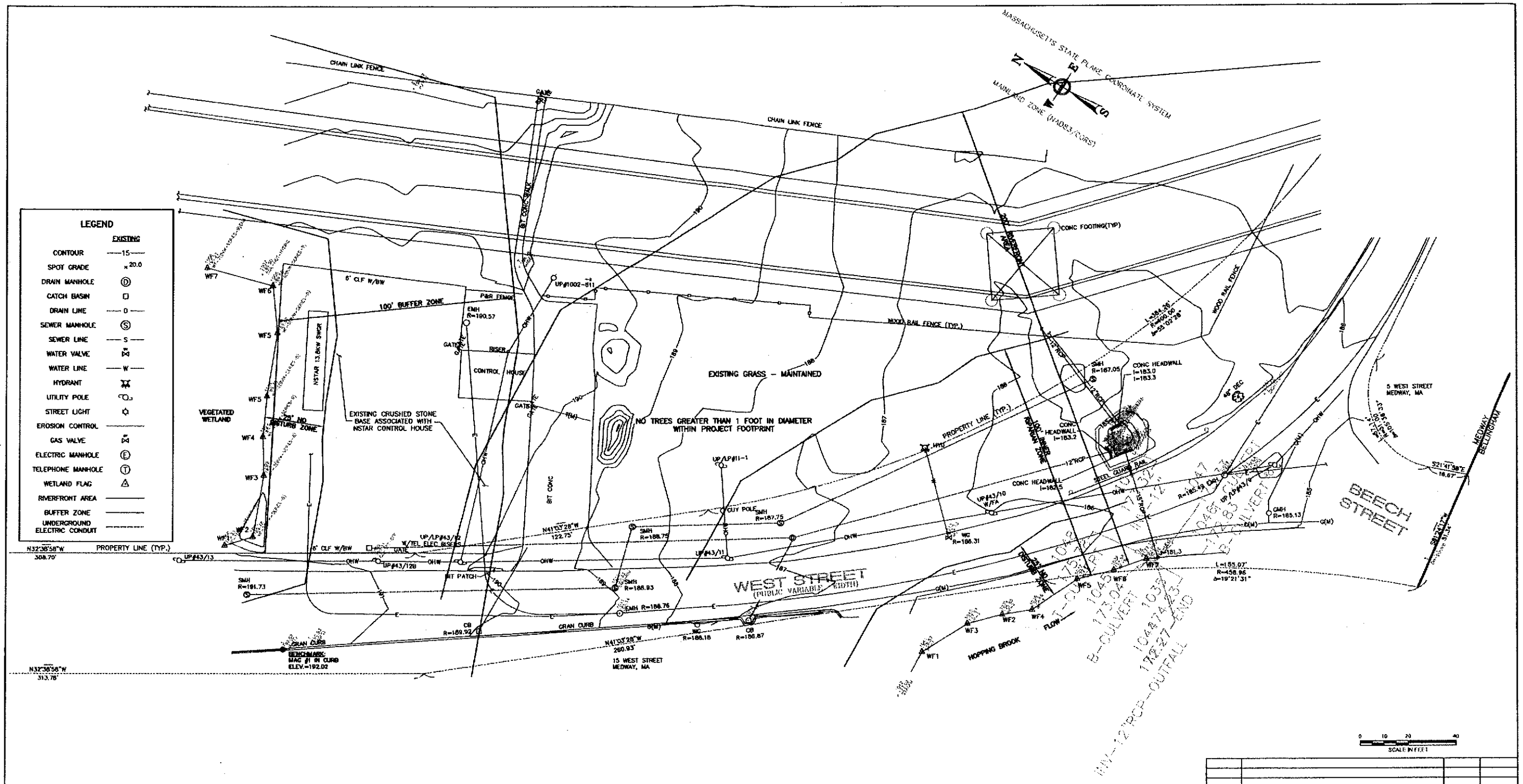
BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

SITE CONTEXT PLAN

PREPARED BY: Vine ASSOCIATES A DIVISION OF GZA; GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com

PREPARED FOR: A123 SYSTEMS

PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING 1
DESIGNED BY: DMG	DRAWN BY: DMG	SCALE: 1"=20'	
DATE: FEB. 7, 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. 1 OF 5



NO.	ISSUE/DESCRIPTION	BY	DATE

BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

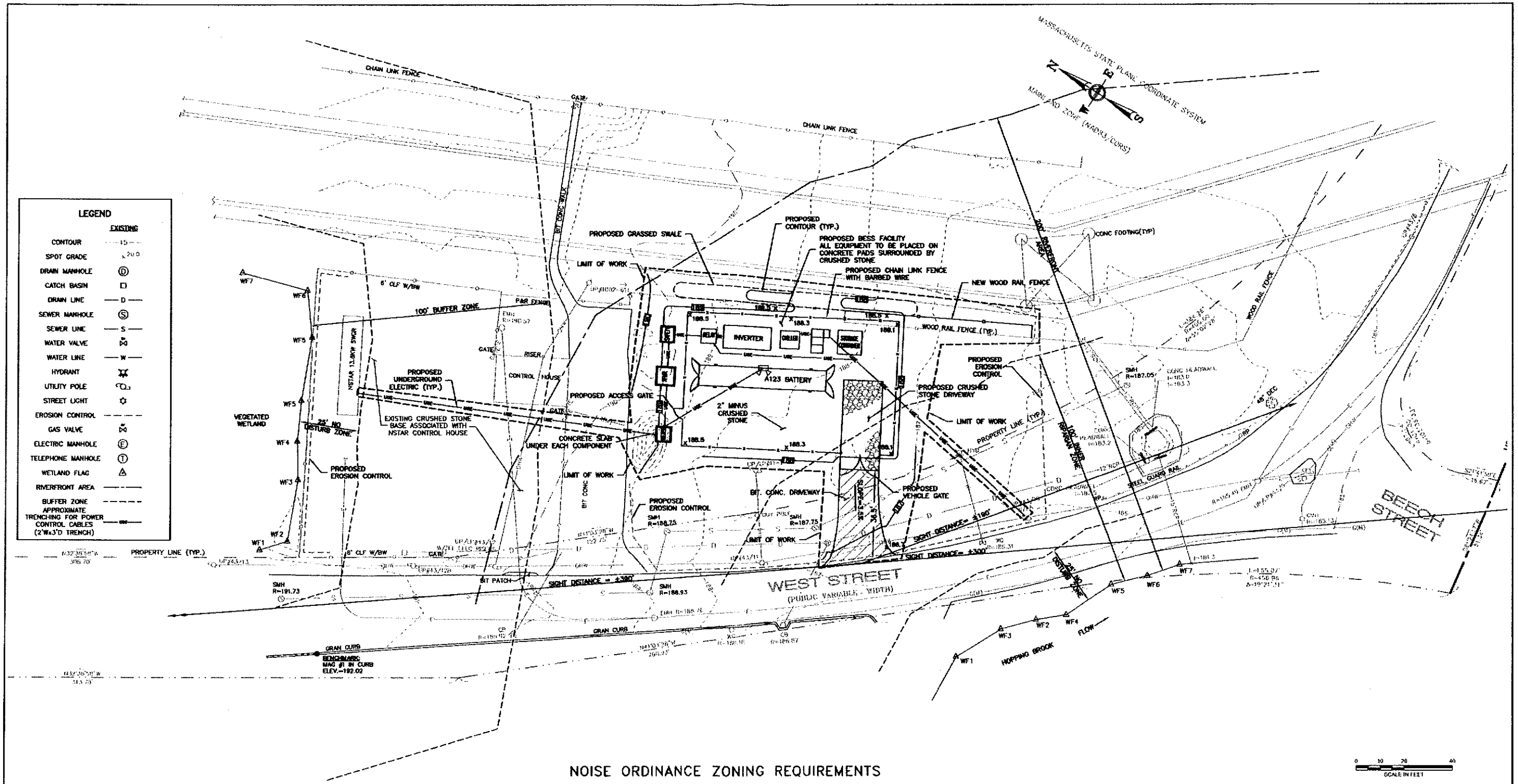
EXISTING CONDITIONS PLAN

PREPARED BY: Vine Associates; GZA GeoEnvironmental, Inc. Engineers and Scientists

PREPARED FOR: A123 SYSTEMS

PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING 2
DESIGNED BY: DMG	DRAWN BY: DMG	SCALE: 1"=20'	
DATE: FEB. 7, 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. 2 OF 5

NOTES:
1. SEE SHEET 1 OF 5 FOR NOTES.



NOISE ORDINANCE ZONING REQUIREMENTS

Less than and under:	Zoning	5 West	15 West
63 Hz	69	43	51.5
125 Hz	54	41.5	50.5
250 Hz	47	38	39.5
500 Hz	41	37	37.5
1000 Hz	37	34.5	34.5
2000 Hz	34	28	28
4000 Hz	31	21	21
8000 Hz	28	10.5	10.5

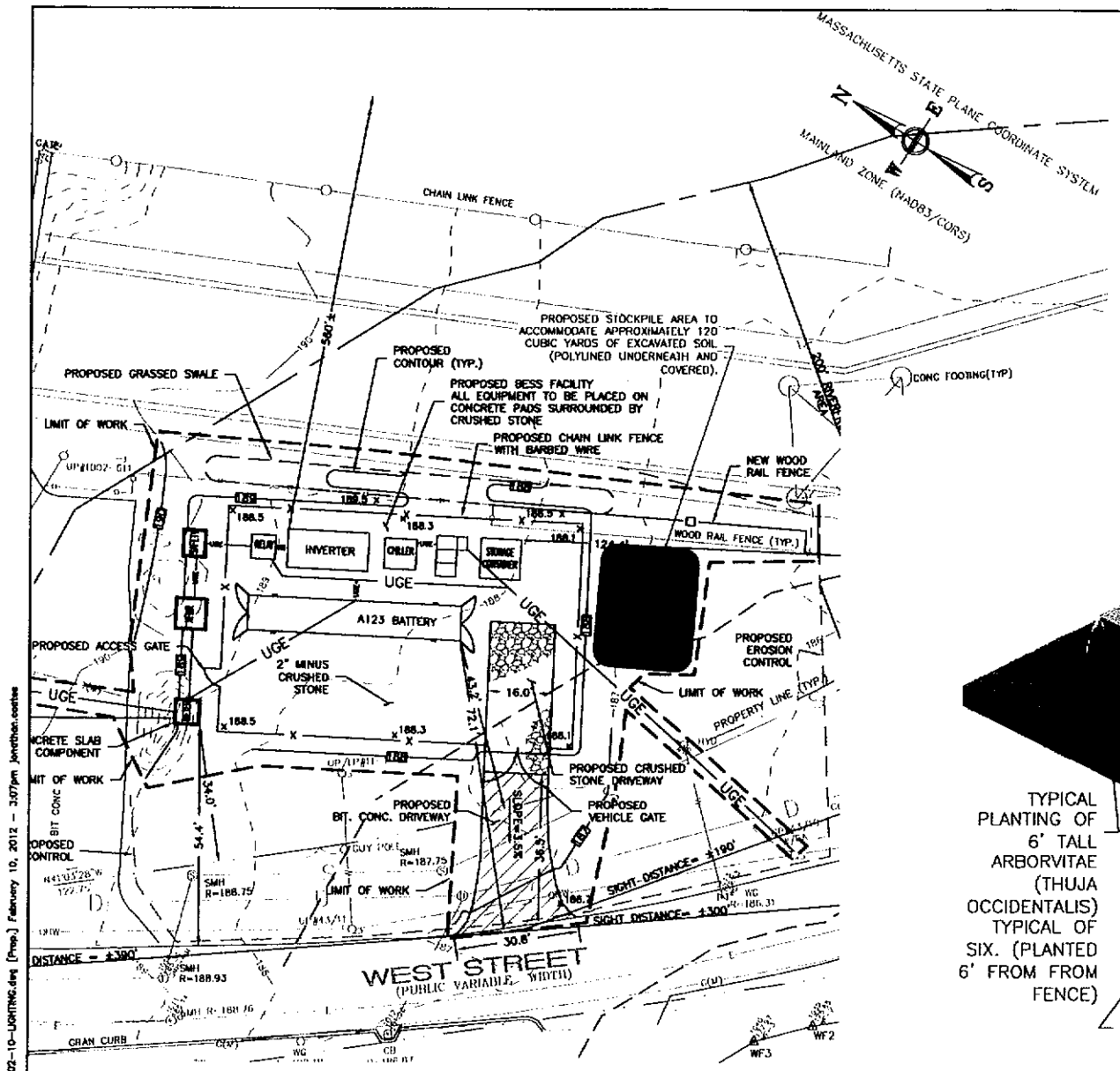
NOTES:
1. SEE SHEET 1 OF 4 FOR NOTES.

BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

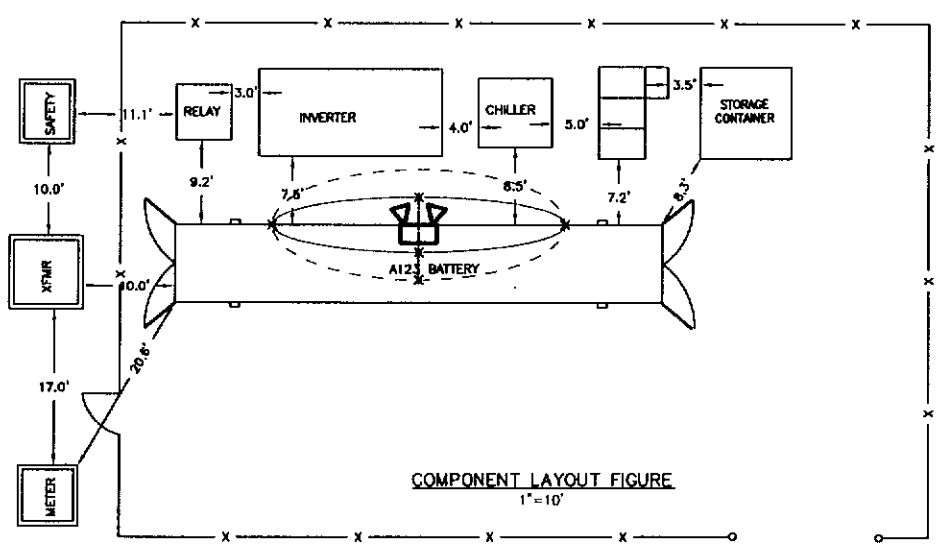
PROPOSED SITE PLAN

PREPARED BY: Vine Associates Architects; GZA GeoEnvironmental, Inc. Engineers and Scientists
PREPARED FOR: A123 SYSTEMS, INC. AND NSTAR ELECTRIC

PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING 3
DESIGNED BY: DMG	DRAWN BY: DMG	SCALE: 1"=20'	
DATE: FEBRUARY 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. 3 OF 4



PLAN
1"=20'



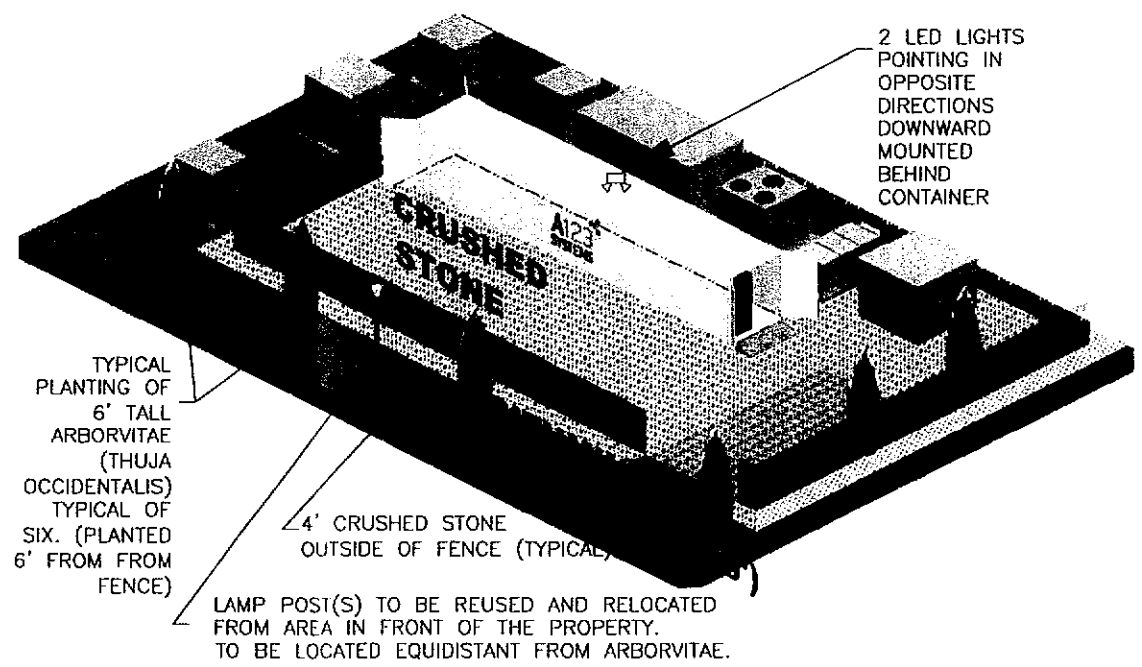
COMPONENT LAYOUT FIGURE
1"=10'

PLAN LEGEND

	EXISTING		EXISTING
CONTOUR	15	STREET LIGHT	
SPOT GRADE	×20.0	EROSION CONTROL	
DRAIN MANHOLE	D	GAS VALVE	
CATCH BASIN		ELECTRIC MANHOLE	E
DRAIN LINE	D	TELEPHONE MANHOLE	T
SEWER MANHOLE	S	WETLAND FLAG	
SEWER LINE	S	RIVERFRONT AREA	
WATER VALVE		BUFFER ZONE	
WATER LINE	W	APPROXIMATE TRENCHING FOR POWER CONTROL CABLES (2'Wx3'D TRENCH)	
HYDRANT			
UTILITY POLE			

MEDWAY ZONING DISTRICT IND–II
TABLE OF ZONING REQUIREMENTS

	REQUIRED	PROPOSED
LOT AREA	20,000 SF	48± ACRES
FRONTAGE	100 FEET	2300± FEET
LOT DEPTH		720± FEET
LOT WIDTH		2600± FEET
FRONT SETBACK	30 FEET	43± FEET
SIDE SETBACK	20 FEET	600± FEET
REAR SETBACK	30 FEET	560± FEET
LOT COVERAGE		1000± SF
PARKING SPACES		NONE



ISOMETRIC LANDSCAPE PLAN
NOT TO SCALE

RAB
FFLED39NW

DESCRIPTION

Rectangular stepped LED flood light designed to replace 150W Metal Halide. Patent Pending new technology ensures only LED and driver lifespan. Perfect for building facade lighting, wall lighting, LED landscape lighting and street or security lighting.

SPECIFICATIONS

NEMA Type
Two CV Bracket Spread

LEDs
Thermally chip 130Watt high performance LEDs

Driver
Constant Current Class 2 100 - 277v 50 - 60 Hz 100 - 277 VAC 0.7-0.55 Amps 277VAC 0.55 Amps

Lumen Efficacy
51 Lumens per Watt

Surge Protection
6 kV

Ambient Temperature
Suitable for use in 40C ambient temperatures

Cold Weather Starting
The minimum starting temperature is -40F/-40C

Heatsink Housing
Vertical heat sinking with external air flow fins

Mounting
Heavy duty mounting arm with O ring seal & stainless steel screws

Color Stability
RAB LEDs include inherent industry standard for color stability

Color Accuracy
90 CRI

Color Temperature (Nominal CCT)
4000K

Color Uniformity
RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard (ANSI) Publication ANSI C78.377-2008

Reflector
Semi specular anodized aluminum

Gaskets
High-temperature silicone gaskets

Finish
Chip and fade resistant convection powder coat finish

Green Technology
Mercury and lead free

IESNA LM-79 & LM-80 Testing
RAB LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80 and have received the Department of Energy Lighting Facts label

California Title 24
FFLED39 complies with California Title 24 building and electrical codes

Warranty
RAB LED fixtures give you peace of mind because both the fixture and light engine components are backed by RAB's 5 Year Warranty. See more information

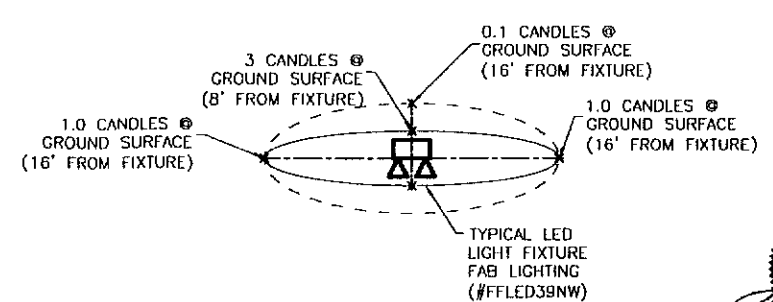
Patents
The FFLED39 design is protected by patents pending in the U.S., Canada, China, Taiwan and Mexico

UL Listing
Suitable For Wet Locations. Suitable for mounting within 1" (25.4mm) of the ground

Color
White

Weight
12 lb

NOTES:
1. LIGHT FIXTURE LOCATED AT AN APPROXIMATE EIGHT FOOT HEIGHT
2. EXTENT OF LIGHT SPREAD IS APPROXIMATE AT GROUND SURFACE LEVEL.
3. SUBJECT TO JURISDICTIONAL APPROVAL
4. SEE SHEET 1 OF 5 FOR ADDITIONAL NOTES.



APPROXIMATE EXTENT OF LIGHT
AT LEVEL GROUND SURFACE WITH LIGHT FIXTURE MOUNTED
AT AN APPROXIMATE EIGHT FOOT HEIGHT
1"=10'

COMMONWEALTH OF MASSACHUSETTS
PETER J. WILLIAMS
CIVIL
No. 36222
REGISTERED PROFESSIONAL ENGINEER

0 5 10 20 — INSET SCALE IN FEET
0 10 20 40 — PLAN SCALE IN FEET

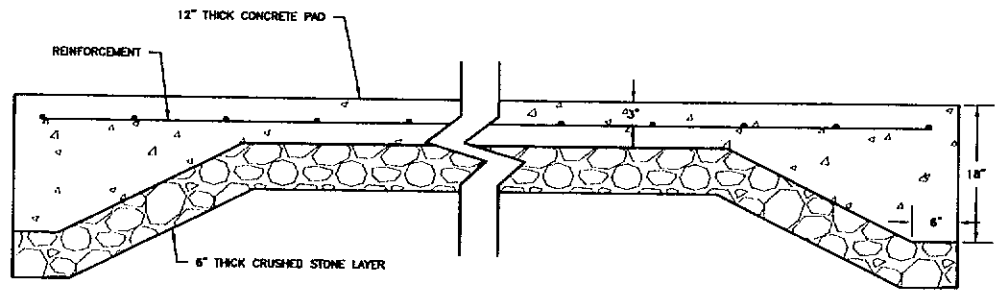
NO.	ISSUE/DESCRIPTION	BY	DATE

BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

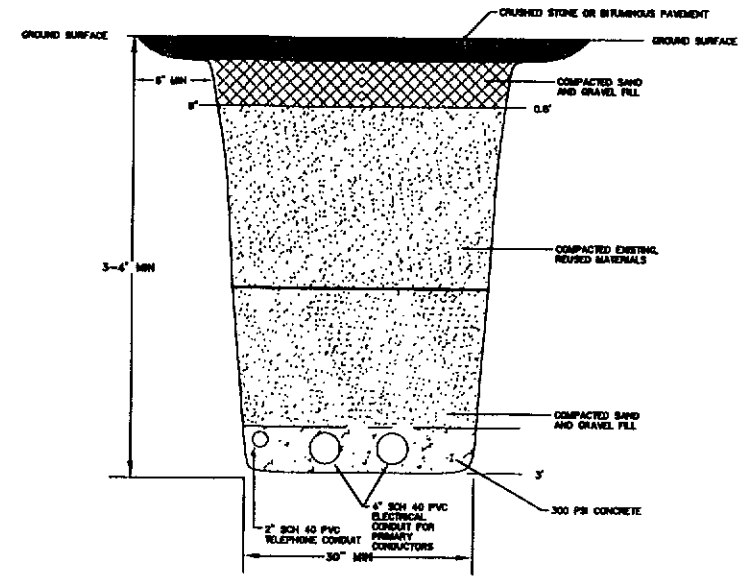
LANDSCAPING, ARCHITECTURAL, AND LIGHTING PLAN

PREPARED BY: Vine Associates Architects; GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com
PREPARED FOR: A123 SYSTEMS

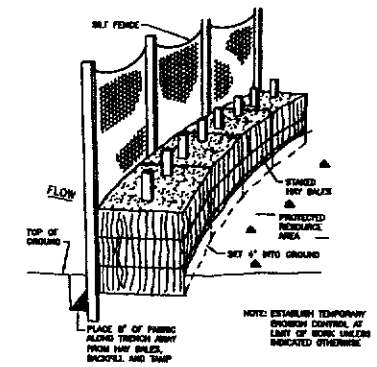
PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING 4
DESIGNED BY: JRFC	DRAWN BY: JRFC	SCALE: 1"=20'	
DATE: FEB. 7, 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. 4 OF 5



CONCRETE PAD DETAIL
1"=1'



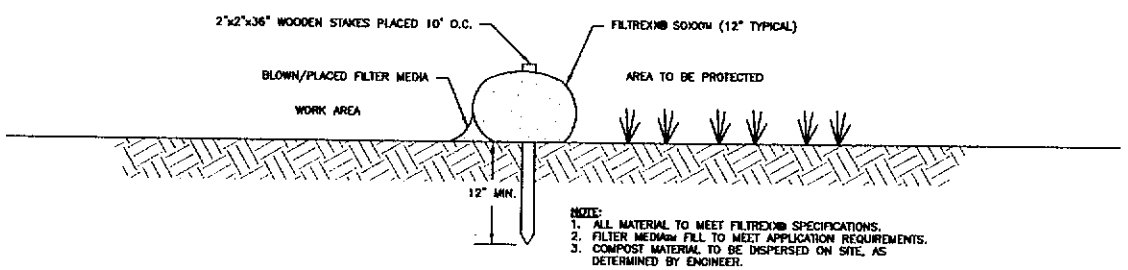
TRENCH DETAIL
SCALE: NOT TO SCALE



CONSTRUCTION SPECIFICATIONS

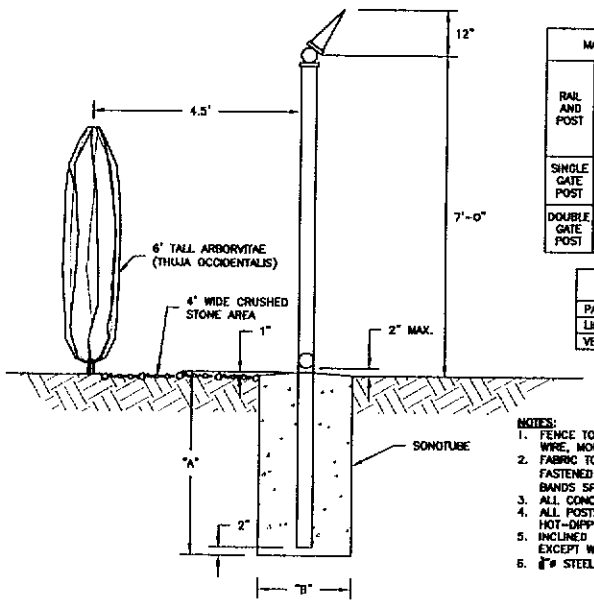
1. BALES SHALL BE PLACED AT THE TOE OF A SLOPE ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR (4) INCHES, AND PLACED SO THE BINDINGS ARE HORIZONTAL.
3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY TWO WOODEN STAKES DRIVEN THROUGH THE BALE. THE FIRST STAKE SHALL BE DRIVEN TOWARD THE PREVIOUS LAID BALE AT AN ANGLE TO FORCE THE BALES TOGETHER.
4. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.

STOCKPILE EROSION CONTROL DETAIL
SCALE: NOT TO SCALE



NOTE:
1. ALL MATERIAL TO MEET FILTREXⓇ SPECIFICATIONS.
2. FILTER MEDIAw FILL TO MEET APPLICATION REQUIREMENTS.
3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

EROSION CONTROL DETAIL
1"=1'

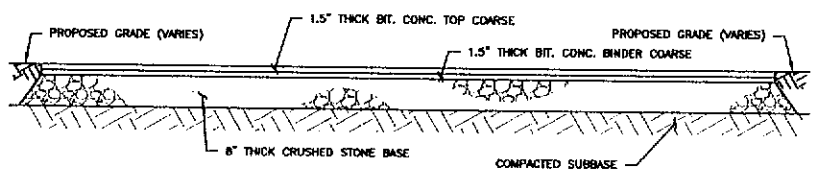


MATERIAL SIZES		NOM POST SIZE	O.D.
RAIL AND POST	TOP RAIL	1 1/4"	1.660"
	BOTTOM RAIL	1 1/4"	1.660"
	BRACE RAIL	1 1/4"	1.660"
	CORNER POST	2 1/2"	2.875"
	PULL POST	2 1/2"	2.875"
	LINE POST	2"	2.375"
SINGLE GATE POST	0 FT. TO 6 FT.	3 1/2"	4.000"
	7 FT. TO 10 FT.	6"	6.625"
	OVER 10 FT.	8"	8.625"
DOUBLE GATE POST	0 FT. TO 12 FT.	3 1/2"	4.000"
	13 FT. TO 20 FT.	6"	6.625"
	OVER 20 FT.	8"	8.625"

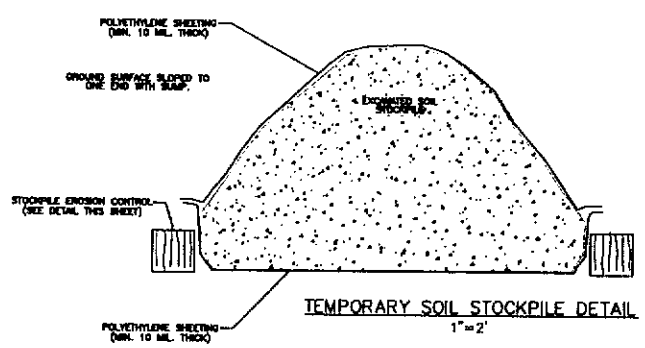
SONOTUBE	DIMENSION	
	A	B
PASS GATE POSTS	3'-0"	14" ø
LINE POSTS	3'-0"	14" ø
VEHICLE GATE POSTS	4'-0"	24" ø

NOTES:
1. FENCE TO HAVE 3 STRANDS OF ALUMINUM COATED STEEL BARBED WIRE, MOUNTED ON 45° ANGLE BRACKETS ON FENCE POSTS.
2. FABRIC TO BE 2" MESH, #9 GAGE ALUMINUM COATED STEEL AND FASTENED TO THE TOP AND BOTTOM RAIL WITH #6 GAGE METAL BANDS SPACED 24" O.C.
3. ALL CONCRETE TO BE 3,000 PSI, 28 DAY STRENGTH.
4. ALL POSTS, BRACKETS, FITTINGS AND HARDWARE TO BE HOT-DIPPED GALVANIZED.
5. INCLINED BRACKETS SHALL POINT OUTSIDE THE ENCLOSURE, EXCEPT WHEN ON THE PROPERTY LINE THEY SHALL POINT INSIDE.
6. #9 STEEL TRUSS ROD SHALL BE FITTED WITH A TURNBUCKLE.

FENCE DETAIL
1"=2'



BIT. CONC. DRIVEWAY DETAIL
1"=2'



TEMPORARY SOIL STOCKPILE DETAIL
1"=2'

NOTES:
1. SEE SHEET 1 OF 5 FOR NOTES.

NO.	ISSUE/DESCRIPTION	BY	DATE

BATTERY ENERGY STORAGE SYSTEM (BESS)
NSTAR STATION 65 WEST
MEDWAY, MASSACHUSETTS

DETAILS

COMMONWEALTH OF MASSACHUSETTS
PETER J. WILLIAMS
CIVIL
No. 16777
PROFESSIONAL ENGINEER

PREPARED BY: Vine Associates Architects; GZA GeoEnvironmental, Inc. Engineers and Scientists www.gza.com

PREPARED FOR: A123 SYSTEMS

PROJ MGR: MS	REVIEWED BY: PJW	CHECKED BY: GWM	DRAWING 5
DESIGNED BY: DMG	DRAWN BY: DMG	SCALE: AS SHOWN	
DATE: FEB. 7, 2012	PROJECT NO. 01.0171130.00	REVISION NO.	SHEET NO. 5 OF 5

March 21, 2012
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Avenue
Medway, MA 02053

Board Members Present:	Bob Tucker, Chan Rogers, Karyl Spiller-Walsh
Absent with Notice:	Andy Rodenhiser and Tom Gay
Also present:	Susan Affleck-Childs, Planning and Economic Development Coordinator
	Fran Hutton Lee, Administrative Secretary
	John Emidy, Building Commissioner

The meeting was called to order at 7:01 by Vice Chairman Bob Tucker

Chan Rogers referenced the Medway Business Council meeting last week which was held at the Medway Mills (165 Main Street). Chan commended developer/owner John Greene for the outstanding renovation work he has done at the mill. The quality of the renovations is unbelievable. Chan noted he had mentioned the Mill at the BOS meeting Monday night. Chan is concerned about some previous comments made by Selectmen Glenn Trindade who is very troubled about the waste services company going into the 495 Business Park. Chan feels that some of the good news also needs to be recognized.

Public Hearing – Proposed Amendments to the Medway Zoning Bylaw

The packet of proposed bylaws is attached.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to waive the reading of the public hearing notice. The motion passed unanimously. ***The public hearing notice is attached and made a part of the record.***

Susy Affleck-Childs asked to enter into the record the March 7, 2012 email communication from Joseph Musmanno who serves as chairman of the Medway ZBA. Mr. Musmanno had provided a lengthy communication specifying his concerns about a number of the proposed amendments.

A motion was made by Chan Rogers and seconded by Karyl Spiller Walsh to enter the email note into the record and waive the actual reading of it. The motion passed unanimously. ***The 3-7-2012 communication from Joe Musmanno is attached and made a part of the record.***

John Emidy, Building Commissioner and Zoning Enforcement Officer, noted that he had worked with Planning Coordinator Susy Affleck-Childs on many of the proposed definitions. He indicated that in his experience it was helpful to have terms defined, and the Medway Bylaw is absent many definitions. John noted that although the intent of a term may be understood, terms need definite definition.

Chan Rogers indicated that John Emidy is the official interpreter of the Zoning Bylaw.

Susy Affleck-Childs commented that she believes Joe Musmanno's comments are based on his perspective and experience as a member of the ZBA. She noted that she and Building Commissioner John Emidy use the zoning bylaw on a daily basis and are constantly explaining various aspects of the zoning bylaw to residents and businesses.

Bob Tucker also noted that the Planning & Economic Development Office and Building Department deal with day to day questions about zoning.

Bob Tucker noted the various revisions to the bylaw and comments on the revisions, and definitions that have been submitted by various individuals, including Gino Carlucci, the Planning Consultant, and Town Counsel, Barbara Saint Andre, which Susy Affleck-Childs entered into the record. The comments received 3/16/2012 from Town Counsel Barbara Saint Andre were emailed to the Board on 3/19/2012. Susy also provided a version of Town Counsel's comments with additional comments from Planning Consultant Gino Carlucci. ***The marked up document is attached and made a part of the record.***

Susy Affleck-Childs noted that any additional changes to the zoning bylaw amendments that the Board approves tonight will still be able to be included in the Warrant for the May 14, 2012 Annual Town Meeting. She can submit items to the Town Administrator's office on Thursday morning (3/22/12).

Susy Affleck-Childs then reported that she had reviewed Town Counsel's recommendations and Gino Carlucci's comments. She entered into the record a document dated 3/21/2012 with her recommended additional edits based on both. ***See attached document which is made a part of the record.***

The Board discussed Susy Affleck-Childs' recommendations. On a motion by Chan Rogers, seconded by Karyl Spiller-Walsh, the recommendations were approved unanimously.

NOTE – There were no members of the general public who attended the public hearing.

A motion was made by Chan Rogers and seconded by Karyl Spiller-Walsh to close the public hearing. The motion was approved unanimously.

Susy Affleck-Childs informed the Board that based on her discussions with the BOS at its Monday morning meeting on 3/19, some BOS members were concerned about the number of zoning articles and whether they would consume a lot of time at Town Meeting. Susy Affleck-Childs reported that Town Administrator Suzanne Kennedy has suggested that she is not comfortable with all the piecemeal changes we propose. She has suggested that perhaps some funds be allocated in a future year to undertake a major overhaul or rewrite to the zoning bylaw.

Bob Tucker noted that the bylaws are good and solid but need to be revised periodically to address current situations in economy and to reflect changes in technology and sound engineering principles. The experiences we go through enable us to make improvement. To not make improvements is to go backwards.

Susy Affleck-Childs noted that the zoning bylaw is a living, evolving document that is responsive to changing land use practices and evolving mindsets of the community.

Karyl Spiller-Walsh noted that the bylaw needs to reflect changes in design, living patterns and mindsets of the community as well.

Bob Tucker emphasized that the bylaw also reflects the latest improvements in available technology.

A motion was made by Karyl Spiller-Walsh and seconded by Chan Rogers to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 7:55 pm

Respectfully submitted,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street

Medway, Massachusetts 02053

February 27, 2012

NOTICE OF PUBLIC HEARING
Town of Medway – Planning & Economic Development Board
Proposed Amendments to Medway Zoning Bylaw & Medway General Bylaws

Pursuant to the Medway Zoning Bylaw and M.G.L. Ch. 40A, Section 5, ***the Medway Planning and Economic Development Board will conduct a public hearing on Wednesday, March 21, 2012 at 7:15 p.m.*** at the Medway Senior Center, 76 Oakland Street, Medway, MA to receive comments on proposed amendments to the *Medway Zoning Bylaw* (last update published November 11, 2010) and the Medway Zoning Map (last published December 2010). Proposed amendments have been submitted to the Board of Selectmen for inclusion on the warrant for the May 14, 2012 Annual Town Meeting. The subject matter of the proposed amendments is indicated below. Warrant article numbers have not yet been assigned. To facilitate the public's review, the proposed Articles are referenced by letters instead.

MEDWAY ZONING BYLAW – Proposed Amendments

ARTICLE A: In SECTION I. AUTHORITY AND PURPOSE, to delete Sub-Section C. Purpose and Intent regarding adult uses, in its entirety.

ARTICLE B: In SECTION II DEFINITIONS, to add, revise and delete some definitions.

ARTICLE C: In SECTION V. USE REGULATIONS, to delete the seventh paragraph in Sub-Section A. General Requirements regarding the requirement for a special permit for a kennel in all zoning districts.

ARTICLE D: In SECTION V. USE REGULATIONS, Sub-Section E. Agricultural Residential District I to specify in paragraph 1 that a kennel is allowed by special permit from the ZBA.

ARTICLE E: In SECTION V. USE REGULATIONS, Sub-Section F. Agricultural Residential District II to specify in paragraph 1 that a kennel is allowed by special permit from the ZBA, and to insert "single *family* between the words *any* and *dwelling* in paragraph 4.

ARTICLE F: In SECTION V. USE REGULATIONS, Sub-Section G. Commercial I to revise the by right uses to reflect new definitions, to delete and add certain special permit uses authorized by the ZBA and the Planning and Economic Development Board all in paragraph 1, and to revise dimensional regulations in paragraph 2 by replacing *minimum lot width* with *minimum continuous frontage.*

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ARTICLE G: In SECTION V. USE REGULATIONS, Sub-Section I. Commercial District III to revise the by right uses to reflect new definitions, to add home based businesses as a by-right use, to add certain special permit uses authorized by the ZBA all in paragraph 1, and to revise dimensional regulations in paragraph 3 to by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE H: In SECTION V. USE REGULATIONS, Sub-Section J. Commercial District IV to revise the by right uses to reflect new definitions, to add home based businesses as a by-right use, to add special permit uses authorized by the ZBA all in paragraph 1, and to revise dimensional regulations in paragraph 2 by replacing *minimum lot width* with *minimum continuous frontage..*

ARTICLE I: In SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V to revise the by right uses to reflect new definitions and to add special permit uses authorized by the ZBA both in paragraph 1, and to revise dimensional regulations in paragraph 2 by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE J: In Section V. USE REGULATIONS, to add Sub-Section L. Accessory Family Dwelling Units; to revise Sub-Section E. Agricultural Residential I and Sub-Section F. Agricultural Residential II by deleting paragraph 2 in each sub-section its entirety and replacing it to indicate that *Accessory Family Dwelling Units* may be authorized by special permit from the ZBA subject to the provisions of Sub-Section L.; to revise Sub-Section I. Commercial District III and Sub-Section J. Commercial IV by inserting a new paragraph 3 in each sub-section to indicate that *Accessory Family Dwelling Units* may be authorized by special permit from the ZBA subject to the provisions of Sub-Section L; and to renumber the existing paragraph 3 in Sub-Sections I. and J. to paragraph 4.

ARTICLE K: In SECTION V. USE REGULATIONS, Sub-Section M. Industrial District I to add certain by right uses and certain special permit uses as authorized by the ZBA both in paragraph 1, and to revise paragraph 2 dimensional regulations by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE L: In SECTION V. USE REGULATIONS, Sub-Section N. Industrial District II to add a by right use and to add special permit uses as authorized by the ZBA both in paragraph 1, and to revise paragraph 2 dimensional regulations by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE M: In SECTION V. USE REGULATIONS, Sub-Section O. Industrial District III to add a by right use and to add a special permit use authorized by the ZBA both in paragraph 1, and to revise paragraph 2 dimensional regulations by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE N: In SECTION V. USE REGULATIONS, Sub-Section Q. Floodplain/Wetland Protection Districts to delete the sub-section in its entirety and replace with revised paragraphs 1 – 11 *(Purpose; Flood Plain/Wetland Protection District; Base Flood Elevation & Floodway Data; Use Regulations; Lot Area Allowance; Boundary Line Lot Plan; Determination of Flooding and Suitability; Special Permit Requirements; Conservation Commission Requirements; Notification of Watercourse Alteration; and Definitions)* all to reflect new Flood Insurance Rate Maps and requirements.

ARTICLE O: In SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation to amend paragraph 9 to delete references to *eight square feet* of signage and replace with *six square feet* and in paragraph 10 to relabel various items and include a new item c regarding special permits for signs.

ARTICLE P: In SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) to delete paragraphs 1 – 11 in their entirety and replace with revised paragraphs 1-11 *(Purpose & Intent; Eligibility; Special Permit General Requirements; Pre-Application; Four Step Design Process; OSRD Special Permit Application; Maximum # of Dwelling Units/Yield Plan; Adjustment of Dimensional Requirements; Open Space Requirements; General Design Standards; and Decision of the Planning Board).*

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ARTICLE Q: In SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, to delete the sub-section in its entirety and replace it with revised paragraphs 1-14 *(Purpose and Intent; Definitions; Applicability; Mandatory Provision of Affordable Housing Units; Density Bonus – Affordable Housing Special Permit; Voluntary Affordable Housing Bonus; Methods of Providing Affordable Housing Units; Provisions Applicable to affordable Housing Units; Timing of Construction; Affordable Housing Special Permit Approval Requirements; Preservation of Affordability – Restrictions on Resale, Rules and Regulations; Conflict with Other Bylaws; Severability).*

ARTICLE R: In SECTION V. USE REGULATIONS, Sub-Section Y. Business/Industrial District to add certain special permit uses authorized by the ZBA in paragraph 1 and to revise paragraph 2 dimensional regulations by replacing *minimum lot width* with *minimum continuous frontage.*

ARTICLE S: In SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses to delete the first sentence in paragraph 2 and replace it with a revised statement of purpose.

ARTICLE T: To amend the MEDWAY ZONING MAP by rezoning the entire triangular shaped portion of Parcel 3-43B (Medway Assessor's Map 3-4 dated January 1, 2011) that is located west of Interstate 495 as shown on a map on file with the Town Clerk from Agricultural Residential I to Industrial III.

The complete text of the proposed amendments to the Zoning Bylaw and Map are on file with the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The information may also be viewed online at the Planning and Economic Development Board web page http://www.townofmedway.org. For further information, contact the Planning and Economic Development office at 508-533-3291.

Interested persons or parties are invited to review the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard @townofmedway.org.

Andy Rodenhiser
Planning & Economic Development Board Chairman

To be published in the *Milford Daily News:*
Tuesday, March 6, 2012
Wednesday, March 14, 2012

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Compilation of Proposed Zoning Bylaw Amendments
Medway Planning and Economic Development Board
(Revised – 3/14/2012)

NOTE – *The articles listed below have been submitted by the Medway Planning and Economic Development Board to the Medway Board of Selectmen for inclusion on the warrant for the May 14, 2012 annual town meeting. Final warrant article numbers have not yet been determined. To facilitate the public's review of these proposed articles, the proposed articles are referenced by letters instead.*

ARTICLE A: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting Sub-Section C. Purpose and Intent in its entirety from SECTION I. AUTHORITY AND PURPOSE.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE B: To see if the Town will vote to amend SECTION II of the Medway Zoning Bylaw by adding the following definitions in alphabetical order:

Common Driveway: A privately owned road, paved or not, providing vehicular access between two or more buildings and a street. A common driveway does not serve as legal frontage for a lot.

Contractor's Yard: An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1) the storage of equipment, supplies and materials;
2) the fabrication of sub-assemblies;
3) the parking of wheeled equipment;
4) the parking of 2 or more motorized vehicles with six (6) wheels or more;
5) the parking of 1 or more "commercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

Frontage: That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lots can be provided. Frontage is measured as the horizontal distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one way or street, the measurement on both streets may be used to determine if the lot meets the minimum frontage requirement of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets or ways. For

purposes of this Zoning Bylaw, only sufficient frontage on one of the following types of ways shall be recognized.

1) A public way or a way certified by the Town Clerk that is maintained and used as a public way
2) A way shown on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of `Deeds that is constructed or secured through a covenant or suitable performance guarantee.
3) A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of vehicular traffic for the existing and future buildings and uses abutting thereon or to be served thereby.

Lot Area: The total area of a lot, less the included area of any street rights-of way.

Lot Coverage: That portion of the lot that is covered by buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.

Lot Frontage: The length of a lot line(s) measured at the street right-of-way line

Lot Line, Front: A lot line separating a lot from a street right-of-way

Lot Line, Rear: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the frontage street.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Line, Street: A lot line separating a lot from a street right-of-way

Retail Sales: Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building.

Retail Sales, Outdoors: Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

Services: Establishments engaged primarily in providing assistance, as opposed to providing products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services.

Setback: The distance between a structure and any lot line.

Vehicle Fuel Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles.

Vehicle Repair: Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair, or leasing of motor vehicles.

And by deleting the existing definition for *Automotive Service Station*

And by deleting the existing definition for *Lot Line* and replacing it with the following:

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE C: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting the seventh paragraph in Sub-Section A. General Requirements in SECTION V. USE REGULATIONS.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE D: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section E. Agricultural Residential District I as follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE E: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section F. Agricultural Residential District II as

follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*
Paragraph 4. by inserting *"single family"* between the word *any* and *dwelling*.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE F: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE RGULATIONS, Sub-Section G. Commercial I as follows:

1. b) Delete this item in its entirety and replace it with *Retail Sales*

   j) Special Permit Uses – Zoning Board of Appeals

      4) Delete *Automobile Service Station* and replace it with *Vehicle Fuel Station*

      Add 8) *Kennel*

      Add 9) *Vehicle Repair*

   k) Special Permit Uses – Planning and Economic Development Board

      Add 2) *Local Convenience Retail with Associated Vehicle Fuel Station*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE G: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section I. Commercial District III as follows:

1. b) Delete this item in its entirety and replace it with *Retail Sales*

Add 1. g) *Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE H: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section J. Commercial District IV as follows:

1. b) Delete this item in its entirety and replace with *Retail Sales*

Add 1. g) *Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE I: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V as follows:

1. b) Delete this item in its entirety and replace with *Retail Sales*

Add 1. m) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE J: To see if the Town will vote to amend the Medway Zoning Bylaw to add Sub-Section L. Accessory Family Dwelling Units to SECTION V. USE REGULATIONS as follows:

1. *Purpose* - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.

2. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer or conveyance of the property, the special permit shall become null and void

3. An accessory family dwelling unit in a single-family dwelling is subject to the following conditions:

   a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence.

   b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/ grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.

   c) There shall not be more than one bedroom in the accessory family dwelling unit.

   d) The accessory family dwelling unit shall have an exterior design such that the premises has the character of a single-family dwelling.

   e) There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit. At least one off-street parking space shall be provided for the accessory family dwelling unit.

   f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. A certificate of occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory family dwelling unit shall be null and void.

   g) Only one accessory family dwelling unit may be allowed per premises.

And to revise Sub-Section E. Agricultural Residential I and Sub-Section F. Agricultural Residential II by deleting paragraph 2 in each sub-section its entirety and replacing it as follows:

2. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to revise Sub-Section I. Commercial District III and Sub-Section J. Commercial IV by inserting a new paragraph 3 in each sub-section as follows:

3. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to renumber the existing paragraph 3 in Sub-Sections I. and J. to paragraph 4.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE K: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section M. Industrial District I as follows:

Add 1. l) *Contractor's Yard*

Add 1. m) *Vehicle Repair*

Add 1. n) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. o) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE L: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section N. Industrial District II as follows:

Add 1. j) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. k) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE M: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section O. Industrial District III as follows:

Add 1. i) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. j) *Kennel when authorized by special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE N: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, by deleting Sub-Section Q. Floodplain/Wetland Protection Districts in its entirety and replacing it as follows:

(NOTE – New text is noted in ***italic bold***. Deleted text is shown with ~~strikethrough~~.)

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. *Purpose*: In addition to the purpose in Section 1 of this Bylaw, the purposes of this district are:

   a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residences or other

purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.

b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.

c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***

d) To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.

2. ***Flood Plain/***Wetland Protection ***District: The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:***

~~a) The Flood Plain/ District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/ District includes~~

a) All special flood hazard areas designated as Zone A ***or AE*** ~~A1-30~~ on the ~~Medway~~ ***Norfolk County*** Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and*** are ~~and the Flood Boundary and Floodway Maps dated June 18, 1980~~ on file with the Town Clerk, Planning ***and Economic Development*** Board, ***Conservation Commission***, ***Building Department*** and ***Board of Assessors***. ~~Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.~~

b) All that land bordering any natural water body that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.

c) All water bodies encircled by boundary lines of the District.

d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.

e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. Base Flood Elevation and Floodway Data

a) Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

~~3~~.4. *Use Regulations:*

a) The Flood Plain/Wetland Protection District ***is an overlay district to all*** ~~shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*** ~~Any uses permitted in the portion of the districts so overlaid shall be permitted except that:~~

1) No new building or structure shall be erected or constructed;
2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.

b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs 4 ~~3~~, a) 1, 2, 3 and 4 above, above as applicable

provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.

1) Uses directly related to the conservation of water, plants and wildlife.
2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
4) Grazing and farming, including truck gardening and harvesting of crops.
5) Forestry and nurseries.
6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.
10) Buildings lawfully existing prior to the adoption of these provisions.

c) All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

d) Other Use Regulations

1) In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood

discharge.

2) All subdivision proposals must be designed to assure that:

a. such proposals minimize flood damage;

b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. adequate drainage is provided to reduce exposure to flood hazards.

3) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

~~4.~~ **5.** *Lot Area Allowance:* If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

~~5.~~**6.** *Boundary Line Plot Plan*: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

~~6.~~ **7.** *Determination of Flooding and Suitability*: If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located,

provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.

~~7.~~**8.** *Special Permit Requirements:* Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.

~~8.~~ **9.** If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.

10. Notification of Watercourse Alteration – In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

a) Adjacent Communities

b) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 - 700
Boston, MA 02114-2104

c) NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

11. In this sub-section, the words used shall be defined as follows:

***AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.*

***BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year.*

***DEVELOPMENT** means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.*

***DISTRICT** means floodplain district.*

***FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.*

***FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.*

***FLOOD INSURANCE STUDY** means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.*

***FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.*

***LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.*

***NEW CONSTRUCTION** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.*

***ONE-HUNDRED-YEAR FLOOD** - see BASE FLOOD.*

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Or to act in any manner relating thereto:

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE O: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation as follows:

9. b) 10) Delete reference to *eight (8)* square feet and replace it with *six* square feet

9. e) 1) Delete reference to *eight (8)* square feet and replace it with *six* square feet

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE P: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) by deleting paragraphs 1 – 11 in their entirety and replacing as follows:

(NOTE – New text is shown in ***italic bold***. Deleted text is shown with ~~strikethrough~~.)

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. *Purpose and Intent* – ***An OSRD is an alternative to a conventional/grid subdivision. An OSRD is specifically designed to accommodate, preserve and feature a site's important physical features.*** The primary purposes for OSRD are:

a) To allow for greater flexibility and creativity in the design of residential development;
b) To protect community water supplies;
c) To minimize the total amount of disturbance on the site;
d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, ***other natural landscape features*** and/or historical and archeological resources.
e) To ~~discourage sprawl and~~ encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional ***grid*** subdivision;
f) To further the goals and policies of the Medway Master and/or Open Space Plans;
g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
h) To preserve and enhance the community character;
i) To preserve and protect ***farmland*** ~~agriculturally significant land~~;
j) To protect the value of real property;
k) To ***promote a variety of*** ~~allow for~~ housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan.

2. *Eligibility*

a) *Zoning Classification* - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.

b) *Contiguous Parcels* - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions. *(Revised June 15, 2009)*

c) *Land Division* - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of ~~8~~ ***10*** acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than ~~8~~ ***10*** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit* ~~*Required*~~ ***General Requirements***

a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan,* and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area.
(Item c) added 6-2-08)

d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes.
(Item d) added 6-2-08)

4. *Pre-Application ~~Phase~~*

a) *Pre-Application Review* -The purpose of the pre-application review is to ***allow the developer to secure feedback from the Planning and Economic Development Board, to*** minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the ~~development.~~ ***site design process***. The applicant is required to ***submit a pre-application and to*** schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to ***review the pre-application materials and*** attend the informal pre-application review.

b) Pre-Application Documents – It is the intention that the majority of the required pre-application information can be derived primarily from existing data/ information sources.

1) Preliminary Site Context Map
2) Preliminary Site Analysis Map illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant
3) Aerial and/or ground photos of the site and environs
4) Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property
5) Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as wetlands protection, etc.

6) Map(s) and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources/features of the site.

c) At the pre-application review, the applicant shall:

1) ~~outline the proposed OSRD including~~ ~~presentation of~~ ***present*** the ***P***reliminary Site ***C***ontext and ***Preliminary Site*** Analysis ***maps*** ~~Plan~~ prepared with input from a Registered Landscape Architect
2) ***identify potential development areas and open space areas and amenities including potential trails, trail connections, parking areas, etc.***
3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents ***and other Town boards/committees***
~~4) review potential open space, trails and trail connections~~
~~5)~~ ***4)*** present a preliminary concept for handling stormwater runoff
~~6)~~ ***5)*** discuss potential mitigation measures pursuant to paragraph 13. B) herein
~~7)~~ ***6)*** and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage ***outside consultants*** **as** technical experts to review the applicant's ~~informal~~ ***preliminary*** plans and facilitate submittal of a formal application for an OSRD special permit.

~~b)~~ ***d)*** *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board, ~~and~~ Open Space Committee ***and Conservation Commission*** members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

(Paragraph 4. Replaced in its entirety – June 13, 2011)

5. *Four-Step Design Process* - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and ~~considered in determining~~ ***was used to determine*** the proposed layout of ~~proposed~~ streets, house lots and/or dwelling units and open space. ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate *Conservation Areas*: This includes:

a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)

b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)

2) Identify and delineate ~~*Potentially Developable*~~ ***Potential Development*** *Area(s)*. To the maximum extent feasible, the ~~*Potentially Developable*~~ ***Potential Development*** *Area(s)* shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Lot Lines*

~~A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.~~

(Paragraph 5 was replaced in its entirely – June 13, 2011.

6. OSRD ***Special Permit*** Application

a) Contents – An application for an OSRD Special Permit shall include:

1) ***Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as but not limited to wetlands protection, etc.***

~~1)~~ ***2)*** *Site Context and Analysis* ~~*Plan*~~ ***Map*** – The Site Context and Analysis ~~Plan~~ ***Map*** shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data

sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

~~2)~~ ***3)*** ***OSRD*** *Concept Plan* - The **OSRD** *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The ***OSRD*** *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways, ***guest parking areas, community center and convenience retail*** and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, ~~when determining a proposed design for the development.~~ ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

~~3)~~ ***4)*** *Yield Plan* - See Paragraph 7 herein.

~~4)~~ ***5)*** *Design Plan* - The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping ***design*** identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

6) ***Open Space Documents***

a) ***The Open Space Plan shall indicate areas planned in the required Open Space parcel(s) for passive open space and for active open space including but not limited to trails, trail structures, bike paths, associated parking, sports fields, playgrounds, seating, docks, launches, piers, etc.***
b) ***The Open Space Plan shall also indicate open areas within the Development Parcel that would benefit the residents of the development.***
c) ***A narrative describing the proposed management plan for the ownership and on-going maintenance, care and upkeep of the Open Space parcel(s).***

d) ***A narrative that describes how the proposed open space parcel(s) fits into Medway's Open Space and Recreation Plan and/or serves to extend an existing open space area.***

~~5)~~ *7)* *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b) ~~shall be included as part of the application.~~

~~6)~~ ***8)*** Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.

9) Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property

10) List of Anticipated Waivers from the Subdivision Rules and Regulations

~~7)~~ ***11)*** *Other Information* – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

b) Application Review Process – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

7. *Maximum Number of Dwelling Units/Yield Plan*

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA), ***its easement area (EA), its potential development area (PDA)*** and its wetland and riverfront area (W***R***A). W***R***A shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. ***EA shall include those portions of the tract that are already subject to utility easements but shall not include any pedestrian access easements. WRAs located within the EA shall not be counted twice. PDA equals TA – EA.***

(Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded
down to the nearest whole number.

~~Maximum # of OSRD Dwelling Units = TA – (0.5 x WA) – (0.1 x TA) / Zoning District Minimum Lot Area~~

Maximum # of OSRD Dwelling Units = PDA – (.5 x WRA) – (.1 x PDA) / Zoning District Minimum Lot Area

~~b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit.~~

b) The Board, in issuing the OSRD Special Permit, is not required to authorize the maximum possible number of OSRD dwelling units as derived from the Yield Plan calculations.

8. *Adjustment of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of ***the applicable zoning district requirements including but not limited to*** lot size, shape, ***frontage*** and other bulk requirements for lots within an OSRD, subject to the following limitations:

a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

b) Lot frontage shall not be less than fifty feet (50').

c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.

d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.

e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	**<u>Average</u> Separation Distance (feet)**
Single family detached dwelling units with 2500 ft^2 or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Single family detached dwelling units with more than 2500 ft^2 of habitable space	30
Four or five attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft^2 of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

(Paragraph 8 replaced in its entirety – June 13, 2011)

9. *Open Space Requirements* - A minimum of fifty percent (50%) of the tract shown on the development plan for ***parcels of 25 acres or less*** shall be open space. ***For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.*** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes

described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% ***or 60%*** of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area.* *(Revised May 14, 2007 & June 15, 2009)*

b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. ***In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.***

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. ***For developments in which 60% of the tract is open space,*** the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space *(i.e., ~~pedestrian walks and~~ bike paths, playgrounds, or other recreation facilities).* ***For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.*** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning Board may require a minimum number of off-street parking spaces to facilitate such public access ***depending on the nature and use of the open space area.***

(Revised June 15, 2009)

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
2) Sub-surface drainage, septic and leaching systems per Title 5
3) Seventy-five percent (75%) of the land area subject to any type of utility easement
4) Land within thirty feet (30') of any dwelling unit
5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
8) Buffer areas in the Development Area as required in Subsection 10 (i)

(Revised June 13, 2011)

f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:

1) The Town or its Conservation Commission, upon its agreement;
2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

10. *General Design Standards* – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for residents of the development, abutting properties and passersby to the fullest extent practicable.

~~c)~~ ***d)*** The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

~~d)~~ ***e)*** All open space *(landscaped and usable)* shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

~~e)~~ ***f)*** The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

~~f)~~ ***g)*** Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.

~~g)~~ ***h)*** Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning Board.

~~h)~~ ***i)*** Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*

~~i)~~ ***j)*** A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the

proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.
(Revised June 13, 2011)

~~j)~~ ***k)*** Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.
(Revised June 13, 2011)

~~k)~~ ***l)*** Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.
(Added June 15, 2009)

~~l)~~ ***m)*** Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).
(Added June 13, 2011)

~~m)~~ ***n)*** Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.
(Added June 13 2011)

o) ***Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a secondary emergency access/egress is provided that is acceptable to Medway safety officials.***

11. *Decision of the Planning Board* - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

b) Whether the OSRD promotes ***the*** permanent preservation ***and where possible, enhancement*** of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, ***significant natural features and scenic views,*** and historical and archeological resources;

c) Whether the OSRD promotes ~~less sprawl and~~ a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

d) Whether the OSRD reduces the total amount of disturbance on the site;

e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

g) Whether the ***OSRD*** *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.

i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.

l) Whether the OSRD protects and enhances community character

(Items 11 (h) – 11 (l) added May 14, 2007)

m) Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.

n) Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.

An OSRD Special Permit decision shall include the approved ***OSRD*** *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved ***OSRD*** *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.

(Added June 2, 2008)

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE Q: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section Y. Business/Industrial District as follows:

1. l) Special Permits from Zoning Board of Appeals

   l) Delete *Automobile Service Station.* Replace with *Vehicle Repair*

   o) Add *Outdoor Retail Sales*

   p) Add *Kennel*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE R: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, by deleting the sub-section in its entirety and replacing it as follows:

(NOTE – New text is shown is ***italic bold***. Deleted text is shown as ~~strikethrough~~)

X. AFFORDABLE HOUSING

1. *Purpose and Intent* – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

   a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

   b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

   c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

   d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

   e) provide more opportunities to enable Town of Medway employees to live in the community;

f) ~~help maintain a stable economy.~~ ***Provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.***

2. *Definitions*

Affordable Housing Restriction - A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An

Affordable Housing Restriction shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

Affordable Housing Trust Fund – An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units in the Town of Medway.
Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six ~~(36)~~ months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of ***four*** ~~4,~~ or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

DHCD – The Massachusetts Department of Housing and Community Development or a successor agency.

Local Initiative Program (LIP) – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

Maximum Affordable Purchase Price or Rent - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory.*

Qualified Purchaser: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidized Housing Inventory: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. *Applicability* – In all zoning districts, the provisions of this sub-section shall apply to the following:

~~a) Division of Land – The division of land into 3 or more lots under M.G.L. Chapter 41 *(the Subdivision Control Act)*, Sections 81L and 81-U for conventional or grid subdivisions and including those divisions of land that do not require subdivision approval.~~

a) ~~b) Multiple Units –~~ Any residential or mixed-use development project, ***for which a Town permit is applied for after the effective date of this sub-section,*** ~~except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U.,~~ that results in a net increase of ~~3~~ **six** or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

1) ***The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.***
2) ***The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 Section 81P (ANR)***
3) ~~1)~~ Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.
4) ~~2)~~ Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the ~~3)~~ Medway Zoning Bylaw.
5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

b) ~~c)~~ The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in ~~an~~ ***a net*** increase of ~~3~~ ***six*** or more lots or dwelling units above the number existing thirty-six ~~(36)~~ months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) These provisions shall not apply to:

1) The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.

2) Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.

3) Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G. Commercial District I

~~4. ***Special Permit Required*** An affordable housing special permit granted by the Planning Board shall be required for any development specified in paragraph 3 herein. A special permit may be granted if the proposed development meets the requirements of this sub-section. Where the proposed subdivision of land is for 3 or more lots pursuant to M.G.L. Chapter 41, Sections 81K – 81GG *(the Subdivision Control Act)*, the Planning Board's special permit authority shall be limited only to enforcing the affordable housing provisions of this sub-section.~~

~~5. ***Types of Affordable Housing Units*** Affordable housing units may be of the following types:~~

~~a) single family dwellings~~
~~b) duplexes~~
~~c) three-family dwelling units~~
~~d) multi-family dwelling units~~
~~e) mixed-use development dwelling units~~
~~f) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw~~

~~6.~~ ***4.*** *Mandatory Provision of Affordable Housing Units*

~~a) The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~

~~b) The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units in a multiple unit residential or mixed-use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~

a) In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.

b) ***In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.***

c) ***In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.***

d) ***In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.***

~~7.~~ *5.* *Density Bonus* – ***Affordable Housing Special Permit***

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to ***issue an Affordable Housing Special Permit to adjust*** ~~reduce the minimum~~ ***any zoning*** requirements ~~in any zoning district~~ for any development subject to these provisions as follows, but only to the extent needed to increase the total number of ***market rate*** lots or dwelling units on-site by a number equal to ***one-half of*** the number of affordable ***housing*** units required, pursuant to paragraph ~~8~~ 7 a) or ~~8~~ 7 c) below. For example, if two ~~(2)~~ affordable ***housing*** units are required, an additional ~~two (2)~~ ***one*** ~~(1)~~ market rate units may be constructed. ***In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.***

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. ***Provided, however, that the layout of lots shall meet one of the following requirements:***

1) ***No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or***

2) ***The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.***

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. ***This may include:***

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units
6) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L, c. 40A, s. 9 and this sub-section.

e) When the requirements of this ***sub***-section are being met by providing the affordable ***housing*** units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 5. a), ***b) and c) to accommodate the bonus market rate units*** ~~above, but only to the extent needed to increase the total number of lots or dwelling units by a number equal to one half the number of affordable units required, rounded to the nearest whole number.~~ For example, if two affordable ***housing*** units are required, ***and will be provided off-site***, an additional one market rate unit may be constructed ***on site.***

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to **7** d) below.

~~8.~~ ***6.*** *Voluntary Affordable Housing Bonus* – A new housing development that is not subject to the provisions of paragraph 3 herein but provides the minimum affordable housing requirements specified in paragraph ***4.*** b) herein may ***apply for an Affordable Housing Special Permit*** ~~receive the same density bonus~~ as specified in paragraph **5** herein. ~~but only when the development is approved by special permit by the Planning Board.~~

~~9.~~ *7.* *Methods of Providing Affordable Housing Units* - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments provided be less than the equivalent number or value of affordable ***housing*** units required by this sub-section.

a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development. ~~subject to the special permit;~~

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit~~. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable ***housing*** units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.
The Planning Board shall evaluate proposed off-site locations according to the following criteria:

1) Whether the off-site ***affordable housing*** unit(s) help preserve existing housing stock;
2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
3) Whether the off-site ***affordable housing*** unit(s) are compatible with the neighborhood where such would be located.
4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable ***housing*** units.

All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

c) *Donation of Land* - In the event the Planning Board determines that ***the required*** affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation ***in fee simple*** of ***off-site*** land to the *Medway Affordable Housing Trust Fund*, if and when said Fund is established pursuant to M.G.L. chapter 44, section 55~~ce~~, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land ~~in fee simple, on or off site,~~ are acceptable only when ***the recipient organization agrees to such donation and*** the Planning Board, in its sole discretion, determines that:

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.

Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), ***b) or*** c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable ***housing*** units , `~~pursuant to paragraph 5 herein~~, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund,* if and when said Fund is established pursuant to M.G.L. c. 44, s. 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

1) For each affordable ***housing*** unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable ***housing*** units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for ***the Affordable Housing*** special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for ~~a~~ ***the Affordable Housing*** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD.*

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph ~~11~~ **9** herein.

e) Combination of Alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.

~~e)~~ *f)* Donations of land and/or buildings or cash contributions made to pursuant to paragraph 7 c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

~~10.~~ *8.* *Provisions Applicable to Affordable Housing Units (On and Off Site)*

~~a) *Partial Units* In the instance when the provision of affordable units required by paragraph 6. b) (1) produces a requirement for a percentage of an affordable lot or unit, the partial affordable lot or unit shall be provided as follows:~~

~~1) For any development of seven (7) or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

~~2) For any development of 3-6 lots or units, the affordable lots or units shall be provided by:~~

~~a. rounding up to one (1); or~~

~~b. by making a cash payment equal to the corresponding proportion of the per unit amount established in paragraph 9. d) (1) or (2). For example, for a 5 unit development, the applicant would be required to provide .75 affordable units. In this instance, the applicant could provide a cash payment to the Medway Affordable Housing Trust Fund, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55c, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway, in an amount equal to equal to 75% of the amount established in paragraph 9 d) 1) or 2).~~

~~b)~~ *a)* *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

When an Affordable Housing special permit is applied for, the location of the

affordable housing units ***to be provided on site*** shall be identified on a plan during the public hearing process and specifically referenced in the ~~special permit~~ decision. ***When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.***

~~e)~~ ***b)*** *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; ***this shall include a garage for each affordable housing unit if the market rate units have a garage.***

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet ***of living area*** and ***at least*** three ~~(3)~~ bedrooms for single family detached houses and ***a minimum size of*** 1200 square feet ***of living area*** and ***at least*** two ~~(2)~~ bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable ***housing*** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable ***housing*** units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

~~d)~~ ***c)*** *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

~~e)~~ ***d)*** *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee ***and/or the Medway Affordable Housing Trust***. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a

manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory.*

~~f)~~ *e)* Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, ***the Medway Affordable Housing Trust*** or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

~~g)~~ *f)* In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each ***affordable housing*** unit shall be subject to an *Affordable Housing Restriction.*

~~11.~~ *9.* *Timing of Construction*

a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable ***housing*** units be delayed beyond the schedule below. Fractions of units shall not be counted.

MARKET-RATE UNIT %	***AFFORDABLE HOUSING UNIT %***
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

~~c) Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market-rate housing units.~~

~~d)~~ *c)* In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,

2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,

3) a combination of the above methods as may be approved by the Planning Board.

~~e)~~ ***d)*** In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable ~~dwelling~~ ***housing*** unit.

~~12.~~ *10. **Affordable Housing** Special Permit Approval Requirements* - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

a) whether the applicant has conformed to the provisions of paragraph ~~10~~ 8 herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

~~13.~~ **11.** *Preservation of Affordability; Restrictions on Resale*

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of

the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel. ~~Such documents shall be executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

~~14.~~ **12.** *Rules and Regulations* – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory.*

~~15.~~ **13.** *Conflict with other Bylaws* – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more

restrictive provisions shall apply.

~~16.~~ **14.** *Severability* – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

(Sub-Section X. Affordable Housing was added June 2, 2008)

~~The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 9 a) only.~~

~~Proposed # of Dwelling Units~~	~~Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)~~	~~# of Additional Market Rate Units Allowed as a Density Bonus~~	~~Total # of Market Rate and Affordable Dwelling Units~~	~~Overall Affordable % Achieved~~
~~3~~	~~.45 > 1~~	~~+1~~	~~4~~	~~25%~~
~~4~~	~~.6 >1~~	~~+1~~	~~5~~	~~20%~~
~~5~~	~~.75 >1~~	~~+1~~	~~6~~	~~16.7%~~
~~6~~	~~.9 > 1~~	~~+1~~	~~7~~	~~14.3%~~
~~7~~	~~1.05 > 2~~	~~+2~~	~~9~~	~~22.2%~~
~~8~~	~~1.2 > 2~~	~~+2~~	~~10~~	~~20%~~
~~9~~	~~1.35 > 2~~	~~+2~~	~~11~~	~~18.2%~~
~~10~~	~~1.5 > 2~~	~~+2~~	~~12~~	~~16.7%~~
~~11~~	~~1.65 > 2~~	~~+2~~	~~13~~	~~15.4%~~
~~12~~	~~1.8 > 2~~	~~+2~~	~~14~~	~~14.3%~~
~~13~~	~~1.95 > 2~~	~~+2~~	~~15~~	~~13.3%~~
~~14~~	~~2.1 > 3~~	~~+3~~	~~17~~	~~17.7%~~
~~15~~	~~2.25 > 3~~	~~+3~~	~~18~~	~~16.7%~~
~~16~~	~~2.4 > 3~~	~~+3~~	~~19~~	~~15.8%~~
~~17~~	~~2.55 > 3~~	~~+3~~	~~20~~	~~15%~~
~~18~~	~~2.7 > 3~~	~~+3~~	~~21~~	~~14.3%~~
~~19~~	~~2.85 > 3~~	~~+3~~	~~22~~	~~13.6%~~
~~20~~	~~3~~	~~+3~~	~~23~~	~~13%~~
~~25~~	~~3.75 > 4~~	~~+4~~	~~29~~	~~13.8%~~
~~30~~	~~4.5 > 5~~	~~+5~~	~~35~~	~~14.3%~~
~~35~~	~~5.25 > 6~~	~~+6~~	~~41~~	~~14.6%~~
~~40~~	~~6~~	~~+6~~	~~46~~	~~13%~~
~~45~~	~~6.75>7~~	~~+7~~	~~52~~	~~13.46%~~
~~50~~	~~7.5 > 8~~	~~+8~~	~~58~~	~~13.8%~~

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

A *Net increase in Number of Lots or Dwelling Units*	*B* *Required # of Affordable Dwelling Units to be Provided* *Based on 10% of A (rounded up)*	*C* *# of Additional Market Rate Units Allowed as a Density Bonus* *Based on +.5 market rate unit for every 1 required affordable unit (rounded up)*	*D* *Total # of Market Rate and Affordable Dwelling Units (A + C)*	*E* *Overall Affordable % Achieved* *Based on the number of affordable units as a % of the total # of units (B/D)*
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE S: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses as follows:

Delete the first sentence in Paragraph 1 - Purpose in its entirety and replace as follows:

1. *Purpose – The purpose of these standards is to allow limited conduct of a home-based business in a residential or mixed-use zoning district while ensuring that the residential character of the premises is preserved.*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Susan Affleck-Childs

From: Joseph.Musmanno@L-3com.com
Sent: Wednesday, March 07, 2012 3:40 PM
To: Susan Affleck-Childs; Andy Rodenhiser
Cc: Zoning Board; Board of Selectmen; SANDRA TRUFANT; aedoherty@verizon.net; Tony Biocchi; Cgould12@verizon.net; davidjohncole@gmail.com; Joseph.Musmanno@L-3Com.com
Subject: Comments on Proposed Zoning Amendments

Dear Members of the Planning and Economic Development Board:

I am unable to attend the Public Hearing on the proposed Zoning By-Law (ZBL) amendments slated for March 21st. I request that this letter be read into the record as my comment on the proposals.

I am aware that the PEDB has already submitted these articles for inclusion on the warrant, and thus that the hearing is simply so that the PEDB can make a recommendation on the floor of the Town Meeting.
So, when I recommend an amendment below, implicitly I am recommending that the PEDB (and ultimately the FinComm and Board of Selectmen) recommend same to the assembled body. If the option of withdrawal of these amendments prior to closure of the Warrant is procedurally available, I recommend that option be exercised.

Generally speaking, these articles are far from ready for debate at the floor of Town Meeting. The majority of them don't survive even cursory examination.

Now, to specifics:
Article B, "Common Driveway": The phrase "Common Driveway" does not appear anywhere in the ZBL, nor in your proposed amendments. So why define it? The attempt to limit a driveway's status as frontage is already in your definition of frontage. I recommend this paragraph be stricken.

Article B, "Frontage", subpara 1: The proposed definition includes the phrase "...or a way certified by the Town Clerk that is maintained and used as a public way". I don't think there exists anywhere guidance for Town Clerks to decide what "maintained and used as a public way" should mean for any case other than as described in items 2 and 3. I recommend this phrase be deleted.

Article B, "Frontage", subpara 2: This wording is awkward. "...shown and constructed or secured..." leaves open the question, "Shown to whom?" I think what you want is "A way shown on an approved Definitive Subdivision Plan recorded at the Norfolk County Registry of Deeds, and either completely constructed, or secured through a suitable performance guarantee."

Article B, "Frontage", subpara 3: The problem with this paragraph is that the Subdivision Control Law became effective decades ago.
Presumably, the Planning Board of that day should be on record as to which ways qualified at that time. If there is disagreement about a particular way, it should be a matter for appeal under the normal appellate process. This subpara should be stricken, or it should refer to a map/plan showing all of the approved ways.

Article B, "Lot Area". This definition is terribly worded; the second phrase is ambiguous. I think what you meant was, "The total area of a lot, less the included area of any street rights-of-way." Did you mean to specify street, versus any other rights-of-way? I suspect you actually meant to exclude other rights, as well, since other types of public-access traffic would likewise reduce the availability of effective building area.

Article B, "Lot Coverage". The second sentence is redundant with the first.

Article B, "Lot Frontage". What are you attempting to achieve with this? The definition is geometrically ambiguous, and the use of the phrase later in the proposed amendment seems superfluous given that "frontage" has been used throughout the Commonwealth for decades without confusion. I suggest this phrase be stricken.

Article B, "Lot Line, [front, side, rear]". In attempting to be clever you are opening the ZBL to a world of loopholes. A simple inspection of a map of parcels in the town will illustrate these definitions to be ineffective at best. I suggest they be stricken.

Article B, "Retail Sales", etc. I submit that the ZBL is no place to restate the Oxford English Dictionary. I've been hearing zoning appeals for a long, long, time, and I have never witnessed any conflict as to what the phrases "retail sales", "outdoors", or "services" mean. Please strike them.

Article B, "Vehicle Fuel Station" and "Vehicle Repair". You propose to substitute one definition for two, and then later propose to replace the reference to the single phrase with references to each of the two new phrases. The net result is exactly no change in policy, but a great increase in confusion. (To make matters worse, you subsequently refer to one of the phrases in two places with different requirements!) This is preposterous.

Article C, et seq: The effect of these proposals, if taken together (and assuming they all pass), would mean no change in any district but Commercial-II, where kennels would no longer be allowed. I suspect this is a simple oversight, and that the PEDB's intention was to continue allowance in all districts. In that case, I submit that the change is unnecessary, overly complicated, and fraught with problems. Given the PEDB's propensity to add overlay districts, I can't understand why there is a corresponding move to gut the "general requirements" applicable in all districts. (By the way, what will you do if Article C passes but any of the others fail due to other problems? You certainly won't get the intended result then.)

Article E (other than the part that is an extension of Article C) is pointless at best, and dangerous at worst. The language of paragraph 4 is fine the way it is. The fact that it's inclusive (re paragraph 5) is by design. Please leave it alone.

Articles F, G, and H each have an improper first clause. I think what you mean is that you wish to delete items 1.b. and replace them, yes?

Article F: The major effect of the clauses subsequent to the first is to suggest that vehicle fuel stations will go through different permitting processes depending on whether there is any convenience retail associated with fuel sales. I think this is extremely dangerous and ill-conceived.

Articles G and H are humorous in that they attempt to clarify that business (which is already allowed) includes business that is home-based, while failing to clarify that homes themselves are allowed.
I do not think that either of these clarifications are necessary; the language already present states it about as well as the proposed language does.

Article J: I agree that the AFDU provisions need amendment. I have proposed adjustment of these paragraphs several years in a row.
However, I have major issues with the proposal.

Article J, paragraph 1: is specious and should be deleted.

Article J, paragraph 2: The first sentence is redundant with language later in the Article. The second two sentences are redundant with MGL 40A. The whole paragraph should be stricken.

Article J, penultimate paragraph: seeks to add AFDU eligibility to commercial districts. I can think of no worse thing to do. Considering the allowed uses and other zoning requirements in those districts, AFDUs have no place and make no sense. With my absolute strongest conviction, I oppose this amendment.

Article J, general: This is a good time to correct the biggest deficiency in the AFDU paragraphs. When the idea was originally put forth, the accessory was to be limited in size. This clause was eliminated at the last minute on advice which depended upon a misreading of MGL. The MGL clause barred towns from imposing size constraints, which was interpreted at the time to mean ANY size constraint. However, the context of the law has been generally upheld to mean towns are barred from imposing MINIMUM size constraints. I believe the debate concluded on the idea that towns are allowed to impose MAXIMUM size constraints, a fact which I think is made specific in the sections authorizing local control over zoning (e.g. "towns may limit size and bulk of structures"). The Board of Appeals formally recommended a maximum size limit when it proposed the use, and I strongly suggest such limit be reincorporated. (With my apologies, I cannot remember the specific number off the top of my head.)

Article N: The language defining the area includes reference to plans "on file with" a series of Town bodies. It is a bad idea to list multiple agents with authoritative copies of a governing document--you'll be stuck if the documents aren't perfectly identical. I suggest that the entire phrase beginning with "and are on file" be stricken. Remember, it's the purpose of the ZBL to establish law, not to list for petitioner's convenience all of the sources of information.

Article N, proposed paragraph Q.3.a. "Floodway data": Which data is the "best available"? This language needs revision.

Article N, proposed paragraph Q.3.b: Base flood elevation data is required *for what*? This language needs revision.

Article N, proposed paragraph Q.4: The first sentence potentially conflicts with paragraph Q and should be stricken. The second proposed sentence is much more awkward than the one it would replace, and it suffers the additional problem of citing items which zoning may not regulate. It MUST be deleted. Please leave the existing language untouched.

Article N, proposed paragraph Q.4.b.10 is problematic. Since you don't distinguish what regulations you mean, one would have to conclude that you mean "since the Floodplain District was established". To the extent that the changes proposed today move the boundaries of that district, paragraph Q.4.b.10 will be in conflict with MGL 40A. Luckily, 40A already establishes what to do in the event of "grandfathered" uses, so best if the paragraph is simply stricken.

Article N, proposed paragraph Q.4.c. attempts to restate laws that are already stated, many of which are specifically out of the town's jurisdiction. This paragraph must be eliminated.

Article N, proposed paragraph Q.4.d. is improperly worded. It's not the floodway that would result in increase, it's the encroachment. This language needs revision.

Article N, proposed paragraph Q.10 rather obviously has a blank in it. This language needs revision.

Article N, proposed paragraph Q.10.a doesn't define what a community is, and therefore nobody can know which ones are adjacent. This language needs revision.

Article O seeks to make a bunch of meaningless language more strict.
R.9 would actually be stronger if it were deleted altogether, because then it wouldn't conflict with MGL's extremely clear set of rules for permits. The penalties for violations would then be stiffer, too.

Article O, item 10.c: Whoa!!! Have you lost your collective heads?
What's the point of having a sign by-law at all, if, in effect, you give a board power to authorize any and all signs without regard to use standards? The value of Section R is that it may not be overridden. If you allow item 10.c, you might as well delete all the rest of Section R.
This proposal is a singularly bad idea, and absolutely must be stricken.

Article P: It still makes me laugh that the PEDB can consider a "PRE-application" to be REQUIRED. If it's required, it's an application. And requiring appearance of petitioners is tantamount to arrest. If it's for the petitioner's benefit, how can you demand it?
(If the petitioner wants the plan to speak for itself, that's somehow grounds for permit denial?) I strongly suggest that this language be revised to use "may" instead of "shall".

Article R, proposed paragraphs 7.d and 9.c ought to be stricken, as they are not compatible with the stated purposes of the section.

Article R, proposed paragraph 8.b.4 violates MGL (refer to my discussion on Article J).

Article S: The phrase "by right" ought to be stricken. If it's truly by-right, there's no need for the section. If you seek to allow or limit it, it's something other than by-right.

Even if you only agree with some of the points I've made herein, you'll probably recognize that the required changes cannot be effectively made on the floor of Town Meeting. I conclude and strongly recommend that the vast majority of these articles should be withdrawn and resubmitted when they have been revised and refined. Their passage would only lead to greater problems at future Town Meetings, and the potential of law suits or--far worse--irrevocable damage to the Town's land between now and then.

One final note: I am aware that the PEDB employs several consultants.
I do not know whether any of these proposals is the result of consultants' work, but if they are, I submit that the PEDB should demand greater service for our taxpayer money. I find it extraordinarily frustrating that I have to spend so much of my personal time commenting on items that should be obvious to anyone who deals in these fields, and second-nature to anyone who is employed as an expert. Professionals ought to be able to get it right.

Respectfully,
-j

Joseph F. Musmanno

Proposed Additional Revisions/Amendments to Medway Zoning Bylaw
sac/3-21-2012 – Updated 3:43 pm

ARTICLE B – DEFINITIONS

Revise proposed definitions per Town Counsel's recommendation and a last minute recommendation from Gino Carlucci.

Common Driveway: A privately owned ~~road~~ ***driveway***, paved or not, providing vehicular access between two or more buildings and a street. A common driveway does not serve as legal frontage for a lot.

Street Streets

Frontage: That portion of a lot which fronts on street from which physical access to the principal building on the lot can be provided. Frontage is measured as the ~~***horizontal***~~ distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one ~~way~~, the measurement on both ~~ways~~ may be used to determine if the lot meets the minimum frontage requirement of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two ways.

Lot Area: The total area of a lot, not including the area of any street rights-of way.

Lot Line, Rear: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line.

Add a proposed amended definition for Street per Town Counsel's recommendation

Street: ~~Public way established by or maintained under public authority or a way shown on a plan approved or endorsed by the Planning Board.~~

1) A public way or a way which the Town Clerk certifies is maintained and used as a public way.
2) A way shown on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of `Deeds that is constructed or secured through a covenant or suitable performance guarantee.
3) A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of vehicular traffic for the existing and future buildings and uses abutting thereon or to be served thereby.

DELTE the proposed definition for Lot Line, Street

****

ARTICLE C

Revise Article C per Town Counsel's recommendation

ARTICLE C: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting the seventh paragraph in Sub-Section A. General Requirements in SECTION V. USE REGULATIONS, ***which reads:***

"No kennel is allowed in any district unless permitted by a special permit granted by the Zoning Board of Appeals."

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

NOTE – I would also recommend moving Article C to the end of our proposed amendments after all the individual zoning districts articles which add a reference to kennels by special permit. This would address another one of Joe Musmanno's comments.

****

ARTICLE N:

Revise per some of Town Counsel's recommendations, a recommendation of Joe Musmanno and a recommendation from Gino Carlucci.

ARTICLE N: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, by ***amending*** Sub-Section Q. Floodplain/Wetland Protection Districts ***to read*** as follows:

10. Notification of Watercourse Alteration – In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

a) Adjacent ***Municipalities***

b) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
252 Causeway Street , Suite 600 -700
Boston, MA 02114-02014
"or any successor agencies/addresses."

c) *NFIP Program Specialist*
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 021110
"or any successor agencies/addresses."

11. In this sub-section, the words used shall be defined as follows:

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

****

ARTICLE P:

Revise per Town Counsel's Recommendation

ARTICLE P: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) by ***amending*** *paragraphs 1 – 11* ***to read*** *as follows:*

6. OSRD ***Special Permit*** Application

b) *Application Review Process – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period.* ~~***The Decision/Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.***~~

10. *General Design Standards* – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

o) Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a secondary emergency access/egress ***is included that*** *provides acceptable* ***access and egress for police, fire, ambulance, and other emergency vehicles.***

****

ARTICLE R:

Revise per Town Counsel's Recommendations

ARTICLE R: To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, to ***read*** as follows:

7. Methods of Providing Affordable Housing Units

c) *Donation of Land* - In the event the Planning Board determines that the required affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation in fee simple of off-site land to the *Medway Affordable Housing Trust Fund*, ~~***if and when said Fund is***~~ established pursuant to M.G.L. chapter 44, ~~section~~ §55**C**, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), b) or c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable housing units , `~~pursuant to paragraph 5 herein~~, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund,* ~~***if and when said Fund is***~~ established pursuant to M.G.L. c. 44, §. 55C or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board.

****

CHANGES PROPOSED BY TOWN COUNSEL AND COMMENTS FROM GINO CARLUCCI – 3/20/2012

To see if the Town will vote to amend SECTION II of the Medway Zoning Bylaw by adding the following definitions in alphabetical order:

Common Driveway: A privately owned ~~road~~ driveway, paved or not, providing vehicular access between two or more ~~buildings~~ lots and a street. A common driveway does not serve as legal frontage for a lot.

Contractor's Yard: An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1) the storage of equipment, supplies and materials;
2) the fabrication of sub-assemblies;
3) the parking of wheeled equipment;
4) the parking of 2 or more motorized vehicles with six (6) wheels or more;
5) the parking of 1 or more "commercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

Frontage: That portion of a lot which fronts on ~~a street or streets~~**["street" is defined by the Zoning By-law as a public way or way shown on a plan approved and endorsed by the PB; but below the types of ways that are recognized for frontage are listed, and the list is different from the definition of "street". If you want to stick with the definition of street than delete the last sentence of this definition. Alternatively, amend the definition of street the same way as below in this definition. Given how often the word "street" is used in the Zoning By-law, amending the definition of street would seem to be the best choice, then use the word street in this section.]** [I agree that making the definition of "street" consistent with the last paragraph here and then simply refer to "street" here without repeating the definition is a good idea. I am not sure if changing the definition of street at this point fits within the scope of the article. Barbara will need to comment, but it does seem to be closely intertwined with what we are trying to do here, so it may be OK.] one of the types of ways listed in this definition, from which physical access to the principal building on the lots can be provided. Frontage is measured as the horizontal distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one way ~~or street~~, the measurement on both ~~streets~~ ways may be used to determine if the lot meets the minimum frontage requirement of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two ~~streets or~~ ways. For purposes of this Zoning Bylaw, only sufficient frontage on one of the following types of ways shall be recognized.

1) A public way or a way which ~~certified by~~ the Town Clerk certifies ~~that~~ is maintained and used as a public way
2) A way shown on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of `Deeds that is constructed or secured through a covenant or suitable

performance guarantee.

3) A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of vehicular traffic for the existing and future buildings and uses abutting thereon or to be served thereby.

Lot Area: The total area of a lot, not including~~less~~ the ~~included~~ area of any street **[See note above as to definition of street]**rights-of way.

Lot Coverage: That portion of the lot that is covered by buildings~~/~~ and structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.

Lot Frontage: The length of a lot line(s) measured at the street right-of-way line. **[See note above as to definition of street]**

Lot Line, Front: A lot line separating a lot from a street right-of-way. **[See note above as to definition of street]**

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Lot Line, Rear: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the ~~frontage street~~front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

~~*Lot Line, Street:* A lot line separating a lot from a street right-of-way.~~ **[I am not sure what a street lot line is. It seems to be the same as front lot line.] I agree this should be deleted as it is covered by front lot line. Also, since a street is a not a lot, it is a bit confusing. I should have caught this earlier.**

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Retail Sales: Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building.

Retail Sales, Outdoors: Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

Services: Establishments engaged primarily in providing assistance, as opposed to providing products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services.

Setback: The distance between a structure and any lot line.

Vehicle Fuel Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles.

Vehicle Repair: Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair, or leasing of motor vehicles.

And by deleting the existing definition for *Automotive Service Station*

And by deleting the existing definition for *Lot Line* and replacing it with the following:

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE ____ To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting the seventh paragraph in Sub-Section A. General Requirements in SECTION V. USE REGULATIONS, which reads:

"No kennel is allowed in any district unless permitted by a special permit granted by the Zoning Board of Appeals."

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 1: (Amend Zoning Bylaw: Section V, Sub-Section E)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section E. Agricultural Residential District I as follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 2: (Amend Zoning Bylaw: Section V: Sub-Section F)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section F. Agricultural Residential District II as follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Paragraph 4. by inserting *"single family"* between the word *any* and *dwelling*.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 3: (Amend Zoning Bylaw: Section V, Sub-Section G)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE RGULATIONS, Sub-Section G. Commercial I as follows:

1. b) Delete this item in its entirety and replace it with *Retail Sales*

   j) Special Permit Uses – Zoning Board of Appeals

   4) Delete *Automobile Service Station* and replace it with *Vehicle Fuel Station*

   Add 8) *Kennel*

   Add 9) *Vehicle Repair*

   k) Special Permit Uses – Planning and Economic Development Board

   Add 2) *Local Convenience Retail with Associated Vehicle Fuel Station*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 4: (Amend Zoning Bylaw: Section V, Sub-Section I)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section I. Commercial District III as follows:

1. b) Delete this item in its entirety and replace it with *Retail Sales*

Add 1. g) *Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 5: (Amend Zoning Bylaw: Section V, Sub-Section J)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section J. Commercial District IV as follows:

1. b) Delete this item in its entirety and replace with *Retail Sales*

Add 1. g) *Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 6: (Amend Zoning Bylaw: Amend Section V, Sub-Section K)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V as follows:

1. b) Delete this item in its entirety and replace with *Retail Sales*

Add 1. m) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 7: (Amend Zoning Bylaw: Section V, Add Sub-Section L)
To see if the Town will vote to amend the Medway Zoning Bylaw to add Sub-Section L. Accessory Family Dwelling Units to SECTION V. USE REGULATIONS as follows:

1. *Purpose* - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.

2. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer or conveyance of the property, the special permit shall become null and void

3. An accessory family dwelling unit in a single-family dwelling is subject to the following conditions:

   a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence.

   b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/ grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit. **[This type of requirement can be difficult to enforce.] I agree this can be difficult to enforce after the initial occupancy, but it should not be difficult to get the initial certificate. Also, at least it is a strong statement as to what is expected. As noted below, certificates of occupancy are governed by the Building Code. However, this is already in the bylaw and has passed AG review. If this were to change in the future, however, it could perhaps be worded so that the certificate is required prior to "occupancy" without tying it to the CO, and then updated periodically.**

   c) There shall not be more than one bedroom in the accessory family dwelling unit.

   d) The accessory family dwelling unit shall have an exterior design such that the premises has the character of a single-family dwelling.

   e) There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit. At least one off-street parking space shall be provided for the accessory family dwelling unit.

   f) ~~A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. A certificate of occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory~~

~~family dwelling unit shall be null and void.~~ **[Certificates of occupancy are governed by the state building code. Zoning by-law provisions that conflict with the building code are invalid. These seem to be over the line.]**

g) Only one accessory family dwelling unit may be allowed per premises.

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[Accessory apartment by-laws that limit occupancy to certain classes of persons may be subject to challenge, in my opinion. "A fundamental principle of zoning is that it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use." CHR General, Inc. v. Newton, 387 Mass. 351, 356 (1982). In the CHR case, the court struck down an ordinance that regulated conversion of rental units to condominiums, on the basis that a building of condominiums does not "use" the land any differently than an identical building containing rental units. Although I understand that there is an argument that an accessory apartment occupied by relatives of the owner is a different use than simply a rental unit, if challenged, the town would need to able to demonstrate that a house occupied by other than the record owner, and/or an apartment occupied by other than designated family members, is a different use of land. I also note that the limitations on ownership can be difficult to enforce. There are other potential challenges as well, such as whether the by-law may limit the persons living in a dwelling unit based on family relationship.

In addition, a special permit, once filed at the Registry of Deeds, runs with the land, i.e. is not limited to the applicant. In certain cases, however, the courts have upheld a special permit for a particular use of land that included a condition that the special permit was personal to the applicant, where the condition was imposed for reasons related to the land, not the applicant. Shuman v. Board of Aldermen of Newton, 361 Mass. 758 (1972); Hopengarten v. Board of Appeal of Lincoln, 17 Mass. App. Ct. 1006 (1984). In my opinion, if the proposed amendment were challenged as to the provision that the special permit is limited to the applicant, the town would need to demonstrate the legitimate planning reasons for restricting the special permit only to the applicant.]

I am not sure if accessory family apartments have ever been challenged, but they do seem to exist in multiple towns. The new "purpose" section would seem to provide a basis for the distinction between accessory apartments for family members and the general public.

And to revise Sub-Section E. Agricultural Residential I and Sub-Section F. Agricultural Residential II by deleting paragraph 2 in each sub-section its entirety and replacing it as follows:

2. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to revise Sub-Section I. Commercial District III and Sub-Section J. Commercial IV by inserting a new paragraph 3 in each sub-section as follows:

3. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to renumber the existing paragraph 3 in Sub-Sections I. and J. to paragraph 4.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 8: (Amend Zoning Bylawy: Section V, Sub-Section M)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section M. Industrial District I as follows:

Add 1. l) *Contractor's Yard*

Add 1. m) *Vehicle Repair*

Add 1. n) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. o) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 9: (Amend Zoning Bylaw: Section V, Sub-Section N)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section N. Industrial District II as follows:

Add 1. j) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. k) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 10: (Amend Zoning Bylaw: Section V, Sub-Section O)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section O. Industrial District III as follows:

Add 1. i) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. j) *Kennel when authorized by special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 11: (Amend Zoning Bylaw: Section V, Sub-Section Q)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, by amending ~~deleting~~ Sub-Section Q. Floodplain/Wetland Protection Districts ~~in its entirety and replacing it~~to read as follows:

(NOTE – New text is noted in ***italic bold***. Deleted text is shown with ~~strikethrough~~.)

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. *Purpose*: In addition to the purpose in Section 1 of this Bylaw, the purposes of this district are:

   a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residences or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.

   b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.

   c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to

protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***

d) ***To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.***

2. ***Flood Plain/***Wetland Protection ***District: The Flood/ Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:***

~~a) The Flood Plain/ District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/ District includes~~

a) All special flood hazard areas designated as Zone A ***or AE*** ~~A1-30~~ on the ~~Medway~~ ***Norfolk County*** Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and*** are ~~and the Flood Boundary and Floodway Maps dated June 18, 1980~~ on file with the Town Clerk, Planning ***and Economic Development*** Board, ***Conservation Commission***, ***Building Department*** and ***Board of Assessors***. ~~Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.~~

b) All that land bordering any natural water body that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.

c) All water bodies encircled by boundary lines of the District.

d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.

e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. ***Base Flood Elevation and Floodway Data***

a) Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. **[The reference to "best available" seems vague. Has this been reviewed by DCR? This may run afoul of the requirement that land be re-zoned only in accordance with G.L. c. 40A, §5.]** ***This language is from DCR so they are OK with it. It is standard language they are providing to towns throughout Norfolk County this year and to other counties in previous years. Also, the district doesn't change so I don't think it is afoul of*** **G.L. c. 40A, §5.**

b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

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~~3~~.4. *Use Regulations:*

a) The Flood Plain/Wetland Protection District ***is an overlay district to all*** ~~shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements*** ~~*as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*~~ **[I don't think its necessary to cite the Building Code, which applies in any event.]** ~~Any uses permitted in the portion of the districts so overlaid shall be permitted except that:~~

1) No new building or structure shall be erected or constructed;
2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.

b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs **4** ~~3~~, a) 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.

1) Uses directly related to the conservation of water, plants and wildlife.
2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
4) Grazing and farming, including truck gardening and harvesting of crops.
5) Forestry and nurseries.
6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.
10) ***Buildings lawfully existing*** ~~*prior to the adoption of these provisions.*~~

c) ~~*All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:*~~

~~*1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;*~~
~~*2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);*~~
~~*3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).*~~
~~*4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).*~~

~~*Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.*~~ **[this section seems unnecessary.]These are definitely unnecessary (and I don't think there are any designated inland wetlands in Medway), but they are what the state asked for in Medway and every other town. That doesn't mean we have to comply, but we don't want to put our flood in surance program in jeopardy. I think this is a case where redundancy is OK. Also, by leaving in all the state requested language, it makes it easier to defend the entire bylaw change with the argument that it is language the state provided for us to remain in the flood insurance program.**

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d) ***Other Use Regulations***

1) In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) All subdivision proposals must be designed to assure that:

a. such proposals minimize flood damage;

b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. adequate drainage is provided to reduce exposure to flood hazards.

3) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

~~4.~~ 5. *Lot Area Allowance:* If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

~~5.~~6. *Boundary Line Plot Plan*: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

~~6.~~ 7. *Determination of Flooding and Suitability:* If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of

drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.

~~7.~~8. *Special Permit Requirements:* Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.

8. 9. If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.

10. Notification of Watercourse Alteration – In a riverine situation, the Conservation Agent _ shall notify the following of any alteration or relocation of a watercourse:

a) Adjacent Communities

b) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
~~*251 Causeway Street, Suite 600 – 700*~~
~~*Boston, MA 02114-2104*~~

c) NFIP Program Specialist

Federal Emergency Management Agency, Region 1
~~*99 High Street, 6th Floor*~~
~~*Boston, MA 02110*~~

[Seems a bit unusual to include addresses in a zoning by-law, as the addresses of course are subject to change.] Again, this is language the state requested (Note: the flood insurance people are not experienced in drafting Zoning Bylaws]. While it would be silly to have to do a Zoning amendment if the addresses change (and what if such amendments were vited down?), the names of gthe agencies have also changed over the years. Perhaps an alternative would be to add a line like "or any successor agencies/addresses."

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11. In this sub-section, the words used shall be defined as follows:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED

that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an Flood Hazard Boundary Map (FHBM) [this is not defined] *or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.*

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 12: (Amend Zoning Bylaw: Section V, Sub-Section R)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation as follows:

9. b) 10) Delete reference to *eight (8)* square feet and replace it with *six* square feet

9. e) 1) Delete reference to *eight (8)* square feet and replace it with *six* square feet

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 13: (Amend Zoning Bylaw: Section V, Sub-Section T)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) by amending ~~deleting~~ paragraphs 1 – 11 ~~in their entirety and replacing~~ to read as follows:

(NOTE – New text is shown in ***italic bold***. Deleted text is shown with ~~strikethrough~~.)

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. *Purpose and Intent* – ***An OSRD is an alternative to a conventional/grid subdivision. An OSRD is specifically designed to accommodate, preserve and feature a site's important physical features.*** The primary purposes for OSRD are:

a) To allow for greater flexibility and creativity in the design of residential development;
b) To protect community water supplies;
c) To minimize the total amount of disturbance on the site;

d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, ***other natural landscape features*** and/or historical and archeological resources.

e) To ~~discourage sprawl and~~ encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional ***grid*** subdivision;

f) To further the goals and policies of the Medway Master and/or Open Space Plans;

g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.

h) To preserve and enhance the community character;

i) To preserve and protect ***farmland*** ~~agriculturally significant land~~;

j) To protect the value of real property;

k) To ***promote a variety of*** ~~allow for~~ housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan.

2. *Eligibility*

a) *Zoning Classification* - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.

b) *Contiguous Parcels* - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)

c) *Land Division* - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of ~~8~~ ***10*** acres in area. The Planning and Economic Development Board may approve an

OSRD on a tract of land that is less than ~~8~~ ***10*** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit* ~~*Required*~~ ***General Requirements***

a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan,* and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area.

(Item c) added 6-2-08)

d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application* ~~*Phase*~~

a) *Pre-Application Review* -The purpose of the pre-application review is to ***allow the developer to secure feedback from the Planning and Economic Development Board, to*** minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the ~~development.~~ ***site design process***. The applicant is required to ***submit a pre-application and to*** schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to ***review the pre-application materials and*** attend the informal pre-application review. **[I believe I have previously stated my discomfort with a mandatory pre-application process that takes place outside of the public hearing process. Any pre-application meetings or procedures should be optional, in my opinion, and should include a provision that pre-application statements by PEDB are advisory and non-binding.] Barbara has a good point, but as we have said**

previously, this is existing language that has been approved by the AG.

b) ***Pre-Application Documents – It is the intention that the majority of the required pre-application information can be derived primarily from existing data/ information sources.***

1) ***Preliminary Site Context Map***

2) ***Preliminary Site Analysis Map illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant***

3) ***Aerial and/or ground photos of the site and environs***

4) ***Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property***

5) ***Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as wetlands protection, etc.***

6) ***Map(s) and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources/features of the site.***

c) At the pre-application review, the applicant shall:

1) ~~outline the proposed OSRD including~~ ~~presentation of~~ ***present*** the ***P***reliminary Site ***C***ontext and ***Preliminary Site*** Analysis ***maps*** ~~Plan~~ prepared with input from a Registered Landscape Architect

2) ***identify potential development areas and open space areas and amenities including potential trails, trail connections, parking areas, etc.***

3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents ***and other Town boards/committees***

~~4) review potential open space, trails and trail connections~~

~~5)~~ *4)* present a preliminary concept for handling stormwater runoff

~~6)~~ *5)* discuss potential mitigation measures pursuant to paragraph 13. B) herein

~~7)~~ *6)* and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage ***outside consultants*** **as** technical experts

to review the applicant's ~~informal~~ ***preliminary*** plans and facilitate submittal of a formal application for an OSRD special permit.

~~b)~~ ***d)*** *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board, ~~and~~ Open Space Committee ***and Conservation Commission*** members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

(Paragraph 4. Replaced in its entirety – June 13, 2011)

5. *Four-Step Design Process* - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and ~~considered in determining~~ ***was used to determine*** the proposed layout of ~~proposed~~ streets, house lots and/or dwelling units and open space. ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate *Conservation Areas*: This includes:

a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)

b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)

2) Identify and delineate ~~*Potentially Developable*~~ ***Potential Development*** *Area(s)*. To the maximum extent feasible, the ~~*Potentially* **Developable***~~ ***Potential Development*** *Area(s)* shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency

with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Lot Lines*

~~A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.~~

(Paragraph 5 was replaced in its entirely – June 13, 2011)

6. OSRD ***Special Permit*** Application

a) Contents – An application for an OSRD Special Permit shall include:

1) ***Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as but not limited to wetlands protection, etc.***

~~1)~~ *2) Site Context and Analysis ~~Plan~~* ***Map*** – The Site Context and Analysis ~~Plan~~ ***Map*** shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

~~2)~~ *3)* ***OSRD*** *Concept Plan* - The **OSRD** *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The ***OSRD*** *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways, ***guest parking areas, community center and convenience retail*** and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall

incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, ~~when determining a proposed design for the development.~~ ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

~~3)~~ *4)* *Yield Plan* - See Paragraph 7 herein.

~~4)~~ *5)* *Design Plan* - The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping ***design*** identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

6) ***Open Space Documents***

a) ***The Open Space Plan shall indicate areas planned in the required Open Space parcel(s) for passive open space and for active open space including but not limited to trails, trail structures, bike paths, associated parking, sports fields, playgrounds, seating, docks, launches, piers, etc.***
b) ***The Open Space Plan shall also indicate open areas within the Development Parcel that would benefit the residents of the development.***
c) ***A narrative describing the proposed management plan for the ownership and on-going maintenance, care and upkeep of the Open Space parcel(s).***
d) ***A narrative that describes how the proposed open space parcel(s) fits into Medway's Open Space and Recreation Plan and/or serves to extend an existing open space area.***

~~5)~~ *7)* *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b) ~~shall be included as part of the application.~~

~~6)~~ *8)* Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.

9) ***Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property***

10) ***List of Anticipated Waivers from the Subdivision Rules and Regulations***

~~7)~~ *11) Other Information* – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or
any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

b) ***Application Review Process – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.*** [This may be a good idea in most instances, but I don't think it needs to be a requirement of the Zoning Bylaw. What if the Board neglects to respond to a comment in its decision? Is the decision now subject to challenge on that grounds?] *I think Barbara raises a good point.*

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7. *Maximum Number of Dwelling Units/Yield Plan*

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA), ***its easement area (EA), its potential development area (PDA)*** and its wetland and riverfront area (W***R***A). W***R***A shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. ***EA shall include those portions of the tract that are already subject to utility easements but shall not include any pedestrian access easements. WRAs located within the EA shall not be counted twice. PDA equals TA – EA.***

(Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded
down to the nearest whole number.

~~Maximum # of OSRD Dwelling Units = TA – (0.5 x WA) – (0.1 x TA) / Zoning District Minimum Lot Area~~

Maximum # of OSRD Dwelling Units = PDA – (.5 x WRA) – (.1 x PDA) / Zoning District Minimum Lot Area

~~b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit.~~

b) The Board, in issuing the OSRD Special Permit, is not required to authorize the maximum possible number of OSRD dwelling units as derived from the Yield Plan calculations.

8. *Adjustment of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of ***the applicable zoning district requirements including but not limited to*** lot size, shape, ***frontage*** and other bulk requirements for lots within an OSRD, subject to the following limitations:

a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

b) Lot frontage shall not be less than fifty feet (50').

c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.

d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.

e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft^2 or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft^2 or less of habitable space each	

Single family detached dwelling units with more than 2500 ft^2 of habitable space	30
Four or five attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft^2 of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.
(Paragraph 8 replaced in its entirety – June 13, 2011)

9. *Open Space Requirements* - A minimum of fifty percent (50%) of the tract shown on the development plan for ***parcels of 25 acres or less*** shall be open space. ***For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.*** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% ***or 60%*** of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area.*
(Revised May 14, 2007 & June 15, 2009)

b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. ***In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.***

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. ***For developments in which 60% of the tract is open space,*** the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space *(i.e., ~~pedestrian walks and~~ bike paths, playgrounds, or other recreation facilities).* ***For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.*** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning Board may require a minimum number of off-street parking spaces to facilitate such public access ***depending on the nature and use of the open space area.***

(Revised June 15, 2009)

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.

2) Sub-surface drainage, septic and leaching systems per Title 5

3) Seventy-five percent (75%) of the land area subject to any type of utility easement

4) Land within thirty feet (30') of any dwelling unit

5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.

6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.

7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.

8) Buffer areas in the Development Area as required in Subsection 10 (i)

(Revised June 13, 2011)

f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:

1) The Town or its Conservation Commission, upon its agreement;
2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

10. *General Design Standards* – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and

natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) ***Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for residents of the development, abutting properties and passersby to the fullest extent practicable.***

~~c)~~ *d)* The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

~~d)~~ *e)* All open space *(landscaped and usable)* shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

~~e)~~ *f)* The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

~~f)~~ *g)* Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.

~~g)~~ *h)* Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning Board.

~~h)~~ *i)* Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.

(Added May 14, 2007)

~~i)~~ *j)* A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

(Revised June 13, 2011)

~~j)~~ *k)* Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

(Revised June 13, 2011)

~~k)~~ *l)* Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.

(Added June 15, 2009)

~~l)~~ *m)* Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

(Added June 13, 2011)

~~m)~~ *n)* Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.

(Added June 13 2011)

o) Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a secondary emergency access/egress is *included that* ***provided****s* ~~*that is*~~ ***acceptable*** *access and egress for police, fire, ambulance, and other emergency vehicles.* ~~*to Medway safety officials.*~~

11. *Decision of the Planning Board* - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

b) Whether the OSRD promotes ***the*** permanent preservation ***and where possible, enhancement*** of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, ***significant***

natural features and scenic views, and historical and archeological resources;

c) Whether the OSRD promotes ~~less sprawl and~~ a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

d) Whether the OSRD reduces the total amount of disturbance on the site;

e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

g) Whether the ***OSRD*** *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.

i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.

l) Whether the OSRD protects and enhances community character

(Items 11 (h) – 11 (l) added May 14, 2007)

m) Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.

n) Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.

An OSRD Special Permit decision shall include the approved ***OSRD*** *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved ***OSRD*** *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.

(Added June 2, 2008)

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 14: (Amend Zoning Bylaw: Section V, Sub-Section Y)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section Y. Business/Industrial District as follows:

1. l) Special Permits from Zoning Board of Appeals

   l) Delete *Automobile Service Station.* Replace with *Vehicle Repair*

   o) Add *Outdoor Retail Sales*

   p) Add *Kennel*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: (Amend Zoning Bylaw, Section V, Sub-Section X)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, ~~by deleting the sub-section in its entirety and replacing it~~to read as follows:

(NOTE – New text is shown is ***italic bold***. Deleted text is shown as ~~strikethrough~~)

X. AFFORDABLE HOUSING

1. *Purpose and Intent* – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

   a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

   b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

e) provide more opportunities to enable Town of Medway employees to live in the community;

f) ~~help maintain a stable economy.~~ ***Provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.***

2. *Definitions*

Affordable Housing Restriction - A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An

Affordable Housing Restriction shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

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

Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six ~~(36)~~ months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of ***four*** ~~4,~~ or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

DHCD – The Massachusetts Department of Housing and Community Development or a successor agency.

Local Initiative Program (LIP) – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

Maximum Affordable Purchase Price or Rent - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory.*

Qualified Purchaser: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidized Housing Inventory: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. *Applicability* – In all zoning districts, the provisions of this sub-section shall apply to the following:

   ~~a) Division of Land – The division of land into 3 or more lots under M.G.L. Chapter 41 *(the Subdivision Control Act)*, Sections 81L and 81-U for conventional or grid subdivisions and including those divisions of land that do not require subdivision approval.~~

   a) ~~b) Multiple Units –~~ Any residential or mixed-use development project, ***for which a Town permit is applied for after the effective date of this sub-section***~~, except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U.,~~ that results in a net increase of ~~3~~ **six** or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

      1) ***The development of lots shown on a subdivision plan approved under*** ~~*the*~~ ***General Laws chapter 41 section 81U.***

      2) ***The development of lots on a plan endorsed as not requiring approval under the subdivision control law under*** ~~*the*~~ ***General Laws chapter 41 Section 81P (ANR)***

      3) ~~1)~~ Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

      4) ~~2)~~ Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the ~~3)~~ Medway Zoning Bylaw.

      5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

b) ~~c)~~ The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in ~~an~~ ***a net*** increase of ~~3~~ ***six*** or more lots or dwelling units above the number existing thirty-six ~~(36)~~ months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) These provisions shall not apply to:

1) The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.

2) Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.

3) Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G. Commercial District I

~~4. ***Special Permit Required*** – An affordable housing special permit granted by the Planning Board shall be required for any development specified in paragraph 3 herein. A special permit may be granted if the proposed development meets the requirements of this sub-section. Where the proposed subdivision of land is for 3 or more lots pursuant to M.G.L. Chapter 41, Sections 81K – 81GG *(the Subdivision Control Act)*, the Planning Board's special permit authority shall be limited only to enforcing the affordable housing provisions of this sub-section.~~

~~5. ***Types of Affordable Housing Units*** – Affordable housing units may be of the following types:~~

~~a) single family dwellings~~
~~b) duplexes~~
~~c) three-family dwelling units~~
~~d) multi-family dwelling units~~
~~e) mixed-use development dwelling units~~
~~f) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw~~

~~6.~~ *4. Mandatory Provision of Affordable Housing Units*

~~a) The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~

~~b) The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units~~

~~in a multiple unit residential or mixed use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~

a) ***In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.***

b) ***In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.***

c) ***In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.***

d) ***In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.***

~~7.~~ ***5.*** *Density Bonus – **Affordable Housing Special Permit***

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to ***issue an Affordable Housing Special Permit to adjust*** ~~reduce the minimum~~ ***any zoning*** requirements ~~in any zoning district~~ for any development subject to these provisions as follows, but only to the extent needed to increase the total number of ***market rate*** lots or dwelling units on-site by a number equal to ***one-half of*** the number of affordable ***housing*** units required, pursuant to paragraph ~~8~~ 7 a) or ~~8~~ 7 c) below. For example, if two ~~(2)~~ affordable ***housing*** units are required, an additional ~~two (2)~~ ***one*** ~~(1)~~ market rate units may be constructed. ***In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.***

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units.

Provided, however, that the layout of lots shall meet one of the following requirements:

1) No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or
2) The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. ***This may include:***

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units
6) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L, c. 40A, s. 9 and this sub-section.

c) When the requirements of this ***sub***-section are being met by providing the affordable ***housing*** units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 5. a), ***b) and c) to accommodate the bonus market rate units*** ~~above, but only to the extent needed to increase the total number of lots or dwelling units by a number equal to one-half the number of affordable units required, rounded to the nearest whole number.~~ For example, if two affordable ***housing*** units are required, ***and will be provided off-site,*** an additional one market rate unit may be constructed ***on site.***

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to 7 d) below.

~~8.~~ ***6.*** *Voluntary Affordable Housing Bonus* – A new housing development that is not subject to the provisions of paragraph 3 herein but provides the minimum affordable housing requirements specified in paragraph ***4.*** b) herein may ***apply for an Affordable Housing Special Permit*** ~~receive the same density bonus~~ as specified in paragraph **5** herein. ~~but only when the development is approved by special permit by the Planning Board.~~

~~9.~~ 7. *Methods of Providing Affordable Housing Units* - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments provided be less than the equivalent number or value of affordable ***housing*** units required by this sub-section.

a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development. ~~subject to the special permit;~~

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit~~. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable ***housing*** units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.
The Planning Board shall evaluate proposed off-site locations according to the following criteria:

1) Whether the off-site ***affordable housing*** unit(s) help preserve existing housing stock;
2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
3) Whether the off-site ***affordable housing*** unit(s) are compatible with the neighborhood where such would be located.
4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable ***housing*** units.

All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

c) *Donation of Land* - In the event the Planning Board determines that ***the required*** affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation ***in fee simple*** of ***off-site*** land to the *Medway Affordable Housing Trust Fund*, ~~if and when said Fund is~~ established pursuant to M.G.L. chapter 44, section 55C~~ee~~, or another

legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land ~~in fee simple, on or off site,~~ are acceptable only when ***the recipient organization agrees to such donation and*** the Planning Board, in its sole discretion, determines that:

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.
Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), ***b) or*** c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable ***housing*** units , `~~pursuant to paragraph 5 herein~~, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund,* ~~if and when said Fund is~~ established pursuant to M.G.L. c. 44, §§. 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

1) For each affordable ***housing*** unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable ***housing*** units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for ***the Affordable Housing*** special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage

interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for ~~a~~ ***the Affordable Housing*** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD*.

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph ~~11~~ 9 herein.

e) Combination of Alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.

~~e)~~ ***f)*** Donations of land and/or buildings or cash contributions made to pursuant to paragraph 7 c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

~~10.~~ *8. Provisions Applicable to Affordable Housing Units (On and Off Site)*

~~a) *Partial Units* - In the instance when the provision of affordable units required by paragraph 6. b) (1) produces a requirement for a percentage of an affordable lot or unit, the partial affordable lot or unit shall be provided as follows:~~

~~1) For any development of seven (7) or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

~~For any development of 3-6 lots or units, the affordable lots or units shall be provided by:~~

~~a. rounding up to one (1); or~~

~~b. by making a cash payment equal to the corresponding proportion of the per unit amount established in paragraph 9. d) (1) or (2). For example, for a 5 unit development, the applicant would be required to provide .75 affordable units.~~

~~In this instance, the applicant could provide a cash payment to the Medway Affordable Housing Trust Fund, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55c, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway, in an amount equal to equal to 75% of the amount established in paragraph 9 d) 1) or 2).~~

~~b)~~ ***a)*** *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

When an Affordable Housing special permit is applied for, the location of the affordable housing units ***to be provided on site*** shall be identified on a plan during the public hearing process and specifically referenced in the ~~special permit~~ decision. ***When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.***

~~c)~~ ***b)*** *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; ***this shall include a garage for each affordable housing unit if the market rate units have a garage.***

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet ***of living area*** and ***at least*** three ~~(3)~~ bedrooms for single family detached houses and ***a minimum size of*** 1200 square feet ***of living area*** and ***at least*** two ~~(2)~~ bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall

the affordable ***housing*** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable ***housing*** units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

~~d)~~ *c)* *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

~~e)~~ ***d)*** *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee ***and/or the Medway Affordable Housing Trust***. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

~~f)~~ ***e)*** Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, ***the Medway Affordable Housing Trust*** or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

~~g)~~ ***f)*** In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each ***affordable housing*** unit shall be subject to an *Affordable Housing Restriction*.

~~11.~~ ***9.*** *Timing of Construction*

a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable ***housing*** units be delayed beyond the schedule below. Fractions of units shall not be counted.

MARKET-RATE UNIT %	***AFFORDABLE HOUSING UNIT %***
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%

MARKET-RATE UNIT %	*AFFORDABLE HOUSING UNIT %*
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

~~c) Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market-rate housing units.~~

~~d)~~ *c)* In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
3) a combination of the above methods as may be approved by the Planning Board.

~~e)~~ *d)* In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable ~~dwelling~~ ***housing*** unit.

~~12.~~ *10. **Affordable Housing** Special Permit Approval Requirements* - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

a) whether the applicant has conformed to the provisions of paragraph ~~10~~ 8 herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

~~13.~~ **11.** *Preservation of Affordability; Restrictions on Resale*

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel. ~~Such documents shall be executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

~~14.~~ **12.** *Rules and Regulations* – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory.*

~~15.~~ **13.** *Conflict with other Bylaws* – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more restrictive provisions shall apply.

~~16.~~ **14.** *Severability* – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

(Sub-Section X. Affordable Housing was added June 2, 2008)

~~*The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 9 a) only.*~~

~~*Proposed # of Dwelling Units*~~	~~*Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)*~~	~~*# of Additional Market Rate Units Allowed as a Density Bonus*~~	~~*Total # of Market Rate and Affordable Dwelling Units*~~	~~*Overall Affordable % Achieved*~~
~~3~~	~~.45 > 1~~	~~+1~~	~~4~~	~~25%~~
~~4~~	~~.6 > 1~~	~~+1~~	~~5~~	~~20%~~
~~5~~	~~.75 > 1~~	~~+1~~	~~6~~	~~16.7%~~
~~6~~	~~.9 > 1~~	~~+1~~	~~7~~	~~14.3%~~
~~7~~	~~1.05 > 2~~	~~+2~~	~~9~~	~~22.2%~~
~~8~~	~~1.2 > 2~~	~~+2~~	~~10~~	~~20%~~
~~9~~	~~1.35 > 2~~	~~+2~~	~~11~~	~~18.2%~~
~~10~~	~~1.5 > 2~~	~~+2~~	~~12~~	~~16.7%~~
~~11~~	~~1.65 > 2~~	~~+2~~	~~13~~	~~15.4%~~
~~12~~	~~1.8 > 2~~	~~+2~~	~~14~~	~~14.3%~~
~~13~~	~~1.95 > 2~~	~~+2~~	~~15~~	~~13.3%~~
~~14~~	~~2.1 > 3~~	~~+3~~	~~17~~	~~17.7%~~
~~15~~	~~2.25 > 3~~	~~+3~~	~~18~~	~~16.7%~~
~~16~~	~~2.4 > 3~~	~~+3~~	~~19~~	~~15.8%~~
~~17~~	~~2.55 > 3~~	~~+3~~	~~20~~	~~15%~~
~~18~~	~~2.7 > 3~~	~~+3~~	~~21~~	~~14.3%~~
~~19~~	~~2.85 > 3~~	~~+3~~	~~22~~	~~13.6%~~
~~20~~	~~3~~	~~+3~~	~~23~~	~~13%~~
~~25~~	~~3.75 > 4~~	~~+4~~	~~29~~	~~13.8%~~
~~30~~	~~4.5 > 5~~	~~+5~~	~~35~~	~~14.3%~~
~~35~~	~~5.25 > 6~~	~~+6~~	~~41~~	~~14.6%~~
~~40~~	~~6~~	~~+6~~	~~46~~	~~13%~~
~~45~~	~~6.75 > 7~~	~~+7~~	~~52~~	~~13.46%~~
~~50~~	~~7.5 > 8~~	~~+8~~	~~58~~	~~13.8%~~

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

A *Net increase in Number of Lots or Dwelling Units*	*B* *Required # of Affordable Dwelling Units to be Provided* *Based on 10% of A (rounded up)*	*C* *# of Additional Market Rate Units Allowed as a Density Bonus* *Based on +.5 market rate unit for every 1 required affordable unit (rounded up)*	*D* *Total # of Market Rate and Affordable Dwelling Units (A + C)*	*E* *Overall Affordable % Achieved* *Based on the number of affordable units as a % of the total # of units (B/D)*
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 16: (Amend Zoning Bylaw, Section V, Sub-Section AA)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses as follows:

Delete the first sentence in Paragraph 1 - Purpose in its entirety and replace as follows:

1. *Purpose – The purpose of these standards is to allow limited conduct of a home-based business in a residential or mixed-use zoning district while ensuring that the residential character of the premises is preserved.*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

March 27, 2012
Medway Planning and Economic Development Board
Medway Senior Center
Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT:

Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

NOTE – Planning and Economic Development Coordinator Susan Affleck-Childs was on vacation.

The Chairman opened the meeting at 7:00 pm.

There were no citizen comments.

Fox Run Farm Subdivision (40B Development)
The Board is in receipt of a memo dated March 22, 2012 from Susy Affleck-Childs regarding the Fox Run Farm bond. **(See Attached)**

The memo makes reference that the developer was been approved for 12 sewer/water units and not 15 as originally understood. That includes 4 affordable units.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the bond estimate for Fox Run Farm from Tetra Tech Rizzo dated March 7, 2012 for $88,825

On a motion by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the construction services estimate from Tetra Tech Rizzo dated March 15, 2012 for $6,751.50.

Minutes March 13, 2012:
The minutes from March 13, 2012 were reviewed.

Chan Rogers noted that AASHTO needs to be spelled correctly.

Amy Sutherland noted that Karyl had some questions on the A123 Systems project on West Street re: toxic materials. Amy directed the Board's attention to the middle of page 3.

Member Spiller-Walsh said that the minutes are not correct in stating that there are no toxic problems. She said the applicant had described 3 things that they might have a concern about if there was an explosion or a fire and she wants those noted in the minutes. It was something about mineral oil and then 2 other things. They didn't say nothing was toxic.

Chairman Rodenhiser asked whether Amy or Susy had had a chance to review the tape from that meeting to check on this. He had asked Susy to do so.

Amy Sutherland reported that she had not reviewed the recording and indicated that these minutes could be held over to the next meeting.

Chairman Rodenhiser understood the materials the batteries were made of were not toxic and the mineral oil was not toxic.

Member Rogers indicated he understood there were no problems with toxic materials. He said the minutes should reflect that the Board felt there were no issues.

Chairman Rodenhiser noted that Karyl was concerned and so we need to check that out.

Andy Rodenhiser asked Karyl if she could be clearer about the other 2 things.

Member Spiller-Walsh said no, but there was a pause and a listing.

Andy Rodenhiser – The applicant explained how the batteries were constructed and then talked about a chemical reaction.

Bob Tucker said there has to be a reaction or it won't do anything.

Chan Rogers said it wasn't dangerous. There was nothing to be concerned about.

Karyl Spiller-Walsh indicated we should ask the applicant for further clarification on this matter.

Andy Rodenhiser noted the minutes should reflect the actual conversation which is on tape, so Amy will review that.

It was decided to table the minutes of the March 13th meeting until the tape could be reviewed and revised.

PUBLIC HEARING CONTINUATION - Lawrence Waste Services Major Site Plan – 49 Alder Street

The Board opened the continued public hearing for the Lawrence Waste Service major site plan at 7:15 pm.

Jim Lawrence of Lawrence Waste Services and Peter LaVoie of Guerriere and Halnon were present.

Peter LaVoie noted that they had met with the DRC and understood they would need to go back to the DRC for the sign. Peter stated that they have agreed to try to save as many trees as possible in the front. He indicated they had reviewed the building elevations with the DRC and showed samples of the materials.

The Board is in receipt of a letter dated March 12, 2012 from the Design Review Committee. **(See Attached)** The memo indicates that the site plan was reviewed by the Design Review Committee. The DRC has recommended that the lower roofline on the office portion of the buildings helps to minimize the apparent size of the overall structure, and creates a human scale at the main entrance. The cultured stone softens the general appearance and creates an attractive façade. There was a recommendation that the applicant come before the Committee again with a signage plan.

Chairman Rodenhiser asked if Mr. LaVoie had received a copy of the DRC letter.

Mr. LeVoie responded that he had and concurred with the DRC recommendations.

Mr. LeVoie noted that the Conservation Commission continued their public hearing to March 29. They are waiting for a copy of Tetra Tech's final review of the stormwater management report. They are concerned about the water quality leaving the site and going to the wetlands.

Mr. Lavoie stated that he had made the changes discussed at the last meeting and had submitted those to the office. He had received a comment letter back from Tetra Tech Rizzo.

Chairman Rodenhiser asked Dave Pellegri if the stormwater management plan complies.

Dave Pellegri responded that they had a few outstanding issues, nothing major. The Tetra Tech drainage guy spoke with Mr. LaVoie.

Peter Lavoie provided revised plans to give to Dave tonight. These plans are in response to the second review letter.

Dave Pellegri said the comments are pretty technical.

Mr. LaVoie said the site plans really didn't change much at all. We added a Knox box. We will not have our own outside dumpster on site; they don't generate much waste. There had been a question on the water service connection. I have relocated most of the utilities to the driveway so we can save more trees. The maximum cut for the work will be around 40' instead of 85'.

The Board is in receipt of a memo from PGC Associates, Inc. dated March 23, 2012. **(See Attached).**

The memo references that Lawrence Waste submitted a revised plan dated March 13, 2012. The new plan shows that the lighting plan has been revised so that no light falls onto abutting property.

Mr. Lawrence states that he has not designed a sign but acknowledges that they will need to have their sign reviewed by the Design Review Committee. His intent is to have only a single freestanding sign.

Mr. Lawrence communicates that the Design Review Committee did approve the building design at its March 5, 2012 meeting.

Board of Selectmen member Dennis Crowley was present and wanted to have several questions addressed.

Questions:

Will there be another public hearing?
It was communicated that this public hearing will be continued.

How much traffic will be added?
Jim Lawrence noted they cater to small businesses and their regular trash. They do not focus on construction debris.

What is actually being stored there?
Jim Lawrence indicated small empty containers.

Do the dumpsters get washed before they arrive or on site?
Jim Lawrence reported there may be some washing of containers inside in the wash bay, but typically there is unloading of empty dumpsters off of a truck and no cleaning. There will be a floor drain inside the garage. 99% of the containers we use are for small businesses. We do wash the outside of a container when we need to repaint it.

Will the wastewater need to be checked with the water treatment facility?

Chairman Rodenhiser indicated that he felt this would need a wastewater discharge permit.

Dave Pellegri indicated he was not sure whether this would be required. He will check with the DPW on some calculations to communicate to the plant.

Member Tucker indicated that the Board of Health would review at the time the building permit is applied for.

Chairman Rodenhiser asked Dave Pellegri to check with the Board of Health to see what they will review.

Dennis Crowley indicated the town is closer to capacity at the plant?

How many containers will be stored outside on site?
There will be about 40-50 small and 3-5 large containers.

Chairman Rodenhiser would like to be provided with a list of what will be kept on site at the maximum build out.

Jim Lawrence noted that this could change with plans for the future. They would probably want to have 50-60 small ones available (2-10 yards). He asked whether the Board was going to lock him in to a limited number.

Member Gay communicated that you must have an idea of the maximum capacity. The intent is not to limit but it would be beneficial to know what the growth capacity would be. You have to look at a design there to accommodate growth; otherwise you would not have located there. What do you estimate that to be?

The Board would like the applicant to put together a list with an estimate of anticipated future growth numbers and submit that to us. Give us something.

Member Tucker – Tell us how many containers the yard could hold.

Is the back of the lot buildable? What is that area?

Peter LaVoie – There is the river front setback and the wetlands area. They indicated that they are limited in the back due to wetlands. The area to be disturbed is 4.6 acres. The rest is wetlands. There are constraints on the site.

Where will the dumpsters be sitting? Will they be in the gravel area?

Peter LaVoie responded that some dumpsters will be located on the gravel area. At the beginning, they will be stored on the paved area.

Mr. Crowley then communicated that he would like to see the treeline protected as a buffer. The vision is to try to bring in some future office building. We would like to protect against the sight of the dumpsters.

Jim Lawrence responded that the property adjacent is very wet. Originally we thought the area was 16 acres per the Town's maps, but then we found out it was only 13 acres.

How many truck deliveries per day?

Jim Lawrence responded it depends on the time of the month. Early in the month it could be as many as 10 per day and the rest of the week, it could be 2-3 times a day.

What type of trucks?

Jim Lawrence reported it would be small delivery trucks and sometimes a roll-off truck.

Chairman Rodenhiser asked if there were other questions.

Member Tucker asked whether they will be able to comply with Tetra Tech's comments.

Peter LaVoie said he has addressed all their concerns but Dave Pellegri has not yet had a chance to review the further revised plans.

Consultant Carlucci noted that a Knox Box has been added to the plan per the request of the Fire Chief. He had been concerned about screening of the parking. They are leaving the existing trees so that addresses that pretty well.

Member Spiller-Walsh reported that the DRC was comfortable because the applicant had agreed to keep as many trees as possible and they will do some landscaping around the base of the sign.

In regards to a landscaping plan, the applicant is seeking a waiver for the preparation of landscape plan by a landscape architect. Mr. Lawrence communicated that the existing vegetation along the street will be used as a buffer.

Gino Carlucci noted some waiver requests. They now are proposing vertical granite curbing on each side of the entrance radii into the site and a waiver to allow Cape Cod berm to be used for the remainder of the site. The other waives seem pretty reasonable.

The applicant will also increase the size of the trees and will be using 2 ½" caliper trees and that is shown on the plan.

Member Tucker asked about items 3 and 4. Have they requested a waiver?

Gino Carlucci responded yes.

Chairman Rodenhiser asked if everyone was OK with the waivers requested. Is there anything else to go through tonight?

Peter LaVoie provided the revised plans and revised drainage calcs to Dave Pellegri and to Amy Sutherland to provide to Susy.

Amy will provide the revised plans and drainage calcs to Susy.

Chairman Rodenhiser asked if Dave would have a review letter on the revised plans for the next meeting.

Dave Pellegri responded Yes.

Andy Rodenhiser said we would probably close the public hearing on April 10th and then begin working on the decision. I don't expect there will be any more changes to the plans. Susy will be back on Monday.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the site plan public hearing for Lawrence Waste Services at 49 Alder Street for April 10, 2012 at 7:15 at the Senior Center, 76 Oakland Street.

Other Business

NOTE – The Board considered other business while waiting until 8 pm to begin the public hearing on 25 Summer Street.

Chairman Rodenhiser asked if there were any Task Force Reports or other business.

Chan Rogers stated that he had provided an oral report at the recent SWAP meeting about the success of Medway Mill project. People were very interested and enthusiastic.

Andy Rodenhiser noted that there was a sign at the Medway Mill for a 1 bedroom apartment for rent. Andy wondered if Mr. Green was using the Mill for mixed use. Does he have approval for that?

Gino Carlucci said he saw that sign too and thought it was for another building that Mr. Green owns in town (the Brick House).

Andy Rodenhiser noted he wasn't aware that Mr. Green had gotten any permits for (housing at the Medway Mill).

Chan Rogers reported that John Green had said they could not do apartments above the mill as the building (structure) would not support it. They will be doing some landscaping soon in front.

Andy Rodenhiser asked how John Green has been able to do all the improvements he has done at the Mill without coming before the Planning Board.

Gino Carlucci responded that it is mostly interior work.

Andy Rodenhiser said he has been doing tons of work outside in the courtyards and walkways.

Karyl Spiller-Walsh said the DRC had seen a lot from them for signage reviews.

Gino Carlucci indicated that he believes the Building Commissioner has determined that the scope of work does not trigger site plan review.

Bob Tucker said that building a patio does not need a building permit. Keep that in mind.

Dave Pellegri said it might involve a modification to a site plan. Those things wouldn't trigger a whole new site plan.

Gino Carlucci said there is no site plan for the project.

Andy Rodenhiser noted there is something related to the Overlay District that is pretty liberal and there it is an old pre-existing, non-conforming use.

Gino Carlucci noted there is a special permit from the ZBA from years ago that the former owner secured that allows all these uses.

A123 Systems Site Plan – Review of Draft Decision

Andy Rodenhiser suggested that while the Board continued to wait for the 8 pm public hearing on 25 Summer Street, the Board could spend some time on the draft A123 Systems site plan decision for 34 West Street. **(See Attached).**

Gino Carlucci noted it is listed on the meeting agenda as an appointment at 9 pm. He asked Amy if she knew if anyone from A123 Systems would be attending.

Amy responded that she didn't know why it was under an appointment.

Andy Rodenhiser said that no one is probably coming in so we can work on it.

Andy Rodenhiser asked Gino Carlucci if he had reviewed the draft site plan decision for A123 Systems and if the listed waivers were accurate

Gino Carlucci responded that Susy had prepared the decision. Most of the decision was the usual but the specific decision conditions were noted on page 4.

Andy Rodenhiser asked if the waivers were OK.

Gino Carlucci responded yes.

Andy Rodenhiser asked if we had received the decommissioning plan that we had asked for.

Gino Carlucci responded no and that was why Susy had put in a condition for that to be added to the plan.

Bob Tucker said the Board should definitely look at a decommissioning plan for the site. We should be reviewing that.

Andy Rodenhiser noted that the hearing on this project had been closed.

Gino Carlucci suggested that a decommissioning plan shall be included in the final site plan set subject to review and approval of the Board.

Bob Tucker asked if we can do that since the hearing is already closed or does it constitute a new hearing.

Gino Carlucci said he has seen this done without challenge.

Andy Rodenhiser noted there is also a condition regarding landscaping per the PGC review letter, but that isn't a future contingency. Andy said the applicant could always appeal a decision if they are not happy with it.

Bob Tucker said we need to review the decommissioning plan but we already closed the public hearing.

Dave Pellegri mentioned there are also a few technical items that have to be addressed as well and they might modify the plans to address my comments and they could add in the decommissioning plan.

Gino Carlucci noted that we often ask for final revisions to be made in a plan prior to plan endorsement. You could do it subject to Board review and approval.

Bob Tucker said he is confused about when there are still open documents that haven't been looked at or submitted, how do you close the hearing on it? Where we have closed the hearing, how do you go back and you do a review and what if it is rejected?

Tom Gay noted that the decommissioning issue was addressed at the last meeting and they noted 3 options of what could happen after the 5 year project is concluded – NSTAR could continue to operate or they would license A123 or decommission and remove and we asked for some info.

Andy Rodenhiser said we had asked for the decommissioning plan ahead of time so that we would not have to have them come back again. That was the intent. So if we approve the decision based on having to approve a decommissioning plan, does that mean now? Andy said that Bob is concerned philosophically because we have already closed the public hearing. Andy noted that the applicant was OK with the public hearing being closed knowing that we would still need to approve the decommissioning plan.

Gino Carlucci concurred. The decommissioning plan is to restore the site to what it is, to its original conditions if necessary. So all you are doing is showing that it is being put back to original conditions.

Andy Rodenhiser stated that decommissioning is an option that may occur, one of three. There is really no testimony being given. Andy asked Bob if he was OK with that.

Bob Tucker responded it was not the way he would do it but that doesn't mean it's wrong.

Andy Rodenhiser asked if there are any other concerns. We will put this on hold for now and take it up after our 8 pm hearing and finish it up.

PUBLIC HEARING - 25 Summer Street Definitive Subdivision Plan Modification:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to open the public hearing and waive the reading of the public hearing notice for 25 Summer Street Definitive Plan Modification Plan. (See Attached).

The Public Hearing was opened at 8:00 pm.

Applicant Mike Fasolino of Fasolino Home Improvements was present along with engineer David Faist of Faist Engineering.

The Board is in receipt of a proposed modification for the previously approved 25 Summer Street Definitive Subdivision Plan entitled Summer Valley Lane for a permanent private way.

The application was filed by Fasolino Home Improvements, Inc. This application is for a modification to the previously approved 25 Summer Street Definitive Subdivision.

The new plan is dated February 28, 2012. This was prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying Co.

The Board is also in receipt of a plan review memo from PGC Associates dated March 20, 2012. (See Attached)

The Board is in receipt of a letter dated March 21, 2012 from Tetra Tech Rizzo regarding the performed review of the Site Plan at 25 Summer Street. (See Attached). The letter makes reference that the stormwater design will collect run-off from the proposed development in a detention basin within the separate parcel A (road parcel)...

The Board is also in receipt of a waiver request sheet dated February 28, 2012. **(See Attached)**

The applicant proposes to develop a 2-lot, permanent private way residential subdivision on a 1.98 acre parcel. The parcel includes a wetland area in its southwest corner.

The proposal includes creation of an approximately 173 foot long private road/right of way to provide conforming legal frontage for one of the two lots. The other lot has sufficient frontage on Summer Street.

The construction will be for a common driveway within the right of way to provide access to two new houses. The drainage will include the use of swales and a small stormwater basin. There will be the installation of sewer service to connect to the existing private force main sewer system in the adjacent Speroni Acres neighborhood.

David Faist indicated that the change on the plan pertains to a needed change in the layout of the house lots and road right of way based on an additional finger of wetlands was identified by the Medway Conservation Commission in late 2011 that had not been included on prior plans. The roadway has been shifted over to the side (northerly). There are still 2 lots. Originally the paper

street was in the center. With this configuration Lot 1 has adequate frontage on Summer Street. With the new layout, only Lot 2 has frontage on the new paper roadway cul-de-sac whereas before both lots needed the paper road for frontage.

The plan also reflects a change in design of the stormwater management facilities and updated the drainage calcs and combined two small stormwater basins into one. We are still showing a shared driveway, but we do want to ask the Board's consideration to have 2 separate curb cuts on Summer Street, one for each lot. That way the road and drainage responsibility would only rest with one party. This would make it more desirable from a marketing aspect in this economy and less cumbersome for shared agreements between the owners for the road maintenance.

Andy Rodenhiser expressed that we don't care about where they access it from as long as long as the frontage is correct.

Bob Tucker asked if they had talked with DPS about having 2 curb cuts onto Summer Street.

It was noted the 2 curb cuts exist now.

Tom Gay noted that we had discussed this previously with them in November and had told them we didn't like having 2 curb cuts.

Andy Rodenhiser asked under that scenario, we were going to have them fill one of the cuts. What is different and why?

NOTE - In the original subdivision plan, the roadway layout was in the middle of the parcel and both lots needed frontage on that roadway it to be legal. In this version, only one lot needed to use that roadway as frontage.

Bob Tucker noted he remembered DPS having an issue with the two curb cuts.

Mike Fasolino noted that DPS wanted to make sure the existing second curb cut would be closed off and not kept open.

Andy Rodenhiser commented that he understood the intent here was to keep this a very limited review here. So are we going to review the whole thing again?

Bob Tucker indicated he did not have a problem with it if DPS didn't have a problem with it. I just don't remember the conversations that well.

Tom Gay indicated he thought one of the goals was to clean that up and minimize curb cuts on Summer Street and now we are going back to leaving them as they are. When they came in November (to discuss these possible changes) they showed using the 2 curb cuts and our comment was that we didn't like that and we wanted to close it up. Now he is asking again if it can be 2 curb cuts to make the lots more saleable and have less issues with salability. They still have to have an agreement on the drainage. We should stick with one curb cut.

Chan Rogers concurred.

David Faist noted they had received the plan review letters from PGC Associates and Tetra Tech Rizzo. There is the sewer issue.

Andy Rodenhiser explained that we know more about the Speroni Acres sewer system about where you are tying in than we had in the past (when we first reviewed the 25 Summer Street subdivision).

David Faist said he was able to track down the original engineer of the Speroni Acres subdivision, CEC Land Surveyors out of Peabody, MA. CEC said that all the sewer info had been provided to the Town when the subdivision had been approved. CEC is going to dig thru their files and try to provide that info to him. Dave also indicated that Mike Fasolino had talked to the Board of Health and they have some info on the Speroni Acres force main sewer system as well.

Andy Rodenhiser asked Mike Fasolino if he understood what the underlying issues are

Dave Pellegri explained that he had met with Susy, Tom Holder, John Emidy and Bill Fisher about the sewer issue and reviewing pump stations. We talked about the general process and the items we need to consider with this project. The biggest thing of concern to Susy and the Board is who's right it is to grant a connection. The second issue is to review the utility easement description; it might say that there is a stub there. The last issue is to take a look at the data on the existing system to verify whether the system can accommodate more flow.

Andy Rodenhiser asked the applicant to provide information about the sewer easements or whatever is recorded to document that he has that ability.

Andy Rodenhiser asked Dave Pellegri what came out of the meeting with BOH and DPS.

Dave Pellegri reported that the BOH will review the (grinding) pumps and (holding) tanks before a building permit is issued.

Andy Rodenhiser said so we don't have to get into all that but just make sure that they have the right to tie in.

Andy Rodenhiser asked Gino Carlucci can we write a decision that says he has to demonstrate that he can tie in to the sewer system or do we need to have them to prove it during this process?

Dave Pellegri indicated that we might want to look into the capacity of the existing system. I don't know if the Board of Health will look at that.

Bob Tucker asked wouldn't that be the Board of Health issue?

Dave Pellegri responded . . . probably.

Andy Rodenhiser asked Gino if we can we write a decision that says he has to demonstrate he can tie in or does that have to be part of the process now as part of the approval.

Bob Tucker said he if can't demonstrate, then he can't get a building permit.

Bob Tucker said he doesn't feel it is our responsibility to have them demonstrate anything other than to have the title to make the connection. The design of the system and the capacity of the system really fall under the purview of the Board of Health.

Chan Rogers – It falls under the Board of Health if they accept the system as it now exists. However, according to Tom Holder, the Town is not going to accept the sewer system unless there is a clear public path available for the pipe.

Dave Pellegri stated it will remain a private sewer system but the Board of Health reviews it from the perspective of public health.

Andy Rodenhiser – So he needs to demonstrate an ability to connect into it.

Chan Rogers – The Planning Board does not have to be responsible for the access to the sewer. That is up to the Board of Health. The Building Commissioner is obligated to get approval from the Board of Health before he issues a building permit.

Dave Pellegri – The question is them showing the ability to tie in to sewer, just like the ability to manage storm water and the ability to tie into water.

Andy Rodenhiser – As a review board, we have to know that there is going to be adequate sanitary sewers. If he can't tie in and has to go with a septic system, what is the impact on the plan? Where it is going to go? Is it going to change the subdivision plan and drainage?

Chan Rogers – The applicant always has the choice to use his own septic system. We don't have to verify that there is acceptable means of disposing of sewage. That is up to the Board of Health.

Karyl Spiller-Walsh – I disagree.

Chan Rogers – The Building Commissioner has to get satisfaction from the Board of Health that there is a valid sewage system available. It is a 2 step process.

Gino Carlucci – For all subdivisions, the Planning Board cannot approve a subdivision unless the Board of Health approves it or unless 45 days have passed after the Board of Health has been asked for their opinion and they don't say anything. In this case, you might want to specifically ask the Board of Health to weigh in on this since it is a concern.

Andy Rodenhiser – Well there is a known problem. We are remiss if we don't address it.

Bob Tucker – We need to have Susy ask the Board of Health to weigh in on this.

Andy Rodenhiser – Dave, could you draft a letter to the Board of Health about this?

Dave Pellegri – Asking what?

Bob Tucker – Asking about the ability to tie into the force main.

Andy Rodenhiser asked Mike Fasolino if he is able to provide that information to Bill Fisher.

Mike Fasolino explained that he had previously provided the Board with a signed letter from Speroni Acres developer Owen Sullivan authorizing Mr. Fasolino to connect these two house lots to the Speroni Acres private force main sewer system. The Board had approved the plan previously with that letter in hand.

Andy Rodenhiser – Yes, but that was during the first review. We have had some testimony since then that has shown that he may not have that authority.

Dave Pellegri – We just don't know who owns the sewer system. Someone raised the question.

Andy Rodenhiser – What did he (Owen Sullivan) say at the neighborhood meeting we had with the neighbors?

Dave Pellegri – He said it was his intent to not own that easement and to turn it over to the town. The Town (DPS) said we didn't want it. It may still be that he owns it which would be good for you.

Andy Rodenhiser – But didn't some of the property owners say that they owned it, that it ran over their property?

The Board wants to make sure that the applicant provides verification of the easements.

Dave Pellegri – Owen Sullivan's attorney said that he thought they did have the easement documentation. We heard that at the meeting.

Andy Rodenhiser – But we haven't seen anything.

Karyl Spiller-Walsh – He said he could get it.

Andy Rodenhiser – So where does this leave him (Matt Fasolino)?

Bob Tucker – Well he has the letter to the best of our knowledge. We have done our due diligence to request it and we don't have anything before us to tell us that Owen Sullivan doesn't have the ability to grant them that permission. Certainly further review needs to be done by the Board of Health. We have done our due diligence by making sure that the capability exits. The technical aspect belongs with the Board of Health thru the building permit process.

Karyl Spiller-Walsh said we have never approved a subdivision plan without indicating either septic or sewer. We haven't approved something with a block.

Andy Rodenhiser – If you approve a subdivision with septic systems and sewer comes up the street, you change.

Andy Rodenhiser –We don't know if there is a functional block. He has a letter from Owen Sullivan. If the owner doesn't like it and wants to dispute it, they can seek a cease and desist. It doesn't have anything to do with us. If we (Town) don't want to have anything to do with the private sewer system, and he has a letter from Owen Sullivan that it is OK, then any issues are between private parties.

Karyl Spiller-Walsh stated that something bothers her that the Planning Board is already privy to the fact that the applicant is assuming that he can hook into a private sewer system. The Town has already said they are not going to accept it.

Bob Tucker stated he (Matt Fasolino) has a letter granting that permission. The Town does not have to accept the sewer system.

Andy Rodenhiser said the Town is not responsible for it.

Dave Pellegri said that Susy's issue was that originally we asked for this letter. We got it. We did our due diligence. But after that fact, we came to question the relevance of that letter. So is that letter just as good as Mike writing a letter saying he can tie in. Or is it coming from Owen give it any weight at all beyond anyone else. Could Tom Holder write that letter or Dave? That is the question Susy had.

Bob Tucker – My understanding is that the easement is under Owen Sullivan's control.

Dave Pellegri – I don't know.

Andy Rodenhiser – But that is not testimony provided during this hearing.

Bob Tucker – But it was testimony provided at a previous hearing discussing the force main and the adjacent properties. That is already in place.

Karyl Spiller-Walsh – Does that make the town a party to almost something illegal when there is discussion among town departments and boards that they do not want to accept the sewer system or have any ownership in it.

Bob Tucker – How does that change anything?

Karyl Spiller-Walsh – Now we know what it is. At the time when this applicant (first) came in, we had no idea what the sewage system was. Now we know it is very questionable.

Bob Tucker – I knew what the system was at that point.

Mike Fasolino – Everybody knew what that system was at the time when we handed in that letter. We went thru numerous meetings on this.

Karyl Spiller-Walsh – What did Tom Holder say?

Mike Fasolino – We brought Tom Holder to a meeting. He said that there was no evidence or facts that there were any problems with the system at all. We talked to Tom before we submitted this (modification) back in February. His only concern was that we inform the Charles River Pollution Control about the extra flows.

Dave Pellegri – This is more Susy's questions about the easements. My guess is that the capacity of the line is probably fine. The original (subdivision plan) shows a stub. I am assuming the intent was to tie in. As an engineer I would always design for capacity.

Andy Rodenhiser - Knowing that the stub is on the plans and knowing that CEC is going to provide him with the data about the system, but we actually don't really care about the data since the Board of Health is going to review it.

Gino Carlucci – In the original decision it was a condition that the tie in was the sole responsibility of the applicant. However the homeowner would be responsible to the Town for the effluent from that going into the Town's system and would be part of the billing system. It did indicate that it would be upon the applicant to work out any legal questions that would remain.

Andy Rodenhiser – Have we talked about this enough?

Karyl Spiller-Walsh – There are still some questions about this.

Bob Tucker – And is it something we are responsible for?

Andy Rodenhiser – I don't think we have passed the buck on this. .

Karyl Spiller-Walsh – These two lots are relying on the necessity to tie into the stub. There is no way they could create a septic system on either of these lots.

Bob Tucker - You don't know that. You aren't the engineer of record.

Karyl Spiller-Walsh – Actually, when they first presented the plan wand there was only one lot at the time, wasn't there a septic system at that point at the very initial presentation of this project?

Dave Faist – From when we have been involved with this as 2 lots it has always included tying into the sewer system.

Andy Rodenhiser – You may be thinking of the (proposed) subdivision up the street, next to the 40B project, that little lot where the house was going in the back. (NOTE – Norwood Acres/Wayne Marshall).

Andy Rodenhiser – This has always been sewer.

Chan Rogers – There are several houses along Summer Street that still have septic systems and they are between this property and Restaurant 45.

Karyl Spiller-Walsh – I think that there are some responsibilities of the Town, the Planning Board, if we approve it and there isn't a definite means by which he can connect to that . . .

Andy Rodenhiser – We have gotten the letter (from Owen Sullivan). We know there are stubs shown on the drawings. We know that evidence is going to be provided to the Board of Health which is the only way he can get a building permit. To Bob's point, we also heard evidence at another hearing that Owen said he kept those (easements).

Karyl Spiller-Walsh – I remember that. Is it even valid what Owen said and did and those 2 stubs if it isn't going to be a recognized system?

Andy Rodenhiser – Then he has committed a pretty big fraud on him if it isn't.

Karyl Spiller-Walsh – But that is a fact.

Bob Tucker – We don't know that.

Chan Rogers –That is something between the applicant and Owen Sullivan.

Karyl Spiller-Walsh - So we just do a "Pontius Pilate" on this one and say it is the Board of Health's responsibility?

Bob Tucker – Not at all. We have exhibited good due diligence to make sure that the right processes are in place and we have beaten this horse to death severely and to ensure that the easements exist to the best of our knowledge and he has permission to connect. If there is a technical issue, that is not something we are going to come up with. If there is an easement issue with an abutter then that is something he will have to deal with.

Andy Rodenhiser – Mike might have to buy the right to connect from someone if they own the easement rights and then he would be damaged and he would have to seek any redress from Owen Sullivan if necessary.

Karyl Spiller-Walsh – So everyone else is comfortable? OK.

Andy Rodenhiser – Any other discussion on that topic?

Tom Gay – On the sewer part, there has always been the notion that he would tie into that sewer system and need that permission. He submitted permission from the owner that said good to go. We know that at the point the private sewer system transfers into the public system, Tom Holder has said it works fine. I am not having any palpitations over that question at all. Well I have got 3 other things. There was a note in here that asked about permission from the mortgagee. Did you provide that?

Mike Fasolino – Yes. I submitted it today. From the Clarkson's. Yup.

Tom Gay – Do we have that? It is not in the packet.

Gino Carlucci – There is an email from Susy that said it had been received I believe.

Tom Gay - So that is OK. We've got it. But I hadn't seen it. The next one is the plan review invoice. Have you taken care of that? Is there some verification on that?

Mike Fasolino – Yes. All set. Call Fran in the office tomorrow.

Tom Gay – OK.

Andy Rodenhiser – Are there any additional waivers on here?

Dave Faist – None that we are requesting but Tetra Tech referenced an additional stormwater waiver in their review letter which I will respond to. And then Gino had indicated that another waiver might be necessary that wasn't pointed out in the last hearing. It pertains to Section 7.9.6 (Subdivision Rules and Regulations) prohibiting dead end streets.

Gino Carlucci - The regulation actually says there is no dead end street unless there is no other way to develop the site. That is obviously the case here.

Bob Tucker – I want to go back to a recent subdivision we did on Village Street. The way that (roadway layout) bulb is shown you are creating a non-conformance for the existing adjacent lot. The easy way to solve that is to move that bulb one inch south. You can't put it on the lot line because you would create a non-conforming condition for the abutting neighbor which isn't allowed.

Dave Faist – Dan O'Driscoll is not here tonight but I will bring that up to him. I thought he had looked into that, but I don't have an answer for you. I will check on it.

Andy Rodenhiser – We don't consider it a spite strip.

Tom Gay – The building (on the abutting property) is set back fine from a side lot line but it would not be for a street lot line.

Tom Gay - The distance required for the setback from a street is 35 feet.

Bob Tucker – As long as the road is not on the lot line, you are fine. So just move it over.

Tom Gay - Let's get the clarification on exactly what that has to be. We just went thru that down on Village Street and they reconfigured the road a little bit because of where the old health club building here was to the new street.

David Faist – Is it because the house is closer?

Tom Gay - You would be creating a non-conforming lot.

Bob Tucker – You need a 35' setback.

Andy Rodenhiser - And every time the guy (at the health club) wanted to do something they would have to go to the ZBA because they would have a non-conforming lot.

David Faist – Is the same true for this?

Andy Rodenhiser – You need 35' from that house.

David Faist – We are only showing a side yard setback.

Bob Tucker – That frontage should not have been allowed.

Andy Rodenhiser – Gino, what is the distance required in that scenario?

Gino Carlucci – 35 feet.

Mike Fasolino – How can it be?

Karyl Spiller-Walsh – It is a setback from a road layout.

Mike Fasolino – We tried to get frontage on that road and we weren't allowed.

Karyl Spiller-Walsh – It is still a road layout.

Tom Gay – You are right Mike. There was something in that discussion.

Andy Rodenhiser – Probably because of the width of the roadway and what was designed to handle for traffic.

Bob Tucker – Was that ever a paper street?

Chan Rogers – The width looks a lot wider than it should be.

Andy Rodenhiser - That is the right of way.

Bob Tucker – Was that every submitted as a paper street when you did your initial reviews?

Mike Fasolino – There were no records.

Bob Tucker – So this may not even be a street there. That is the question.

Andy Rodenhiser – So he may be OK with the setback.

Karyl Spiller-Walsh - I think it is an approved street.

Andy Rodenhiser – If it was, then he would have used it for frontage.

Mike Fasolino – We tried that.

Mike Fasolino – This would fall into the same category. Isn't what we are considering a private road? Then why would we have to meet the requirements?

Bob tucker - There was some history behind that. I just don't remember what it was.

Andy Rodenhiser - Why would it apply to his road and not the other one?

Gino Carlucci - Good question. The only thing I can think is that the other road may not have come thru the subdivision control process even though it looks like a road on the plans. Mike is going thru the subdivision process for his new road. That is the only possible reason I can think if. That may not be. It is still a private way, it might count as frontage, but it doesn't give him (the applicant) the rights to use it. The same is true with the street Mike is creating. I don't know what the rationale was. Who said you couldn't use the other road as frontage?

Mike Fasolino – It was you guys.

Bob Tucker – We had shot it down a long time ago.

Mike Fasolino – That was proposed at the get go. None of the covenants were recorded. That was the whole reason.

Andy Rodenhiser – So then we are clear on all the waivers?

Gino Carlucci – He (David Faist) said there was one additional one that they didn't ask for last time but there are still several waivers.

Andy Rodenhiser - Which is the additional one you are asking for?

Gino Carlucci – The dead end street he mentioned was going to be requested.

David Faist – That was one that Gino had picked out in his letter. It wasn't requested in our letter because it wasn't required last time. Gino's interpretation is that it is something that would be required.

Andy Rodenhiser – Are there any additional ones?

David Faist – I don't believe so.

Andy Rodenhiser – So Gino, which are the additional ones you say they added?

Gino Carlucci – I am not saying that they were added but they were already included. He (David Faist) is saying those waivers were also requested in the previous submission. For example allowing the road width to be 14 feet instead of 18 feet.

Andy Rodenhiser – Which are all items we already hashed out.

Gino Carlucci – Exactly. However, the other one I pointed out is #22 in my letter re: 14' from the catch basin which is already there and the curb cut is already there. Another one you might want to talk about a little bit is the waiver for the island in the cul-de sac. In the previous submission he presented a landscape plan for where the driveway split. It's the same plan (included in this submission) but the driveway is not configured that way now. The landscape plan should be adapted to the new configuration.

David Faist – Do you want a new sketch?

Karyl Spiller-Walsh – Adapt it to the new driveway layout to the center.

Gino Carlucci – The previous time, regarding street lights, you waived the requirement to install a new street light because there was an existing street light on Summer Street close to the previous entrance. Now the road is being moved (northerly) and the curb cut is further away from the existing street light. I don't know if that justifies a street light for a driveway with 2 houses, but I just mentioned it because it is different from before.

NOTE - The Board is comfortable with not requiring a new street light (where the roadway meets Summer Street).

Gino Carlucci – That is all.

Andy Rodenhiser – Dave (Pellegri) . . . anything else?

Dave Pellegri – I had a couple of very minor items. They had addressed all my comments from the previous submission. A few things I can work out with Dave (Faist).

Andy Rodenhiser – What is our next step?

Amy Sutherland – You can continue to April10th.

Chan Rogers – What are you keeping it open for?

Andy Rodenhiser – So they can finalize everything and get us the next set of plans and then we can close it at the April 10 meeting and then begin the decision.

Bob Tucker – She (Susy) could start to rough out the decision and just leave some holes in it. If she has time.

Amy Sutherland – So say 7:45 pm?

Andy Rodenhiser – Amy, please make sure to give Susy a copy of this so she can hear the discussion and that will help her to write the decision.

Amy Sutherland – The public hearing will be here.

On a motion made by Bob Tucker seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the public hearing on the 25 Summer Street subdivision modification to April 10, 2012 at 7:45 pm.

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Andy Rodenhiser – Any other business?

Amy Sutherland – I believe the A123 rep will be here at 9 pm.

A123 Systems Site Plan Decision – 34 West Street.

The Board continued to review the draft decision.

Andy Rodenhiser – Dave, are there any issues in the decision?

Dave Pellegri – They just need to address my technical items.

Chan Roger – I move approval with the modifications we have already discussed.

Andy Rodenhiser – We didn't even really finish going thru it.

Chan Rogers – It is understood and we talked with Bob that the decommissioning plan has to be included.

Bob Tucker – I wasn't here for the first one so I am not needed here for the vote. My comments (tonight) were primarily more regarding procedural issues . . . how we do business. I feel uncomfortable about leaving things open that are subject to comment or change after the public hearing is closed.

Andy Rodenhiser – Chan, did you hear Bob's comment about how we do business?

Chan Rogers - I don't think it is a degradation of how we do business. Not in this case.

Amy Sutherland – So the items to be addressed are the decommissioning plan and what else?

Chan Roger – There is another plan there that is listed that has to be provided.

Gino Carlucci – The other one was item c regarding the landscape plan per my letter. They just need to comply with the rules, just like technical revisions per the engineering. Minor technical thing.

Andy Rodenhiser – does anyone want to second Chan's motion?

Motion was seconded by Tom Gay. All in favor. None opposed. Bob Tucker abstained.

Representatives from A123 Systems and GZA Environmental arrived.

The Chairman explained that the Board would like to have a decommissioning plan which would indicate what was originally on site, what will be on site, and what will it look like after decommissioning.

The GZA team will get the decommissioning plan to Susy. Board members will review this at their next meeting.

Further questions were raised about toxic materials.

The representatives of A123 Systems explained that the transformers contain mineral oil. The chiller is non-toxic. The battery has a lithium chemical within it. The lithium is not considered a hazardous material. It is considered a Class 9 hazmat.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
(Based on listening to the audio recording of the entire meeting)

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

March 14, 2012

Mr. Mike Fasolino
Fasolino Home Improvement, Inc.
164 Main Street
Medway, MA 02053

RE: MODIFICATION to 25 Summer Street Definitive Subdivision Plan
Plan Review Expenses

Dear Mike,

The Medway Planning & Economic Development has determined that the size, scale, and complexity of the MODIFIED 25 Summer Street Definitive Subdivision Plan and its consequent impact on the community necessitate the hiring of outside professional consultants to review the application and plans for compliance with the *Town of Medway Zoning Bylaw* and the Board's *Subdivision Rules and Regulations.*

The Board has selected PGC Associates *(the Town's planning consultant)* and Tetra Tech Rizzo *(the Town's consulting engineer)* as the primary outside consultants to conduct the review. Town Counsel Barbara Saint Andre of Petrini & Associates will provide legal counsel as needed. The Planning & Economic Development Board may engage the services of other outside consultants to assist in reviewing this project if it is determined to be in the best interests of the Town to do so.

The initial estimated expense for PGC Associates to review the REVISED 25 Summer Street Definitive Subdivision Plan and application is $552.50. The estimate provided by Tetra Tech Rizzo is for $1,810.00. A copy of each estimate is attached. The total is $2,362.50. These fees were approved by the Planning & Economic Development Board at its March13, 2012 meeting.

At the time you filed the subdivision application, you provided a check for $1,000 as a deposit toward plan review expenses. Accordingly, ***the total now due is $1,362.50*** An invoice is enclosed. We look forward to your prompt payment. Please be advised this must be paid before the Board begins the public hearing on March 27th.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

Mike Fasolino
March 14, 2012

Plan review fees are deposited to a separate revolving account from which we pay the outside consultants. Please be advised that additional plan review fees will be charged if the Town's cost for outside consultants to review the REVISED 25 Summer Street application and subdivision plan exceed these initial estimates. With the intricacies of the proposed connection to the Speroni Acres sewer system, we fully expect there will be additional costs for engineering and legal services.

We will keep you apprized of the status of your account and if necessary, we will bill you accordingly for prompt payment. Any outstanding balance for plan review fees must be paid in full before the Planning & Economic Development Board will endorse a definitive subdivision plan for 25 Summer Street. If, at the conclusion of the plan review process, there are any funds remaining in the account, you are entitled to a refund of any unexpended balance.

Please contact me if you have any questions regarding these fees or any other matters. We look forward to working with you in the weeks ahead.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

INVOICE

March 14, 2012

Mr. Mike Fasolino
Fasolino Home Improvement, Inc.
164 Main Street
Medway, MA 02053

RE: MODIFICATION - 25 Summer Street Definitive Subdivision Plan
Plan Review Expenses

For professional services provided by outside consultants *(Town Consulting Planner PGC Associates and Town Engineering Consultant Tetra Tech Rizzo)*

ESTIMATED COST	$ 2,362.50
PAYMENTS BY APPLICANT	$ 1,000.00
BALANCE	$ 1,362.50

TOTAL NOW DUE AND PAYABLE $1,362.50

Make check payable to: Town of Medway

Mail or drop off to: Medway Planning & Economic Development
155 Village Street
Medway, MA 02053

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

March 22, 2012

TO: Planning and Economic Development Board

FROM: Susy Affleck-Childs

RE: Fox Run Farm – 40B development on Holliston Street

At the 3/13 PEDB meeting, we discussed the Fox Run Farm 40B development on Holliston Street. I had informed you that Mujeeb Ahmed, the owner and developer, had contacted me. He is ready to resume work on the development. He had indicated he had secured construction financing from Rockland Trust.

We discussed the amount of the subdivision bond/performance security and the amount of the invoice for TTR construction services.

Andy had raised a question/concern about how many units the already installed infrastructure would accommodate. He was concerned that the developer might have put in sewer/water for 15 units when only 12 units had been approved by the ZBA. Andy was concerned that the estimated amounts for the bond and construction services would be too low if additional work and inspections were going to be needed to cut back the infrastructure to 12.

Dave Pellegri checked the inspection work that TTR had conducted in the fall of 2010 and confirmed that infrastructure for only 12 units had been installed.

SO. . . we can stay with the bond estimate and inspection services estimates as provided. See attached.

I recommend the PEDB approve both the bond estimate dated 3/7/2012 for $88,825 and the TTR construction services estimate dated 3/15/2012 for $6,751.50.

FYI. . I checked with Mr. Ahmed and he indicated that his performance security was NOT a letter of credit as he had originally indicated. Instead it would be a tri-party agreement among Mr. Ahmad, Rockland Trust and the PEDB, which is an acceptable form of performance security under the Subdivision Control Law.

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

TETRA TECH RIZZO

Bond Value Estimate
Fox Run Farm
Comprehensive Permit
Medway, Massachusetts
March 7, 2012

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	125	TON	$95.00	$11,875
HMA Top Course - 1 1/4" Depth (Sidewalk)	23	TON	$95.00	$2,185
HMA Binder Course - 1 3/4" Depth (Sidewalk)	32	TON	$100.00	$3,200
HMA Berm - Modified	402	LF	$5.00	$2,010
HMA Binder Repair[2]	1	LS	$1,700.00	$1,700
Gravel Borrow (Sidewalk)	110	CY	$30.00	$3,300
Vertical Concrete Curb	333	LF	$38.00	$12,654
Vertical Granite Curb	125	LF	$40.00	$5,000
Concrete Wheelchair Ramp	30	SY	$75.00	$2,250
Loam[3]	44	CY	$38.10	$1,676
Seeding[3]	394	SY	$1.75	$690
Light Poles	3	EA	$5,000.00	$15,000
Pavement Markings	1	LS	$250.00	$250
2 year Snow Plowing	515	LF/YR	$2.50	$2,575
2 year Road Maintenance	515	LF/YR	$2.00	$2,060
2 year Drainage Maintenance	515	LF/YR	$2.00	$2,060
As-built Plans	515	LF	$5.00	$2,575
				$71,060

Subtotal	$71,060
Contingency (25%)	$17,765
Recommended Bond Value	$88,825

Notes:
1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 3/2011 - 3/2012.
2. Binder repair pricing includes the area of roadway that will require repair as described in inspection report #16. Pricing includes removal of the existing binder and top 4" of gravel base and the replacement of both. The area of pavement and gravel to be removed and replaced includes the area north of the centerline of the roadway between STA 0+40 to STA 0+60. Area could increase/decrease per an inspection at the time of removal.
3. Loam and seeding pricing includes all non-hardscape areas within the right of way.

TETRA TECH

March 7, 2012

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Revised Construction Administration Services
Fox Run Farm
Holliston Street, Medway, Massachusetts

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Fox Run Farm Residential Subdivision (the Project) in Medway, Massachusetts. This estimate represents our cost to provide limited construction administration services on behalf of the Town of Medway through completion of the project.

Scope of Services

We will undertake the following task:

Task 1 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.

Cost

Our cost for the above Scope of Services will be on a time and expense basis according to the breakdown provided in the Construction Inspection Budget. Hourly rates will be consistent with those included in the current contract between TTR and the Town of Medway. Direct expenses

TETRA TECH

will be billed at a fixed fee of three (3.5) percent of labor costs. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning and Economic Development Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This proposal is subject to the General Terms and Conditions included in the existing contract between TTR and the Town of Medway. Should this proposal meet with your approval, please sign and return one (1) copy of this Proposal to us for our files. Your signature provides us full authorization to proceed. Please contact us if you have any questions or require additional information.

Very truly yours,

David R. Pellegri, P.E.
Project Manager

Accepted by: _____ _____

Andy Rodenhiser — Date
Medway Planning and Economic Development Chairman

Attachments
M:\SITE\DAVIDP\MEDWAY-CONSTRUCTION-REVISED FOX RUN FARM-2012-03-07.DOC

Revised Construction Administration Budget

Fox Run Farm
Medway, MA

3/15/12

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	0	0	$100.00	$0.00
2	Clear & Grub	0	0	$100.00	$0.00
3	Subgrade/Staking	0	0	$100.00	$0.00
4	Drainage System	0	0	$100.00	$0.00
5	Underground Drainage System	0	0	$100.00	$0.00
6	Roadway Gravel	0	0	$100.00	$0.00
7	Water System	1	3	$100.00	$300.00
8	Sewer System	1	2	$100.00	$200.00
8A	Confirmation of Utility Services	1	3	$100.00	$300.00
9	Roadway Binder	0	0	$100.00	$0.00
10	Curb/Berm	2	4	$100.00	$800.00
11	Private Utilities	0	0	$100.00	$0.00
12	Sidewalk Base/Gravel	1	2	$100.00	$200.00
13	Sidewalk Binder	1	4	$100.00	$400.00
14	Roadway Top	1	6	$100.00	$600.00
15	Sidewalk Top	1	4	$100.00	$400.00
16	Frames and Covers/Grates	0	0	$100.00	$0.00
17	Adjust Frames & Covers/Grates	1	2	$100.00	$200.00
18	DMH Inverts	1	4	$100.00	$400.00
19	Bounds	1	2	$100.00	$200.00
20	Landscape/Plantings	1	2	$100.00	$200.00
21	Roadway Sub-Drain	0	0	$100.00	$0.00
22	Guard Rail/Fencing	0	0	$100.00	$0.00
23	Periodic Inspections (See Note 1)	2	4	$100.00	$800.00
24	Bond Estimates	1	3	$100.00	$300.00
25	As-Built Plans	2	3	$100.00	$600.00
26	Meetings	2	2	$120.00	$480.00
27	Admin	1	1	$50.00	$50.00
	Subtotal				$6,430.00
	Expenses			3.5%	$321.50
	TOTAL				**$6,751.50**

Notes:

1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.

2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

MEMORANDUM

March 12, 2012

TO; Medway Planning and Economic Development Board
FROM: Matt Buckley, Chairman
RE: DRC Recommendation re: Lawrence Waste Services Site Plan

The DRC has reviewed the site plan and building design application for Lawrence Waste Services for their new facility to be constructed at 49 Alder Street. On Monday, March 5th, the DRC met with Jim and Keith Lawrence and their consultants to review the proposed site plan by Guerriere and Halnon and the building designs by Group 7 Design for Lawrence Waste Services. The following has been proposed.

- A single story building which is 50' wide x 100' long by 25' high with (4) overhead doors and (1) person door on the west elevation elevation. The attached office building is 60' wide x 40' long x 14' high. It has a separate double door entrance with sidelights and transom and is highlighted with a cultured stone wall along the façade and sides to 38" high. Additionally, there is a metal awning over the main entry doors to highlight the main entrance to the building on the northern elevation.

- The building will feature dark green metal siding, with off-white metal roofing. The cultured stone band along the office building portion is of natural tones.

The DRC offers the following general comments/recommendations regarding the proposed building:

- The lower roofline on the office portion of the building helps to minimize the apparent size of the overall structure, and creates a human scale at the main entrance.

- The cultured stone further softens the general appearance, and creates an attractive facade.

- The dark green color choice for the siding is suitable, and is both attractive and appropriate for this application.
- Consider discussing ways to utilize natural light with your building.
- Consider returning to the DRC when the applicant is ready to move forward with a signage plan.

The DRC recommends that that the PEDB approve the site plan and building design plans as presented.

cc: Jim & Keith Lawrence, Lawrence Waste Services
Luanne Perry, Group 7 Design
Peter Lavoie, Guerriere and Halnon

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

March 23, 2012

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

Re: **Lawrence Waste Site Plan**

Dear Mr. Rodenhiser:

I have reviewed the revised site plan submitted by owner/applicant East Hill Associates Realty of Framingham. MA. The plan is dated January 10, 2012, with a revision date of March 13, 2012. It was prepared by Guerriere and Halnon, Inc. of Milford, MA. The property is located at 49 Alder Street in the Industrial III zoning district.

The plan proposes to construct a 7400 square foot building, including 5000 square feet of garage space and 2400 square feet of office space with associated parking, drainage, lighting, landscaping, signage, etc. The comments from my original letter of February 23, 2012 are repeated below with new comments in **bold** as follows:

Zoning

1. The proposed use is general industrial in the form of storage and maintenance of waste containers (but no waste). This is allowed in the Industrial III zoning district, and the proposed development appears to comply with the Zoning Bylaw. **OK**

2. The plan proposes 22 parking spaces, including a van-accessible handicapped space. The Zoning Bylaw requires 1 space per 2 employees and 1 per 1000 square feet of space. The plan states that there will be 5 employees and calculates the parking requirement as 5 spaces for the 5 employees plus another 8 for the 7400 square feet of office space for a total of 13 required spaces and states that 28 are provided, which appears to be a typo. While the number provided exceeds the minimum, I would calculate the minimum as 11 rather than 13. It should be noted that the spaces are shown as 10 feet wide by 20 feet deep while the Zoning Bylaw only requires them to be 9 feet wide and 18 feet deep. Reducing the spaces to the minimum width would result in a slight reduction of impervious surface. It should also be noted that the Site Plan Rules and Regulations require spaces to be 10 x 20. **The parking remains the same but the typo has been corrected. OK.**

3. Section V. B. 7. (e) (1) states that light trespass onto any abutting street or lot is not permitted. There is a slight light trespass from the site that reaches a maximum of .05 onto the lot to the southwest, .02 to the lot on the northeast and .03 on the Alder Street right-of-way. **The**

lighting plan has been revised so that there is no light trespass onto abutting property. OK.

4. A building sign is shown to be 42 square feet, which complies with the size requirements. A location for a freestanding sign is shown, but no other details are provided. A separate sign permit will be required for these. **The applicant states that he has not designed a sign but acknowledges that it will need to be reviewed by the Design Review Committee.**

Site Plan Rules and Regulations

3. Section 204.3 A. (7) requires a Development Impact Report. This is not provided, and a waiver from this requirement is requested. **A waiver is still requested.**

4. Section 204-5 C. (3). The Existing Conditions Sheet also does not include an Existing Landscape Inventory prepared by a Landscape Architect. No waiver is requested. **A waiver is now requested.**

5. Section 204-5 D. (7) requires that a landscape architect prepare the landscape plan. Landscape details are shown on the site plan, but it was not prepared by a Landscape Architect and no waiver from this requirement is requested. **A waiver is now requested.**

6. Section 204-5 D. (8) requires a color scheme and color renderings of the buildings. These have not been provided and no waiver is requested. I understand that the project has been presented to the Design Review Committee. **The applicant states that the Design Review Committee approved the building design at its March 5, 2012 meeting.**

7. Section 204-5 D. (12) requires a signage plan indicating the design, location, materials, dimensions and lighting. As stated above, a freestanding sign location is shown but no additional details have been provided. **Only a single freestanding sign is proposed. The design will be submitted to the Design Review Committee.**

8. Section 204-5 D. (13) requires a lighting plan. A lighting plan has been provided. The photometric diagram indicates appropriate lighting levels but with some minor spillover to abutting properties. **See Comment #3. OK.**

9. Section 204-5 (14) requires horizontal sight distances be show on the plan. This information was not provided. **The information has been added to the plans, and is adequate for the site. OK.**

10. Section 204-5 (16) requires information about fire prevention and suppression. As discussed at the pre-hearing meeting, the location of a "Knox Box" should be added to the plan. **The Knox Box has been added to the plans. OK.**

11. Section 205-6 (A) states that parking "should" be located to the side and rear of the building. This is not an absolute requirement but it also states that if parking is located close to the street, then it should be screened. Trees are proposed around the parking lot, but some additional shrubs could help screen the lot. **No change is proposed. However, in request for waiver from the requirement for a landscape plan prepared by a landscape architect, the**

applicant states that existing vegetation along the street will be used as a buffer as much as possible.

12. Section 205-6 (H) requires vertical granite curbing around the perimeter of a parking lot. The plan proposes Cape Cod berm and no waiver is requested. A concrete curb integral with the sidewalk in front of the building is also proposed along with concrete curb stops for those spaces facing the building. **Vertical granite curbing is now proposed for each side of the entrance radii and a waiver to allow Cape Cod berm for the remainder of the site is now requested.**

13. Section 205-9 C requires that there be substantial landscaped islands within parking lots to reduce the "sea of asphalt" effect. More specifically, Section 209-6 C requires at least 1 deciduous tree per 6 spaces and only trees that provide shade to the parking area are to count toward this requirement. With 22 spaces, 6 trees are required. Seven trees are proposed adjacent to the parking lot and another 4 are shown along the entrance driveway. However, they are shown to be 2" caliper while the regulations require 2 ½" caliper trees that are 10 feet in height at planting. **The specifications have now been changed to indicate 2 ½" caliper trees.**

General Comments

14. The plan appears to meet the criteria specified in Section 203-9 C.

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

Sincerely,

Gino D. Carlucci, Jr.

Susan Affleck-Childs

From: Perry, Luanne [lperry@group7design.net]
Sent: Thursday, February 23, 2012 3:54 PM
To: Susan Affleck-Childs
Cc: Jim Lawrence; Sorgman, David
Subject: Lawrence Waste Services- 49 Alder Street
Attachments: SB03Transmittal.pdf; SB03Medway-SK4.pdf; AlderStPhotos.zip; SB03-WallPanels.pdf; SB03-RoofPanels.pdf; ExtPanelsPhoto.JPG; CulturedStonePhoto.JPG

Good Afternoon Susan,

Please accept this email and attachments for the building design portion of the submittal on behalf of Lawrence Waste Services. You will receive a separate email from their civil engineer for this project.

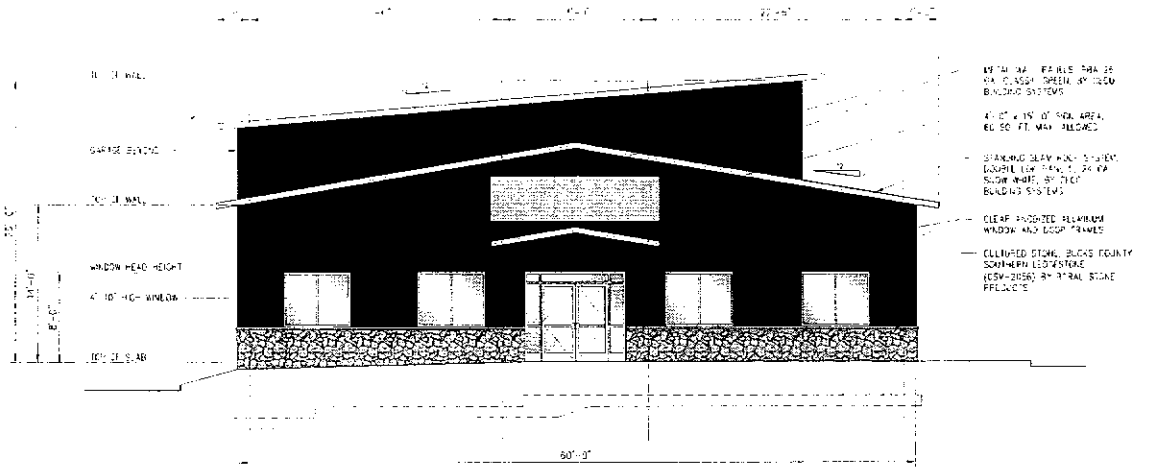
The proposed building is a single story building which is 50' wide x 100' long by 25' high with (4) overhead doors and (1) person door on one elevation. The attached office building is 60' wide x 40' long x 14' high. It has a separate double door entrance with sidelights and transom and is highlighted with a cultured stone wall along the façade and sides to 38" high. Additionally, there is a metal awning over the main entry doors to highlight the main entrance to the building.

Enclosed please find floor plan and elevations; photos of the existing site, as well as abutters and other buildings in the immediate area; specification sheets of the proposed metal building wall and roof panels; and photos of actual materials being proposed.

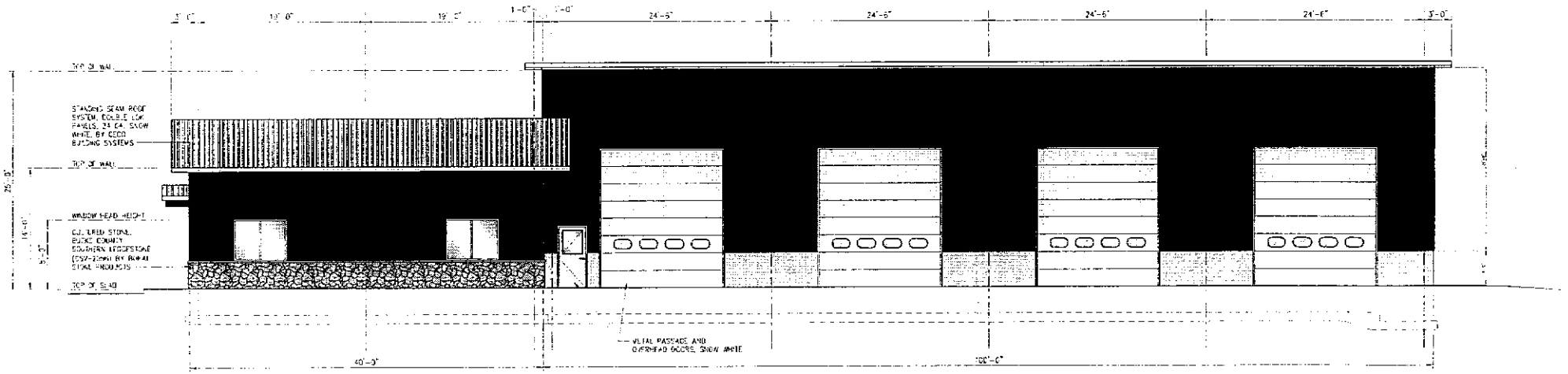
We will be sure to bring actual samples to the meeting on March 5th. Should you have any questions in the meantime, please do contact me.

Sincerely, Luanne

Luanne Perry, LEED AP
VP Design and Operations
Group 7 Design, Inc.
124 Grove Street; Suite 301
Franklin, MA 02038
T 508-520-2065 X103; F 508-520-2091
www.group7design.net



2/23/12
A Front Elevation



2/23/12
B Side Elevation

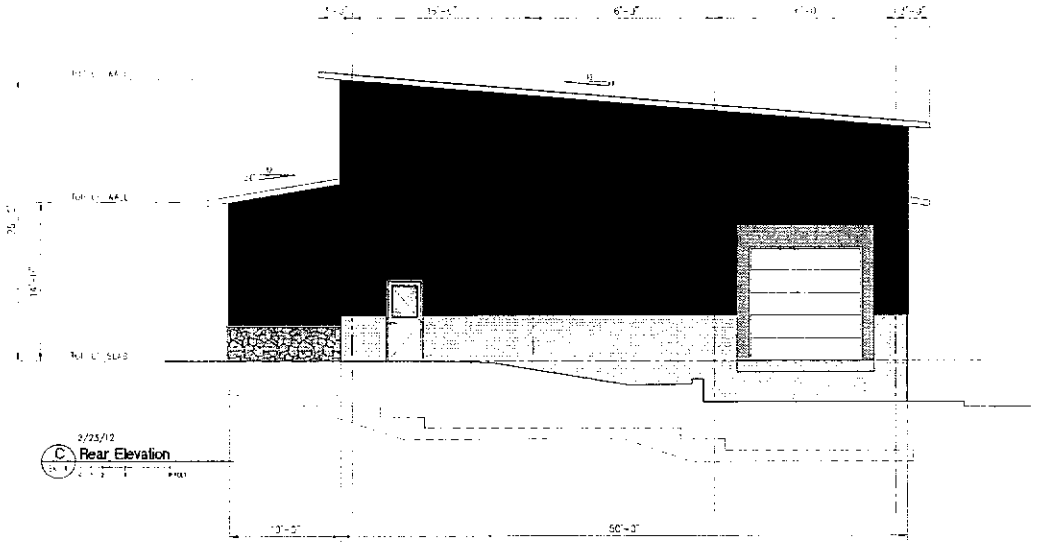
LAWRENCE WASTE SERVICES

49 ALDER STREET

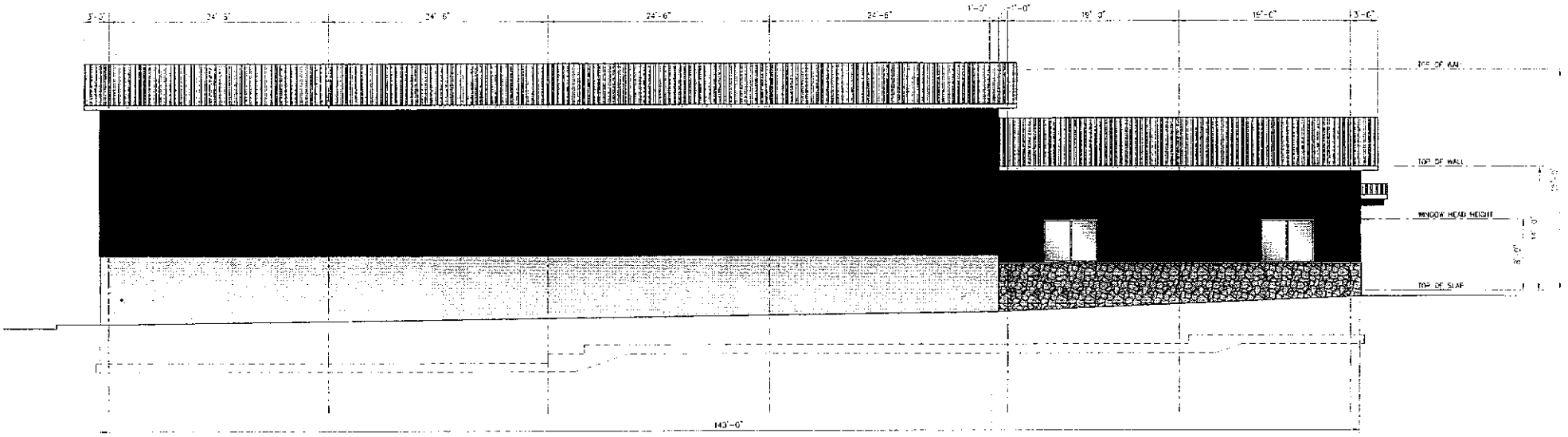
MEDWAY, MA

CROUP DESIGN

Architecture • Interiors • Construction Management



2/23/12
C Rear Elevation



2/23/12
D Side Elevation

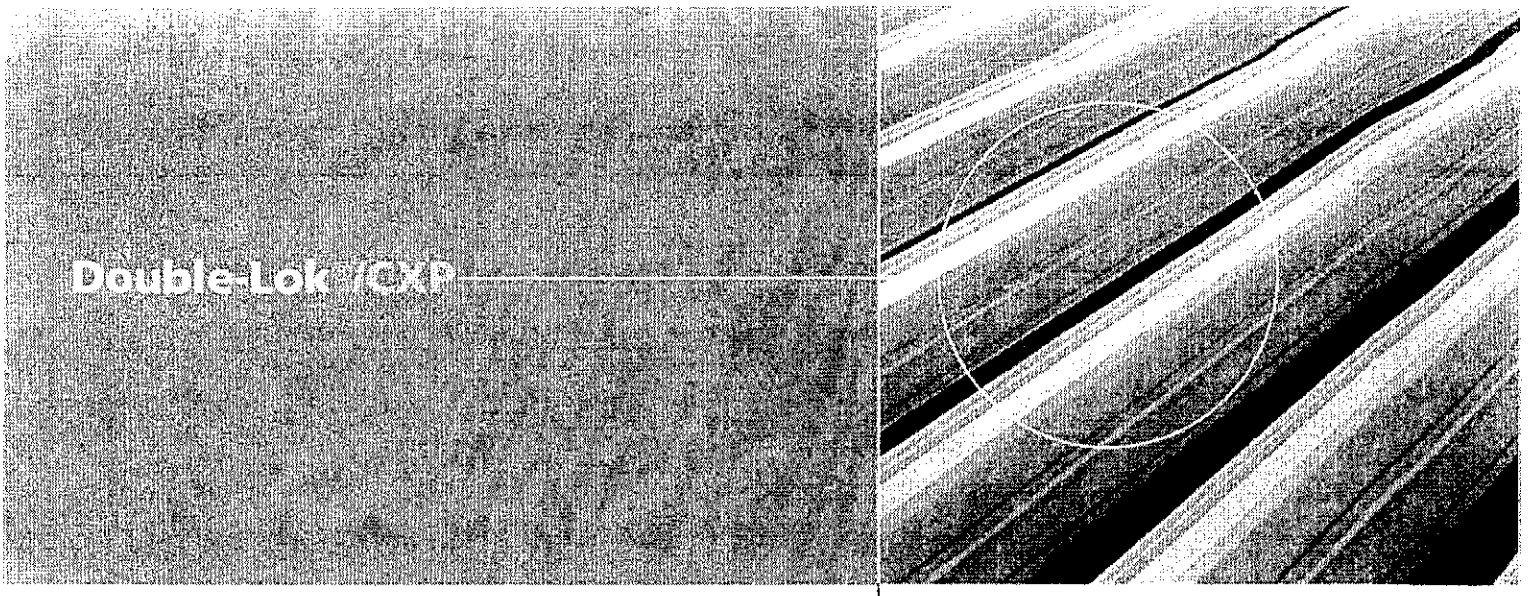
LAWRENCE WASTE SERVICES

49 ALDER STREET

MEDWAY, MA

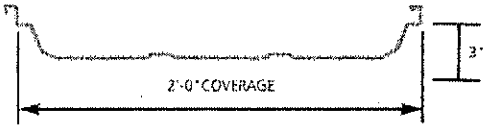
CROUL DESIGN

Copyright



ROOF PANELS

FEATURE	BENEFIT
1 Panel penetration is eliminated over the entire building envelope other than at the end laps and panel ends which are connected by a compression joint.	1 Assurance of a weathertight building envelope
2 Factory notched at both ends with pre-punched holes	2 Field installation efficiency is maximized with installation allowed from either end of building or on both sides simultaneously.
3 End laps feature a 16 gauge backup plate with pre-punched holes.	3 Allows solid connection at end laps plus proper fastener spacing. Pre-punched holes improve installation; assure proper panel placement.
4 Fewer exposed fasteners (by 80%) than traditional side lap panels	4 Increased weathertightness
5 Air infiltration and water penetration tests under ASTM E283 and E331 methods performed on side lap panels	5 Assures specifiers of minimal air infiltration and water penetration
6 Signature® 300 paint system	6 25-year finish warranty.
7 Tall or short clips	7 Maximizes insulation systems options including 1" thermal spacers at the purlins
8 Panel side laps feature a factory applied sealant.	8 Facilitates weathertight construction and ease of installation
9 UL 90 and FM rated	9 Lower insurance costs
10 Optional product and weathertightness warranties	10 Adds to customer confidence



PRODUCT DESCRIPTION

Description:
A metal standing seam roofing product attached to sub-framing using a variety of concealed, interlocking clips that provide for minimum panel penetrations. This panel can be used on new construction as well as retrofit on existing structures. This panel design provides a high degree of weathertightness.

Gauge:
24 (Standard) with 22 gauge available on request

Lengths:
55' maximum is standard but longer lengths available by special request

Dimensions:
24", 18" and 12" wide by 3" deep

Fasteners:
Concealed fastening system with floating clips. The clips are available as floating or fixed. Two different clip heights are available to allow for insulation.

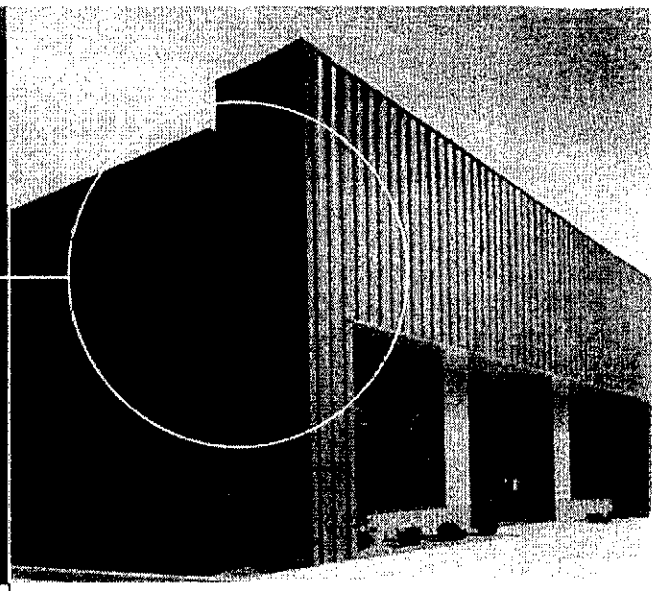
Finish:
Galvalume Plus® and Signature® Series.

Usage:
New and retrofit applications.

Limitations:
Panel does not brace secondary. Recommended for roof slopes of 1/4:12 or greater. When using the fixed clip we recommend for double slope buildings 200' wide or less and single slope buildings 100' wide or less. (May vary upon extreme weather conditions.) Oil-canning is not a reason for rejection.

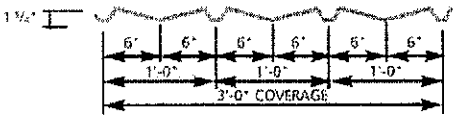
Ceco Building Systems
an NCI Company

PBA/MSP



WALL PANELS

FEATURE	BENEFIT
1 Semi-concealed fastener panel	1 Attractive architectural application
2 Continuous eave to sill until exceeds 40'-0" length	2 Eliminating end laps improves appearance and enhances ease of installation.
3 Signature® 200 series	3 25-year finish warranty
4 Signature® 300 option	4 25-year limited warranty premium paint finish provides ultimate resistance to color changes and chalk.
5 Optional embossed texture	5 Embossing the metal reduces glare and the potential for oil-canning.
6 Fire rating	6 The panel carries a UL "Class A" fire rating.



PRODUCT DESCRIPTION

Description:
The Architectural "PBA/MSP" panel for side walls produces a decorative smooth shadow line, creating a distinctive architectural effect with semi-concealed fasteners. Ribs are 1 1/4" deep and major corrugations spaced 12" on center. The net coverage of panel is 3'-0".

Gauge:
26 and 24

Lengths:
Maximum recommended 45'-0". Longer lengths available on special order

Dimensions:
36" wide by 1 1/4" deep

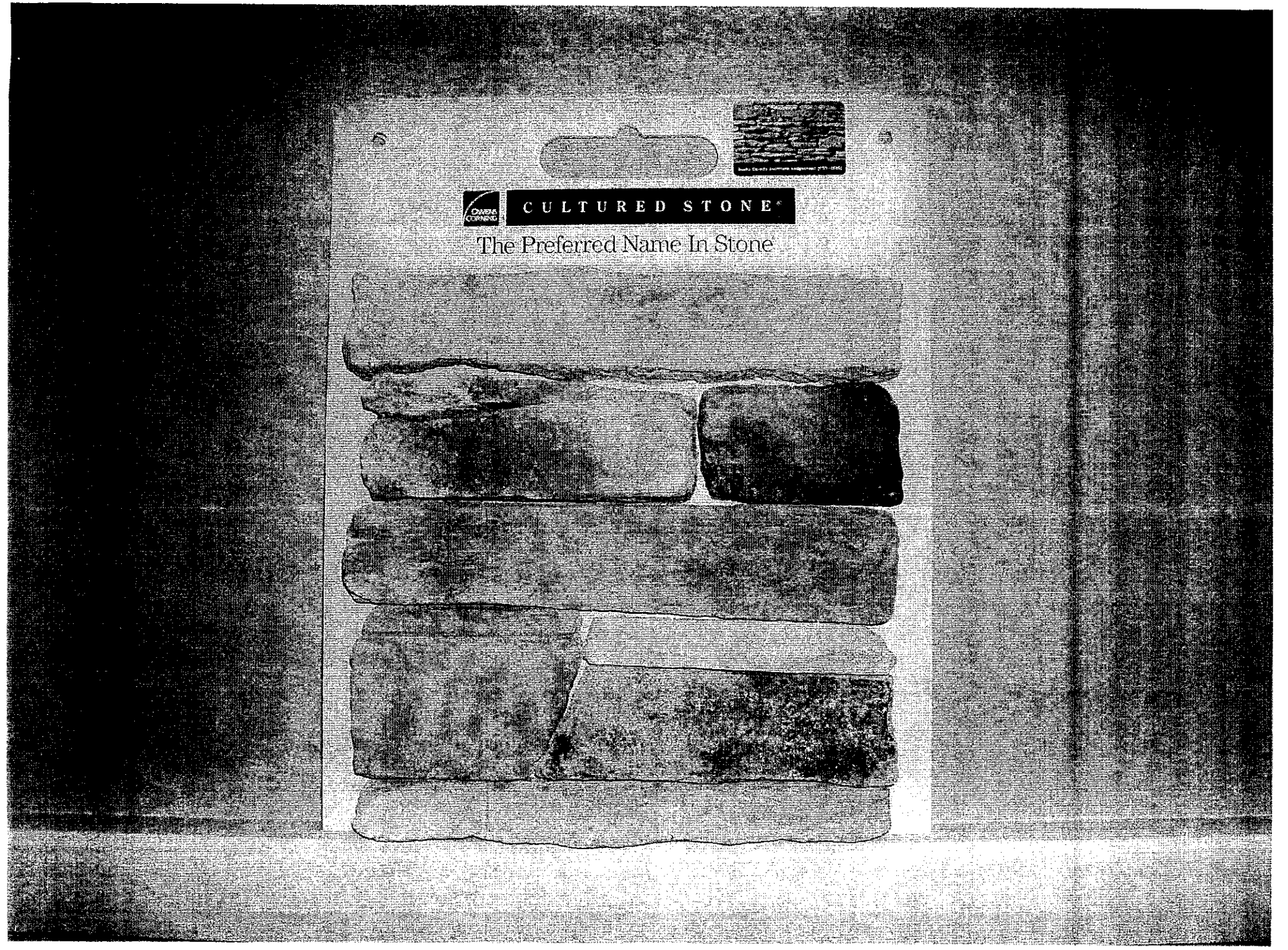
Fasteners:
Standard coated, CAD plated or zinc-aluminum cast head fastener

Finish:
Galvalume Plus® and Signature® Series

Usage:
Wall panel, liner panel and facade panel face

Limitations:
Installation may be difficult with very thick insulation.

Ceco Building Systems
an NCI Company


CULTURED STONE®
The Preferred Name In Stone

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

March 1, 2012

NOTICE OF PUBLIC HEARING – March 27, 2012
PROPOSED MODIFICATION
25 Summer Street Definitive Subdivision Plan
Summer Valley Lane – A Permanent Private Way

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that ***the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, March 27, 2012 at 8:00 pm at the Medway Senior Center, 76 Oakland Street, Medway, MA to consider the application of Fasolino Home Improvements, Inc. of Medway, MA for approval of a MODIFICATION to the previously approved 25 Summer Street Definitive Subdivision.*** The modified plan is titled – *25 Summer Street, Proposed Summer Valley Lane, Definitive Subdivision Modification in Medway, MA*. It is dated February 28, 2012 and was prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying Co of Medway, MA.

The applicant/owner proposes to develop a 2-lot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer ST *(Medway Assessors Map/Parcel 2B-7)* in the Agricultural Residential II zoning district. The property is bounded on the east by Summer ST; on the north by property owned by Heuklom and Lynch; on the west by land owned by Mohka and Burrill; and on the south by property owned by Jason. The parcel includes a wetlands area in its southwest corner. The proposal includes creation of an approximately 173' long private road/right of way to provide conforming legal frontage for one of the two lots *(the other lot has sufficient frontage on Summer Street)*; the construction of a common driveway within the right of way to provide access to two new houses; the use of swales and a small stormwater basin for drainage and infiltration; installation of sewer service to connect to the existing private system in the adjacent Speroni Acres neighborhood; and the installation of water service to connect to the municipal water system on Summer Street. The plan modification pertains to a needed change in the layout of the house lots and road right of way based on an additional wetlands area identified by the Medway Conservation Commission in late 2011. The plan also reflects a change in the design of the stormwater management facilities to combine two small stormwater basins into one.

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org

LAND SUBDIVISION – FORM C-3

RECEIVED
FEB 28 2012
TOWN OF MEDWAY
PLANNING BOARD

Application/Petition to Amend, Modify or Rescind a an Approved Definitive Subdivision Plan and/or a Subdivision Decision/Certificate of Action

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/PETITIONER

This Application/Petition is made pursuant to the Planning Board's ***Subdivision Rules and Regulations.*** *Please complete this entire Application/Petition.*

1. *Submit three signed original Applications/Petitions, one copy of the proposed Revised Definitive Subdivision Plan, and one copy of the Stormwater Management Analysis to the Town Clerk who will date stamp all three original Applications (page 5).*

2. *Submit two signed original Applications/Petitions, one copy of the proposed Revised Definitive Subdivision Plan and one set of Soil Survey, Percolation and High Groundwater Tests to the Board of Health which will date stamp the two original Applications (page 5).*

3. *Provide one original Application/Petition date stamped by the Town Clerk and Board of Health, eighteen copies of the proposed Revised Definitive Subdivision Plan, all other required documents and the appropriate Filing Fee and advance of the Plan Review Fee to the Medway Planning Board.*

The Town's Planning and Engineering Consultants will review the Application/Petition and the proposed Revised Definitive Subdivision Plan. You or your duly authorized Agent/Official Representative will be expected to attend the Planning Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence may result in a delay in its review.

FEBRUARY 28, 20 12

TO: *Medway Planning and Economic Development Board*

The undersigned herewith petitions the Town of Medway Planning & Economic Development Board to amend, modify or rescind a previously approved Definitive Subdivision Plan of property located in the Town of Medway and/or to amend, modify or rescind the corresponding Subdivision Decision/ Certificate of Action.

ORIGINAL DEFINITIVE SUBDIVISION PLAN INFORMATION

Plan Title: "25 SUMMER STREET - DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASSACHUSETTS"

Prepared by: FAIST ENGINEERING, INC. & O'DRISCOLL LAND SURVEYING, CO.

Of: 67 HALL ROAD, STURBRIDGE, MA 01566 & 46 COTTAGE ST. MEDWAY, MA 02053

Plan Date (and revision dates): JANUARY 10, 2011, REVISE: APRIL 20, 2011, JULY 1, 2011

Approved by the Planning Board on: JUNE 28, 2012

Constructively approved by Town Clerk's certificate on: JUNE 29, 2011

Approval endorsed by the Planning Board on: - PLANS NOT ENDORSED OR RECORDED -

Recording information: Date: _____

Plan #: _____ Book: _____ Page: _____

Certificate of Action: Book: _____ Page: _____

Total Acreage of Land: 1.98 AC. Medway Zoning Classification: Agricultural Residential II (AR-II)

The approved plan shows the division of land into 2 building lots numbered 1 & 2 and 0 parcels not intended for building thereon to be used as: _____

Did the approved plan and decision anticipate that the proposed roadways would be:

X Permanent private ways
____ Publicly accepted street

Approved Street Names: SUMMER VALLEY LANE

Utilities:

X Town water ____ Private well ____ Private water

____ Town sewer ____ Private septic X Private sewer

Scenic Road

Does any portion of the subdivision have frontage on a Medway Scenic Road?

____ Yes X No If yes, please name: _____

Wetlands

Is any portion of the site within a Wetland Resource Area?

X Yes ____ No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?

____Yes X No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?

____Yes X No

PRIOR REVISIONS/MODIFICATION TO DEFINITIVE SUBDIVISION PLAN AND/OR DECISION/CERTIFICATE OF ACTION

Have there been any revisions to the Definitive Subdivision Plan or Decision/Certificate of Action since originally approved? Please explain what was modified, why and give details of approval and recording dates/information.

NO

PETITIONER INFORMATION

Petitioner's Name: FASOLINO HOME IMPROVEMENTS, INC.

Petitioner's Address: 164 MAIN STREET

MEDWAY, MA 02503

Name of Primary Contact: MICHAEL FASOLINO

Telephone: 508-533-3733 FAX: 508-533-9891

Email address: mike@fashome.com

Describe Petitioner's Interest in Subdivision: PROPERTY OWNER

Official Representative's Name: (SAME AS ABOVE)

Address:

Telephone: FAX:

Email address:

Describe Official Representative's Relationship to Petitioner:

ORIGINAL APPLICANT INFORMATION

Applicant's Name: (SAME AS ABOVE)

Applicant's Address:

Name of Primary Contact:

Telephone: FAX:

PRESENT SUBDIVISION OWNER INFORMATION

Please complete only if the original applicant and present owner are not the same person or entity.

Present Owner's Name: (SAME AS ABOVE)

Address:

Name of Primary Contact:

Telephone: FAX:

CONSULTANT INFORMATION
For Proposed Modification

Engineer: DAVID T. FAIST, P.E. - FAIST ENGINEERING, INC.

Address: 67 HALL ROAD

STURBRIDGE, MA 01566

Primary Contact: DAVID T. FAIST, P.E.

Telephone: 508-864-6802 Fax: _____ Email: dfaist@faisteng.com

Surveyor: DANIEL A. O'DRISCOLL, PLS

Address: 46 COTTAGE STREET

MEDWAY, MA 02053

Primary Contact: DANIEL A. O'DRISCOLL, PLS

Telephone: 508-533-3314 Fax: 508-533-3319 Email: odlandsurvey@verizon.net

Attorney: _____

Address: _____

_____

Primary Contact: _____

Telephone: _____ Fax: _____ Email: _____

SCOPE of CURRENT PETITION

This is a petition/motion to: (Check all that apply. At least one item must be checked.)

1. X ***Amend/Modify/Revise*** a previously approved Definitive Subdivision Plan

What plan modifications do you propose?

Private Way boundary, Summer Street curbcut location,& Lot Line Changes.

Why does the plan need to be modified?

Additional wetlands area was identified at southwest corner of Lot #1.

Title of Proposed Revised Plan: "25 SUMMER STREET - DEFINITIVE SUBDIVISION PLAN MODIFICATION IN MEDWAY, MASSACHUSETTS"

Prepared by: FAIST ENGINEERING, INC. & O'DRISCOLL LAND SURVEYING, CO.

Of: 67 HALL ROAD, STURBRIDGE, MA 01566 & 46 COTTAGE ST. MEDWAY, MA 02053

Plan Date: FEBRUARY 28, 2012

2._____ ***Amend/Modify/Revise*** a previously approved definitive subdivision Decision/ Certificate of Action

What part of the decision needs to be modified? Why does the decision need to be modified?

3._____ ***Rescind*** a previously approved Definitive Subdivision Plan and its corresponding Certificate of Action.

For what reasons should the Definitive Subdivision Plan and Decision/Certificate of Action be rescinded?

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. If applicable, I hereby authorize MICHAEL FASOLINO to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application/petition to Amend, Modify or Rescind a Previously Approved Definitive Subdivision Plan and/or Decision/Certificate of Action.

I agree to abide by the current Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*. In submitting this application, I authorize the Planning & Economic Development Board, its staff and agents, to access the site during the plan review and construction process.

_____ 2/28/12
Signature of Petitioner *Date*

_____ _____
Signature of Agent/Official Representative *Date*

FEES

Filing Fee - $750
Advance on Plan Review Fee - $1,000
Please submit 2 separate checks each made payable to: Town of Medway

Date Form C-3 & Revised Definitive Subdivision Plan Received by Planning Board: 2-28-12

Filing Fee Paid: *Date:*_____ *Amount:* $750 *Check #* _____

Advance on Plan Review Fee Paid:

Date: _____ *Amount:* $1,000 *Check #* _____

"25 SUMMER STREET"
Definitive Subdivision Modification
MEDWAY, MA

February 28, 2012

Request of Waivers from the Subdivision Rules and Regulations:

The Applicant, *Fasolino Home Improvements, Inc.*, is requesting each of the following waivers based upon our experience with previous Subdivision projects and due to the creation of a "permanent private way" to create frontage for the creation of one (1) additional single family residential building lot.

WAIVERS RELATING TO THE SUBDIVISION RULES AND REGULATIONS

5.7.19 Layout of Proposed Electric, Telecomm, Gas, & Cable TV Utility Lines
NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. Additionally, NSTAR will not begin the design process until they receive three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

5.7.19 Proposed Roadway Profiles: Waiver for Plan and Profiles of Shared Driveway. A driveway cross section detail is provided on Sheet 5 of 5.

5.7.20 Existing Roadway Profiles: Waiver for Plan and Profiles of Shared Driveway. A driveway cross section detail is provided on Sheet 5 of 5.

5.7.24 Street Trees: Waiver for installation of street trees for shared driveway.

5.7.27 Street & Traffic Control Signs for shared driveway.

5.7.28 Street Lights: Waiver for installation of street lights for shared driveway.

5.7.31 Open Space: Waiver from requirement of open space or parks.

5.7.32 Cul-de-Sac Landscaping: No cul-de-sac turnaround is proposed.

6.8 Procedure for Street/Infrastructure Acceptance: "25 Summer Street" will be a Private Roadway when constructed.

7.7.2.p Stormwater Management: Waiver from location of detention basin within 30' of lot line. Two (2) proposed interconnected dry detention basins are located within the separate Parcel "A" which also includes the shared driveway. Each dry basin is located within 10 ft. of the property line of both lots which will benefit from their construction.

7.9.5.a Proposed Centerline Grade at Site Entrance Minimum 2%: Waiver request as existing driveway grade is between 5-8%.

7.9.7.g Minimum Roadway Width for a "Permanent Private Way" = 18 ft.: "25 Summer Street" will remain a private shared driveway with a pavement width = 14 ft.

7.10.2 Hot Mix Asphalt Cape Cod Berm - Roadway Curbing
"25 Summer Street" is proposing to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing will not be proposed along the edges of the shared driveway.

7.11.1 Driveway 3' Radius Edge Treatment: Waiver from 3' radius as existing curb cut is to remain and is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way.

7.11.2 Driveway opening within 14 ft. of a catch basin. There is an existing catch basin located within the Summer St. right-of-way within 14' of the existing driveway curb cut.

7.13.3 Sidewalks: No sidewalks are proposed as there are existing sidewalks on both sides of Summer Street along the entire frontage of the property.

7.17.1 No fire alarm system or payment be required as both lots frontage on Summer St.

7.19.2 Street Trees: Waiver for installation of street trees for shared driveway.

7.21 Street Lights: No street lights are proposed.

7.22 Walkways and Bikeways: Project is only creating one (1) additional house lot.

TETRA TECH

RECEIVED
MAR 23 2012
TOWN OF MEDWAY
PLANNING BOARD

March 21, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: 25 Summer Street / Modification
Definitive Subdivision Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech Rizzo (TTR) has performed a review of the proposed Site Plan for the above–mentioned project. The project includes the creation of a Private Way creating frontage necessary for two (2) conforming residential building lots. A shared driveway is being proposed using the existing curb cut to provide access to both proposed buildings. The new building will require water and sewer connections from Summer Street. The stormwater design will collect runoff from the proposed development in a detention basin within the separate Parcel A. Peak flows will be attenuated by the detention basin with overflows discharging to the wetlands.

TTR is in receipt of the following materials:

- A plan (Plans) set entitled "25 Summer Street", last revised February 28, 2012, prepared by O'Driscoll Land Survey Co. (OLSC) and Faïst Engineering, Inc. (FEI).
- A drainage report (Drainage Report) entitled "Stormwater Calculations & Design: Two (2)-Lot Definitive Subdivision 25 Summer Street, Medway, MA", dated February 28, 2012, prepared by Faïst Engineering, Inc. (FEI).
- Additional submission materials including the Application/Petition to Amend, Modify or Rescind an Approved Definitive Subdivision Plan and/or a Subdivision Decision/Certificate of Action, a Request of Waivers, and a Long Term Operation and Maintenance Plan.

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

Regulations, Zoning Bylaw (ZBL) (Updated on September 18, 2007), the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

1. Final Plans shall contain a signed statement by the Professional Land Surveyor. (Ch. 100 §5.6.1)

2. The plan shall refer to the North American Vertical datum of 1988 (NAVD88). (Ch. 100 §5.6.3)

3. Location, names, ownership status, and present widths of existing streets or private ways bounding, approaching or within seven hundred feet (700') of the subdivision, showing both roadway pavement widths and right-of-ways widths. (Ch. 100 §5.7.12)

4. Layout of proposed electric, telecommunications, gas, and cable TV utility lines, and roadway profiles. (Waiver Requested) (Ch. 100 §5.7.19)

5. Existing roadway profiles. (Waiver Requested) (Ch. 100 §5.7.20)

6. Location and Species of Proposed Shade Trees (Waiver Requested) (Ch. 100 §5.7.24)

7. Street light location (Waiver Requested) (Ch. 100 §5.7.28)

8. Locations of proposed open space (Waiver Requested) (Ch. 100 §5.7.31)

9. Cul-de-sac Island Landscaping (Waiver Requested) (Ch. 100 §5.7.31)

10. Procedure for Street/Infrastructure Acceptance (Waiver Requested) (Ch. 100 §6.8)

11. The design of the storm drainage system will conform to the following procedure and requirements. (Waiver Requested) (Ch. 100 §7.7.2)

12. Fire and Police department to verify the adequacy of access roads. (Ch. 100 §7.8.1)

13. The minimum centerline grade for any street shall not be less than two percent (2%) (Waiver Requested) (Ch. 100 §7.9.5 (a))

14. Roadway Construction for curb radii and minimum widths of the roadway. (Waiver Requested) (Ch. 100 §7.9.7 (g))

15. Hot mix asphalt cape cod berm. (Waiver Requested) (Ch. 100 §7.10.2)

16. Driveway shall have a three-foot 3' radius edge treatment (Waiver Requested) (Ch. 100 §7.11.1)

17. Driveway opening within 14 ft. of a catch basin. (Waiver Requested) (Ch. 100 §7.11.12)

18. Sidewalks shall also be provided along the entire frontage of the subdivision parcel along existing Town ways (Waiver Requested) (Ch. 100 §7.13.3)

19. Fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department (Waiver Requested) (Ch. 100 §7.17.1)

20. To enhance the aesthetic quality of the streetscape street Trees shall be planted. (Waiver Requested) (Ch. 100 §7.19.2)

21. No street lights are proposed. (Waiver Requested) (Ch. 100 §7.20)

22. Installation of Street Lights - none proposed (Waiver Requested) (Ch. 100 §7.21)

23. No Pedestrian walkways provided. It is the opinion of TTR that the current design does not require a walkway. (Waiver Requested) (Ch. 100 §7.22)

24. Monuments shall be installed along the roadway layout at all points of curvature and angle points. They shall also be installed along easements at each angle point. (Ch. 100 §7.25.1)

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

25. In the waiver justification section in the beginning of the drainage analysis, it is stated that the project is only creating one single family house lot. Two lots are being created.

26. There should be some type of overflow spillway to direct water overflowing out of the basin towards the wetlands and not towards the buildings in the case of the outlet structure clogging.

The following items were found to be not in conformance with th Town of Medway – Water/Sewer Department Rules and Regulations, or requiring additional information:

<u>Sewer</u>

These comments are provided to the PEDB as a general review of the proposed sanitary sewer system. The applicant is required to submit a detailed design of the system to the Board of Health for review and approval prior to obtaining a building permit. We have therefore only reviewed what detail is provided on the plans at this time and our comments should not be deemed in lieu of the formal Board of Health review.

27. Utility easement ownership information providing Owen Sullivan authority to allow the proposed sewer connection should be provided to the board. If Mr. Sullivan is not the appropriate authority to grant the rights, the applicant should provide the necessary documentation from the appropriate authority allowing the connection.

28. The utility easement description should be submitted to the board for review.

29. Data should be provided to ensure that the force main sewer system receiving the flows from the proposed development is adequate. This should include capacity calculations and other pertinent information.

TETRA TECH

30. The plan should identify the location of the existing stub and differentiate on the utility plan between the existing stub and the proposed force main.

General Comments:

31. It looks like there might be more flow going to the neighbor's yard from the area behind the building on lot 1 than in the existing conditions.

32. Erosion control measures shall be specified including barriers. Provide Siltsack Sediment Trap to catch basin on Summer Street within construction vicinity and detail. The applicant shall provide Siltsack to the Catch Basin across Summer Street. (Ch. 200 §204-5.D.5)

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

Brian R. Marchetti, P.E.
Sr. Project Engineer

David R. Pellegri, P.E.
Sr. Project Manager

P:\21583\127-21583-12004\DOCS\REVIEWLTR_25 SUMMER STREET_2012-03-21.DOC

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

March 20, 2012

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

Re: **25 Summer Street Definitive Subdivision Plan Modification**

Dear Mr.Rodenhiser:

I have reviewed the definitive subdivision plan modification submitted by owner/applicant Fasolino Home Improvements, Inc. of Medway and prepared by Faist Engineering, Inc. of Southbridge and O'Driscoll Land Surveying Company of Medway. The plan is dated February 28, 2012. The plan divides a lot of 86,367 square feet into 2 lots with areas of 44,305 and 27,023 square feet plus a private way of 15,039 square feet. The property is located within the AR-II district. I have comments as follows:

Zoning

1. The lots in the subdivision plan comply with the area, frontage and lot shape requirements of the zoning bylaw.

Subdivision Rules and Regulations

2. Section 5.7.12 requires that the ROW and pavement width of streets and private ways within 700 feet of the subdivision be provided. The ROW widths of Summer Street and the abutting private way are shown. No dimensions are provided for the pavement but their locations are shown on the plan.

3. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and a waiver is requested.

4. Section 5.7.20 requires that roadway profiles be included on the profiles. This was not done, and a waiver is requested.

5. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided.

6. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done.

7. Section 5.7.24 requires information on street trees. This was not done, and a waiver is requested.

8. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, presumably because two driveways are shown rather than an actual street.

9. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, but a waiver has been requested.

10. Section 5.7.31 requires open space to be shown. None is proposed and a waiver is requested.

11. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed and a waiver from the landscaping requirement is requested.

12. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. It is not clear if this was not done, but no waiver is requested.

13. Section 5.7.36 requires that house footprints of 40' x 80' be shown. Smaller footprints are shown but an outline for a 40' x 80' footprint is also shown.

14. Section 6.8 is the process for street acceptance. A waiver is requested. However, I believe that a waiver is unnecessary because the street will not be presented for acceptance. Therefore, these provisions are not applicable.

15. Section 7.7.2 (p) requires detention and retention basins to be 30 feet from a lot line. The basin is located within 5 feet of a lot line, and a waiver is requested. The bottom of the basin is at elevation 228 and is more than 70 feet from the closest basement, whose floor elevation is at 224. The second house also has a basement floor elevation of 224 and is more than 80 feet away. The list of waiver requests indicates that there are two connected basins, but I only see one on the plans.

16. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2% at the site entrance. The plans note that the grade of the existing driveway is 5-8%

17. Section 7.9.6 prohibits dead-end streets except where development would not be feasible otherwise or in open space subdivisions to minimize impacts on resources. The subdivision includes a dead end street. No waiver is requested.

18. Section 7.9.6 (d) and (e) require a turnaround for dead end streets of either a cul-de-sac or hammerhead. This was not done, and no waiver is requested.

19. A waiver is requested from Section 7.9.7 (g) regarding width for a permanent private way (18'). The proposal is to construct 2 driveways that are shared at the entrance to avoid a second curb cut.

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms. The applicant proposes country drainage with no curbs.

21. Section 7.11.1 requires a 3' radius edge treatment. A waiver is requested because the existing curb cut is being used.

22. Section 7.11.2 requires that there be no driveway within 14 feet of a catch basin. A waiver is requested because the existing driveway curb cut is being used and there is already a catch basin within 14 feet.

23. Section 7.17.1 requires a fire alarm system. A waiver is requested from installing the alarm and from a deposit of funds in lieu of the installation.

24. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. A waiver is requested.

25. Section 7.21.1 pertains to street lights. None are proposed and a waiver is requested.

26. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed and a waiver is requested.

General Comments

27. In the original approved subdivision, a landscape plan was required for the area where the driveways split. The current plan includes a copy of that landscape plan even though the configuration has changed. It is understood that the landscape plan was a concept, it should be equally understood that that concept will be applicable to the new configuration to the extent practicable in terms if numbers and types of plants.

28. It appears that the existing curb cut that is to be abandoned will be used as a construction entrance. There does not appear to be a plan to close the curb cut to blend back in with Summer Street and the existing sidewalk.

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

Sincerely,

Gino D. Carlucci, Jr.

Susan Affleck-Childs

From: Karon Skinner-Catrone
Sent: Wednesday, March 07, 2012 12:46 PM
To: Susan Affleck-Childs
Attachments: Summer St. lot 1.doc; Summer St. lot 2.doc

Suzy,
Regarding 25 Summer Street, lot 1 and lot2, the Commission has issued an Order of Conditions for both lots with the attached special conditions. If you have any questions please let me know.
Karon

Erosion and Sedimentation Control

26. Measures to prevent and control erosion of soil at the site shall be implemented and maintained until the site is permanently stabilized. Erosion and siltation of soils must be prevented at all times by silt fence and straw wattles/mulch tubes. Sedimentation controls shall be properly installed and maintained between all work areas and the wetland resource areas to prevent the flow of silt and sedimentation into any wetlands or waterways. They shall be placed in areas where they shall be most effective in preventing silt from entering the wetland resource areas.

27. The Conservation commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

28. The work shall be conducted so that there will be no erosion and sedimentation into wetlands and surface waters during or after construction.

29. If soils are to be disturbed for longer than 30 days, a temporary cover of ryegrass or other fast germinating vegetation shall be established, following the US Natural Resource Conservation Service procedures, to prevent erosion and sedimentation. Once final grading is completed, loaming and seeding of final cover should be completed promptly. Vegetative cover, either temporary or permanent, shall be established prior to winter. IF the season is not appropriate for plant growth, exposed surfaces shall be stabilized with jute netting, erosion control blankets, mulches, or other US Natural Resource Conservation Service methods. In such cases, additional erosion controls may be necessary to ensure that erosion is prevented and sediment does not enter wetlands or water bodies.

30. Once the site is stabilized to the satisfaction of the Commission, all fabric sedimentation fencing shall be removed and properly disposed of.

Stormwater Management

31. All construction and post-construction stormwater management shall be conducted in accordance with the Stormwater Management Report and plans submitted with the Notice of Intent.

32. All stormwater best management practices shall be implemented and maintained as specified in the Stormwater Management Plan

Special Conditions
Medway Conservation Commission
OoC# 216-792

Pre-Construction Requirements

19. It is the responsibility of the applicant, owner and/or successor(s) to ensure that all conditions of this Order of Conditions (Order) are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before commencement of construction.

20. The contractor employed to conduct construction activities at the site shall be provided a copy of this Order. Said contractor and the owner can be held jointly responsible for any violation of this Order.

21. The applicant shall hold a pre-construction meeting with the person responsible for work at the project site, in order to review the conditions of this Order and to assure understanding and compliance.

22. The limits of work depicted on the plan must be clearly marked in the field prior to commencement of construction. The erosion control barrier shall serve as a work limit line for this project. Under no circumstances is any work allowed to take place on the wetland resource area side of the barrier.

Construction Management

23. Materials and equipment shall be stored in a manner and location which will minimize the compaction of soils and the concentration of run-off. Refueling of vehicles shall be in an area outside the buffer zone. If a spill occurs, contaminated soils shall be removed according to guidelines established by DEP Division of Hazardous Waste.

24. Any de-watering discharges from the work area shall be effectively filtered or settled to remove sediments prior to being discharged to waters or wetlands.

25. Any stockpiling of topsoil shall be conducted at least 30 feet from any bordering or isolated vegetated wetland areas and stabilized.

33. Evidence of maintenance of the stormwater management system shall be provided to the Conservation Commission before December 1, of each year.

34. Compost sock and orange snow fence are to be installed and inspected prior to the commencement of work.

35. All excavated material is to be taken off site.

36. All debris and yard waste is to be removed from the wetland and buffer zone.

37. All impervious surfaces are to be swept clean at the end of each workday.

38. 3 wetland bounds are to be installed as shown on the plans at flags A7, A9 and A12 on the 25 foot line and are stamp with "WET", and Compost berm and construction fence are installed prior to work.

LEGEND

N/F	NOW OR FORMERLY
CB DH	CONCRETE BOUND WITH DRILL HOLE
FND.	FOUND
EXIST.	EXISTING
PROP.	PROPOSED
INV.	INVERT
R.C.P.	REINFORCED CONCRETE PIPE
APPROX.	APPROXIMATE
	HYDRANT
	SEWER MANHOLE
	DRAIN MANHOLE
CB	STORMWATER CATCH BASIN
—200—	EXISTING CONTOUR LINE
—200—	PROPOSED CONTOUR LINE
OHW	OVERHEAD WIRES
SFM	SEWER FORCE MAIN
DTH	DEEP TEST HOLE
DET.	DETENTION
	UTILITY POLE
FES	FLARED END SECTION
ELEV.	ELEVATION
BIT.	BITUMINOUS
CONC.	CONCRETE
F.F.	FIRST FLOOR ELEVATION
B.F.	BASEMENT FLOOR ELEVATION
G.F.	GARAGE FLOOR ELEVATION
BM.	BENCHMARK
FA	FIRE ALARM BOX
WV	WATER GATE
V.G.C.	VERTICAL GRANITE CURB
TP	TEST PITS
ETC	ELECTRIC, TELEPHONE & CABLE

PROJECT ENGINEER:
DAVID T. FAIST, P.E.
FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
PH: (508) 864-6802

PROJECT SURVEYOR:
DANIEL A. O'DRISCOLL, P.L.S.
O'DRISCOLL LAND SURVEYING, CO.
46 COTTAGE STREET
MEDWAY, MA 02053
P: 1-508-533-3314

LOCUS MAP SCALE: 1"=200'

25 SUMMER STREET

PROPOSED "SUMMER VALLEY LANE"

MEDWAY, MASSACHUSETTS

STREETS WITHIN 700 FT.:

LITTLE TREE ROAD 50' ROW / 29' PAVEMENT
RUSTIC ROAD 50' ROW / 29' PAVEMENT
AMELIA WAY VARIABLE WIDTH (50' MIN.) ROW / 19' PAVEMENT
PRIVATE WAY 50' ROW / 12' PAVEMENT

RESERVED FOR REGISTRY USE

TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

NOTE:
THIS DEFINITIVE SUBDIVISION PLAN IS SUBJECT TO A "COVENANT" TO BE RECORDED WITH THE PLAN.

I, MARYJANE WHITE, CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK DATE

ZONING INFORMATION TABLE

ZONING REQUIREMENTS FOR: AGRICULTURAL RESIDENTIAL II (AR-II) ZONING DISTRICT

LOT AREA=22,500 S.F. (MIN.)
LOT FRONTAGE=150' (MIN.)
FRONT YARD SETBACK=35' (MIN.)
SIDE YARD SETBACK =15' (MIN.)
REAR YARD SETBACK =15' (MIN.)

LOT SHAPE FACTOR RATIO:
LESS THAN OR EQUAL TO 22

NUMBER OF LOTS:
2 BUILDING LOTS
1 PRIVATE WAY

LOT 1 AREA = 44,305 S.F.
LOT 2 AREA = 27,023 S.F.
PARCEL A "PRIVATE WAY" AREA = 15,039 S.F.
TOTAL AREA = 86,367 S.F.

TOTAL ON-SITE WETLAND AREA =5,380 S.F.

PLAN INDEX

GENERAL NOTES:

1. ALL WATER SERVICE MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE TOWN OF MEDWAY WATER AND SEWER DEPARTMENT REGULATIONS.
2. CONTRACTOR TO CONTACT DIG-SAFE BEFORE PRIOR TO ANY CONSTRUCTION. (1-888-DIG-SAFE)
3. LOCATION OF ALL UTILITIES SHALL BE DETERMINED IN THE FIELD, BY THE RESPECTIVE UTILITY COMPANIES (ELECTRIC, CABLE, & TELECOM). THE APPLICANT "FASOLINO HOME IMPROVEMENTS, INC." SHALL BE RESPONSIBLE TO ACCURATELY LOCATE THE UTILITIES DURING CONSTRUCTION, PRIOR TO BACKFILL, SUCH THAT THE ACTUAL LOCATION CAN BE ACCURATELY REPRESENTED ON THE AS-BUILT DRAWINGS.
4. PLAN ENDORSEMENT IS SUBJECT TO THE CONDITIONS SET FORTH IN THE MEDWAY PLANNING BOARD CERTIFICATE OF ACTION DATED JUNE 28, 2011 TO BE RECORDED WITH THE PLAN.
5. THIS DEFINITIVE PLAN IS SUBJECT TO A SUBDIVISION COVENANT TO BE RECORDED WITH THE PLAN.
6. EPA'S NPDES STORMWATER REGULATIONS (40CFR PARTS 122, 123, & 124) DO NOT APPLY, TOTAL PROJECT DISTURBANCE IS LESS THAN 1 ACRE.
7. LOT #1 & LOT #2 ARE SUBJECT TO SEPARATE ORDER OF CONDITIONS ISSUED BY THE MEDWAY CONSERVATION COMMISSION FOR WORK WITHIN THE 100' WETLANDS BUFFER ZONE.
8. OWNER/CONTRACTOR SHALL MINIMIZE THE DESTRUCTION OF MATURE TREES ON-SITE.
9. ALL WORK WITHIN TOWN RIGHT OF WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE MASS HIGHWAY HANDICAP REQUIREMENTS AND THE ADA/AAB REQUIRMENTS IN EFFECT AT THE TIME OF CONSTRUCTION.
10. ALL ELEVATIONS REFER TO NADD 1988.
11. IT IS THE APPLICANT'S RESPONSIBILTY TO COORDINATE PROPOSED LOT #1 AND LOT #2 SANITARY SEWER FORCE MAIN CONNECTION WITH PRIVATE SEWER UTILITY OWNER. ALL FORCE MAIN DESIGN AND CONSTRUCTION IS SUBJECT TO MEDWAY BOARD OF HEALTH REVIEW AND APPROVAL.
12. PRESENT AND FUTURE OWNERS ARE SUBJECT TO A DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS AND PRIVATE ROADWAY AGREEMENT GOVERNING THE 25 SUMMER STREET SUBDIVISION A.K.A. "SUMMER VALLEY LANE".
13. THIS PLAN IS A MODIFICATION OF THE ORIGINAL "25 SUMMER STREET - DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASSACHUSETTS" PREPARED BY FAIST ENGINEERING, INC. AND O'DRISCOLL LAND SURVEYING CO. DATE JANUARY 10, 2011, REVISE DATE APRIL 20, 2011 AND APPROVED BY THE PLANNING BOARD ON JUNE 28, 2011

DIG-SAFE NOTE

CONTRACTOR SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 82, SECTION 40, AS AMENDED, WHICH STATES THAT NO ONE MAY EXCAVATE IN THE COMMONWEALTH OF MASSACHUSETTS EXCEPT IN AN EMERGENCY WITHOUT 72 HOURS NOTICE, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, TO NATURAL GAS PIPELINE COMPANIES, AND MUNICIPAL UTILITY DEPARTMENTS THAT SUPPLY GAS, ELECTRICITY, TELEPHONE, OR CABLE TELEVISION SERVICE IN OR TO THE CITY OR TOWN WHERE THE EXCAVATION IS TO BE MADE. CONTRACTOR TO NOTIFY "DIG-SAFE" AT 1-888-DIG-SAFE (1-888-344-7233).

APPLICANT / PROPERTY INFORMATION:

APPLICANT:	RECORD OWNER:
FASOLINO HOME IMPROVEMENTS, INC.	FASOLINO HOME IMPROVEMENTS, INC.
164 MAIN STREET	164 MAIN STREET
MEDWAY, MA 02053	MEDWAY, MA 02053
P. (508)-533-3733	P. (508)-533-3733
F. (508)-533-9891	F. (508)-533-9891

PREPARED FOR: FASOLINO HOME IMPROVEMENTS, INC.

ASSESSORS REFERENCE: MAP 2-2 PARCEL 2B-7 & 2B-7-1

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS BOOK 26159 PAGE 264

PLAN REFERENCES:
PLAN BOOK 592 PLAN No. 32 OF 2009
PLAN BOOK 455 PLAN No. 242 OF 1998
PLAN BOOK 314 PLAN No. 948 OF 1984
BOOK 2995 PAGE 240 PLAN No. 428 OF 1951
1947 COUNTY LAYOUT OF SUMMER STREET
PLAN No. 35 OF 1948 PL. BK. 145

WAIVER REQUESTS FROM TOWN OF MEDWAY PLANNING BOARD RULES AND REGULATIONS:

SECTION NO:	WAIVER DESCRIPTION:
5.7.19	LAYOUT OF PROPOSED ELECTRIC, TELECOMMUNICATIONS, GAS, AND CABLE TV UTILITY LINES
5.7.19	PROPOSED ROADWAY PROFILES: WAIVE PLAN & PROFILE OF SHARED DRIVEWAY FOR 2-HOMES
5.7.20	EXISTING ROADWAY PROFILES: WAIVE PLAN & PROFILE OF SHARED DRIVEWAY FOR 2-HOMES
5.7.24	STREET TREES: WAIVE INSTALLATION OF STREET TREES
5.7.28	STREET LIGHTS: WAIVE INSTALLATION OF STREET LIGHTS
5.7.31	OPEN SPACE: WAIVE REQUIREMENT OF OPEN SPACE & PARKS
5.7.32	CUL-DE-SAC LANDSCAPING
8.8	PROCEDURE FOR STREET/INFRASTRUCTURE ACCEPTANCE
7.7.2 p	STORMWATER MANAGEMENT: 30' SETBACK FROM PROPERTY LINES
7.9.5 (a)	PROPOSED CENTERLINE GRADE AT SITE ENTRANCE MINIMUM = 2%
7.9.7 (g)	MINIMUM ROADWAY WIDTH FOR A PERMANENT PRIVATE WAY = 18 FEET
7.10.2	HOT MIX ASPHALT CAPE COD BERM
7.11.1	DRIVEWAY 3' RADIUS EDGE TREATMENT: EXISTING CURBCUT TO REMAIN
7.11.12	DRIVEWAY OPENING WITHIN 14 FT. OF A CATCH BASIN
7.13.3	SIDEWALKS: NO SIDEWALKS ARE PROPOSED
7.17.1	NO FIRE ALARM SYSTEM OR PAYMENT BE REQUIRED
7.19.2	STREET TREES
7.21	STREET LIGHTS: NO STREET LIGHTS ARE PROPOSED
7.22	WALKWAYS & BIKEWAYS

25 SUMMER STREET

PROPOSED "SUMMER VALLEY LANE"

DEFINITIVE SUBDIVISION MODIFICATION

IN

MEDWAY, MASSACHUSETTS

DATE: FEBRUARY 28, 2012

REVISE DATES:

O'DRISCOLL
LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
Phone: (508) 864-6802
e-mail: dfaist@faistcng.com

FILE No. 1456

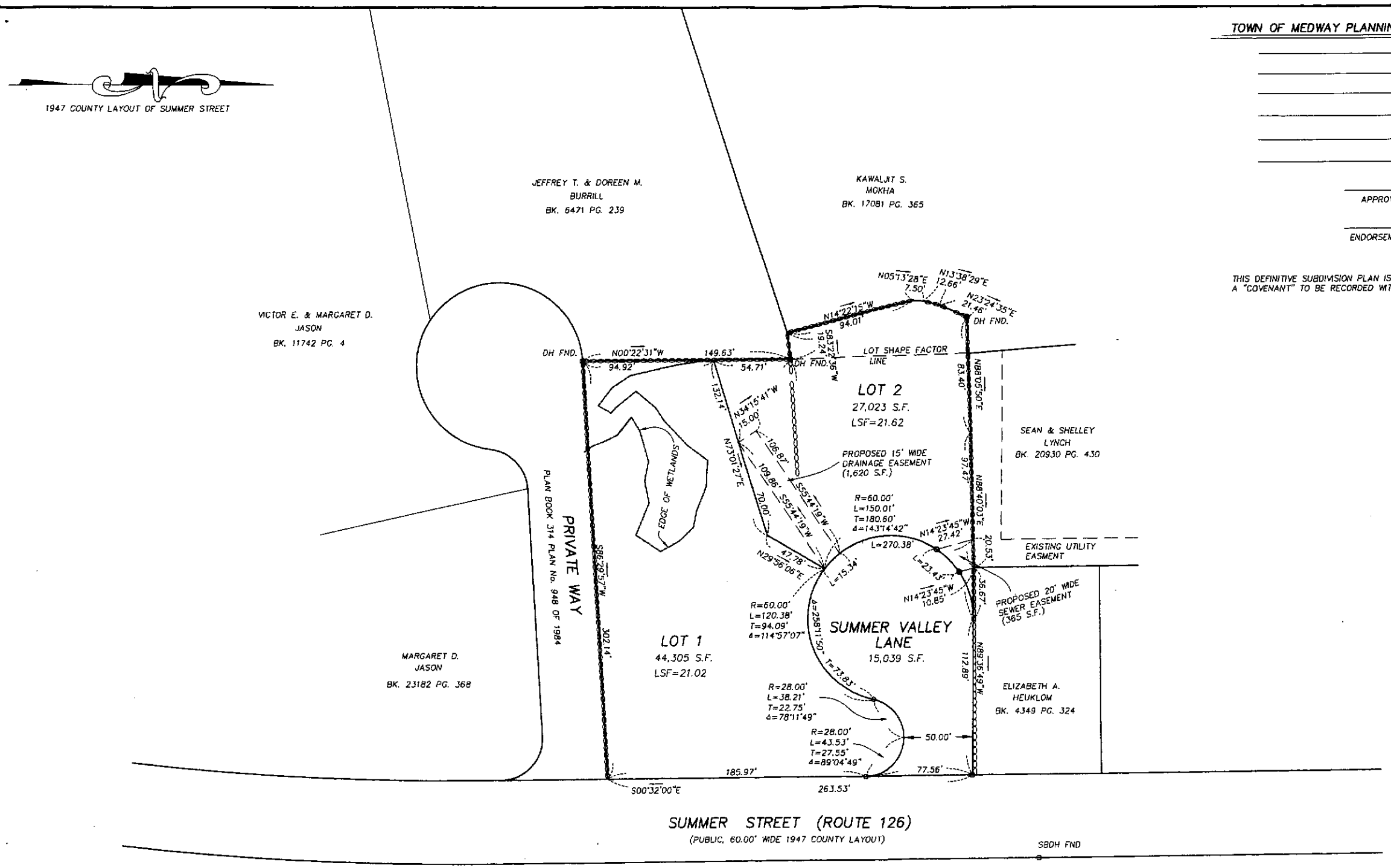
TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

RESERVED FOR REGISTRY USE

THIS DEFINITIVE SUBDIVISION PLAN IS SUBJECT TO A "COVENANT" TO BE RECORDED WITH THE PLAN.



PREPARED FOR: FASOLINO HOME IMPROVEMENTS, INC.

ASSESSORS REFERENCE: MAP 2-2 PARCEL 2B-7 & 2B-7-1

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS BOOK 26159 PAGE 264

PLAN REFERENCES: PLAN BOOK 592 PLAN No. 32 OF 2009
PLAN BOOK 455 PLAN No. 242 OF 1998
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BOOK 2995 PAGE 240 PLAN No. 428 OF 1951
1947 COUNTY LAYOUT OF SUMMER STREET
PLAN No. 35 OF 1948 PL. BK. 145

ZONING DISTRICT: AGRICULTURAL-RESIDENTIAL II (AR II)

DH FND. DENOTES DRILL HOLE FOUND
SBDH FND. DENOTED STONE BOUND WOTH DRILL HOLE FOUND
LSF DENOTES LOT SHAPE FACTOR (LOT PERIMETER SQUARED / LOT AREA)

LOT 2 FRONTAGE TO LOT SHAPE FACTOR LINE=150.01'
LOT 2 AREA TO LOT SHAPE FACTOR LINE=23,014 S.F.

LSF=PERIMETER SQUARED / AREA
LSF=705.48 ^{2} / 23,014 =21.62

□ DENOTES CONCRETE BOUND TO BE SET
● DENOTES IRON ROD TO BE SET

GRAPHIC SCALE
40 0 20 40 80 160 (FEET)
12 6 0 20 40 (METERS)

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

PROFESSIONAL LAND SURVEYOR DATE

MODIFIED
"SUMMER VALLEY LANE"
DEFINITIVE SUBDIVISION PLAN
IN
MEDWAY, MASSACHUSETTS

SCALE: 1"=40' DECEMBER, 2011

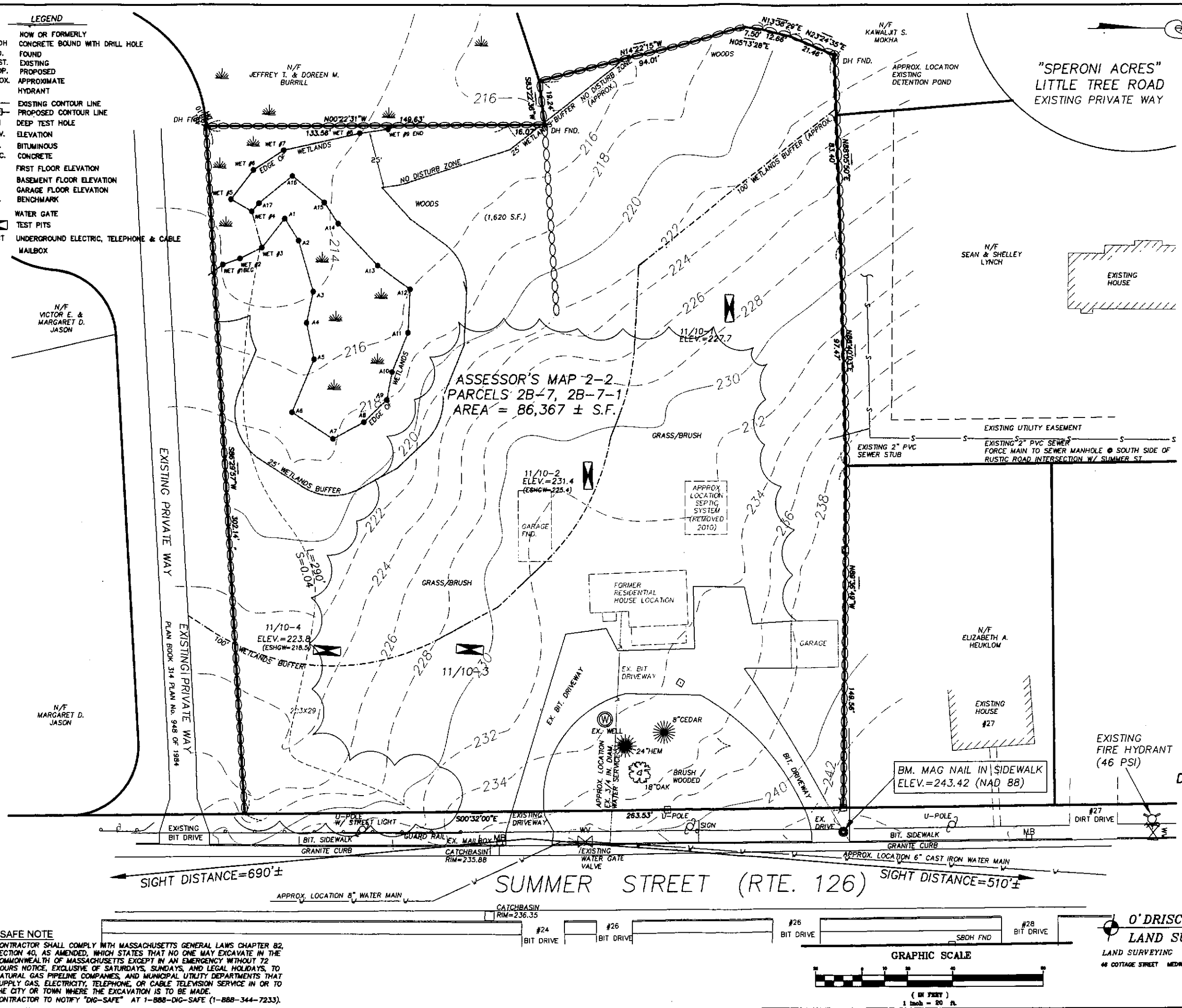
O'DRISCOLL
LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

SHEET 2 OF 6

FILE No. 1456

LEGEND

N/F	NOW OR FORMERLY
CB DH	CONCRETE BOUND WITH DRILL HOLE
FND.	FOUND
EXIST.	EXISTING
PROP.	PROPOSED
APPROX.	APPROXIMATE
	HYDRANT
200	EXISTING CONTOUR LINE
200	PROPOSED CONTOUR LINE
DTH	DEEP TEST HOLE
ELEV.	ELEVATION
BIT.	BITUMINOUS
CONC.	CONCRETE
F.F.	FIRST FLOOR ELEVATION
B.F.	BASEMENT FLOOR ELEVATION
G.F.	GARAGE FLOOR ELEVATION
BM.	BENCHMARK
W	WATER GATE
	TEST PITS
U-ECT	UNDERGROUND ELECTRIC, TELEPHONE & CABLE
MB	MAILBOX



RESERVED FOR REGISTRY USE

TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

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TOWN CLERK DATE

I CERTIFY THAT THIS PLAN REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY BY O'DRISCOLL LAND SURVEYING CO. COMPLETED ON NOVEMBER 9, 2010.

PROFESSIONAL LAND SURVEYOR DATE

ZONING DISTRICT: AGRICULTURAL- RESIDENTIAL II (AR II)

25 SUMMER STREET
PROPOSED "SUMMER VALLEY LANE"
DEFINITIVE SUBDIVISION MODIFICATION
EXISTING CONDITIONS PLAN IN MEDWAY, MASSACHUSETTS

DATE: FEBRUARY 28, 2012

REVISE DATES:

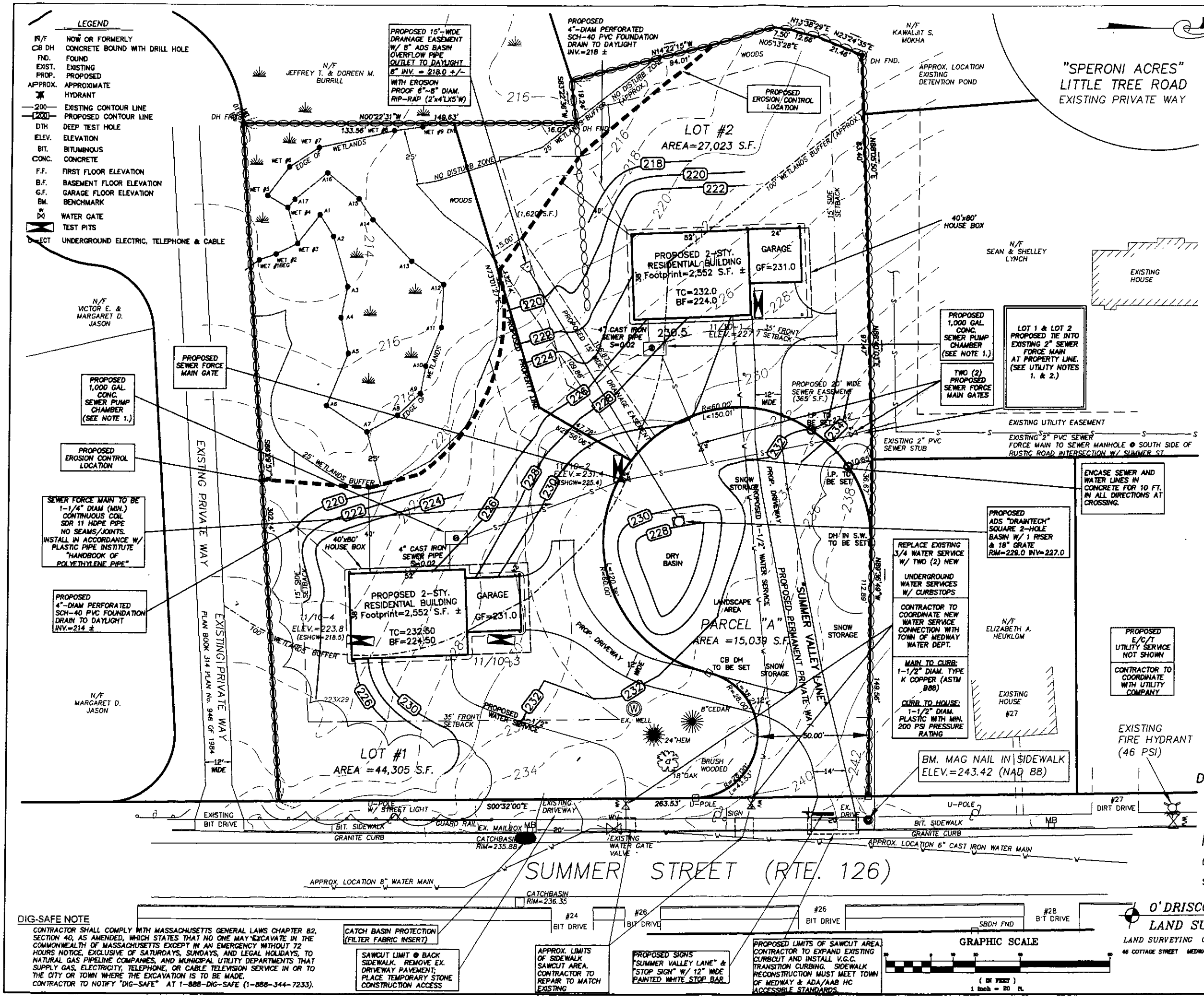
SCALE: 1"=20'

DIG-SAFE NOTE

CONTRACTOR SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 82, SECTION 40, AS AMENDED, WHICH STATES THAT NO ONE MAY EXCAVATE IN THE COMMONWEALTH OF MASSACHUSETTS EXCEPT IN AN EMERGENCY WITHOUT 72 HOURS NOTICE, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, TO NATURAL GAS PIPELINE COMPANIES, AND MUNICIPAL UTILITY DEPARTMENTS THAT SUPPLY GAS, ELECTRICITY, TELEPHONE, OR CABLE TELEVISION SERVICE IN OR TO THE CITY OR TOWN WHERE THE EXCAVATION IS TO BE MADE.
CONTRACTOR TO NOTIFY "DIG-SAFE" AT 1-888-DIG-SAFE (1-888-344-7233).

O'DRISCOLL LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
Phone: (508) 864-6802
e-mail: dfaist@faisteng.com



RESERVED FOR REGISTRY USE

TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

NOTE: THIS DEFINITIVE SUBDIVISION PLAN IS SUBJECT TO A "COVENANT" TO BE RECORDED WITH THE PLAN.

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TOWN CLERK DATE

ASSESSORS REFERENCE: MAP 2-2 PARCEL 2B-7, 2B-7-1

RECORD OWNER: FASOLINO HOME IMPROVEMENTS, INC.

PREPARED FOR: FASOLINO HOME IMPROVEMENTS, INC.

ZONING DISTRICT: AGRICULTURAL- RESIDENTIAL II (AR II)

UTILITY NOTES:

1. MEDWAY BOARD OF HEALTH REVIEW AND APPROVAL OF SEWER PUMP CHAMBER & FORCE MAIN DESIGN REQUIRED PRIOR TO BUILDING PERMIT.
2. FASOLINO HOME IMPROVEMENTS, INC. IS PROVIDING AN APRIL 8, 2011 APPROVAL LETTER FROM OWEN SULLIVAN OF "SUMNER & MILFORD, L.L.C." THE CURRENT OWNER OF THE "SPERONI ACRES" SEWER FORCE MAIN, TO TIE INTO THE LITTLE TREE & RUSTIC ROAD SEWER FORCE MAIN SYSTEM.
3. WATER SERVICE SHALL BE AT LEAST 3 FT. AWAY FROM ALL PRIVATE ELECTRIC, TELECOMMUNICATION, CABLE, AND GAS UTILITIES. CONTRACTOR TO COORDINATE WITH RESPECTIVE UTILITY COMPANY TO INSURE PROPER LOCATION OF ALL UTILITIES.

25 SUMMER STREET
PROPOSED "SUMMER VALLEY LANE"
DEFINITIVE SUBDIVISION MODIFICATION
GRADING & UTILITY PLAN
IN
MEDWAY, MASSACHUSETTS

DATE: FEBRUARY 28, 2012

REVISE DATES:

SCALE: 1"=20'

DIG-SAFE NOTE

CONTRACTOR SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 82, SECTION 40, AS AMENDED, WHICH STATES THAT NO ONE MAY EXCAVATE IN THE COMMONWEALTH OF MASSACHUSETTS EXCEPT IN AN EMERGENCY WITHOUT 72 HOURS NOTICE, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, TO NATURAL GAS PIPELINE COMPANIES, AND MUNICIPAL UTILITY DEPARTMENTS THAT SUPPLY GAS, ELECTRICITY, TELEPHONE, OR CABLE TELEVISION SERVICE IN OR TO THE CITY OR TOWN WHERE THE EXCAVATION IS TO BE MADE. CONTRACTOR TO NOTIFY "DIG-SAFE" AT 1-888-DIG-SAFE (1-888-344-7233).

CATCH BASIN PROTECTION (FILTER FABRIC INSERT)

SAWCUT LIMIT @ BACK SIDEWALK. REMOVE EX. DRIVEWAY PAVEMENT; PLACE TEMPORARY STONE CONSTRUCTION ACCESS

APPROX. LIMITS OF SIDEWALK SAWCUT AREA. CONTRACTOR TO REPAIR TO MATCH EXISTING

PROPOSED SIGNS "SUMMER VALLEY LANE" & "STOP SIGN" W/ 12" WIDE PAINTED WHITE STOP BAR

PROPOSED LIMITS OF SAWCUT AREA. CONTRACTOR TO EXPAND EXISTING CURBCUT AND INSTALL V.G.C. TRANSITION CURBING. SIDEWALK RECONSTRUCTION MUST MEET TOWN OF MEDWAY & ADA/AAB HC ACCESSIBLE STANDARDS.

O'DRISCOLL LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
Phone: (508) 864-6802
e-mail: dfaist@faisteng.com

RESPONSIBILITIES OF OWNER/PERMITEE

The Owner/Permitee shall:

A. Provide the contractor with copies of land-use permits that owner has acquired.

B. Inform all parties involved with the proposed site work of this plan's objectives and requirements.

RESPONSIBILITIES OF CONTRACTOR

The contractor is responsible for preventing erosion of the site and for protecting adjacent storm sewers and waterways from sedimentation.

The contractor shall:

A. Install, monitor, and maintain of the soil erosion and sediment control measures as shown on this plan.

B. Comply with all permit requirements.

PRECONSTRUCTION CONFERENCE – Prior to Construction, Following Installation of Erosion Control

The Permitee, Owner-of-record, Contractor, Engineer, and Town Representatives (Conservation Commission) shall hold a "pre-construction" conference at the site to review the proposed soil erosion and sediment control measures.

GENERAL CONTROLS

Cleaning of Stormwater Structures:
Clean all stormwater structures, including, but not limited to pipes, swales, subsurface retention basins, sediment traps, and riprap aprons of sediment upon completion of the project.

Construction Entrance:
Place clean washed stone at the site entrances to the length, width and depth indicated on the plans and details to help remove mud and/or clods of soil from construction vehicles exiting from the site. Add additional stone as necessary to maintain adequate serviceability.

Pavement Maintenance:
The contractor shall sweep paved roadways adjacent to the site on a routine basis to prevent tracking of mud onto public roadways and washing of mud into waterways. If the contractor's schedule for cleaning the pavement is found to be inadequate by the Owner, Owner's Representative, or Town, the contractor shall increase the frequency at no additional cost to the owner.

Waste Disposal:
The contractor shall provide an adequate number of covered waste containers to ensure that no litter, debris, building materials, or similar materials are discharged to wetlands or watercourses. The contractor shall instruct subcontractors to use the containers for waste material. The containers shall be promptly emptied when full.

DESCRIPTION AND MAINTENANCE OF EROSION CONTROL MEASURES

TEMPORARY STABILIZATION MEASURES

MULCH TUBE – GEI – "FILTERMITT" or Approved Equal
Install MULCH TUBE at various locations as shown on the plans and details. Embed the MULCH TUBE into the ground and firmly anchor it as shown in the details. Remove sediment once levels have reached 1/4 of the effective berm-height. Repair and/or replace silt fence immediately if damaged or deteriorated.

Stockpiling or Storage of Excavated Materials:
Completely surround temporary material stockpiles with silt fence to prevent transportation of sediment.

Dust Control:
Take precautions to prevent dust from becoming a nuisance to abutting property owners. Broom off pavements adjoining the excavation on a daily basis. Cover and/or keep moist all earth stockpiles at all times. Use calcium chloride to control dust over certain areas of the site, as directed by the engineer or shown on the plans. Calcium chloride shall conform to ASTM D-98, Type I. The contractor shall maintain and inspect, on a daily basis, the adequacy of dust control measures and correct any deficiencies immediately.

Temporary Stabilization:
Top soil stockpiles and disturbed portions of the site where construction activity ceases for at least 21 days will be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area. The temporary seed and mulch procedures and specifications shall be in accordance with the landscape architect's recommendations. Areas of the site which are to be paved will be temporarily stabilized by applying geotextile and stone sub-base until bituminous pavement can be applied.

Disturbed portions of the site where construction activities permanently cease shall be stabilized with permanent seed no later than 14 days after the last construction activity. The permanent seed and mulch specifications and procedure shall be in accordance with the landscape architect's recommendations.

The contractor shall be responsible for all landscaped areas. If topsoil, seed, and/or mulch is washed away by rainfall, the contractor shall restore the area.

GENERAL CONDITIONS

1. If erosion control measures are damaged by construction vehicles, acts of vandalism, or severe weather conditions, the contractor shall immediately remove sediment in the vicinity of the erosion control measures and repair these measures to a functional condition.

2. If, during or after construction, it becomes apparent that existing erosion control measures are incapable of controlling erosion, the engineer or the Town may require additional control measures including, but not limited to; additional haybales, silt fence, sediment basins, mechanically anchored mulch, or enhanced dewatering filtration.

3. No construction shall proceed until a written proposal of methods to prevent construction debris, paint, spent blast materials, or other materials from entering, or storm sewer, the wetland, or watercourse has been submitted by the Contractor to the Owner and approved by the Owner, and such methods have been implemented as the Owner directs. These materials shall be collected and disposed of in an environmentally safe manner in accordance with all applicable Federal and State laws and regulations. The Owner may order the Contractor to cease such activity temporarily if, in the judgement of the Owner, wind or storm conditions threaten to cause the deposit of such materials into a waterway.

4. All temporary fill shall be stabilized during use to prevent erosion and shall be suitably contained to prevent sediment or other particulate matter from reentering a wetland or watercourse. All areas affected by temporary fills must be restored to their original contours or as directed by the Owner, and revegetated. The areal extent of temporary fill or excavation shall be confined to that area necessary to perform the work, as approved by the Owner.

5. Dumping of oil, chemicals or other deleterious materials on the ground is forbidden. The contractor shall provide a means of catching, retaining, and properly disposing of drained oil, removed oil filters, or other deleterious material. All spills of such materials shall be reported immediately by the Contractor to appropriate Town and State Agencies.

6. All refueling of construction equipment is to take place outside of 100-foot wetlands buffer zone.

7. DEP SIGN: A SIGN SHALL BE DISPLAYED AT THE SITE NOT LESS THAN TWO (2) SQUARE FEET (S.F.) OR MORE THAN THREE (3) S.F. IN SIZE BEARING THE WORDS, "MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (or MA DEP): DEP FILE NUMBER ___-___

GEI – NEW ENGLAND CONSERVATION / WILDLIFE SEED MIX

ALL DETENTION PONDS AND DISTURBED SLOPES SHALL BE TREATED WITH GROUNDSCAPES EXPRESS INC. (GEI) NEW ENGLAND CONSERVATION / WILDLIFE MIX. THE NEW ENGLAND CONSERVATION / WILDLIFE MIX PROVIDES A PERMANANT COVER OF GRASSES, WILDFLOWERS, LEGUMES, AND GRASSES TO PROVIDE BOTH EROSION CONTROL, AND WILDLIFE HABITAT. THIS MIX IS DESIGNED TO PRODUCE A LOW MAINTENANCE COVER, AND IS AN APPROPRIATE APPLICATION FOR CUT AND FILL SLOPES, DETENTION BASINS, AND DISTURBED AREAS ADJACENT TO COMMERCIAL AND RESIDENTIAL PROJECTS.

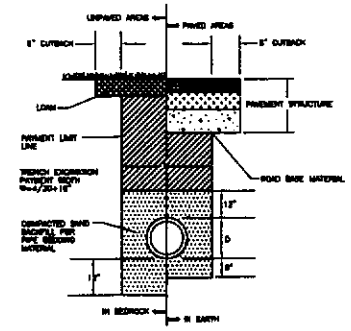
APPLICATION RATE: 25 lbs./ACRE 1743 SQ. FT. / lb.

SPECIES:

BIG BLUESTEM (ANDROPOGON GERARDII), SWITCHGRASS (PANICUM VIRGATUM), LITTLE BLUESTEM (SCHIZACHYRIUM SCOPARIUM), CANADA WILD RYE (ELYMUS CANADENSIS), FOX SEDGE (CAREX VULPINOIDEA), PARTRIDGE PEA (CHAMAECRISTA FASCICULATA), FRINGED BROMEGRASS (BROMUS CILIATUS), PENNSYLVANIA SMARTWEED (POLYGONUM PENSYLVANICUM), COMMON MILKWEED (ASCLEPIAS SYRIACA), NODDING BUR-MARIGOLD (BIDENS CERNUA), SHOWY TICK-TREFOIL (DESMODIUM CANADENSE), SILKY SMOOTH ASTER (ASTER LAEVIS), FLAT-TOP ASTER (ASTER UMBELLATS).

DIG-SAFE NOTE:

1. CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

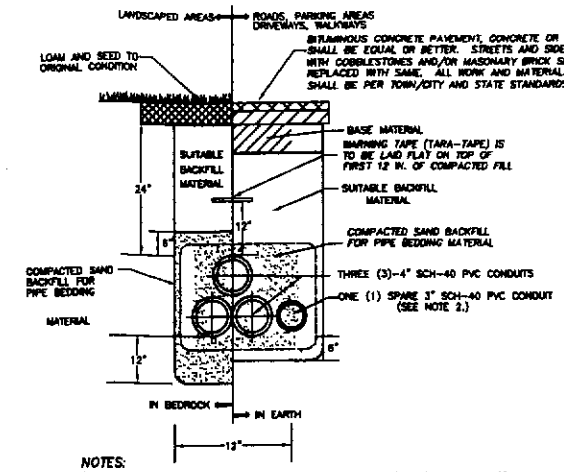


NOTES:

1. THIS DETAIL APPLIES TO CONSTRUCTION OF WATER, GAS, TELEPHONE, ELECTRIC, AND CABLE TELEVISION UTILITIES, UNLESS DIRECTED OTHERWISE BY APPLICABLE UTILITY COMPANIES.

2. PROVIDE 5' MINIMUM COVER OVER WATER SERVICE LINE UNLESS DIRECTED OTHERWISE BY WATER COMPANY.

UTILITY TRENCH DETAIL
(NOT TO SCALE)

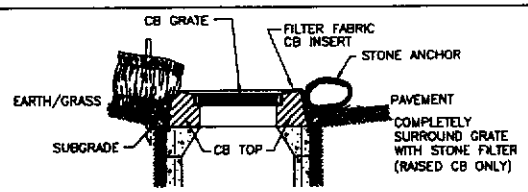


NOTES:

1. TRENCH TO BE INFRA RED TREATED TO PERMANENTLY SEAL ALL JOINTS

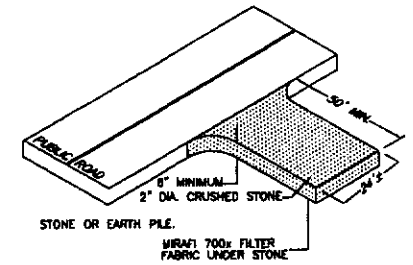
2. SPARE 3" SCH 40 PVC COMMUNICATION CONDUIT SHALL BE INSTALLED IN THE SAME TRENCH WITH ELECTRIC, TELEPHONE, AND CABLE CONDUIT FOR FUTURE USE BY TOWN OF MEDWAY.

UTILITY CONDUIT DETAIL
(NOT TO SCALE)

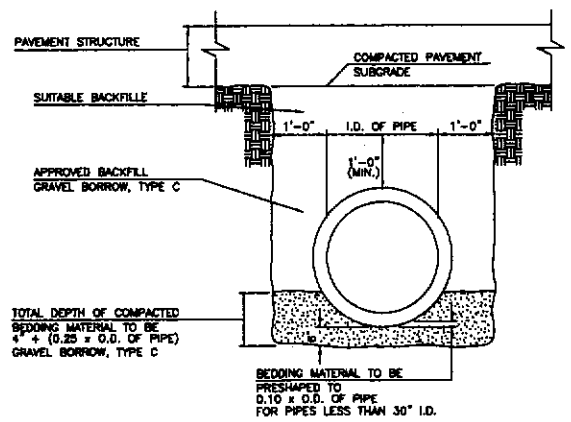


NOTE:
REMOVE CB GRATE, PLACE FILTER FABRIC REPLACE GRATE, TAKING CARE NOT TO DAMAGE FILTER FABRIC. ANCHOR WITH STONE OR EARTH PILE IF NECESSARY.

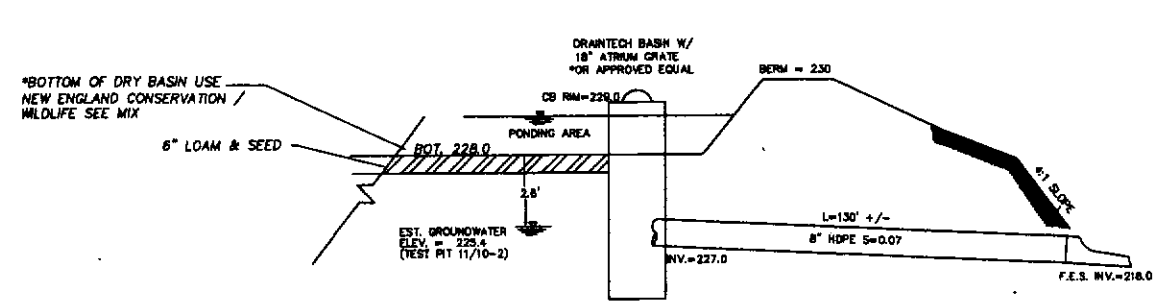
CATCH BASIN PROTECTION DETAIL
NOT TO SCALE



CONSTRUCTION ENTRANCE DETAIL (TYP.)
(NOT TO SCALE)

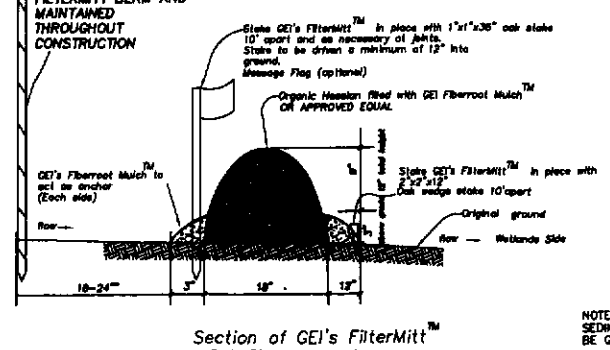


STORM SEWER TRENCH DETAIL
(NOT TO SCALE)



DRY BASIN CROSS-SECTION
SCHEMATIC DETAIL
(NOT TO SCALE)

*NOTE:
ORANGE CONSTRUCTION/ SNOW FENCING TO BE STAKED ALONG ENTIRE SEDIMENT CONTROL LINE 18"-24" IN FRONT OF FILTERMITT BERM AND MAINTAINED THROUGHOUT CONSTRUCTION

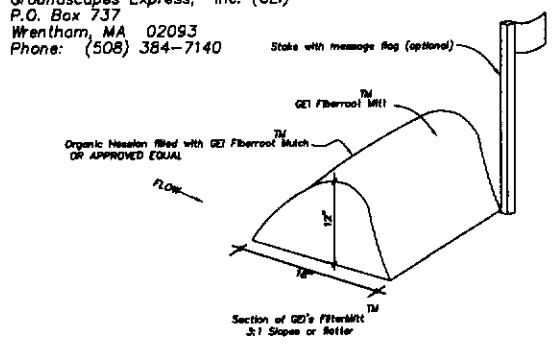


Section of GEI's FilterMitt™
2:1 Slopes or steeper

NOTE:
SEDIMENT CONTROL SYSTEM SHALL BE SHALL BE GEI FILTERMITT OR APPROVED EQUAL.

1 SEDIMENT CONTROL SYSTEM
TYPICAL
8-11 SHEET NTS

Contact: John Engwer
Groundscapes Express, Inc. (GEI)
P.O. Box 737
Wrentham, MA 02093
Phone: (508) 384-7140



RESERVED FOR REGISTRY USE

TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

NOTE: THIS DEFINITIVE SUBDIVISION PLAN IS SUBJECT TO A "COVENANT" TO BE RECORDED WITH THE PLAN.

I, MARYJANE WHITE, CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK DATE

NOTES:

CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES FOUND IN THE FIELD.

THE CONTRACTOR SHALL INSTALL EROSION PROTECTION AND MODIFY AS NECESSARY TO PROTECT AGAINST SOIL EROSION DURING CONSTRUCTION.

ROOF DRAINS AND PERIMETER FOUNDATION DRAINS TO BE SEPARATE AS SHOWN ON PLAN SHEET 4 OF 5.

FOUNDATION PERIMETER DRAINS REQUIRED, SEE FOUNDATION PLAN FOR LOCATION, SIZE, AND TYPE. ALL PERIMETER DRAINS OUTLET TO DAYLIGHT. DO NOT INTERCONNECT WITH ROOF DRAINS.

CONTRACTOR TO NOTIFY FAIST ENGINEERING OF ANY DISCREPANCIES FROM THIS PLAN AS FOUND IN THE FIELD DURING ON-SITE CONSTRUCTION ACTIVITIES.

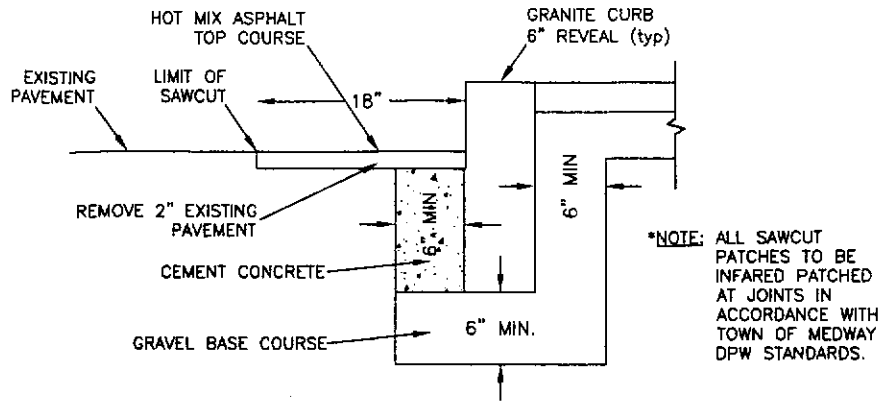
25 SUMMER STREET
PROPOSED "SUMMER VALLEY LANE"
DEFINITIVE SUBDIVISION MODIFICATION
CONSTRUCTION DETAIL SHEET #1
IN
MEDWAY, MASSACHUSETTS

DATE: FEBRUARY 28, 2012 REVISE DATES: ___

SCALE: 1"=20'

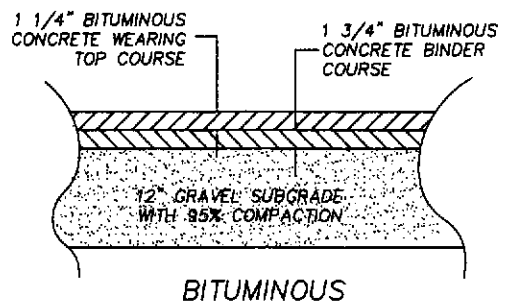
O'DRISCOLL LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
Phone: (508) 765-7755
e-mail: dfaist@faistcng.com



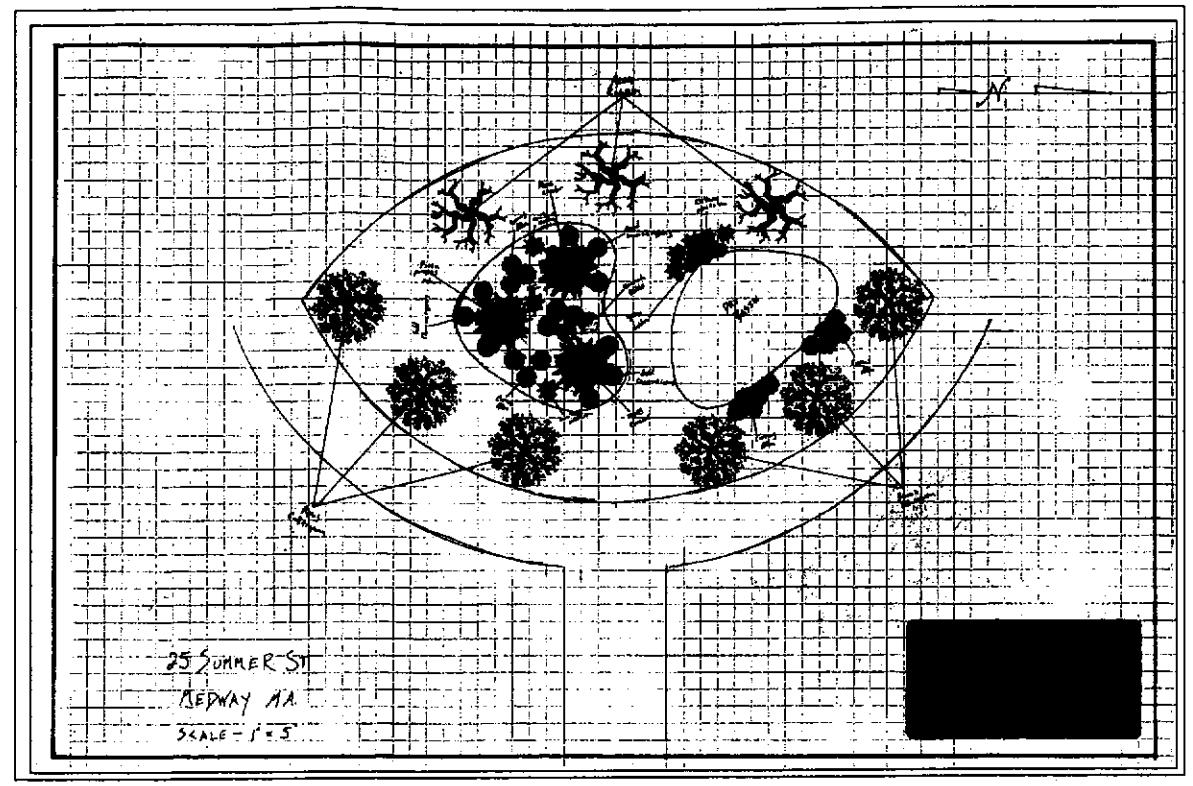
GRANITE CURB IN EXISTING PAVEMENT

(NOT TO SCALE)



BITUMINOUS SIDEWALK PAVEMENT SECTION

(NOT TO SCALE)



LANDSCAPE SKETCH PROVIDED BY FASOLINO LANDSCAPE DESIGN & CONSTRUCTION

(NOT TO SCALE)

NOTES:
ORIGINAL PLAN ON FILE WITH PLANNING & ECONOMIC DEVELOPMENT BOARD PREPARED BY:
FASOLINO LANDSCAPE DESIGN & CONSTRUCTION
P.O. BOX 731
MEDWAY, MA 02053
PHONE: (508) 533-4330

RESERVED FOR REGISTRY USE

TOWN OF MEDWAY PLANNING BOARD

APPROVAL DATE

ENDORSEMENT DATE

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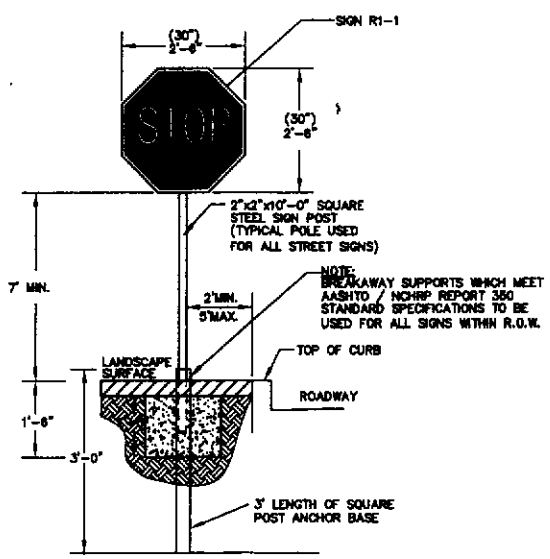
TOWN CLERK DATE

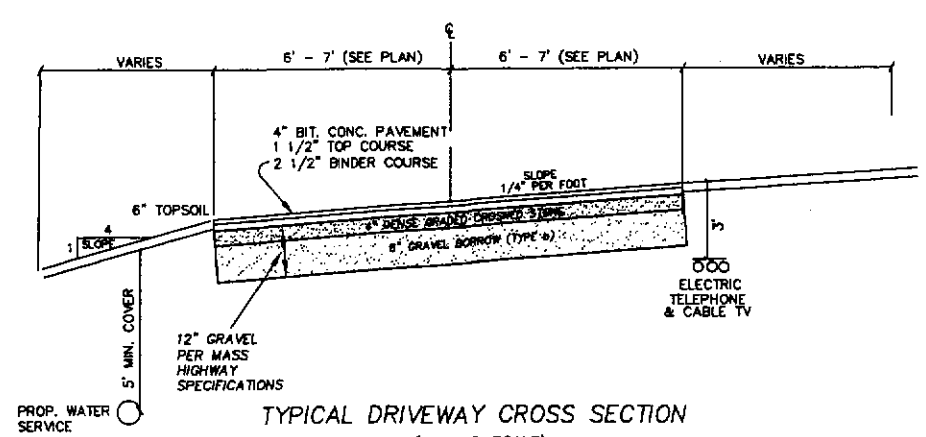


STOP SIGN DETAIL

NOT TO SCALE

SIGN DETAIL

(NOT TO SCALE)



TYPICAL DRIVEWAY CROSS SECTION

(NOT TO SCALE)

NOTES:
1. 6" MINIMUM OF COMPACTED LOAM SHALL BE PROVIDED ON ALL ROADWAY SIDE SLOPES, GRASS STRIPS, AND HOUSING UNIT LAWN AREAS.
2. DRIVEWAY GRADING AND BANK SLOPE AS SHOWN ON SHEET 4 OF 6.

MONUMENTS:

MONUMENTS INSTALLED ALONG THE STREET SHALL BE A GRANITE OR CONCRETE BOUND NOT LESS THAN THREE FEET IN LENGTH AND NOT LESS THAN FIVE INCHES SQUARE AND SHALL HAVE A 3/8" DIAMETER DRILL HOLE IN THE CENTER OF THE TOP SURFACE. MONUMENTS SET AT THE DRAIN EASEMENT CORNERS SHALL BE A REBAR OR IRON ROD 1/2" DIAMETER MINIMUM AND AT LEAST 30 INCHES IN LENGTH. IRON RODS SHALL BE SET SO THAT THE TOP IS AT A MAXIMUMM ONE INCH ABOVE THE FINISH GRADE.

MONUMENTS SHALL BE SET AT ALL EASEMENT CORNERS AND ANGLE POINTS. DRILL HOLES SHALL BE MADE AT ALL EASEMENT CORNERS LOCATED ON A STONE WALL.

STREET MONUMENT DETAIL

(NOT TO SCALE)

25 SUMMER STREET

PROPOSED "SUMMER VALLEY LANE"

DEFINITIVE SUBDIVISION MODIFICATION

CONSTRUCTION DETAIL SHEET #2

IN

MEDWAY, MASSACHUSETTS

DATE: FEBRUARY 28, 2012 REVISE DATES:

SCALE: 1"=20'

O'DRISCOLL LAND SURVEYING Co.
LAND SURVEYING GPS MAPPING LAND CONSULTING
48 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FAIST ENGINEERING, INC.
67 HALL ROAD
STURBRIDGE, MA 01566
Phone: (508) 765-7755
e-mail: dfaist@faisteng.com

DIG-SAFE NOTE:

1. CONTRACTOR REQUIRED TO NOTIFY "DIG SAFE" 72 HOURS PRIOR TO ANY ON-SITE EXCAVATION OR CONSTRUCTION AT 1-888-344-7233. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER DEPARTMENTS TO MARK OUT THEIR UTILITIES.

April 10, 2012
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Avenue
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

Member Tucker arrived at 7:41 pm.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Rizzo

The Chairman opened the meeting at 7:12 pm.

There were no Citizen Comments.

Minutes March 13, 2012:
On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from the March 13, 2012 meeting with the addition to page three as written from a transcription from the audio tape.

Lawrence Waste Services Site Plan - Public Hearing Continuation:

The Public Hearing on Lawrence Waste Services was opened at 7:20 pm.

Jim and Keith Lawrence were present along with Peter Lavoie of Guerriere and Halnon.

The Chairman communicated that applicant Jim Lawrence had stopped by his office (Rodenhiser Plumbing) and they had a brief conversation about how many containers will be on site.

The Board is in receipt of a letter from Jim Lawrence dated April 3, 2012 regarding the number of containers which will be stored at Lawrence Waste Services. **(See Attached)**

The Board is also in receipt of a memo from Tetra Tech Rizzo with a revised date of March 29, 2012. **(See Attached)**

The applicant responded to the comment about the proposed security gate and indicated it will be steel.

The applicant has also added soil boundary details to the drainage plans.
Peter Lavoie noted that they could store 450 containers on site. 90% of them would be small front load containers with the remainder consisting of 15 & 30 cubic yard open top containers.

It was suggested that the 4-3-12 letter from Lawrence Waste Service be forwarded to Dennis Crowley from the Board of Selectmen. Susy will take care of this.

Peter Lavoie indicated that the Conservation Commission had given an Order of Conditions and approved the plan. Lawrence Waste Services is waiting to get the site plan decision and will need to wait for the 20 day appeal period to run.

Susy asked them to provide a copy of the Order of Conditions.

Peter Lavoie indicated that they have finalized addressing the review comments from Tetra Tech Rizzo. A new set of revised plans dated March 27, 2012 had been submitted.

Dave Pellegri indicated that he has reviewed the most recent plans with the revision date of March 27, 2012. He is satisfied that Lawrence Waste Services has addressed the issues.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to close the hearing.

Susy Affleck-Childs explained that the plan of action is to write the decision and it will be ready for the Board to discuss and sign at the next meeting which is scheduled for April 24, 2012.

Susy Affleck-Childs would like the Board to think about how or it wants to handle construction oversight. She asked if Guerriere & Halnon will be on site during the construction process.

Peter Lavoie indicated that he will be on site to do the as-built plans.

Susy Affleck-Childs asked again if they will be on site for construction.

Peter Lavoie indicated that they will not be on site at all times.

Susy Affleck-Childs recommends that the applicant have its engineer prepare a monthly construction status report. We want to make sure that things are constructed according to plan.

It is the preference to have Guerriere & Halnon on site when the infrastructure is put in.

The draft decision will be sent to Lawrence Waste to review before the April 24th meeting.

Design Review Committee Resignation:
The Board is in receipt of an email dated March 19, 2012 from Dan Hooper regarding his resignation from Design Review Committee. **(See Attached)**

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept with regret the resignation of Dan Hooper from the Design Review Committee.

The Board thanks him for his service.

The Design Review Committee does have another interested individual who has been attending meetings and may be ready to come on board in a couple of months.

Construction Report – Tetra Tech Rizzo

Franklin Creek:
The Board is in receipt of a memorandum from Tetra Tech Rizzo related to the Franklin Creek subdivision punch list. This is dated April 6, 2012. **(See Attached)**

The memo noted that the grade in the area south of the roadway should be raised to the top of the Cape Cod Berm. There was a photograph of the area. Pavement sealant should be placed at each of the core locations to prevent water from infiltrating.

This memo has not yet been provided to Marko Vajentic, the Franklin Creek developer.

There was discussion that fill should be added behind the berm. This is the whole height of the berm and it needs to be smoothed out. This will need to be seeded.

The Franklin Creek residents supplied a plan which indicated that the grade is too low behind the curb. **(See Attached).** It was provided on April 6, 2012.

NOTE - Member Tucker arrived at 7:41 pm.

Dave Pellegri will check with the Department of Public Works about the water gates.

Susy recommended reworking the punch list from Tetra Tech after speaking with DPS. It was suggested that Dave specify exact street station locations and the length of the area to be remedied.

McDonald vs. Planning Board Status Report:

The Board is in receipt of an email dated March 26, 2012 from Town Counsel Barbara Saint Andre regarding the McDonald case. **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept Counsel's recommendation in regards to the dismissal of the lawsuit.

Member Rogers wanted clarity about what the phrase "with prejudice means".

Susy reported that she had asked Town Counsel about Chan's question. Town Counsel indicated that it means the proponent cannot file another lawsuit. This is a dead issue.

Minutes March 21, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from the March 21, 2012 meeting as presented.
(Member Rodenhiser and Gay did not vote as they were absent from the 3-21-12 meeting.)

Minutes March 27, 2012:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from the March 27, 2012 as presented.

A213 Systems Site Plan - Decommissioning Plan Narrative:

Susy Affleck-Childs explained that the meetings the Board had for the A123 System battery energy storage system were public briefings, not an official public hearing. This is because the proposed work constitutes a *minor* site plan instead of a *major* site plan (which does require a full public hearing.) As there was no public hearing per se, the discussion was not actually closed.

The Board reviewed the revised draft decision dated April 5, 2012 for A123 Systems site plan. **(See Attached).**

The Board is in receipt of a draft decommissioning plan dated April 9, 2012 prepared by GZA GeoEnvironmental. **(See Attached).**

It was recommended by Dave Pellegri that the conduits be taken out in its entirety. He also asked if the 35 feet of driveway will be left.

The Board communicated that the DPS would like the driveway in place.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the A123 Systems site decision as written with the Conditions as noted and Waivers as specified. *(Member Tucker abstained from the vote as he had not been present at the March 13 meeting.)*

Committee Reports:
There were no Committee reports.

Other Discussion:

Susy Affleck-Childs noted that it might be worthwhile to have some discussion about what kinds of business does the Board want to encourage and discourage in Medway. We might want to better define the allowed uses in the industrial zoning districts. The Board may want to review the Zoning Bylaw in June. This is a discussion which needs to take place.

Member Rogers communicated that the land at 49 Alder Street (Lawrence Waste) was recently bought for one third of the assessed value. This has forced the Board of Assessors to review the land values in the industrial park and do a reassessment. This will be done by the Board of Assessors. The sales price for 49 Alder Street was substantially different than the assessed value. Of course we don't know the details on how this property sold.

It was noted that the area in the Industrial III zone has fractured ownership and the shape of the lots varies. There are lowlands and wetlands. It is less than ideal. There are some great businesses and some are marginal. Some of the existing businesses in the park are more troublesome than Lawrence Waste/49 Alder Street.

Member Gay responded that what is proposed and what they are doing didn't raise his eyebrows.

Susy Affleck-Childs noted that some of us would like this area to be *(an industrial park with centralized ownership)* but it is not.

Member Rogers responded that we all have dreams and aspirations.

Member Tucker responded that we all want to drive a Ferrari but most of us can't afford it.

25 Summer Street Subdivision Modification – Public Hearing Continuation

Mike Fasolino was present to discuss the proposed modification plan for 25 Summer Street.

Susy Affleck-Childs entered several documents into the record:

- Minutes from the January 24, 2012 PEDB meeting with the Speroni Acres neighbors
- Original Subdivision Decision/Certificate of Action on 25 Summer Street from June 28, 2011
- Letter from Owen Sullivan provided on April 8, 2011 authorizing Mike Fasolino to connect the two lots to the Speroni Acres sewer system.

(All items are Attached.)

Susy Affleck-Childs communicated that she has been speaking with David Faist and Dan O'Driscoll. Dan O'Driscoll came into look at the old Speroni Acres subdivision files to see if there is anything in the file relative to the sewer system. Dan reported that there was nothing in the file. Dave Faist has had luck with the firm CEC which was the original design engineer for Speroni Acres. This information will be given to the Board.

Mike Fasolino has spoken with the original engineer and he has the original plans and will write a letter which will be presented to the Board.

There was some modification to the landscape plan.

Susy Affleck-Childs communicated with the Building Inspector to get clarity on what he looks at during the building permit stage. Bill Fisher, the Board of Health agent, confirmed that when the

Board of Health looks at the system, they focus on the connection from the house to pump and between the pump and storage tank and the mechanics. The design of the overall sewer system throughout the neighborhood is not really what they will do.

Chairman Rodenhiser asked whether normally, they review sewer size.

Dave Pellegri indicated that typically he would email Tom Holder and see if there are any issues, but typically you do not check sewer pipe capacity.

Susy Affleck-Childs referenced the 3/12/12 email which was provided to the Board from Town Counsel. **(See Attached).** The email notes that the Board has the authority to require the developer to demonstrate that it can tie into the town sewer system.

It is the opinion of Counsel that the Board is within its jurisdiction to be concerned about the adequacy of the sewer system that is being tied into Town's sewer system.

The Board has also been provided with a copy of the section of the *Medway Subdivision Rules and Regulations* re: sewers. **(See Attached).** The Section which was referenced was 7.6 Utilities.

The Board also has a copy of text from the Handbook of Massachusetts Land Use and Planning Law Mark Bobrowski. **(See Attached).** The Section references that a Planning Board may exercise its powers under the subdivision control law to secure adequate provisions for sewerage. The other section which was referenced noted that "the board may reasonably require that the landowner demonstrate "perfected arrangements" for interconnection to the municipal sewer systems."

Susy Affleck-Childs communicated that she believes the Board does have the authority and responsibility to look at this.

It was recommended that Mike secure some further indication in the forms of recorded easements and deeds that would represent that Owen Sullivan owns the sewer easements and authorize Mike Fasolino to connect these two lots.

Susy suggested that the engineer can do a stamped statement that he has evaluated the Speroni Acres sewer system drawings and certified that the capacity was originally designed to handle these two additional lots.

Dave Pellegri indicated that what we really are looking at is the capacity and ownership.

Mr. Fasolino communicated that he was under the impression that this meeting would be closed and now more info is being requested.

Dave Pellegri indicated that this issue is not new; the asking for the documentation may be new.

Mr. Fasolino said the consensus from the last meeting was that the Board of Health was going to handle this.

Member Spiller-Walsh indicated she did not agree that the Board of Health was going to handle this.

Member Rogers noted that Owen Sullivan wants to get rid of the whole thing. This is a liability on his part. He should get the legal documents to get rid of this. The board is now asking for something that has not been asked for previously.

The Board asked Susy Affleck-Childs to secure the assistance of Town Counsel to draft a letter to Mr. Fasolino.

Susy Affleck-Childs stated she did not want to pass this down to another board to worry about in the future.

Member Tucker recommends going to Counsel and seeing want is acceptable.

Susy Affleck- Childs suggested getting a certified statement. The previous letter from Owen Sullivan makes no statement as to whether he controls the sewer system/easement.

Member Tucker explained that we need to be clear about what is acceptable. We should only have to do this once. We are finding out new info and we need to make the direction clear.

Mr. Fasolino responded indicating that if he did not subdivide the land and put in only one lot, you people would have no jurisdiction over this at all.

Susy Affleck-Childs responded you are correct. Once it becomes a subdivision it is the responsibility of the Planning Board.

Mr. Fasolino indicated that he has already tied in to this sewer system on another lot further up Summer Street with no problems and without hesitation. There are six or seven stubs destined for houses. Now that there is one more lot, you are telling me I cannot tie in.

Chairman Rodenhiser communicated that we have a responsibility as a Planning Board to address this.

Mr. Fasolino responded that this is not what you said last week.

Member Rogers responded that the previous letter from Owen Sullivan is a little shaky.

Susy Affleck-Childs respond that we took it at face value last spring and now we know a lot more. Mike could make a formal inquiry to the Board of Health.

Mr. Fasolino responded that he did and there was no as-builts for this.

Dave Pellegri indicated that it should be very easy to determine the ownership of the sewer system/easement. Those stubs are in place already but we need to see who has the right to access.

Member Rogers asks what happens if a resident does not want to fix the blockage.

Member Spiller-Walsh wanted to know if you can own the system without having an easement.

Dave Pellegri responded that you must have access.

Susy Affleck-Childs ask if Owen Sullivan reserved the sewer easement when he sold those house lots. This is the question.

Susy Affleck-Childs will get a more precise language from town counsel and we can be clear in a letter to Mike Fasolino.

Member Gay communicates that his issues are with the papers which were handed out. The problem is that it talks about septic systems and public sewer systems. This is neither. It also talks about that you have to tie into the public system. This already does. The only question that comes up is can Mike get from the property line to where the stub is on adjacent property. Does he have access legally?

Mr. Fasolino communicates that the stub is right to the property line.

Member Tucker responds that if there is a break it is a neighborhood issue. This is not Mike's responsibility. We need only one piece.

Chairman Rodenhiser responded that we have a responsibility to determine this.

Member Gay agrees that we need determine this. We have jurisdiction to the public but this is private. Re the interconnection to the municipal system, it already does.

Spiller-Walsh notes that Counsel states that the Planning Board does have the authority to ensure that the Subdivision has an adequate system. We do not know this.

Member Gay disagrees with member Karyl Spiller-Walsh. It does have access to some system of adequacy. This is semantics but I disagree with you.

Member Spiller Walsh responds that there is not an understanding that this is an adequate system.

Member Tucker asks Spiller-Walsh what her determination of adequacy is.

Spiller-Walsh responds that the determination of adequacy is that the system needs to work over a number of years.

Susy Affleck-Childs asks how many dwelling units was it designed to accommodate.

Member Rogers has no problem with connecting but there is a problem if a defect happens with the part that the Town owns.

Member Spiller-Walsh responds that the Planning Board must play a part in ensuring that there is an adequate system.

Member Gay notes that this is a slippery slope. The material quoted says "The appeals board has ruled that the Planning Board has no jurisdiction over with health questions with respect to the disposal of sewage that will not be connect to a municipal system." This is the slippery slope since with regards to this subdivision that will not be connected to municipal system. Tom Holder (Medway DPS) has already said that he has no responsibility. The Board of Health has exclusive rights to regulate but may not however require specific information for each lot within the subdivision. Then it talks about public. This is going to a private. This is what Tom is struggling with.

Dave Pellegri thinks there is a loop-hole in the document.

Member Spiller-Walsh asks if this has been termed a private system by default.

Susy Affleck-Childs draws the board back that to the Rules and Regs which are governed under the Subdivision Control Law.

Chairman Rodenhiser communicates that the Board must follow the Rules and Regulations of the Subdivision Control Law.

Susy Affleck-Childs will work with Counsel and the Chairman on drafting a letter for Mr. Fasolino.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted to continue the public hearing for the proposed modified 25 Summer St. Definitive subdivision plan until April 24, 2012 at 7:15 pm.

<u>Adjourn:</u>
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Lawrence Waste Services

RECEIVED
APR 03 2012
TOWN OF MEDWAY
PLANNING BOARD

April 3, 2012

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

Dear Andy,

At our meeting last week we discussed how many containers we would store on our property at any given time. As we are building this facility with the intention of consistently growing our business we would start with a lower number and increase as the company grows.

Looking at the property we could store 450 containers 90% of them front load small containers with the remainder consisting of 15 & 30 cubic yard open top containers. We estimate we would use roughly half of that number to keep a good inventory on hand. The inventory would consist of new, refurbished and containers on site waiting to be repaired.

We intend to have a first class neat and clean facility and look forward to being a good neighbor in the industrial park.

If there is anything else you need please do not hesitate to contact me at your convenience.

Yours Truly,

Jim Lawrence
President

3 Thayer Street • Framingham, Massachusetts 01702 • 508-270-0597 • Fax: 508-270-0598 • Email: trash154@cox.net

TETRA TECH

RECEIVED
APR 05 2012
TOWN OF MEDWAY
PLANNING BOARD

February 22, 2012
(Revised March 15, 2012)
(Revised March 29, 2012)

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: 49 Alder Street
Site Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) previously performed a review of the proposed Site Plan for the above – mentioned project. The project includes the construction of a 7,400 sf building with paved parking, loading, and laydown areas for the stacking of clean waste containers. The site is primarily wooded currently and the proposed improvements will disturb approximately 35% of the property. The new building will require utility connections including sewer, water, gas, electric, and telecommunications, from Alder Street. The stormwater design will collect runoff from the proposed development in a catch basin to manhole system. Peak flows and recharge will be attenuated by subsurface detention/recharge systems with overflows discharging to the wetlands.

TT previously received of the following materials:

- A plan (Plans) set entitled "Proposed Site Plan for 49 Alder Street in Medway, Massachusetts", dated January 10, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- A drainage report (Drainage Report) entitled "Hydrologic & Hydraulic Report, Lot#3-41, 49 Alder Street in Medway, Massachusetts", dated January 10, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- Application for Review and Approval of a Major Site Plan Project and Form Q-Request for Waiver from Rules and Regulations, prepared by Guerriere & Halnon, Inc. dated January 17, 2012

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were originally reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On March 13th, 2012, TT received an updated package including a cover letter providing comment responses, plans, drainage report, and a list of waivers addressing our original comments. We have reviewed this package and have updated our comments, as bulleted below the original comment.

On March 27th, 2012, TT received an updated package which included final documents of those items listed in the above paragraph. We have reviewed this latest package and have updated our comments as bulleted below the original and March 15th comments.

The following items were found to be not in conformance with the Rules and Regulations for the Submission and Review of Site Plan (Chapter 200), or requiring additional information:

Article IV-Site Plan Submission (Section 204)

1. The Cover sheet and Lawrence Waste Services plans to be stamped, signed and dated by a Registered Professional Engineer, a Registered Architect, and/or a Registered Landscape Architect or other professional registered in the Commonwealth of Massachusetts. (Ch. 200 §204-4.A)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

2. The applicant should verify that scale 1" = 30' has been approved in advance by the Planning Board. (Ch. 200 §204-4.B)
    - TT 3/15/12 Update: The board shall provide approval.

3. An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. (Ch. 200 §204-4.C-3)
    - TT 3/15/12 Update: A waiver has been requested for this item and will be tracked through the waiver process.

4. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

- TT 3/15/12 Update: This item has been addressed to our satisfaction.

5. Cover sheet shall include Board of Selectmen's Signature Block. (Ch. 200 §204-5.A)
   - TT 3/15/12 Update: This item has been addressed to our satisfaction.

6. The applicant should verify with Planning Board if Site Context Sheet shall be provided. (Ch. 200 §204-5.B)
   - TT 3/15/12 Update: This item has been addressed to our satisfaction.

7. Dimensions of parking lot line setbacks, access lanes and curb radii. (Ch. 200 §204-5.D-2)
   - TT 3/15/12 Update: This item has been addressed to our satisfaction.

8. Drainage and Erosion Plan shall provide methods to dispose of surface water on site including slope. (Ch. 200 §204-5.D-5)
   - TT 3/15/12 Update: This item has been addressed to our satisfaction.

9. The applicant should verify that landscape improvements were prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. (Ch. 200 §204-5.D-7)
   - TT 3/15/12 Update: A waiver has been requested for this item and will be tracked through the waiver process.

10. The applicant should verify that Color Renderings and Signage Plan shall be provided. (Ch. 200 §204-5.D-9 & 12)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

11. Horizontal sight distances on the public way(s) at all entrances in both directions should be provided. (Ch. 200 §204-5.D-14)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

Article V-Development Standards (Section 205)

12. Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk. (Ch. 200 §205-3.D-4)
    - TT 3/15/12 Update: A waiver has been requested for this item and will be tracked through the waiver process.

13. Landscape buffers between the street and parking areas are required. (Ch. 200 §205-9.B-1)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

14. The applicant shall request a waiver for the requirement for replacement trees or comply with the regulations. (Ch. 200 §205-9.E)
    - TT 3/15/12 Update: A waiver has been requested for this item and will be tracked through the waiver process.

15. The applicant should add Standard Utility Trench Detail for other utilities to be provided on site. (Town of Medway's Construction Details CD-24) (Ch. 200 §205-11)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

16. Typical Bend Thrust Block Detail, Water Main Reducer, Plug and Tee Detail should meet or exceed standard Medway detail Concrete Thrust Block Detail, see Town of Medway's Construction Details CD-28. (Ch. 200 §205-11)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the Town of Medway Water/Sewer Department Rules and Regulations, or requiring additional information:

17. There shall be three (3) valves at every roadway intersection. (Article V-Item 5)
    - TT 3/15/12 Update: The response by the applicant's engineer states that "valves have been added to plan at connection to existing water main. Where this is only a 1" service connection, no

valves other than the typical curb box and valve is required. Please disregard the original comment.

18. Six inch pipe must be used to within 10' of the building, at which point standard 4" cast iron or schedule 40 pvc sewer pipe is to be used. (Article VI-Item 1)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

19. Sewer Trench detail should be modified to reflect 6" of ¾ inch crushed stone above and below pipe. (Article VI-Item 3)
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

20. Existing drainage figure lists Drainage Area 2 to be 0.75 acres. It is written up as 0.38 acres in the drainage report.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

21. Drainage analysis states that three points of analysis were evaluated. Only two are shown on the plans and discussed in the report.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

22. Drainage analysis states that the entire site is located within Hydrologic Soil Group B soils. The drainage figures show the majority of the site is located within Hydrologic Soil Group C soil. The soil boundaries should be more clearly labeled on the plans and shown in the legend.
    - TT 3/15/12 Update: Additional soil boundary detail has been added to the drainage plans however there is still some confusion. There are circled Letters (A,B and C) within each soil boundary that do not reflect the soil group. What do these circled letters represent?
    - TT 3/29/12 Update: The soil boundaries have been clarified on the plans to our satisfaction.

23. Recharge calculations must be verified based on actual soil types.

- TT 3/15/12 Update: A portion of Proposed Area P-1 is located within a "C" soil. Only "B" soils are reflected in the recharge calculations and the Hydro CAD analysis.

- TT 3/29/12 Update: The calculations and analysis have been revised to reflect the "C" soils.

24. Basin volume output tables should be provided to verify actual recharge volumes at overflow invert elevations. Reviewer has nothing available to verify this number.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

25. Pollutant removal section of the drainage analysis states that a Stormceptor 900 is being provided in Drainage Area 2 only with a pollutant removal efficiency of 80%. The TSS worksheets show a Stormceptor 450 being provided in Drainage Area 2 and Drainage Area 3 with a pollutant removal efficiency of 87%. Too many discrepancies. Drainage report must reflect actual design.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

26. A water quality volume of 1 inch must be provided on site. The applicant is using an infiltration rate based on soil logs of 0.014 feet per minute which equates to over 10 inches per hour. MADEP regulations require a 1 inch water quality volume be provided within an area of rapid infiltration rate which exceeds 2.4 inches per hour.
    - TT 3/15/12 Update: The infiltration rate has been adjusted to 0.011486 FPM which equates to the infiltration rate in the Rawls table for an "A" soil of 8.27 in/hr. All infiltration BMP's in this project are located on a "B" soil therefore the infiltration rate from the Rawls table representative of a "B" soil (1.02 in/hr) should be utilized in this analysis.

    - TT 3/29/12 Update: Infiltration rates were taken from direct field observations during the deep hole test pits.

27. Water quality volume calculations must be provided.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

28. The applicant shall verify whether a Groundwater Protection District is a Zone II or Wellhead Protection Area. We believe it is. If so, we are discharging to a critical area and Specific Infiltration BMP's must be provided with 44% TSS removal from the runoff prior to discharge to the infiltration BMP's.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

29. Applicant states that the Static Method is being used for the design of the infiltration BMP's. See DEP Checklist – Standard 3. Static method requires infiltration rates from the Rawls Tables be used. If in-situ rates are used in the analysis (Hydro CAD report shows this was used), the Dynamic Field Method must be used and 50% of the in-situ rate must be used in your sizing computations.
    - TT 3/15/12 Update: See response to Comment 26.

30. Checklist states that Critical areas for standard 6 are identified in the report. The report states that the drainage system does not discharge to a critical area.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

31. The Hydro CAD model shows all HSG "B" soils are used in the analysis. This is consistent with the description in the write up but not the drainage figures. Verify Soil types.
    - TT 3/15/12 Update: Proposed Area P-1 includes "C" soils. This soil type is not reflected in the analysis or calculations.
    - TT 3/29/12 Update: The Hydrocad model has been modified to reflect the "C" soil to our satisfaction.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

32. The applicant shall provide a scale for the Street and Parcel view on the Cover Sheet.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

33. There is one handicap parking space shown on the Site Plan and does not match the amount proposed on the zoning table on the Cover Sheet.

- TT 3/15/12 Update: This item has been addressed to our satisfaction.

34. Please clarify whether Stall Brook is designated as a River.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

35. What's the intent with the jog in the pavement adjacent to the proposed dumpster?
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

36. The board typically prefers some type of fencing around the proposed dumpster, however given that the site is gated this may not be required. The decision may be based on if the dumpster is visible from the road or adjacent sites. Please clarify whether the dumpster is visible. Additionally, a note on sheet 8 states that "All dumpsters to be on concrete pads and to be properly screened". This conflicts with the drawings.
    - TT 3/15/12 Update: The applicant's engineer responded that proposed fencing will be added around dumpster, but the fencing should be added to the plan and labeled with a type and height.
    - TT 3/29/12 Update: The dumpster and associated fencing have been removed from the plans.

37. What type of gate is proposed?
    - TT 3/15/12 Update: The applicant's engineer responded stating that the proposed security gate shall be steel. The label on the plan should be modified accordingly.
    - TT 3/29/12 Update: A detail has been added to the plan.

38. Approximately how many containers will be stored on-site? How will the gravel area be utilized?
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

39. How are gates intended to be operated? Are they locked during the day? How will this affect emergency access?

- TT 3/15/12 Update: This item has been addressed to our satisfaction.

40. The width of the access drive on the north side of the building should be labeled.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

41. The proposed "252" contour should be added along the southern property line boundary.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

42. What is the intent of the Proposed Drop Inlet set adjacent to the southern property line? What is the 24" pipe/flared end shown on the adjacent property?
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

43. What is the maximum slope in the grass/landscaped area in the southwest corner of the site?
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

44. There is a "Typ. Concrete Walk-Curb Detail" provided on Sheet 8, however the layout plans do not show a curb around the walk adjacent to the building. Please clarify where the curb will be located.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

45. The "ND" line on Sheet 2 is not included in the legend. Please add that linetype and description to the legend.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

46. According to the legend and plan, there is a proposed fence proposed around the majority of the perimeter of the site. Is this the silt fence? If so, please clarify on plans.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

47. The fire department shall provide a statement regarding their access ability and the sufficiency of existing hydrant locations.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

48. A detail for a water/sewer crossing should be provided.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

49. The limits of work proposed in the roadway should be shown on the plans including sawcuts, curb replacement, striping, etc. associated with the utility improvements within the public Right of Way.
    - TT 3/15/12 Update: This item has not been shown to our satisifaction. What is of major importance is the items noted above regarding the limits of work within the public Right of Way. This information will be required for the street opening permit, however the PEDB would like to show the improvements accurately on the approved plans also.
    - TT 3/29/12 Update: The limits have been added to the plan. The Department of Public Services shall determine if the sawcut limits are sufficient during their street opening permit process.

50. Clarification should be provided in regard to the restrictions of the drainage easement in front of the site.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

51. The method of connection for the waterline should be provided.
    - TT 3/15/12 Update: A tapping sleeve label has been added to the plan however based on the size of the service (1"), the standard corporation connection and as shown on the service detail should be sufficient. Please disregard our original comment.

52. The plan calls for a MDC manhole and the detail shows a Gas and Oil Separator. Please coordinate the labels as appropriate.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

TETRATECH

53. A note should be added stating that all water mains shall be installed at a minimum depth of 4.5'.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

54. There appears to be stubs for both the water and sewer entering the site. If these are not intended to be used, they should be cut, capped, and abandoned as directed by the Department of Public Works.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

55. Please identify the limits of clearing. We assume it corresponds with the limits of the work shown.
    - TT 3/15/12 Update: This item has been addressed to our satisfaction.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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Susan Affleck-Childs

From: Susy Affleck-Childs [susyac@comcast.net]
Sent: Monday, March 19, 2012 7:48 PM
To: Susan Affleck-Childs
Subject: FW: DRC resignation - dan hooper

From: Dan Hooper [mailto:dan.hooper@verizon.net]
Sent: Monday, March 19, 2012 4:31 PM
To: Buckley Matt; Matt Buckley
Cc: Rodenhiser Andy; Affleck-Childs Susy
Subject: DRC resignation

To Chairman Buckley,
This note is to inform you that I am resigning as an Associate Member of the Design Review Committee effective immediately. I am an active member of 2 other municipal committees and will be focusing increasingly more time to personal matters.

The DRC has evolved into a very effective and worthwhile committee and I expect to stay connected with it through periodic meeting attendance and project "legwork", when needed. Under your leadership Matt, the DRC continues to provide excellent review commentary to sign and site plan applicants, creating a more effective and visually appropriate community for us all. The committee is in good hands.

I look forward to following the positive work of the committee for years to come.

regards,
Dan Hooper

Dan Hooper
Charles River Landesign Group, Inc.
6 Naumkeag St.
Medway, MA 02053

Phone: 508.277.5981

www.charlesriverlandesign.com
"Design/install of fine landscapes and stonescapes - garden designs, patios, pondless waterfalls, walkways, steps and walls"

TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech

Re: **Franklin Creek**
Subdivision Review-Punch List
Medway, MA

Dt: April 6, 2012

RECEIVED
APR 10 2012
TOWN OF MEDWAY
PLANNING BOARD

At the request of the Medway Planning and Economic Development Board, Tetra Tech performed an inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006, the Certificate of Action dated January 17, 2006 and our previous Punch List Memo dated November 11, 2011. The following items should be completed:

Roadway (Private-Franklin Creek Lane)

1. The grade in the area south of the roadway adjacent to the water quality unit located at approximate STA 0+55 should be raised to the top of the Cape Cod berm. See Photo #1 and #2.

2. Pavement sealant should be placed at each of the core locations to prevent water from infiltrating through the seams created by the coring. Sealant should also be placed at a location in the northwestern portion of the roadway adjacent to Franklin Street. It appears that the area was overlaid during paving with a thin layer of asphalt which is now breaking up. See Photo #3 and #4.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

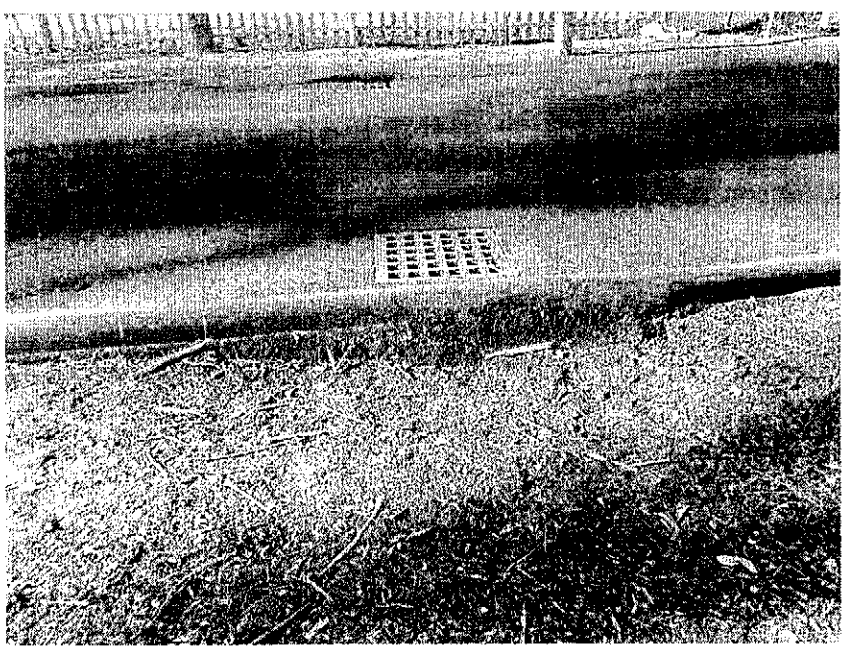
P:\21583\08001\DOCS\MEMO-FRANKLIN CREEK PUNCH LIST 2012-04-06.DOC

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

TETRA TECH

Photo #1

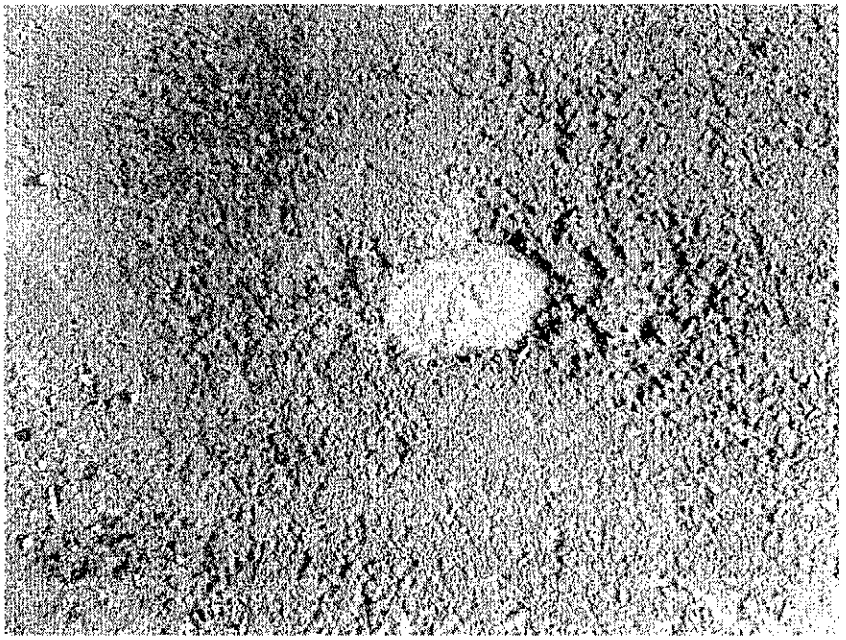
Photo #2

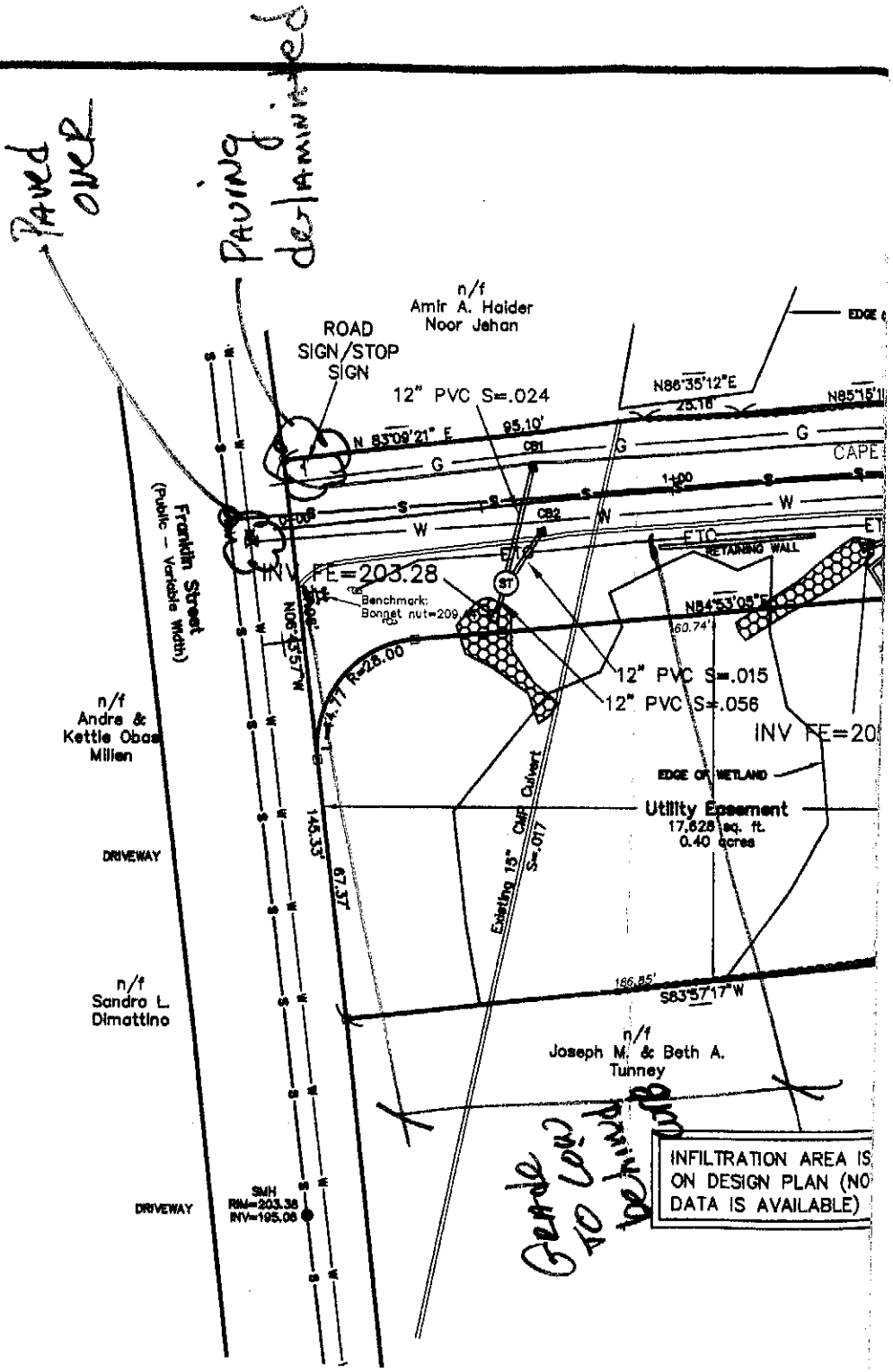


TETRA TECH

Photo #3

Photo #4





from Franklin Creek Neighbors

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Monday, March 26, 2012 12:06 PM
To: Suzanne Kennedy; Susan Affleck-Childs
Subject: McDonald v. Planning Board
Attachments: mcdonald stip of dismissal.doc; mcdonald escrow.doc

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

Suzanne and Susy, attached is a proposed stipulation of dismissal from Ms. McDonald's attorney. She has entered into a purchase and sale agreement for her property, with a closing scheduled for April 12, 2012. The purchaser is not interested in pursuing the lawsuit, and therefore Ms. McDonald has agreed to dismiss this appeal, with prejudice, as soon as the property is sold. Therefore, the potential modification of the special permit is now moot, and the case will simply be dismissed with "no strings attached". Based upon the prior votes of the Board of Selectmen and Planning and Economic Development Board, I believe I have authority to execute the stipulation of dismissal on behalf of the PEDB. If you have any questions, however, please let me, know.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: tjvesq@netzero.net [mailto:tjvesq@netzero.net]
Sent: Monday, March 26, 2012 10:38 AM
To: Barbara Saint Andre; PJP@dcdclaw.com
Cc: lmret14@yahoo.com
Subject: neelon lane

I have attached proposed documents pertaining to dismissal of the action upon the pending sale. Please advise so that we can proceed in a timely fashion to accomodate the closing date, and didpose of this matter. Thomas J. Valkevich

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

Revised Draft – April 5, 2012

Minor Site Plan Decision
A123 Systems – 34 West Street

You are hereby notified that on April 10, 2012, at a duly called and properly posted meeting, the Medway Planning and Economic Development Board acted on the application of ***A123 Systems, Inc. of Westborough, MA for approval of a minor site plan for the installation of one mobile containerized Battery Energy Storage System (BESS)*** on a 5,700 square foot portion of the NSTAR Gas and Electric #65 Substation site at 34 West Street.. After reviewing the application and information compiled during the public review process, the Board, on a motion by _____, seconded by _____, approved the application with CONDITIONS noted herein and with WAIVERS from the *Site Plan Rules and Regulations.* Those voting in favor were _____ _____.

Robert Tucker abstained from voting as he was absent from the 3-13-2012 meeting when the Board reviewed the project.

SITE INFORMATION - The application pertains to a small portion of the 48.74 acre property at 34 West Street, near the intersection of West and Beech Streets. The parcel is located in the Industrial II zoning district, shown as Medway Assessors Parcel 2-59. The property is owned by Sithe West Medway LLC, a subsidiary of Exelon Corporation with which NSTAR Electric holds a long term lease agreement for its substation.

PROJECT DESCRIPTION/SCOPE OF WORK - A123 Systems proposes to install one mobile containerized BESS on a small portion of the subject parcel. A123 Systems has a 5 year site license with NSTAR for this pilot alternative technology project, which would be NSTAR's first in Massachusetts. The BESS uses advanced Nanophosphate lithium batteries to minimize and levelize changes in NSTAR's electric power system. This demonstration project will study, test and showcase the performance and reliability benefits of using a BESS within a suburban electric grid system for "capacity firming and ramp management." This project is part of the ISO-NE Alternative Technology Regulation (ATR) Pilot Program and is considered a green technology.

As proposed, the BESS will be located in a new fenced in yard adjacent to and south of the existing NSTAR substation building. The BESS container measures 53' long x 8.5' wide x 9.5' high. Auxiliary components to the BESS container include a 2 MW external inverter and various cabinets for a chiller, transformers, meters, etc. Lighting and landscaping are also proposed. When installed, the BESS will appear to be an extension of the existing NSTAR substation. Vehicular access would be provided from West Street via a partially paved, partially crushed stone driveway, 77' long by 16' wide. No personnel will work on site on a regular basis; access is needed only for routine and intermittent maintenance and emergency workers if ever necessary.

The site plan application, site plan drawings and supporting documentation were filed with the Town of Medway on February 13, 2012. The BESS site plan drawings are dated February 7, 2012 and were prepared by Vine Associates, a division of GZA GeoEnvironmental, Inc. Engineers and Scientists of Norwood, MA.

The complete application, proposed site plan, and all associated reports were on file with the Medway Town Clerk and the Planning and Economic Development office at the Medway Town Hall, 155 Village Street, Medway, MA and were available for inspection Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The plans were also posted at the Planning and Economic Development web page at: http://www. townofmedway.org.

PROCEDURAL SUMMARY

January 5, 2012	Medway Building Inspector/Zoning Enforcement Officer John Emidy provides a written determination that the proposed scope of work constitutes a minor site plan project pursuant to the Site Plan section of the Medway Zoning Bylaw.
February 13, 2012	GZA GeoEnvironmental, on behalf of A123 Systems, submits an application for minor site plan approval to the Medway Planning and Economic Development Board. A meeting of the Medway internal inter-departmental review team met with the applicant and its consultants to review the project and provide information on other needed permits.
February 23, 2012	Notice of the 3-13-2012 Public Briefing is mailed to abutters within 300' feet of the subject parcel. The Public Briefing Notice was posted with the Medway Town Clerk and at the Planning and Economic Development page on the Town's web site.
February 23, 2012	Plans circulated to Town staff requesting review comments.
March 13, 2013	Public Briefing is opened and closed.

INFORMATION PROVIDED:

Application for Minor Site Plan Review dated February 9, 2012

Project Description/Narrative dated February 10, 2012 prepared by GZA GeoEnvironmental, Inc. of Norwood, MA – Michele Simoneaux, Peter Williams, P.E. and Gregg McBride

Stormwater Report – A123 Systems BESS Project, 34 West Street, Medway, prepared by Peter J. Williams, P.E., GZA GeoEnvironmental, Inc.

Request for Waivers from Site Plan Rules & Regulations – prepared by GZA GeoEnvironmental, Inc.

Section 204-3 (A) (7)	Development Impact Statement
Section 204-5 (C) (3)	Inventory of Existing Landscape on Site
Section 204-5 (D) (7)	Landscape Architectural Plan
Section 204-5 (D) (10)	Building Layout/Floor plan

The proposal is shown on plans titled *Battery Energy Storage System (BESS), A123 Systems Inc. NSTAR Station 65 West, 34 West Street, Medway, MA* dated February 7, 2012, prepared by VINE Associates, a division of GZA GeoEnvironmental, Inc. as follows:

Drawing C	Cover
Drawing 1	Site Context Plan
Drawing 2	Existing Conditions Plan
Drawing 3	Proposed Site Plan
Drawing 4	Landscaping, Architectural and Lighting Plan
Drawing 5	Details

TESTIMONY & REVIEW COMMENTS

Applicant & Representatives

- Michele Simoneaux and Peter Williams of GZA GeoEnvironmental, Inc.
- Chris Quaranta, Roger Lin and Jim Frawley of A123 Systems
- Kevin McCune, Richard Anderson, Frank Snyder and Duane Boyce of NSTAR

Review Comments

- Gino Carlucci, PGC Associates, Medway's Consulting Planner – March 8, 2012
- David Pellegri, Tetra Tech, Medway's Consulting Engineer – March 9, 2012
- John Emidy, Medway Building Commissioner – March 6, 2012 re: compliance with noise standards

ACTION on WAIVER REQUESTS - Approved

Section 204-3 (A) (7)	Development Impact Statement
Section 204-5 (C) (3)	Inventory of Existing Landscape on Site
Section 204-5 (D) (7)	Landscape Architectural Plan
Section 204-5 (D) (10)	Building Layout/Floor plan

CONDITIONS OF APPROVAL

1. ***Plan Revisions*** – The final plans presented for the Board's endorsement shall include the following revisions:
   a. A signature box shall be provided on each sheet of the plan set for the endorsement signatures of Planning and Economic Development Board members.
   b. A Decommissioning Plan including a drawing and narrative acceptable to the Planning and Economic Development Board shall be included in the plan set as Drawing #6 and shall also be listed on the Cover Sheet.
   c. The landscaping plan shall be revised pursuant to the PGC review letter dated 3/8/2012 – Zoning Comments, Item #3. (Attached)
   d. Other technical revisions as specified in the Tetra Tech letter dated 3/9/2012. (Attached)

2. ***Signage*** – Signage on the BESS container will need to secure a permit from the Medway Building Commissioner which shall include a review by the Medway Design Review Committee and a Letter of Recommendation.

3. ***Curb Cut for Driveway*** – The applicant shall secure a *Street Opening Permit* from the Medway Department of Public Services prior to any site construction/installation.

4. ***Plan Endorsement*** - Within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a *Certificate of No Appeal* from the Town Clerk and a final site plan reflecting all required revisions specified herein to the Board to review for compliance with the Board's *Decision.* The Applicant shall provide an original of the site plan in its final form to the Board for signature/ endorsement. After endorsement, the Applicant shall provide 6 full copied sets of the endorsed plan documents to the Board plus an electronic file.

5. ***Project Completion*** - Prior to the issuance of a permanent occupancy permit, the applicant shall provide the Board with a written certification of a professional engineer and/or architect registered in the Commonwealth of Massachusetts that all construction and site work has been completed in strict compliance with the site plan decision and the approved and endorsed site plan.

APPEALS - Any person aggrieved by the Board's *Decision* may appeal such to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk.

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PLANNING & ECONOMIC DEVELOPMENT BOARD MEMBERS:

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_____

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_____

Date: _____

ATTEST:

_____

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

cc: John Emidy, Building Commissioner
Thomas Holder, DPS Director
Suzanne K. Kennedy, Town Administrator
Michele Simoneaux, GZA GeoEnvironmental, Inc.
Karen Skinner-Catrone, Conservation Agent
Alan Tingley, Police Chief
Paul Trufant, Fire Chief

DRAFT – April 9, 2012

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Decommissioning Plan Narrative
April 6, 2012

The Town of Medway Planning and Economic Development Board approved the Minor Site Plan for the installation of the Battery Energy Storage System (BESS) on April 10, 2012 included Condition 1b of the Approval which required a Decommissioning Plan. This narrative is provided in support of Drawing #6 of the plan set which shows the Decommissioning Plan.

The decommissioning of the site will include:

1. Removal of the primary electric service system including the pad mount transformer, metering package, safety switch, BESS inverter and all associated AC service cables. Electrical equipment removal including the pad-mounted transformer, primary metering and safety switch;
2. Removal of the transformer and safety switch foundations to 6 inches below grade;
3. Removal of the fiberglass pad supporting the primary metering installation;
4. Removal of the chain link fence;
5. Removal of the BESS system which includes:

    a. The installation and or maintenance of the BESS inverter
    b. The BESS batteries, trailer and associated interconnections
    c. Control cabinet and associated interconnections
    d. Inverter and associated DC or auxiliary power interconnections
    e. Chiller and associated interconnections
    f. Auxiliary power main switch and associated connections
    g. Storage within the fenced in area.

6. Break up and removal of any exposed conduits and supporting equipment slabs or pillars for the above in item 5 to six inches (6") below grade;
7. An application for follow-up work to disconnect and remove the pole mounted transformer and wires associated with the auxiliary power service;
8. Removal of trap rock within the BESS fence line as well as the driveway. Note that the curb cut and associated paved entry apron will be kept in place;
9. Removal or relocation of shrubbery to another on-property location approved by NSTAR and,
10. Regrading and the addition of loam and seed to disturbed areas, as needed.

The language in this document does not supersede any obligations defined previously in the site license or option agreements between A123 and NSTAR.

January 24, 2012
Medway Planning and Economic Development Board
Medway Senior Center – 76 Oakland Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Rizzo
Barbara Saint Andre, Town Counsel
Thomas Holder, Director Medway DPS
Owen Sullivan, Speroni Acres developer
Lou Caccavaro, attorney for Owen Sullivan
Rick Merrikin, Merrikin Engineering for Owen Sullivan

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

Minutes:
January 10, 2012:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from the January 10, 2012 meeting.

Release Subdivision Covenant – 25 Azalea:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the release of subdivision covenant for 25 Azalea Drive. (See Attached.)

Speroni Acres Neighborhood Meeting

The Chairman introduced the board members of the Planning and Economic Development Board.

The members of the audience introduced themselves.

The Chairman explained that the Planning and Economic Development Board invited the Speroni Acres neighborhood to the meeting for the purpose of updating the neighbors on where things stand with various aspects of the subdivision and to inform the neighbors of what issues need to be addressed as the possibility of street acceptance is considered.

The topics to be covered for the evening include status of the stormwater drainage, needed repairs, ownership of and responsibility for the force main sewer system in the neighborhood, and steps for the streets to be "accepted" as public ways by the Town.

Dave Pellegri of Tetra Tech Engineering, the Town's engineering consultant, explained the drainage history of the site along with explaining current conditions. There were visuals of the site shown. He explained that the approved subdivision plan was signed in 1998. The drainage ponds were highlighted in yellow. There is an easement line in blue. The red line is the sewer line. The green line is the wetland line. Since this time, an as-built plan was presented in 2004. VHB, the Town's prior consulting engineer, found and concluded that the as-built plan did not represent the actual conditions in the field. Next, the developer hired another engineer and another as-built was prepared. This was provided and shown. The 2009 as-built shows three detention basins. Basin #2 as constructed does not fall within the drainage easement boundary as shown on the definitive subdivision plan.

Dave communicated that he was asked to confirm the location of the detention basins. A survey was done and it was verified that the 2009 as-built is accurate. Dave indicated that he has met with Rick Merrikin of Merrikin Engineering regarding the performance of the basins. The basins appear to be in the same area but are a different shape. He checked to make sure the basins would perform as designed. There were minor modifications of the outlet structures. This was reviewed. Dave agreed with the evaluations.

The calculations for basin #2 are ok. The issue is that it falls outside the easement.

The other basins function and have stabilized with mature growth. The recommended approach is to leave the basins as they are but modify the outlet structure so that the capacity is the same.

One of the residents indicated that he lives next door, and during the heavy storms last March the basins were functioning.

The next part of the presentation was from the Department of Public Services Director, Tom Holder. He communicated that the knowledge he has is limited since he recently came on board with the Town and he is not in a position to discuss the layout. He did read all the materials presented. It is his view that the Town will not take the ownership of the force main system.

Dave Pellegri indicated that he did review how the system functions and the liquid goes down to a manhole. This is a force main with individual systems. The force main comes down Rustic Road and then becomes a gravity system which goes to Summer St.

Owen Sullivan communicated that he was asked to put a second line in just for others who may want to tie into the system in the future.

The Chairman noted that the second line should be shown on the as-built plan.

Rich Merriken indicated that he will work with the as-built plan preparer to develop an as-built plan that shows everything.

Tom Holder noted that the town will only accept flow from gravity line. This will start from the manhole on Summer Street.

Member Rogers responds that the Water and Sewer Commission has no responsibility for the operational side of the force main system.

Chairman Rodenhiser explained that the Water and Sewers stance was to not allow force mains in the public way.

The residents explained that currently, when there is a break, whoever's property the break happens on, is the one who pays for it.

Chairman Rodenhiser reiterated that by forming an association, this allows the association to deal with problems in a more efficient and fair way.

An abutter responded that he appreciates that the neighbors were notified. He does not want to create an adversarial atmosphere. He wants to know what was the basis for the Department of Public Services to not accept the force main system.

Ton Holder responded that it was not originally intended to be accepted.

The abutter again asked, what is the basis for it not being accepted?

Tom Holder responded that on each deed it specified that there are individual pumps. Another reason is that the force main is on private property. The meeting minutes of the Water/Sewer board indicated that there would be a Homeowner's Association formed and abutters would need to get the approval and join the association. This was always intended to be managed by the homeowners association.

Chairman Rodenhiser further explained that he has tried to get the Water and Sewer Commission to accept a force main system in the 495 industrial park area. It has been a long standing policy of the Town to not allow force main systems.

The abutter wanted to know why establishing a home owners association was not part of the subdivision approval. It is impossible to form an association now. This is not practical.

The Chairman responded that the Planning Board does not cover anything to do with the permitting process for Water and Sewer Commission.

The abutter also wanted to know why two property owners on Summer Street did get approval to join the system.

One resident wanted to know how Fasolino was able to tie into the Town system for his property at 25 Summer Street.

Susy Affleck Childs communicated that when the Planning Board reviewed this, Mr. Fasolino indicated that he secured permission from Owen O'Sullivan to tie in. The information about the ownership of the sewer system was not as clear then as it is now.

Dave Pellegri expressed that the easements are labeled but need to be defined.

Chairman Rodenhiser communicated that the easements are probably owned by Owen O'Sullivan, but they may not be recorded.

Owen O'Sullivan responded that the easements are recorded, and his thought is that they were going to the Town of Medway.

The Chairman communicated that the easements could be deeded to a Homeowners Associations. One of the residents noted that it will be difficult to put together a Homeowners Association at this point.

Lou Caccavaro, the Attorney for Owen O'Sullivan, communicated that it is not difficult to form a Homeowners Association.

An abutter asked if the easements are owned by Owen, would that change the DPW position?

Tom Holder responded that he would be legally bound to maintain the easements if those were given to Town.

Town Counsel indicated that the Town does not have to accept easements.

One of the residents wanted to know would the town have the right to refuse street acceptance.

Town Counsel Barbara Saint Andre responded that yes the town is not required to accept any street.

Another resident asked what happens if a break happens in the middle of the line?

Chairman Rodenhiser responded that if there is a break, the Town has no obligation to do anything. There is still a subdivision bond in place. The insurance company providing the bond cannot get a release until this is approved. The Town has been working on this for three years. There are lots of issues which need to be resolved.

Owen O'Sullivan communicated that he did not build the houses or put the systems in. This was done by different builders. He subdivided the land and sold off house lots. He did not install any of the systems. He did communicate to each builder that they had to leave a stub for each parcel.

One of the residents wanted to know if there was a signed sewer plan.

Member Rogers responded that the Water & Sewer Board would not accept a force main system. The issue came up 2 years ago when an overflow problem happened at Rustic Rd. When the residents of Speroni Acres signed their deed this must have been indicated. He further explained that a Homeowners Association works great in the Commonwealth.

Owen O'Sullivan explained that the design was always to have individual pumps at each house.

Rich Merriken communicated that this is want is called a low head sewer system. The purpose of this type of system is to service only a few houses. This is an E1 pump. This is very common on the Cape and not unusual. He has seen it in Medfield, Walpole and Hopkinton.

Town Counsel Barbara Saint Andre explained the street acceptance process. The first step is making sure that the subdivision is completed. The as-built plan must be prepared and a street acceptance plan presented to Board of Selectmen. The Board of Selectmen will determine if they accept the layout. Then it will be sent to the Planning Board for acceptance at which point it goes to the Town Meeting for a vote of the town. All of the titles and easements will need to be examined. There are 120 days to get all this recorded after the town meeting. If there is no clear title, it could be taken by eminent domain.

Member Tucker noted that basin #2 falls out of the easement and this will need to be rectified.

NOTE – In January 2011, Owen Sullivan filed a subdivision plan modification to reflect the changes that need to occur in the detention ponds. There is a 10 to 15 foot strip needed to maintain this and would involve the property owner granting an easement. The easements will need to be looked at. This impacts only Lot #9.

The Attorney communicated that the work on the modification plan has been completed.

Rich Merrikin noted that an easement plan will need to be presented. This will need the consent of the homeowner.

Susy Affleck Childs communicated that the town needs to get the funds from the developer to work on solving some of the issues. The Town cannot proceed without the funds to compensate the Town's various consultants.

One of the residents wanted to know how to get a picture of the sewer system.

Susy Affleck-Childs communicated that all plans are available to the public, but an updated as-built plan is forthcoming.

Engineer, Rich Merriken responded that he will be working to secure an updated as-built plan which will include the sewer.

One of the residents suggested having a follow-up meeting on the easements.

The Planning and Economic Development Board informed the residents that it is their responsibility going forward to check the website for an agenda item which might include the discussion of Speroni Acres. It was further communicated that they may call Susy Affleck-Childs to ask for information.

ZONING BYLAW AMENDMENTS DISCUSSION

ARI Estate Lots:
The Board is in receipt of the revised draft dated 1-23-201. **(See attached.)** A new item #7 was added. The purpose of the estate lots is to provide, through a special permit, for the reasonable use/development of residential parcels which significantly exceed the minimum lot area required by the Zoning District but which do not have the required minimum frontage. The Planning and Economic Development Board or Zoning Board of Appeals may grant a special permit for development of a single family dwelling on a lot in the ARI district which lacks the minimum frontage by designating it as an estate lot. This designation could be for pre-existing parcels or to newly established parcels.

The Board was in agreement that this would help homeowners with backland. It was recommended that Susy speak with the Board of Assessors to determine how many parcels exist which could use this designation.

The sections #8 & #9 need to be reworked. Tom Gay was not comfortable with the language regarding an estate lot shall not be permitted adjacent to any other estate lot. This would create a situation of who was there first? The Board is not comfortable with this.

This document will be revised and presented again to the Board for review

Adjourn:
On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Future Meetings:
The next meetings scheduled are: Tuesday, January 31st & February 14 2012.

The meeting was adjourned at 9:40 PM.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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

June 28, 2011

CERTIFICATE OF ACTION
25 SUMMER STREET – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(APPROVED with Waivers and Conditions)

I. DESCRIPTION: The proposed *25 Summer Street Definitive Subdivision Plan* is a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7. The proposal also includes use of swales and a small stormwater basin for infiltration; and installation of sewer and water to connect to existing systems. The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. PROCEDURAL SUMMARY: With respect to the *25 Summer Street Definitive Subdivision Plan,* the Planning and Economic Development Board hereby certifies that:

1. On January 19, 2011, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan*, dated January 10, 2011 prepared by Faist Engineering of Southbridge, MA. A preliminary subdivision plan was not filed for this project.

2. On February 22, 2011, it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.

3. On March 8, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed on February 21, 2011 and March 1, 2011 in the *Milford Daily News*. Abutter notice was sent by certified mail on February 16, 2011. The public hearing was continued to April 12, 2011, May 10, 2011 and May 24, 2011 when it was closed.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the 25 Summer Street Definitive Subdivision Plan were conducted over the course of four (4) Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the applicant submitted a definitive subdivision plan to the Town in January 2011. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan – Faist Engineering, Inc.
January 10, 2011, Revised – April 20, 2011

Drainage Calculations - Faist Engineering, Inc.
January 10, 2011
Revised – April 20, 2011

Waiver Requests
January 14, 2011 letter from Fasolino Home Improvement, Inc.
Revised – April 20, 2011

Town Engineering Consultant Review Letters – Dave R. Pellegri, P.E., Tetra Tech Rizzo
March 4, 2011
May 4, 2011

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
March 3, 2011
May 5, 2011

Supplemental Information Provided By Applicant
April 8, 2011 letter from Sumner & Milford LLC giving permission to tie into the existing sewer system at Speroni Acres.

Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction.

Citizen/Resident Letters - None

Citizen/Resident Testimony
Robert Condon, 3 Rustic Road (5-10-11 public hearing)

Professional Review/Testimony
Gino Carlucci, AICP, PGC Associates, Inc.
Dave R. Pellegri, P.E., Tetra Tech Rizzo
David T. Faist, P.E., Faist Engineering, Inc. for the applicant

Medway Departmental/Board Review Comments
Dave Damico, DPS, via email dated May 18, 2011

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Medway Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm *drainage and stormwater management facilities, water supply, and sewage disposal system including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans. This was not done, and a waiver is requested.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- *Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.*

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 – *Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.*

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 5.7.27 *– The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

SECTION 5.7.28 *– Streetlight Locations – Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board grants this waiver request.

SECTION 5.7.31 *– Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L. Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

SECTION 5.7.32 *– Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

SECTION 5.20.2(a) *– Ways and service to be complete before such lot may be built upon.*

FINDINGS - While this is only a 2 lot subdivision with a private way/shared driveway rather than a complete public street, the Board finds that it is in the best interest of the Town to ensure that sufficient infrastructure is in place prior to releasing any lots for house construction. This includes that portion of the roadway within the street right-of-way to be paved with a binder course as well as a functioning drainage system. Therefore, this waiver request is denied.

SECTION 6.4.1 *– No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.*

FINDINGS – The Applicant is requesting that the Board to allow for building permits with no occupancy until the completion of the driveway base coat. As stated above, the Board requires that a binder course for the driveway and functioning drainage system be in place prior to the release of lots for house construction purposes. Therefore, this waiver request is denied.

SECTION 6.8 *– Procedure for Street/Infrastructure Acceptance.*

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the Subdivision Rules and Regulations is still required.

SECTION 7.7.2. p) *– Stormwater Management Procedure. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way.*

FINDINGS – The Applicant proposes two (2) interconnected dry detention basins located within the separate Parcel "A", which also includes the shared driveway. Each dry basin is located within 10 feet of the property line of both lots, which will benefit from their construction. Due to the minimal size of the basins as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5a) *– The minimum centerline grade for any street shall not be less than two percent (2%).*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

SECTION 7.9.7 g) *– The minimum roadway width for a "Permanent Private Way" is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses and the waiver request is granted.

SECTION 7.10.2 *– Curbs. "Permanent Private Way" is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

SECTION 7.11.1 *– Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

SECTION 7.11.2 *– The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin.*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the Subdivision *Rules and Regulations* (April 26, 2005).

SECTION 7.13.3 *– Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways. In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and or other public improvements.*

FINDINGS *– As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.*

SECTION 7.17.1 *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Meaway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The Applicant is not proposing to install a fire alarm system as both lots already have frontage on Summer Street. The Board finds that there is no need for a fire alarm system for this 2-lot subdivision. Therefore, this waiver is granted.

SECTION 7.17.2 – Fire hydrants shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets.

FINDINGS – No new fire hydrant is proposed to be installed within this subdivision as there an existing hydrant located within 300 feet of the property on the west side of Summer Street. Therefore, the Board finds that this waiver request is unnecessary and thus is denied.

SECTION 7.19.2 *– To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.19.4 *– Trees approved for planting are: Shademaster, Honey and Skyline Locust; Sugar Maple; White, Scarlet, Pin and Northern Red Oak; Bradford and Aristocrat Pears; London Planetree or other species if approved in advance by the Tree Warden. At least three (3) species shall be planted in every subdivision and they shall be staggered so that no one species shall be planted next to a like species.*

FINDINGS – Since the Board has granted a waiver request from the requirement to plant street trees, this regulation is not applicable and the waiver request is thus denied.

SECTION 7.20 *– Street and Traffic Control Signs and Names.*

FINDINGS – As plan provides a shared driveway/private roadway, the applicant proposes that the two house lots have Summer Street addresses and therefore has requested a waiver from the street sign requirements. However, the addresses of 25 and 27 Summer Street are already in use. Therefore, the Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots, this waiver request is denied.

SECTION 7.21 *– Street Lights*

FINDINGS – Since the Applicant proposes a private roadway/shared driveway serving only 2 homes, the Board finds that no street lighting is needed for the subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet south of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.21 *– Walkways and Bikeways. It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine.*

FINDINGS – The Applicant is proposing only one additional house lot. Since the subdivision's 2 lots have frontage on Summer Street which has a brand new sidewalk as well as shoulders to accommodate bicycles, the Board finds that no additional facilities for pedestrians or bicycles are warranted and this waiver request is granted.

SECTION 7.25.1 *– Monuments shall be installed along the roadway layout at all points of curvature and angle points. Monumentation shall be provided at easements at each angle point along the easement where the lot line intersects the street right-of-way, and at other points where, in the opinion of the Board, monuments are necessary.*

FINDINGS – The Applicant is proposing the shared driveway to remain private and feels the monumentation requirement is not necessary. However, The Board finds that it is important for the right-of-way and the various easements to be clearly identified where maintenance responsibilities will be shared by the owners. Therefore, the Board denies this waiver request.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.

4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.

5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals for to use the two house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers to approve the above noted Waiver Findings. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers to approve the above noted Mitigation Plan. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh, to act on the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers, to approve the ***25 Summer Street Private Way Definitive Subdivision Plan***, dated January 10, 2011, last revised, April 20, 2011, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

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

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.

3. *Ownership of Summer Valley Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Summer Valley Road Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway) including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.

4. The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all easements to the Summer Valley Lane Homeowners Association before the Board approves the final bond release or, if there is no bond, then approval of the as-built plan.

5. Prior to endorsement, the 25 Summer Street Definitive Subdivision Plan last dated April 20, 2011 shall be further revised to include the following:
   a. The final plan revision date on all plan sheets.
   b. Update list of approved waivers on the cover sheet
   c. The 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction shall be added to the plan set.
   d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
   e. Insert the street name for the new private roadway/shared driveway (Summer Valley Lane) on all plan sheets. Show location of street and traffic control signs.
   f. Note 5 on the Cover Sheet shall be revised to specifically reference a Subdivision Covenant.
   g. Another note shall be added to the NOTES section on the cover sheet to indicate that present and future owners are also subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision.*

6. Prior to endorsement, the Applicant shall provide copies of the recorded deed verifying the Applicant's ownership of all properties comprising the 25 Summer Street Subdivision. The Board may refer such documentation to the Board of Assessors for review and confirmation.

7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Summer Valley Lane as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone.* The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision.*

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the Summer Valley Lane Homeowners Association, for review, comment, amendment and approval by Town Counsel.

12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the Summer Valley Lane Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the 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

13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Summer Valley Lane Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.

15. The 2 houses in the subdivision will have their sewer tied into the pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned pipeline system intended to be owned, operated and maintained by a homeowners association, not the Town of Medway. The applicant has represented that the system was designed for a tie-in from his property and that he has rights to such a tie-in. Therefore, the applicant is wholly responsible for ensuring that any such rights are valid. Furthermore, the applicant's obligations regarding any costs or responsibilities pertaining to such tie-in as well as ongoing operation and maintenance of the pipeline system are a private matter between the applicant and the owner of that system. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system.

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.

17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision

18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account *(with the Town of Medway)* at an area financial institution with which the Applicant is placing a cash bond.

19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.

20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer.

21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the *"Order of Conditions"* shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification.

    Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

22. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

24. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.

25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION

Date of Action by the Medway Planning & Economic Development Board
June 28, 2011

AYE: ***NAY:***

Date Signed: 6/28/11

Attest: 6-28-2011
Susan E. Affleck-Childs — Date
Planning & Economic Development Coordinator

Copies To: Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Bill Fisher, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the Town Clerk:

RECEIVED
JUN 29 2011
TOWN CLERK

Sumner & Milford LLC,

20 Rex Drive Braintree Ma

02184

Sumner and Milford LLC. gives permission to Michael Frazolino to tie into the existing sewer system at Speroni Acres in Medway Massachusetts. All excavation must be restored back to existing conditions and must stay within all existing easements. All work must follow all state and local rules and regulations.

Owen Sullivan Partner: 4/8/11

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Monday, March 12, 2012 10:09 AM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser; andyrodenhiser@gmail.com; Thomas Holder; Suzanne Kennedy
Subject: 25 summer street subdivision - plan modification

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

Susy, I am not sure that I have the most recent version of the PEDB's Subdivision Regulations, but I note that Section 5.21provides that the definitive plan shall not be endorsed until: "5.21.17 The Applicant has provided verification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights of way is in the Applicant's name and free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements." If the applicant has only provided a copy of a deed for the easement, that does not establish that the applicant has an easement free of all encumbrances. A title report would provide more specific information as to the validity of the title.

In my further opinion, the PEDB has the authority to ensure that a subdivision that is planning to use sanitary sewers that will tie in (eventually) to the public sewer system has an adequate system and a means of entering the public sewer. With respect to PEDB regulations ensuring adequate provision for sanitary sewers, see Section 1.3 Purpose; §5.7.19; and §5.16.3 (determination that development does not entail unwarranted hazard to safety, health, and convenience of future residents of the development or of others because of possible environmental degradation). Most clearly on point, Section 7.6.2(d) provides that proper extensions to existing public sewer systems shall be provided and made.

General Laws chapter 41, §81M provides that the Subdivision Control Law is enacted to protect the safety, convenience and welfare of the public, including ensuring sanitary conditions in subdivisions. "The powers of a planning board....shall be exercised with due regard for...securing adequate provisions for water, sewerage, drainage..." G.L. c. 41, §81M. In K. Hovnanian at Taunton v. Planning Board of Taunton, 32 Mass. App. Ct. 480 (1992), the court upheld the planning board's denial of a subdivision where the developer could not show that it would be able to tie in to the town sewer. The subdivision plan showed a tie in to a line on South Walker Street, but the developer had been informed by the sewer department that it could not tie into that line. Taunton had an agreement with the town of Dighton for sewage disposal, but the agreement was silent as to whether a land owner, such as the plaintiff, could tie into the South Walker Street line without the approval of the town of Dighton. The planning board regulations were discussed by the court:

> Section 211(2)(C) of art. II provides that, if the applicant proposes to interconnect with the Taunton municipal sewerage system, the definitive plan must be accompanied by (i) a statement by the supervisor of the sewer department "of the conditions on which the city will sewer the subdivision," and (ii) a statement of the supervisor approving the engineering features of the proposed sanitary sewers. To the same effect is art. III, § 315(1), which provides that sanitary sewers shall be designed "to provide connection to municipal sewerage system, as approved by the sewer supervisor." These regulations are reasonable requirements designed to assure an adequate and proper sewerage system for the subdivision.

Id. at 484. The court ruled that the developer had not complied with the regulations and that the regulations were within the scope of the board's authority. "Moreover, the required regulations may impose the reasonable obligation that an applicant show that it "has *perfected arrangements* which will make possible service of the subdivision by the usual utilities ...," including sewer." (emphasis added) Id. In my opinion the Medway regulations, in particular Section 7.6.2(d) require the developer to demonstrate that it can tie into the town sewer system.

If you have further questions in this regard, do not hesitate to contact me.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313

bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Friday, March 09, 2012 3:21 PM
To: Barbara Saint Andre
Cc: Andy Rodenhiser; andyrodenhiser@gmail.com; Thomas Holder
Subject: RE: 25 summer street subdivision - plan modification

Hi Barbara,

I wonder if you have any guidance for me about the PEDB requiring Mike Fasolino to provide documentation that Owen Sullivan has the right to authorize Mike to tie in the two house lots at 25 Summer Street to the Speroni Acres private force main sewer system. It is my intention to be as specific as possible when I communicate with Mike about with what information he needs to give us.

Another question . . is even asking for this info reasonably within our subdivision authority? If not the PEDB, who has authority to ensure that there is adequate and legally provided sewer service?

Thanks.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

From: Susan Affleck-Childs
Sent: Thursday, March 01, 2012 2:36 PM

To: 'Barbara Saint Andre'
Subject: RE: 25 summer street subdivision

Hi,

Tuesday, we received the application to modify the plan for 25 Summer Street. I have scheduled a public hearing for March 27th. Per your previous recommendation, I have communicated with the owner (Mike Fasolino) and asked whether there is a mortgage and if so, to secure a sign off.

I have a follow-up question on the 25 Summer Street subdivision regarding their planned hook up to the private sewer system in Speroni Acres. During the initial subdivision plan review of this project last spring, Mike Fasolino provided us with a signed letter from Speroni Acres developer Owen Sullivan authorizing Mike to tie these 2 lots into the Speroni Acres force main. That was acceptable to us at that time.

However, in light of the insights (!?!?) we gained at the recent Speroni Acres neighbors meeting, I want to be more specific on this matter. I believe I should ask for "proof" that Owen Sullivan has the right to grant such permission. I need your help to come up with the language!! I am not sure that Owen Sullivan still owns the force main sewer easements!

Thoughts, oh wise one on how I should frame this communication??

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

Medway Subdivision Rules & Regs -

construction. Control measures can include erection of walls, drains, dams and structures, planting vegetation, trees, shrubs, furnishings, necessary easements, and may specify a method of performing various kinds of work, and the sequence and timing thereof. A timetable outlining anticipated construction activity and associated erosion and sedimentation control measures shall be submitted to the Board. All work shall be subject to periodic inspection by the Board or Board's agents.

7.6 ***UTILITIES***

7.6.1 ***Excavation*** - Excavation for structures, including foundation for drains and water pipes, retaining walls and other structures shall be made to the depth as indicated on the Definitive Plan or established by the Board's Agent as field conditions warrant. Any unsuitable material, as determined by an agent of the Board, encountered within the limits of the roadway shall be excavated to its full depth and shall be replaced with a clean granular gravel conforming to the gradation of the roadway subbase.

7.6.2 ***Installation*** - All drain, sewer, gas and water pipes, underground utilities, and other structures shall be installed upon the completion of the roadway subgrade and before the placing of the sub-base, gravel base course, sidewalks or pavement. Utilities shall not be located underneath landscaped islands in cul-de-sacs.

a) *Extension of Utilities* - Where adjacent property is not subdivided or where abutting developed lots are not served, or where all the property of the Applicant is not being subdivided at the same time, provision shall be made for the extension of the utility system by continuing the mains the full length of streets and to the exterior limits of the subdivision, and service connections to the property lines of above-mentioned abutting developed lots at such grade and size which will, in the opinion of the Board, permit their proper extension at a later date.

b) *Water Facilities Installation* - Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.

c) *Water Supply* - Potable water of quality and quantity acceptable to the Board of Health for domestic use, and for fire protection shall be provided in each subdivision. The Board will not approve a subdivision plan where no municipal water supply is available within a reasonable distance of the subdivision, as determined by the Board, unless adequate groundwater supply is available at the sites in the opinion of the Board acting with the advice of the Board of Health.

d) *Sewer* - Sewer manholes, sewer service laterals and other sanitary sewer components shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate municipal sewer service. Sewer facilities must conform to the Medway Sewer Department Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper extensions to existing public sewer systems shall be provided and made.

e) *Septic Facilities* – Every lot in the proposed subdivision so located that it cannot be served by a connection to the municipal sewer system shall be provided with septic tank and drain-field satisfactory to the Board of Health and the Commonwealth of Massachusetts Sanitary Code minimum standards as determined by the Board of Health. A note shall be added to all plans as follows: *"No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code."* Approval of a Definitive Subdivision Plan by the Board does not absolve the applicant of any other requirements of the Board of Health.

f) *Gas* - Gas mains shall be installed if gas connection is available unless said installation is specifically waived by the Board. Gas systems shall meet the specifications of the Gas Company.

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

h) *Spare Underground Conduit* – A spare communication conduit shall be installed in the same trench with electric, telephone, and cable conduit for future use by the Town of Medway. Conduit shall be three inch (3") Schedule 40 PVC. The installation shall be clearly shown on all plans and shall conform to the relevant provisions of Section 801 of the Specifications. Conduit shall have a minimum of four inches (4") of topsoil and sod cover in unpaved areas.

7.7 ***STORMWATER MANAGEMENT***

7.7.1 ***General Requirements*** - Approval of subdivision plans may be withheld until the Board is provided with complete documentation that the proposed subdivision will not result in any increase in the rate or volume of stormwater runoff from natural or existing conditions, or that adequate provisions will be taken to maintain the volume and rate of runoff at its natural or existing level. The objective of this regulation is to maintain the integrity of existing natural drainage patterns, in order to provide adequate stormwater drainage, prevent flooding, and avoid alteration of existing stream channels.

7.7.2 ***Procedure*** - The design of the storm drainage system will conform to the following procedure and requirements. This procedure may be modified by the Board to better suit the problems and specific needs of a particular site.

LAND USE AND PLANNING LAW

Zoning, Subdivision Control, and Nonzoning Alternatives

Second Edition

Mark Bobrowski

ASPEN
PUBLISHERS

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[D] Traffic

Mass. Gen. L. ch. 41, § 81M states that any plan conforming to the subdivision rules and regulations of the planning board and the recommendations of the board of health must be approved. Thus, the board is not free to disapprove a plan because of traffic impacts to the city or town; the statute does not enable such discretionary powers. In *Mac-Rich Realty Construction v. Planning Board of Southborough,* the court held that "[a]n otherwise proper subdivision plan may not be disapproved on the grounds that the subdivision will adversely affect traffic patterns or municipal services in the community as a whole."[95]

Nonetheless, the issues of traffic and access adequacy are inextricably linked. In *Canter v. Planning Board of Westborough,*[96] the court limited the holding of *Mac-Rich.* The earlier decision frowned upon consideration of traffic impacts to the community as a whole. In *Canter,* the court suggested that the review of traffic on ways adjacent to the proposed subdivision was permissible.[97]

This position was confirmed in *North Landers Corp. v. Planning Board of Falmouth.*[98] The decision hints that any city or town wishing to use traffic as a factor in subdivision decisions should state its requirements in the framework of access adequacy.[99] Where a subdivision is served by "adequate" roadways but generates too many traffic trips to please the planning board, the board may not exceed its access requirements to deny the plan.[100]

§ 17.10 SEWERS AND WASTEWATER DISPOSAL

Mass. Gen. L. ch. 41, § 81M states that a planning board may exercise its powers under the subdivision control law to secure adequate provision for sewerage.

[A] Individual Sewage Disposal Systems

The appeals court has ruled that the planning board has no jurisdiction over "health questions with respect to the disposal of sewage in a subdivision which

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[95] 4 Mass. App. Ct. 79, 84 (1976). This position was reiterated in North Landers Corp. v. Planning Bd. of Falmouth, 9 Mass. App. Ct. 193, 197 (1979).

[96] 4 Mass. App. Ct. 306 (1976).

[97] The town, unfortunately, had no regulation allowing such review. The court, in dictum, suggested that "[t]he language of § 81M could be read to suggest that developer may be required by appropriate planning board regulations to take into account deficiencies in 'adjacent public ways,' and the concept of 'adequate access' may itself [illegible]

will not be connected to a municipal sewer."[101] The board of health has exclusive authority to regulate such matters. The board of health may not, however, at the stage of definitive plan review, require specific information for every proposed lot within the subdivision.

> [T]he board of health would be acting prematurely and unreasonably if it were to take any action with respect to [the state sanitary code] other than requiring the planning board to endorse a condition on the definitive plan to the effect that no dwelling shall be built on any lot without first securing from the board of health the disposal works construction permit required by the code.[102]

[B] Connection to Sewer Systems

The board of health or the planning board (subject to appropriate regulations) has jurisdiction over connection to public sewer systems in the course of subdivision development.[103]

The planning board of a city or town has no authority to impose upon the municipality the obligation to construct sewer lines to service a proposed subdivision.[104] It is also not required to provide for extension of municipal sewer lines through an easement across a proposed subdivision where such extension is not in the public interest.[105] However, the board may reasonably require that the landowner demonstrate "perfected arrangements" for interconnection to the municipal sewer system.[106]

§ 17.11 SLOPE

In *DiCarlo v. Planning Board of Wayland*,[107] the appeals court held that a board may properly consider slope in determining whether all lots in a subdivision have the access required by § 81M.[108] The subdivision in question was adjacent to land shown on a previously approved ANR plan that was held in common ownership. Two of the lots shown on the ANR plan could not access the public way providing frontage due to steep slope. The court held that these previously

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[101] Fairbairn v. Planning Bd. of Barnstable, 5 Mass. App. Ct. 171, 177 (1977).

[102] *Id.* at 185.

[103] Loring Hills Developers Trust v. Planning Bd. of Salem, 374 Mass. 343, 346 (1978). *See* Independence Park v. Board of Health of Barnstable, 25 Mass. App. Ct. 489, 490 (1988), for an example of a board of health regulation pertaining to sewer systems.

[104] Medford v. Fellsmere Realty Co., 345 Mass. 477, 481 (1963).

[105] Caruso v. Planning Bd. of Revere, 354 Mass. 569, 572 (1968). *See*, by analogy, the cases

April 24, 2012
Medway Planning and Economic Development Board
Medway Senior Center
76 Oakland Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Rizzo
Gino Carlucci, PGC Associates

The Chairman opened the meeting at 7:10 pm.

There were no Citizen Comments.

Construction Report:

Franklin Creek:
Consultant Pellegri informed the Board that he has modified the punch list for Franklin Creek. He has communicated the issues to the developer. There will need to be a section of pavement which will need to be cut out and repaved.

Announcements:
The Board expressed condolences to Gino Carlucci in regards to the recent death of his father.

Consultant Carlucci attended the national planning conference in California. He did pick up some information on signage. This information will be given to Susy.

There is a SWAP meeting tomorrow afternoon April 25, 2012. The speaker will be the executive director of the new MetroWest Tourism Council.

SWAP is sponsoring a workshop on Monday, June 4, 2012 at 6:00 pm at Dean College. The workshop is with Randall Arendt on conservation subdivision design. We will be promoting to our property owners, engineers, and board members to attend. All committees will be encouraged to attend.

Member Spiller-Walsh wanted to know if there would be a question and answer period. She was also inquiring about if an agenda will be provided.

PUBLIC HEARING CONTINUATION - 25 Summer Street Definitive Subdivision Plan Modification:

The Chairman opened the continuation of the public hearing for 25 Summer Street for a Definitive Subdivision Plan Modification.

Present were applicant Mike Fasolino, engineer David Faist and land surveyor Dan O'Driscoll.

Mike Fasolino provided a letter dated April 9, 2012 from Bruce Eaton of CEC Engineers and Land Surveyors who designed the original Speroni Acres sewer system. **(See Attached).** Also provided was a Speroni Acres as-built plan from 2007.

Since only one copy of the letter was provided, Susy Affleck-Childs read the letter orally. It noted that the sewer system consisted of a two inch pipe with stubs to all lots including Lots A & B at Summer Street.

Members Tom Gay, Bob Tucker, and Chan Rogers are comfortable with the letter as submitted.

Susy Affleck-Childs mentioned that the letter was not stamped or certified by a professional engineer as had been previously requested.

The Board is comfortable with the letter not being stamped or certified since the as-built plan is signed.

The Board is in agreement that this is acceptable.

The applicant is comfortable with the Board keeping the as-built plan for scanning purposes.

Mr. Fasolino communicated that he is working with the homeowner of Lot 15 in Speroni Acres. He should have a letter by next week. Mr. Fasolino indicated that the homeowner is comfortable giving written permission to access the easement and connect the sewer system. The lawyers are working this out and documents will be provided to the Board for review by Town Counsel.

David Faist communicated that there was a minor change which included the addition of a swale for potential overflow. There will be a small adjustment to the grade.

Dan O'Driscoll communicated that there was a one foot parcel added immediately east of the roadway. Dan Spoke with John Emidy about holding the property line as part of right of way and would make the front setback instead of the side.

The ownership of this piece of property gets tricky. It cannot be part of Lot 2 since it does not meet the lot shape factor. This lot needs to conform with zoning. Dan does not think there can be two lot shape factors.

Consultant Carlucci will look at language in relation to the lot shape factor.

This is a zoning issue when it relates to the lot shape factor and the Board cannot waive that.

Susy Affleck-Childs responded that one option could be to make the parcel be owned by the Homeowners Association.

Member Tucker responded that this piece could also go to the abutter of Lot 2.

Dan O'Driscoll responded that he could deed the parcel separately to Lot 2 under a separate deed but not to the abutter.

Karyl Spiller-Walsh wanted to know why this couldn't be part of the parcel.

Dan doesn't think that we can have two imaginary lot shape factor lines.

Gino read from the lot shape factor section within the Zoning Bylaw.

It was suggested that the line goes all the way up and can remain part of Lot 2.

Susy Affleck-Childs suggested checking with the Building Inspector, John Emidy to make sure it fits with his thoughts and how he interprets the lot shape factor relative to the line.

Member Spiller-Walsh feels that this is a good example to use in the future.

Susy Affleck-Childs asked the Board if they are comfortable with the revised landscaping plan that had been provided.

The Board is satisfied with the landscape plan as presented. **(See Attached)**

Dave Faist asked if whether we have them do another copy of the plans or move to a decision and then a comment letter to Dave.

Consultant Pellegri is comfortable with the modifications. This is a very simple and straightforward contour change.

Susy Affleck-Childs communicated that she will work on a draft decision with the understanding that the letter regarding the sewer easement and connection will have to go to Town Counsel for review. Also, the review letter from Dave Pellegri would be attached to the decision.

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for 25 Summer Street to May 8, 2012 at 7:30 pm at Sanford Hall.

Minutes April 10, 2012:
These will be tabled until the next meeting for further clarification from the digital voice recording regarding page 5 and businesses.

Zoning Articles of Town Meeting:
The Board is in receipt of a copy of the warrant booklet from FINCOM for the 2012 Annual Town Meeting which includes the Board's proposed Zoning Bylaw amendment Articles.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend the approval by Town meeting for Zoning Articles 30-48 as written in the warrant.

Task Force/Committee Reports:
There are no Task Force/Committee reports.

Correspondence:
The Board was provided with a copy of the updated Zoning Bylaw, dated April 17, 2012. There is also a new zoning map which was completed by Fran Hutton Lee. It is exciting that these were done in house.

The Town's new website is up and running. This new website is called Virtual Town Hall.

There is a date for Oak Grove briefing number #3. The date is June 19, 2012. All the title work done will be done and competed. The consulting firm will be presenting the work they have completed. This meeting will be at the library.

The Town of Medway was selected for local LEAP. There will be a LEAP Working Group session next Tuesday night May 1, 2012. This will be a meeting with a diverse group of people. The purpose is to take a look at the various types of energy programs throughout Massachusetts and the town. This is a two year program working with MAPC. The goal is to work with citizens and businesses throughout the community. The program entails $15,000 worth of technical assistance from the MAPC energy staff. We need to come up with a list of projects that we want to work on. The MAPC staff will be working with us coaching and facilitating the process. Susy will send the board more information on this. The funds are through the BARR Foundation. Medway and eight other communities were selected. There will be a public meeting on May 23, 2012.

Member Tucker was wondering if there is anyone in town that has an electric car.

Susy Affleck-Childs will inquire about this.

ANR Plan – 32R/34 Hill Street

NOTE – Tony Biocchi was present on behalf of applicants Christine Price and Peter McKenzie.

The Board is in receipt of a review letter from consultant Gino Carlucci dated April 24, 2012. **(See Attached).** The applicant has also received the letter.

The ANR plan shows a 318 sq. ft. parcel on the McKenzie land at 34 Hill Street to be conveyed to Christine Price at 32-R Hill Street. The purpose of the transaction is to correct an existing encroachment of the Price driveway onto the McKenzie land. This correction is being done in preparation for a future subdivision application on the Price property.

It was noted that the setbacks to the existing structure on the McKenzie property at 34 Hill Street are not shown on the plan. The structure on the McKenzie property needs to be plotted and the setbacks shown.

This is simple housekeeping and needs to take place and be recorded before the definitive plan stage.

Member Gay wanted to know why not make an adjustment to the driveway.

The abutter did not want this due to the existing buffer which is comprised of evergreen trees. The abutter wanted to have the change on the paper and wants the buffer to remain.

Abutter Peter McKenzie is conveying this piece and wanted a buffer between the drainage. There is a natural buffer in the plan between his lot line and Christine Price's property. This will be reflected in the Definitive Subdivision Plan. Tony Biocchi indicted he wanted to have this on the record.

Consultant Carlucci communicated that the easement will remain in effect.

Member Gay noted that there are two new lots with two new easements.

Consultant Carlucci noted that the applicant will also need to go the Holliston for the definitive subdivision plan.

Tony reported that he has communication with Holliston.

This will be recorded in both registries (Norfolk and Worcester Counties).

Susy Affleck-Childs communicated that she did received the application from Tony Biocchi and it was prepared on behalf of Christine Price. She was out of the country and authorized Tony to submit on her behalf. Susy Affleck-Childs will follow-up with an email.

Christine Price will need to sign the ANR paperwork.

Member Tucker communicated that the applicant will need to sign the original.

Susy Affleck-Childs provided Tony Biocchi with the original for signature by Christine Price.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh the Board votes unanimously to endorse the ANR presented.

Lawrence Waste Services:
The Board is in receipt of the revised draft site plan decision for Lawrence Waste Services/49 Alder Street dated April 24, 2012. **(See Attached)**

There was a question on page 6. It references Murphy Insurance and it should say Lawrence Waste. Susy-Affleck-Childs will make the revision.

Member Spiller-Walsh compliments Susy Affleck-Childs on a well written site plan decision.

The Board is comfortable with how the waivers and findings were written.

It was recommended to remove member Tucker's name on the bottom of page two since he will not be voting on the decision as he had missed a meeting.

On page 11 #4, in the paragraph below response, relative to the parking, "outside" needs to be added.

Consultant Carlucci noted that all is outside the riverfront area. The word "primarily outside" could be added and this would cover it.

The Conservation Commission has approved Order of Conditions.

Waivers:
On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to approve the waiver requests as written in the decision.
(Member Tucker abstained from vote)

Findings:
On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to accept the findings as written in the decision.
(Member Tucker abstained from vote)

Application with Waivers and Conditions:
On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to approve the application and plan with waivers and conditions as amended in the decision.
(Member Tucker abstained from vote)

Next Meeting May 8th, 2012:

- 25 Summer Street Definitive Subdivision Plan – Public Hearing Continuation
- Endorse the site plan for A123 Systems for 34 West Street
- Future Zoning Amendment articles
- DPS Director Tom Holder will be invited to the next meeting to speak about the Applegate drainage. He had a meeting with Ralph Costello.

Susy Affleck-Childs did speak with Town Counsel about sign bylaw provisions. If we are interested in pursuing a sunset approach we cannot do it through the zoning bylaw. It can be done by making the sign regulations into a general bylaw. This discussion needs to take place and could be placed on the fall town meeting.

Consultant Carlucci indicated that the mechanics of this would need to be worked out.

Member Tucker wonders if we want to go down this road.

This will be on May 8, 2012 agenda.

Member Karyl-Spiller Walsh communicated that this could be a good agenda item for Design Review Committee.

Member Gay will not be able to attend the May 22, 2012 PEDB meeting.

Susy reminded members that Town meeting is scheduled for May 14, 2012.

Chairman Rodenhiser will be the lead person on speaking on the zoning articles.

Member Spiller-Walsh would like a calendar with the upcoming dates. Susy Affleck-Childs will provide this to Board.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

CIVIL ENVIRONMENTAL CONSULTANTS LLC
ENGINEERS AND LAND SURVEYORS

8 Oak Street
Peabody, MA 01960
Phone (978) 531-1191
Fax (978) 531-5501
ceclandsurvey@comcast.net

April 9, 2012

RECEIVED
APR 24 2011
TOWN OF MEDWAY
PLANNING BOARD

Michael Fasolino
164 Main Street
Medway, MA 02053

RE: Speroni Acres
No. 25 Summer St
Lots A & B
Medway, MA 02053

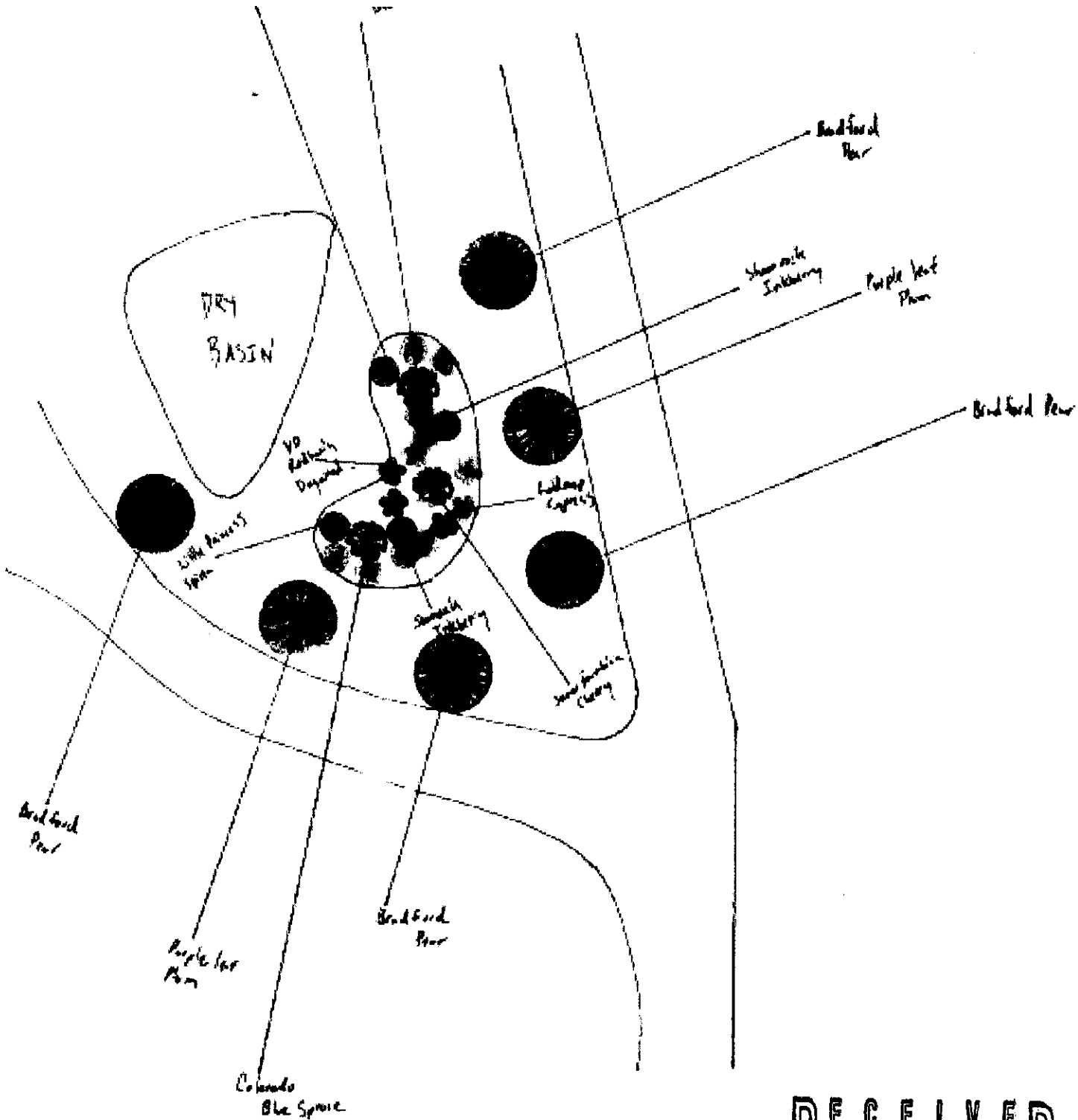
To whom it may concern:

The sewer system installed in the above project consisted of a two (2) inch PVC pipe main with stubs to all lots, including lots A and B at 25 Summer Street. It, being a pressure sewer system, is adequate for all stubbed connections.

Very truly yours,

Bruce P. Eaton

Bruce P. Eaton, P.E.



ST.

4/A.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: April 24, 2012

RE: Price ANR on Price/McKenzie land on Hill Street

RECEIVED
APR 24 2011
TOWN OF MEDWAY
PLANNING BOARD

I have reviewed the ANR plan submitted for endorsement by Christine Price. of Medway. The plan was prepared by Colonial Engineering, Inc. of Medway. The plan proposes to create a 318 square feet parcel on the McKenzie land to be conveyed to Christine Price. The purpose of the plan is apparently to correct an existing encroachment of the Price driveway on the McKenzie land. This correction is being done in preparation for a future subdivision application on the Price property. I have comments as follows:

1. Section 3.2.1 requires that the Assessors Map and Parcel be shown on the plan. This information is shown for Price property but not for the McKenzie land. It should be noted that the application does show the Map and parcel numbers for the McKenzie lot.

2. Section 3.2.3 requires that the lot shape factor (LSF) be shown "for each lot." While the plan does not create a new lot, I believe that this requirement applies to the lots affected by the plan since Section 3.2.4 requires the LSF for new lots.

3. Section 3.2.4 requires that distances to existing building/structure be shown on the plan. There is an existing building on the McKenzie land but this information was not shown.

4. Section 3.2.5 requires that any previous ZBA decisions be provided. None were provided. There may not have been any, but the nonconforming nature of the Price lot indicates that a variance may have granted in the past.

5. Section 3.2.9 requires that buildings, bounds, fences, walls, wells, septic tanks and sewage disposal systems on the subject lots and parcels be shown as well as their distance to new lines. This was not done.

6. Section 3.2.10 requires that cart paths, easements, rights-of-way, wetlands, water courses and other significant features be shown on the plan.

I recommend that the technical deficiencies be corrected and the plan resubmitted for endorsement. Given the nature of the application (i.e. transferring 318 square feet from one lot to another) and an upcoming subdivision application, it would not be unreasonable to waive the requirements of Section 3.2.9 and 3.2.10.

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

DRAFT – April 17, 2012

SITE PLAN DECISION

Lawrence Waste Services - 49 Alder Street
Approved with Waivers and Conditions

Decision Date:	April 24, 2012
Name/Address of Applicant:	East Hill Associates Realty 3 Thayer Street Framingham, MA 02702
Name/Address of Owner:	East Hill Associates Realty 3 Thayer Street Framingham, MA 02702
Engineer:	Guerriere & Halnon, Inc. P.O. Box 235 Milford, MA 01757
Site Plan Dated:	January 17, 2012; last revised March 26, 2012
Location:	49 Alder Street
Assessors' Reference:	Map 3: Parcel 41
Zoning District:	Industrial III

This Decision includes the following sections:

Telephone: 508-533-3291 *Fax*: 508-321-4987
planningboard@townofmedway.org

I. PROJECT DESCRIPTION - The application for site plan approval proposed the following scope of work at 49 Alder Street, a 13.2 acre parcel located on the south side of Alder Street in the Medway 495 Business Park. Portions of the site are in a Wetlands Resource Area and in the Groundwater Protection District.

A. Construct a new, one-story, 7,400 sq. ft building to be used exclusively by Lawrence Waste Services, a waste and recycling disposal company. The building would include 2,400 sq. ft for office space and 5,000 sq. ft for garage space including 4 service bays. The site is not to be used for the storage of waste, only for the storage of waste dumpsters/containers/compactors.

B. Extend water and sewer service to the new building.

C. Construct stormwater management/drainage system to mitigate and treat stormwater flows.

D. Construct a paved parking area to accommodate 23 vehicles and paved and unpaved areas for storing empty trash dumpsters/containers.

E. Other site work including driveway, curbing, landscaping, lighting, pathways and sidewalks.

The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review.*

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on April 24, 2012, on a motion by _____, seconded by_____ , ***voted to grant approval with WAIVERS and CONDITIONS*** as specified herein, the site plan application of East Hill Associates Realty of Framingham, MA for new construction, site improvements, drainage, parking and landscaping at 49 Alder Street for Lawrence Waste Services, Inc.

Planning & Economic Development Board Member	***Vote***
Thomas Gay	
Andy Rodenhiser	
Chan Rogers	
Karyl Spiller-Walsh	
Robert Tucker	

III. PROCEDURAL HISTORY

A. January 31, 2012 - Site plan application filed with the Medway Planning & Economic Development Board and the Medway Town Clerk

B. February 7, 2012 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site

C. February 7, 2012 – Site plan distributed to Town boards, committees and departments for review and comment.

D. February 8, 2012 - Public hearing notice mailed to abutters by certified sent mail.

E. February 17, 2012 – Review meeting held with Medway Internal Development Review Team and Lawrence Waste Services applicant and engineer

F. February 13 & 21, 2012 – Public hearing notice advertised in *Milford Daily News.*

G. February 28, 2012 – Public hearing commenced. The public hearing was continued to March 27 and then to April 10, 2012 when the hearing was closed.

H. March 5, 2012 – Applicant meets with the Design Review Committee as referred by the Planning and Economic Development Board.

IV. INDEX OF SITE PLAN DOCUMENTS

A. The site plan application for Lawrence Waste Services at 49 Alder Street included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:

1. *Proposed Site Plan for 49 Alder Street,* prepared by Guerriere & Halnon, Milford, MA, January 10, 2012, revised March13, 2012; last revised March 26, 2012.
2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon.
3. *Project Description* prepared by Guerriere & Halnon.
4. *Waiver Requests* dated January 17, 2012 prepared by Guerriere & Halnon

B. During the course of the review, the Applicant and its representatives submitted revised plans and a variety of other materials to the Planning and Economic Development Board as follows:

1. *Proposed Site Plan for 49 Alder Street,* prepared by Guerriere & Halnon, Milford, MA, revised March13, 2012; last revised March 26, 2012.
2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon; revised

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3. Peter Lavoie, Project Engineer, Guerriere & Halnon, the applicant's engineering consultant:
   a. Supplemental *Waiver Requests* – March 13, 2012
   b. Response letter dated March 13, 2012 to the February 23, 2012 review letter from Gino Carlucci, PGC Associates
   c. Response letter dated March 13, 2012 to the February 22, 2012 review letter from David Pellegri, Tetra Tech Rizzo
   d. Response letter dated March 26, 2012 to the March 15, 2012 review letter from David Pellegri, Tetra Tech Rizzo

4. Color rendering of the proposed new building elevations dated 2/23/2012, prepared by Group 7 Design, Inc. of Franklin, MA, received February 23, 2012.

V. *TESTIMONY* - In addition to the site plan application materials as submitted and provided during the course of our review, the Planning and Economic Development Board received written or verbal testimony from:

- David Pellegri, P.E., of Tetra Tech Rizzo, Inc., the Town's Consulting Engineer – Site Plan review letters dated February 22, March 15 and March 29, 2012.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated February 23 and March 23, 2012.
- Peter Lavoie, Guerriere & Halnon - Verbal testimony provided at the public hearings on February 28, March 27 and April 10, 2012.
- Jim and Keith Lawrence, Lawrence Waste Services - Verbal Testimony provided at the public hearings on February 28, March 27 and April 10, 2012.
- The Design Review Committee (DRC) which met with the applicant to review and discuss the building's façade design and site improvements. The DRC provided a Letter of Recommendation dated March 12, 2012.
- Comment memorandum dated _____ from John Emidy, Building Commissioner/Zoning Enforcement Office regarding the applicability of the Groundwater Protection District provisions of the Medway Zoning Bylaw to this project.
- Letter dated April 3, 2012 from Jim Lawrence re: the site's maximum outdoor storage projections.

VI. *WAIVERS* – At its April 24, 2012 meeting, the Planning and Economic Development Board, on a motion by _____, seconded by _____, voted to approve granting waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

A. SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. *204-3 (A) 7* – A written *Development Impact Statement* shall be prepared. It shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The Development Impact Statement shall address traffic, environmental, community and parking impacts.

   The waiver is granted. >>>>>>>>>>>>>>>>>>>>

2. *204-5 (C) 3* – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a *"mapped"* overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

   The waiver is granted. >>>>>>>>>>>>>>>>>>>>>>>

3 *204-5 (D) 7* – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies 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.

   The waiver is granted. >>>>>>>>>>>>>>>>>>>>>>>>>>>>>>

B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

1. *205-3 (D) – Pedestrian and Bicycle Access and Connections*
   4) Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk.

   This waiver is granted. >>>>>>>>>>>>>>>>>>>>>

2. *205-6 (H) Curbing* – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

   This waiver is granted. >>>>>>>>>>>>>>>>>>>>

3. *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. The replacement trees may be placed on or off site as recommended by the Planning Board.

   This waiver is granted. >>>>>>>>>>>>>>>>>>>>>>

VII. SPECIFIC CONDITIONS – This approval is subject to the following *Specific Conditions:*

A. ***Plan Revisions*** - Prior to endorsement, the site plan set for 49 Alder Street last revised March 26, 2012 shall be further revised as follows and submitted to the Planning and Economic Development Board for review and approval.

   1. Cover Sheet
      a. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the of the site plan presented for endorsement.
      b. The cover sheet shall prominently display a final plan revision date.
      c. The cover sheet shall be retitled – Murphy Insurance Agency Site Plan.

   2. Revise the signature box on each sheet to read Medway Planning and Economic Development Board Approval.

B. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.

C. ***Snow Plowing/Trash Removal*** - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property. There shall be no outside storage of trash nor shall any dumpster be located on the property to accommodate the trash for the operation of Lawrence Waste Services on the site. Business trash shall be retained inside the building.

D. ***Construction Inspection***
   1. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.

2. 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.

3. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

4. In the event the applicant seeks an occupancy permit before all site plan work is satisfactorily completed (see VIII. General Condition F. 2 herein), the Applicant shall establish a construction inspection account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Planning and Economic Development Board. The funds may be used at the Planning and Economic Development Board's discretion to retain professional outside consultants to inspect the site, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion* (see VIII. General Condition G. 2 herein). Depending on the scope of professional outside consultant assistance that the Planning and Economic Development Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.

5. **Business Sign** – The applicant is required to secure a building permit for any business signs for the site and or building. A required component of the sign permit process is to meet with the Design Review Committee and secure a Letter of Recommendation from the DRC. Landscaping is required around the base of a free-standing sign and a landscaping plan shall be provided with sign design review application to the DRC. The landscaped area shall extend at least 3' beyond all sign faces or supporting structures in all directions.

VIII. *GENERAL CONDITIONS OF APPROVAL*

A. ***Plan Endorsement*** - Within thirty (30) days after the Planning and Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan reflecting all Conditions and required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. The Applicant shall provide one set of the revised site plan in its final form to the Planning and Economic Development Board for signature/endorsement. All plan sheets shall be bound together in a complete set.

B. ***Fees*** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:

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

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

C. ***During Construction***

1. The applicant shall take all measures necessary to ensue that no excessive dust leaves the premises during construction.

2. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that loose gravel/dirt does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway within twenty-four (24) hours of its occurrence.

3. All erosion and siltation control measures shall be installed and observed by the Planning and Economic Development Board's consulting engineer or the Conservation Commission prior to the start of construction, and maintained in good repair throughout the construction period.

4. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.

5. *Construction Traffic/Parking* – 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.

D. ***Other Town Permits*** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

E. ***Plan Modification***

1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other boards, agencies or commissions shall be resubmitted to the Planning and Economic Development Board for review as site plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.

2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw* and such approval is provided in writing by the Planning and Economic Development Board.

3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

F. Plan Compliance/Performance Security

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.

2. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings that the project, as constructed, conforms to the approved site plan and any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the costs of all remaining work.

3. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.

4. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

G. Project Completion

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

2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic

Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the applicant shall:

a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and

b) submit six (6) copies of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

H. ***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.

I. ***Conflicts*** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply.

IX. FINDINGS

– The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the purposes of Site Plan Review as specified in the *Zoning Bylaw* and with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*. The preceding *Special and General Conditions* included in this Decision shall assure that the Planning Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

The Planning and Economic Development Board, at its meeting on April 24, 2012, on a motion by _____, seconded by _____, voted unanimously to approve the following ***FINDINGS*** regarding the site plan application for 49 Alder Street.

A. ZONING BYLAW – Section V. C - Site Plan Review & Approval

(1) Are the buildings, uses and site amenities properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods?

(2) Are the construction and renovation of buildings and the installation of site amenities thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*?

(3) Are adjacent and neighboring properties protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site?

(4) Are significant natural features on a development *site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest)* preserved with as minimal site disturbance as possible?

(5) Are off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view?

(6) Are facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site provided and adequately screened from public view?

(7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?

(8) Is convenient and safe access for fire-fighting and emergency rescue vehicles provided to and within the development site in relation to adjacent streets?

(9) Are satisfactory methods for drainage of surface water to and from the development site provided?
The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and is in compliance with new Massachusetts Department of Environmental Protection stormwater management guidelines. Therefore, the Planning and Economic Development Board finds that this criterion is met.

(10) Are public ways and private drives properly designed to be constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site?

(11) Have the effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance been identified and evaluated?

(12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

(13) Have reasonable conditions, limits, safeguards and mitigation measures been established?

B. SITE PLAN RULES AND REGULATIONS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations,* unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

(14) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

(15) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

(16) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas *(e.g. waste removal)* from public views or from (nearby) premises residentially used and zoned.

(17) Is adequate access to each structure for fire and service equipment provided?

(18) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
   a) the volume of cut and fill;
   b) the number of trees to be removed with particular care taken with mature trees and root systems;
   c) the visual prominence of man-made elements not necessary for safety;

d) the removal of existing stone walls;
e) the visibility of building sites from existing streets;
f) the impacts on waterways and environmental resource areas;
g) soil pollution and erosion;
h) noise.

(19) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

(20) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

(21) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

(22) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

X. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

###

Medway Planning and Economic Development Board
SITE PLAN DECISION
Lawrence Waste Services – 49 Alder Street

Approved by the Medway Planning & Economic Development Board:

AYE: ***NAY:***

_____ _____

_____ _____

_____

_____

_____

ATTEST: _____ _____
Susan E. Affleck-Childs Date
Planning & Economic Development Coordinator

COPIES TO: Stephanie Bacon, Health Agent
Matt Buckley, Design Review Committee
John Emidy, Inspector of Buildings and Zoning Enforcement Officer
Ray Himmel, Economic Development Committee
Tom Holder, Department of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Board of Assessors
Melanie Phillips, Treasurer/Collector
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Department
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
David Pellegri, Tetra Tech Rizzo
Jim Lawrence, Lawrence Waste Services
Peter Lavoie, Guerriere & Halnon

May 8, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Rizzo, Engineering Consultant
Gino Carlucci, PGC Associates, Planning Consultant

Vice Chairman Bob Tucker opened the meeting at 7:00 pm.

CITIZEN COMMENTS

Mr. Paul Yorkis spoke to the Board about his views regarding proposed amendments to the OSRD Bylaw (Article #44). It is his opinion that the Board is asking the applicant to take a significant gamble when pursing an OSRD Special Permit.

Mr. Yorkis referenced page 37 (b) of the warrant for the 5-14-2012 annual town meeting relative to the pre-application. You mention it is the intention that the pre-application information can come from existing sources of information. To get to the (pre-application) table, the applicant will have to spend $10,000-$15,000. Mr. Yorkis states that this is a lot of money that he thinks is going to discourage some folks from pursuing an OSRD application. To get to where you want, the applicant has to hire a landscape architect, a surveyor and civil engineer. They have to gather, analyze data and present data to you. For this to be done well and professionally, it is quite expensive.

Mr. Yorkis further expressed that this is a gamble and we have talked about this in the past. The Board has the opportunity to create a formula and you have revised the formula to be more specific. You are indicating that the Board does not have to authorize the yield from the formula. The Board is encouraging a person to do a good job up front and spend money up front and then be at the mercy of the Planning Board to get the actual number of units which would be proposed. That is a substantial gamble. The applicant would need to look at the infrastructure, land and engineering cost and legal cost and divide that to see how they can make a profit. By having this in, you are saying to an applicant to take gamble with us that the Board will be reasonable in giving you a number. I get it that it is a special permit. I understand. I have been through it 2 ½ times. I think it is far better to say here is the formula and here is the yield.

Mr. Yorkis recommended that the developer know what the yield is first. The core of the whole project is how much money can be generated based on the number of dwelling units. The emphasis of the yield being discretionary on the part of the board is a substantial a risk and gamble for the applicant which is not in the community's best interest. The OSRD concept is a great one and it results in more open space for the community.

Each site has its costs and they are substantial. I want to share this with you. I feel better having shared it with you so you understand there is a genuine concern.

I am not sure I would encourage an applicant to go the OSRD route the way this is structured.

Member Rogers wanted clarity about what in the bylaw is specifically objectionable.

Mr. Yorkis responded referencing page 42 (Item 7). He recommended striking new item b so it is clear to the applicant what the formula is. The affordable housing unit is a loss and the developer loses with this language. Mr. Yorkis did want it noted for the record that he does support the importance of affordable housing. We need it and a diverse housing stock and I want to continue to support that.

Your upfront goal of data gathering and analysis I can't find fault with it. But I disagree with you asking the applicant to take a substantial gamble with it written the way it is.

Mr. Yorkis next referenced page 46 (Item 10C) re: design. This section notes the criteria for design. The applicant wants to be successful and would have to have a project with good design criteria, but the more parameters you impose, the less creative approach the applicant has, the more you tie the applicant's hands and the more difficult it is to do the project. It is his opinion that general goals for overall design are helpful and can be achieved but this section is incredibly specific.

Chairman Rodenhiser indicated that when Mr. Yorkis has represented someone before the Board, you will say to us, "No, I am not going to do that." When we try to engage in the give and take we are looking for, you are very emphatic against doing things we suggest. The Board sits here and we struggle with the text we have. We try to do mitigation to make all parties happy. It comes down to marketability for you or it may be an aesthetics matter that will cost too much.

Mr. Yorkis states that the applicant is coming forward with a plan. The way this is written is that the abutters and the people passing by have greater value than the people who are living there or the developer.

Susy Affleck-Childs stated she disagrees with Mr. Yorkis that the text gives them more input.

Member Tucker said he disagrees.

Chairman Rodenhiser asked where are you referring.

Susy Affleck-Childs responded it is paragraph 10 c re: criteria.

Mr. Yorkis indicated that he doesn't agree that a passerby should be able to say that they want a vista maintained. The people who are going to be living there have a greater stake.

Susy Affleck-Childs responded that the open space is for the benefit of the general public.

Mr. Yorkis states that "that" is not what it says.

Member Gay says it mentions residents of the development. That is pretty clear to me.

Member Spiller-Walsh responds to Mr. Yorkis noting that the text in Section 10 (c) indicates *"to the fullest extent practicable";* in the opinion of the people granting the special permit which would be the Planning Board.

The Chairman responded to Mr. Yorkis by noting that the applicant has to provide evidence that something is practical or impractical. We want to see property developed in a fair and equitable way that benefits the community and the residents and the developer and the neighborhood.

Member Gay noted our goal (with the proposed revisions) was to try to address the concerns of all those involved in the process.

Chairman Rodenhiser added that the applicant must show that the project is practical or impractical. We are fair to the person investing the money for the project.

Member Gay noted that the Board needs to pay attention to every group investing in this process. The changes are reflective of the last project which gathered input from citizens who live nearby and some of our concerns about the last few projects. This was not undertaken in any reactionary way. There was stricter language that didn't make it in here which was not included to meet the needs of everyone.

Chairman Rodenhiser responded that the Open Space Committee wanted this bylaw to be more open to encourage OSRD development.

Member Gay responded that the Open Space Committee had actually wanted more restrictions to get the yield down.

Mr. Yorkis responded that he is not faulting or arguing with the criteria that you are asking the applicant to supply. The cost is substantial. The gamble on the number of units is a real negative in the way this is being proposed. The formula is there, you can calculate it but then you may or may not get it.

Member Tucker responded that how you get it and how it is presented is important and we want to see some creativity out there. It is difficult to put creativity into a body of language that you are going to design from. Not all creativity comes equally from all developers.
Chairman Rodenhiser says he asking for more specifics on the unit count but not on the other wide with the design criteria.

Mr. Yorkis responded that you go with a formula and if applicant complies, he knows what they have to work with.

Member Tucker responds that what we have seen with other OSRDs is that the formula alone does not give you the results of what we want to see. The formula does not always work.

Dave Pellegri indicated that without a formula, wouldn't you still run that risk?

Mr. Yorkis responds that he wants the formula upfront.

Chairman Rodenhiser indicated that with the last project, the formula was prescribed but some of the design criteria weren't achieved.

Mr. Yorkis said that with some of the changes you have made, there will be better design.

Member Gay said we have tested the new formula against some previous projects.

Susy Affleck-Childs responds that by changing the affordable dwelling requirement from 15% to 10% this would help and not be such a burden for the applicant especially with a smaller project where you wouldn't have a public subsidy.

Mr. Yorkis responded that the number of units is the key and this determines how to place and plan the design in such a way that it is aesthetically good and meets the criteria. And there are always negotiations back and forth. You need to know what number to expect at a minimum. It is a dollar issue and you need to know what you can expect at a minimum. Go with the formula and stick with the yield it generates.

Member Gay responds that it is clearer now. He asks what is your fear.

Mr. Yorkis states the fear is that the formula generates 15 and you cut it back to 12. The margins are incredibly close and that is just how it is and it will stay that for the foreseeable future.

Chairman Rodenhiser asked doesn't that affect the land price?

Mr. Yorkis states in this market, a developer is not getting what one would generally consider to be a reasonable return on investment. Many builders today are building simply to stay in business knowing that they will make a relatively small profit. The alternative is to go out of business.

Chairman Rodenhiser states what you are talking about is a per unit cost issue, not land acquisition cost.

Mr. Yorkis states he is talking about the acquisition of land, the legal costs, the infrastructure costs, NSTAR is now charging for everything and you are spreading that out over x number of units. The difference between 12 units and 10 units is not doing the project.

Chairman Rodenhiser asked why wouldn't the shortfall come out of the land cost before the deal even goes forward. The value of land may really be less.

Mr. Yorkis says it depends on the nature of the negotiations between the landowner and the applicant. And every project and set of negotiations is different.

Member Gay - The formula and discussion about yield has been one of the biggest issues in every one of the projects. We have cut back on the number of required affordable units and that was a significant amount of work with the Affordable Housing Committee. It doesn't say guaranteed yield, it says maximum yield.

Member Gay says this is information you are going to have to look at anyway to even begin to determine if the project is viable.

Susy Affleck-Childs indicated that she believes Mr. Yorkis wants the maximum possible allowed to be a guarantee.

Member Spiller-Walsh references the bottom of page 35. This language was taken (borrowed) from Hopkinton's bylaw. *"It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan."*

Consultant Carlucci reiterated that the initial information in the pre-application is derived from existing data and information which can be easily obtained. The one possible exception is the calculation of density within 2500 feet (of the site). I don't think that is a huge burden.

Mr. Yorkis asked about page 39. You indicate that you need to delineate primary and secondary conservation areas. Secondary conservation areas are defined as including all other land that is not primary. So the development area has to be in the secondary conservation area.

Susy Affleck-Childs noted that this language about primary and secondary conservation areas has not changed from the previous.

Mr. Yorkis stated he is just pointing out that the land to be developed has to by default be in the secondary conservation areas. What other land is there that you are asking to be developed?

Member Gay stated that is a topic we can discuss the next time around.

Gino Carlucci noted that this language being discussed came from the model bylaw itself and was not what the board had developed. The intent was that there might be certain features in the secondary conservation areas that would be nice to preserve and incorporate into the development plan like steep slopes, specimen trees, etc.

Chairman Rodenhiser noted that it has always been our goal is to work with people who utilize these bylaws on a regular basis and if there is an issue we are ready to look at it and work on it

and be fair. We can look at these further in the future. But right now we are under the pressure of deadlines. But that doesn't mean we can't have a discussion in the future and I think you will find that we are open. But we can't do anything now until after town meeting. I would invite you to give us more specifics. I can give you that opportunity to talk.

Susy Affleck-Childs noted that we have committed to begin work on next year's zoning bylaw amendments over the next few months so we will have more time.

PUBLIC HEARING CONTINUATION - 25 Summer Street Definitive Subdivision Plan Modification

The Chairman opened the continued public hearing for the proposed modification to the 25 Summer Street Definitive Subdivision Plan.

The items which the Board had to review for the record were:

DRAFT DECISION - Modified Definitive Subdivision Plan - 25 Summer Street (May 2, 2012) **(See Attached)**

Letter and Title Report from Attorney Paul Kenney (April 27, 2012) **(See Attached)**

Email communication from Attorney Paul Kenney to Town Counsel Barbara Saint Andre regarding the grant of easement. (May 7, 2012) **(See Attached)**

Further email communication from Attorney Paul Kenney (May 8, 2012) **(See Attached)**

Memo from Fire Chief Trufant noting that after review of the revised plans, the plans are acceptable from the access and safety perspective. Mr. Trufant recommended a fee of $1,000 be paid in lieu of fire alarm provision. (May 8, 2012) **(See Attached)**

Email note from Board of Health Agent Stephanie Bacon (May 8, 2012) **(See Attached)**

The Board requested confirmation that the Lynches (15 Little Tree Road) have in fact agreed to grant an easement on their property to allow the subject properties for the 25 Summer Street subdivision to connect to the Speroni Acres sewer system on their property.

The Chairman communicated that this will not be resolved nor will the public hearing be closed until Medway's Town Counsel responds back to the Board.

The Chairman asks the Board, if it turns out that this can't be generated, what does the Board want to do?

Susy Affleck-Childs responds that based on the Speroni Acres as-built plans, it can be concluded that the connection stubs exist.

The Chairman responds that it was intended to be designed for this. Are we hurting anyone if we approve this?

Member Spiller-Walsh responds that potentially the homeowners in Speroni Acres could be hurt if the sewer system fails.

The Chairman asks what if the system never fails, then who has been damaged.

Chairman Rodenhiser notes that if a group or homeowners association is formed by the Speroni Acres neighbors and by the applicant, this provides protection.

Mr. Fasolino responds that he has already done this.

The Chairman asked Mike Fasolino if he could provide the Board with what he has in writing regarding a Home Owners Association.

The Board agreed to hold the next meeting on May 14, 2012 at 6:30 pm. If all information is provided the hearing could be closed.

Susy Affleck-Childs requested that a letter from the Lynches be provided indicating that they are agreeable to the easement.

OTHER BUSINESS

The Board agreed that there will be no meeting on the May 22, 2012 as it is Election Day in Medway.

The Board decided to hold a special meeting on May 29, 2012 at 7:00 pm at which point the draft decision for 25 Summer Street could be voted on.

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for the proposed modification to the 25 Summer Street definitive subdivision plan to May 14, 2012 at 6:30 pm at High School.

Franklin Creek:
Dave Pellegri indicated that the paving at Franklin Creek was to be done today, but due to the weather it was cancelled.

Applegate Farms:
Dave Pellegri indicated that the sewer connection work will be started. He was on site and everything went well. There were specifics about the temporary driveway installed from Ellis Street to the house facing Applegate Road. The driveway will be ripped out when the road is installed.

A123 Systems Site Plan

The Board will endorse the site plan for A123 Systems for 34 West Street at the conclusion of the meeting.

Zoning Bylaw Amendment Ideas:

The Board is in receipt of memo dated May 2, 2012 regarding the next steps for future zoning work. There was an updated master list of possible zoning bylaw amendments. The Board reviewed the zoning TO DO list. **(See Attached.)**

The Board discussed changing over sign regulations from zoning to a general bylaw and the idea of establishing sunset sign provision. This could be a task for the Board to work on over the next several months. The Board would like Susy to compile a list or inventory of non-conforming signs throughout town.

Member Spiller-Walsh requested a new zoning bylaw book for each member for the Design Review Committee.

Susy has recommended that formal outreach is done with the Board of Selectmen, Town Administrator, Zoning Board of Appeals, Economic Development Committee, and Open Space Committee, Affordable Housing Committee, and Affordable Housing Trust and Town Counsel to seek their input on zoning work.

Susy Affleck-Childs will provide an update status report of the 40R.

REPORTS

There will be an Oak Grove meeting on June 19, 2012.

There will be a workshop on June 4, 2012 at Dean College with the presenter being Randall Arendt.

Minutes April 10, 2012:
On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from April 10, 2012.

Minutes April 24, 2012:
On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from April 24, 2012.

Zoning Articles for 5-14-2012 Town Meeting:

The Board is in receipt of a copy of the 5-2-2012 report of the Planning Board re: its recommendations on the Zoning Bylaw amendments. articles 30-48. **(See Attached)**

Adjourn:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

DRAFT – May 2, 2012

CERTIFICATE OF ACTION
25 SUMMER STREET – MODIFIED DEFINITIVE SUBDIVISION PLAN
A PERMANENT PRIVATE WAY
(APPROVED with Waivers and Conditions)

I. PROJECT DESCRIPTION: The proposed MODIFED *25 Summer Street Definitive Subdivision Plan* shows a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7.

The proposal includes:

- creation of an approximately 173' long private road/right of way to provide conforming legal frontage for one of the two house lots. *(The other lot has sufficient frontage on Summer Street)*;
- construction of a common driveway within the right of way to provide access to two new houses;
- use of swales and a small stormwater basin for drainage and infiltration;
- installation of sewer service to connect to the existing private system on Lot ___ (15 Little Tree Road) in the adjacent Speroni Acres neighborhood; and
- installation of water service to connect to the municipal water system on Summer Street.

The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. BACKGROUND: On June 28, 2011, the Medway Planning and Economic Development approved a Certificate of Action for the 25 Summer Street Definitive Plan. The plan was never presented to the Board for endorsement nor was the Certificate of Action ever recorded at the Norfolk County Registry of Deeds.

Telephone: 508-533-3291 Fax: 508-321-4987
Email: planningboard@townofmedway.org

The proposed plan MODIFICATION pertains to a needed change in the layout of the house lots and road right of way based on an additional wetlands area identified by the Medway Conservation Commission in late 2011. This extent of change to the plan constitutes a major modification.

IV. PROCEDURAL SUMMARY: With respect to the *MODIFED 25 Summer Street Definitive Subdivision Plan,* the Planning and Economic Development Board certifies as follows:

1. On February 28, 2012, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan MODIFICATION*, dated February 28, 2012 prepared by Faist Engineering of Southbridge, MA. A separate preliminary subdivision plan was not filed for this plan modification.

2. On March 1, 2012, it circulated the MODIFIED Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.

3. On March 27, 2012, it commenced a public hearing on the plan. The public hearing notice was filed with the Medway Town Clerk on March 1, 2012 and posted to the Town's web site on the same date. The hearing was advertised in the *Milford Daily News* on March 12 and 20, 2012. Abutter notice was sent by certified sent mail on March 5, 2012. The public hearing was continued to April 10, 24 and May 8, 2012. It was closed on _____.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the 25 Summer Street Definitive Subdivision Plan MODIFICATION were conducted over the course of ___ Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed by the Town's engineering and planning consultants for compliance with the *Medway Zoning Bylaw* and the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the application was filed with the Town in February 2012.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan MODIFICATION – Faist Engineering, Inc.
February 28, 2012, last revised _____.

Stormwater Calculations & Design: Two (2) Lot Definitive Subdivision Modification - 25 Summer Street, Medway, MA - Faist Engineering, Inc.
February 28, 2012

Other Application Materials

- Form D – *Designer's Certificate*, February 28, 2012, signed by David Faist, PE and Daniel O'Driscoll, PLS
- Deed conveying 25 Summer Street from John and Veronica Clark to Fasolino Home Improvements, Inc., November 19, 2008, recorded at the Norfolk County Registry of Deeds on November 19, 2008, Book 26159, Page 264.

- *Long-Term Operation and Maintenance Plan – Site Stormwater Management System*, February 28, 2012 prepared by Faist Engineering.
- Form E – Certified List of Abutters & Owners within 300', February28, 2012, signed by

Waiver Requests

February 28, 2012 list prepared by Faist Engineering; revised April 18, 2012

Town Engineering Consultant Review Letters – Dave R. Pellegri, P.E., Tetra Tech Rizzo

March 21, 2012

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

March 20, 2012

Supplemental Information Provided By Applicant

- Revised Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction, received _____
- Communication dated March 2, 2012 from Veronica Clark, the holder of the mortgage on the property at 25 Milford Street, consenting to the submittal of an application to modify the previously approved Definitive Subdivision Plan for 25 Summer Street.
- Letter dated April 9, 2012 from Bruce Eaton, P.E. of Civil Environmental Consultants LLC of Peabody, MA re: the adequacy of the pressure sewer system in the adjacent Speroni Acres subdivision
- *As-Built Plan* for Speroni Acres Subdivision, Sheet 1, dated 1/24/2004, last revised 4/5/2007, prepared by CEC Land Surveyors of Peabody, MA.
- Letter dated 4-27-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement on 15 Little Tree Road and an associated title report.

Information Entered Into the Record by the Planning and Economic Development Board

- *Certificate of Action* on the original 25 Summer Street Definitive Subdivision Plan, dated June 28, 2011.
- April 8, 2011 letter from Sumner & Milford LLC (Owen Sullivan) giving permission to Mike Fasolino to connect to the existing sewer system at the adjacent Speroni Acres subdivision.
- *Medway Subdivision Rules and Regulations*, April 26, 2005, pages 48 & 49
- *Massachusetts Land Use and Planning Law,* by Mark Bobrowski, 2002, pages 538-539.
- Minutes of the January 24, 2012 Planning and Economic Development Board Meeting held with the Speroni Acres subdivision neighbors.

Other Information

- CONFIDENTIAL email communication dated February 9, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: whether the proposed changes constituted a plan modification Mass General Laws, Chapter 41, s.81W.
- CONFIDENTIAL email communication dated March 12, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: connecting to the private sewer system in the adjacent Speroni Acres subdivision.
- Something else from Town Counsel

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc., for the Town of Medway
Dave R. Pellegri, P.E., Tetra Tech Rizzo for the Town of Medway
David T. Faist, P.E., Faist Engineering, Inc. for the applicant
Daniel O'Driscoll, PLS, O'Driscoll Land Surveying, Inc. for the applicant

Medway Departmental/Board Review Comments

Email communication from Karon Skinner-Catrone, Conservation Agent, dated March 7, 2012 re: the Conservation Commission's Order of Conditions for the subject parcels.

Something from the Board of Health . . . .

Something from the Fire Chief . . . .

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

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

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm *drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- *Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.*

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 *– Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.*

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 5.7.27 *– The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

SECTION 5.7.28 *- Streetlight Locations – Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about ~~50~~ 180 feet south of the shared driveway. Since this is actually a shared driveway, the Board believes that lighting along Summer Street is adequate and that no additional street light is necessary and therefore ~~The Board~~ grants this waiver request. [OR] Therefore, the waiver is denied and an additional light is required on the existing utility pole just south of the driveway entrance.
Note: The existing streetlight was about 50 feet (actually more like 60) from the original driveway location. However, that light is now about 180 feet south of the new location. There is a utility pole about 50 feet north of the driveway and another one about 40 feet south of the new driveway but they do not have street lights. The Board may wish to reconsider or still let it go. I have drafted it both ways.

SECTION 5.7.31 *– Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L. Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

SECTION 5.7.32 *– Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

SECTION 6.8 *– Procedure for Street/Infrastructure Acceptance.*

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the *Subdivision Rules and Regulations* is still required.

SECTION 7.7.2. p) *– Stormwater Management Procedure: The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes to install one dry detention basin within the separate Parcel A which also includes the shared driveway. The dry basin is located within 10 feet of the property line of both Lots #1 and #2 which will benefit from its construction. Due to the minimal size of the basin as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5. *– The minimum centerline grade for any street shall not be less than two percent (2%). A leveling area with a maximum grade of 2% for the first 100 feet of a street from an intersection shall be provided.*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets
(a) ..... Dead end streets are not permitted except in the following circumstances: 1) A parcel of land would be rendered completely undevelopable if a dead-end is not allowed

FINDINGS - The applicant has proposed a permanent private roadway that is 158 feet long. The creation of Lot #2 is not feasible without the proposed dead-end street. Also, there is no possible roadway connection between this subdivision and the adjacent Little Tree Road. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets
(d) To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief.

(e) Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround . . . 2) A hammerhead or T-shaped turnaround.

FINDINGS - The proposed road is, in reality, a shared driveway serving two houses. The "Y" where the driveways separate serves a hammerhead function. Also, both provate sections of the driveways have turnarounds. The Fire Chief has reviewed the plans and does not object to this feature. Therefore, the waiver is granted.

SECTION 7.9.7 g) *– The minimum roadway width for a "Permanent Private Way" is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses. The waiver request is granted.

***SECTION 7.10.2** – Curbs: "Permanent Private Way" is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

***SECTION 7.11.1** – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

***SECTION 7.11.2** – The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the Subdivision *Rules and Regulations* (April 26, 2005).

***SECTION 7.13.3** – Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.*

FINDINGS – As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.

You may wish to REVISIT THIS ONE – Approving this waiver request is NOT consistent with what the Board required for the 2 lot Village Estates private way subdivision at 272 Village Street. The Board previously granted this waiver in the original 25 Summer Street decision because both lots had some Summer Street frontage. With the modified plan, Lot #2 does not have Summer Street frontage.

SECTION 7.17.1 *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The Applicant is not proposing to install a fire alarm system.

NOTE – The Fire Chief has determined that a payment of $1,000 in lieu of fire alarm installation is appropriate.

SECTION 7.19.2 *– To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.21 *– Street Lights.*

FINDINGS – The Applicant proposes a private roadway/shared driveway serving only 2 homes. The Board finds that no street lighting is needed for such a small subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet north of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.22 *– Walkways and Bikeways: It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. There is an existing sidewalk across the front of the subdivision on Summer Street and there will be minimal vehicular use of the shared driveway. Therefore, the Board finds that pedestrian and bicycle access is sufficient and no further measures are necessary. .....

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.

4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.

5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals to use the house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by - _____ seconded by _____ to approve the above noted Waiver Findings. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____ to approve the above noted Mitigation Plan. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____, to act on the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of ____in favor ( ) and ___ opposed ( ).

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____, to approve the ***25 Summer Street Private Way Definitive Subdivision Plan*** MODIFICATION dated Febraury 28, 2012, last revised _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was approved by a vote of ____in favor ( ) and __ opposed ( ).

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

Specific Conditions

1. *Scope of Project* - It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.

2. *Time for Completion* - The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.

3. *Ownership of Summer Valley Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Summer Valley Road Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the MODIFIED 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway), be responsible for snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.

4. Roadway Fee - The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all drainage easement to the Summer Valley Lane Homeowners Association before the Board approves the final bond release or, if there is no bond, then before approval of the as-built plan.

5. Prior to endorsement, the MODIFIED 25 Summer Street Definitive Subdivision Plan last dated _____ shall be further revised to include the following:
   a. The final plan revision date on all plan sheets.
   b. Update list of approved waivers on the cover sheet
   c. Sheet 6 shall be modified to include the revised 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction.
   d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
   e. Show location of street and traffic control signs.
   f. Reference the sewer easement document with the Lynchs at 15 Little Tree Road
   g. Add a Sheet #7 to include the approved Stormwater Operation and Maintenance Plan dated _____.

6. Payment in lieu of Fire Alarm system . . .

7. Additional street light?

7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Summer Valley Lane as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone.* The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision.*

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the Summer Valley Lane Homeowners Association, for review, comment, amendment and approval by Town Counsel. Easement TO THE TOWN FOR WATER??

12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the Summer Valley Lane Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the 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

13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Summer Valley Lane Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.

15. The 2 houses in the subdivision will be connected to the sewer pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned, force main sewer system that will not be maintained by the Town of Medway. The applicant has represented and provided an engineering opinion that the Speroni Acres force main sewer system was designed to accommodate connection from his property. The applicant has also provided an easement document that will be recorded at the Registry of Deeds granting a for ensuring that any such agreements pertaining to such tie-in as well as the ongoing operation and maintenance of the pipeline system are a private matter between the applicant, the owner of that system and the adjacent property owner at 15 Little tree Road. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system. WHAT ABOUT REQUIRING THESE 2 LOTS TO FINANCIALLY SUPPORT THE SPERONI ACRES HOMEOWNERS ASSOCIATION, IF SUCH IS EVER FORMED, TO MANAGE AND MAINTAIN THE FORCE MAIN SEWER SYSTEM??

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.

17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from

the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision

18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account *(with the Town of Medway)* at an area financial institution with which the Applicant is placing a cash bond.

19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.

20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer.

21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the *"Order of Conditions"* shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification.

    Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

22. *Construction Observation and Fees* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections and for services of other outside consultants as may be needed during construction and project close-out. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer. A construction account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection and other outside consultant services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

24. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.

25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION

Date of Action by the Medway Planning & Economic Development Board

_____

AYE: ***NAY:***

_____ _____

_____ _____

_____ _____

_____

_____

Date Signed: _____

Attest: _____ _____

Susan E. Affleck-Childs Date
Planning & Economic Development Coordinator

Copies To: Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Stephanie Bacon, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the Town Clerk:

Kenney & Kenney
ATTORNEYS AT LAW

STEPHEN J. KENNEY
PAUL V. KENNEY

PETER J. KENNEY (1973-1980)

181 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
TEL: (508) 533-6711
FAX: (508) 533-6904
EMAIL: kenney@kenney-law.com

April 27, 2012

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

RE: Fasolino Home Improvements, Inc.
"Summer Valley Lane"
25 Summer Street, Medway

Dear Members:

Enclosed please find my Title Report for the property located at 15 Little Tree Lane, Medway, which property abuts the above referenced subdivision. Based on my examination of title, Sean Lynch and Shelley Lynch, as the owners of said property, have the right and obligation to maintain the sewer infrastructure which lies within the Utility Easement on their lot as shown on Plan No. 242 of 1998, Plan Book 455. As the owners of said property, Mr. & Mrs. Lynch also have the right to grant an Easement to Fasolino Home Improvements, Inc. to connect to the existing sewer stubs which are located within the utility easement referenced above. I find no encumbrances which would preclude Mr. & Mrs. Lynch from granting said Easement to Fasolino Home Improvements, Inc. for the purpose of connecting to the existing sewer stubs.

If there are any questions, please let me know.

Very truly yours,

Paul V. Kenney

PVK/ sac

TITLE REPORT

OWNER: Sean Lynch and Shelley Lynch
Deed dated 4-20-04
Book 20930, Page 430

PROPERTY: 15 Little Tree Road, Medway, MA 02053
Lot 9, Plan Book 455, Plan No. 242

ENCUMBRANCES:

1.	Wells Fargo Bank	9-28-10	Bk. 28077, Pg. 148
2.	RBS Citizens, NA	1-27-11	Bk. 28551, Pg. 116

RESTRICTIONS/CONDITIONS
EASEMENTS:

1. Subject to and with the benefit of all easements, restrictions and rights as shown on Plan No. 242 of 1998, Plan Book 455.
2. Grantee is responsible for the maintenance, repair and replacement of the grinder pump and force main serving said lot.
3. Declaration of Protective Covenants dated August 11, 1998, recorded in Book 12742, Page 188.

Examined Thru: 4-20-12

Paul V. Kenney

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Tuesday, May 08, 2012 10:48 AM
To: Barbara Saint Andre
Cc: Susan Affleck-Childs
Subject: Re: Summer Valley Lane, Medway
Attachments: GRANT OF EASEMENT.doc

Barbara,
I believe it was the intent of the developer, Owen Sullivan, of the Speroni's Acres subdivision to provide access to the owners of the abutting properties to the utility easement along Summer Street to tie into the sewer system. In fact, he provided sewer stubs to each of those abutting properties, and I am informed that he met with the prior owners of my client's property and assured them that they would be allowed to tie in to the system. Mr Sullivan has also given permission for my client to tie in. The properties along Summer Street existed at the time of the creation of the Utility Easement, and, therefore, I do not believe there is an overburdening of the easement. With regard to the Lynches, I've been in contact with them and they requested a revision to the easement, which I attach hereto. With regard to the assent of the mortgagees, I would argue that the mortgages are subject to the existing Utility Easement, and, therefore, assents should not be necessary. Please review and let me know your thoughts. Thank you.
Paul Kenney

----- Original Message -----
From: Barbara Saint Andre
To: Paul Kenney
Cc: saffleckchilds@townofmedway.org
Sent: Tuesday, May 08, 2012 9:27 AM
Subject: RE: Summer Valley Lane, Medway

Paul, I have reviewed the proposed grant of easement and have a few comments. First, the Town will need confirmation that the Lynches have in fact agreed to grant this easement. Also, according to your title report there are two mortgages on the property, so both mortgagees will have to assent to the grant of easement.

More fundamentally, it is not clear what easement rights the Lynches have in the Speroni private sewer system, and whether they may grant an easement for another land owner to use the sewer easement. It is the long-established rule in the Commonwealth that after-acquired property may not be added to the dominant estate without the express consent of the owner of the servient estate. Randall v. Grant, 210 Mass. 302, 304 (1911). The cases further make clear that, "absent such consent, use of an easement to benefit property located beyond the dominant estate constitutes an overburdening of the easement." McLauglin v. Board of Selectmen of Amherst, 38 Mass. App. Ct. 162, 169 (1995). See also Gordon v. Damon, 2005 WL 473588 (Land Court 2005) ("In this case the court confronts a long-standing property law rule, which prohibits the use of an easement to serve land not part of the dominant estate at the creation of the easement. The court concludes that the rule is in force in Massachusetts....") Thus, the proposed grant of easement and title report does not address the underlying issue as to whether the adjacent land owner, Fasolino Home Improvements, may be granted an easement to tie into the private sewer system in Speroni Acres by one of the lot owners.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: Paul Kenney [mailto:pkenney@kenney-law.com]
Sent: Monday, May 07, 2012 1:32 PM
To: Barbara Saint Andre
Cc: saffleckchilds@townofmedway.org
Subject: Summer Valley Lane, Medway

Hi Barbara,
I wanted to follow up with you to see if you had a chance to review the Grant of Easment from Lynch to Fasolino'Home Improvements for the tie in to the sewer stubs for the Summer Valley Lane subdivision. My client is hoping to finalize any outstanding items at tomorrow evening's meeting, including the easement. Please advise. Thank you.
Paul Kenney
508-533-6711

Town of Medway
Fire Department

Paul L. Trufant, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254

RECEIVED
MAY 08 2012
TOWN OF MEDWAY
PLANNING BOARD

DATE: May 8, 2012

TO: Medway Planning Board

FROM: Fire Chief P.L.T.
Paul Trufant

RE: 25 Summer St. Modified Sub-division Plan

Please note that I have reviewed the revised plans and find them to be acceptable from an access and safety perspective. Also, a fee of $1000.00 should be paid in lieu of fire alarm provision.

If you have any questions please contact me.

Sincerely,
Paul Trufant

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Tuesday, May 08, 2012 10:48 AM
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Cc: Susan Affleck-Childs
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More fundamentally, it is not clear what easement rights the Lynches have in the Speroni private sewer system, and whether they may grant an easement for another land owner to use the sewer easement. It is the long-established rule in the Commonwealth that after-acquired property may not be added to the dominant estate without the express consent of the owner of the servient estate. Randall v. Grant, 210 Mass. 302, 304 (1911). The cases further make clear that, "absent such consent, use of an easement to benefit property located beyond the dominant estate constitutes an overburdening of the easement." McLauglin v. Board of Selectmen of Amherst, 38 Mass. App. Ct. 162, 169 (1995). See also Gordon v. Damon, 2005 WL 473588 (Land Court 2005) ("In this case the court confronts a long-standing property law rule, which prohibits the use of an easement to serve land not part of the dominant estate at the creation of the easement. The court concludes that the rule is in force in Massachusetts....") Thus, the proposed grant of easement and title report does not address the underlying issue as to whether the adjacent land owner, Fasolino Home Improvements, may be granted an easement to tie into the private sewer system in Speroni Acres by one of the lot owners.

Barbara J. Saint André
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Paul Kenney
508-533-6711

Susan Affleck-Childs

From: Stephanie Bacon
Sent: Tuesday, May 08, 2012 2:05 PM
To: Susan Affleck-Childs
Subject: 25 Summer Street

Dear Suzy,

It is my perspective that all questions raised by our board have been satisfied through your correspondences with me. I will bring all of the information you provided me with, to our next board meeting on May 15th. If the board has any other concerns, I will notify you immediately. If you should need more of a formal response from the board, please let me know.

Sincerely,
Stephanie Bacon
Health Agent

Susan Affleck-Childs

From: Stephanie Bacon
Sent: Monday, April 30, 2012 6:42 PM
To: Susan Affleck-Childs
Subject: RE: capacity of Speroni Acres sewer system

Thank you Suzy, I believe you have answered all of the Board's questions. Just keep me posted if anything new should arise. We appreciate the attachments :)

From: Susan Affleck-Childs
Sent: Monday, April 30, 2012 4:45 PM
To: Stephanie Bacon
Subject: capacity of Speroni Acres sewer system

Stephanie,

Attached is an as-built plan of the Speroni Acres infrastructure. It shows the sewer system layout. Also attached is a letter from the design engineer indicating that there is enough capacity to handle the sewerage from 2 additional houses at 25 Summer Street.

Let me know if there is any other info I can provide.

Cheers.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

May 2, 2012

Report of the Planning & Economic Development Board May 14, 2012 Annual Town Meeting Proposed Zoning Bylaw Amendments Warrant Articles 30 - 48

BACKGROUND – The warrant for the May 14, 2012 Annual Town Meeting includes eighteen articles with proposed amendments to the Medway Zoning Bylaw. These are Articles 30 – 48. All were prepared and submitted by the Planning and Economic Development Board (PEDB) to the Board of Selectmen for inclusion on the Town Meeting warrant.

ARTICLE SUMMARIES

Article 30 – This article deletes a five paragraph sub-section pertaining to the purpose of having restrictions/standards on adult uses. In 2009, Town Meeting approved revisions to the adult use regulations of the Zoning Bylaw by allowing adult uses "by right" only in the Industrial I zoning district. The proposed language to be deleted is "left over" language from the previous adult use provisions which dated back to the mid 90's and applied to the Commercial I zoning district.

Article 31 – This article includes a series of new definitions for terms used in the Zoning Bylaw. The Building Commissioner had asked the PEDB to develop definitions for commonly used words.

Article 32 – This article pertains to the Agricultural-Residential I zoning district. It adds "kennel" as a special permit use from the ZBA.

Article 33 – This article pertains to the Agricultural-Residential II zoning district as follows:

- adds "kennel" as a special permit use authorized by the ZBA
- specifies that any "single family" dwelling constructed in the district must have 150' of continuous frontage and a lot area of 22,500 sq. ft.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

Article 34 – This article pertains to the Commercial I zoning district as follows:

- references the new definition for "retail sales"
- adds "kennel" as a special permit use authorized by the ZBA
- deletes "automobile service station" and adds "vehicle fuel station" and "vehicle repair" as special permit uses authorized by the ZBA
- adds "local convenience retail with associated vehicle fuel station" as a special permit use from the Planning and Economic Development Board
- replaces "minimum lot width" with "minimum lot frontage"

Article 35 **-** This article pertains to the Commercial III zoning district as follows:

- references the new definition for "retail sales"
- adds "home based business as a "by-right" use.
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage"

Article 36 – This article pertains to the Commercial IV zoning district as follows:

- references the new definition for "retail sales"
- adds "home based business as a "by-right" use
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage"

Article 37 - This article pertains to the Commercial V zoning district as follows:

- references the new definition for "retail sales"
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage"

Article 38 - This article pertains to Accessory Family Dwelling Units as follows:

- adds "accessory family dwelling units" by special permit from the ZBA in Commercial III and IV zoning districts.
- deletes the lengthy provisions re: "accessory family dwelling units" that are included in ARI and repeated again in ARII with a simple reference in each zone that "accessory family dwelling units" are allowed by special permit from the ZBA
- establishes a new Sub-Section specific for "Accessory Family Dwelling Units" to include the existing regulations, an added statement of purpose, and several minor revisions.

Article 39 – This article pertains to the Industrial I zoning district as follows:

- adds "contractor's yard", "vehicle repair", and "outdoor storage. . ." as by right uses
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage

Article 40 – This article pertains to the Industrial II zoning district as follows:

- adds "outdoor storage. . ." as a by right use
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage

Article 41 - This article pertains to the Industrial III zoning district as follows:

- adds "outdoor storage. . ." as a by right use
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage

Article 42 – This article pertains to the Flood Plain/Wetland Protection District sub-section by deleting the existing provisions and replacing them with new provisions which comply with the Federal Energy Management Agency (FEMA) and the Massachusetts Department of Conservation and Recreation. This will ensure that Medway residents are able to secure flood insurance.

Article 43 – This article pertains to the Sign Regulations and provides that the Design Review Committee will review and provide a recommendation letter re: signs 6 square feet and larger before a sign permit can be issued.

Article 44 – This article pertains to the Open Space Residential Development (OSRD) provisions by deleting and replacing paragraphs 1 – 11. These changes pertain to:

- OSRD purpose
- Minimum parcel size
- Pre-application process
- 4-step site design process
- Application information & open space requirements and plan
- Dwelling unit yield formula
- Decision criteria

Article 45 – This article pertains to the Business Industrial District as follows:

- deletes "automobile service station" as a special permit use and replaces it with "vehicle repair" as a special permit use authorized by the ZBA
- adds "outdoor retail sales" as a special permit use authorized by the ZBA
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum continuous frontage"

Article 46 – This article will delete the existing one sentence provision that requires a special permit from the ZBA for a kennel located in any Medway zoning district. This text is presently "hidden" in the General Requirements section of the zoning bylaw. It will be replaced by specific language in each of the individual zoning district sub-sections as described in Articles 32 – 37, 39-41 and 45.

Article 47 – This article pertains to the Affordable Housing requirements. It deletes the existing sub-section and replaces it with a new sub-section. The changes pertain to:

- Purpose
- Size of development project to which the affordable housing requirements apply
- Adjustment in the % of a residential development that must be affordable

Article 48 – This article modifies the Home Based Businesses provisions to specify that the sub-section also applies to home based businesses in the Commercial III and IV zoning districts.

PUBLIC HEARING – Massachusetts General Laws require a municipal planning board to conduct a public hearing on any proposed amendment to the local zoning bylaw. The Planning and Economic Development Board scheduled its hearing for March 21, 2012. On March 3, 2012, the public hearing notice was filed with the Town Clerk's office and posted to the Town of Medway web site. The legal notice for the public hearing was advertised in the *Milford Daily News* on March 6 & 24, 2012. The public hearing was opened and closed on March 21st.

During the public hearing, John Emidy, the Medway Building Commissioner/Zoning Enforcement Officer provided verbal testimony in support of a series of new Definitions which he had recommended. Written comments were provided by one resident and were entered into the record. Those comments addressed aspects of almost all of the proposed amendments and included some very constructive recommendations for revised language to improve the proposals. The Board was able to revise the text of a number of its proposed articles to reflect those suggestions. The final warrant reflects those changes. No other verbal or written testimony was offered.

RECOMMENDATION – On April 24, 2012, the Planning and Economic Development Board voted to recommend approval of the proposed Zoning Bylaw amendments as represented in Articles 30 – 48 as printed in the warrant for the May 14, 2012 Town Meeting.

ATTEST:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

5-2-2012
Date

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

MEMORANDUM
May 2, 2012

TO: Planning and Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Next steps for future zoning work

Attached is an updated master list of possible zoning bylaw amendment work. As always, it is a big list.

Recommendation – We should contact the BOS/TA, ZBA, EDC, OSC, AHC/AHT, Town Counsel and others we may identify to solicit their requests/suggestions/ recommendations for Zoning Bylaw amendment work for the upcoming year. I would suggest we make these contacts immediately so we can consider their needs in establishing a clear FY 13 zoning work plan for ourselves by July 1, 2013.

Telephone: 508-533-3291 Fax: 508-321-4987
saffleckchilds@townofmedway.org

Medway Planning and Economic Development

IDEAS for ZONING BYLAW AMENDMENTS & OTHER POSSIBLE TOWN MEETING WARRANT ARTICLES

UPDATED 5-2-2012

I. Substantive Zoning Work	*NOTES*	*Target DATE*	*Lead Person*	*Priority*
A. Town Center/Commercial Mixed Use – 40R Overlay	Recommended in 2009 Master Plan			
B. Rezone area on Route 126/Main/Village Streets near Bellingham for business uses	What kind of uses would you want here? This would be a new district.			
C. Traditional Neighborhood Design Overlay District	Draft completed by Gino Carlucci (2007 Smart Growth Technical Assistance Grant); Recommended in 2009 Master Plan			
D. Oak Grove/Bottle Cap Lots - 40R Overlay	Recommended in 2009 Master Plan			

II. Zoning Bylaw Amendment Recommendations from the 2009 Master Plan	***NOTES***	***Target DATE***	***Lead Person***	***Priority***
A. Establish a Transfer of Development rights option	Model bylaw available			
B. Establish a Wildlife Habitat Corridor Overlay Zoning District				
C. Adopt zoning to encourage mixed use development such as apartments above retail				
D. Rezone property: • along Route 109 near Millis; • at intersection of Routes 109/126 (Commercial V); • around the Police Station (Commercial IV) • Clark and Route 109 (presently zoned AR1) to allow for construction of new office space with residential appearance				
E. Create a new zoning classification for office space and light industry				
F. Rezone properties that are no longer suitable for industrial uses				
G. Review zoning to assure that design standards are consistent with Master Plan vision				
H. Review/revise zoning for high volume drive thru businesses to reduce or eliminate such uses because of safety concerns	Commercial I district			
I. Review zoning to ensure that aquifers, wellheads and watershed areas are preserved. Expand protection area around wells				
J. Rezone parcels for optimal use and Town benefit such as areas adjacent to currently zoned industrial property				

III. ***Zoning Bylaw Amendment Recommendations from the 1999 Master Plan That Haven't Been Implemented***	***NOTES***	***Target DATE***	***Lead Person***	***Priority***
A. Look at ***Commercial III*** *(around Town Hall)* and ***Commercial IV*** *(around the Police Station)* zones. • Evaluate the possibility of expanding the boundaries of these zones and ways to strengthen the "village characteristics", • encourage the preservation adaptive use and allow for mixed uses • Interface with Medway Historic Commission re: the new Medway Village National Register Historic District in the Commercial District III area. • Allow for construction of residential duplexes and mixed uses by right	The boundaries of the Commercial III district were revised/cleaned up at the 6-13-2011 town meeting. A new AUOD district was established in the Medway Village area at the 6-13-11 town mtg. NOTE – These districts do not provide for any residential uses other than the construction of new single family homes			
B. ***Rezone contaminated lands for economic development.***				
C. Establish option for ***Neighborhood Conservation Districts***	Is this zoning or a general bylaw?			

IV. Other Zoning Bylaw Amendment Ideas	***NOTES***	***Target DATE***	***Lead Person***	***Priority***
A. ***Work on Accessory Family Dwelling Units section*** • Establish a maximum size • Legality of occupancy rules	This needs attention per Town Counsel This is also a very important topic for the ZBA			
B. ***Revise Commercial I*** • link special permits to site plan review; criteria, etc. to streamline and consolidate review process; • change authority so special permits are issued by the PB when done in conjunction with site plan review so to streamline and consolidate review process (business friendly) • revise zoning setback requirements	Work with Karen Johnson @ Charter Realty & Development			
C. ***Establish Use & Dimensional Tables*** – Requested by John Emidy	Previous draft is available for review			
D. ***Modify Affordable Housing Infill Bylaw*** to allow it to be used on undersized *(but neighborhood compatible)* parcels that are newly created thru the ANR process	Work with Affordable Housing Committee and Trust			
E. ***Estate/Back Lot Zoning*** – Allow a single family home to be constructed on an oversize lot with less frontage than normally required with an automatic permanent deed restriction against future subdivision	Many samples available from other towns. Previous draft available for review and discussion			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Target DATE	Lead Person	Priority
F. ***Create a new Village Residential (VR) zoning district*** for portions of ARII that are already more dense than the present ARII standards (150' frontage and 22,500 sq. ft of area)	This would better match the zoning text to the actual uses/sizes on the ground Possibly allow duplexes by right and small multi-family by special permit.			
G. ***Sign Regulations*** • Remove sign provisions from zoning bylaw and convert to a general bylaw • Establish specific sign provisions for Medway Mill • Require DRC approval of sign design • Revisit sign regulations for Commercial I zone • Establish a sunset requirement for non-conforming signs				
H. ***Strengthen buffer requirements*** in commercial and industrial zoning districts where such are adjacent to residential districts				
I. ***Establish a setback requirement (from side lot lines) for driveway locations***. (Requested by Bob Klein – 533-6212). He suggests a 6' setback.	Is this a zoning matter or better addressed in the *Subdivision Rules and Regs* and/or the DPS street opening permit requirements			
K. ***Noise standards***	Current noise standards are very minimal			
L. ***Establish another area for Commercial III or IV zoning – West Medway commercial area*** (west of Mechanic Street)	Presently this area is zoned ARII but it has many commercial uses operating as pre-existing non-conforming uses or pursuant to an old special permit/use variance			

IV. Other Zoning Bylaw Amendment Ideas	***NOTES***	***Target DATE***	***Lead Person***	***Priority***
M. ***Site Plan Review*** – Add a provision for administrative site plan review of certain very limited projects such as façade renovations that need a building permit but nothing else. This would include DRC review plus input from John Emidy/SAC. This process could also apply to minor modifications of previously approved site plan projects.				
N. Develop zoning provisions for ***outdoor dining/sidewalk cafes***				
O. Revise ***parking standards*** – based on MAPC study				
P. Not allow businesses with a Commercial 2 license to operate as a home based business	Recommended by John Emidy			
Q. Allow for commercial solar generation in undevelopable back lot areas of AR1				
R. Expand east side industrial park (Industrial I) by rezoning a portion of ARI to Industrial I				
S. Revise what type of uses are allowed by right in the Industrial III zoning district to encourage highest and best uses	Requested by the BOS			

V. Zoning Map - Clean-Up Zoning District Boundaries	***NOTES***	***Target DATE***	***Lead Person***	***Priority***
A. South side of Coffee Street near Main Street (Change from ARI to ARII)				
B. Southeast corner of Summer and Highland Streets. (Change from ARI to ARII)				
C. Refine ARI and ARII boundary near Brandywine Terrace east to Winthrop Street				
D. Refine ARI and ARII on east side of Winthrop Street north of Adams Street up to Lovering St.				
E. Refine boundary of ARII district along Lovering Street				
F. West side of West Street south of Edison easement - change from AR2 to Industrial 2				
G. Clean up/revise/expand boundaries of Commercial IV zone (near police station)				
H. Expand Industrial I zone – rezone a portion of AR1 to Industrial I				
I.				
J.				
K.				

VI. OTHER POSSIBLE TOWN MEETING WORK	NOTES	DATE	Lead Person	Priority
A. General Bylaw/or article to authorize BOS to accept conveyance of land or interests therein when such is already provided for in a decision by the PB, ZBA or ConCom (instead of having to go to town meeting) – Medfield example; recommended by Mark Cerel				
B. General Bylaw - Right to Farm *(recommended in 2009 Medway Master Plan)*	Work with "to be established" Agricultural Committee			
C. General Bylaw – Ban underground sprinkler systems *(recommended in 2009 Medway Master Plan)*	Discuss with DPS			
D. Something on business hours of operation – Prohibit or regulate 24 hour operations.	Probably a general bylaw			
E. Something to limit hours for outside construction				

May 14, 2012
SPECIAL MEETING
Medway Planning and Economic Development Board
Medway High School – 88 Summer Street
Room 112A and Auditorium

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Gino Carlucci, PGC Associates (planning consultant)
Barbara Saint Andre, Petrini & Associates (town counsel)

The Chairman opened the meeting at 6:42 p.m.

There were no Citizen Comments.

Public Hearing Continuation – 25 Summer Street Definitive Subdivision Plan MODIFICATION

Note – No one was present representing the applicant.

Andy Rodenhiser reported that Town Counsel has been very busy with town meeting preparations and has not been able to work with Paul Kenney, the applicant's attorney, on some of the details regarding the Speroni Acres sewer easement as such applies to the applicant's project at 25 Summer Street.

Susy Affleck-Childs provided copies of email communications between Town Counsel Barbara Saint Andre and Paul Kenney, attorney for the applicant. Mr. Kenney had provided a revised easement document from Sean and Michele Lynch at 15 Little Tree Road to Fasolino Home Improvements authorizing the applicant to connect to the sewer system on the Lynch property.

Susy Affleck-Childs reported that she had spoken with Stephanie Bacon, the new Health Agent, and brought her up to date on the various issues. Susy specifically asked for BOH comments on this sewer connection matter.

Andy Rodenhiser asked about our liability if the Board were to approve this subdivision modification without all the sewer easement issues being clearly resolved.

Andy Rodenhiser indicated he had stressed to Mike Fasolino how important it was for them to provide information about who owned the Speroni Acres sewer easement.

Bob Tucker indicated that Mike Fasolino needs to provide proof that there is a sewer easement for the Speroni Acres subdivision. We could make this a condition of the Board's decision.

Susy Affleck-Childs entered into the record an email communication dated May 11, 2012 from Dave Pellegri of Tetra Tech Engineering. (**See Attached**.) This pertained to his review of the endorsed Speroni Acres definitive subdivision plan from 1998 to determine the scope of the sewer system. His email indicates that the plan does NOT show any stubs to connect adjacent properties to the Speroni Acres sewer system.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to continue the public hearing to the Board's next meeting on Tuesday, May 29, 2012 at 7:15 pm. It will be held at Medway Town Hall. The motion was approved.

Susy Affleck-Childs reported that the Board needs to secure a deadline extension from the applicant. The application was filed on February 28, 2012. (Per the Rules and Regs), the Board has 90 days from the date of the application submittal to file its decision with the Town Clerk unless otherwise extended. (NOTE – That deadline would be May 28, 2012, which is the day before the next meeting.) She had hoped Mike Fasolino would be at the hearing tonight to be able to request the deadline extension.

The Board agreed that Susy should try to secure the authorization from Mike Fasolino. before the next meeting. This would provide additional time for Town Counsel and the applicant's attorney to work out the sewer easement concerns.

On a motion by Chan Rogers, seconded by Bob Tucker, the Board approved extending the action deadline in anticipation of receiving such a request from the applicant but to deny the proposed subdivision plan modification if an extension is not granted.

Bob Tucker asked whether the applicant had provided the information discussed at the last meeting regarding the future owners of the subdivision lots at 25 Summer Street providing financial support if the Speroni Acres neighbors ever establish a home owners association for the operation and maintenance of the private sewer system.

Susy Affleck-Childs reported that nothing had been submitted yet but Attorney Kenney had recommended that such provisions could be included in the Homeowners Association Trust that will be established for the owners of the 25 Summer Street subdivision lots.

Susy Affleck-Childs also noted that Mike Fasolino has not paid the newspaper advertising invoice for the public hearing legal ad in the *Milford Daily News*. She has billed him several times.

It was noted that without the various documents the board has asked for and without the deadline extension and without the payment to the Milford Daily News for the legal ad, the board would have grounds to deny the application.

On a motion by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board agreed to relocate its meeting to the 2012 Medway Annual Town Meeting being held in the auditorium at Medway High School at 7:30 p.m. and to adjourn at its conclusion.

NOTE – Town Meeting concluded at 9:45 p.m.

Respectfully submitted,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Susan Affleck-Childs

From: Pellegri, David [david.pellegri@tetratech.com]
Sent: Friday, May 11, 2012 10:55 AM
To: Susan Affleck-Childs
Subject: 25 Summer Street Sewer Stub

Susy,
Please note that based on discussions at previous public hearings for the project proposed at 25 Summer Street, we reviewed the Speroni Acres plans approved by the Planning Board to verify whether or not a stub was provided for the 25 Summer Street parcel in the original design.

The Definitive Subdivision Plans for Speroni Acres was approved and signed by the Medway Planning Board on March 31, 1998. On sheet 5 of 8D of that approved plan set, the sewer line is shown running through the rear of Lots 9, 10, and 12. Lot 9 is the parcel that immediately abuts the 25 Summer Street parcel. The proposed two (2) inch force main takes a 90 degree bend in the south east corner of Lot 9. It is at this 90 degreee bend that the developer of the 25 Summer Street Parcel proposes to connect to the existing system. On the approved plans mentioned in the sentences above, there is no stub shown from the existing system at this location extending towards the 25 Summer Street Parcel.

Please let me know if you have any questions.
Thanks,
Dave

David R. Pellegri, P.E. | Senior Project Manager
Direct: 508.903.2408 | Main: 508.303.2000 | Fax: 508.903.2001
david.pellegri@tetratech.com

Tetra Tech Engineering and Architecture Services
1 Grant Street | Framingham, MA 01701 | www.tetratech.com

May 29, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Engineering

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Engineering Consultant Reports:

Franklin Creek:
Consultant Pellegri informed the Board that the patch paving at Franklin Creek has been rescheduled since the weather did not make paving possible two weeks ago.

Applegate Farms:
Consultant Dave Pellegri communicated that the installation of sewer has begun but will be delayed since the digging has hit ledge and will require blasting.

Consultant Pellegri does not think it is necessary for him to be on site for the blasting.

Member Tucker wanted to know if there has been a preblast survey done since the survey will protect all parties.

Consultant Pellegri indicated that he will check to make sure that the preblast application is being completed.

There was discussion about ownership and responsibilities for the drainage going onto the property from Virginia Road. The culvert going across Ellis Street from Virginia Road empties out onto this property. DPS has hired Rob Truax to provide a drainage plan and cost estimates.

Dave Pellegri is reviewing the estimate.

DPS Director Tom Holder and developer Ralph Costello have discussed the responsibilities. Both are getting legal assistance. There will be an internal meeting with Tom, Dave Pellegri, Susy and Bob Tucker which will take place June 12, 2012.

Ralph is providing information about how much the easement is worth.

We need to get appraisals done about value and or loss of value of the lots due to adding a drainage easement.

There may need to be a subdivision plan modification to reflect the new drainage easements and this will have to come to the Board.

There will be a cost for the plan modification.

There is nothing that the Board needs to do at this point.

PUBLIC HEARING CONTINUATION - 25 Summer Street Definitive Subdivision Plan Modification:

The Chairman opened the continued public hearing for 25 Summer Street Definitive Subdivision Plan Modification.

Applicant Mike Fasolino was present.

The Board is in receipt of a cover list of five items of communication which have been provided to the Board in their packets.
(See Attached).

The Town of Medway Board of Health provided a memo dated May 22, 2012.
(See Attached).

There was email communication from Town Counsel dated May 16, 2012.
(See Attached).

Another email communication from Town Counsel dated May 16, 2012
(See Attached)

There was an email from Susy Affleck-Childs dated May 23, 2012 to Mike Fasolino.
(See Attached)

Draft Certificate of Action, dated May 2, 2012. **(See Attached).**

Susy reported that the Board did receive an extension of the Board's deadline for action from Mr. Fasolino.

Susy reported that the Board of Health still has issues with the right of way. The Planning Board is obligated to take the advice of the Board of Health per the subdivision control law.
The Board of Health still has concerns about the sewer plan. They have not taken a vote for a formal recommendation.

Member Gay noted that the letter from the Board of Health seems to indicate confusion about what they are writing as an opinion. The adjacent homeowner is granting a right to get to the sewer system on their property; they are not providing approval to tie in. That is coming from Owen Sullivan, the original developer of Speroni Acres.

Mr. Fasolino wants to know why the Board of Health is being brought in two years later at the end of this.

Susy explained that the modification is really a new application for all intents and purposes.

Mr. Fasolino indicated that the old Health Agent did review this and had no problem.

Susy responded that the Planning Board did not receive any written communication from the prior Board of Health agent.

It was suggested that Mr. Fasolino get on the Board of Health agenda to discuss this matter with them.

Member Rogers was wondering about what is the possibility of Owen Sullivan filing a sewer easement now?

Susy reported that attorney Paul Kenney had communicated to her that there is no record of a separate recorded easement for the Speroni Acres force main sewer system. It is shown on the definitive subdivision plan.

A question was raised whether one can record something after the fact.

Member Tucker feels that Mr. Fasolino has provided everything the Board has asked and the outline of the drainage easement shows on plan (Speroni Acres definitive subdivision plan).

The Chairman notes that we need the easement recorded. This will show a good faith effort.

Member Gay notes that Mr. Sullivan has allowed him to tie in. This permission was provided to the Board previously and it was adequate.

The Board would like Susy to draft a letter to the Board of Health with further clarification.

Member Rogers notes that the Speroni Acres sewer easement has not been resolved and will probably not be resolved.

Member Gay communicated that even if it is solved, the ownership of the sewer system is by 25 people and the Town will not own this sewer system.

It was further discussed that the Board can only go by with what we know, even if there is no easement.

Susy wanted to know if Mike Fasolino asked Owen O'Sullivan to do anything more relative to the easement.

Mr. Fasolino indicated no. He has had no other dealings with Mr. Sullivan since getting the initial permission to tie in.

Susy noted there is no text on the Speroni Acres subdivision plan that notes this is a private sewer system.

Mr. Fasolino responded that he just wants to get two house lots. He noted that Karyl had mentioned at a previous Board meeting that she had been at a PB meeting back when Speroni Acres was approved and said herself that the intent was to allow the abutting property owners to tie into the sewer system. One of those abutters, Mr. Clark, told him the same. They were ok with me tying in.

Mr. Fasolino does not know what else he can provide to the Board.

Susy wanted to know if the Board would like Mr. Fasolino to reach out to Owen Sullivan.

The Chairman indicated that we did get a letter from Owen Sullivan.

This is a private forced main. Then the water goes into a manhole. So it is essentially on private property the whole way.

If you own the manhole, you own the pipe. The easement is shown on the plan.

Member Tucker noted that the system was designed for the appropriate connections and has not been taken over by the Town or conveyed. The abutter (the Lynches) has provided a letter stating that they are ok with crossing onto their property to connect. He has provided what we need.

A question was raised if it is too late for Owen Sullivan to record anything since he does not own the land.

Susy Affleck-Childs noted that maybe she should go to the Board of Health meeting to clarify.

The Board would like to get the letter from the Board of Health by their next meeting so that the hearing can be closed.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the hearing for 25 Summer Street to June 12, 2012 at 7:15 pm.

Change Work Orders:
Susy Affleck-Childs would like the Board to vote on the change order for consultant Pellegri from Tetra Tech for the 25 Summer Street project in the amount of $900.00 for plan review services. (**See Attached**.)

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted to change the work order in the amount of $900.00 provided by Tetra Tech Rizzo.

Andy Rodenhiser	**aye**
Tom Gay	**aye**
Chan Rogers	**aye**
Bob Tucker	**aye**
Karyl Spilller-Walsh	**nay**

Member Spiller-Walsh does not think Mr. Fasolino should have to share in the cost of the legal research regarding the Speroni Acres system.

Dave Pellegri indicated that the primary increase is for the attendance at the meetings.

Pine Meadows:
Gary Feldman was present to discuss the situation at Pine Meadows.

The owner of several of the lots, Tony Pam, was also present.

Gary indicated that there are two other partners who own 3 lots and then there is 1 lot owned by Matt Barnett.

Member Tucker asked the owner if he knows what to do to get the job done.

Gary responded that Nick Turi, the abutter to the south, is the one who will need to maintain the property at the entry area to the subdivision. That small parcel of land will be conveyed to him. Mr. Turi wanted the wildflower mix.

Consultant Pellegri asked what will you do if the wildflower mix does not take again.

Gary indicated that this area needs to be maintained.

Consultant Pellegri indicated that unless something is decided, we will be in the same situation in the fall.

Susy Affleck-Childs will review the original subdivision decision to see if there were any conditions relating to the lawn maintenance.

The ownership of this area needs to be looked at to determine who presently owns the small piece of land next to the Turis. When the partnership split up, who ended up with this small parcel?

Susy reported there is currently $2,300 left in the construction account. This will cover the review of the as-built plans, but this is not enough to cover the legal cost for street acceptance.

There is a $40,000 bond. There will be no further bond reduction as this is the minimum amount.

Susy Affleck-Childs will check with Town Counsel about getting an estimate for the legal cost for street acceptance.

Susy Affleck-Childs recommended that they look at who owns the little piece of land that will be conveyed to Nick. The ownership of the road is shared.

The Board noted that the owners should make sure that they retain the fee in the road when the house lots are conveyed. That makes street acceptance much easier down the road.

The road will need to be conveyed to the Town in its entirety and with no encumbrances on it.

It was suggested that this be worded correctly so that the Town will accept this in the future.

Susy Affleck-Childs would be happy to speak with the developers' attorney.

Susy Affleck-Childs would like updated contact information for all the owners.

Chairman Rodenhiser wanted it noted for disclosure purposes that his company sells as a wholesaler representative for Portland for whom Gary Feldman works. The Chairman noted the business relationship has nothing to do with this project.

McDonalds:
The Board is in receipt of an email communication from Susy Affleck-Childs to Robin Boorstein, proprietor of the Medway McDonalds. dated May 23, 2012. **(See Attached).**

The email explains that the DRC would have liked to have been provided with the color rendering with the exact color selections for the recent repainting of McDonalds. It was also communicated that in the future, when making substantive changes to the building's exterior, it is recommended that the business meet with the Design Review Committee.

Susy Affleck-Childs communicated that this does bring up possible discussion about color selection for other buildings throughout town. We need to think about how we want to handle this with future decisions, particularly when paint color was a key component of the original review process.

Member Rogers asked if the bylaw addresses refurbishing and repainting of buildings.

Susy Affleck-Childs noted that in the future, decisions could include a condition referencing that the color plan needs to be adhered to and if changed there will need to be a plan modification.

The Design Review Guidelines are pretty much silent in regards to color.

Susy indicated that repainting does not need a building permit and is part of normal maintenance. Repainting does not constitute a plan modification under the current bylaw standards.

Design Review Committee Appointments:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to appoint Rod MacLeod to the Design Review Committee through June 30, 2013.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to reappoint Matt Buckley, Mary Weafer and Rachel Walsh to the Design Review Committee through June 30, 2014.

The Design Review Committee is still in need of another member. The hope is for someone who works in landscape design industry.

Report on Zoning Ideas for 2013

A copy of the memo from Susy dated May 15, 2012 that was sent to Town boards and departments is attached. It asks for recommendations on zoning amendments.

Susy Affleck Childs will be attending the Open Space Committee meeting next week, and she will also be going to the Historical Commission meeting. The purpose of her attending these meetings is to discuss suggestions and ideas for possible amendments to the Medway Zoning Bylaw. Susy has not heard back from the Zoning Board of Appeals.

Minutes:
May 8, 2012:
The minutes from May 8, 2012 will be tabled until next week.

May 14, 2012:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to accept the minutes from May 14, 2012.

Announcements:
Susy reported that she expects three definitive subdivision plans to be submitted within the next three weeks. (Norwood Acres, Hill View Estates and Bay Oaks)

The Board was made aware of the resignation of Kent Scott from the Economic Development Committee. He is currently working on Medway's 300 birthday celebration and is doing video

productions for this project. He has been instrumental with the discussions this year on the Economic Development Committee.

Susy reported she is working with Open Space Committee on a PARC grant application. The grant would be for improvements at Idylbrook on trails and possible irrigation on fields. There are funds in the Town's FY 13 capital budget for park improvements that could be considered as the source for the required matching funds. There will be further meetings with members of the Parks Commissioners. Gino Carlucci will be writing the grant.

Susy reported that the Town Administrator has asked her to work on a project for the Energy Committee. This would involve preparing an RFP to seek a private vendor to provide solar net metering for the Town. There will be a request for proposals. She reported that there is also some discussion about participating in a regional solar project thru MAPC whereby a number of towns would go in together to seek a vendor for installation of solar panels on municipal facilities. Medway wants to look at this as a possibility for other town buildings.

Member Tucker has a concern about how much time Susy is being directed to give to other projects which are outside of the Planning Board's activities and budget. .

Susy noted that the budget is not really a Planning Board budget, but instead is really a Planning and Economic Development office budget.

The Board is concerned that Susy is being pulled into various projects. This has the potential of her getting side tracked.

The Chairman asked if it is effecting the work completion of the Planning Board projects.

Susy noted that if things pick up with project submittals, it may become an issue. She further explained that the Planning Board work is always a priority. The Planning Board has a broad compass including design review, open space and economic development.

Susy reported that the Town Administrator had directed her to not work on affordable housing matters.

Member Tucker does not want to see Susy overloaded.

Oak Grove Meeting:
There will be an Oak Grove Public Forum #3 meeting on June 19, 2012 at 7:00 pm at the Medway Public Library. There will be members of various Boards and Committees who will be attending. It was suggested that a microphone and speaker be placed in the room for audience members to ask questions.

Susy will speak with the IT people.

Conservation by Design Workshop

There will be a workshop on June 4, 2012 at Dean College with the presenter being Randell Arendt. The topic of discussion will be Conservation by Design.

2013 Committee Assigments:

There was a memorandum re: committee assignments in the packet. **(See Attached.)**

Susy was wondering from Tom if the Town Wide Facility Committee is still meeting. He indicated that the Town Wide Facility Committee is still in place and is on call. The report and recommendations have been submitted.

Susy offered to serve as liaison with the Historical Commission.

The Board is comfortable with the same appointments for 2013 as were for 2012.

Susy asked the members to think about Board leadership for the next year. This will be on the agenda for next month.

Future Meetings:
The next Planning and Economic Development meeting will be Tuesday, June 12, 2012 at 7:00 pm in Sanford Hall.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

25 Summer Street Subdivision Modification Public Hearing Continuation

1. Email communication from SAC to Mike Fasolino – May 23, 2012

2. Memo dated May 22, 2012 from Stephanie Bacon, Health Agent on behalf of the Board of Health

3. Email communications between Barbara Saint Andre and Attorney Paul Kenney – May 10 and May 16, 2012

4. CONFIDENTIAL email communication from Barbara Saint Andre – May 16, 2012

5. Draft Certificate of Action – May 2, 2012 (unchanged from prior draft included in the board packet from the 5/8 meeting)

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

DRAFT – May 2, 2012

CERTIFICATE OF ACTION
25 SUMMER STREET – MODIFIED DEFINITIVE SUBDIVISION PLAN
A PERMANENT PRIVATE WAY
(APPROVED with Waivers and Conditions)

I. PROJECT DESCRIPTION: The proposed MODIFED *25 Summer Street Definitive Subdivision Plan* shows a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7.

The proposal includes:

- creation of an approximately 173' long private road/right of way to provide conforming legal frontage for one of the two house lots. *(The other lot has sufficient frontage on Summer Street)*;
- construction of a common driveway within the right of way to provide access to two new houses;
- use of swales and a small stormwater basin for drainage and infiltration;
- installation of sewer service to connect to the existing private system on Lot ___ (15 Little Tree Road) in the adjacent Speroni Acres neighborhood; and
- installation of water service to connect to the municipal water system on Summer Street.

The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. BACKGROUND: On June 28, 2011, the Medway Planning and Economic Development approved a Certificate of Action for the 25 Summer Street Definitive Plan. The plan was never presented to the Board for endorsement nor was the Certificate of Action ever recorded at the Norfolk County Registry of Deeds.

Telephone: 508-533-3291 Fax: 508-321-4987
Email: planningboard@townofmedway.org

The proposed plan MODIFICATION pertains to a needed change in the layout of the house lots and road right of way based on an additional wetlands area identified by the Medway Conservation Commission in late 2011. This extent of change to the plan constitutes a major modification.

IV. PROCEDURAL SUMMARY: With respect to the *MODIFED 25 Summer Street Definitive Subdivision Plan,* the Planning and Economic Development Board certifies as follows:

1. On February 28, 2012, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan MODIFICATION*, dated February 28, 2012 prepared by Faist Engineering of Southbridge, MA. A separate preliminary subdivision plan was not filed for this plan modification.

2. On March 1, 2012, it circulated the MODIFIED Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.

3. On March 27, 2012, it commenced a public hearing on the plan. The public hearing notice was filed with the Medway Town Clerk on March 1, 2012 and posted to the Town's web site on the same date. The hearing was advertised in the *Milford Daily News* on March 12 and 20, 2012. Abutter notice was sent by certified sent mail on March 5, 2012. The public hearing was continued to April 10, 24 and May 8, 2012. It was closed on _____.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the 25 Summer Street Definitive Subdivision Plan MODIFICATION were conducted over the course of ___ Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed by the Town's engineering and planning consultants for compliance with the *Medway Zoning Bylaw* and the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the application was filed with the Town in February 2012.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan MODIFICATION – Faist Engineering, Inc.
February 28, 2012, last revised _____.

Stormwater Calculations & Design: Two (2) Lot Definitive Subdivision Modification - 25 Summer Street, Medway, MA - Faist Engineering, Inc.
February 28, 2012

Other Application Materials

- Form D – *Designer's Certificate*, February 28, 2012, signed by David Faist, PE and Daniel O'Driscoll, PLS
- Deed conveying 25 Summer Street from John and Veronica Clark to Fasolino Home Improvements, Inc., November 19, 2008, recorded at the Norfolk County Registry of Deeds on November 19, 2008, Book 26159, Page 264.

- *Long-Term Operation and Maintenance Plan – Site Stormwater Management System*, February 28, 2012 prepared by Faist Engineering.
- Form E – Certified List of Abutters & Owners within 300', February28, 2012, signed by

Waiver Requests

February 28, 2012 list prepared by Faist Engineering; revised April 18, 2012

Town Engineering Consultant Review Letters – Dave R. Pellegri, P.E., Tetra Tech Rizzo

March 21, 2012

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

March 20, 2012

Supplemental Information Provided By Applicant

- Revised Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction, received _____
- Communication dated March 2, 2012 from Veronica Clark, the holder of the mortgage on the property at 25 Milford Street, consenting to the submittal of an application to modify the previously approved Definitive Subdivision Plan for 25 Summer Street.
- Letter dated April 9, 2012 from Bruce Eaton, P.E. of Civil Environmental Consultants LLC of Peabody, MA re: the adequacy of the pressure sewer system in the adjacent Speroni Acres subdivision
- *As-Built Plan* for Speroni Acres Subdivision, Sheet 1, dated 1/24/2004, last revised 4/5/2007, prepared by CEC Land Surveyors of Peabody, MA.
- Letter dated 4-27-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement on 15 Little Tree Road and an associated title report.

Information Entered Into the Record by the Planning and Economic Development Board

- *Certificate of Action* on the original 25 Summer Street Definitive Subdivision Plan, dated June 28, 2011.
- April 8, 2011 letter from Sumner & Milford LLC (Owen Sullivan) giving permission to Mike Fasolino to connect to the existing sewer system at the adjacent Speroni Acres subdivision.
- *Medway Subdivision Rules and Regulations*, April 26, 2005, pages 48 & 49
- *Massachusetts Land Use and Planning Law*, by Mark Bobrowski, 2002, pages 538-539.
- Minutes of the January 24, 2012 Planning and Economic Development Board Meeting held with the Speroni Acres subdivision neighbors.

Other Information

- CONFIDENTIAL email communication dated February 9, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: whether the proposed changes constituted a plan modification Mass General Laws, Chapter 41, s.81W.
- CONFIDENTIAL email communication dated March 12, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: connecting to the private sewer system in the adjacent Speroni Acres subdivision.
- Something else from Town Counsel

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc., for the Town of Medway
Dave R. Pellegri, P.E., Tetra Tech Rizzo for the Town of Medway
David T. Faist, P.E., Faist Engineering, Inc. for the applicant
Daniel O'Driscoll, PLS, O'Driscoll Land Surveying, Inc. for the applicant

Medway Departmental/Board Review Comments

Email communication from Karon Skinner-Catrone, Conservation Agent, dated March 7, 2012 re: the Conservation Commission's Order of Conditions for the subject parcels.

Something from the Board of Health . . . .

Something from the Fire Chief . . . .

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

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

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm *drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- *Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.*

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 *– Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.*

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 5.7.27 *– The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

SECTION 5.7.28 *- Streetlight Locations – Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about ~~50~~ 180 feet south of the shared driveway. Since this is actually a shared driveway, the Board believes that lighting along Summer Street is adequate and that no additional street light is necessary and therefore ~~The Board~~ grants this waiver request. [OR] Therefore, the waiver is denied and an additional light is required on the existing utility pole just south of the driveway entrance.
Note: The existing streetlight was about 50 feet (actually more like 60) from the original driveway location. However, that light is now about 180 feet south of the new location. There is a utility pole about 50 feet north of the driveway and another one about 40 feet south of the new driveway but they do not have street lights. The Board may wish to reconsider or still let it go. I have drafted it both ways.

***SECTION 5.7.31** – Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L. Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

***SECTION 5.7.32** – Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

***SECTION 6.8** – Procedure for Street/Infrastructure Acceptance.*

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the *Subdivision Rules and Regulations* is still required.

***SECTION 7.7.2. p)** – Stormwater Management Procedure: The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes to install one dry detention basin within the separate Parcel A which also includes the shared driveway. The dry basin is located within 10 feet of the property line of both Lots #1 and #2 which will benefit from its construction. Due to the minimal size of the basin as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5. *– The minimum centerline grade for any street shall not be less than two percent (2%). A leveling area with a maximum grade of 2% for the first 100 feet of a street from an intersection shall be provided.*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets
(a) ……. Dead end streets are not permitted except in the following circumstances: 1) A parcel of land would be rendered completely undevelopable if a dead-end is not allowed

FINDINGS - The applicant has proposed a permanent private roadway that is 158 feet long. The creation of Lot #2 is not feasible without the proposed dead-end street. Also, there is no possible roadway connection between this subdivision and the adjacent Little Tree Road. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets
(d) To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief.

(e) Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround . . . 2) A hammerhead or T-shaped turnaround.

FINDINGS - The proposed road is, in reality, a shared driveway serving two houses. The "Y" where the driveways separate serves a hammerhead function. Also, both provate sections of the driveways have turnarounds. The Fire Chief has reviewed the plans and does not object to this feature. Therefore, the waiver is granted.

SECTION 7.9.7 g) *– The minimum roadway width for a "Permanent Private Way" is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses. The waiver request is granted.

SECTION 7.10.2 *– Curbs. "Permanent Private Way" is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

SECTION 7.11.1 *– Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

SECTION 7.11.2 *– The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the Subdivision *Rules and Regulations* (April 26, 2005).

SECTION 7.13.3 *– Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways. ... In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.*

FINDINGS – As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.

You may wish to REVISIT THIS ONE – Approving this waiver request is NOT consistent with what the Board required for the 2 lot Village Estates private way subdivision at 272 Village Street. The Board previously granted this waiver in the original 25 Summer Street decision because both lots had some Summer Street frontage. With the modified plan, Lot #2 does not have Summer Street frontage.

SECTION 7.17.1 *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The Applicant is not proposing to install a fire alarm system.

NOTE – The Fire Chief has determined that a payment of $1,000 in lieu of fire alarm installation is appropriate.

SECTION 7.19.2 *– To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.21 *– Street Lights.*

FINDINGS – The Applicant proposes a private roadway/shared driveway serving only 2 homes. The Board finds that no street lighting is needed for such a small subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet north of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.22 *– Walkways and Bikeways. It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. There is an existing sidewalk across the front of the subdivision on Summer Street and there will be minimal vehicular use of the shared driveway. Therefore, the Board finds that pedestrian and bicycle access is sufficient and no further measures are necessary.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.

4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.

5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals to use the house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by - _____ seconded by _____ to approve the above noted Waiver Findings. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____ to approve the above noted Mitigation Plan. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____, to act on the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of ____in favor ( ) and ___ opposed ( ).

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____, to approve the ***25 Summer Street Private Way Definitive Subdivision Plan*** MODIFICATION dated Febraury 28, 2012, last revised _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was approved by a vote of ____in favor ( ) and __ opposed ( ).

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

Specific Conditions

1. *Scope of Project* - It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.

2. *Time for Completion* - The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.

3. *Ownership of Summer Valley Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Summer Valley Road Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the MODIFIED 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway), be responsible for snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.

4. Roadway Fee - The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all drainage easement to the Summer Valley Lane Homeowners Association before the Board approves the final bond release or, if there is no bond, then before approval of the as-built plan.

5. Prior to endorsement, the MODIFIED 25 Summer Street Definitive Subdivision Plan last dated _____ shall be further revised to include the following:
   a. The final plan revision date on all plan sheets.
   b. Update list of approved waivers on the cover sheet
   c. Sheet 6 shall be modified to include the revised 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction.
   d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
   e. Show location of street and traffic control signs.
   f. Reference the sewer easement document with the Lynchs at 15 Little Tree Road
   g. Add a Sheet #7 to include the approved Stormwater Operation and Maintenance Plan dated _____.

6. Payment in lieu of Fire Alarm system . . .

7. Additional street light?

7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Summer Valley Lane as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone.* The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision.*

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the Summer Valley Lane Homeowners Association, for review, comment, amendment and approval by Town Counsel. Easement TO THE TOWN FOR WATER??

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12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the Summer Valley Lane Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the 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

13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Summer Valley Lane Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.

15. The 2 houses in the subdivision will be connected to the sewer pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned, force main sewer system that will not be maintained by the Town of Medway. The applicant has represented and provided an engineering opinion that the Speroni Acres force main sewer system was designed to accommodate connection from his property. The applicant has also provided an easement document that will be recorded at the Registry of Deeds granting a for ensuring that any such agreements pertaining to such tie-in as well as the ongoing operation and maintenance of the pipeline system are a private matter between the applicant, the owner of that system and the adjacent property owner at 15 Little tree Road. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system. WHAT ABOUT REQUIRING THESE 2 LOTS TO FINANCIALLY SUPPORT THE SPERONI ACRES HOMEOWNERS ASSOCIATION, IF SUCH IS EVER FORMED, TO MANAGE AND MAINTAIN THE FORCE MAIN SEWER SYSTEM??

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.

17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from

the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision

18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account *(with the Town of Medway)* at an area financial institution with which the Applicant is placing a cash bond.

19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.

20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer.

21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the *"Order of Conditions"* shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification.

    Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

22. *Construction Observation and Fees* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections and for services of other outside consultants as may be needed during construction and project close-out. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer. A construction account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection and other outside consultant services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

24. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.

25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION

Date of Action by the Medway Planning & Economic Development Board

_____

AYE: *NAY:*

_____ _____

_____ _____

_____ _____

_____

_____

Date Signed: _____

Attest: _____ _____

Susan E. Affleck-Childs Date
Planning & Economic Development Coordinator

Copies To: Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Stephanie Bacon, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the Town Clerk:

TETRA TECH

CHANGE ORDER

1 Grant Street
Framingham, MA 01702
Tel: 508-903-2000
Fax: 508-903-2001

Date: May 29, 2012

TTR Project No.: 127-21583-12004 Project: Medway-25 Summer Street-Plan Review

Change Order No. 1 Name: Susy Affleck-Childs

Company: Town of Medway Planning and Economic Development Board

Change Order Description: Additional Meetings and Review (Sewer)

NEED FOR EXTRA SERVICE:

Additional coordination and review is required for the above mentioned project due to the complexity of the issues and rights associated with the proposed sewer connection. The original proposal submitted to the Client by TT provided assumptions for the number of meetings/hearings, and the number of reviews required to complete the project. These assumptions are included in the itemizations below.

DESCRIPTION OF TASKS:

1.1- Additional Meetings- The original proposal included the participation in two meetings/hearings with the Medway Planning and Economic Development Board (PEDB) to discuss this project. At this time we have already attended three meetings, on 4/10/12, 4/24/12, and 5/8/12. Due to the delay in resolving the sewer issues, we have assumed that three additional meetings may be required. Assuming 3 meetings @1 hour/meeting@$150/hour=- **$450**

1.2 – Additional Design Review-The original proposal included the review of the plans and stormwater analysis. We are anticipating, that due to the sewer issues that we will be required to review the plans an additional time. We have assumed that this review and associated correspondence will require 3 hours of time@$150/hour= - **$450**

Change Order 1 Total - $900

CHANGES TO THE CONTRACT PRICE:

Contract Summary

Original Contract Amount = $1,810
Change Order 1 = $900
Adjusted Contract Amount = $2,710

CHANGES TO THE COMPLETION DATES:

We are prepared to begin work immediately upon authorization and receipt of a signed change order.

As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH
By: _____
David R. Pellegri, P.E.

Senior Project Manager

AGREED AND ACCEPTED FOR:
THE TOWN OF MEDWAY.
By: _____
Susan Affleck-Childs-
Medway PEDB Coordinator

Date: _____

Date Approved by PEDB: _____

P:\21583\127-21583-11012\ProjMgmt\Contracts\COs\Change Order 01-2012-05-29.doc

SUBDIVISION - PLAN REVIEW ACCOUNTING

PROJECT NAME: 25 Summer Street (Fasolino Home Improvements)

DATE: May 29, 2012

Date Check Recvd.	Amount	Check #	Payment Source	Date Check Submitted to Treasurer	Consultant's Review Fee - Preliminary Plan	Consultant's Review Fee - Definitive Plan	Consultant's Name	Invoice Date	Invoice Number	Time Period Covered by Invoice	Date Submitted to Town Act or BOS office	Balance
												$0.00
02/15/11	$2,500.00	1734	Fasolino Home Imp.									$2,500.00
						$1,775.46	Tetra Tech	03/14/11	50437621			$724.54
						$318.75	PGC	04/15/11	MPB11-C2			$405.79
						$382.50	PGC	07/05/11	MPB11-D1			$23.29
						$949.60	Tetra Tech	08/18/11	50479455	3/5 thru 6/1/2011	02/02/12	-$926.31
						$351.00	Petrini	09/08/11	25865	August 2011	02/07/12	-$1,277.31
						$565.50	Petrini	10/04/11	25903	Setpember 2011	02/07/12	-$1,842.81
02/01/12	$2,842.81		Fasolino Home Imp.	02/02/12								$1,000.00
02/28/12	$1,000.00	2422	Fasolino Home Imp.	03/05/12								$2,000.00
						$97.50	Petrini	03/05/12	26534	Feb 1-29, 2012	03/08/12	$1,902.50
02/27/12	$1,362.50		Fasolino Home Imp.	04/04/12								$3,265.00
						$429.00	Petrini	04/04/12	26698	Mar 1 - 30, 2012	04/10/12	$2,836.00
						$1,176.77	Tetra Tech	04/26/12	50556626	March 9 - April 20, 2012		$1,659.23
						$340.00	PGC	05/11/12	MPB12-B3	March 1 - April 30, 2012	05/14/12	$1,319.23
						$97.50	Petrini	05/03/12	26821	April 1 - 30, 2012	05/16/12	$1,221.73
	$7,705.31				$0.00	$6,483.58						$1,221.73
	Total Paid by Applicant				Total Prel. Plan Review Fees	Total Def. Plan Review Fees						Balance

TETRA TECH

CHANGE ORDER

1 Grant Street
Framingham, MA 01702
Tel: 508-903-2000
Fax: 508-903-2001

Date: May 29, 2012
TTR Project No.: 127-21583-12004
Change Order No. 1

Project:	Medway-25 Summer Street-Plan Review
Name:	Susy Affleck-Childs
Company:	Town of Medway Planning and Economic Development Board
Change Order Description:	Additional Meetings and Review (Sewer)

NEED FOR EXTRA SERVICE:

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As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH
By: _____
David R. Pellegri, P.E.

Senior Project Manager

AGREED AND ACCEPTED FOR:
THE TOWN OF MEDWAY.
By: _____
Susan Affleck-Childs-
Medway PEDB Coordinator

Date: _____

Date Approved by PEDB: _____

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Stephanie Bacon
Health Agent

OFFICE OF
BOARD OF HEALTH
155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
Office (508)321-4923 – Fax (508)533-3276
sbacon@townofmedway.org

RECEIVED
MAY 22 2012
TOWN OF MEDWAY
PLANNING BOARD

5-22-12

Subject: Fasolino sewer tie-in proposal
Reference: 25 Summer Street

Dear Susy,

At our Board meeting on Tuesday May 15th, 2012, the Board reviewed records regarding 25 Summer Street. The Board appreciated the fact that they were provided with proof of capacity and that an easement was agreed upon by the homeowner owning the property the stub is located on in order for Mr. Fasolino to tie in. Although these items were recognized, the Board still questions the subject of ownership. They are not convinced that it is one homeowners right to grant approval for someone to tie into a system served by numerous other homeowners. I know that your Board was continuing to pursue a resolution to this issue, and any new information would be helpful for our Board to be fully satisfied in giving our acceptance for the tie in. At this time, we would not be able to fully endorse the tie in. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie Bacon
Health Agent

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, May 23, 2012 6:33 PM
To: Mike Fasolino
Cc: 'Paul Kenney'; David Faist ; 'Andy Rodenhiser'
Subject: 25 Summer Street

Hi,

I am preparing the board packets for the 5/29 meeting of the Planning and Economic Development Board. You are scheduled for a public hearing continuation at 7:15 pm. The meeting will be held here at Town Hall.

What additional information do you have to provide to the Board? I recollect you were going to provide a letter or something from the Lynches agreeing to the easement. Of course, we would like to see the assents from the Lynches mortgage companies. Also, I believe something from Mike indicating he was would require the future property owners of the two lots to become members of the Speroni Acres Homeowners Association if such is ever established.

Will you be able to provide any documentation re: the original sewer easement for Speroni Acres? Was such an easement ever recorded? Please provide the book/page number.

You have the note from the Board of Health that I forwarded to you. Their concerns really have to be addressed.

Many thanks.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Wednesday, May 16, 2012 1:20 PM
To: Paul Kenney
Cc: Susan Affleck-Childs
Subject: RE: GRANT OF EASEMENT (3).doc

Paul, I have reviewed the revised easement that you forwarded and it looks fine as to form, I have no changes. With respect to the mortgagees, I understand that the mortgages were no doubt granted after the existing utility easements shown on the plan were established. However, this would be the grant of a new easement by the Lynches; the standard mortgages that I have seen require the assent of the mortgagee for the grant of any easement on the property. Is there some particular language in these mortgages that would allow this easement without mortgagee assent? Also, do you have any case law you can cite with respect to your position on the other issue as to allowing an abutting land owner to tie into the private Speroni subdivision sewer system? Any additional information would be helpful as the Planning and Economic Development Board reviews this matter with a goal of trying to close the hearing and vote on a decision.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: Paul Kenney [mailto:pkenney@kenney-law.com]
Sent: Thursday, May 10, 2012 3:43 PM
To: Barbara Saint Andre
Cc: saffleckchilds@townofmedway.org; mike@fashome.com
Subject: GRANT OF EASEMENT (3).doc

Barbara,
Attached please find the Lynch easement with some requested revisions form the Lynch's for review. My client attended the Planning Board meeting as scheduled on Tuesday, and he relayed to me that Carol Walsh, a board member, indicated she was at the Speroni Acres hearing and recalled dicussions that the location of the utility easement abutting the Summer Street properties was to allow those properties to tie into the sewer. I believe this gives further evidence that it was the intent of the creator of the easement to allow the abutting properties to tie in, and therefore, there is no overburdening of the easement. I'm also informed that at least one of the abutting Summer Street properties has already tied into the system. The Lynch's are prepared to sign the easement upon your review. My client also indicated the Board is looking to close the public hearing next week and move forward with a decision. Please review and advise.
Thank you.
Paul Kenney
Paul Kenney

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Wednesday, May 16, 2012 1:18 PM
To: Susan Affleck-Childs
Cc: Suzanne Kennedy
Subject: FW: 25 summer street subdivision - plan modification

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

Susy, in response to the comments and questions from the PEDB on Monday night, please see below the email that I sent on March 12, 2012, outlining the applicable Subdivision Rules and Regulations for requiring assurances that there will be adequate means for disposal of sewage. Of particular note is Section 5.21.17, which provides that the subdivision plan shall not be endorsed until "The Applicant has provided verification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights of way is in the Applicant's name and free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements." As noted in my prior email, assent of the Lynches' mortgagees is generally required for the grant of an easement. There is also the potential issue of whether the Lynches may grant an easement for the owner of land outside the Speroni Acres Subdivision to tie into the private sewer system. The applicant's attorney has taken the position that the applicant (once the Lynches sign the easement and it is duly recorded) have provided those assurances.

The PEDB has asked if it can approve the modification with conditions that would require that the applicant provide the physical hook-up to the Speroni subdivision sewer, presumably prior to issuance of any building permits for the Summer Street subdivision. If the hook-up is actually made, but subsequent claims or litigation should follow with respect to whether the sewer connection was properly allowed, members of the PEDB asked about potential liability. It is difficult to predict what future events may take place and what claims could be made against the town. See Meridian at Windchime, Inc. v. Earth Tech, Inc., 81 Mass. App. Ct. 128 (2012) (subdivision developer sued engineering firm hired by town to inspect developer's work in constructing subdivision, claiming consultant was negligent in failing to identify deficiencies in work in a timely manner).

With respect to potential liability, municipal liability for torts is governed by the Tort Claims Act, General Laws chapter 258. Prior to the enactment of the Tort Claims Act in 1978, cities and towns were generally immune from liability arising out of the negligent or wrongful acts of their employees under the doctrine of sovereign immunity. See Breault v. Chairman of the Board of Fire Commissioners of Springfield, 401 Mass. 26, 35 (1987). The Tort Claims Act waived that sovereign immunity for cities and towns for tortious conduct, subject to certain limitations and exceptions, and provides in section 2:

> Public employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment, in the same manner and to the same extent as a private individual under like circumstances....The remedies provided by this chapter shall be exclusive....

There are, however, a number of exceptions to this broad waiver of sovereign immunity set forth in chapter 258. Section 10 of chapter 258 provides that the Tort Claims Act does not apply to a number of situations, including:

> (e) any claim based upon the issuance, denial, suspension or revocation or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization.

Exceptions (e) through (j) were added to the statute in 1994, clarifying the immunity of cities and towns from damages claims for negligence in the permitting and inspection process, referred to as the "public duty rule". There have been a number of cases where a municipality was sued under the Tort Claims Act for injuries or damages suffered where a town did not enforce the state building code or other regulations after being aware of a violation. Most of these cases were decided before the amendment to the Tort Claims act that codified the public duty rule.

In Dinsky v. Framingham, 386 Mass. 801 (1982), the owners of a residence sued the town for damage to their property caused by flooding, allegedly because the building inspector issued building and occupancy permits despite the builder failing to comply with board of health requirements for grading the property. The Court determined that the building code

was enacted to protect the public at large, and did not create an individual cause of action against the town. Similarly, in Nolan v. Parker, 15 Mass. App. Ct. 475 (1983), a tenant was injured in a fire after the building inspector had cited the owner of the building for code violations. The tenant sued the town, alleging that the building inspector failed to follow up and enforce the code. The court again ruled that there was no cause of action against the town. In Ribeiro v. Granby, 395 Mass. 608 (1985) a tenant died in an apartment fire more than a year after the building inspector cited the building for various code violations, including lack of a second exit. The plaintiffs alleged that the town was liable for failing to take action to compel compliance with the building code. The court weighed a number of factors in determining that the claim for damages against the town for failure to compel correction of code violations should be dismissed.

In Zocchi v. Hinsdale, 30 Mass. App. Ct. 803 (1991), the court ruled that the town was not liable to property owners for alleged negligence by the building inspector in giving the contractor permission to build on property which was subject to the Wetlands Protection Act. The conservation commission issued a cease and desist after construction started, and the plaintiffs were unable to satisfy the requirements of the Act and unable to build their house. Finally, in Wasserman v. Bellingham, 1997 WL 311510 (Superior Court 1997), the court found Bellingham not liable for the issuance of a building permit that allegedly caused an increase in flooding on Wasserman's property.

Accordingly, should the PEDB approve the subdivision modification and a claim for damages is later asserted due to inability to tie into the Speroni Subdivision sewer or similar claim, in my opinion, the town would have a defense as outlined above. Nevertheless, there is no certainty as to whether the town could be held liable.

If you have further questions in this regard, do not hesitate to contact me.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: Barbara Saint Andre
Sent: Monday, March 12, 2012 10:09 AM
To: 'Susan Affleck-Childs'
Cc: Andy Rodenhiser; andyrodenhiser@gmail.com; Thomas Holder; 'Suzanne Kennedy'
Subject: 25 summer street subdivision - plan modification

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

Susy, I am not sure that I have the most recent version of the PEDB's Subdivision Regulations, but I note that Section 5.21provides that the definitive plan shall not be endorsed until: "5.21.17 The Applicant has provided verification that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights of way is in the Applicant's name and free of all encumbrances or that the encumbrances set forth will not preclude any required subdivision improvements." If the applicant has only provided a copy of a deed for the easement, that does not establish that the applicant has an easement free of all encumbrances. A title report would provide more specific information as to the validity of the title.

In my further opinion, the PEDB has the authority to ensure that a subdivision that is planning to use sanitary sewers that will tie in (eventually) to the public sewer system has an adequate system and a means of entering the public sewer. With respect to PEDB regulations ensuring adequate provision for sanitary sewers, see Section 1.3 Purpose; §5.7.19; and §5.16.3 (determination that development does not entail unwarranted hazard to safety, health, and convenience of future residents of the development or of others because of possible environmental degradation). Most clearly on point, Section 7.6.2(d) provides that proper extensions to existing public sewer systems shall be provided and made.

General Laws chapter 41, §81M provides that the Subdivision Control Law is enacted to protect the safety, convenience and welfare of the public, including ensuring sanitary conditions in subdivisions. "The powers of a planning board....shall be exercised with due regard for...securing adequate provisions for water, sewerage, drainage..." G.L. c. 41, §81M. In K. Hovnanian at Taunton v. Planning Board of Taunton, 32 Mass. App. Ct. 480 (1992), the court upheld the planning board's denial of a subdivision where the developer could not show that it would be able to tie in to the town sewer. The subdivision plan showed a tie in to a line on South Walker Street, but the developer had been informed by the sewer department that it could not tie into that line. Taunton had an agreement with the town of Dighton for sewage disposal, but the agreement was silent as to whether a land owner, such as the plaintiff, could tie into the South Walker Street line without the approval of the town of Dighton. The planning board regulations were discussed by the court:

> Section 211(2)(C) of art. II provides that, if the applicant proposes to interconnect with the Taunton municipal sewerage system, the definitive plan must be accompanied by (i) a statement by the supervisor of the sewer department "of the conditions on which the city will sewer the subdivision," and (ii) a statement of the supervisor approving the engineering features of the proposed sanitary sewers. To the same effect is art. III, § 315(1), which provides that sanitary sewers shall be designed "to provide connection to municipal sewerage system, as approved by the sewer supervisor." These regulations are reasonable requirements designed to assure an adequate and proper sewerage system for the subdivision.

Id. at 484. The court ruled that the developer had not complied with the regulations and that the regulations were within the scope of the board's authority. "Moreover, the required regulations may impose the reasonable obligation that an applicant show that it."has *perfected arrangements* which will make possible service of the subdivision by the usual utilities ...," including sewer." (emphasis added) Id. In my opinion the Medway regulations, in particular Section 7.6.2(d) require the developer to demonstrate that it can tie into the town sewer system.

If you have further questions in this regard, do not hesitate to contact me.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, May 23, 2012 4:23 PM
To: 'robinboorstein@comcast.net'
Cc: karen@chartweb.com; 'Andy Rodenhiser'; John F. Emidy
Subject: RE: McDonald's in Medway

Hi Robin,

Thanks so much for contacting us. I really appreciate it.

The members of the Medway Design Review Committee (DRC) and I were VERY surprised when we noticed the new red paint job at the Medway McDonald's. One member was concerned that it seemed like an attempt to emulate McDonald's corporate colors by making the building look similar to McDonalds red French-fries box!!

We are all very glad to learn that the orange/salmon color that now appears is just the tinted primer and is not what you plan for the building to look like upon completion.

When the Medway Commons plans were first developed, the color scheme for the buildings was given a great deal of thought and consideration. DRC Members are very disappointed that you did not contact the committee to discuss your recent painting plans. They would have been very pleased to meet with you and your design consultants to better understand the business issues you face and to brainstorm ideas.

The goal of the DRC is to create a better Medway by helping Medway developers, businesses and organizations to design and develop their buildings and signs as long-term investments, designed with appropriate materials in a manner that suits budgetary constraints and enhances the community's appearance and appeal. The Committee is comprised of volunteer Medway residents who are design professionals who offer their advice in the pursuit of this goal.

We would be most appreciative if you would provide a color rendering of the building showing the new color scheme with specifications on the exact color selections. Please forward this to us at your earliest possible convenience. Thanks so much.

I do request that in the future, when you consider making other substantive changes to the building's exterior, please plan to meet with the Design Review Committee well in advance. The DRC would be most pleased to provide you with design consultation as you evaluate various options. The DRC meets twice a month and any such meeting can be scheduled through this office.

Thanks so much. Good luck with the project.

Best regards,

Susy Affleck-Childs

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

508-533-3291

saffleckchilds@townofmedway.org

-----Original Message-----
From: robinboorstein@comcast.net [mailto:robinboorstein@comcast.net]
Sent: Tuesday, May 22, 2012 8:30 PM
To: Susan Affleck-Childs
Cc: karen@chartweb.com
Subject: McDonald's in Medway

Hi

I wanted to reach out because I spoke with Karen Johnson and she let me know that you are concerned about the painting at my restaurant. Thus I figured it would be good for me to clarify what I am painting and what color the final product will be.

First let me say that the weather has not been kind, which is why the tinted primer has been the visible color for several days now, and even that is partial. That is not the final color - I frankly wouldn't be happy if it was - too much orange undertone - kind of tacky. In fact when I chose the colors I wanted to make sure to reflect the more upscale look that I think you all are going for while still becoming more visible.

So - the body color is Merlot Red (it's Benjamin Moore - a warm, brick red with a red/brown tone - the online sample isn't quite right though). The main trim areas will be a cream/off white so the the contrast is pretty and warm, not stark which the bright white might be. The soffit area will stay white, the shingles are staying gray and the brick is not being painted. I realize that the trend now is to paint the brick but personally I think it looks more classy (and classic) with the brick staying brick and the shingles staying unpainted as well.

I hope that helps - if you have any control with the weather - pray for a dry, sunny stretch of days so that we can get it looking the way it should.

Thanks

Robin Boorstein
Robinboorstein@comcast.net
Cell 617-312-3946

Sent from Xfinity Mobile App

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

May 24, 2012

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Appointments to the Medway Design Review Committee

The term of office for current DRC members Matt Buckley, Mary Weafer and Rachel Walsh expires on June 30, 2012.

All three have written to me and asked to be reappointed for another 2 year term through June 30, 2014. I would recommend these reappointments.

Presently, the other members of the DRC are:
Julie Fallon (term thru 6-30-2013)
Bruce Hamblin (term thru 6-30-2013)

Of course, Karyl Spiller-Walsh serves as the PEDB's representative to the DRC.

The provisions of the Medway General Bylaw which established the DRC require that there be at least 5 members; a maximum number of members is NOT specified so we have room to grow! However the bylaw specifies that the DRC is to include one member of the Planning Board and a representative of the Medway Business Council. In recent years, the Medway Business Council has not been successful in regularly supplying a member to serve on the DRC, but we may have a candidate soon. The remaining members of the DRC should have experience and/or training in architecture, landscape design, site design, graphic design, sign design, planning, or other suitable professions that could be helpful to the Committee's work. With Dan Hooper's recent resignation, we could still use someone with some landscape design background. Of course, we are always looking for an architect!!

Telephone: 508-533-3291 Fax: 508-533-3287
Email: saffleckchilds@townofmedway.org

ZONING

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Tuesday, May 15, 2012 10:48 AM
To: John F. Emidy; 'Joseph.Musmanno@L-3com.com'; Sandy Trufant; 'Alison Slack'; Bob Ferrari; Doug Havens; Mike Heineman ; 'Matt Buckley'; 'Raymond_Himmel@waters.com'; 'Ann M. Sherry'; Suzanne Kennedy; Board of Selectmen; Tina Wright ; Jim Wickis ; Thomas Holder; Karon Skinner-Catrone; Rob Pomponio; Stephanie Bacon
Cc: Andy Rodenhiser ; 'Gino Carlucci'; 'Barbara Saint Andre'; 'Jim Wieler'; andyrodenhiser@gmail.com; 'Mark Cerel'
Subject: Zoning Bylaw - Amendment Ideas for 2013

Good morning,

The Planning and Economic Development Board has begun to discuss possible amendments to the *Medway Zoning Bylaw* for consideration at the **2013** Annual Town Meeting.

The Board and I have our own long list of topics that we feel need attention and some ideas about new provisions as well. But we would like to know what *Zoning Bylaw* amendments you believe are needed from the perspective of your individual board/committee/department. These could include changes to existing sections of the *Zoning Bylaw* or the establishment of entirely new provisions.

Would you discuss this matter and communicate to us in writing with a list of *Zoning Bylaw* amendment topics of interest to you? Please be as specific as possible. We would appreciate hearing from you July 1st. If you have samples of good language from another community, please forward that to us as well.

If it would be helpful, I would be glad to attend a meeting of your board/committee for such a discussion. Please give me a couple of weeks notice and I will get the date onto my calendar.

For your reference, the recently updated *Medway Zoning Bylaw* is on line at the PEDB page at townofmedway.org.

Upon receipt of ideas and suggestions from various departments/boards/committees, the Planning and Economic Development Board will review all the possibilities to determine what topics to focus on during the coming year.

Please don't hesitate to contact me if you have any questions. Many thanks for your cooperation.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street
Medway, Massachusetts 02053

May 23, 2012

TO: Planning & Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Board/Committee Liaisons

We need to consider PEDB membership and PEDB liaison assignments with other Town boards and committees. Please review the list below and be prepared to discuss at the 5/29/2011 PEDB meeting.

	Presently Assigned	***FY 13***
The PEDB has official representation on the following committees:		
Community Preservation Committee	Bob Tucker	_____
Design Review Committee	Karyl Spiller-Walsh	_____
Street Naming Committee	Susy Affleck-Childs	_____
Economic Development Committee	Andy Rodenhiser	_____
Town Wide Facilities Mgmt Study Committee	Tom Gay	Is this committee still active?
Energy Committee	Bob Tucker	_____
Medway Community Farm Liaison Committee	Bob Tucker	_____
Board/Committee Liaisons		
Affordable Housing Committee & Trust	Susy Affleck-Childs	_____
Board of Assessors	Andy Rodenhiser	_____
Board of Health	Andy Rodenhiser	_____
Board of Water/Sewer Commissioners	Chan Rogers	_____
Capital Improvements Planning	Chan Rogers	_____
Conservation Commission	Bob Tucker	_____
Disability Commission	Susy Affleck-Childs	_____
FinCom	Andy Rodenhiser	_____
GIS Task Force	Tom Gay	_____
Historical Commission	*Vacant*	_____
Medway Business Council	Andy Rodenhiser	_____

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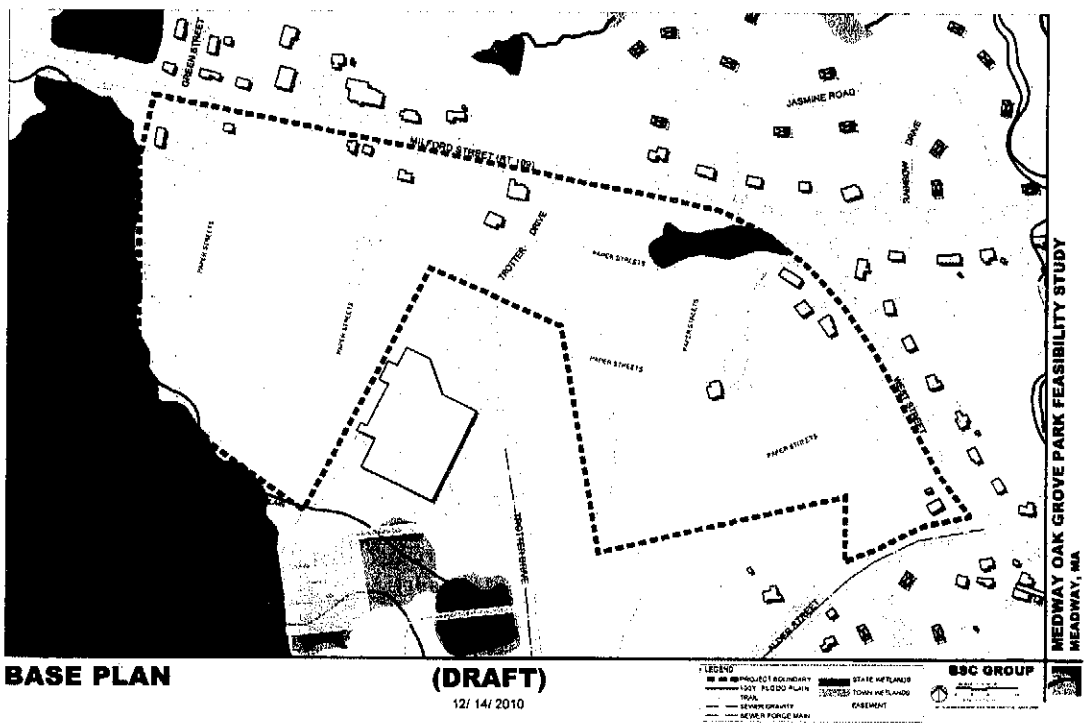
planningboard@townofmedway.org

Medway 300th Anniversary	*Vacant*	_____
Oak Grove Task Force	Andy Rodenhiser	_____
Open Space Committee	Karyl Spiller-Walsh	_____
Route 109 Reconstruction	Chan Rogers	_____
SWAP	Chan Rogers	_____
Town Administrator/Board of Selectmen	Andy Rodenhiser	_____
Zoning Board of Appeals	Andy Rodenhiser	_____
2B Oak Street/Thayer House Committee	Karyl Spiller-Walsh	_____

508-533-3291
planningboard@townofmedway.org

PUBLIC FORUM

Development Options for Medway's Oak Grove/Bottle Cap Lot Area



Tuesday, June 19, 2012 – 7 pm

Medway Public Library – 26 High Street
Cole Rooms A & B – Ground Floor

Presentation of Proposed Preferred Oak Grove Development Concept Plan

Your attendance, comments and feedback are requested.

This Public Forum is sponsored by the
Medway Planning & Economic Development Board and the
Medway Economic Development Committee.
Funding support for this project is provided by MassDevelopment.

For additional information, please contact the Medway Planning & Economic Development office at 508-533-3291 or email: saffleckchilds@townofmedway.org.

Smarter Subdivisions

Conservation by Design Workshop

Monday, June 4, 2012, 6 pm to 9 pm

Featuring Designer Randall Arendt

Dean College, Guidrey Center
109 West Central Street, Franklin, MA 02038

Learn about subdivision design principles that maintain both rural character and development value while building a network of conservation lands. Randall Arendt is a leading advocate for "greener" neighborhood development and author of *Conservation Design for Subdivisions*.

Free and open to the public

Sandwiches and other refreshments will be provided. Visit MAPC.org for more information

To reserve a space, and to request an accessibility accomodation, contact Cynthia Wall at 617-451-2770, ext. 2058 or email CWall@mapc.org

Mass Audubon
Protecting the Nature of Massachusetts

MAPC
METROPOLITAN AREA PLANNING COUNCIL
Smart Growth & Regional Collaboration

June 12, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Dave Pellegri, Tetra Tech Engineering
Gino Carlucci, PGC Associates (consulting planner)

The Chairman opened the meeting at 7:07 pm.

There were no Citizen Comments.

Norwood Acres Definitive Subdivision Plan (61 Summer Street) – Plan Review Estimate:
The Board is in receipt of proposals from Tetra Tech Rizzo and PGC Associates for professional engineering services for Norwood Acres Estates in the amount of $4,111.00 for Tetra Tech Rizzo and PGCAssociates for $680.00. **(See Attached.)** This is for the Definitive Plan Submittal review.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the proposal for professional services for Norwood Acres Estates for $4,111.00 for Tetra Tech Rizzo and $680.00 for PGC Associates.

The public hearing for 61 Summer Street will begin June 26, 2012.

Engineering Consultant Report:

Franklin Creek Subdivision
Consultant Pellegri indicated that the paving improvements have been completed. The developer still needs to seal the joints. There was a message left informing the developer.

This needs to be sealed with asphalt.

A sign off letter will not be provided until this is completed.

Applegate Farms:
The sewer is continuing to be installed. The permits were sought to finish sewer by next week. Stormwater will be started next.

Susy expressed that she wanted to keep tight control relative to money in the construction account. There were 13 construction reports that were provided by Tetra Tech.

Dave Pellegri indicated that there were more inspections for sewer than anticipated. The estimates are done by schedule.

It was agreed that we need to notify the owner that we are going over the original schedule and estimate for construction inspection services.

The VHB proposal was originally high, and we agreed back then that we would only get half of the money.

Susy reported that the original construction observation fee was so high that she had agreed that they only had to pay half. It is probably time to invoice them for the balance.

The proper step for Dave is to email Susy with the hours required and Susy will provide a new construction invoice to the developer.

Dave thinks there is a week and a half of work over budget.

25 Summer Street Definitive Subdivision Plan – Modification Public Hearing Continuation

The Board has received three additional documents which have been submitted in support of the application.

1. Attorney Paul Keeney prepared an affidavit from the Clarks (former owners of 25 Summer Street) re: their conversations with Speroni Acres developer Owen Sullivan who had agreed to allow their property to connect to the Speroni Acres sewer system. **(See Attached)**
2. Copy of the grant of easement from the Lynches to allow the Fasolino properties at 25 Summer Street to connect to the sewer system on their property (15 Little Tree Road). **(See Attached).**
3. Confirmation from Paul Kenney that he not able to find separate sewer easement document for the Speroni Acres subdivision at the Norfolk County Registry of Deeds. **(See Attached)**

Susy Affleck-Childs communicated that she attended the Board of Health meeting. The Board of Health reviewed all documents relative to 25 Summer Street. The Board of Health has signed off on the necessary paperwork.

A letter from the Board of Health dated June 12, 2012 was received and reviewed. This will be placed into the record of documents.
(See Attached)

Susy Affleck-Childs explains that this concludes all the written documentation for the record.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to close hearing.

The next step will be to finalize the draft decision to include the testimony and findings.

The Board will review the draft decision for 25 Summer Street at the June 26, 2012 meeting. The plan is to file the signed decision the next day which is June 27, 2012.

Planning Consultant Report:
Consultant Carlucci is working on a mini-master plan for the Town owned Amphitheatre property behind the Sanford Mills condominium. The concept plan is for the completion of a trail and a few parking spaces. The intent is not to use the area as an actual amphitheatre. There are limits on what can be done there. We cannot build any structures. It rises to behind houses along Village Street. One corner is to be a meadow and rest will remain wooded. Some culverts empty out onto the property. There are gullies that run down and there is a thought to do a rain garden. Steps have been put down there for a canoe launch.

Consultant Carlucci is also applying for PARC grant for the Idylbrook area. The thought was to create trails within the open space and connect to neighborhoods and to install irrigation for the sports fields and playground equipment. Unfortunately we found out that the grant can only be used on parks property and not on conservation land. At Idylbrook, there are three parcels and one is part of the parks and other two are under the conservation commission's jurisdiction.

The premise is to apply for $225,000 for irrigation and playground. The state would pay 61%.

Susy noted that this has been a great collaboration with the various boards and committees (Parks, Open Space and Conservation).

There will need to be a warrant article submitted for the fall town meeting to authorize the full amount of money. It can be made contingent about seeking the grant.

ANR Plan for 13 and 15 Chestnut Street for Lawrence Tenney:
The Board is in receipt of a packet of documents dated May 31, 2012 relative to the ANR Plan for 13 & 15 Chestnut Street. **(See Attached)**

Attorney Kenney was present to represent his client, Lawrence Tenney.

It was indicated the Mr. Tenney obtained a variance from the Zoning Board of Appeals dated February 17, 1987 to divide the property. The applicant is has owned this property since 1947. It is pre-existing, nonconforming property with respect to the frontage requirement.

The applicant's plan was submitted to identify the portion of the abandoned railroad bed which is owned by Mr. Tenney based on the Land Court case referenced in the paperwork. There was a previous ANR plan on record from 1988.

Consultant Carlucci provided review comments to the applicant **(See Attached)** and the recommended revisions have been incorporated into a revised plan which was presented. There are no sewer easements within the noted section.

Member Gay wanted to know who owns to the middle of the railroad right of way.

Mr. Kenney noted that the abutters own to the center line of the railroad bed. He further explained that the new parcel will have some frontage on Oakland Street. The owner was granted a variance for frontage back in 1988.

Consultant Carlucci indicated that he looked at the revised plan brought to tonight's meeting and he is comfortable with what has been provided.

Susy Affleck-Childs wanted to know if there was a new revision date on the plan.

Attorney Paul Kenney indicated that the new revision date on the plan is June 11, 2012.

Member Spiller-Walsh wanted to know what the variance was granted for.

There was clarification that the 1988 variance was to allow for no frontage. The ZBA decision was included with the application materials.

Another portion of the land was taken from a tax taking.

This piece of property has been there a long time.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to endorse the revised ANR Plan for 13 and 15 Chestnut Street with a revised plan date of June 11, 2012.

Announcements/Reports:

Susy reported that the Bay Oaks subdivision plan was filed as expected. This is being processed. The public hearing will begin in July.

The Economic Development Committee is scheduled to meet with Board of Selectmen on Monday night, June 18th. The Committee will provide a presentation about the recommendations for the spending of money which was authorized at the town meeting. The EDC recommends that the Town pursue an independent contractor employee, not a consulting firm.

Susy Affleck-Childs has updated the most recent Town Meeting approved version of the OSRD Bylaw. It was included in the board packet. She noted that it has not been certified by the Attorney General's Office.

The Board was made aware that Charles River Village is getting ready for the submittal of the OSRD Definitive Plan.

Susy checked with Town Counsel and they must stay with OSRD bylaw as it was when the permit was issued. They are not able to pick and choose. They may request a modification to the decision but it would have to comply with the new bylaw.

There will be an inter department meeting on Monday June 18, 2012 with Roger Calarese who is the buyer of the property at 72 Main Street and intends to develop Tri-Valley Commons. Susy noted this is just for Town staff.

Susy Affleck-Childs will be going to Boston on Wednesday to provide a report to the Inter-Agency Permitting Board. She will be speaking about the Town's progress in spending the 43D Expedited Permitting grant. One of the planned activities for the grant had been to have land use permits able to be completed on line. We are not capable of doing that with the MUNIS version we have. This will be changed and an updated conversion will be completed in fall.

Inactive Construction Accounts:
The Board is in receipt of a memo dated June 7, 2012 from Susy Affleck-Childs regarding longstanding inactive construction observation accounts. **(See Attached).**

The memo is a list of older completed subdivision projects for which the town is still holding some construction observation funds. They can be refunded.

It is recommended that the Board refund $8,065.13.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve refunding $8065.00 in unexpended construction observation funds plus interest.

The Board noted that we can send a letter to Mr. Whelan asking him to apply this to his debt.

The Board would like Susy to check if the money in Mr. Whelan's account can be used to pay back any other items which may be owed to the Town.

Susy will follow-up with the numbers relative to the little bond accounts and she would like to close these out as well.

Economic Development Committee Appointments:
The Board was made aware of the resignation of Kent Scott from the Economic Development Committee. He is currently working on Medway's 300th birthday celebration and is doing video productions for this project. He has been instrumental with the discussions this year on the Economic Development Specialist position.

The Board reviewed a memo from Susan Affleck-Childs dated June 7, 2012 with recommendations on appointments. **(See Attached).**

On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted unanimously to appoint Ken Bancewicz, Ray Himmel, and Paul Yorkis to the Economic Development Committee through June 30, 2014.

Open Space Committee:

The Board reviewed a memo from Susan Affleck-Childs dated June 7, 2012 with recommendations on appointments. **(See Attached)**.

On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted unanimously to appoint Jim Wickis, Glenn Murphy, and Bruce Hamblin to the Open Space Committee through June 30, 2014.

Minutes:

May 8, 2012:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from May 8, 2012.

May 29, 2012:
On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from May 29, 2012.

Randall Arendt - Conservation Subdivision Design Workshop:
This workshop was well represented by Medway.

Susy will be getting a DVD which will be available for those who want to view it. The DVD is of a similar presentation to the one which Mr. Arendt delivered in Franklin.

Susy indicated a community in Vermont requires that any developer who wants to apply for an OSRD must view the DVD.

Susy explained that the workshop attendees were broken up into groups and did some neat exercises using the principles of four step design process. All groups were given the same drawing of land which identified key site features and yield count of 36 units. Each group had to do a layout of 36 housing units.

Board Reorganization:

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to appoint Andy Rodenhiser as the Chairman for the Planning Board and Bob Tucker as Vice Chairman and Tom Gay as Clerk. All parties agreed.

Lawrence Waste Site Plan, 49 Alder Street:
The Board will endorse and sign the plans at end of meeting.

Village Estates Definitive Subdivision Plan:
This will be signed at the next meeting.

Oak Grove Meeting:
The Oak Grove meeting on June 19, 2012 at 7:00 pm at the Medway Public Library is cancelled.

The Chairman indicated that the law firm that the Town hired through Town Counsel to undertake the Oak Grove research work was redirected to do other tasks as a higher priority on behalf of the Town. This title research work will not be complete.

The Chairman noted that this is embarrassing and he is ashamed and he does not want to do anything further with the Oak Grove project. This should have not been our responsibility to clear the Oak Grove titles. He does not have the energy to keep working on this.
Member Rogers noted that this project is key to the Town to get a broader tax base. This should be a top priority for the Town.

Member Rogers reported to the Board that he is resigning his involvement as Medway's representative to the MAPC. He would be happy to help with the Oak Grove venture.

Member Tucker notes that the Economic Development Committee should lead the charge on this. This is more appropriate to go into a subgroup and follow up with the Planning Board later.

Susy notes that there are a lot of hands involved in this project.

Member Tucker notes that someone needs to be the point person and if one is not appointed, it will disappear.

Susy noted that the vision of the project started with Planning Board and it is perceived that we are the ones to spearhead this.

Chairman Rodenhiser disagrees. The Board of Selectmen said it was a priority with the intent to create a wider commercial base. The Economic Development Committee said it was a priority. Andy does not want to be connected with it anymore.

Susy suggests that a realignment of the Planning Board's Representative to the Economic Development Committee may be in order in light of Andy's decision.

On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board votes unanimously to appoint Chan Rogers as the Board's representative to the Economic Development Committee.

Susy noted that there is some accountability on her for this work not getting this done. There were challenges with this at some points and she should have intervened earlier to let decision makers know the importance of the work and the timetable.

MASS Development is pushing hard since they gave us another year to do this project. We told them that we were getting this done. They have to get this planning study off their books by the end of June.

We will take possession of the planning study without all the land ownership details being concluded. The planning consultants have agreed to come out and provide a presentation in the fall with the Economic Development Committee. Susy suggests including the Board of Selectmen and Planning Board as well.

When title work is done, Susy indicated that she and Will would issue a separate report on the findings.

Applegate Farm Subdivision/Virginia Road drainage

Susy reported that she and Bob Tucker had met with Tom Holder and Dave Pellegri to talk about the Virginia Road drainage and impact on Applegate Subdivision. There is a proposal from Unique Homes on how to proceed. The information is being reviewed. She suggests having the Board discuss this further. Ralph will be submitting the proposals with assessment values. The Town is currently reviewing this. The town needs to look at legal positioning. The sidewalk is still in there and part of the decision. A value of assessment is being looked at. Virginia Road was accepted in the early 1960's. This is an existing condition. Discussion on this will take place at the meeting on June 26, 2012.

Susy will check with Town Counsel if we need to talk about this in executive session because it might involve possible litigation.

Other Reports:

Dave Pellegri asked about whether he could walk the Norwood Acres site. Has that been authorized?

Susy reported that in signing a subdivision application, an applicant is giving permission to the Town to walk the site. She asked that Dave Pellegri inform the applicant when they plan to walk the site.

Karyl Spiller-Walsh indicated that she felt the board should walk the site.

Future Meetings:
The next Planning and Economic Development meeting will be Tuesday, June 26, 2012 at 7:00 pm.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 8:45 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TETRATECH

June 6, 2012

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

Re: Definitive Subdivision Plan Review
Planning and Economic Development Board
Norwood Acres
Medway, Massachusetts

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Norwood Acres Definitive Subdivision Plan submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed Definitive Subdivision Plan submittal package, including but not limited to, the Application (Form C), Development Impact Report (Form F), Request for Waivers (Form Q), Soil Suitability Assessment, and the Hydrologic and Hydraulic Report, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

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

Task 1 Site Visit

A. Perform one (1) site visit to review the site and its surroundings;
   - Budget Assumption: 2 hours @$155/hr=$310

Task 2 Design Review

A. Review the proposed Application for Approval of a Definitive Subdivision Plan, Development Impact Report, Request for Waivers, Order of Resource Area Delineation, and the Soil Suitability Assessment, prepared by Guerriere & Halnon, Inc. and incorporate comments into review letter it item D below;
   - Budget Assumption: 2 hours @$115=$230.

TETRATECH

B. Review the proposed "Norwood Acres" Definitive Subdivision Plan prepared by Guerriere & Halnon Inc, dated June 1, 2012;

- Budget Assumption: 2 hours @155=$310
  4 hours @ $115/hr= $460
  8 hours @ $90/hr= $720
  Total= $1,490

C. Review the Hydrologic & Hydraulic Report for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;

- Budget Assumption: 4 hours @ $115/hr=$460.

D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;

- Budget Assumption: 2 hour @ $155/hr=$310
  2 hours @ $90/hr= $180
  Total= $490

E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:

- Budget Assumption: 1 hour @ $115/hr= $115
  2 hour @ $90/hr=$180
  Total-$295

Task 3 Meeting Attendance

A. Participate in three (3) meetings with the Town of Medway Planning and Economic Development Board.

- Budget Assumption: 3 Meetings
  1.5 hrs/meeting @$155/hr= $697

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

TETRATECH

Task	Task Description	Fee
Task 1	Site Visit	$310
Task 2	Design Review	$2,965
Task 3	Meeting Attendance	$697
	Labor Subtotal	**$3,972**
	Expenses (3.5%)	$139
	Total Fee	**$4,111**

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

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PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

June 7, 2012

RECEIVED
JUN 07 2012
TOWN OF MEDWAY
PLANNING BOARD

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

Re: **Norwood Acres Definitive Subdivision Plan Modification**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called "Norwood Acres" submitted by Wayne Marshall of Medway. The owners are Andrew and Matthew Marshall of Medway. The plan was prepared by Guerriere and Halnon, Inc.. of Milford. The plan is not dated, but was signed by the engineer and surveyor on June 1, 2012.

Task	**Hours**
Technical review and comment regarding conformance with Zoning, subdivision regulations and general planning issues.	2.5
Planning Board meetings	2.0
Review of any plan revisions	1.5
Review of/input into Certificate of Action	2.0
Total	8.0
Cost Estimate (@$85)	**$680.00**

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

Sincerely,

Gino D. Carlucci, Jr.

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Thursday, June 07, 2012 11:31 AM
To: Susan Affleck-Childs
Subject: 25 Summer Street, Medway
Attachments: Aff & Easement.pdf

Susy,
Attached are the Clark Affidavit and Lynch Easement. If there are any questions, please let me know.
Paul Kenney

AFFIDAVIT

We, John W. Clark and Veronica Clark, husband and wife, both of Medway, Norfolk County, MA do under oath depose and say as follows:

1. We are the prior owners of the property located at 25 Summer Street, Medway, MA 02053

2. We sold said property to Fasolino Home Improvements, Inc. by deed dated November 19, 2008, recorded with Norfolk Deeds Book 26159, Page 264.

3. We owned the property at the time of the approval of the Speroni Acres subdivision in 1997.

4. Prior to the approval of the subdivision, we met with the developer, Owen Sullivan, to discuss the connection of our property to the sewer system which would service the subdivision.

5. Mr. Sullivan assured us that a Utility Easement abutting our property would be included on the subdivision plan, and that accompanying sewer stubs would be provided to our property for connection to said sewer system.

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Signed under the pains and penalties of perjury this 7th day of June 2012.

John W. Clark

Veronica Clark

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS. June 7, 2012

On this 7th day of June, 2012, before me, the undersigned notary public, personally appeared John W. Clark and Veronica Clark and proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose names are signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

Notary Public

My commission expires:

PAUL V. KENNEY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES 12/02/2016

GRANT OF EASEMENT

We, Sean Lynch and Shelley Lynch (collectively, "Grantors"), husband and wife, both of 15 Little Tree Road, Medway, Norfolk County, MA for consideration of One and 00/100 ($1.00) Dollar grant with quitclaim covenants to Fasolino Home Improvements, Inc. ("Grantee") a Massachusetts corporation with a principal place of business at 164 Main Street, Medway, MA 02053, its successors and assigns, an easement for the sole and exclusive purpose of laying a sewer pipe from Grantee's Property (as defined below) and to connect the same to a sanitary sewer line with any pipes, conduits and other appurtenances, in, over, under, through, across, upon and along a Utility Easement as shown on a plan entitled "Definitive Subdivision Plan For Speroni Acres in Medway, MA" dated 9/16/97, revised 11/24/97, revised 12/17/97, C.E.C. Land Surveyors, Inc., which plan is filed with Norfolk Deeds as Plan No. 242 of 199, Plan Book 455, and to which plan reference may be had for a more particular description.

The easement granted to the Grantee is for the sole and exclusive purpose of entering upon grantors land to enable Grantee's sewer pipes to reach the Utility Easement in order to connect to the existing sewer stubs for the benefit of Lots 1 and 2 as shown on a plan entitled Modified "Summer Valley Lane" Definitive Subdivision Plan in Medway, Massachusetts, Scale: 1"=40', December, 2011, Revised April 24, 2012, O'Driscoll Land Surveying Co. ("Grantee's Property"), to be recorded herewith and to which plan reference may be had for a more particular description. The Grantee, its successors and assigns, shall be solely and fully responsible to install, repair and replace any pipes, conduits and other appurtenances running from the Utility Easement to Grantee's Property as shown on said plan. Upon completion of any work within the easement area, the grantee shall promptly and at its sole cost and expense restore Grantor's property and adjacent areas to their prior condition.

Grantee, its successors and assigns, by acceptance of this easement, shall be solely and exclusively responsible for the maintenance, repair and replacement of the grinder pump and force main serving Grantee's Property and for any pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement. Grantee, and its successors and assigns, shall indemnify and hold harmless grantors and their respective successors and assigns for any and all claims, demands, assessments, losses, liens, and/or liabilities of any kind whatsoever that arise as a result of or in connection with the pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement.

Grantors, and their successors and/or assigns, shall have no responsibility and or liability whatsoever with respect to, or arising as a result of, or in connection with any defects and/or repairs to, any pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement.

This easement shall be binding upon Grantee and all of Grantee's successors and/or assigns and shall run with Grantee's land for the benefit of Grantors and their successors and assigns.

For grantors' title, see deed of Kenneth W. Smith and Allyson A. Smith dated April 20, 2004 as recorded with Norfolk Deeds Book 20930, Page 430.

Witness our hands and seals this 6th day of June 2012.

Sean Lynch

Shelley Lynch

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS. June 6, 2012

On this 6th day of June, 2012, before me, the undersigned notary public, personally appeared Sean Lynch and Shelley Lynch, and proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

PAUL V. KENNEY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES 12/02/2016

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Tuesday, May 29, 2012 8:21 AM
To: Susan Affleck-Childs; Mike Fasolino
Cc: David Faist ; Andy Rodenhiser
Subject: Re: 25 Summer Street

Susy,
I apologize for the delayed response, but I was away last week. As you know, Barbara Saint Andre reviewed the revised easement from the Lynch's and agreed to the revisions requested by the Lynch's. I am in the process of working with the Lynch's to obtain the assents of their mortgage holders to the easement. I will prepare the Homeowners Association document incorporating language requiring to property owners to join the Speroni's Acres homeowners association, if one is ever formed, and forward to Barbara for review. With regard to the original sewer easement for Speroni's Acres, the only documentation on record is the subdivision plan showing the easement. If there are any questions, please let me know. Thanks.
Paul Kenney

----- Original Message -----
From: Susan Affleck-Childs
To: Mike Fasolino
Cc: Paul Kenney ; David Faist ; Andy Rodenhiser
Sent: Wednesday, May 23, 2012 6:32 PM
Subject: 25 Summer Street

Hi,

I am preparing the board packets for the 5/29 meeting of the Planning and Economic Development Board. You are scheduled for a public hearing continuation at 7:15 pm. The meeting will be held here at Town Hall.

What additional information do you have to provide to the Board? I recollect you were going to provide a letter or something from the Lynches agreeing to the easement. Of course, we would like to see the assents from the Lynches mortgage companies. Also, I believe something from Mike indicating he was would require the future property owners of the two lots to become members of the Speroni Acres Homeowners Association if such is ever established.

Will you be able to provide any documentation re: the original sewer easement for Speroni Acres? Was such an easement ever recorded? Please provide the book/page number.

You have the note from the Board of Health that I forwarded to you. Their concerns really have to be addressed.

Many thanks.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

Stephanie Bacon
Health Agent

OFFICE OF
BOARD OF HEALTH
155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
Office (508)321-4923 – Fax (508)533-3276
sbacon@townofmedway.org

RECEIVED
JUN 12 2012
TOWN OF MEDWAY
PLANNING BOARD

6-12-12

Susy Affleck-Childs
Planning and Community Development

Dear Susy,

The Board appreciated you meeting with them last night to give a briefing on unresolved issues the Board had with this project. The Board felt more comfortable that within each homeowners deeds of Speroni Acres, they agree to be responsible for the maintenance, repair and replacement of the grinder pump and force main serving their own lot. We also received the copy of the letter from Owen Sullivan granting permission to allow Fasolino to tie into the existing sewer system as well as a copy of the letter from the engineer of Speroni Acres, stating that there is sufficient capacity to allow for more tie ins. The Board was also pleased to see a grant of easement from Sean and Shelley Lynch to Fasolino Home Improvements. We also understand that Paul Kenney, Fasolino's attorney, is also in the process of working on a document to require 25 Summer Street to be part of any Homeowners Association ever formed by Speroni Acres. With this overview from Planning Board, at our meeting on 6-11-12, Mike Heavey made a motion to allow the project to go forward with no objections from the Board, Jack Mill seconded, all in favor. We thank you for involving us with this project and for providing the answers we needed for our reassurance. If you should have any questions, please do not hesitate to ask.

Sincerely,

Stephanie Bacon
Health Agent

Kenney & Kenney
ATTORNEYS AT LAW

STEPHEN J. KENNEY
PAUL V. KENNEY

PETER J. KENNEY (1973-1980)

181 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
TEL: (508) 533-6711
FAX: (508) 533-6904
EMAIL: kenney@kenney-law.com

May 31, 2012

In Hand

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

RECEIVED
MAY 31 2012
TOWN OF MEDWAY
PLANNING BOARD

RE: 13 & 15 Chestnut Street, Medway
ANR Plan

Dear Members:

Enclosed please find the following in connection with the above referenced property:

1. Two (2) signed original Applications;
2. Two (2) Project Explanations; and
3. Eight (8) copies of the ANR Plans.

I also enclose two (2) checks in the amount of $80.00 and $170.00 payable to the Town of Medway in payment of the filing fee.

Please place this matter on your agenda for the meeting scheduled for June 12, 2012.

Thank you for your attention in this matter.

Very truly yours,

Paul V. Kenney

PVK/ sae

LAND SUBDIVISION – FORM A

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

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

[illegible] Medway Planning Board Subdivision Rules and [illegible] Please complete this entire application. Submit two (2) sets of originals of this [illegible] the ANR Plan [illegible] (5) Project Explanation to the Town Clerk [illegible] 5) original ANR Application date stamped by [illegible] Project Engineer, eight (8) copies of the ANR Plan and the [illegible] to the Medway Planning & Economic Development office.

[illegible] information provided in this Application is true, complete and [illegible] of the land depicting the property under consideration.

[illegible] the Applicant and Property Owner authorize the Planning & [illegible] Board and its agents to access the site during the plan review process.

[illegible] will review the Application, Project Explanation and ANR plan [illegible] the Planning & Economic Development Board. [illegible] authorized agent is expected to attend the Board meeting [illegible] the ANR Plan will be considered to answer any questions and/or submit such [illegible] information as the Board may request in connection with this Application. Your absence may result in a delay in its review.

May 31, 2012

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

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

ANR PLAN INFORMATION

Plan Title: Plan of Land in Medway, Massachusetts Prepared For: Lawrence Tenney

Prepared by: J.D. Marquedant & Associates, Inc.

P.E. or P.L.S registration #: 27873 Plan Date: 4-5-07 Rev. thru 5-17-12

PROPERTY INFORMATION

ANR Location Address: 13 & 15 Chestnut Street, Medway, MA 02053

The land shown on the plan is shown on Medway Assessor's Map # 6 Parcel # 426 & 426B

Total Acreage of Land to be Divided: 2.32 Acres

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR-I and AR-II

Frontage Requirement: 180' / 35' Area Requirement: 44,000 S.F. / 22,500 S.F.

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

The owner's title to the land that is the subject matter of this application is derived under deed from: _____ to _____ _____
dated _____ _____ and recorded in Norfolk County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title Number_____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____. See attached

APPLICANT INFORMATION

Applicant's Name: Lawrence E. Tenney

Applicant's Signature: Lawrence E. Tenney

Applicant's Address: 13 Chestnut Street

Medway, MA 02053

Applicant's Telephone: 508-533-8506

Applicant's Email: _____

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: _____

Address: _____

_____

The Owner hereby appoints Paul V. Kenney, Esq. to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 5-31-12 Lawrence E. Tenney
Owner's Signature

_____
Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

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

X 1. The accompanying plan does not show a division of land.

_____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ *(name of way(s)*, which is:

_____ a. A public way. Date of street acceptance: _____

_____ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*

_____ c. A way shown on a definitive subdivision plan entitled _____
_____
that was previously endorsed by the Planning & Economic Development Board on _____ and recorded at the Norfolk County Registry of Deeds on _____. Provide detailed recording information.

_____

_____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.

__X__ 3. The division of land shown on the accompanying plan is not a *"subdivision"* for the following reasons: _____

See attached

_____

_____

ANR PLAN FILING FEE

$150 plus $10/lot/parcel on a plan involving three (3) or more lots/parcels and not to exceed a maximum of $750

Please prepare two checks: one for $80 and one for the balance. Each check should be made payable to Town of Medway.

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

- Signed original ANR applications (Form A)
- Original ANR plan
- Project explanation
- Proper application/filing fee

****

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic Development Board: 5-31-2012.

ANR Application/Filing Fee Paid: Amount: _____ *Check #* _____

$80 plan review Ck # 23125
$170 filing fee Ck # 23126

PROJECT EXPLANATION

The applicant, Lawrence E. Tenney, owns the properties located at 13 and 15 Chestnut Street, Medway. Title to the property at 13 Chestnut Street is held by the Tenney Family Trust by deed dated February 2, 1994, recorded with Norfolk Deeds, Book 10373, Page 495. Title to the property at 15 Chestnut street is held by the Lawrence Tenney trust by deed dated February 2, 1994, recorded with Norfolk Deeds, Book 10373, Page 490.

Mr. Tenney obtained a variance to divide the property from the Zoning Board of Appeals dated February 17, 1987, which decision is recorded with Norfolk Deeds, Book 8183, Page 218, a copy of which is attached hereto as Exhibit A. In addition, the Planning Board endorsed an Approval not Required Plan of the property dated June 15, 1988, which plan is recorded with Norfolk Deeds as Plan No. 625 of 1988, Plan book 369, a copy of which is attached hereto as Exhibit B.

Mr. Tenney was also a named plaintiff in Land Court Case No. 162850 vs. the Town of Medway, which sought a declaration of the rights of the parties to the former Penn Central railroad bed which abuts the property. The parties to that action entered a Settlement Agreement whereby the Town of Medway withdrew any and all claims of ownership it may have in and to that portion of the abandoned railroad bed that abuts the real property owned by each of the plaintiffs. Said Settlement Agreement is recorded with Norfolk Deeds, Book 16267, Page 366, a copy of which is attached hereto as Exhibit C.

Mr. Tenney has owned this property since 1947. It is a pre-existing, nonconforming property with respect to frontage requirements. The applicant's plan is submitted to identify the portion of the abandoned railroad bed owned by Mr. Tenney based on the above referenced Land Court case. The plan establishes 68.97' of frontage on Oakland Street, which did not exist prior to the abandonment of the railroad bed.

Mr. Tenney is in the process of selling the house located at 15 Chestnut Street. Based on the pre-existing, non-conforming status of the property, and the previously endorsed Approval Not Required plan from the Planning Board, the applicant is entitled to ANR endorsement of this plan.

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA. (here-in-after the Board) acting under the Zoning By-Laws of the Town of Medway and Massachusetts General Law C40A, as amended, in which the petitioner Lawrence E. Tenney of 15 Chestnut Street, Medway, MA. seeks a variance to convert an existing shed on the present lot into a small house and divide the lot into two houselots where one of his children would reside at premises 15 Chestnut Street, Medway, MA.

Following the giving of notice as required by law, a public hearing was held on February 17, 1987 at 7:00 P.M. by the Board in the Hearing Room of the Medway Town Hall.

The petitioner was present and spoke in favor of the petition stating his present lot, on which he has lived forty years, consists of approximately 146,000 square feet. He requests to convert a 700 square foot shed into a house composed of a 10'x12' bedroom, a 16'x18' living room, 10'x12' kitchen and a 10'x6' bathroom (approximately) for one of his children. Furthermore petitioner requested to sub-divide his present lot into two lots of approximately 54,000 and 92,000 square feet for his current home at 15 Chestnut Street and the proposed house lot respecrtively. Petitioner provided a hand drawn plot plan which reflected his property is abutted on three sides by town and cemetery property. Petitioner related that access to 15 Chestnut Street and the proposed lot is a dirt road which, should this petition be granted, will be extended to the proposed lot in the form of a right of way. Petitioner informed the Board that he is presently selling sand, being excavated, from the rear of his property and is considering to offer the property, consisting of approximately 48,000 square feet, to the Conservation Commission or some other (unspecified) town groups in the Town of Medway.

Speaking in favor of the petition and petitioner were Fred Paulette and Gerald Tracy, 37 and 42 Oakland Street, repectively.

No one spoke in opposition to Mr. Tenney's requests.

The Board, upon conducting a short discussion of its merits with the petition, voted unanimously to grant this petition subject to the following conditions:

1. That the extension of the dirt road (right of way) Chestnut Street, used to approach the proposed lot must be a minimum of 10 feet from the lot lines bordering on the south of Tenney's property.

Exhibit "A"

TENNEY

2. That the width of this extension be twenty feet or that width as required by law and

3. that the extented road not be extended more than 100 feet in the westerly direction.

Further, that the petitioner abide by all rules and regulations of all Town of Medway Boards, Officers and Committees having jurisdiction of any sort over the change of use of the property mentioned herein.

The Board hereby authorizes the Building Inspector to issue any necessary permits in accordance with the decision as required by his office.

The Board hereby makes a detailed record of its proceedings relative to the petition, directs that this decision be filed in the office of the Town Clerk and be made a public record, and that a notice of this decision be made forthwith to each party of interest.

Joseph J. Dziczek, Acting Chairman

Robert L. Collum, Clerk

Francis V. Boczanowski, Alternate

ORIGINAL ON FILE Filed as No. 625-1988 Pl. Bk. 369

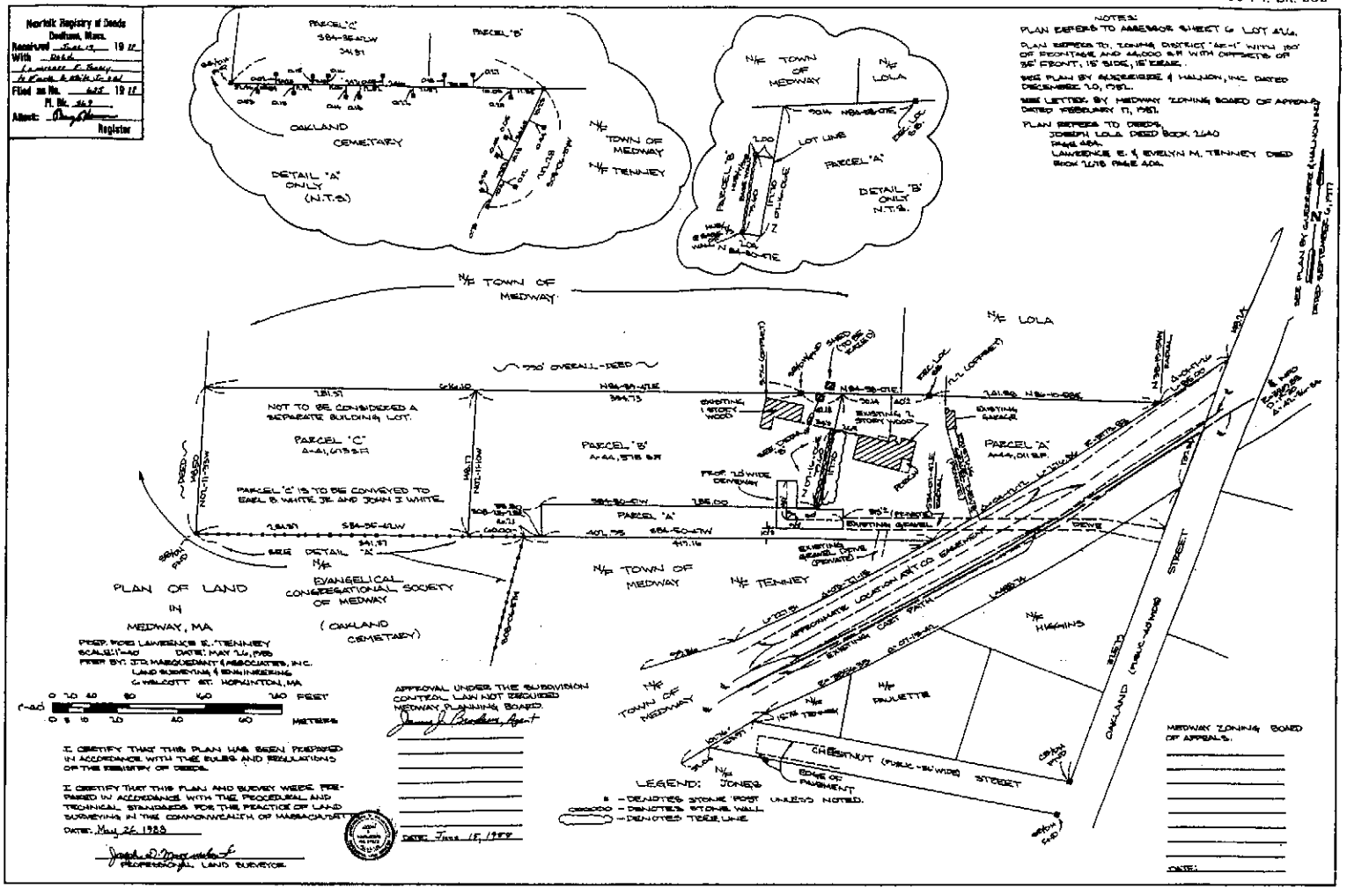

Exhibit "B"

BK16267PG366

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

(SEAL)

DEPARTMENT OF THE TRIAL COURT

Norfolk, ss.

Miscellaneous Case No. 162850

Brenda J. Bosma, Raymond F. Kelley,
Louis H. Bisson, Paula P. Bisson, et al,
Plaintiffs

vs.

Town of Medway,
Defendant

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
PAUL D. HAROLD, REGISTER

033143

02 FEB 22 AM 11:40

CERTIFICATE

This case was filed in the Land Court on May 21, 1991 seeking a declaration by the Court of the rights of the parties in and to a certain parcel of land in Medway, Norfolk County, Massachusetts. Specifically, Plaintiffs claimed to possess ownership interests in certain parcels of land conveyed to the Defendant, Town of Medway, by Penn Central Railway in deeds recorded at the Norfolk County Registry of Deeds in Book 6100, Page 325, Book 6194, Page 362 and Book 6598, Page 599. A lis pendens concerning this case was recorded at said Norfolk County Registry of Deeds in Book 8932, Page 300.

Answers and other pleadings were filed by the parties, and after due proceedings in the Court, all of which appear of record, a Settlement Agreement and an Agreement for Judgment were filed with the Court on September 19, 2001 whereby the parties agreed to their respective rights in the disputed land. No further pleadings have been filed.

In testimony whereof I have this day set my hand and affixed the seal of said Land Court, this twenty-second day of January, A.D. 2002.

By the Court.

Attest:

Charles W. Trombly, Jr.
Recorder

A TRUE CC
ATTEST:

Charles W. Trombly, Jr.
RECORDER

CWT/ef

Exhibit "C"

BK16267PG367

2

10/22

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT
CIVIL ACTION NO. 162850

BRENDA J. BOSMA, RAYMOND F. KELLEY, LOUIS H. BISSON, PAULA P. BISSON, ET AL,
PLAINTIFFS

VS.

TOWN OF MEDWAY,
DEFENDANT

SETTLEMENT AGREEMENT

Now come the parties in the above entitled action and hereby agree to the following terms and conditions as a full and final settlement of the said action.

1. The defendant Town of Medway shall forthwith withdraw any and all claims of ownership it may have in and to that portion of the abandoned Penn Central railroad bed that abuts the real property owned by each of the plaintiffs, or their heirs, successors and assigns.

2. The plaintiffs acknowledge that the said railroad bed is encumbered by two (2) easements, both of which are below grade, which shall remain in place and shall remain undisturbed. The plaintiff shall not take any action to discontinue, disrupt, terminate or otherwise interfere with the two said easements, described as follows:

a. Municipal sewer line, and

b. A T & T long line telephone cable.

3. The parties shall each be solely responsible for any and all legal costs and expenses incurred by them in commencing, maintaining and investigating this action and neither party shall seek, request or require the other party to pay for or reimburse it or them for any part of such costs and expenses.

4. Nothing contained herein is intended to, nor should it be interpreted or construed to, mean, suggest or otherwise indicate that the Town of Medway is in any way relinquishing, releasing or withdrawing its claim of ownership in any other portions of the said railroad bed.

5. This Settlement Agreement is contingent and conditioned upon the full and complete confidentiality by each of the parties to this agreement. It is agreed and understood that no party shall discuss, transmit, publish or in any way make public the terms of this Settlement Agreement. Any party plaintiff may assert title to that portion of the railroad bed abutting their property and may refer any inquiry regarding such title to this Land Court action.

6. This Settlement Agreement shall constitute a full and final release of any and all rights, claims and actions the plaintiffs and defendant may now have against each other except for those claims necessary to enforce the terms of the agreement.

7. The parties hereto hereby authorize their respective attorneys to enter into and file an Agreement for Judgment with the Court that reflects the terms of the agreement to the extent it is necessary or appropriate to do so.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this Settlement Agreement, meaning and intending that it take effect as an agreement under seal, this day of June, 2001.

PLAINTIFFS

Robert A. MacSwain

Barbara M. MacSwain

James V. Bacchiocchi

Edna E. Bacchiocchi

James R. Brundage

Wayne Brundage

Malcolm B. Osborne, Sr.

James H. Osborne

Theodore P. Kramer

Joanne M. Kramer

PLAINTIFFS

Raymond F. Kelley

Brenda J. Bosma

Louis H. Bisson

Paula Bisson

Lawrence E. Tenney

Frederick J. Tingley

Margaret C. Tingley

Mary L. Staples

Jeffrey J. Zinchuk

Rosellyn I. Zinchuk

Witness as to plaintiffs

TOWN OF MEDWAY
By its Board of Selectmen

Witness as to Board of Selectmen

Kevin M. Keating, Esq.
Attorney for Plaintiffs
1040 North Shore Road
Revere, MA 02151
(781) 286-5800
B.B.O. #

R.D. Maciolek, Esq.
Attorney for Defendant
Kenney & Maciolek
181 Village Street
Medway, MA 02053
(508) 533-6711
B.B.O. # 311240

BK16267PG371

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10/20

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT
CIVIL ACTION NO. 162850

033145

BRENDA J. BOSMA, RAYMOND F. KELLEY, LOUIS H. BISSON, PAULA P. BISSON, ET AL,
PLAINTIFFS

VS.

TOWN OF MEDWAY,
DEFENDANT

AGREEMENT FOR JUDGMENT

02FEB 22 AM11:40

Now come the parties in the above captioned action and, in accordance with a Settlement Agreement entered into by the parties which is incorporated herein and made a part hereof, agree that Judgment may enter declaring that the plaintiffs are owners of the fee of that portion of the abandoned railroad bed that abuts their property.

R.D. Maciolek
Attorney for Defendant
Kenney & Maciolek
181 Village Street
Medway, MA 02053
(508) 533-6711
B.B.O. #311240

Kevin M. Keating
Attorney for Plaintiffs
1040 North Shore Road
Revere, MA 02151
(781) 286-5800
B.B.O. #

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
PAUL D. HAROLD, REGISTER

I HEREBY ATTEST AND CERTIFY ON JAN 28 2002 THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.

CHARLES W. TROMBLY, JR.
RECORDER
LAND COURT

BY
RECORDER

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: June 7, 2012

RE: Tenney Property on Chestnut and Oakland Streets

I have reviewed an ANR plan prepared for Lawrence Tenney of 15 Chestnut Street Medway for lots on Chestnut and Oakland Streets. The plan was prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, and is dated April 5, 2007.

There are already dwellings on each of the pre-existing nonconforming lots shown on the plan. A variance for the 2 lots was granted by the ZBA in 1987. Also, in 2001, there was a settlement of a lawsuit in which the Town withdrew claims of ownership of the former railroad right-of-way. This plan incorporates a potion of that right-of-way into one of Mr. Tenney's lots and adjusts the lot lines between them. No new lots are being created.

I have comments as follows:

1. Section 3.2.5 requires that easements be shown. An AT&T easement is shown but a sewer easement referred to in the documentation is not shown on the plan.

2. Section 3.2.6 requires that abutters names be on the plan, including those across the street from the property. The abutters across Oakland Street are not shown.

3. Section 3.2.7 requires that the status of the street as to whether or not it is a scenic road be indicated on the plan. This was not done.

4. Section 3.2.11 requires that the plan indicate whether or not the land is classified as Chapter 61A. This was not done.

I recommend that the above technical deficiencies be corrected and that the plan then be endorsed.

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

June 7, 2012

TO: Planning and Economic Development Board

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

RE: Longstanding Inactive Construction Observation Accounts

I am trying to take care of some long overdue items that I have neglected!!

Attached is a list of older, completed subdivision projects for which we are still carrying some construction observation funds that were never refunded. You will recollect that CO funds are maintained in a revolving fund and carried over year to year. The Planning and Economic Development Board's CO fun ds are maintained in an interest bearing account at TD Bank – #824-1226823.

I recommend that the Board approve refunding $8,065.13 in unexpended construction observation funds, plus interest.

The overall balance in the CO account as of 4/31/2012 was $28,079.51.

For the second meeting in June, I will ask you to address the plan review balances that we are carrying. Then in July, I would like to close out a few bond accounts for projects that never went forward. Stay tuned!

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

TD Bank

America's Most Convenient Bank®

T

STATEMENT OF ACCOUNT

019418 06CD1Q02 1 000000
TOWN OF MEDWAY
PLANING BRD SUB CONST OBSERVATION
ATTN TREASURERS OFFICE
155 VILLAGE ST
MEDWAY MA 02053

Page:	1 of 2
Statement Period:	Apr 01 2012-Apr 30 2012
Cust Ref #:	8241226823-804-T-***
Primary Account #:	824-1226823

MAKING A GREENER STATEMENT!

YOU MAY NOTICE A SLIGHT DIFFERENCE TO YOUR STATEMENT THESE DAYS. AS PART OF OUR ONGOING COMMITMENT TO THE ENVIRONMENT, WE ARE ALWAYS LOOKING FOR WAYS TO REDUCE PAPER USE WHILE STILL PROVIDING YOU WITH ALL THE DETAILS OF YOUR ACCOUNT. WITH A FEW SIMPLE SPACING ADJUSTMENTS WE HOPE TO SAVE ABOUT 32 MILLION SHEETS OF STATEMENT PAPER EACH YEAR! THERE'S NO CHANGE TO YOUR INFORMATION...ONLY TO A GREENER LANDSCAPE!

Pooled Plus Money Market

TOWN OF MEDWAY
PLANING BRD SUB CONST OBSERVATION

Account # 824-1226823

ACCOUNT SUMMARY

Beginning Balance	26,497.63	Average Collected Balance	28,079.51
Deposits	2,500.00	Interest Paid this Period	4.60
Other Credits	4.60	Interest Paid Year-to-Date	18.87
Electronic Payments	858.00	Annual Percentage Yield Earned	0.20%
Ending Balance	28,144.23	Days in Period	30

DAILY ACCOUNT ACTIVITY

Deposits

POSTING DATE	DESCRIPTION	AMOUNT
4/9	DEPOSIT	2,500.00
	Subtotal:	2,500.00

Other Credits

POSTING DATE	DESCRIPTION	AMOUNT
4/30	INTEREST PAID	4.60
	Subtotal:	4.60

Electronic Payments

POSTING DATE	DESCRIPTION	AMOUNT
4/25	WEBEXPRESS TRANSFER DB, MONTHLY EXPENSES	858.00
	Subtotal:	858.00

DAILY BALANCE SUMMARY

DATE	BALANCE	DATE	BALANCE
3/31	26,497.63	4/25	28,139.63
4/9	28,997.63	4/30	28,144.23

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Medway Subdivisions
Construction Observation Account Balances

Subdivision Name	Developer	$ Remaining in Construction Observation Account	Streets
Camelot Subdivision	Greg Coras	$ 1,559.33	Queen, Villa, Gable, King & Crestview
Evergreen Meadow	Taniel Bedrosian	$ 978.35	Iarussi Way
Granite Estates	George Papadopolous	$ 99.99	Tulip and Daffodil
Grapevine Estates	Tony Leland	$ 901.93	Grapevine
Hawk Ridge Subdivision	Wayne Marshall	$ 1,896.04	Bayberry and Hookset
Oak Hills	Greg Whelan	$ 797.90	Winterberry
Redgate II	Jonathan Bruce	$ 61.63	Field Road (extension)
Knollwood Acres	John Sullivan	$ 549.11	Shamrock Lane
Village Acres	Jim Reardon	$ 1,220.85	Sledding Hill Way
TOTAL		$ 8,065.13	

prepared by sac 6-7-2012

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

June 7, 2012

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Appointments to Medway Economic Development Committee (EDC)

The term of office for the following members of the EDC expires on June 30, 2012.

Ken Bancewicz
Ray Himmel
Kent Scott
Paul Yorkis

Ray Himmel, Ken Bancewicz and Paul Yorkis have asked to be reappointed. Kent Scott does not wish to continue at this time, but may be open to a future appointment after the Medway 300th activities are concluded.

I recommend the Planning and Economic Development Board reappoint Ray Himmel, Ken Bancewicz, and Paul Yorkis to the Medway EDC for a two year term through June 30, 2014.

NOTE – FYI . . . the other continuing EDC members are: Ann Sherry, James Byrnes, and Andy Rodenhiser *(as the PEDB representative to the EDC).*

ALSO – The Medway General Bylaw which established the EDC provided for up to 11 members. So, we clearly are in need of some more people to serve on the EDC. I would suggest we outreach directly to the Medway Business Council to ask for a representative. But that is not enough. What other ideas do you have for possible candidates to serve on the EDC?

Telephone: 508-533-3291
saffleckchilds@townofmedway.org

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

MEMORANDUM

June 7, 2012

TO: Planning & Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Appointments to the Open Space Committee

The term of office for the following members of the Open Space Committee expires on June 30, 2012.

- Jim Wickis
- Glenn Murphy
- Bruce Hamblin

All parties would like to continue their participation and have asked to be reappointed. The new term of office would be through June 30, 2014.

NOTE – FYI . . . the other members of the Open Space Committee include Tina Wright, Patrick McHallam, Mike Francis and Paul Marble. Their terms expire on June 30, 2013.

ALSO . . . the Medway General Bylaw which established the Open Space Committee provides for membership up to 9 people. As the group presently has 7 members, there is room for 2 more people. It is always good to be on the outlook for new members.

Thanks.

Telephone: 508-533-3291 Fax: 508-533-3287
email: saffleckchilds@townofmedway.org

June 26, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

The Chairman opened the meeting at 7:07 pm.

There were no Citizen Comments.

Bay Oak Definitive Subdivision Plan, 104 Fisher St – Plan Review Fee Estimates

The Chairman recused himself for any discussion relative to Bay Oak Subdivision as he is the applicant.

The Board is in receipt of a memo from PGC Associated dated June 19, 2012. The cost estimate was to review and comment on the Definitive Subdivision Plan "Bay Oaks" in the amount of $977.50. **(See Attached)**

The Board is also in receipt of a plan review estimate dated June 18, 2012 from Tetra Tech Rizzo for Bay Oaks. The cost estimate is for $4,111.00. **(See Attached)**

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted to accept the cost estimate for PGC Associates in the amount of $977.50 and the estimate from Tetra Tech Rizzo in the amount of $4,111.00.

Susy Affleck-Childs announced the public hearing for the Bay Oak Definitive Subdivision Plan is set to begin July 10, 2012.

Engineering Consultant Report

Franklin Creek Subdivision
The Board is in receipt of a memo from Tetra Tech Rizzo dated June 25, 2012. **(See Attached)**

This memo references that the final inspection of the Franklin Creek Subdivision was completed by Tetra Tech Rizzo. All items have been completed to the satisfaction of Tetra Tech Rizzo.

Susy Affleck-Childs communicated that the bond release will be placed on the agenda for the July 10, 2012 Planning and Economic Development Board meeting.

Applegate Subdivision

Consultant Pellegri indicated that the pressure testing of the sewer and main was completed. Test pits will be done tomorrow. (Further discussion of Applegate will take place in Executive Session)

Planning Consultant Report:
Consultant Carlucci communicated that he attended a workshop in Acton. This presentation focused on promoting walkable neighborhoods. This presentation was by Mark Fenton who is an engineer in the field.

Report of Planning and Economic Development Coordinator

Solar Metering Credits RFP
Susy is continuing her work on the request for proposals for solar net metering credits. She and Dave D'Amico have a working draft and she is forwarding it to Frank Faist, chairman of the Energy Committee, for feedback. This will need to be published in the Central Register.

Economic Development Committee
The Economic Development Committee met with the Board of Selectmen on June 18th regarding moving ahead with the part-time specialist position. The BOS gave their blessing to proceed.

The Economic Development Committee will meet tomorrow night (6-27-12) to discuss the eight job descriptions which will be recrafted to meet the needs of Medway. The Committee will also lay out first year projects for this person to complete. It is the hope to have someone start in October.

PARC Grant Application:
Susy communicated that there was a Public Briefing on June 25, 2012 on the PARC grant application regarding improvements to Idylbrook. This grant has a deadline date of July 12, 2012 and will be written by Gino Carlucci. The meeting has a good gathering of about10 people. They provided feedback on preferred locations for playground equipment. There were suggestions about improvements to the gates. The Board of Selectmen has also given their blessing to proceed with submitting the grant application.

Norwood Acres Definitive Subdivision Plan Public Hearing

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to open the public hearing for Norwood Acres at 7:15 pm and to waive the reading of the public hearing notice.

The Public Hearing notice was date stamped June 7, 2012 with the Town Clerk. **(See Attached)**

The Project Engineer is Paul Atwood from Guerriere and Halnon who was present along with Peter Lavoie.

The property is owned by Andrew and Matthew Marshall who were also present. The applicant and developer is Wayne Marshall, their father.

The engineer explained that the preliminary plan was presented to the Board a few months prior. The applicant is proposing a 2-lot private way residential subdivision on a 7.78 acre parcel located at 61 Summer Street.

The construction will include a 524' long and18' wide paved permanent private roadway. They propose a 4.49 acre open space parcel which includes a large wetland area.

The project will include the installation of stormwater management facilities and connections to town sewer and water.

The Board is in receipt of a plan review letter dated June 22, 2012 from PGC Associates. **(See Attached)**

Consultant Carlucci indicated that allowing the easement area of the abutting White lot to be double-counted as frontage and area for that lot as well as part of the right-of-way could set a precedent that might allow misuse of this option on other properties.

The Engineer will address this issue.

The second comment which needs to be further clarified is that the abutting property has two buildings on it that are within the setback area of the proposed right-of way. A subdivision cannot make an adjacent lot non-conforming. There was discussion that a narrow strip parcel be added between the right-of-way and the abutter to eliminate the setback issue.

The Board is also in receipt of a plan review letter from Tetra Tech Rizzo dated June 21, 2012. **(See Attached)**

The review noted that the sewer system will extend from the existing infrastructure within the on-site sewer easement, while all other utilities will extend from Summer Street.

The stormwater design will be two proposed basins that will collect and detain run-off from the proposed development prior to discharging to the adjacent wetlands.

The applicant had been in front of the Medway Conservation Commission.

There will be an 8 ft. gravel drive. This is elevated and going in one direction. The engineer communicated that they are going to preserve the trees along the property lines. The trees will stay undisturbed and a swale will go into a small settling basin.

The Engineer responded that a tree within the right of way would need to be removed, but it is their intent to leave as many trees as possible.

Dave Pellegri communicated that the limit of clearing line coincides with the limit of work line. There will not be an increase in any runoff into the wetland.

The Board likes the idea of saving the trees.

There is an existing fire hydrant on Summer Street but it will be relocated to north of the drive towards Lot 62. The Engineer will not do any work within the roadway. The existing water line will be connecting the two homes. A new utility pole will be installed.

Dave Pellegri indicated that the standard size of the water main shall be reduced to six inches in certain circumstances with termination of a hydrant. There is not a hydrant at the termination and the size is proposed to be four inches.

The list of requested waivers is provided within the packet. **(See Attached).**

The Board indicated that there are guidelines for the widths of private ways. The right of way must be 50 ft.

Member Tucker has a concern about house lot numbers 63 and 59 are now creating frontage on the additional lot line. This would make them subject to the zoning requirements and they would need to have 35 ft. frontage and we cannot make a nonconforming lot.

The concern is if there is a requirement for a 50 ft. easement.

Susy Affleck-Childs noted that the width of ROW can be waived and is flexible.

The plan would need to be revised so that there is no frontage for the abutters.

Consultant Carlucci noted that the strip would need to begin at or beyond the point at which the White property would retain frontage in compliance with the Zoning Bylaw.

The Engineer will work to revise the plan.

A waiver for reducing the width of the right of way will need to be granted.

Member Spiller-Walsh asked if the stone wall will be retained.

It was communicated to the applicant that the Board typically requires for small permanent ways, that the drainage becomes one parcel. The subdivision decision would need to reference a subdivision's homeowners association and the road parcel which would be conveyed to the homeowners association.

The language of the homeowners association will need to be written at a later date.

Member Spiller-Walsh notes that she would like to see some type of landscape plan on the basins which are proposed on the cul-de-sac area.

Consultant Carlucci commented regarding the area which is counted twice. The simple solution would be to have the Whites convey the radius area to the applicant and swap it for equal area and would complete the frontage for the White property. The shape factor has not been looked at closely.

The Board would like to get a copy of the old ANR Plan.

The Engineer does have a copy of the old ANR Plan and supplied it to Susy Affleck-Childs.

Consultant Carlucci noted that the detention basin needs a landscaping plan in lieu of planted island in the center. Suggest this is provided around basin.

Dave Pellegri wanted information about the sewer easement.

The Board would like to see text description of the agreements about the easements.

The Engineer does have copies of the easement.

Dave Pellegri communicated that comments should be provided by Tom Holder relative to the sewer, and gates for water.

There will be private utilities which will go overhead to pole and then underground.

Dave Pellegri wants to get further information about the discrepancy in the groundwater.

Member Spiller-Walsh questioned if the length of the hammerhead is long enough for emergency vehicles. In her opinion it looks short.

The Board would need to get input on this from the Fire Department.

Susy Affleck-Childs noted that the applicant is requesting a waiver from the fire alarm system requirement. The practice is to have the applicant make a payment in lieu of into a special fund. The payment would be $1,000.00.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the public hearing to July 10, 2012 at 8:30 pm.

<u>Charles River Village OSRD – Status Report</u>
The Board is in receipt of an email from Peter Paulousky regarding the LLC Certificate of No Appeal. **(See Attached).**

Mr. Claffey was present and he presented the Town Clerk's Certificate of No Appeal for Charles River to Susy Affleck-Childs.

Mr. Claffey communicated that he is going to the Definitive Stage portion of this project and his intent is to go with the concept plan as it was approved.

EXECUTIVE SESSION

The Chairman communicated that the Board needs to go into executive session to discuss the purchase, exchange, lease or value of real property at the Applegate Subdivision (northeast corner of Coffee and Ellis Streets. Andy declared that discussing this matter in open session may have a detrimental effect on our negotiating ability.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to go into executive session to consider the purchase, exchange, lease or value of real property at the Applegate Subdivision, and to return to the regular meeting upon conclusion of the executive session.

Roll Call Vote:

Andy Rodenhiser	aye
Bob Tucker	aye
Chan Rogers	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye

The Board returned from Executive Session at 9:11 pm.

Certificate of Action – 25 Summer Street:

The Board is in receipt of the Certificate of Action for the 25 Summer Street Modified Definitive Subdivision Plan – a permanent private way with waivers and conditions. **(See Attached revised draft dated June 22, 2012.)**

The roman numerals within the decision need to be fixed.

The language on page 14 #10 will be revised to not call out specifically the Speroni Acres Home Owners association but to indicate instead – a home owners association established

Action on Waiver Findings:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Waiver Findings as written for 25 Summer Street.

Action on Mitigation Plan:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Mitigation Plan as written for 25 Summer Street.

Action on Waiver Requests:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Wavier Requests as written for 25 Summer Street.

Action on Additional Findings:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Additional Findings as written for 25 Summer Street.

Decision:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Decision as written for 25 Summer Street.

CPC Meetings:
Member Tucker communicated that the CPC met and the committee is reviewing proposals for the 300 monuments. There was a lengthy discussion about funding of this.

Design Review Committee Meeting:
The Design Review Committee had a meeting and one of the tasks was to work on continued designs for a new Town Seal.

Goals for the Upcoming Year:
Susy will be meeting with Suzanne in early July to establish her goals for the year.

The Board will continue to have Susy work on Zoning Bylaw amendments. Member Tucker noted that he would like to know the prioritization of other activities which are not Planning Board that the Town Administrator is giving Susy. Member Tucker wanted to know what the time allotment of these other projects are.

Member Spiller-Walsh would like to look at the vision of the Town and just one example is road width.

Another goal would be updating the Subdivision Rules and Regulations. It would be great to include some ideas from the workshop which was just held to help people think outside the box.

The Town will also need to go out for bids for the consulting engineer and planner.

Susy reported that the Board of Selectmen and Town Administrator are initiating a process for a strategic plan for the Town. There will be opportunities for discussion and sharing of insight. The PEDB will have a role in this process.

The Board has met with allied Boards and Committees (Open Space, Design Review Committee and Economic Development Committee) in the past and would like to continue with this activity.

Susy indicated the Affordable Housing Committee would like an opportunity to come in and speak to the board.

Continued work on troubled subdivisions will be another goal.

Susy is working with the Economic Development Committee on facilitating the process for creating the EDC specialist. She will be guiding this.

There is funding in the FY 13 Capital Budget for a community signage program. Susy will work on getting this underway. They will be going to Design Review Committee. Town meeting will need to vote on the new Town Seal.

The phase two of GIS will continue. The funding was approved at Town Meeting

Inactive Plan Review Accounts:
The Board is in receipt of a memo from Susy Affleck-Childs dated June 19, 2012 relative to the inactive plan review accounts. **(See Attached).**

The funds are used to pay the cost of services provided by outside consultants during the plan review stage of development project.

The funds are maintained in an interest bearing account.

On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted to refund the $21,461.31. (Vote fails)

Member Tucker suggested that Susy Affleck-Childs discuss if some of the money can be rolled over into the construction accounts for some of the accounts.

Susy Affleck-Childs will provide further information at the next meeting.

Endorse Lawrence Waste Site Plan, 49 Alder Street:
The Board endorsed (signed) the site plan for Lawrence Waste Site Plan at 49 Alder Street.

Meeting Minutes:

June 12, 2012:
On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from June 12, 2012 as presented.

Future Meetings:
The next Planning and Economic Development meeting will be Tuesday, July 10, 2012 at 7:00 pm.

Adjourn:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:45 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

July 5, 2012

RECEIVED
JUL 05 2012
TOWN OF MEDWAY
PLANNING BOARD

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 118,395 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 120,626 (Lot 3) square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands.

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling.

3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width information was not. The ROW width for the existing private way leading to the proposed subdivision was provided, but the pavement width was not.

4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately.

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested.

6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided.

7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled.

8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested.

9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary.

10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested.

11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed.

12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround.

13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested.

14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan.

15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested.

16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided.

17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects.

18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the

proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection.

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated.

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets.

21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested.

22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested.

23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed.

24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested.

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed.

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets.

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

Sincerely,

Gino D. Carlucci, Jr.

TETRA TECH

RECEIVED
JUL 02 2012
TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012

Mr. Robert Tucker
Vice Chairman-Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Bay Oaks
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Tucker:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of a four lot subdivision off of Fisher Street, near the Holliston Town Line. The project proposes to extend the existing private way cul-de-sac to create three additional house lots. The existing site is approximately 8.7 acres and is primarily wooded, with one existing single family house. The three new residential buildings will require private utility connections gas, electric, and telecommunications. The sewer will be serviced through the use of on-site septic systems and the water will utilize on-site wells. The stormwater design will primarily consist of a swale running along the proposed roadway which will then discharge to a small drainage basin located adjacent to the proposed roadway. The roof runoff will be collected and discharged into below ground infiltration chambers.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Definitive Subdivision of Bay Oaks in Medway Massachusetts", dated May 18, 2012, prepared by GLM Engineering Consultants, Inc. (GLM).
- A stormwater report entitled "Stormwater Report, Bay Oaks", dated May 18, 2012, prepared by GLM.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GLM.
- Additional miscellaneous application material including a Designer's Certificate (Form D), and a Development Impact Report (Form F), prepared by GLM.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On June 27, 2012 at 4:00 PM, Tetra Tech met the applicant on-site to perform a site walk and review the existing conditions on the plan versus the field conditions. At that time, we discussed several comments that were generated in a draft of this review letter. Although the applicant answered some of the questions below during the site walk, we've left them on the list for the Planning and Economic Development Board's review, along with the information provided by the applicant (shown in italics following several of the comments).

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)

2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)

3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)

4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)

5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)

6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)

7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)

8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)

9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)

10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)

11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))

13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))

15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))

16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))

17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)

18. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the

Town equal to the cost of installing a fire alarm system within the subdivision. (Ch. 100 §7.17.1)

19. Trees shall be planted in accordance with Ch. 100 §7.19.2.

20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)

21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)

The following items were found to be not in conformance with the requirements of the Land Subdivision-Form F, or requiring additional information:

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.

24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.

25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*

26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.

28. The material of the existing driveway should be labeled.

29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*

30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.

31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?

32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.

33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*

34. Existing private utilities should be shown on the plans.

35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*

36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*

37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.

38. A monument detail should be added to the plans along with a label identifying type of monument to be set.

39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.

40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4"of dense graded crushed stone to provide a better base.

41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.

42. Existing stone walls should be shown on the plans.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.7.2 (M)-Stormwater Management-Side Slopes
Section 7.7.2 (P)-Stormwater Management-Separate Basin Parcel
Section 7.10.2-Curbs and Berms

43. The waiver request states that a waiver to section 7.10.2 is to allow country drainage swale along the roadway, however the grading does not reflect this. Only one section of roadway appears to sheet off to a basin or swale, approximately from STA 5+50 to 6+50).

TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech (TT)

Re: **Franklin Creek**
Subdivision Review (Punchlist)
Medway, MA

Dt: June 25, 2012

At the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a final inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006, the Certificate of Action dated January 17, 2006 and our previous Punch List Memo dated April 11, 2012. All items have been completed to the satisfaction of TT.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

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Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

Susan Affleck-Childs

From: Pellegri, David [david.pellegri@tetratech.com]
Sent: Monday, June 25, 2012 10:13 AM
To: Susan Affleck-Childs
Cc: Bouley, Steven
Subject: FW: Franklin Creek Punch List
Attachments: Memo-Franklin Creek Punch List 2012-06-25.pdf

Susy,
As you know, over the past month we have been coordinating the final repairs required at the Franklin Creek subdivision to comply with the approved plans and conditions. The final remaining punch list items included minor paving improvements and sealing the existing core hole joints within the roadway with an asphalt emulsion. The paving improvements were completed earlier in the month, however they did not seal the core holes at that time. Two weeks ago, all but one of the core holes were sealed with the asphalt emulsion, however the emulsion dripped over the roadway during the process and presented a messy appearance. Finally, this weekend, the final core hole was sealed and the emulsion that had dripped over the other areas was cleaned to our satisfaction. At this time we feel that all our previous punch list items have been addressed to our satisfaction. Please see our final inspection letter attached. If you require additional information please let me know. With your approval, we will forward this letter to the applicant for their files.
Thanks,
Dave

From: Bouley, Steven
Sent: Monday, June 25, 2012 10:00 AM
To: Pellegri, David
Subject: Franklin Creek Punch List

Steven Bouley, E.I.T. | Engineer II
Direct: 508.903.2382 | Main: 508.903.2000 | Fax: 508.903.2001
steven.bouley@tetratech.com

Tetra Tech | Framingham Office
Grant Street | Framingham, MA 01701 | www.tetratech.com

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

June 7, 2012

NOTICE OF PUBLIC HEARING
Norwood Acres Definitive Subdivision Plan
June 26, 2012

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that ***the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, June 26, 2012 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Wayne Marshall of Medway, MA for approval of the Norwood Acres Definitive Subdivision Plan.*** The plan is dated May 21, 2012 and was prepared by Guerriere & Halnon, Inc. of Milford, MA.

The applicant proposes to develop a 2-lot, private way residential subdivision on a 7.78 acre parcel located at 61 Summer Street *(Medway Assessors Map 49 – Parcel 010) (formerly known as Medway Assessors Map 5 – Parcel 11)* in the Agricultural Residential I zoning district. The property is owned by Andrew and Matthew Marshall. It is bounded on the east by Summer Street and land owned by White and Tennant; on the south by property owned by Snow, the Woodside Condominium Association and the Town of Medway Conservation Commission; on the west by land owned by Potenza, Ference and Feldman; and on the north by land owned by Sistrand and Lindsey.

The plan shows the division of land into two residential lots with a single family home to be built on each, the construction of an approximately 524' long and 18' wide paved permanent private roadway to create legal frontage for the two house lots and a 4.49 acre open space parcel which includes a large wetland area. The project will include the installation of stormwater management facilities and connections to Town water and sewer.

The application, associated documents and the *Norwood Acres Definitive Subdivision Plan* are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Mon. – Thurs. from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser
Chairman

Telephone: 508-533-3291 planningboard@townofmedway.org Fax: 508-341-3287

TETRA TECH

RECEIVED
JUN 21 2012
TOWN OF MEDWAY
PLANNING BOARD

June 21, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Norwood Acres
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Permanent Private Way Plan for the above-mentioned project. The project includes the construction of a two lot subdivision on a permanent private road proposed off of Summer Street (Route 126). The site is primarily wooded, with open areas vegetated with brush. The new residential buildings will require utility connections including sewer, water, gas, electric, and telecommunications. The sewer services will extend from the existing infrastructure within the on-site sewer easement, while all other utilities will extend from Summer Street. The stormwater design will primarily consist of the construction of two proposed basins that will collect and detain runoff from the proposed development prior to discharging to the adjacent wetlands.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Norwood Acres, Definitive Subdivision Permanent Private Way in Medway Massachusetts", dated June 1, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- A hydrologic and hydraulic report (Drainage Report) entitled "Hydrologic & Hydraulic Report, dated June 1, 2012, prepared by GHI.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GHI.
- Additional miscellaneous application material including an Order of Resource Area Delineation, Designer's Certificate (Form D), Development Impact Report (Form F), and a Soil Suitability Assessment, all prepared by GHI.

Engineering and Architectural Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The applicant shall provide a letter from a traffic engineer registered in the Commonwealth of Massachusetts containing the Sight Distance calculations (Ch. 100 §5.5.13)

2. The Riverfront areas shall be shown on the plan (Ch. 100 §5.7.7)

3. The proposed location of the street sign shall be shown on the plan. (Ch. 100 §5.5.27)

4. Please verify that the Limit of Clearing line coincides with the Limit of Work line. If they are different, the Limit of Clearing shall be shown also. (Ch. 100 §5.5.35)

5. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

Section 7.0- Design and Construction Standards

6. Several of the Waiver Requests, including items 7.6.2, 7.7, and 7.9.7 as listed on the cover sheet of the plans, require more specificity to identify exactly what provision is to be granted a waiver.

7. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

8. An independent drainage system shall be provided to collect and discharge subsurface runoff from the foundation perimeter drains for the houses along the proposed ways. (Ch. 100 §7.7.4 (d))

9. The curb radii at the intersection should be labeled to determine if the property lines provide a curb radius of not less than forty feet. (Ch. 100 §7.9.2(e))

10. The applicant shall verify with the Fire Chief that the gravel drive to Lot #2 provides an adequate turnaround in lieu of a typical hammerhead. (Ch. 100 §7.9.6 (d))

11. Trees shall be planted in accordance with Ch. 100 §7.19.2.

12. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)

13. Monuments shall be installed along the roadway layout at all points of curvature and angle points. (Ch. 100 §7.25.1)

14. Monument details shall be provided on plans. (Ch. 100 §5.5.36)

15. Each lot line shall be completely defined by placing permanent monuments at each point of change in direction of that line. (Ch. 100 §5.5.36)

16. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

The following items were found to be not in conformance with the Town of Medway Water/Sewer Department Rules and Regulations, or requiring additional information:

17. There shall be three (3) valves at every roadway intersection. (Article V-Item 5)

18. All mains shall be at least eight (8) inches at a depth of 4.5'. The water main proposed is 4 inches. (Article V-Item 8)

19. The standard size main shall be reduced to six (6) inches in certain circumstances with termination of a hydrant. There is not a hydrant proposed at the termination, and the size is proposed to be four inches. (Article V-Item 10)

20. Hydrants shall not be spaced more than 500 feet apart. The proposed water main is approximately 475 feet so the applicant shall get approval from the fire and water departments for the absence of an additional hydrant. (Article V-Item 6)

21. A hydrant detail shall be added to the plans.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The description for drainage area 1A doesn't match the figure. The figure shows half the roadway included but the description is previous area only.

23. Drainage area 1B states that 18 feet of roadway width is included. The figure shows half the roadway.

24. The description for drainage area 2 states that the runoff is collected by catch basins and conveyed to an underground detention basin. This does not reflect the design.

25. In the description for standard #3, the recharge volume provided in basin 1 does not match the recharge volume in the supporting calculations.

26. TSS removal worksheets are both labeled drainage Area 1 B. In addition the treatment trains are not accurate.

27. Proposed hydro CAD model - (P-1) Time of concentration should not be less than 5 minutes. Also, please verify the TC for P-1A. It appears longer than expected.

28. Pre development HydroCAD model has a contributing acreage of 4.99 AC. The post model has 5.58 AC. Both models should be the same.

29. Basin 2 outlet configuration does not appear to be modeled accurately. 12" outlet should be modeled as three primary and and the two 6" vertical orifices should be modeled as Devices to the primary. There is also a 6" vertical orifice modeled at elevation 252.50 that is not detailed on the drawings.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

30. With the road against the property line, will this cause zoning complications for adjacent property?

31. Please provide additional information regarding the existing sewer easement running through the site, including the existing registered easement documentation to identify ownership and ensure the ability and right to connect.

32. What is the intent of the existing sewer easement running parallel with Trail Drive at the rear of Lot #1.

33. Please label the waterline services with size and material information.

34. If a gravel roadway is approved, we recommend installing a 4-inch layer of processed material such as a dense graded crushed stone meeting state specifications in lieu of the bituminous concrete pavement, and maintaining the 12-inches of gravel borrow below.

35. Is there a reason that one house's sewer connects directly to a manhole while the other connects to the pipe, within the easement. Typically entities and municipalities prefer one or the other.

36. What is the size of the existing water main in Summer Street?

37. Why are we connecting the existing hydrant to the new 4-inch line instead of the existing 6-inch line which it was originally connected to? Is this a problem from a pressure or state regulation standpoint?

38. A stop line and sign is required at the end of the proposed roadway.

39. Is there any landscaping proposed? Since the project is cutting a lot of trees in the area, the planting of some trees along the proposed roadway or property lines may be appropriate.

40. There are some smaller trees near the carport on the adjacent property. Please clarify what property these are on and if they will be saved.

41. Please clarify existing and proposed curb and sidewalk at the intersection of Trail Drive and Summer Street. There is an existing curb cut at this location but I believe the proposed entrance is wider and will require additional curb removal.

42. The method of connection for the waterline should be provided.

43. The applicant should verify that the existing water gate is on the main and not on the hydrant service.

44. What type of pipe (material) is to be used for stormwater?

45. What is "H.Q. Drain Pipe"?

46. What is the "Typical Trench Detail" to be used for, since there is additional trench details provided for PVC, H.Q., and DI pipe.

47. With the grading Basin #2, is it necessary to modify the rim elevation of the existing SMH in that area?

48. The size and type of the pipe used for the sewer services shall be labeled.

49. Please confirm that the electric/telephone/cable will travel overhead to the proposed utility pole at the entrance to the project, and then go underground from that point on. Is the installation of this new utility pole allowed in the Right of Way easement? Assuming the utility company will own this pole, will they be granted access rights to the right of way easement.

50. Please identify the width of the grass strip between the edge of roadway and the swale. We would like to ensure that there is a level grass strip on either side for pedestrians while maintaining the existing trees and utilizing the swale.

51. The detail for the outlet control structure references a DMH detail for the construction of the structure, however there is no DMH detail. Please add the necessary information to the outlet structure detail.

52. Any cuts in Summer Street required for the utility installation at the intersection shall conform to the requirements of the required street opening permit obtained through the Department of Public Services. That permit will most likely require that the cuts be backfilled with excavatable controlled density fill. A note should be added to the plan to differentiate this approach from the standard utility trench or Ductile Iron Pipe Trench Section.

53. Please be prepared to explain at the meeting what you attribute the large differences in groundwater elevations between Test Pits 1&2, and 3&4.

54. The waiver request for 7.6.2(b) states that the design is proposing the installation of a 4-inch DI pipe with loop system. The system does not appear to be looped as currently designed.

TETRA TECH

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.10.2-Curbs and Berms
Section 7.9.7-Roadway Construction
Section 7.7.2(p)-Stormwater Management Procedures
Section 7.6.2(b)-Water Facilities Installation
Section 7.17.1-Fire Alarms
Section 7.21-Street Lights
Section 6.8-Street Acceptance
Section 5.7.28-Streetlight Locations
Section 5.7.31-Location of Open Space

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

June 22, 2012

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

Re: Norwood Acres Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the Definitive subdivision plan submitted by Wayne Marshall of Medway for property on Village Street. The owners of the property are Andrew and Matthew Marshall. The plan was prepared by Guerriere and Hanlon, Inc. of Milford, and is dated June 1, 2012.

The plan proposes to construct a straight private way cul-de-sac right-of-way in order to create frontage and divide a 7.78-acre parcel on Summer Street into two lots of 56,515 and 50,630 square feet respectively plus a 4.49-acre parcel to be conveyed to the Conservation Commission or to have a conservation restriction placed on it. Lot 1 has a driveway perpendicular to the right-of-way and Lot 2 has a driveway that intersects at an angle with the right-of-way and could be used as a hammerhead style turnaround.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan comply with the area, frontage and shape factor requirements of the zoning bylaw.

2. It should be noted that the existing parcel has only 22.4 feet of frontage on Summer Street. The proposed road right-of-way extends onto an abutter's property with an easement. No dimensions are given, but using a scale it appears that the abutter's property may be either exactly at or just short of the required 180 feet of frontage.

3. Allowing the easement area of the abutting White lot to be double-counted as frontage and area for that lot as well as part of the right-of-way could set a precedent that might allow misuse of this option on other properties. I would suggest that an attempt be made to transfer ownership of the easement area to the subdivision owner in return for an equivalent portion of proposed Lot 1. The lost frontage could be regained from the new private way.

4. The abutting property has 2 buildings on it that are within the setback area of the proposed right-of-way. In past projects, a narrow strip parcel between the right-of-way and the abutter was created to eliminate the setback issue. If this were to be pursued, the strip would need to begin at or beyond the point at which the White property would retain frontage in compliance with the zoning bylaw.

Subdivision Rules and Regulations

5. Section 5.7.27 requires street and traffic control signs be shown on the plan. Though a street name is shown, no street sign nor stop sign or stop line are shown.

6. Section 5.7.28 requires street light locations to be shown. A waiver from this requirement is requested. If there is an existing street light near the proposed entrance, this request would be justified.

7. Section 5.7.32 requires cul-de-sac island landscaping. No formal "island" is proposed, but there are 2 detention basins within the cul-de-sac divided by one of the driveways. A landscaping plan for this area (as has been required in the past) would be in order.

8. Section 7.9.4 requires that a permanent private way have a right-of-width of 50 feet. The proposed right-of-way meets this requirement, but only if the proposed easement area at the entrance is included.

9. Section 7.9.7 specifies road construction standards. The applicant requests a waiver from these requirements to allow an unpaved gravel roadway with 12" of gravel rather than the specified 16," plus no curbing in order to allow a low-impact drainage system with roadside swales leading to the detention basins.

General Comments

10. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, due to wetlands, conservation land and already-developed land, extension does not appear to be likely.

11. It should be noted that while this is not an open space subdivision, a tract of land that abuts land already under the control of the Conservation Commission will either be conveyed to the Commission of placed under conservation restriction.

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

Sincerely,

Gino D. Carlucci, Jr.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 5.7.28 - Streetlight Locations
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Proposed & existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of developer shall be shown on the plan.
What aspect of the Regulation do you propose be waived?	There are not any proposed lights for this project, nor any existing lights
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision with private way; street lights are not warranted for such a small project.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of a light pole, fixtures, & wiring
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain an unnecessary streetlight.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining streetlight & wires
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer - Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summer Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 5.7.31 - Location of Open Space
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Park or Open Space areas suitable located w/in the subdivision for play-ground or recreation purposes or for providing light and air in accordance with Mass GL Chapter 41 Section 81-U
What aspect of the Regulation do you propose be waived?	Creation of Open Space or Park
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	This Project consists of a two-lot subdivision; creation of an Open Space or Park area would unnecessarily disturb more area than is needed to develop the property - destroying wildlife habitat.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of clearing an area and providing recreational facilities
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Approval of waiver allows for a smaller impact on the natural landscape of the development.
What is the impact on the development if this waiver is denied?	A larger impact on the natural landscape & wildlife habitat than is currently proposed.
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Preservation of natural landscape & habitat areas
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Project Manager Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 6.8 - Street Acceptance
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	At the time the street is ready for acceptance & after the Board has approved the As-Built plan, the developer may request that the Town accept the subdivision streets.
What aspect of the Regulation do you propose be waived?	Proposed street will remain a Private Way & not be accepted by the Town
What do you propose instead?	Owner(s) of the proposed homes shall maintain the Private Way
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Street will remain a permanent private way.
What is the estimated value/cost savings to the applicant if the waiver is granted?	None
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town will not need to maintain the roadway as a Public Way
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining the roadway as a Public Way
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.6.2(b) – Water Facilities Installation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Water mains w/ hydrants, valves & other fittings... shall be at least 8-inch dia. cement lined ductile iron, Class 52 or greater.... water pipes shall be extended & connected to form a loop-type system.
What aspect of the Regulation do you propose be waived?	Water line to be 8-inch diameter and water pipe to be connected to form a loop-type system
What do you proposed instead?	Installation of a 4-inch DI pipe with loop system
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Water will be supplying only two lots.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of larger pipe & cost of length of pipe to install a loop-type system.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	None
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
	7/8/2011

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.7.2(p) - Stormwater Management Procedures
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Detention / Retention basins shall be located on separate parcels & not included on individual house/bldg. lots. Limits of basin shall not be closer than 30-feet from its lot/parcel line & any right-of-way.
What aspect of the Regulation do you propose be waived?	The aspects listed above.
What do you proposed instead?	Install the stormwater basin within the right-of-way
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project is a Permanent Private Way; project is proposed to be only two (2) house lots, leaving no parcel available to be on a separate parcel.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of one of the two house lots
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows for both proposed lots to be developed
What is the impact on the development if this waiver is denied?	Will change the development to only one lot, which may not be economically feasible for the applicant
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
	7/8/2011

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.9.7 – Roadway Construction
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Roadway to be constructed in accordance to Medway Subdivision Rules & Regulations Section 7.9.7(a) thru (k)
What aspect of the Regulation do you propose be waived?	Typical road cross-section to be modified
What do you proposed instead?	Super elevated road with no pavement & no berm
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	To save trees along abutters' property line. Ability to use country-style drainage.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of pavement, berm, clearing of trees
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows roadway to remain similar to that of a scenic road, preserving trees and natural landscape
What is the impact on the development if this waiver is denied?	Destruction of trees and natural landscape along abutting property lines
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.10.2 – Curbs & Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Curbing shall be provided the full length of all streets along each side of the roadway. for private ways, curbing shall be hot mix asphalt Cape Cod Berm.
What aspect of the Regulation do you propose be waived?	Installation of curbing
What do you proposed instead?	No curbing in subdivision
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision with a private way, which essentially is to be built as a common driveway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of curbing
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows roadway to remain similar to that of a scenic road, preserving trees and natural landscape
What is the impact on the development if this waiver is denied?	Destruction of trees and natural landscape along abutting property lines
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Install vertical granite curbing at entrance to subdivision
What is the estimated value of the proposed mitigation measures?	cost of vertical granite curbing
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
	7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.17.1 - Fire alarms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	A fire alarm system shall be installed as direct by Medway Fire Dept or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Dept for capital purchase.
What aspect of the Regulation do you propose be waived?	Not to install the fire alarm system nor pay the Town the cost of a system.
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consist of a two-lot subdivision with a private way; project is too small to justify the cost of installation & maintenance of a fire alarm system.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of a fire alarm system.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	None
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain the fire alarm system
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.21 – Street Lights
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Install streetlights within the subdivision at the entrance, at all intersections, sharp turns, or other areas as directed by Traffic Safety Officer.
What aspect of the Regulation do you propose be waived?	Installation of any street lights
What do you proposed instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision accessed by a Private Way; street lights are not warranted for such a small project.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of street light(s), fixtures, wiring.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain an unnecessary streetlight
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining streetlight
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	

Susan Affleck-Childs

From: Peter Paulousky [PJP@dcdclaw.com]
Sent: Friday, June 15, 2012 1:09 PM
To: Susan Affleck-Childs
Cc: PGYORKIS@aol.com
Subject: Charles River LLC, Request to be placed on Agenda for June 26, 2012
Attachments: Cert of Organization.pdf

RECEIVED
JUN 15 2012
TOWN OF MIDDLEBOROUGH
PLANNING BOARD

Susan,

Thank you for speaking with Paul and myself today. This email is a request for Charles River Village LLC to be placed on the Planning Board agenda for June 26, 2012.
As requested, I have attached the LLC Certificate of Organization as on file with the Secretary of the Commonwealth. Paul Yorkis has the original Certificate of No Appeal to present to the Board. The purpose for requesting a slot on the June 26, 2012 agenda is:

1. Presentation of the Certificate of No Appeal and affirmation that he definitive plan can now be prepared and submitted pursuant to the decision;
2. Modification of the Board Decision dated March 30, 2011, (the "Decision") approving the Concept Plan. The purpose of the Modification is to affirm the Decision as assigned to Charles River Village, LLC formed on September 27, 2011;
3. Answer any clean up questions that the Board may have.

Thank you for your courtesy and cooperation. Please call with any questions.

Peter

Peter J. Paulousky

Doherty, Ciechanowski, Dugan & Cannon, P.C.

124 Grove Street, Suite 220
Franklin, MA 02038

WEB : www.dcdclaw.com
TEL: 508-541-3000
FAX : 508-541-3008
PJP@dcdclaw.com

The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: $500.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Certificate of Organization
(General Laws, Chapter)

Federal Employer Identification Number: 001061908 *(must be 9 digits)*

1. The exact name of the limited liability company is: CHARLES RIVER VILLAGE LLC

2a. Location of its principal office:
No. and Street: 800 WASHINGTON STREET
City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:
No. and Street: 800 WASHINGTON STREET
City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
THE GENERAL CHARACTER OF THE BUSINESS OF THE LLC IS TO HOLD, OWN, IMPROVE, OPERATE, MANAGE, SERVICE, LEASE, MORTGAGE AND ENCUMBER, SELL, INVEST AND REINVEST AND OTHERWISE DEAL WITH PROPERTY, BOTH REAL AND PERSONAL, TANGIBLE AND INTANGIBLE; TO ENGAGE IN ANY ACTIVITIES DIRECTLY OR INDIRECTLY RELATED OR INCIDENTAL THERETO; AND TO CARRY ON ANY LAWFUL BUSINESS, TRADE, PURPOSE OR ACTIVITY.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:
Name: JOHN F. CLAFFEY
No. and Street: 800 WASHINGTON STREET
City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

I, JOHN F. CLAFFEY resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	JOHN F CLAFFEY	800 WASHINGTON STREET HOLLISTON, MA 01746 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	JOHN F CLAFFEY	800 WASHINGTON STREET HOLLISTON, MA 01746 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 27 Day of September, 2011,
JOHN F. CLAFFEY

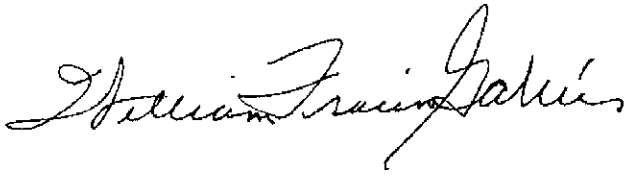
(The certificate must be signed by the person forming the LLC.)

MA SOC Filing Number: 201154639120 Date: 9/27/2011 3:06:00 PM

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

September 27, 2011 03:06 PM



WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

REVISED DRAFT – June 22, 2012

CERTIFICATE OF ACTION
25 SUMMER STREET – MODIFIED DEFINITIVE SUBDIVISION PLAN
A PERMANENT PRIVATE WAY
(APPROVED with Waivers and Conditions)

I. PROJECT DESCRIPTION: The proposed MODIFED *25 Summer Street Definitive Subdivision Plan* shows a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA. The Medway Assessor's records show this as parcel 24 on Map 56 (formerly Parcel 2B-7).

The proposal includes:

- creation of an approximately 173' long private road/right of way to provide conforming legal frontage for one of the two house lots. *(Summer Street provides the legal frontage for the other house lot);*
- construction of a common driveway within the right of way to provide access to two new houses;
- use of swales and a small stormwater basin for drainage and infiltration, to be privately owned and maintained;
- installation of sewer service and connect at 15 Little Tree Road to the existing private force main sewer system which serves the adjacent Speroni Acres subdivision; and
- installation of water service to connect to the municipal water system on Summer Street.

The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. BACKGROUND: On June 28, 2011, the Medway Planning and Economic Development approved a Certificate of Action for the 25 Summer Street Definitive Plan. The plan was never presented to the Board for endorsement nor was the Certificate of Action ever recorded at the Norfolk County Registry of Deeds.

The proposed plan MODIFICATION pertains to a needed change in the layout of the house lots and road right of way based on an additional wetlands area identified by the Medway Conservation Commission in late 2011. This extent of change to the plan constitutes a major modification.

IV. PROCEDURAL SUMMARY: With respect to the *MODIFED 25 Summer Street Definitive Subdivision Plan,* the Planning and Economic Development Board certifies as follows:

1. On February 28, 2012, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan MODIFICATION*, dated February 28, 2012 prepared by Faist Engineering of Southbridge, MA. A separate preliminary subdivision plan was not filed for this plan modification.

2. On March 1, 2012, it circulated the MODIFIED Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment.

3. On March 27, 2012, it commenced a public hearing on the plan. The public hearing notice was filed with the Medway Town Clerk on March 1, 2012 and posted to the Town's web site on the same date. The hearing was advertised in the *Milford Daily News* on March 12 and 20, 2012. Abutter notice was sent by certified sent mail on March 5, 2012. The public hearing was continued to April 10 & 24, May 8, 14 & 29, and June 12, 2012 when it was closed.

4. On May 21, 2012, the applicant filed a request to extend the deadline by which the Board was required to act on the application. The Board had previously agreed to such an extension at its May 14, 2012 meeting.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the 25 Summer Street Definitive Subdivision Plan MODIFICATION were conducted over the course of 7 Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed by the Town's engineering and planning consultants for compliance with the *Medway Zoning Bylaw* and the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the application was filed with the Town in February 2012.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan MODIFICATION – Faist Engineering, Inc.
February 28, 2012.

Stormwater Calculations & Design: Two (2) Lot Definitive Subdivision Modification - 25 Summer Street, Medway, MA - Faist Engineering, Inc.
February 28, 2012

Other Application Materials

- Form D – *Designer's Certificate*, February 28, 2012, signed by David Faist, PE and Daniel O'Driscoll, PLS
- Form E – Certified List of Abutters & Owners within 300', February28, 2012
- Deed conveying 25 Summer Street from John and Veronica Clark to Fasolino Home Improvements, Inc., November 19, 2008, recorded at the Norfolk County Registry of Deeds on November 19, 2008, Book 26159, Page 264.
- *Long-Term Operation and Maintenance Plan – Site Stormwater Management System*, February 28, 2012 prepared by Faist Engineering.

Waiver Requests

February 28, 2012 list prepared by Faist Engineering; revised April 18, 2012

Town Engineering Consultant Review Letters – Dave R. Pellegri, P.E., Tetra Tech Rizzo

March 21, 2012

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

March 20, 2012

Supplemental Information Provided By Applicant

- Revised Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction, received April 5, 2012.
- Communication dated March 2, 2012 from Veronica Clark, the holder of the mortgage on the property at 25 Milford Street, consenting to the submittal of an application to modify the previously approved Definitive Subdivision Plan for 25 Summer Street.
- Letter dated April 9, 2012 from Bruce Eaton, P.E. of Civil Environmental Consultants LLC of Peabody, MA re: the adequacy of the pressure sewer system in the adjacent Speroni Acres subdivision
- *As-Built Plan* for Speroni Acres Subdivision, Sheet 1, dated 1/24/2004, last revised 4/5/2007, prepared by CEC Land Surveyors of Peabody, MA.
- Letter dated 4-27-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement on 15 Little Tree Road and an associated title report.
- Email communication dated 5-29-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement as shown on the original Speroni Acres Definitive Subdivision Plan (Plan 242 of 1998, Plan Book 455 – Norfolk County Registry of Deeds).
- Affidavit signed June 7, 2012 by John and Veronica Clark, prior owners of 25 Summer Street, re: their understanding from Speroni Acres developer Owen Sullivan that the property would be allowed to connect to the Speroni Acres sewer system.
- Grant of Easement signed June 6, 2012 by Sean and Shelley Lynch of 15 Little Tree Road, granting Fasolino Home Improvements an easement to lay a sewer pipe on their property to connect the property at 25 Summer Street to the sewer system shown on the Definitive Subdivision Plan for Speroni Acres recorded at the Norfolk County Registry of Deeds (Plan 242 of 1998, Plan Book 455).

Information Entered Into the Record by the Planning and Economic Development Board

- *Certificate of Action* on the original 25 Summer Street Definitive Subdivision Plan, dated June 28, 2011.

- April 8, 2011 letter from Sumner & Milford LLC (Owen Sullivan) giving permission to Mike Fasolino to connect to the existing sewer system at the adjacent Speroni Acres subdivision.

- *Medway Subdivision Rules and Regulations*, April 26, 2005, pages 48 & 49

- *Massachusetts Land Use and Planning Law,* by Mark Bobrowski, 2002, pages 538-539.

- Minutes of the January 24, 2012 Planning and Economic Development Board Meeting held with the Speroni Acres subdivision neighbors.

- *As-Built Plan for Speroni Acres Subdivision,* drawn 1/24/04, revised 4/13/04 and 4/5/07, prepared by C.E.C. Land Surveyors, Inc. of Peabody, MA

- Email communication dated May 11, 2012 from David Pellegri of Tetra Tech Engineering summarizing his review of the sewer system as shown on Sheet 5 of Definitive Subdivision Plan for Speroni Acres (endorsed by the Medway Planning Board on 3/31/1998).

Other Information

- CONFIDENTIAL email communication dated February 9, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: whether the proposed changes constituted a subdivision plan modification under Mass General Laws, Chapter 41, s.81W.
- CONFIDENTIAL email communication dated March 12, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: connecting to the private sewer system in the adjacent Speroni Acres subdivision.
- CONFIDENTIAL email communication dated May 2, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: a grant of easement from Sean and Shelley Lynch at 15 Little Tree Road to Fasolino Home Improvements to connect to the Speroni Acres sewer system.
- CONFIDENTIAL email communication dated May 16, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: Board's potential liability for allowing the applicant to connect to the Speroni Acres sewer system on the Lynch property at 15 Little Tree Road.

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc., for the Town of Medway
Dave R. Pellegri, P.E., Tetra Tech Rizzo for the Town of Medway
David T. Faist, P.E., Faist Engineering, Inc. for the applicant
Daniel O'Driscoll, PLS, O'Driscoll Land Surveying, Inc. for the applicant

Medway Departmental/Board Review Comments

Email communication from Karon Skinner-Catrone, Conservation Agent, dated March 7, 2012 re: the Conservation Commission's Order of Conditions for the subject parcels.

Communications dated May 8, May 22 and June 12, 2012 from Stephanie Bacon, Health Agent with comments regarding the applicant's plan to connect the 2 subject house lots to the force main sewer system for Speroni Acres on the Lynch property at 15 Little Tree Road.

Memorandum dated May 8, 2012 from Fire Chief Paul Trufant indicating that the revised plans are acceptable from a safety and access perspective and that the applicant must pay a fee of $1,000 in lieu of providing a fire alarm system for the subdivision. NOTE – Said funds will be directed to the Fire Department's special capital account.

Email communication from Town Treasurer Melanie Phillips, dated May 9, 2012, indicating that the applicant has not paid the May 1, 2012 taxes owned the Town.

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

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

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm *drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

****

SECTION 5.7.20- *Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.*

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

****

SECTION 5.7.24 – *Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.*

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

****

SECTION 5.7.27 – *The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

****

SECTION 5.7.28 - *Streetlight Locations – Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: The applicant proposes a private roadway/shared driveway to serve 2 houses. There is an existing streetlight on Summer Street about 180 feet south of the private roadway/shared driveway. The Board believes that lighting along Summer Street is adequate and that no additional street light is necessary and therefore grants this waiver request.

***SECTION 5.7.31** – Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L. Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

****

***SECTION 5.7.32** – Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

****

***SECTION 6.8** – Procedure for Street/Infrastructure Acceptance.*

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the *Subdivision Rules and Regulations* is still required.

****

***SECTION 7.7.2. p)** – Stormwater Management Procedure. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes to install one dry detention basin within the separate Parcel A which also includes the shared driveway. The dry basin is located within 10 feet of the property line of both Lots #1 and #2 which will benefit from its construction. Due to the minimal size of the basin as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5. *– The minimum centerline grade for any street shall not be less than two percent (2%). A leveling area with a maximum grade of 2% for the first 100 feet of a street from an intersection shall be provided.*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

****

SECTION 7.9.6 Dead End Streets
(a) ..... Dead end streets are not permitted except in the following circumstances: 1) A parcel of land would be rendered completely undevelopable if a dead-end is not allowed.

FINDINGS - The applicant has proposed a permanent private roadway that is 158 feet long. The creation of Lot #2 is not feasible without the proposed dead-end street. Also, there is no possible roadway connection between this subdivision and the adjacent Little Tree Road. Therefore, the waiver request is granted.

****

SECTION 7.9.6 Dead End Streets
(d) To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief.

(e) Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround ..... 2) A hammerhead or T-shaped turnaround.

FINDINGS - The proposed road is, in reality, a shared driveway serving two houses. The "Y" where the driveways separate serves a hammerhead function. Also, both private sections of the driveways have turnarounds. The Fire Chief has reviewed the plans and does not object to this feature. Therefore, the waiver is granted.

****

SECTION 7.9.7 g) *– The minimum roadway width for a "Permanent Private Way" is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses. The waiver request is granted.

***SECTION 7.10.2** – Curbs: "Permanent Private Way" is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a "country drainage" low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

****

***SECTION 7.11.1** – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent "Ardmore Circle" private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

****

***SECTION 7.11.2** – The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the Subdivision *Rules and Regulations* (April 26, 2005).

****

***SECTION 7.13.3** – Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways. . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.*

FINDINGS – As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.

SECTION 7.17.1 *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The Applicant is not proposing to install a fire alarm system. The Fire Chief has determined that a payment of $1,000 in lieu of fire alarm installation is appropriate. Therefore this waiver is NOT granted.

****

SECTION 7.19.2 *– To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

****

SECTION 7.21 *– Installation of Street Lights.*

FINDINGS – The Applicant proposes a private roadway/shared driveway serving only 2 homes. There is an existing street light on Summer Street about 180 feet south of the private roadway/shared driveway. The Board finds that no additional street lighting is needed for such a small subdivision. Therefore the Board grants this waiver request.

SECTION 7.22 *– Walkways and Bikeways: It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. There is an existing sidewalk across the front of the subdivision on Summer Street and there will be minimal vehicular use of the shared driveway. Therefore, the Board finds that pedestrian and bicycle access is sufficient and no further measures are necessary. The waiver is granted.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.

4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.

5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals to use the house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____ seconded by _____ to approve the above noted Waiver Findings. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____ to approve the above noted Mitigation Plan. The motion was approved by a vote of ___ in favor ( ) and ___ opposed ( ).

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on_____, a motion was made by _____, seconded by _____, to act on the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of ____in favor ( ) and ___ opposed ( ).

VI. OTHER FINDINGS – Based on the evidence presented during the course of the public hearing which is documented herein, the Board makes these additional findings.

A. It was the intent of the original developer of Speroni Acres (Owen Sullivan) that adjacent properties on Summer Street could connect to the subdivision's force main sewer system. The private force main sewer system in the adjacent Speroni Acres subdivision was designed and constructed to accommodate additional connections for 25 Summer Street.

B. The applicant has provided sufficient documentation in the form of an easement to be recorded to verify that the adjacent property owners at 15 Little Tree Road have authorized him to access the Speroni Acres sewer system through a connection on their property.

5. Prior to endorsement, the MODIFIED 25 Summer Street Definitive Subdivision Plan last dated February 28, 2012 shall be further revised to include the following:

   a. The final plan revision date on all plan sheets.
   b. A list of APPROVED waivers on the cover sheet
   c. Sheet 6 shall be modified to include the revised 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction.
   d. Remove the existing northern curb cut on Summer Street and provide details showing the corresponding restoration or replacement of sidewalk and curbing along Summer Street. *See Condition #14.*
   e. Show location of street and traffic control signs.
   f. Reference the recorded sewer easement document with the Lynchs at 15 Little Tree Road
   g. Add a Sheet #7 to display the full text of the approved Stormwater Operation and Maintenance Plan.
   h. Those items specified in the March 21, 2012 technical review letter issued by Tetra Tech Engineering and agreed to in the April 18, 2012 response letter from Faist Engineering. These pertain to TT comments 2, 24, 26, 31, and 32.
   i. Revise Sheet 2 to shift the ROW to the south to provide for a 1' wide strip of land between the proposed right-of-way and the lot line of the adjacent property to the north (N/F Heuklom).

6. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

7. *Payment in Lieu of Fire Alarm System* – Before the Board releases any lots for construction; the applicant shall provide $1,000 to the Fire Department's special capital account.

8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system. The document shall include a requirement for the owners of the Summer Valley Lane lots to financially support, in a fair and reasonable manner, a Speroni Acres Homeowners Association, if such is established, to contribute toward the management and maintenance of the force main sewer system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed

the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.

15. *Connection to Speroni Acres Sewer System* - The 2 houses in the subdivision will be connected to the sewer pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned, force main sewer system that will not be maintained by the Town of Medway. The applicant has represented and provided an engineering opinion that the Speroni Acres force main sewer system was designed to accommodate connection from his property. The applicant has also provided an easement document that will be recorded at the Registry of Deeds in which Michelle and Sean Lynch of 15 Little Tree Road grant an easement to access the private force main sewer system on their property. The applicant has agreed that any agreements pertaining to such tie-in as well as the ongoing operation and maintenance of the pipeline system are a private matter between the applicant, the owner of that system and the adjacent property owner at 15 Little tree Road. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system.

16. Easement with Lynches/15 Little Tree Road – Prior to endorsement, the applicant shall provide proof of assent of mortgagees on 15 Little Tree Road [Wells Fargo (mortgage) and Citizens Bank (line of credit)]. The applicant shall also record the subject easement at the Norfolk County Registry of Deeds before plan endorsement so that the recording information may be included on the final definitive plan.

General Conditions

17. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.

18. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision

19. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall provide $250 to the Town of Medway to establish a statement savings account at an area financial institution for the project.

20. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive

plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

25. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.

26. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

27. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

June 19, 2012

TO: Planning and Economic Development Board

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

RE: Inactive Plan Review Accounts

I am continuing to try to address some overdue items.

Attached is a list of older development projects for which we are still carrying some plan review funds that were not used. You will recollect that PR funds are maintained in a revolving fund and carried over year to year. The funds are used to pay the cost of services provided by outside consultants such as the Town's Consulting Planner and Engineer, and more recently, Town Counsel. The Planning and Economic Development Board' s PR funds are maintained in an interest bearing account at TD Bank – #824-1226815.

In some cases, the plan review funds were initially provided for review of preliminary subdivision plans and the balances were held over in anticipation of a forthcoming filing of a definitive subdivision plan. Many applicants never took that next step.

In most other instances, the applicants never specifically contacted the PEDB to request a refund of their unspent PR funds.

I recommend that the Board approve refunding $21,461.31in unexpended plan review funds, plus interest.

According to the bank statement, the overall balance in the PR account as of 5/31/2012 was $126,407.25.

In July, I would like to close out a few bond accounts for projects that never went forward. Stay tuned!

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

Medway Development Projects
Plan Review Account Balances

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes
Subdivisions				
Cassidy Acres	Mark Investments	$ 1,810.50	Main ST	Land subdivision for Walgreens
Charles River Acres	Dunn McKenzie	$ 70.00	off Neelon Lane	not built
Forest Edge	Guerriere & Halnon	$ 339.00	Field Road extension	project completed
Franklin Creek	Tim Sheehan & John Early	$ 177.19	Franklin Creek Lane	sold to M
Hopping Brook Estates	Paul Zonghi/Summit Homes	$ 215.00	off of West ST	never built
India Heights	R. Koudinya	$ 436.00	off of Lovering ST	never built
Kazijian	James Kazijian	$ 97.81	end of King's Lane	never built
Park Lane	Park & Gittings	$ 542.40	???	never built
Village at Pine Ridge	John Claffey	$ 470.23	Pine Ridge Dr	constructed
Knollwood Acres	John Sullivan	$ 165.00	Shamrock Lane	constructed
The Meadows	Ralph Costello	$ 315.80	Goldenrod & Cardinal	constructed
Pine Meadow	Pine Meadow LLC	$ 476.10	Pine Meadow Rd & Lantern Lane	under construction
Village Acres	Jim Reardon	$ 275.00	Sledding Hill Way	constructed
Site Plan Projects				
A123 Systems		$ 2,323.99	34 West Street	plan endorsed
Little Gym	NACOG	$ 360.00	Gould's Plaza	project completed

Medway Development Projects
Plan Review Account Balances

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes
John's Auto Body	John Solari	$ 606.25		project completed
Lawrence Waste	Lawrence Waste	$ 2,028.38	49 Alder Street	plan to be endorsed 6-26
51 Alder ST - Verizon	Conroy Dev	$ 375.00	51 Alder Street	project completed
2-4 Main ST	Bob Potheau	$ 723.51	2-4 Main Street	project completed
51 Alder ST - AZZ/CGIT	Manguel Architects	$ 475.00	51 Alder Street	project completed
155 Main ST	Tara Werlich & David Ryan	$ 321.25	155 Village Street	project completed
159 Main ST	Paul Yorkis	$ 114.59	159 Main Street	project completed
CVS Site Plan Modification		$ 212.50	Main ST - Medway Commons	project completed
Marc & Jayar Roads	Ellen Realty Trust	$ 156.25		project completed
McDonalds	McDonalds	$ 1,860.61	Main ST - Medway Commons	project completed
Medway Gardens/Xtra Mart	Drakek Petroleum & Cummins Nursery	$ 2,677.50	Summer and Milford	never built
Medway Senior Center	Town of Medway	$ 77.50	Adams St	project completed
Swenson Granite	Swenson Granite	$ 625.00	Main Street	project completed
ARCPUD Projects				
River Bend/Walnut Grove on the Charles	Abbott Real Estate	$ 2,000.00	off of Village Street	never built
Shelter Island	Shelter Island Fund	$ 500.00	Coffee/Ellis ST	never permtted

Medway Development Projects
Plan Review Account Balances

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes
AUOD Projects				
127 Main Street	Ted Reardon	$ 163.72	Main ST	project completed
OSRD Projects				
Village at Pine Ridge	John Claffey	$ 470.23	Pine Ridge Drive	almost completed
TOTAL		$ 21,461.31		

July 10, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

Chairman Rodenhiser joined the meeting at 9:05 pm.

ABSENT WITHOUT NOTICE:

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Consultant Tetra Tech Rizzo
Gino Carlucci, Consultant PGC Associates
Amy Sutherland, Meeting Recording Secretary

Vice Chairman Tucker opened the meeting at 7:05 pm.

There were no Citizen Comments.

25 Summer Street Construction Observation Estimate:
The Board is in receipt of an estimate from Tetra Tech Rizzo dated June 27, 2012 in the amount of $5,518.62 for consulting services during construction.
(See Attached)

There will be a pre-construction meeting set up with applicant.

On a motion made by Tom Gay and Seconded by Karyl Spiller-Walsh, the Board voted to accept the estimate for construction observation as presented.
(Member Rogers Abstained)

June 26, 2012 PEDB mtg minutes:
These will be tabled until the next meeting.

Construction Report Tetra Tech Rizzo:

Applegate Farm Subdivision
The Board is in receipt of a field observation from Tetra Tech Rizzo. The date of this field report is July 5, 2012. **(See Attached)**

The observed work included continued excavating of the proposed detention basin. The material is being moved to the roadway subbase. There is also compacting in 8" lifts with a roller. A sample of the materials has been tested and it looks good.

Dave Pellegri reported that one of the neighbors had complained to Susy about vibrations coming from the construction site. Dave contacted the neighbor and informed her that today was the last day of rolling and the vibration should subside. The resident was appeased and she was informed that if this was to happen again, the contractor will notify them.

There is stripping of the top and subsoil from the outlet to the basin where the water spills over into the wetlands.

The site will be left until further notice and the stormwater installation is on hold.

Consulting Planner Report - PGC Associates:
Consultant Carlucci continues to work on the Idylbrook Park Grant Application. This will be completed tomorrow and sent out.

Susy Affleck-Childs drafted a letter of PEDB support for the grant application which she would recommend the Chairman sign. This letter will be sent to Ms. Melissa Cyran from the Executive Office of Energy and Environmental Affairs. **(See Attached)**

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Planning and Economic Development Board voted unanimously to authorize the Chairman to sign the letter of support for the PARC Grant Application for Idylbrook.

PUBLIC HEARING - Bay Oaks Definitive Subdivision Plan, 104 Fisher St:

Vice Chairman Tucker communicated that the proposal before the Board is for the Bay Oaks Subdivision Plan. The subject parcel is an 8.78 acre site located at 104 Fisher Street. The applicant is the present landowners, Andy Rodenhiser of Medway, MA.

He further explained that Andy Rodenhiser is an elected member of the Planning and Economic Development Board. Andy will NOT participate in this public hearing as a board member, but only as the applicant/property owner.

For the benefit of those present in the audience, please be aware that this meeting is being videotaped, recorded and is broadcast live on Medway local cable access.

The Vice Chairman next introduced his fellow Board members; Karyl Spiller-Walsh, Chan Rogers and Tom Gay. He next introduced, Gino Carlucci of PGC Associates, our planning consultant; Dave Pellegri of Tetra Tech, our engineering consultant; Susy Affleck-Childs, Medway's Planning and Economic Development Coordinator, and Amy Sutherland, our meeting recording secretary. Amy takes notes of the entire meeting for the preparation of the official meeting minutes.

State law requires a municipal planning board to hold a public hearing on any proposed definitive subdivision plan. That usually occurs over the course of several meetings. The board must also issue a written decision regarding the plan. That decision is called a Certificate of Action and is filed with the Town Clerk.

The application materials for the Bay Oaks Definitive Subdivision Plan were filed with the Town on June 5th. They were provided immediately to our planning and engineering consultants to review for compliance with the *Medway Zoning Bylaw* and *Subdivision Rules and Regulations*. On June 15th, the plan was circulated to Town boards and departments for their review and comments.

The public notice requirements for this project have been satisfied. On June 18, 2012, an abutter's notice was sent to all owners of property located within 300 feet of the development site in both Medway and Holliston. The official legal notice for this public hearing was posted at the Medway Town Clerk's office on June 14th and was published in the *Milford Daily News* on June 25th and July 3rd.

The Vice Chairman asked for a motion to dispense with a formal reading of the official public hearing notice.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to waive the reading of the public hearing notice for the Bay Oaks Definitive Subdivision Plan.

NOTE – The public hearing notice is Attached.

The ground rules for the public hearing were reviewed.

1. The applicant's official representative will introduce himself, the applicant and any other members of the development team. They will make a brief presentation to describe the proposed subdivision.

2. That presentation will be followed by questions from members of the Planning and Economic Development Board. The applicant and his representatives may respond to those questions.

3. Our planning consultant, Gino Carlucci, has reviewed the proposal and provided a review letter which the Board and the applicant have already received. Gino will summarize his review comments which the applicant may respond to.

4. Our engineering consultant, Dave Pellegri, has also reviewed the proposal and provided a review letter which the Board and applicant have also received. Dave will summarize his review comments which the applicant may respond to.

5. Next, the public will have its opportunity to speak. If you wish to comment or ask a question, please raise your hand. I will recognize all speakers and responders. When called upon, please come forward to the microphone, state your name and address so our recording secretary can have accurate information for the record. You may offer comments, ask questions, or read a prepared statement. If you have a prepared statement, please provide a copy to Amy. The applicant may respond to those questions.

6. After all citizens/residents and their representatives have been given the opportunity to speak, we will then move to any Town staff and representatives of other Town boards or committees. If anyone is present from Town staff, they should come forward to the microphone; state their name and which department or committee they represent. They may offer comments, ask questions and make suggestions for improvements and additional information. The applicant may respond to those comments. Any written communications that we have received from Town staff or other boards will be entered into the public hearing record at this time.

7. After that, we will return to Board members for additional comments and further discussion.

8. Before we conclude the public hearing for the night, we will summarize a list of concerns and additional information that the Board wants the applicant to provide.

Based on the information gathered and the comments we receive tonight, the Board will determine its next steps. Most likely, we will continue the public hearing to a specific future date and time that we will announce at the end of tonight's hearing.

You need to know that we do not re-notify the abutters regarding the next public hearing date. So please take note of the date and time that will be announced. The audience was informed that Susy will post a public hearing continuation notice with the Town Clerk. You may also call the Town's Planning and Economic Development office at any time to check on the date and time.

Vice-Chairman Tucker asked if there are any questions on procedure.

Rob Truax of GLM Engineering, engineer for the applicant, was present. Andy Rodenhiser was also present. It was explained that this is an 8.7 acre site. There was soil testing completed and it passed Title 5.

The applicant is a resident and resides on the existing private way. There will be private wells and septic systems on site.

The applicant has submitted paperwork to the Conservation Commission.

The project area is wooded and there has been some clearing.

The applicant is looking to create three residential lots by extending the existing cul-de-sac by 600 ft.

Rob Truax explained that he has revised the plan to extend the private way with a new private way and it goes in 150 ft. with a hammerhead. This is 18 ft wide paved roadway off the existing cul-de-sac to provide access to 3 new lots plus the existing home. Lot 1 would have a driveway easement over Lot 2 for access. This was a request from abutter Reed during the preliminary process.

All the houses were shown on the plan.

There will be an in ground recharge system for each house's roof run off to handle a 100 year storm event with a cultec system. No catch basins are planned. They are proposing a small retention /detention basin to collect stormwater water runoff along the side of the driveway with a swale to catch stormwater water that comes off the existing driveway. The calculations work. The runoff is not being increased off site.

There will be private wells.

The parcel includes a 50 foot right of way through the site and another 60 foot right of way to connect the adjacent parcel east of the subject parcel to Fisher Street. There are also cart paths running through property and are located on plans.

The wetlands have been flagged, marked and shown. Roadway work is completely outside the 25' buffer. There will need to be separate filings with the Conservation Commission for those lots where the houses are shown in buffer zone. Lots 2 and Lots 3 will have individual Notice of Intents with Conservation.

Mr. Truax indicated he has no issues making most of the revisions from the comments of the Town's (engineering and planning) consultants. Some of the comments need discussion with the board.

Member Tucker asked about the run-off coming down the existing roadway and crossing over Fisher Street? Will there be icing in the winter?

The Engineer noted that there is not a lot of increase in run-off as a result of these additional 3 lots.

There were three waivers requested. The first request is for no berm, to minimize the tree clearing and have a two to one slope for the basin and also a waiver that the basin must be on an individual lot. NOTE - The proposed basin is within the right-of way and within the cul-de-sac which is its own parcel, so that waiver is not needed.

Member Tucker wanted to know more about the recharge units. There is an overflow provision for those. What do you do if you exceed the 100 year storm with an overflow condition? He wants to know where the water is headed to.

Mr. Truax noted that some of the runoff would go the wetlands. Any overflow would be at the house and would go in various directions.

Member Spiller-Walsh notes that it seems like old Medway with the most logical process to follow gravity. "Shedding" is the new word for sheeting. For this size of project the pond looks very small. This will just flow and follow gravity. She asked if this will need any flowage easements.

Mr. Truax responded no.

Member Tucker asked how the stormwater water will be handled between the new basin and the existing cul-de-sac.

Mr. Truax indicated the water will go into the existing catch basins on Fisher Street.

Dave Pellegri communicated that there is minimal run-off going into this area.

Member Spiller-Walsh communicated that the neighbor across Fisher Street indicated to her that when there is a surge of water, it skips over the catch basins and goes across Fisher Street into their yard. It is a real problem when it freezes on the road and creates ice. She has lived there a long time.

Dave Pellegri asked the applicant if there are existing issues with the catch basins during the site walk and the answer had been no.

Rob Truax indicated the new section of the road will be asphalt. It will go all the way in and will be paved as well. Every driveway will be paved as well.

Member Spiller-Walsh is also concerned about the existing concrete walls and how pedestrians will be able to walk up and down the road when cars are using the road. That is a real problem. She wants to know how this will be mitigated. She agrees that it is impossible to put sidewalks in, but she would like the Engineer to be creative and come up with a solution, maybe signage. She also noted that it would be impossible to blast up there.

Dave Pellegri responded that there is no way for sidewalks to be installed on the side of the wall. There is no way for a trail.

Vice Chairman Tucker noted that the road is passable for two vehicles.

Rob Truax responded that he will work to find a resolution to this. There was a suggestion to run a yellow stripe of paint on the road 2-3 ft off the wall to designate a pedestrian path. This would be a visual reminder. The only people using the roadway will be the residents and their kids.

Member Spiller-Walsh suggested that the Engineer speak with Medway's safety officer to see if he may have an idea about signage. This is a bad situation.

Dave Pellegri communicated that he spoke with the safety officer, Mr. Watson and he will go out tomorrow afternoon and provide input.

Member Gay wants the septic on the existing house noted.

Member Spiller-Walsh wanted to know if the applicant would consider a combined driveway for Lots 1 and 2.

Member Tucker agrees that this is a good idea.

The Engineer responded that he could do this.

Member Gay wanted to know where the septic on the existing house is.

The Engineer pointed it out.

Mr. Rodenhiser responded that a combined driveway creates a maintenance issue.

Member Tucker agrees that Karyl has a good point about the combined driveway.

The Engineer noted that the house footprint will be moved and repositioned away from the right of way and will sit on the lot much nicer.

The Board next discussed the comments provided from PGC Associates dated July 5, 2012 in regard to Bay Oaks **(See Attached).**

It was noted in the comments that Section 5.7.32 (of the Subdivision Rules and Regs) requires that cul-de-sac landscaping is required, but no actual cul-de-sac is proposed. The Board typically requests that a landscape plan for the area of the bulb where the detention basin is located and the driveways form a "hammerhead" turnaround.

The next discussion was that Section 7.9.3 requires that intersection sight distances be shown on the plan.

Comment #20 regarding the curbs was discussed. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. There will need to be waiver from the requirement for sloped granite curb on a neighborhood street. This is considered a permanent private way.

Consultant Carlucci did note that the since this is a four lot subdivision, it technically does not qualify as permanent private way per the Subdivision Rules and Regs. There will need to be a waiver from the design and construction standards for neighborhood streets.

The Board next reviewed the review letter from Tetra Tech Rizzo dated July 2, 2012. **(See Attached)**.

Dave Pellegri notes that the roadway cross section shows 2" flat shoulders. However the grading on sheet 4 does not does not appear to be consistent with that. It was recommended that this be widened on one side.

There was a recommendation the existing private utilities be shown.

Member Spiller Walsh would like to see a naturalized form in the edging and plantings and some reconfiguration and landscape plan around the retention basin, possibly a rain garden.

The Engineer noted that there is no ability for a rain garden to function there.
The Engineer communicated that there will be lampposts at the end of each driveway.

Dave Pellegri indicated that there will need to be house numbers at the end of the driveways.

Susy Affleck-Childs communicated that she would like to explore with Assessors, Safety Officer and Fire Department regarding the street name, addresses and mailboxes etc. It was also suggested to formalize a street name.

The name Dover Lane has been noted. It appears this name was given when the road was first built, but the name was never used.

Vice Chairman Tucker wanted the Engineer to use a different dash for the 15 ft marker.

Susy Affleck –Childs entered into the record the Certificate of Action from the Bay Oaks Preliminary Subdivision Plan.

The Board is also in receipt of an email from Board of Health dated July 2, 2012. It was noted that the homes be situated high enough to accommodate for high ground and septic locations. **(See Attached)**

There may be some items from the preliminary stage which may need to be entered into the record.

Resident Comments:
Attorney Deborah Batog was present and she represents the Giovanella family.

Attorney Batog noted that there are some encroachments with regards to Lot 1. There are utility easements for the rights for easement holders. Lot 2 also has an encroachment for the septic. Lot 3 encroaches on the cart path and is within the right of way.

The cart path runs down the right of way and the Giovanellas continue to want the ability to use the cart path as a bridle path for the future.

Susy will check with legal about the legalities of cart/bridle paths.

Member Spiller-Walsh commented that bridle paths were all over Medway. It was a horse town. There were weekly and daily trail rides with the understanding that crossing land was a gentleman's agreement and you did not have to have legal access.

The Attorney noted that the cart paths are in the chain of titles. In relation to the Certificate of Action and the future homeowners association where do we fall within this as abutters? How will the road and its possible construction effect the encroachment? The big question is will this be a three or four lot subdivision.

The Attorney communicated that the Planning Board could look into what they did with the Williamsburg development (1-way U shaped roadway entering from and coming out onto West Street at 2 locations). Could the roadway be extended instead of making a dead end and provide the ability to go through and come out using the other ROW at the northern edge of the property.

Abutter John Giovanella, 44 B Fisher:
He communicated that it has been communicated by the Engineer that the house on the second lot is not where it is going to be. Is it standard to show the board something and then say that this house will not be located as shown on the plan? It should be presented on map as it is going to be. With the amount of rights of ways (which benefit the Giovanellas) we want to see where everything is going to be located and it should be shown where it is.

Vice Chairman Tucker noted there may be changes as a result of the meetings and discussions during the public hearing. We recognize that changes will take place for the betterment of the project and the repositioning of the houses on the lots would move them further away from the right of way. There is wiggle room that there will be modifications.

The Engineer noted that the Board is approving the road way. The house locations are not cast in stone and can be moved. There is some flexibility in the exact position of the homes.

The Engineer noted that there will need to be separate Notice of Intent filings with the Conservation Commission for Lot 2 and Lot 3.

Consultant Carlucci disclosed that his son works at the Law Office of Attorney Batog.

Abutter, Katherine Presswood, 92 Fisher:

Ms. Presswood wanted to know what one of the symbols meant on the plan.

Member Tucker explained that those are test pits.

She agrees with how Lot One was configured.

Ms. Presswood asked if there will be more run off down the hill.

The Board explained that it is not the intent to get additional water, but the plan is to have it come off the roofs of the houses and discharge back into the ground.

Vice Chairman Tucker communicated that the system was designed for the 100 year storm but we all know of the problems with water in the past. The goal is to have the water be recharged.

Rob Truax noted that you want to recharge the groundwater and put more water into the ground.

Ms. Presswood wanted to know if there will be any blasting.

Rob Truax noted that there are big rocks up there, but his intent is to split and crush. He is not sure about blasting. There would need to be surveys done on the residents' foundation walls. The contractor is responsible for this and a permit is issued through the Fire Department.

Member Tucker noted that there is formal application and survey for blasting.

Ms. Presswood is not against the project, she just wants this development to be as nice as when she moved in.

Abutter, Bob Reed, 106 Fisher:
He wanted to know if he could have copies of the comments from the consultants. He also wanted to be kept informed about any exceptions from the plans. He also wants copies of the revised plans.

Vice Chairman Tucker explained that the exceptions to the Rules and Regulations would be the waivers. All residents are welcome to the waiver information since they are part of the record. The waivers will be discussed further and are certainly available.

Mr. Reed indicated that the road is a different animal in the winter. It is dangerous and icy. Mr. Rodenhiser does a good job clearing and cleaning but it is still dangerous.

Mr. Reed does not see a big issue with the idea of painting a pedestrian pathway line on the existing roadway, but he is not sure if it is necessary.

Member Spiller-Walsh communicates that some kind of signage is needed since there will be 30 more trips and at some point a car will meet another car.

Member Gay responds that a painted line will not stop someone from being not courteous. Why waste the paint?

Abutter, Krista Digregorio, 108 Fisher St.
This abutter communicated that she has never seen two cars pass on the road. This is a very dangerous area. In the winter, this is extremely dangerous. Some type of signage should be added. She would like the Board to explore another access. She is not opposed to the project.

Mr. Truax indicated that the utilities are there now. The power is underground and will run up to the new hammerhead.

John Giovanella of 44 B Fisher Street noted that in the winter there is more traffic. The buses do not go up this street. The children will be waiting at the end of the driveway. This is dangerous

Member Spiller-Walsh wants to know how snow storage will be addressed.

Mr. Rodenhiser indicated that it will go over the walls.

Engineer Truax indicated that the snow will have to be taken out. This will be covered in the maintenance plan.

It was also brought to the Board's attention that there was a fire on adjacent property a few years back and the fire trucks were not able to get up the road.

The Board agreed that there is a need for further discussion and will recommend continuing the public hearing.

Continuation of Hearing:
On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the hearing for the Bay Oaks Definitive Subdivision Plan at 104 Fisher Street will be continued July 24, 2012 at 7:15 pm.

PUBLIC HEARING - Norwood Acres Definitive Subdivision Plan

Paul Atwood of Guerriere and Halnon was present to represent the applicant, Wayne Marshall.

The Board is in receipt of a letter dated July 10, 2012 from Jeffrey Lynch the Fire Chief. (**See Attached**).

Engineer Atwood communicated that he had a meeting with the Fire Chief.

The Chief's letter references the following items:

- Radius at first driveway to be increased
- Turning radius at end of street to be increased
- Turning indent at the end of first house to be increased

- Hydrant added just prior to first driveway
- The laneway and driveways will be designed to accommodate 75,000 lb. vehicles.

Mr. Atwood reported that he had met with Dave Damico, DPS Deputy Director. A letter with his recommendations is forthcoming.

Mr. Marshall noted that there has never been a formal acceptance of any of the utility tie-ins and road at Kingson Lane was never accepted.

Engineer Atwood noted that there are tie-ins and they are taking public sewer form another source.

Member Spiller-Walsh wanted to know what is upstream.

Engineer Atwood communicated that the Speroni Acres subdivision is upstream.

Member Tucker responded that most likely the Town owns it one way or the other.

Susy Affleck-Childs responds that the tracking of this is not clear.

The system is over ten years old.

Dave Pellegri will defer to the DPS bit he believes that the utilities may still be owned by Mike Narducci, the original applicant for the Kingson Lane development.

Member Tucker noted that are we in the same situation as 25 Summer St.

Susy Affleck-Childs would like to get written authorization on who can tie in. We must have this reviewed.

Mr. Marshall indicated that there is only one family downstream. He will have his Attorney prepare a document.

Susy Affleck-Childs would also like a letter provided from DPS.

Vice Chairman Tucker would like Town Counsel to address the various items and provide recommendations to the Board.

Consultant Pellegri wanted to clarify that the water and sewer lines will be private on the road.

Engineer Atwood responded that this will be part of the maintenance agreement. He also indicated that there is a meeting with the Conservation Commission on Thursday July 10, 2012. The landscape plan and rain gardens will be incorporated into the plan after meeting with the Conservation Commission.

The comments from the consultant about setbacks and frontage have been addressed.

Vice Chairman Tucker noted that it looks like the issue regarding setbacks and frontage has been resolved and the common line is brought back. It is not an issue. This has been addressed.

Engineer Atwood notes that he has revised and made strips on both sides and now has 50 feet left over. The setback line is not an issue.

Member Tucker noted that the carport will go away.

Member Tucker would like an area shown for snow storage. This needs to be designated on the plan

Mr. Marshall noted the area and will get that indicated on the plan.

Chairman Rodenhiser joined the meeting at 9:04 pm.

The Board is in receipt of an email from the Board of Health agent Stephanie Bacon dated July 2, 2012.
(See Attached)

The only recommendation from the Board of Health is that the home foundations be high enough from the shown groundwater levels.

Continuation:
On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the hearing for 61 Summer Street to August 28, 2012 at 7:15 pm.

Revised Plan Review Refund Recommendation

The Board is in receipt of a memo entitled Medway Development Projects Plan Review Account Balances – July 5, 2012. **(See Attached)**

The only question was in relation to Knollwood Acres and when was this project done. Susy Affleck-Childs responded that this was back in 2001 and 2002. It was intended to be a public street.

There was another question about if A123 and Lawrence Waste should be transferred.

Susy Affleck-Childs explained that there are no inspections for these. They are site plans only.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to authorize refunds of the Plan Review Account Balances dated July 5, 2012 baring any unforeseen errors due to accounting.

Planning and Economic Development Coordinator's Report:
Susy Affleck-Childs will be attending an Executive Session of the BOS on July 16th regarding Applegate Farm and Virginia Road drainage concerns.

Susy is also working on the quarterly report for the Green Communities grant. This is almost completed.

The meeting in Boston several weeks went well re: Medway's 43D grant. There has been an extension granted until March 31, 2013 to complete the work. Some of this is secretarial with developing new application forms that can be completed on line. A status report will need to be provided by September 30, 2012.

Member Tucker wants to make sure that this is on Susy's work priority list and it will not get lost.

There was a suggestion to have the IT employees help or another suggestion is to hire a company. This is a good opportunity to clean-up forms. These will need to be in ADOBE.

Future Meetings:
The next Planning and Economic Development meeting will be Tuesday, July 24, 2012 at 7:00 pm

Adjourn:
On a motion made by Karyl Spiller –Walsh and seconded by Andy Rodenhiser, the Board voted unanimously to adjourn the meeting at 9:12 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TETRATECH

June 27, 2012

RECEIVED
JUN 28 2012
TOWN OF MEDWAY
PLANNING BOARD

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Construction Administration Services
25 Summer Street Subdivision
Summer Street, Medway, Massachusetts

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Subdivision at 25 Summer Street. (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.

TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech Rizzo. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

_____
Date

Attachments

M:\SITE\DAVIDP\MEDWAY-25 SUMMER STREET-CLERK OF THE WORK-2012-06-27.DOC

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	$72.00	$144.00
2	Clear & Grub (Included in Item 1)			$72.00	$0.00
3	Subgrade/Staking	1	2	$72.00	$144.00
4	Drainage System	2	3	$72.00	$432.00
5	Detention Pond (Included in Item 4)			$72.00	$0.00
6	Roadway Gravel	1	3	$72.00	$216.00
7	Water System	1	4	$72.00	$288.00
8	Sewer System	1	4	$72.00	$288.00
9	Roadway Binder	1	6	$72.00	$432.00
10	Curb/Berm (N/A)			$72.00	$0.00
11	Private Utilities (N/A)			$72.00	$0.00
12	Sidewalk Base/Gravel (N/A)			$72.00	$0.00
13	Sidewalk Binder (N/A)			$72.00	$0.00
14	Sidewalk Reconstruction	1	3	$72.00	$216.00
15	Roadway Top	1	6	$72.00	$432.00
16	Sidewalk Top (N/A)			$72.00	$0.00
17	Frames and Covers/Grates (N/A)			$72.00	$0.00
18	Adjust Frames & Covers/Grates (N/A)			$72.00	$0.00
19	DMH Inverts (N/A)			$72.00	$0.00
20	Bounds	1	2	$72.00	$144.00
21	Landscape/Plantings	1	3	$72.00	$216.00
22	Roadway Sub-Drain (N/A)			$72.00	$0.00
23	Guard Rail/Fencing (N/A)			$72.00	$0.00
24	Periodic Inspections (See Note 1)	2	4	$100.00	$800.00
25	Bond Estimates	2	3	$100.00	$600.00
26	As-Built Plans	1	4	$100.00	$400.00
27	Meetings	2	2	$120.00	$480.00
28	Admin	2	1	$50.00	$100.00
	Subtotal				$5,332.00
	Expenses			3.5%	$186.62
	TOTAL				**$5,518.62**

Notes:

1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.

2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

Tetra Tech One Grant Street Framingham, MA 01701		
Project Applegate Farm	Date 07-05-2012	Report No. 17
Location Coffee/Ellis Street, Medway, MA	Project No. 127-21583-12007	Sheet 1 of 2
Contractor Canesi Bros. Inc.	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 80

FIELD OBSERVATIONS

On Thursday, July 5, 2012, Dave Pellegri from Tetra Tech (TT) visited the construction site to inspect the earthwork being conducted. While on-site the following observations were made:

1. Observations
   A. Canesi Bros. continues excavating out material from the proposed detention basin. They are now moving the excavated material from the stockpiles along the road to the roadway subbase. They are compacting in 8" lifts with a roller which is on-site. Canesi said they they took a sample of the material to be tested and will forward results to us shortly. The material looked good for use on the subbase by visual inspection.
   B. Canesi is stripping the top and subsoil from the outlet to the basin where the water spills over into the wetlands. There is a substantial cut in this location so they will continue to place the gravel base material within the roadway.

2. Schedule
   A. Canesi informed TT that they will continue to cut out material from the basin and install it within the proposed roadway ROW. They will continue to compact in 8" lifts.

CONTRACTOR'S FORCE AND EQUIPMENT

Sup't	1	Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers	1	Loader	1	Vib. Roller	1
Drivers	1	Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.	1	Bobcat		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator	1	Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tree Remover	
Surveyors		Conc. Mixer		Chipper	
Blasting Crew		Conc. Truck		Screener	
		Pickup Truck		Drill Rig	
		Dump Truck 6 Whl	1	Boom Lift	
		Dump Truck 10 Whl		Water Tank	
		Dump Truck 14 Whl		Lull	
		Dump Truck 18 Whl		Gradall	

WORK DONE BY OTHERS

Dept. or Company	Description of Work

OFFICIAL VISITORS TO JOB

Police Details: n/a

Time on site: 3:30 PM

CONTRACTOR'S Hours of Work:

RESIDENT REPRESENTATIVE FORCE

Name	Name

Resident Representative Dave Pellegri

Project	Date	Report No.
Applegate Farm	07-05-2012	17
Location	Project No.	Sheet 2 of
Coffee/Ellis Street, Medway, MA	127-21583-12007	2
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. P.M. SUNNY	A.M. P.M. 80

FIELD OBSERVATIONS CONTINUED

3. New Action Items
   A. N/A

4. Previous Open Action Items
   A. Organic silty subsoil material shall be removed from the proposed limits of the roadway. From STA 15+00 to STA 12+50 approximately 3' of organic/silty material was observed in pockets approximately 1' below grade. From STA 10+00 to STA 12+50 approximately 1' of organic/silty subsoil material was observed in pockets just below grade. From STA 5+00 to 6+00 (area previously covered with pine trees) roots and organic material was observed approximately 1' to 2' below grade. (Taken from 2010 report). *Test pits were conducted. See observations above.*
   B. From STA 0+00 to STA 3+00 boulders were observed just below grade. When grade stakes are set in this area we will confirm whether the boulders are within the 12" gavel base. If they are not within that section, they may remain if undisturbed. If they are disturbed during other activities they will need to be removed from the roadway ROW and replaced with suitable material. (Taken from 2010 report).
   C. The pavement in Coffee Street where the sewer connection was made needs to be repaired. *5/18 Update: Mr. Canesi has repaired that pavement in this location. The pavement is a temporary patch and will need to be repaired in a final condition prior to the completion of the project.*
   D. SMH 11 appears to be set too low. The flat top section of the structure is set at least 5' below the roadway grade. It appears that there is a discrepancy on the plan between the finish grade elevation in this area as shown on the profile versus the plan views. *5/18 Update: Mr. Canesi stated that he noticed this discrepancy but the structures were already ordered per the elevations provided in the profile. They will discuss with owner and revise as necessary. It should be easy to remove the flat top and add another riser section to raise the elevation as necessary.*
   E. TT requested that Canesi provide a sieve test for the material designated as fill for within the roadway.
   F. Canesi shall identify limits and remove any organics in the area of STA 10+00 during the stormwater infrastructure installation.

5. Materials Delivered to Site Since Last Inspection: N/A

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

July 10, 2012

Ms. Melissa Cryan
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Medway's application for a PARC grant

Dear Ms. Cryan,

The Medway Planning and Economic Development Board enthusiastically supports the Town of Medway's application to Massachusetts Executive Office of Energy and Recreation for a PARC grant to fund improvements to Medway's Idylbrook Park. At its meeting on July 10, 2012, the Board voted unanimously to support this important initiative to secure funding to enhance a significant community resource.

As we understand it, the land which comprises Idylbrook Park was acquired in the mid 90's with funding provided from a predecessor program. This capital project proposal represents another significant step toward maximizing the full potential of this park. Such an initiative is consistent with the recommendations associated with Goal 7 in Medway's Open Space and Recreation Plan – to facilitate the stewardship of Medway open spaces and parks.

On behalf of the Medway Planning and Economic Development Board, I encourage you to give this grant application your fullest consideration.

Very truly yours,

Andy Rodenhiser
Chairman

Telephone: 508-533-3291 Fax: 508-533-3252
planningboard@townofmedway.org

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

June 14, 2012

NOTICE OF PUBLIC HEARING
Bay Oaks Definitive Subdivision Plan
July 10, 2012

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that ***the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, July 10, 2012 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Andy Rodenhiser of Medway, MA for approval of the Bay Oaks Definitive Subdivision Plan.*** The plan is dated May 18, 2012 and was prepared by GLM Engineering Consultants of Holliston, MA

Owned by the applicant, the subject parcel is located at 104 Fisher Street [Medway Assessors Map 26 – Parcel 20 *(formerly Medway Assessors Map 4 - Parcel 44A-6A)*]. The 8.78 acre property is located off the east side of Fisher Street in the Agricultural Residential I zoning district. There is a one acre vegetated wetland area that is centrally located on the property. The parcel is bounded on the east by property owned by Giovanella; on the north in Holliston by property owned Kampersal; on the west by property owned by Reed and Rapp; and on the south by property owned by Lapointe.

The applicant proposes to divide the land into four residential lots, one containing the existing dwelling at 104 Fisher Street plus 3 lots for new residential construction to be located on a permanent private road. The road will be 18' wide and extend approximately 170' beyond the end of the existing private road which presently provides frontage and access for 104 and 106 Fisher Streets. The project will include the installation of stormwater management facilities, private septic systems and private wells.

The application, associated documents and the *Bay Oaks Definitive Subdivision Plan* are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Mon. – Thurs. from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Robert Tucker
Vice-Chairman

Telephone: 508-533-3291 Fax: 508-341-3287
planningboard@townofmedway.org

LAND SUBDIVISION – FORM C

Application for Approval of a Definitive Subdivision Plan

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

[illegible]

May 18, 2012

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

The undersigned, being the Applicant as defined under Chapter 41, Section 81- L for approval of a Definitive Subdivision Plan, herewith submits this Definitive Subdivision Plan of property located in the Town of Medway and makes application to the Medway Planning & Economic Development Board for approval of such Definitive Subdivision Plan.

DEFINITIVE SUBDIVISION PLAN INFORMATION

Title of Plan: Definitive Subdivision Plan "Bay Oaks" Medway MA 02053

Prepared by: GLM Engineering Consultants, Inc.

Of: Holliston MA 01746

Plan Date: May 18, 2012

A Preliminary Subdivision Plan X was ____ was not filed prior to this Definitive Plan.

If filed, the date of filing of the Preliminary Subdivision Plan was: July 2012

Date when the Preliminary Subdivision Plan was reviewed by the Board: September 28, 2012

The Preliminary Subdivision Plan was:

- ____ discussed
- ____ approved as presented
- X approved with the following modifications/conditions: See Certificate of Action
- ____ disapproved for the following reasons: _____

PROPERTY INFORMATION

Location Address: 104 Fisher Street

The land shown on the plan is shown on Medway Assessor's Map 4 Parcel # 44A - 6A

Total Acreage of Land to be Divided: 8.78 Acres

General Description of Property: Existing single family dwelling situated on 8.78 acres of land located at the end of an existing private way.

Medway Zoning District Classification: Agricultural Residential I

Frontage Requirement: 180 feet Area Requirement: 44,000 s.f.

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

____ Yes X No If yes, please name: _____

Wetlands

Is any portion of the site within a Wetland Resource Area?

X Yes ____ No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?

____ Yes X No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?

____ Yes X No

The owner's title to the land that is the subject matter of this application is derived under deed from: Audra Rodenhiser to Andrew Rodenhiser dated July 5, 2011 and recorded in Norfolk County Registry of Deeds, Book 28926 Page 503 or Land Court Certificate of Title Number_____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume_____, Page _____.

SUBDIVISION INFORMATION

Subdivision Name: Bay Oaks

This is a: X Residential Subdivision ____ Non-Residential Subdivision

The plan shows the division of land into 4 building lots numbered 1 - 4 and ____ parcels not intended for building thereon.

The plan shows the following ***existing*** ways that are being proposed as lot frontage:

Private Way as frontage for lot(s) Lot 1

_____ as frontage for lot(s) _____

The plan shows the following ***proposed*** new ways that are being proposed as lot frontage:

Proposed Road Extension as frontage for lot(s) Lots 2 - 4

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s): 170 feet

Are the new roads proposed to be public or permanent private ways?

____ Public _X_ Permanent Private Way

Proposed Utilities:

____ water _X_ well

____ sewer _X_ septic

APPLICANT INFORMATION

Applicant's Name: Andrew Rodenhiser

Applicant's Address: 104 Fisher Street

Medway MA 02053

Name of Primary Contact: Andy Rodenhiser

Telephone: 781-760-9908 FAX: _____

Email address: _____

____ *Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)*

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner Name: Same

Address: _____

_____

Primary Contact: _____

Telephone: _____ FAX: _____

Email: _____

CONSULTANT INFORMATION

ENGINEER: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street

Holliston MA 01746

Primary Contact: Robert S Truax

Telephone: 508-429-1100 Fax: 508-429-7160

Email: rtruax@glmengineering.com

SURVEYOR: GLM Engineering Consulants, Inc.

Address: 19 Exchange Street

Holliston MA 01746

Primary Contact: Joyce E. Hastings

Telephone: 508-429-1100 Fax: 508-429-7160

Email: joyce@glmengineering.com

OFFICIAL REPRESENTATIVE INFORMATION

Name: N.A.

Address: _____

_____

Primary Contact: _____

Telephone: _____ Fax: _____

Email: _____

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. If applicable, I hereby authorize _____ to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Definitive Subdivision Plan application.

I agree to abide by the Medway *Rules and Regulations for the Review and Approval of Land Subdivisions* and complete construction of the subdivision in accordance with the *Rules and Regulations* and the approved Definitive Subdivision Plan.

In submitting this application, I authorize members of the Planning & Economic Development Board, Town staff and agents, and members of the Design Review Committee and Open Space Committee to access the site during the plan review process.

Signature of Property Owner	*Date* 5/21/12
Signature of Applicant (if other than Property Owner)	*Date* 5/21/12
Signature of Agent/Official Representative	*Date* 5/21/12

DEFINITIVE SUBDIVISION PLAN FEES

[illegible]

FOR PED OFFICE USE ONLY:

Date Form C and Definitive Subdivision Plan Recvd by Medway PED office: 6-5-2018

Definitive Subdivision Plan Filing Fee Paid: *Amount:* $2925 *Check #* 504

Advance on Plan Review Fee Paid: *Amount:* 2500 *Check #* 503

Date Form C & Definitive Subdivision Plan Received by Town Clerk

Date Form C & Definitive Subdivision Plan Received by Board of Health

DEFINITIVE SUBDIVISION PLAN SUBMITTAL DOCUMENTS CHECKLIST

Town Clerk

- ✓ One (1) signed original Definitive Plan Application – Form C
- ✓ One (1) copy of Definitive Subdivision Plan
- ✓ One (1) copy of the Stormwater Management Analysis
- ✓ One (1) copy of Traffic Study *(for subdivisions of 20 or more dwelling units)*
- ✓ One (1) copy of Development Impact Report – Form F

Board of Health

- ✓ One (1) signed original Definitive Plan Application – Form C
- ✓ One (1) copy of Definitive Subdivision Plan
- ✓ One (1) copy of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*

Planning & Economic Development Board

- ✓ One (1) signed Original Definitive Plan Application – Form C *(Date Stamped by Town Clerk & Board of Health)*
- ✓ Eight (8) full size Copies of Definitive Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Subdivision Rules and Regulations*
- ✓ PDF version of Definitive Subdivision Plan *(please email or provide a disk)*
- ✓ Designer's Certificate – Form D
- ✓ Certified Abutters List – Form E
- ✓ Development Impact Report - Form F
- ✓ Request for Waivers of *Subdivision Rules and Regulations*. Use Form Q.
- ✓ Two (2) copies of Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations*
- ✓ Two (2) copies of the Long Term Operation and Maintenance Plan for drainage and stormwater management facilities.
- ✓ *Two* (2) copies of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*
- ✓ Two (2) copies of a Traffic Study *(for subdivisions with 20 or more dwelling units)* prepared in accordance with Section 5.5.12 of the *Subdivision Rules and Regulations*

DRAIN REPORT

- ____ Sight Distance Computations for all proposed new intersections
- ____ ANRAD Determination from Medway Conservation Commission
- ____ Proof of existing or pending ownership of all land within the proposed subdivision
- ✓ Definitive Subdivision Plan Filing Fee *($2,500 plus $2.50/linear foot of street centerline proposed)* – Payable to Town of Medway
- ✓ Advance of Plan Review Fee *($2,500)* – Payable to Town of Medway

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision PLan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.10 Curbs and Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.10.2. Curbing shall be permanent private way " Hot Mix Asphalt Cape Cod Berm"
What aspect of the Regulation do you propose be waived?	Waive Curb Requirement
What do you propose instead?	No Curbing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	No curbing to allow country drainage swale along roadway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approx. $2.50/L.F.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allow for runoff from road surface to dispense off edge of roadway.
What is the impact on the development if this waiver is denied?	Provide curbing with drainage structures.
What are the design alternatives to granting this waiver?	Provide curbing with drainage structures.
Why is granting this waiver in the Town's best interest?	Reduce site impacts
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No significant savings
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	None
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants Inc.
Date:	May 30, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.7. Stormwater Management
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.7.2.B. Detention / Retention Basin by located on seperate parcels
What aspect of the Regulation do you propose be waived?	Request waiver of seperate parcel
What do you propose instead?	Drainage System within road layout
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Waiver proposed to allow swale along driveway to collect runoff and small drainage basin along roadway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	No significant cost savings
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Reduce site clearing impacts
What is the impact on the development if this waiver is denied?	Relocate drainage basin
What are the design alternatives to granting this waiver?	Relocate drainage basin
Why is granting this waiver in the Town's best interest?	
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No significant cost savings
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	Reduce site impacts
Waiver Request Prepared By:	GLM Engineering Consultants Inc.
Date:	May 30, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive SUbdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.7 Stormwater Management
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.7.2 (M) Side slopes for detention basins facilities shall be no steeper than 3 horz. to 1 vert.
What aspect of the Regulation do you propose be waived?	Waive the 3 to 1 requirement
What do you propose instead?	Propose 2 horz. to 1 vert.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Request waiver to reduce tree clearing.
What is the estimated value/cost savings to the applicant if the waiver is granted?	No significant cost savings
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Reduce overall clearing at wooded area.
What is the impact on the development if this waiver is denied?	Provide 3 to 1 sloping
What are the design alternatives to granting this waiver?	Provide 3 to 1 sloping
Why is granting this waiver in the Town's best interest?	Reduce site impacts
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No significant cost savings
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants Inc.
Date:	May 30, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

LAND SUBDIVISION - FORM F

Development Impact Report (DIR)

PLANNING BOARD – Town of Medway, MA

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally association with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social
sciences and environmental design arts.

May 18, 2012
Date

1. Name of Proposed Subdivision: "Bay Oaks"
2. Location: 104 Fisher Street
3. Name of Applicant (s): Andy Rodenhiser
4. Brief Description of the Proposed Project: Proposed 4 Lot Residential Subdivision

5. Name of Individual Preparing this DIR GLM Engineering Consultants, Inc.

Address: 19 Exchange Street
Holliston Massachusetts 01746

Phone: 508-429-1100

Professional Credentials: Professional Engineers & Surveyor

SITE DESCRIPTION

6. Total Site Acreage: _____

Approximate Acreage	At Present	After Completion
Meadow/brushland *(non-agricultural)*	None	
Forested	7.0 AC	
Agricultural *(includes orchards, croplands, pasture)*	None	
Wetlands	1.0 AC	
Water Surface Area	-	
Flood Plain	-	
Unvegetated *(rock, earth or fill)*	-	
Roads, buildings and other impervious surfaces	-	
Other *(indicate type)*	-	
TOTAL	-	

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	-
Commercial	-
Residential	12%
Forest	78%
Agricultural	-
Other (specify)	-

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *NOTE – Be sure to include overlay zoning districts.*

Zoning District	Percentage
AR-1	100%

9. Predominant soil type(s) on the site: _____

Soil Drainage
(Use the U.S. Soil Conservation Service's definition)

Soil Type	% of Site
Well drained	-
Moderately well drained	100%
Poorly drained	-

10. Are there any bedrock outcroppings on the site? __x__ Yes _____ No

If yes, specify: Large Boulders

11. Approximate percentage of proposed site with slopes between:

Slope	*% of Site*
0 – 10%	80%
10 – 15%	15%
Greater than 15%	5%

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) _____ Proximity to a public well: _____ feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? *(Consult the Massachusetts Heritage Program and the Medway Conservation Commission for information.)* _____ Yes __x__ No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

_____ Yes __x__ No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? _____ Yes __x__ No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? _____ Yes __x__ No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? _____ Yes __x__ No

If yes, please specify: _____

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? __X__ Yes _____ No

If yes, please specify: Vegetated wetland located on the locus.

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? _____ Yes __X__ No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? _____ Yes __X__ No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? _____ Yes __X__ No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission) _____ Yes __X__ No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? _____ Yes __X__ No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision?

Average weekday traffic	15 - 20 per day
Average peak hour volumes – morning	5 - 8 trips
Average peak hour volumes - evening	5 - 8 trips

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Fisher Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: Stone End Road (250 ft.)

Ledgewood Road (1000±)

27. Location of existing sidewalks within 1000 feet of the proposed site: _____

None

28. Location of proposed sidewalks and their connection to existing sidewalks:
None

29. Are there parcels of undeveloped land adjacent to the proposed site:

X Yes _____ No

Will access to these undeveloped parcels be provided from the proposed subdivision?

X Yes _____ No

If yes, please describe: Existing 50' R.O.W. to abutting property

If no, please explain why: _____

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 3 new - 1 Existing

31. What is the total number of bedrooms in the proposed subdivision? 16±

32. Stormwater Management

A. Describe the nature, location and surface water body receiving current surface water of the site: Existing vegetated wetlands.

B. Describe the how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: _____

Collection through swales and mitigate increase flows

utilizing best management practices.

C. Will a NPDS Permit be required? _____ Yes ___x___ No

33. Please estimate the response time of the Fire Department to this site:
(Please consult with the Fire Department): 4 - 8 minutes 4-8 min

34. Schools

A. Projected number of new school age children: Approx 3

B. Distance to nearest elementary school: 1/2 mile

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that haven been taken during subdivision design and will be taken during subdivision construction for each of the following:

35. Maximize stormwater infiltration and groundwater recharge
36. Prevent surface and groundwater contamination
37. Reduce detrimental impacts to water quality
38. Maintain slope stability and prevent erosion
39. Conserve energy
40. Preserve wetlands
41. Preserve wildlife habitats, outstanding ecological or botanical features
42. Protect scenic views
43. Retain natural landscape features
44. Design street layouts to facilitate southern orientation of houses
45. Use curvilinear street patterns
46. Promote pedestrian and bicycle access and safety
47. Reduce the number of mature trees to be removed
48. Provide green belt/buffer areas
49. Preserve historically important structures and features on the site
50. Retain natural valley flood storage areas
51. Minimize the extent of waterways altered or relocated
52. Reduce the volume of cut and fill
53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation
54. Minimize municipal maintenance frequency and costs
55. Reduce building site frontages or driveway egresses onto primary or secondary streets

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291
planningboard@townofmedway.org

September 28, 2011

CERTIFICATE OF ACTION

Bay Oaks Preliminary Subdivision Plan
104 Fisher Street

You are hereby notified that at a duly called and properly posted meeting held on September 27, 2011, the Town of Medway Planning and Economic Development Board (PEDB) concluded its review of the Bay Oaks Preliminary Subdivision Plan, prepared by GLM Engineering of Holliston, MA dated July 12, 2011and last revised August 9, 2011, for the 8.78 acre property located at 104 Fisher Street. The Board also approved the filing of this document with the Medway Town Clerk.

BACKGROUND – An application with a preliminary subdivision plan was filed with the PEDB by Andy Rodenhiser, owner of 104 Fisher Street, on July 14, 2011. The 8.78 acre subject property (Medway Assessors Map 4, Parcel 44A-6A) is located in Medway's Agricultural-Residential I zoning district. Upon receipt of the application, a Public Briefing was scheduled to occur during the PEDB's next regular meeting on July 26, 2011.

DISCLOSURE - The applicant, Andy Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with Medway Town Counsel Barbara Saint Andre and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed subdivision. He departed the Board table and sat across from the Board, as is customary for all applicants, during the proceedings,

2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining 4 PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci,

Engineering Consultant Dave Pellegri and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 26, 2011 Public Briefing.

SUMMARY OF PROPOSAL - The proposed Bay Oaks Preliminary Subdivision Plan shows the division of the subject property into 4 house lots (three for construction of new single family detached homes and one for the existing residence) and the extension of the existing private way to a maximum total length of 600' to create the necessary frontage for the new house lots to comply with the Medway Zoning Bylaw. The applicant intends to request waivers from the road construction standards of the *Subdivision Rules and Regulations.* Instead of constructing a full public roadway, a privately owned common driveway is proposed to be constructed within the ROW extension. It would be owned and maintained by a homeowners' association. The stormwater drainage design would be low impact. There are wetlands on site and both septic systems and wells would have to be installed.

SUBJECT PROPERTY – The 8.78 acre subject parcel was created through action of the Medway Planning Board in 1986 when a 2 lot subdivision was approved. The subject property was conveyed to Andy and Audra Rodenhiser in December 1990.

To the best of our understanding, the parcel is subject to a number of existing right-of-way easements including:

- A 60' wide ROW which starts at the western edge of the adjacent Giovanella property to the east (0-R Fisher Street/ Medway Assessors 4-44) and runs approximately 403' along entire northern edge of the Rodenhiser property, continues onto the adjoining property to the west at 106 Fisher Street owned by Robert Reed, and extends across other properties all the way to Fisher Street. The total length of this easement is 1070 feet. The easement was expressly established in December 1982 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway.

- A 50' wide ROW that runs approximately 1057 long starting from Fisher Street and running easterly, southeasterly and westerly again on Lot 6, a 12.3 acre parcel that was created as shown on an ANR plan from December 1982 for Racicot Realty Trust. This easement was expressly established in July 1984 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway. NOTE – The Lot 6 referenced herein is the lot from which the Rodenhiser subject property was first created in 1986.

- A 50' ROW on Lot 6A as shown on a Definitive Subdivision Plan endorsed in April 1986 and affirmed in September 1988 (and recorded in October 1988). The ROW extends from the eastern end of the 350 long private way as shown on the Definitive Subdivision Plan and runs northeasterly then easterly for approximately 805' to the western edge of the Giovanella property. There is no evidence of an express grant of this easement to the Giovanellas. NOTE – A subsequent ANR Plan recorded in December 1990 refines the Definitive Subdivision Plan. It shows only a very small portion of the above noted ROW easement.

ABUTTER NOTIFICATION – Pursuant to the *Medway Subdivision Rules and Regulations*, the PEDB sent a first class mail notification regarding the application and the 7/26/2011 Public Briefing for the Bay Oaks Preliminary Subdivision Plan to the abutters (owners of property within 300 feet of the subject parcel). *See attached Abutter Notice.* Abutters in both Medway and Holliston were notified. The notice was also posted with the Medway Town Clerk and to the Medway web page on July 14, 2011.

REVIEW PROCESS – The Board began its review of the proposed preliminary subdivision plan at its meeting on July 26, 2011. The discussion continued at the Board meetings on August 9 & 23, September 13 & 27, 2011 when it concluded.

The Bay Oaks Preliminary Subdivision Plan was reviewed by the Town's Planning Consultant, Gino Carlucci of PGC Associates and by David Pellegri of Tetra Tech Rizzo, the Town's Engineering Consultant. *Those review letters are attached.*

Based on questions raised by both the Board and abutters during the public briefing, the Board sought the review and opinion of Medway Town Counsel Barbara Saint Andre of Petrini & Associates. Those confidential communications were provided to Board members (except for Andy Rodenhiser).

Concerns were raised by Attorney Deborah Batog of Gilmore, Rees & Carlson of Franklin, MA representing the Giovanella family, owners of the approximately 5 acre parcel (0-R Fisher Street/ Medway Assessors 4-44) immediately to the east of the applicant's property. The concerns pertained to preserving her clients' rights in the subject property.

The applicant sought guidance from the PEDB regarding the affordable housing requirements pursuant to the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section X Affordable Housing. A guidance memo dated July 26, 2011 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs was provided and discussed. *A copy is attached.*

During the course of the various meetings, abutters were provided an opportunity to comment. Email communications were received from:

- Stephen and Krista Digregorio, 108 Fisher Street (7-26-2011)
- Katherine and Larry Presswood, 92 Fisher Street (7-22-2011)

During the course of the various public briefings, verbal comments were offered by:

- Robert Reed, 106 Fisher Street (7-26-2011)
- Attorney Deborah Batog of Gilmore, Rees & Carlson (7-26-2011, 8-9-2011, 23, 2011, 9-13-2011)
- Katherine Presswood, 92 Fisher Street (8-9-2011)
- Peter Rapp, 100 Fisher Street (7-26-2011)

CONCERNS/ISSUES –With this document, the PEDB neither approves nor disapproves the Bay Oaks Preliminary Subdivision Plan. Based on the discussions during the public briefings, the Board has identified the following issues and concerns and directs the applicant and his development team to fully address these matters in preparation for submitting an application for approval of the Bay Oaks Definitive Subdivision Plan.

1. Full review by the Conservation Commission will be required in conjunction with the definitive subdivision plan filing.

2. Applicant needs to provide a proposal regarding the home owners association's responsibilities for maintaining the existing and proposed extended roadway and the associated utilities, infrastructure and drainage facilities. The Board would prefer to have the entire roadway ROW (existing and new) owned by a single home owners association comprised of all owners of property which directly abut the ROW.

3. Due to the ledge on the property, blasting may be needed to install infrastructure and construct homes. The applicant should provide a proposal on how any blasting process will be managed and how any impacts will be mitigated

4. Stormwater facilities must be located on a separate parcel. They cannot be located on a house lot.

5. Board of Health review and approval will be required for septic systems and wells; all required setbacks shall be applied.

6. The definitive subdivision plan application shall include a full Request for any Waivers of the Subdivision Rules and Regulations. The form of such request shall be as specified by the Board.

7. The definitive subdivision plan shall show the location of all easements and cart paths and any other restrictions to which the property is subject.

8. Existing retaining wall on roadway - The structural condition of the substantial retaining wall on either side of the existing roadway is of concern as it is at least 20 years old. As part of the definitive subdivision plan submittal, the applicant should provide an inspection report from a structural engineer regarding the wall's condition. It is understood that the Board may require structural improvements to the wall as part of the definitive subdivision plan decision.

9. To provide maximum buffers with the abutting neighbors, the definitive subdivision plan should show a no disturb zone of at least 15 feet on the house lots which abut existing residential properties.

10. The Board affirms the applicability of the affordable housing provisions of the Zoning Bylaw to this project. The Board is not authorized to waive such provisions; the only local board to which the applicant may appeal the affordable housing provisions is the Zoning Board of Appeals. The applicant should provide a proposal to the Board with the definitive subdivision plan application to describe how the affordable housing requirements will be met.

11. All preliminary plan deficiencies noted in the review letters dated 7-21-2011from PGC Associates and Tetra Tech Rizzo should be thoroughly addressed/resolved in the definitive subdivision plan submittal.

12. The Fire Chief has not provided review comments on the preliminary subdivision plan. The applicant is advised that during the definitive subdivision plan process, the Fire Chief's approval of the roadway design and turnaround is required.

13. Roadway width - The Board is concerned about the safety of the existing roadway width for both the passing of vehicles and the safety of pedestrians.

14. Pedestrian safety – The Board is concerned about pedestrian safety along the roadway that will serve 5 homes under this subdivision proposal. The applicant is asked to evaluate the feasibility of constructing a meandering path/trail within the right of way but outside the existing retaining wall from Fisher Street up to the cul-de sac.

15. The applicant is reminded that a detailed Existing Conditions plan is required as part of the Definitive Plan submittal (Section 5.7.6 of the Subdivision Rules and Regulations). Measurements of the existing paved roadway should be specified. The Board urges the applicant to make the fullest effort possible to preserve the site's existing significant features in developing the definitive subdivision plan.

16. The applicant is advised that Fisher Street is a Medway Scenic Road. Any construction work done in the Town's Fisher Street Right of Way which might impact stone walls or significant trees may require a Scenic Road Work Permit. The applicant's attention is directed to Section 7.12 of the Subdivision Rules and Regulations. *"Where a subdivision is accessed from a Medway Scenic Road, the subdivision entrance shall be designed to reflect stone wall, post/rail fence or other distinctive features already present along the scenic roadway."*

Attest: Susan E. Affleck-Childs

Susan E. Affleck-Childs, Planning & Economic Development Coordinator

Date: September 28, 2011

cc: Andy Rodenhiser, applicant
Rob Truax, GLM Engineering
Suzanne K. Kennedy, Town Administrator
John Emidy, Building Commissioner/Zoning Enforcement Officer
Maryjane White, Town Clerk
Tom Holder, DPS Director
Karon Skinner-Catrone, Conservation Agent
Will Naser, Chief Assessor
Melanie Phillips, Treasurer/Collector
Karen Sherman, Holliston Town Planner
Paul Trufant, Fire Chief
Sergeant Jeff Watson, Medway Police

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

July 14, 2011

Abutter Notification of Public Briefing

Bay Oaks Preliminary Subdivision Plan

Tuesday, July 26, 2011 at 7:45 pm

The Medway Planning & Economic Development Board has received an application from Andy Rodenhiser of Medway, MA for review of a ***preliminary subdivision plan for a proposed 4 lot residential subdivision at 104 Fisher Street to be known as Bay Oaks.*** Owned by the applicant, the subject parcel *(Medway Assessors Map 4, Parcel 44A-6A)* is 8.78 acres in size. The parcel is located in the Agricultural Residential I zoning district. The preliminary subdivision plan is dated July 12, 2011 and was prepared by GLM Engineering of Holliston, MA. The plan shows the division of land into four residential lots *(one containing the existing dwelling at 104 Fisher Street)* and three lots for new residential construction all with frontage on a permanent private way.

The applicant and his representative will present the proposed Bay Oaks Preliminary Subdivision Plan to the Planning and Economic Development Board on Tuesday evening, July 26, 2011 at 7:45 pm in the Sanford Room on the second floor of Medway Town Hall, 155 Village Street, Medway, MA. ***You are receiving this notice because you own land within 300 feet of this proposed subdivision***. A copy of Sheet 3 of the proposed Bay Oaks Preliminary Subdivision plan is also enclosed. ***The Board invites you review the plan, attend the Public Briefing, ask questions, and express your views on the proposed subdivision.*** We encourage your participation and comments. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence.

Phone: 508-533-3291 Fax: 508-533-3252
Email: planningboard@townofmedway.org

A copy of the application and the full size version of the Bay Oaks Preliminary Subdivision Plan are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The Town Clerk's office is also open Monday evenings until 7:30 p.m. The full size plan is also available for viewing at the Planning & Economic Development office and has been posted at the Board's web page at townofmedway.org.

If you have any questions regarding this matter, please contact Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

Robert K. Tucker, Vice Chairman

TETRA TECH

RECEIVED
JUL 21 2011
TOWN OF MEDWAY
PLANNING BOARD

July 21, 2011

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

Re: Bay Oaks
Preliminary Subdivision Plan Review
Medway, Massachusetts

Dear Ms. Affleck-Childs:

Tetra Tech Rizzo (TTR) has performed a review of the proposed Preliminary Subdivision Plan for the above – mentioned project. TTR is in receipt of the following materials:

- A plan (Plans) set entitled "Bay Oaks", dated July 12, 2011, prepared by GLM Engineering Consultants, Inc (GLM).

The Plans and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

Conformance with Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100)

1. Plans should show wooded areas, ledge/rock outcroppings. (Ch. 100 §4.6.6)

2. Plans should identify areas of proposed cuts and fills in excess of eight feet (8) and disturbance to slope of twenty-five percent (25%) or more. (Ch. 100 §4.6.15)

General Comments:

3. By creating the interior property line on lot 4 are we creating a problem with setbacks to the property line for the existing septic system?

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

4. The applicant should show buffer zones.

5. What is the existing 50' Right-of-Way (ROW) running through Lot 2? Are there any setbacks associated with that ROW for house or septic proposed on Lot 2.

6. Has any preliminary testing been done for proposed septic systems? Is it realistic to think they can be installed on the hills shown on Lots 1 and 2?

7. Has any testing been done to determine if individual wells for each lot proposed will be successful?

8. I would recommend the applicant review the conditions of the existing stormwater system for the existing Private Road. Since it looks like most of the runoff flows towards the existing roadway, the proposed stormwater will need to be addressed prior to reaching the existing roadway or incorporated into the existing stormwater collection system.

9. The Board of Health will need to review the project to determine the adequacy of groundwater to supply site.

10. Are there stone walls on-site?

11. Will it be possible to achieve a maximum grade of 8% on driveway?

12. Will infiltration be possible? Based on contours it appears that there may be ledge on-site.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

July 21, 2011

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: Bay Oaks Preliminary Subdivision Plan

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property ,off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated July 12, 2011. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8,78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots. The new lots would have areas ranging from 44,338 to 92,460 square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.2 recommends, but does not require, that a wetlands determination be made by the Conservation Commission before submitting a preliminary plan. Wetlands on the property are shown, but it is not clear if the determination has been made by the Conservation Commission.

3. Section 4.6.2 requires a locus plan that shows adjacent land and all property lines and buildings within 500 feet of the property. A locus plan was provided but it does not show the required information.

4. Section 4.2.6 requires certain information on an existing conditions plan. An existing conditions plan was provided but it lacks the required information which may include trees with a diameter of 1 foot or more, significant tree masses, wooded areas, ledge/rock outcroppings, large boulders, natural drainage courses and possibly other features.

5. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution. A septic system and well serving the existing house are shown on the plan. The application states that the new houses will be served by wells and septic system. Since the existing well is located within the proposed roadway right-of-way extension, it is not clear if the proposal is to abandon it and drill a new well for the existing house. The plan shows existing catch basins at the end of the existing private way (where it intersects with Fisher Street) but no other drainage information. The Development Impact Report indicates that drainage will consist of collection through swales and mitigation of increased flows through best management practices. It should be noted that a separate parcel is required for a detention basin or underground infiltration system.

6. Section 4.6.9 requires the widths of adjacent streets within 500 feet. This information was not provided for Fisher Street.

7. Section 4.6.10 requires that existing and proposed topography be shown at 2' intervals. The existing topography is shown but the proposed topography is the same as no changes are shown. It also requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.

8. Section 4.6.11 requires that a proposed street name be shown on the plan. The road is shown as "Existing Private Way."

9. Section 4.6.12 requires that the 100-foot buffer from wetlands be shown This was not done.

10. Section 4.6.15 requires that proposed cuts and fills in excess of 8 feet and disturbances to slopes of twenty-five percent be shown. It is not clear if there will be either of these but steep slopes are shown on the plan so they are possible.

11. Section 7.9.5 specifies a maximum grade for a neighborhood street of 8%. The grade is not shown, but the road does go up a steep hill.

12. Section 7.9.6 (b) specifies that the maximum length of a dead end shall not exceed 600 feet as measured from the centerline of the intersection street along the centerline of the dead end street. The proposed roadway is the maximum length to the centerline of the cul-de-sac (in the middle of the circle).

13. Section 7.9.6 (d) requires a turnaround on dead ends. In this proposal, the applicant is requesting a waiver from all requirements pertaining to construction of the roadway extension. This would leave the existing cul-de-sac as the turnaround and a shared driveway serving three houses would extend beyond the turnaround.

General Comments

12. Waivers are requested to allow the extended right-of-way to not be constructed and to access the new lots from the existing cul-de-sac. As noted above, this results in a shared driveway serving three houses. It may be necessary to form at least two homeowners association; one to maintain the existing road and another to maintain the shared driveway off the existing road.

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

Sincerely,

Gino D. Carlucci, Jr.

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

July 26, 2011

TO: Medway Planning and Economic Development Board members

FROM: Susy Affleck-Childs

RE: Bay Oaks Subdivision - Complying with the Affordable Housing Provisions of the Zoning Bylaw

The Bay Oaks Preliminary Subdivision Plan shows the division of the property at 104 Fisher Street into a 4 lot residential subdivision; 1 lot for the existing single family home and 3 lots for new construction.

APPLICABILITY - Per the affordable housing section of the Medway Zoning Bylaw, the affordable housing provisions are applicable to the division of land into 3 or more lots. The requirement is that an applicant must provide at least 15% of the lots in a division of land as affordable housing units. For this proposed subdivision which will result in 3 additional lots, the developer must provide .45 of an affordable housing unit. As the bylaw requires any portion of a unit to be rounded up, this would result in the construction or provision of 1 affordable housing dwelling unit.

OPTIONS - There are several ways the applicant can meet their affordable housing obligation.

1. **On Site Construction** - The affordable dwelling unit is constructed on the development parcel. If so, a density bonus is provided to allow for the construction of one additional market rate dwelling unit for every affordable unit that has to be provided. To fit in/make room for the additional market rate unit, the standard requirements for lot area, frontage and setbacks and type of unit may be adjusted for all the lots in the subdivision.

2. **Off-Site** - The applicant may provide the affordable housing unit on a property different from the subdivision parcel, either through new construction or renovation. The density bonus to permit the construction of one additional market rate dwelling unit in the proposed development is applicable.

3. **Land Donation** – If the Board determines that the affordable unit cannot be produced through either option 1 or so and if the Board approves, the applicant may make a donation of land to the Affordable Housing Trust. The density bonus to authorize the construction of one additional market rate dwelling unit within the development is applicable.

4. **Payment in Lieu of Direct Provision of Affordable Housing** – If the Board determines that the affordable unit cannot be produced through option 1, 2 or 3, and if the Board approves, the applicant may make a payment in lieu of construction to the Medway Affordable Housing Trust. The amount of payment is based on the number of required affordable housing units times the *"equivalent affordable housing unit value"*. The *"equivalent affordable housing unit value"* is equal to the difference between the median sale price for market rate single family homes sold in Medway during the 36 months preceding the application as determined by the Medway Board of Assessors and the purchase price of a home that is affordable to a qualified purchaser as determined by the Massachusetts Department of Housing and Community Development (DHCD) assuming a household size of 4. With the payment in lieu of option, the density bonus of one additional market rate dwelling unit is NOT available.

   The Medway Board of Assessors has provided a spreadsheet showing the price of single family homes sold in Medway between July 1, 2008 and June 30, 2011. There were 323 arms length transactions during that period. The median sale price was $347,500.

   According to the Mass DHCD, the purchase price of a 3 bedroom (4 person) home affordable to a qualified purchaser is $187,000.00.

   Equivalent AH unit value = $347,500 - $187,000 = $160,500.

   As the affordable housing obligation for this subdivision is .45 of an affordable dwelling unit, the required payment in lieu of amount for the proposed Bay Oaks subdivision would be the Equivalent AH unit value x .45

   $160,500 x .45 = $72,225

   The affordable housing payment in lieu of construction for the Bay Oaks subdivision would be $72,225.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

July 5, 2012

RECEIVED
JUL 05 2012
TOWN OF MEDWAY
PLANNING BOARD

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 118,395 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 120,626 (Lot 3) square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands.

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling.

3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width information was not. The ROW width for the existing private way leading to the proposed subdivision was provided, but the pavement width was not.

4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately.

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested.

6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided.

7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled.

8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested.

9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary.

10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested.

11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed.

12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround.

13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested.

14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan.

15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested.

16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided.

17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects.

18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the

proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection.

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated.

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets.

21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested.

22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested.

23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed.

24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested.

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed.

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets.

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

Sincerely,

Gino D. Carlucci, Jr.

TETRA TECH

RECEIVED
JUL 02 2012
TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012

Mr. Robert Tucker
Vice Chairman-Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Bay Oaks
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Tucker:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of a four lot subdivision off of Fisher Street, near the Holliston Town Line. The project proposes to extend the existing private way cul-de-sac to create three additional house lots. The existing site is approximately 8.7 acres and is primarily wooded, with one existing single family house. The three new residential buildings will require private utility connections gas, electric, and telecommunications. The sewer will be serviced through the use of on-site septic systems and the water will utilize on-site wells. The stormwater design will primarily consist of a swale running along the proposed roadway which will then discharge to a small drainage basin located adjacent to the proposed roadway. The roof runoff will be collected and discharged into below ground infiltration chambers.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Definitive Subdivision of Bay Oaks in Medway Massachusetts", dated May 18, 2012, prepared by GLM Engineering Consultants, Inc. (GLM).
- A stormwater report entitled "Stormwater Report, Bay Oaks", dated May 18, 2012, prepared by GLM.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GLM.
- Additional miscellaneous application material including a Designer's Certificate (Form D), and a Development Impact Report (Form F), prepared by GLM.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On June 27, 2012 at 4:00 PM, Tetra Tech met the applicant on-site to perform a site walk and review the existing conditions on the plan versus the field conditions. At that time, we discussed several comments that were generated in a draft of this review letter. Although the applicant answered some of the questions below during the site walk, we've left them on the list for the Planning and Economic Development Board's review, along with the information provided by the applicant (shown in italics following several of the comments).

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)

2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)

3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)

4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)

5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)

6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)

7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)

8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)

9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)

10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)

11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))

13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))

15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))

16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))

17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)

18. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the

Town equal to the cost of installing a fire alarm system within the subdivision. (Ch. 100 §7.17.1)

19. Trees shall be planted in accordance with Ch. 100 §7.19.2.

20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)

21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)

The following items were found to be not in conformance with the requirements of the Land Subdivision-Form F, or requiring additional information:

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.

24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.

25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*

26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.

28. The material of the existing driveway should be labeled.

29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*

30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.

31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?

32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.

33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*

34. Existing private utilities should be shown on the plans.

35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*

36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*

37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.

38. A monument detail should be added to the plans along with a label identifying type of monument to be set.

39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.

40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4"of dense graded crushed stone to provide a better base.

41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.

42. Existing stone walls should be shown on the plans.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.7.2 (M)-Stormwater Management-Side Slopes
Section 7.7.2 (P)-Stormwater Management-Separate Basin Parcel
Section 7.10.2-Curbs and Berms

43. The waiver request states that a waiver to section 7.10.2 is to allow country drainage swale along the roadway, however the grading does not reflect this. Only one section of roadway appears to sheet off to a basin or swale, approximately from STA 5+50 to 6+50).

TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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Susan Affleck-Childs

From: Stephanie Bacon
Sent: Monday, July 02, 2012 2:32 PM
To: Susan Affleck-Childs
Subject: Fisher st and Norwood Acres

Hi Susy!
At our last meeting the Board reviewed the Fisher Street and Norwood Acres projects. Fisher Street is proposed to be private well and septic, therefore they recommend reminding the applicant to have the homes situated high enough to accommodate for high ground water and septic locations. Regarding Norwood Acres which is proposed to be public water and sewer, the Board's only recommendation is to ensure the home foundations are high enough from shown groundwater levels. Thank you.

Sincerely,
Steph Bacon
Health Agent

Board of Health
155 Village Street
Medway, Ma 02053
508 321-4923 (office)
508 922-4142 (cell)
508 533-3276 (fax)
sbacon@townofmedway.org

Town of Medway
Fire Department

Jeffrey P. Lynch, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254

RECEIVED
JUL 10 2012
TOWN OF MEDWAY
PLANNING BOARD

July 10, 2012

Mr. Peter Lavoie
Guerriere & Halnon
333 West Street
Milford, MA 01757

Mr. Lavoie,

I have reviewed site plans for a 2 house subdivision to be located at 61 Summer Street, Medway, MA.

During the review we discussed and you agreed to the following.

1.) The turning radius at the first driveway will be increased to accommodate fire apparatus.
2.) The turning radius at the end of the street will be increased to allow for a turn around area for fire apparatus.
3.) The turning indent at the house end of the first driveway will be increased to accommodate the ambulance to be able to turn around without backing the entire length of the driveway.
4.) A hydrant will be installed at just prior to the first driveway pending water department approval. In the event approval is not given we will meet again to discuss other options.
5.) The laneway and driveways will be designed to accommodate 75,000 pound vehicles and will be maintained at all times including snow removal.

Any violation of the Massachussets Fire Code not noted in this review is the sole responsibility of the property owner and will be rectified accordingly.

If you have any questions please feel free to contact me at the above number.

Sincerely,

Jeffrey P. Lynch
Chief of Department

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sbacon@townofmedway.org

Medway Development Projects
Plan Review Account Balances - July 5, 2012

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes	SAC Recommendation	PEDB Decision
Subdivisions						
Cassidy Acres	Mark Investments	$ 1,810.50	Main ST	project completed; land subdivision for Walgreens	REFUND	
Charles River Acres	Dunn McKenzie	$ 70.00	off Neelon Lane	not built	REFUND	
Forest Edge	Guerriere & Halnon	$ 339.00	Field Road extension	project completed; street accepted	REFUND	
Franklin Creek	Tim Sheehan & John Early	$ 177.19	Franklin Creek Lane	sold to Marko Vajentic/WoodStructure Construction; almost complete	TRANSFER TO CO Account	
Hopping Brook Estates	Paul Zonghi/ Summit Homes	$ 215.00	off of West ST	approved; never built	REFUND	
India Heights	R. Koudinya	$ 436.00	off of Lovering ST	never approved	REFUND	
Kazijian	James Kazijian	$ 97.81	end of King's Lane	never approved	REFUND	
Park Lane	Park & Gittings	$ 542.40	???	never approved	REFUND	

Medway Development Projects
Plan Review Account Balances - July 5, 2012

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes	SAC Recommendation	PEDB Decision
Knollwood Acres	John Sullivan	$ 165.00	Shamrock Lane	project completed; street accepted; IRS seized bond funds	REFUND to General Fund	
The Meadows	Ralph Costello	$ 315.80	Goldenrod & Cardinal	project completed; street acceptance in process	TRANSFER TO CO Account	
Pine Meadow	Pine Meadow LLC	$ 476.10	Pine Meadow Rd & Lantern Lane	project almost completed; streets NOT accepted	TRANSFER TO CO Account	
Village Acres	Jim Reardon	$ 275.00	Sledding Hill Way	project completed	REFUND	
Site Plan Projects						
A123 Systems		$ 2,323.99	34 West Street	plan endorsed; construction to commence???	REFUND	
Little Gym	NACOG	$ 360.00	Gould's Plaza	project completed	REFUND	
John's Auto Body	John Solari	$ 606.25	Jayar Road	project completed	REFUND	
Lawrence Waste	Lawrence Waste	$ 2,028.38	49 Alder Street	plan endorsed 6-26-2012; construction to begin soon	REFUND	
51 Alder ST - Verizon	Conroy Dev	$ 375.00	51 Alder Street	project completed	REFUND	

Medway Development Projects
Plan Review Account Balances - July 5, 2012

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes	SAC Recommendation	PEDB Decision
2-4 Main ST	Bob Potheau	$ 723.51	2-4 Main Street	project completed	REFUND	
51 Alder ST - AZZ/CGIT	Manguel Architects	$ 475.00	51 Alder Street	project completed	REFUND	
155 Main ST	Tara Werlich & David Ryan	$ 321.25	155 Village Street	project completed	REFUND	
159 Main ST	Paul Yorkis	$ 114.59	159 Main Street	project completed	REFUND	
CVS Site Plan Modification		$ 212.50	Main ST - Medway Commons	project completed	REFUND	
Marc & Jayar Roads	Ellen Realty Trust	$ 156.25		project completed	REFUND	
McDonalds	McDonalds	$ 1,860.61	Main ST - Medway Commons	project completed	REFUND	
Medway Gardens/ Xtra Mart	Drake Petroleum & Cummins Nursery	$ 2,677.50	Summer and Milford	never built	REFUND	
Medway Senior Center	Town of Medway	$ 77.50	Adams St	project completed	REFUND	
Swenson Granite	Swenson Granite	$ 625.00	Main Street	project completed	REFUND	

Medway Development Projects
Plan Review Account Balances - July 5, 2012

Project Name	Developer	$ Remaining in Plan Review Account	Streets	Notes	SAC Recommendation	PEDB Decision
ARCPUD Projects						
River Bend/Walnut Grove on the Charles	Abbott Real Estate	$ 2,000.00	off of Village Street	approved; never built	REFUND	
Shelter Island	Shelter Island Fund	$ 500.00	Coffee/Ellis ST	never permitted	REFUND	
AUOD Projects						
127 Main Street	Ted Reardon	$ 163.72	Main ST	project completed	REFUND	
OSRD Projects						
Village at Pine Ridge	John Claffey	$ 470.23	Pine Ridge Drive	Permit approved; almost completed	TRANSFER to CO Account	
TOTAL		$ 20,991.08				

July 24, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, Chan Rogers and Andy Rodenhiser. NOTE – Mr. Rodenhiser joined the meeting when the Bay Oaks public hearing was closed for the evening.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Consultant Tetra Tech Rizzo
Gino Carlucci, Consultant PGC Associates
Fran V Hutton Lee, Administrative Secretary

The Vice Chairman opened the meeting at 7:04 pm.

There were no Citizen Comments.

Construction Report Tetra Tech Rizzo - Applegate Farm:
Dave Pellegri made observations on the earthworks regarding the detention basin.
They are waiting for approval. There was a question to Susy if a letter had gone out yet from DPS to Mr. Costello on this matter: she replied that she did not know if one had.

Consultant Report PGC Associates:
Gino Carlucci noted that the Idylbrook Park Grant Application had been submitted. They will be adding a few additional items to the grant application.

Report from Planning and Economic Development Coordinator

74 Main Street – Tri Valley Commons - Susy Affleck-Childs reported on the progress at 74 Main Street, Tri Valley Commons. There was a meeting with a transportation engineer from Tetra Tech Rizzo, Tom Holder from DPS, engineers from GPI (the Town's consulting engineer for the Route 109 project), prospective applicant Roger Calarese and his engineer Bob Poxon and Susy Affleck-Childs to discuss access, traffic lights, concerns, and pros and cons.

Bob Tucker asked if the abutters were involved in the process. Susy replied that they were, and that Mr. Calarese had talked with the owners of Dunkin' Donuts across the street and with the Gould family to discuss how they can make things work. The applicant will need to go before the ZBA for special permits for both the shopping center itself and for the drive through facilities.

Bob Tucker asked if the initial studies that Gino Carlucci put efforts into were being used. Susy Affleck-Childs replied that they were. She noted that the general vision, the shared access to the

adjoining plaza, and moving the driveway were some of the points of the previous study being utilized.

Karyl Spiller-Walsh noted that the Design Review Committee had already hypothesized visuals for the site.

Economic Development Specialist - Susy noted that the EDC Specialist Request for Proposal was underway. They are hoping to bring a contract to the Selectmen in mid September for a 9 month contract starting about October 1st.

Bob Tucker asked if both individuals and firms had been considered. Susy indicated that the EDC had invited three firms to talk with them in phone interviews to see what a firm could offer them, but the EDC is now oriented toward an individual for the position instead of a firm.

Green Community
Susy Affleck-Childs reported on an article that had been in the Boston Globe regarding entire communities entering into cooperation agreements with an energy company. She is looking into it per the request of the Town Administrator.

Other
Susy noted that she and Gino would be going to the August 4th DRC meeting to discuss signage regulations as a possible general bylaw, not a zoning bylaw. Susy has information from eight towns that deal with signage in the general bylaws.

Susy Affleck Childs passed out a publication from the MetroWest Visitors Bureau. It is the summer-fall Events Calendar. The publication will be made available at various locations.

Public Hearing Continuation
Bay Oak Definitive Subdivision Plan, 104 Fisher St:

Vice Chairman Bob Tucker noted at 7:15 pm that the continuation of the public hearing for the Bay Oaks Definitive Subdivision Plan, for Andy Rodenhiser 104 Fisher Street, would begin

Rob Truax, GLM Engineering, engineer for the project, and Andy Rodenhiser, the applicant, were in attendance. Mr. Truax noted that they were keeping things open until they had gathered information from other boards, and that they had not submitted any revised plans, but will do so in the coming week to address the initial review comments of Dave Pellegri and Gino Carlucci, as well as information that comes in from the Safety Officer and Fire Dept.

He also noted that since the last PEDB meeting, the DPW has paved Fisher Street, and wondered if the Board was aware that it had been repaved.

Bob Tucker noted that he'd heard that it was going to be. It was noted that it was a one day pave event. The road was ground down and repaved, but has yet to be striped.

Rob Truax noted that with the new paving, the road was elevated on one side (westerly side) pitching the road towards the catch basins to assist with the drainage.

Bob Tucker noted that this road improvement addressed a pre-existing condition that was not brought on by the recent development or the new development.

Rob Truax noted that an issue had been raised by a neighbor that the water was going across Holliston Street onto her property. He noted that the stormwater pipes are quite large.

Susy Affleck-Childs shared a sketch from Jimmy Smith of the Town of Medway DPW regarding the stormwater pipes and drainage. **See Attached.** There was more discussion among the board regarding the drainage situation near the site.

Susy Affleck Childs referenced the memo from Sergeant Jeff Watson, Safety Officer from the Medway Police Department, and discussed a meeting where she and Dave Pellegri of Tetra Tech met with him and new Fire Chief Jeff Lynch. They went over the Bay Oaks plan. She also noted it would be a good practice, going forward, to initiate this kind of meeting with all plans under review regarding the safety codes. Bob Tucker agreed that this would be a good idea. Currently developers and applicants approach other departments directly and sometimes those officials are put on the spot.

Susy read the memo from Sergeant Watson into the record. **(See attached.)** It was Sergeant Watson's recommendation to use the name of Dover Lane, to change the two existing Fisher Street addresses to reflect this, and to make sure the house numbers were posted and visible from the street. It was also recommended that there be "yield to pedestrian" signs to increase safety on the roadway as well as stop signs, stop lines, and the clearing of brush on the corners to provide adequate visibility.

Susy then references a note from the Assessor Will Naser (**see attached note and drawing**) who sat in on the beginning of the meeting with Sergeant Watson and Chief Lynch. His recommendation is to use Dover Lane as well, changing the addresses from Fisher Street. The Fire Chief also agreed in the meeting that Dover Lane be used for all addresses.

For the record, and on the advice of counsel, Susy Affleck-Childs also entered the collection of disclosure of Appearance of Conflict of interest statements prepared back in June of 2011when the applicant was going through the preliminary subdivision plan process. The applicant, Mr. Andy Rodenhiser, is also a member of the Planning and Economic Development Board. Counsel indicated that new statements did not need to be prepared. The statements are those of the four board members, Susy Affleck Childs, Gino Carlucci, and Dave Pellegri.

The other information included and entered into the record by Susy Affleck-Childs was a collection of various deeds, conveyances, and ANR plans that were compiled during the preliminary plan stage. She also submitted a chronology of land transactions of the site. **(See attached).**

Bob Tucker asked that Susy Affleck-Childs summarize the land conveyances for the audience. She summarized the documents. She noted that this might not represent every document or transaction, but that it covers the highlights. She noted that she is not an attorney, but that she compiled this to help in the hearing and plan review process.

Bob Tucker suggested to the audience that if there were any who felt there was a need to supply the Board with additional documents to be submitted into the record that they compile them and get them into Susy Affleck-Childs, and they will be entered into the record (at a future public hearing).

Deborah Batog, attorney for the Giovanella family (abutters) asked if the opinion from counsel regarding the release of covenant was included in the packet.

Bob Tucker replied that they had no opinions from counsel included in the packet.

Susy also reported that a letter dated July 19, 2012 from Andy Rodenhiser's attorney Jay Aframe had been received. **See Attached.** The letter addressed questions regarding the rights to use existing private ways, and whether the easement would be overburdened by the additional use, and refers to a court case on this. She has forwarded this to Town Counsel who has yet to be able to look at it. Andy Rodenhiser also provided a draft of a homeowner's association document which has also been forwarded to Counsel.

Bob Tucker noted that there were other questions they had wanted forwarded to Town Counsel from the last meeting, as well. Susy Affleck-Childs acknowledged that those issues have been forwarded to counsel. Bob asked if they might have answers by the next meeting, and Susy replied that she hoped so, and it was decided to extend the invitation to Counsel to attend the next meeting as that would be helpful.

Bob Tucker asked Rob Truax if he had any other new information or any other questions for the Board, or for the planning or engineering consultants.

Rob Truax had no new information, and indicated he would speak with Dave Pellegri and Gino Carlucci as the need arose.

Bob Tucker then opened up the hearing to the rest of the board asking if any of the members had any additional questions.

Susy Affleck Childs noted that Gino Carlucci had provided a supplement to his original review letter. That letter is dated July 13, 2012. **See attached.** He stated that at the time of the original plan that the threshold level for affordable housing was 3 lots, but it is now at six, so the affordable housing provisions of the Medway Zoning Bylaw are not applicable to this project.

Chan Rogers asked whose responsibility it was to set the new house numbers.

Susy Affleck Childs noted that it was the responsibility and authority of the Assessor to issue new addresses.

Karyl Spiller-Walsh asked how much of the applicant's property is visible from the end of the street, or how much brush might need to be cleared, and how far down would it need to be cut.

Dave Pellegri said that he was not sure and it would need to be looked at.

Andy Rodenhiser said it was just brush to be cleared.

Susy reported that it was discussed in the meeting with the Safety Officer Watson and that the brush in the right of way could be cleared, about 20 feet.

Dave Pellegri noted that there was a stone wall there, and Karyl asked where it was. It was noted that it was well off the roadway.

Karyl Spiller Walsh then addressed the Giovanella family in the audience with the question of what they wanted to achieve, and what was their goal at this time.

Attorney Deborah Batog representing the Giovanella family answered first. She noted that with the waivers, safety concerns, and drainage concerns, the applicant was attempting to make the project, and the right of way, a permanent private way versus a "neighborhood street". She noted that Dover Lane is 60 feet wide (ROW) with 15 feet of slope easements on each side. To the extent that it was developed to an 18 foot width where the retaining walls are, a former planning board had a covenant to say that the property was not going to be further subdivided. The other issue is with regard to a scenic road permit and the entrance to Fisher Street. How is that was going to be handled? It all ties into the attempt to use this right of way for more than what it was constructed to handle. She indicated she understood that waivers are being requested because of a financial issue, but she doesn't think that that supersedes the other concerns.

Karyl Spiller-Walsh noted that she was making an assumption.

Attorney Batog stated that it was an assumption, but that it did not supersede the reason why the Board distinguishes between a neighborhood road and what those requirements are and what the requirements are for a permanent private way. She indicated that the statements from the safety officer and fire chief regarding the renumbering of a house indicated it was a full neighborhood. She stated the only way to address all the issues was to construct a "neighborhood" road. She questioned whether the release of the covenant (issued by a prior planning board) was also a release of the restriction of building.

Bob Tucker requested that she move on to respond to Karyl Spiller-Walsh's question.

Attorney Batog stated they wanted to maintain their rights with regards to using the right of way from Fisher Street. She noted they have two other rights (sic) of way however they are dealing with construction of an inadequate roadway, even for what they are planning to build. The Giovanellas intent with the parcel behind is really for one house lot. They have manners of access which would create a situation of an in and an out. She surmised that the planning board at the time of the original plan only wanted to see two house lots on the property. Ms. Batog noted that the covenant was released, and that town counsel indicated that the release also released the building restriction, but that opinion is appealable, she thinks

Bob Tucker asked if that was her opinion.

Attorney Batog stated that it was.

Bob Tucker then noted that regarding the attitude of the board which passed judgment on this property in the first place, that this (current) board did not know what they were thinking, and that is strictly an assumption on Attorney Batog's part. The Board has no tangible evidence of it before them at this point in time. He stated he wanted to make those two items clear.

Karyl noted that Attorney Batog's thinking was not oblique, but that she has come to a solution, not the solution, but an obvious solution in her mind and perhaps in the mind of others.

Susy Affleck-Childs asked Karyl-Spiller Walsh to clarify her point.

Karyl Spiller-Walsh then stated that Attorney Batog is saying there is a difference between a standard of a private way where we seem to have lots of latitude in deciding what waivers we are going to do and how we want it to look, and how we want it to be safe, and the standard of a neighborhood road under the subdivision control laws.

Susy asked what, then, was the obvious solution.

Karyl Spiller Walsh stated that there was no solution, that this was only an observation of two different standards. Karyl notes that Attorney Batog is saying that she thinks the road should be more to the standard of a neighborhood road, not to the standard of willy-nilly, private road.

Bob Tucker objected to Karyl Spiller-Walsh's description of willy-nilly build as you may.

Karyl Spiller-Walsh stated that she understood that.

Bob Tucker continued noting that there are minimum standards and that they do not waive safety.

Karyl said that they try not to waive safety.

Chan Rogers said that he wanted to note the applicant's attorney's comments that address all of the forgoing discussion about the adequacy of the road. Chan reiterated that his comment was to point out that the applicant submitted a comment by an attorney that quoted a decision by the

land court as to what one or two house lots might do to encumber an easement. Chan thinks that discussion is very appropriate for the discussion of the adequacy of the road itself.

Bob Tucker asked if there were any other comments.

Trisha Letson, 97 Fisher Street

She noted that she lives directly across from (Dover Lane), and that they have had problems with water flowing down the street, across Fisher Street and going into her yard. She noted that there had been a berm in front of her property and driveway. But with the new paving and the new pipes that have been put in with no berm, she was not sure how her drainage problems would be solved.

Karyl Spiller-Walsh tried to explain how the Town did the road paving, and Bob Tucker suggested Dave Pellegri explain it since he has been out there.

Dave Pellegri noted that the rain was getting to the catch basins (at the bottom of Dover Lane) during the last heavy rain. He noted that the existing road had a crown in it, and that the crown had been eliminated and the roadway was pitched toward the catch basins. He has pictures of the water flow which he will print and distribute. He explained the intent now is to pitch everything away from her driveway, and benefit the abutters on her side of the road. If there is still water getting down her drive, with the new design, she should let them know.

Ms. Letson asked if the walls will be widened. She expressed her concerns about traffic.

Karyl asked her to explain where her berm was, and what it was made of.

Ms. Letson explained it was an asphalt berm and the water skipped over it.

Dave Pellegri explained it was not a full berm down the entire street, just in front of her driveway, and the water split and went on both sides as it flowed down the road. He suggested that she see how the new paving and road pitch work for her in the next storm event.

Rob Truax noted that this appears to be an existing problem, not related to the Bay Oaks Plan and the town is addressing it.

Karyl asked what happened to the properties to the south of Ms Letson in a storm.

Ms. Letson indicated that they were far enough away.

Dave Pellegri noted that water does spread out into their yards.

Rob Truax indicated the water was coming from other places as well.

Bob Tucker suggested they wait for the next storm event and see what is occurring. Bob indicated that it was not the purpose of this meeting to solve the town's issues which DPS was currently addressing.

There was more discussion regarding the properties in the area, including other driveways in the area, and vegetation versus concrete areas.

John Giovanella, 44B Fisher Street

Mr Giovanella stated his family has owned his property since the original planning board put the covenant on the property. When the property was originally divided it was to be three house lots.

Bob Tucker asked Mr Giovanella which lot was to be three house lots.

Mr Giovanella stated that there were three lots up on the cul-de-sac on both sides of the wall, Andy Rodenhiser's 8 acre lot, his 5 acre lot, and another lot owned by Mr. Reed. He reiterated that they had one of the original three lots designated up in there. He stated that they do have a problem with the road being overburdened, and that however long they decide to hold their property to develop it themselves, it could have a bearing on them developing their piece as well. But again, the original lot was for the three homes, exclusively for that cul-de-sac.

Tom Gay noted something he needed resolve. He addressed Mr. Giovanella and pointed out that on the 11-23-1982 ANR plan, it indicates that Lot 2, the 5 acre lot that you are talking about, is non-buildable. Tom sees nothing in the later history that changes that. He indicated he was kind of perplexed by that a little bit, and whether or not it (the adequacy of the road) is a non-issue if their lot is non-buildable.

John Giovanella replied that they never did go and get it approved as a buildable lot.

Tom Gay replied that intent and noted drawings are much different.

Attorney Batog asked to speak to that issue. She noted that in regards to that particular plan it was later superseded. However the town has continued to tax them as it was a buildable lot. No abatement was ever pursued, and subsequent plans don't have that notation in. It may have been that it was a plan filed just with respect to subdividing the block 1 versus lot 2.

Bob Tucker noted that there were still two rights of way up into the Giovanella property, and that there is still certainly the opportunity to develop either of those rights of way and that no one is stopping him from developing the back property.

Mr Giovanella continued noting that they had an original cart path right of way that went straight up to where Mr. Rodenhiser's house is.

Bob Tucker noted that the only rights of way he sees on any of the drawings are the two that are registered that go up the sides of the property, and that he was not talking about cart paths at this point in time. He noted there was a question out to counsel on that issue.

Mr. Giovanella then said that brought him to his next point regarding comment #33. The applicant informed Tetra Tech during the site walk that there is a cart path that is no longer used and that therefore Mr. Rodenhiser didn't see any necessity in relocating it. Mr. Giovanella referenced a deed from 1854 that we own the right of way to that cart path, not just an average cart path that there's no deed or no record to, so as far as Mr Rodenhiser informing anybody that nobody uses that, he is wrong.

Bob Tucker said to go back to what he said earlier . . . that if anyone had additional information that they would like to get on the docket to please submit it, they would get it in on the docket, look at it, and evaluate it. If you don't submit the information to us we can't do anything with it, we don't know it exists. For it to be held back there doesn't do us any good.

Mr Giovanella noted that it was brought up at one of the many previous meetings through his attorney, but that he would submit it.

Mr Tucker said to have his attorney submit it, then.

Dave Pellegri asked to make a comment on the cart path. He said his comment was that it might be good to relocate it because it currently runs through someone's backyard, and that it might be awkward if it were used a lot.

Mr Gianovelle noted that his initial point was that it is still used, as recently as a few months ago, and he would like it to be recognized that the paths are still being used.

Attorney Batog asked to supplement with information that there are three rights of way, because there is the right of way on Dover Lane.

Bob Tucker noted that it was part of one of the rights of way.

Attorney Batog said there is the 60 foot from Fisher across the back of Mr Reed's yard all the way up to the Giovanella parcel, the 50 foot that comes up through lot number 2 maybe, and then Dover Lane itself...so there's three.

Susy Affleck Childs noted that the last two are one in the same. Bob Tucker also reiterated the same point.

Chris Giovanella, 48 Fisher Street

He addressed the 5 acres as not being a buildable lot. He noted that it was because there was no frontage for it. He said that there were plenty of uplands there if they wanted to go before the ZBA and do something like that.

Bob Tucker asked Tom Gay if he had a question about that.

Tom Gay stated he was trying to understand that statement in the record. He noted that it was indicated that the lot was unbuildable, and that intent was a funny thing, and he was trying to

resolve the issues in his mind to know what was going on. He said, "You sit and read that and it is a contradictory statement to what you are telling me, right?" He then said he was just trying to resolve that as part of this hearing so that everyone understands what the deal is.

Chan Rogers noted that if it is a buildable lot or not is a separate and distinct activity that has nothing to do with the board.

Susy noted that it is a separate parcel that has the right to use the right of way that crosses the land, to get to their land.

Chris Giovanella noted that the original intent of the private way or roadway was for the three lots, and their lot was included in that, and if they wanted could go up there and walk around or do whatever they wanted with it. He then referred back to the covenant, noting he did not understand how the statement that the land shall not be further subdivided or developed could be removed from the original covenant.

Susy noted that it wasn't removed from the covenant, but that the whole covenant was released.

Chris Giovanella noted that the way he read it was that the release was to erect a house, a structure, not be a release from everything in the document. He questioned why the board would have put that in, that it not be further subdivided.

Bob Tucker said that he could not speak for that board at that point in time.

Chan Rogers noted that this board has no jurisdiction to change it one way or another, and that whatever they do here is not going to change it one way or another.

Chris Giovanella claimed that the intent for the roadway was for the three lots, and that now they want to increase it for three more lots. The roadway needs to be upgraded. It needs to be a road, not just a private way, because it was, and that it still has to be waivered from the beginning.

Karyl Spiller-Walsh noted that it happens all over town.

Chris Giovanella said that he understood, but that he didn't understand how that got waived, the no further subdivision part.

Bob Tucker reiterated that he could not speak to the actions of a previous board, but that as he understood that when a document is released that ends the life of the document. He asked Susy Affleck-Childs to correct him if he were wrong.

Susy Affleck-Childs said yes, that was her understanding. She also noted that what was unusual about that particular document that was called a covenant is that it is a combination document, a subdivision decision and a performance security. This document served two purposes. Normally there are two separate documents, the subdivision decision and the covenant which is the promise to put in the infrastructure before the lots are released, or to put up other security

instead. When the covenant was released, the whole document was released. It was noted by several board members that it was never replaced. Susy Affleck-Childs noted she has not included that in this collection of documents, but would.

Bob Tucker noted that Counsel for the Giovanellas will probably also provide additional documentation for them to get out.

Susy Affleck-Childs asked engineer Rob Truax what his timing was on submitting a revised plan.

Mr. Truax replied that it would be by the end of the week.

Susy indicated that she had expected the Fire Chief's comments that day and that she would follow up on that regard.

Dave Pellegri added comments regarding the road striping that came up from the meeting with the safety officers. It was discussed and determined that striping for a pedestrian walkway within the roadway would be inadvisable due to the width of the street, as it might push cars too closely together.

Continuation of Hearing:
On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the public hearing for the Bay Oaks Definitive Subdivision Plan for 104 Fisher Street will be continued August 14, 2012 at 7:15 pm. The motion passed unanimously.

Bob Ferrari and Allison Slack, Affordable Housing Committee

Bob Ferrari and Allison Slack introduced themselves.

Bob Tucker refers to a letter dated July 6, 2012 to the board from the Affordable housing Committee. **(See Attached.)**

Bob Ferrari noted that they were there at the invitation of Susy Affleck Childs to present some possible points to consider in zoning bylaw changes that they have discussed. He noted there was a need to arrive at the goals. Medway was declined from 5.3% to 4.8% affordable housing units, as a result of the new 2010 census numbers. The State's target goal is 10% affordable units.

The following recommendations were presented.

1. Consider zoning that would result in additional rental opportunities. There is evidence to support that trends are shifting towards non-traditional households, and that by 2020 singles and unrelated individuals may comprise 1 in every 3 household, and by 2030 a need for 60 million units of housing. For that goal to be realized there needs to be an increase in rental units. Housing policies will need to be amended to reflect the changing preferences, and what that means on a local level. To deal with the sprawl and low density development

pattern we've had for the past several decade, which is unsustainable economically and environmentally, we need to embrace more compact development, smart growth, and that typically means more apartments.

2. Modify the infill housing provisions in the ARII zoning district to allow affordable units to be constructed on newly created infill lots, not just existing infill lots.

   There was discussion among the board on how new lots might be created. As there has not been a lot of infill housing developed it might be suitable for other lots that could be split into a conforming and an infill lot, or other lots combined, split the difference to make two slightly less compliant. Frontage was also discussed, and how that might apply. There was discussion about allowing the new splits to create a local conformance, as well. They asked if those areas could be identified. It was suggested it be looked into further. Allison Slack noted that the inventory of affordable housing would increase if this were allowed.

3. Establish a new Village Residential zoning classification by rezoning some property in ARII. This would apply to properties in the two Medway National Historic Districts - Rabbit Hill and Medway Village. In this new Zone two family dwellings would be allowed by right subject to minimum standards enforced through an administrative site plan review, instead of by special permit now.

   Susy noted that the idea here was to allow this in areas where neighborhoods are already not conforming to ARII. A good rule of zoning is that the zoning should match the predominant use of what is on the ground. What those specifics are, such as lot size and frontage, we don't know yet, but much of ARII is clearly non-conforming. The Board discussed other areas where this could be applied, the considerations of parking, off-site parking.

4. Provide a mechanism that would allow the conversion of an existing structure to multi-family units by special permit from this board.

5. Consider establishing a multi-family overlay district in the existing bylaw by special permit from the Planning and Economic Development Board. The only way a small apartment building can be built in Medway right now is through becoming a Chapter 40B project.

Bob Ferrari noted that there is a shift in the national housing policy away from an exclusive emphasis on home ownership to more of a planned mix of affordable home ownership and rental housing units. He suggested we need to be a community that is dealing with this issue.

Allison Slack pointed out accommodating the needs of people in Medway such as teachers, police and firefighters, children who have grown up here and desire to stay, the elderly, and local employers who need to bring in employees.

Susy Affleck-Childs noted she sent notices to various town office, boards, commissions or entities asking if there were zoning issues they wanted to work on.

Chairman Andy Rodenhiser took over chairing the meeting at this point.

Discussion regarding possible Zoning By-Law Amendments (See Attached) – July 18, 2012

Andy Rodenhiser wanted to bring up the issue of fees. He asked Tom Gay about the Fee Structure. Tom said he thinks that they are difficult to administer and do not work right, but that it was not the most pressing item on the Board's agenda. It was the predictability and transparency of the fees that were discussed.

Susy discussed the different fees - departmental filing fees versus construction observation and plan review fees.

Bob Tucker suggested we do need to look at the fees regularly and see how they can be more realistic. Andy Rodenhiser suggested departmental cost accounting. Tom Gay noted that the Board should be self supporting, and cost centre accounting was critical, as well as a pick list with associated costs. It would be easier to explain to applicants what the costs are and where the money goes. It could also trigger behaviors as well if applicants knew what costs may be added if deliverables are not met on time. Andy also noted the behaviors were triggered on part of the board, as well.

Andy asked for people's thought on priorities for work on the zoning issues.

Susy indicated she had noted some priorities.

Parking
Susy Affleck-Childs referred to the parking study that MAPC did for the SWAP community from December 2011. **(See attached.)** Andy Rodenhiser asked if the study addressed parking for multi-families, or off street or off-site parking.

Susy thought it mostly focused on parking standards for businesses.

It was suggested that Gino Carlucci look at the study and come back to the board with ideas and suggestions for its application. They will look at this further at the August 14th meeting.

Site Plan Review
Andy Rodenhiser considered how the parking study might impact site plan review.

Susy Affleck-Childs suggested they consider a new category of site plan review. She noted there are both major and minor site plan reviews but there may also be a place for an administrative site plan review for those situations where small details can be administratively decided without bringing the issue before the entire board. It is a staff function that many towns have.

Bob Tucker gave an example of changing a door in a site plan…a change that need not require the attention of the entire planning board. The Design Review Committee could be brought in, but it does not need to be a public hearing.

Andy Rodenhiser suggested Susy Affleck-Childs make and present the recommendation to the board, and that there appears to be strong support for such a proposal.

Karyl Spiller-Walsh made observation regarding the Site Review process, and clarification was discussed on the scope of such things as might fall under this proposal as a staff function, or in conference with the building commissioner or one board member.

Andy Rodenhiser also noted how this proposal could make affordable housing more feasible for developers. Thresholds can be worked out, and things currently overlooked by any review could be brought under an administrative review.

Village Residential Zoning
Susy Affleck-Childs noted this would be good to consider for the various reasons previously presented by Bob Ferrari and Allison Slack on behalf of the Affordable Housing Committee. We need to consider both language and math.

Andy Rodenhiser asked Gino Carlucci if it would be possible to identify those possible parcels with some descriptive language, and see what areas that would make sense and create a formula that could be used.

Tom Gay asked if there were a map that would show housing density, and identify natural districts.

Susy Affleck-Childs notes that the legal two and multi-families are readily identified, and that the Building Commissioner John Emidy does a regular inspection on the multi-families. She indicated they could be mapped.

Tom Gay reiterated that we may find there are some natural districts already.

Driveways
Chan Rogers noted the idea to establish setback requirements (from property lines) for driveways.

Susy Affleck-Childs and Andy Rodenhiser noted it was brought up by someone as a snow issue. Someone had complained that when a neighbor's drive was plowed the snow went onto his property.

Susy Affleck-Childs indicated it could be addressed with new development.

Andy Rodenhiser noted that the current situation is a pre-existing condition.

Gino Carlucci noted it would be better as a general bylaw than a zoning bylaw. It was suggested that going forward it could be required that driveways be at least 6 feet off the property line or if paved then perhaps moved to comply.

Bob Tucker suggested that if this be looked at seriously that DPS input should be considered, for placement of driveways, curb cuts, and related issued.

Karyl Spiller-Walsh and Tom Gay noted the issue appeared to be a neighbor to neighbor problem, and Susy noted we cannot fix this particular case, but in the context of the other issues it may be worth considering.

Noise Standards
Bob Tucker noted that noise standards are very complex, and questioned whether the town even had the equipment to enforce the regulations. He indicated it is something he would like to drop off the list of items to consider.

Non-permanent (Canvas) Garages
Chan Rogers suggested that regulations for canvas garages should be added to the list.

Bob Tucker notes that they were not covered under the current Building Code, and not required to be under that code.

Susy indicated that Chan was talking about from a zoning perspective.

Chan Rogers noted that they are growing up as permanent installations, and that there are two on some properties. Chan suggested there should be a limit of one per property.

Accessory Family Dwelling
Susy Affleck-Childs noted that she had the Town's summer intern gather information on the accessory family dwellings in the town back through 2004 when the by-law was established. She shared a list of all the legal accessory family dwellings that have a special permit. She reported that the Zoning Board has indicated previously that it would like to review the by-law on accessory family dwelling units.

Bob Tucker suggested finding out what the issue are that the ZBA has, if possible.

Tom Gay noted that Susy-Affleck-Child's notes indicate it needs attention per Town Counsel, and suggested they at least determine what those concerns may be.

Susy Affleck-Childs indicated there may be things in the language of the by-law that could be clarified or improved.

Andy Rodenhiser suggested that Susy Affleck-Childs make a recommendation along that the board could approve.

Gino Carlucci noted that there have been no new applications since 2009. He wondered if there were concerns about approving any new ones because of the by-law's language.

Tom Gay indicated that more than likely they were just happening anyway without approval, and there was agreement with that idea.

Sign Regulations
Per discussions with Gino Carlucci, Susy Affleck-Childs suggested that they might consider taking the sign regulations out of the zoning bylaw and putting them into the general by-laws. There are advantages to doing that, in order to work on a sunset provision and in dealing with non-conforming signs.

Andy Rodenhiser noted that would require a lot of participation from the Business Council, and the Economic Development Committee. Susy noted that a sign appeal board can be created to deal with signs. An advantage in the general bylaw is that the there are extremely high standards that have to be met for a variance under a zoning bylaw. There are very few reasons a ZBA can grant a variance such as geography, topography, hardship.

Andy Rodenhiser suggested it be created before implemented, and Susy said it would need to be hand in hand to put it into the general bylaw.

Susy Affleck-Childs asked Gino Carlucci to look at it, at what other communities are doing, and meet with DRC on it and come up with proposals.

Estate Back-lot Zoning
Andy noted this is a proposal that had been begun but tabled, a proposal that would allow a single family home to be constructed on an oversized lot with less frontage. Susy Affleck-Childs noted they were almost done with this proposal.

Commercial IV Boundaries
It was suggested that the boundaries be looked at and cleaned up as needed.

Bottle Cap Lots
Andy asked at what point we would have a recommendation for zoning on the bottle cap lots.

Susy indicated she was expecting a report from the consultant within the next couple of weeks. Andy asked if there would be zoning change recommendations.

Susy replied that she did not know how specific they would be, but she expected there would be some. We will talk about it here and the EDC will also discuss it. On the EDC's next meeting agenda is a discussion re: their own zoning priorities.

Andy asked what the Board's preference was regarding their own priorities. They will work on the list Susy provided of priorities and those areas of consideration already in progress.

The issue of fees was brought up again. Andy noted that it was the board's desire to have a cost based accounting generated for the department we service or who depend on or interact with us.

The hourly cost of running the planning department as a whole can be calculated, and applied to meetings.

Susy noted that it was the administrative fees, or filing fees, that would fall under this. The constriction observation and plan review fees are paid by applicants to cover the Board's use of outside consultants. Individual tasks can be time tracked to assist in coming up with realistically based fees.

Tom Gay and Andy Rodenhiser both noted that the goal was to generate a fair amount of funds to cover the work being done on specific projects. Tom suggested application fees cover up these amounts of work, after that another there will be another bill, and what is covered and what activities are done can be explained, and what overheads are covered.

Susy noted that the private sector uses tools methods that municipalities don't have or use, and it would be helpful to know what others use.

Andy noted that a time accounting done once in a while can help bring to light some of the adjustments, or at least give the ability to with say with integrity what things cost. It was noted by Susy Affleck-Childs, Tom Gay and Andy Rodenhiser that there are direct expenses, behind the scene expenses, meetings, public hearings, departmental meetings or activities in other departments relevant to a project, that all incur time or overhead costs.

Tom Gay noted that interesting behaviors can be enforced when you can explain what the direct costs are. He also noted that the Town Administrator challenged them to be able to cover the costs of running the department.

Andy noted that the department has matured considerably over the years in the level of the work being done, that they need to keep pace with the changing times and economic conditions being forced on government too, and to be sure we are generating the appropriate revenue to support the department.

Chan Rogers also noted that there may be competing priorities that Susy receives from the board and Town Administrator that she needs to balance.

Approval of Minutes
Bob Tucker moved that the minutes of June 26 and July, 2012 be approved; Chan Rogers seconded the motion. Andy asked for discussion. It was noted there were two sets of minutes, and it was decided to consider the minutes separately. The motion failed unanimously.

Bob Tucker then moved that the minutes of June 26' 2012, regular session, be approved and Chan Rogers seconded the motion. There was no discussion and the motion passed unanimously.

Bob Tucker moved that the minutes of June 26, 2012, executive session, be approved and Karyl Spiller-Walsh seconded the motion. There was no discussion and the motion passed unanimously.

Bob Tucker moved that the minutes of July 10, 2012 be approved and Chan Rogers seconded the motion.

Andy Rodenhiser asked if there were any discussion.

Karyl noted what appeared to be a typo.

Andy Rodenhiser recused himself from the discussion.

There was also discussion about a notice regarding runoff as noted in the minutes, and basins.

Bob Tucker noted a discussion on wells that needed to be in a separate paragraph.

Karyl Spiller-Walsh noted another area where discussion regarding pedestrians walking on the road was not fully recorded.

It was agreed that a vote to approve the minutes would be postponed until they were revised as needed.

Future Meetings:
The next Planning and Economic Development Board meeting will be held on Tuesday, August 14, 2012 at 7:00 pm.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:00 pm.

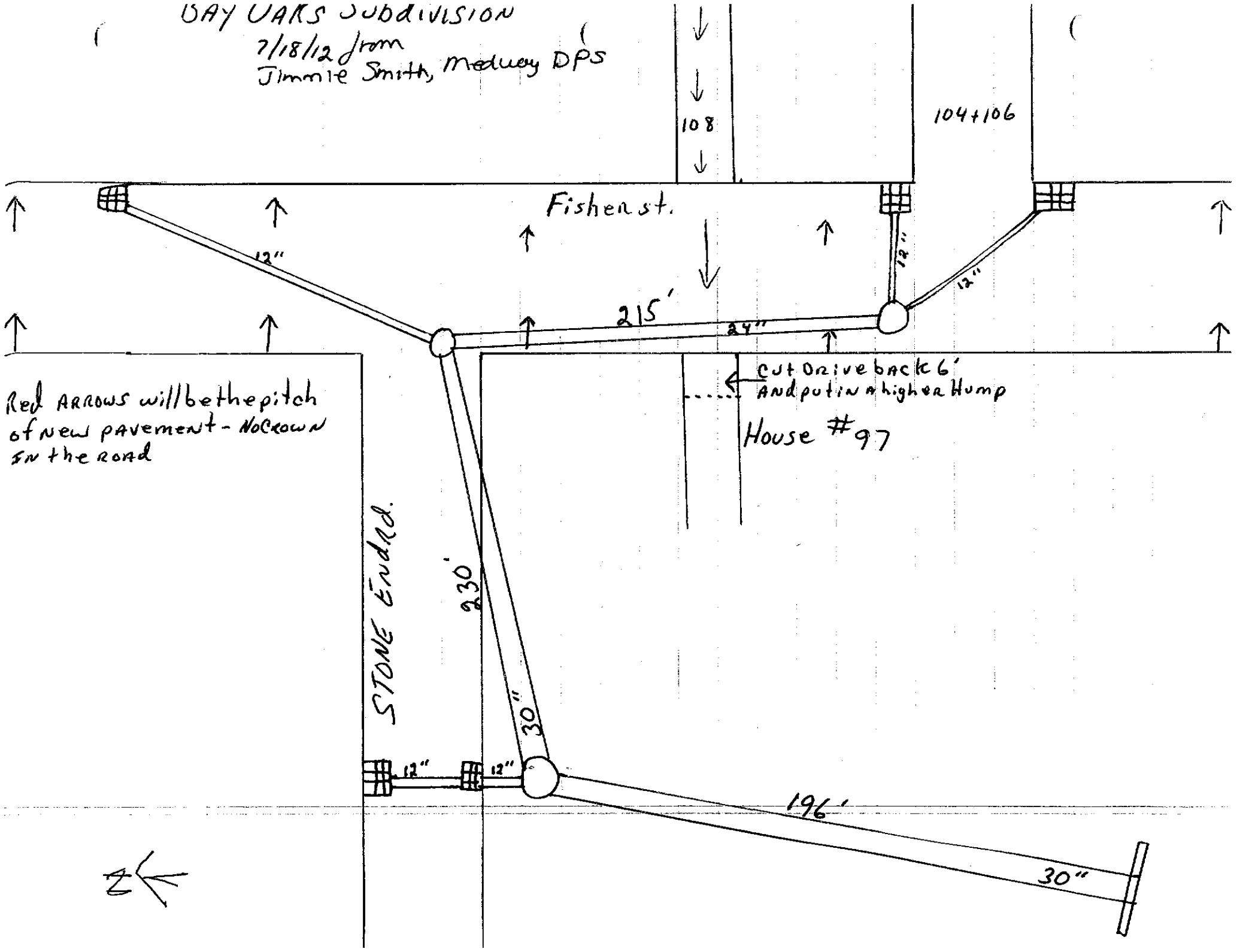
Respectfully Submitted,

Fran V. Hutton Lee

Administrative Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator


DAY OAKS SUBDIVISION
7/18/12 from
Jimmie Smith, Medway DPS
108
104+106
Fisher st.
12"
12"
12"
215'
24"
cut Drive back 6'
And put in a higher Hump
House #97
Red ARROWS will be the pitch
of new pavement - No Crown
in the road
STONE Ended.
230'
30"
12"
12"
196'
30"

Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

Allen M. Tingley
Chief of Police

RECEIVED
JUL 24 2012
TOWN OF MEDWAY
PLANNING BOARD

July 23, 2012

To: Medway Planning Board

From: Jeffrey W. Watson
Sergeant/Safety Officer
Medway Police Department

Ref: Definitive Subdivision Plan
"Bay Oaks" Dated May 18, 2012

I have looked at the definitive subdivision plan for "Bay Oaks" dated May 18, 2012. It would be the recommendation of the Medway Police Department to utilize the Dover Lane address for all houses located off of this private drive. We understand that two existing dwellings would have to have an address change. This change would alleviate any confusion of emergency personnel responding and create a more efficient and effective response time.

<u>The following are other safety recommendations that would be requested:</u>

We recommend that the number of the house be put in a location that can clearly be seen from the private drive.

Yield to Pedestrian signs be placed on both ends of the retaining wall.

Stop sign placed at the end of the private road along with a painted stop line.

Street name sign along with the connecting Street (Dover Lane/Fisher Street)

Clearing of brush at the entrance of Dover Lane for sight visibility.

All signs should follow the rules and regulations of the Town of Medway Department of Public Sevices

TOWN OF MEDWAY
Board of Assessors
155 Village Street
Medway MA 02053
(508) 533-3203

William G. Naser, MAA - Principal Assessor
Terri Balabanis, Administrative Assistant

July 23, 2012

RECEIVED
JUL 23 2012
TOWN OF MEDWAY
PLANNING BOARD

MEMO

TO: *Susy Affleck-Childs, Planning & Eco. Dev. Coordinator*
FROM: *Will Naser, Principal Assessor*

RE: New Lots and New Street off of Fisher Street known as *DOVER LANE*

Per our discussion today with Town safety officials, I recommend the following location address changes and assignments:

- changing 106 Fisher Street to **1 Dover Lane**
- changing 104 Fisher Street to **3 Dover Lane**
- assigning new Lot 1 as **2 Dover Lane**
- assigning new Lot 2 as **4 Dover Lane**
- assigning new Lot 3 as **5 Dover Lane**

Please see attached map with new lot renderings and location address changes and new assignments.

If you need anything further, please let me know.

Land Transaction Chronology of 104 Fisher Street

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
Longo Realty Trust conveys 23.5 acres on the east side of Fisher Street to Edward and Francis Giovanella (as tenants in common)	12/31/1980		Book 5827, Page 80 1-8-1981	A
		NOTE - See Attachment B for Medway Assessors field card and map		B
Giovanellas divide (ANR plan) the 23.5 acre parcel into Lot 1 (18.13 acres with frontage on Fisher Street) and Lot 2 (5 acres of back land with no frontage); Lot 1 has a 60" easement/ROW	11/23/1982	Lot 1 has a 60' wide ROW running along the full length of the northern boundary (approximately 1130 feet) from Fisher Street on the west to Lot 2 on the east. On the ANR plan, Lot 2 is noted as being non-buildable.	Plan Book 300, #911 of 1982 12-3-1982	C
Giovanellas conveys Lot 1 to Racicot Realty Trust	12/3/1982	In conveying Lot 1, the Giovanellas reserve, in common with others entitled thereto, the right to use the 60' wide ROW on Lot 1 for any and all purposes for which public ways are commonly used in the Town of Medway. The Giovanellas retain ownership of Lot 2 in the back (5 acres).	Book 6085, Page 480 12-3-1982	D
Racicot Realty Trust divides lot 1 into 6 lots (ANR plan).	mid December, 1982	5 lots have frontage on Fisher Street. Lot 6 is a 12.373 acre pork chop/flag pole parcel (not buildable) which includes a 50' wide strip of land approximately 320' long connecting the main part of the lot to Fisher Street	Plan Book 300, #911 of 1982 12-16-1982	E

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
Racicot Realty Trust grants Giovanellas an easement over the 50' wide ROW on Lot 6	7/25/1984	The ROW runs east to west in the southern portion of the lot covering the full width of the property between Fisher Street on the west and the Giovanellas property at the back on the east. The ROW is for the benefit of the Giovanellas to be used in common with Racicot (his successors and assigns) for all purposes for which public ways are used in the Town of Medway. In accepting the easement (ROW) the Giovanellas are responsible to share equally with the owner of lot 6 in the cost of maintaining and repairing the ROW.	Book 6489, Page 606 9-5-1984	F
Medway PB approves a Definitive Subdivision Plan for Racicot Realty Trust	Endorsed 4-8-1986; reaffirmed 9-27-1986	The plan divides Lot 6 into 2 house lots (6A and 6B)with a cul de sac for frontage. Lot 6A is shown with a 50' ROW running northeasterly from the end of the cul de sac to the western boundary of the Giovanellas' 5 acre parcel to the east. Lot 6A on the plan does NOT show the 50' ROW previously granted by Racicot to the Giovanellas in 1984 or the 60' easement along the northern edge of the property previously retained by the Giovanellas when they sold the land to Racicot in 1982. NOTE - sac cannot locate the subdivision Certificate of Approval from 1986.	Plan Book 373, #1095 of 1988 10-5-1988	G

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
Subdivision Covenant signed by Racicot Realty Trust and the Medway PB	4/23/1986	This is not the standard subdivision covenant to ensure performance. It looks like a combination of a conventional subdivision covenant and a PB subdivision decision.	Book 8120, Pages 718-720 10-5-1988	H
Medway PB endorses an ANR Plan for Dean Cooperative Bank	4/1/1989 and 11/13/1990	The ANR plan adjusts the boundary line between Lots 6A and 6B; it retains the cul de sac; it removes the ROW shown on the 9-7-1986 subdivision plan; it shows the previously granted ROWs from 1982 and 1984.	Plan Book 396, #874 of 1990 12-6-1990	I
Dean Bank takes ownership of Lot 6	11/9/1989	Foreclosure deed	Book 8515, Page 5 12-18-189	J
Dean Bank conveys Lots 6A (8.7 acres) to Andy and Audra Rodenhiser	12/4/1990	The conveyance is subject to the previously granted ROW easements from 1982 and 1984; Rodenhisers receive one half interest in the private way shown on the plan and the right to use the private way in common with the owner of Lot 6B subject to the owner of the easement/ROW to use the private way, and together with the right to install utilities in the private way. Subject to restriction that the private way will remain a private way. The owners of Lots 6A and 6B shall maintain the say and share costs equally. The premises was conveyed subject to a PB Covenant from April 15, 1986	Book 8804, Page 427 12-6-1990	K

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
PB Releases Subdivision Covenant from April 1986	12/11/1990		Book 9088, Page 414 10-30-1991	L
Audra Rodenhiser conveys Lot 6A to Andy Rodenhiser	6/28/2011		Book 28926, Page 504 7-5-2011	M
				Updated sac 7-13-2012

Attachment A

5827

80

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 881

We, Samuel V. Longo and Joseph J. Renda, Jr., both of Milford, Worcester County, and Benjamin G. Longo, of Millis, Norfolk County, Massachusetts, Trustees of Longo Realty Trust, under Declaration of Trust dated October 31, 1975, recorded with Norfolk Deeds, Book 5176, Page 641

County, Massachusetts

for consideration paid, and in full consideration of $60,000.00

grants to Edward J. Giovanella and Francis J. Giovanella, as tenants in common, both of Medway, Norfolk County, Massachusetts

with quitclaim covenants

the land in said Medway, situated on the Easterly side of Fisher Street, said to contain approximately 23.5 acres, bounded and described as follows:

Beginning at a point on the Easterly side of Fisher Street at Holliston-Medway Town line; thence

SOUTHERLY by Fisher Street, to land now or formerly of George W. and Christine M. Scribner; thence

NORTHEASTERLY by land of said Scribner and by land now or formerly of the Estate of Newton to land of William F. Fairbairn; thence

NORTHERLY by said Fairbairn land to the Medway-Holliston Town line; thence

WESTERLY on said Town line to the point of beginning.

Being the same and all of the same premises conveyed to the grantors by deed of John J. Longo et al, Trustees, dated October 31, 1975, recorded with Norfolk Deeds, Book 5176, Page 655.

Property Address: Fisher Street, Medway, Massachusetts
Grantee's Address: 58 Fisher Street, Medway, Massachusetts

CANCELLED 36.80
JAN 8 1981 136.80

RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

Witness our hand and seal this 31st day of December 1980

Samuel V. Longo
Joseph J. Renda Jr.
Benjamin G. Longo
Trustees as aforesaid

The Commonwealth of Massachusetts

Norfolk ss. December 31, 1980

Then personally appeared the above named Benjamin G. Longo as Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed, before me

P. Joseph Kenney, Notary Public
My commission expires September 22, 1983

Recorded Jan. 8, 1981 at 12h. 20m. P.M.

Attachment B

Unofficial Property Record Card - Medway, MA

General Property Data

Parcel ID	4-44	Account Number	846
Prior Parcel ID	--		
Property Owner	GIOVANELLA JO-ANN & JOAN E.	Property Location	0 R FISHER ST
		Property Use	POTEN LAND
Mailing Address	44 FISHER STREET	Most Recent Sale Date	1/1/1900
		Legal Reference	5827-80
City	MEDWAY	Grantor	N/A
Mailing State	MA Zip 02053	Sale Price	0
ParcelZoning		Land Area	5.000 acres

Current Property Assessment

Card 1 Value	Building Value	Xtra Features Value	Land Value	Total Value
	0	0	133,600	133,600

Building Description

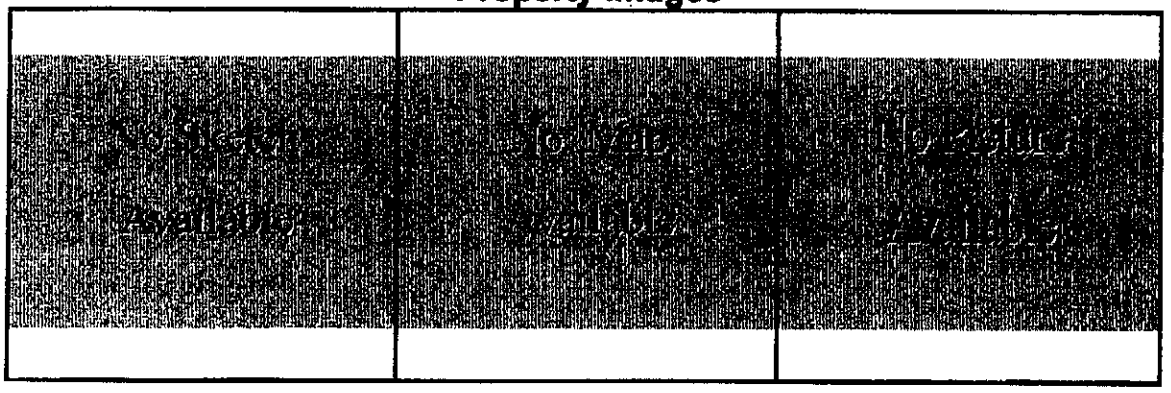
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition Average	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

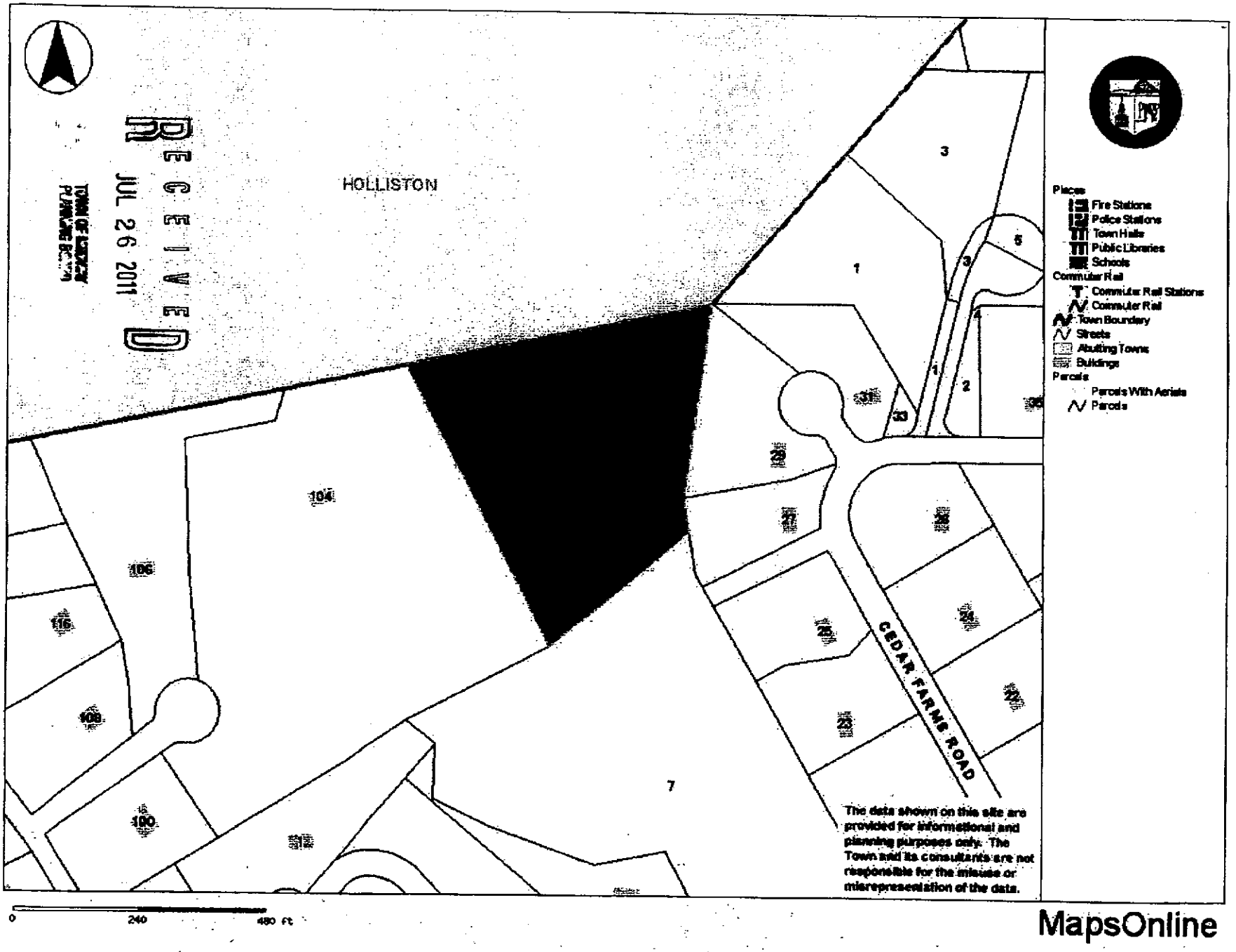
Narrative Description of Property

This property contains 5.000 acres of land mainly classified as POTEN LAND with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



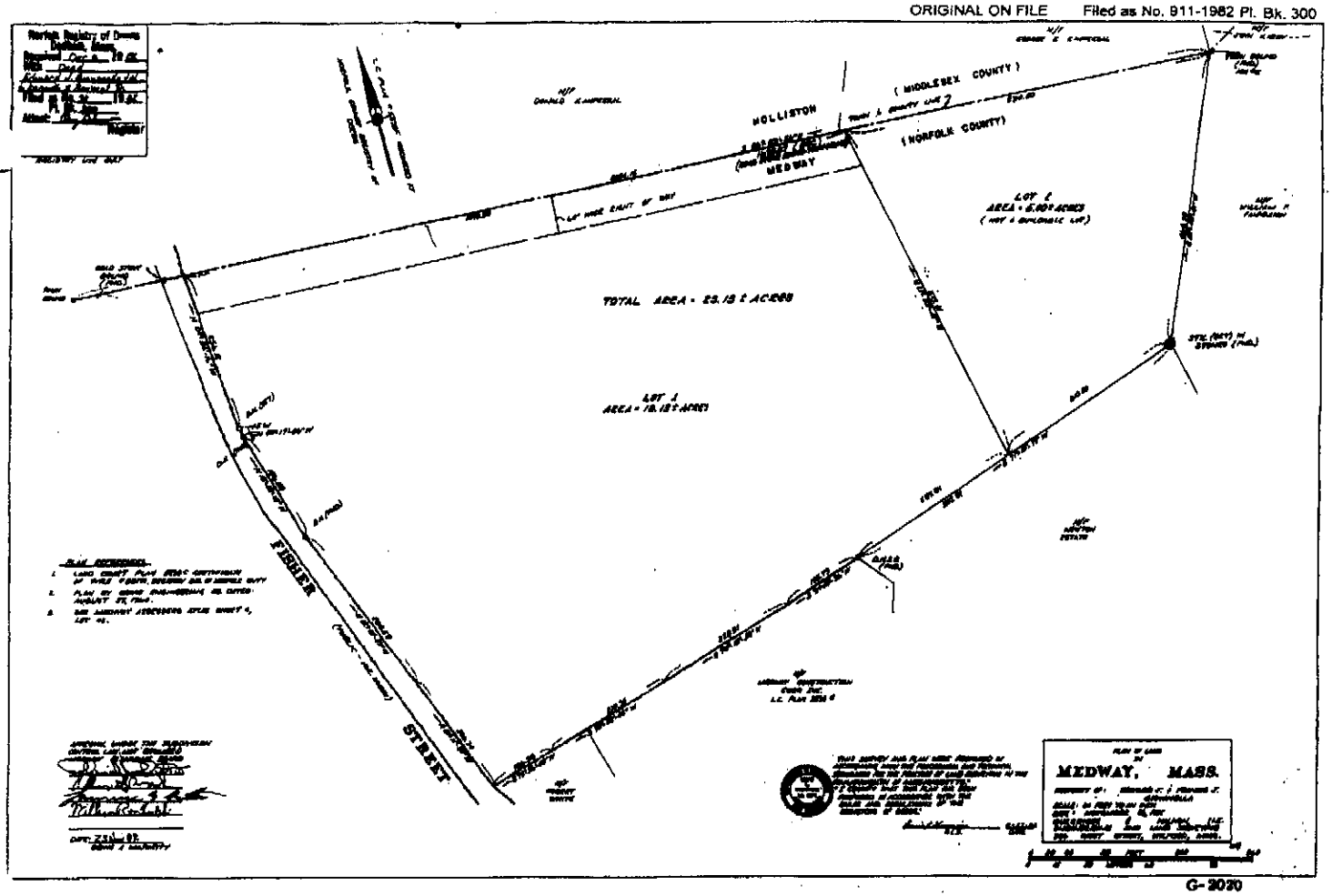
Disclaimer: This information is believed to be correct but is subject to change and is not guaranteed.



MapsOnline

Attachment C

ORIGINAL ON FILE Filed as No. 911-1982 Pl. Bk. 300



G-2020

Attachment D

6085

480

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 881

We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both

of Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of $116,000.00

grant to KENNETH S. RACICOT, Trustee of Racicot Realty Trust under declaration of trust dated 12/3/82 to be recorded herewith

of 295 Washington Street, Sherborn, Middlesex County, Massachusetts, with quitclaim covenants

the land situated on the Easterly side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 1 on a plan entitled "Plan of Land in Medway, Mass. Property of: Edward J. & Francis J. Giovanella Scale: 60 feet to an inch Date: November 23, 1982 Guerriere & Halnon, Inc. Engineering and Land Surveying 326 West Street, Milford, Mass.", which plan is to be recorded herewith. Said Lot 1 contains 18.13± acres according to said plan. Reserving to the grantors, in common with others entitled thereto, the right to use the "60' wide right of way" as shown on the plan hereinbefore referred to, for any and all purposes for which public ways are commonly used in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.

CANCELLED & EXCISE
DEC 26 48

RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

Address of Property: Fisher Street (unnumbered), Medway, MA

Witness our hands and seals this 3rd day of December 19 82

Edward J. Giovanella

Francis J. Giovanella

RECEIVED
DEC 3 11 30 AM '82

The Commonwealth of Massachusetts

Middlesex ss. December 3, 19 82

Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella and acknowledged the foregoing instrument to be their free act and deed, before me

Robert E. Picco Notary Public

My commission expires March 10, 19 83

Attachment E

Exhibit "B"

DEED BK 4085 PG 440
ASSESSORS MAP 4 LOT 44
ZONING: RESIDENTIAL R-1

LOT 4 IS NOT A BUILDING LOT

HOLLISTON MIDDLESEX COUNTY

MEDWAY NORFOLK COUNTY

GEORGE R. KAMPERSAL

TOWN LINE & COUNTY LINE

RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

EDWARD J. & FRANCIS J. GIOVANELLA
SEE PLAN 811 OF 1982

NEWTON ESTATE

DONALD KAMPERSAL

60' WIDE RIGHT OF WAY

LOT 4
A = 12.373 AC.
NOT A BUILDING LOT

NEWMAN CONSTRUCTION CORP. INC.
SEE PLAN 3931 C

LOT 1
A = 38,753 s.f.

LOT 2
A = 46,026 s.f.

LOT 3
A = 49,572 s.f.

LOT 4
A = 49,680 s.f.

LOT 5
A = 46,821 s.f.

EASEMENT FOR HIGHWAY PURPOSES

ROBERT WHITE
KATHLEEN A. WHITE

FISHER (PUBLIC PRIVATE) STREET

1982

PLAN OF LAND
IN
MEDWAY, MASS.
PROPERTY OF
RACICOT REALTY TRUST

SCALE 1" = 60' DECEMBER 7, 1982

SURVEYED BY
DRAKE ASSOCIATES INC.
CIVIL ENGINEERS LAND SURVEYORS

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

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.
MEDWAY PLANNING BOARD

Attachment F

6489

606

RECEIVED RECORDED
1984 SEP -5 AM 9:26

REFER TO PLAN NO. 1035 of 1984 BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6486, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts,

in consideration of the payment of the sum of One ($1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a Plan of Lot 6 on a plan entitled "Plan of Land in Medway, Massachusetts, property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc." to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the Grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

For my title see Deed recorded with said District Deeds in Book 6085, Page 480.

Witness my hand and seal this 25th day of July, 1984.

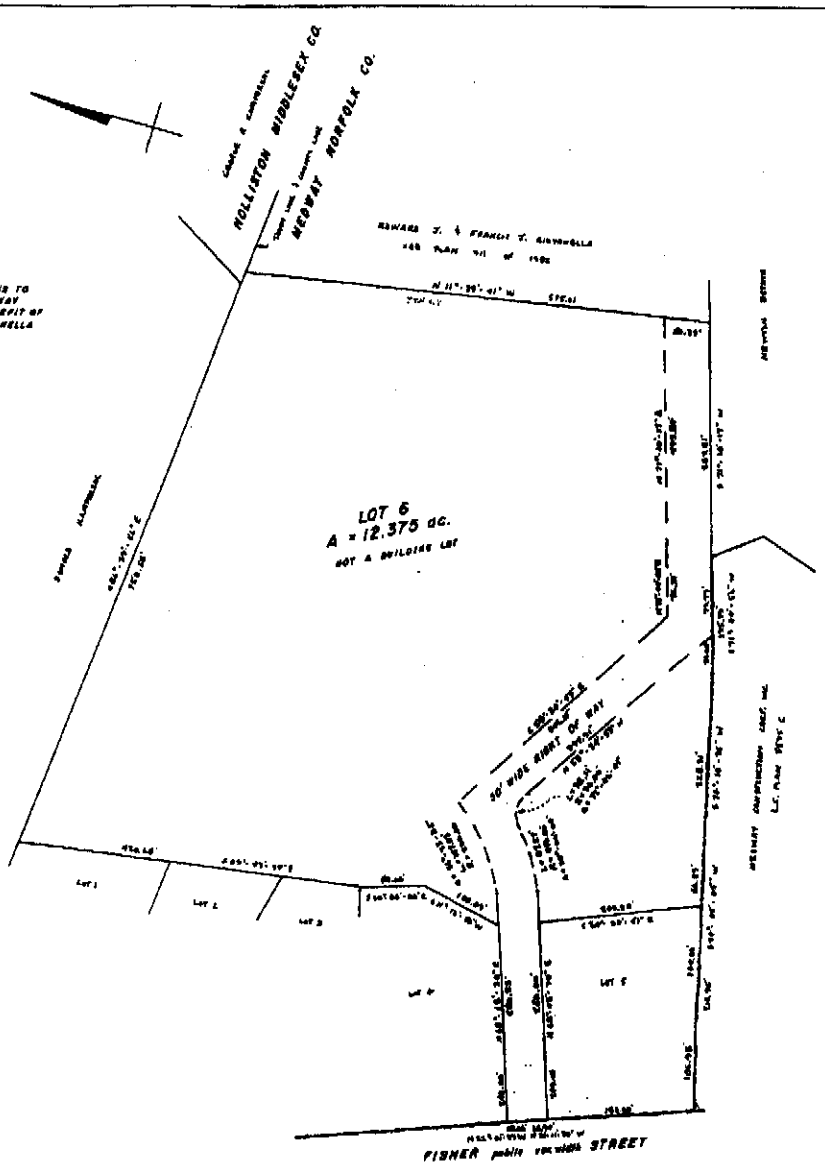
Kenneth S. Racicot
KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

Middlesex, ss. COMMONWEALTH OF MASSACHUSETTS July 25th, 1984

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

James J. Medoff
Notary Public
My commission expires: 1/7/86

Norfolk Registry of Deeds
Dedham, Mass
Received Apr 5 19 8-
With Grant
Kenneth S. Racicot Tr. &
Edward J. Giovanella & al
Filed as No. 10535 19 8-
Pl. Bk. 476
Attest: [illegible]
Register



RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

PLAN OF LAND
IN
MEDWAY, MASS.
PROPERTY OF
RACICOT REALTY TRUST
SCALE 1" = 60' MAY 30, 1984
0 30 60 120 180
SURVEYED BY
BRAKE ASSOCIATES INC.
CIVIL ENGINEERS LAND SURVEYORS
770 GROVE STREET FRAMINGHAM, MASS.

I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN

ROBERT F. BRAKE
REGISTERED LAND SURVEYOR 10521

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

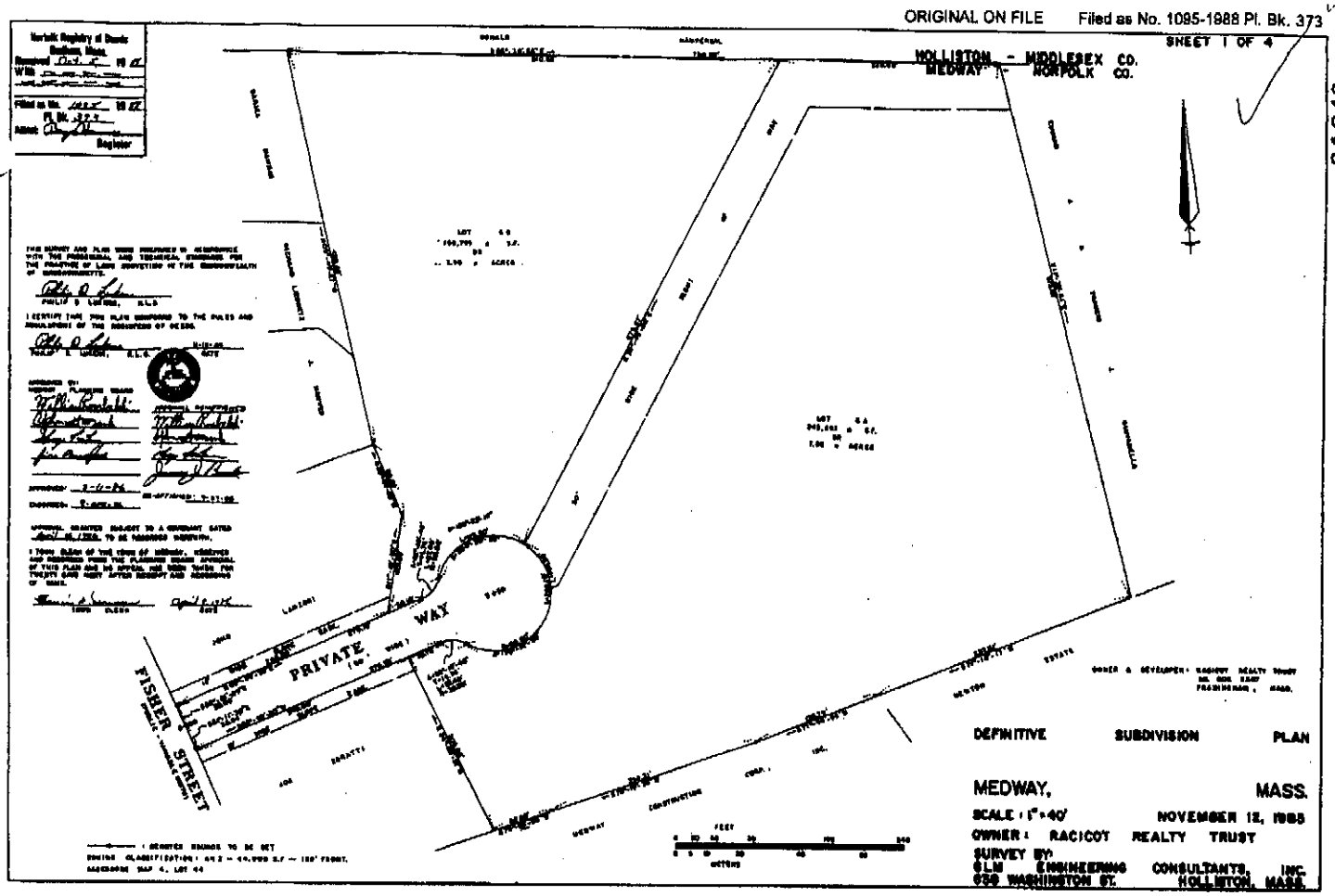
ROBERT F. BRAKE
REGISTERED LAND SURVEYOR 10521

Attachment G

ORIGINAL ON FILE Filed as No. 1095-1988 Pl. Bk. 373

SHEET 1 OF 4

24,242



Attachment H

8120

718

87266 10-

COVENANT

KNOW ALL MEN BY THESE PRESENTS that whereas I, the undersigned, have submitted an Application with the Town of Medway Planning Board, for approval of a definitive Plan of a certain subdivision entitled "Definitive Subdivision Plan, Fisher St., Medway, MA" by GLM Engineering Consultants, dated November 12, 1985, submitted and owned by Kenneth S. Racicot as Trustee of Racicot Realty Trust, Bellingham, Massachusetts, originally filed with the Planning Board on November 12, 1985 and subsequently extended to March 14, 1986, concerning the property at or about 108 Fisher Street, Medway, and showing 2 proposed lots.

The undersigned, therefore, covenants and agrees with said Planning Board and with the inhabitants of the Town of Medway that no lot in said subdivision shall be sold and no building erected or placed upon any lot therein until the following covenants and conditions have been complied with and satisfied.

1. The ways and municipal services serving each lot have been constructed or installed, all in accordance with the requirements of said Board as set forth in its rules and regulations and as further specified and as modified hereinafter.

2. The proposed way shall be identified as a Private Way and deeds subsequently issued shall note that the way is and shall remain a Private Way to be owned by eventual owners of the lots served.

3. Compliance with Planning Board Rules and Regulations is waived with respect to the following:

a) Construction of a roadway may be as detailed by the plan with a 16 foot width and Cape Cod berm.

b) Construction of drainage which crosses Fisher Street will include application of a 4 inch crown to Fisher Street in the immediate vicinity of the entrance of the proposed road to Fisher Street.

4. All drainage easements as shown on said plan, or any revisions thereof, shall include the right to enter thereon and to provide the necessary maintenance thereof.

5. No building or structure shall be built or placed on a lot of land until adequate provision has been made for service thereof with an adequate water supply. Wells shall be installed in the subdivision in accordance with the rules and regulations of the Board of Health of the Town of Medway. The undersigned shall guaranty for a period of one (1) year from the date of conveyance of each lot that the well installed on each lot shall provide a flow of potable water in the amount of at least five (5) gallons per minute.

RECEIVED RECORDED
1986 OCT -5 AM 11:58

6. No building or structure shall be built or placed on a lot of land without the approval of the Medway Board of Health.

7. The owner may furnish a bond in an amount sufficient in the opinion of the Board to cover:

a) The costs of construction and installation of all the ways and municipal services therein (referred to in Item 1) or any unfinished part thereof.

b) The performance of the requirements contained in this agreement or any portion thereof.

8. Grading on all lots shall be in compliance with the Planning Board Rules and Regulations.

9. Slopes are to be vegetated with sufficient shrubbery to retain slope and prevent erosion.

10. Drainage provisions shall be made, whether they are additional to or modifications of those in the approved plan, as determined by the Planning Board Field Representative to be necessary for the adequate handling of surface water or ground water in the subdivision.

11. The undersigned agrees that the land shall not be further subdivided, and shall not be further developed than as shown on Plan as two buildable lots.

12. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

13. Nothing contained in this covenant shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

14. The premises or any part thereof may be mortgaged by the owner and any such mortgage or mortgages, as well as any title based thereon, shall not be deemed to be a sale.

15. When the requirments of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed and a certificate of partial compliance duly executed by a majority of the Board waiving this prohibition as to such particular lot(s) shall be filed and recorded in the Norfolk Registry of Deeds.

16. The undersigned represents and covenants that as of the date of recording said plan and this covenant therewith, with the Norfolk County

Registry of Deeds, the undersigned shall be the owner in fee simple of all the land included in the aforesaid subdivision, and that any mortgages covering any of said land recorded therewith or subsequent thereto shall be subject to this covenant insofar as in force and applicable.

17. All utilities to be installed and construction of all roads and sidewalks to be fully completed in accordance with Rules and Regulations of the Town of Medway Planning Board in two years from the date of approval of the plan.

18. Endorsement of the approval is conditional upon the provision of a covenant duly executed and approved, to be noted on the plan and recorded with the Norfok County Registry of Deeds, said form of guarantee may be varied from time to time by the Applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on the plan before its endorsement and recording.

WITNESS my hand and seal this 16th day of April, 1986.

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 8085, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Bellingham, Norfolk County, Massachusetts.

RACICOT REALTY TRUST

By: Kenneth S. Racicot
KENNETH S. RACICOT, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. April 16, 1986

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowleged the foregoing to be his free act and deed, before me,

Kathryn A. Sanderson
Kathryn A. Sanderson Notary Public
My commission expires: Sept. 24, 1991

WITNESS our hands and seals this 23rd day of April, 1986.

William Rombalski
Barry J. Stein
Donald W. Pettit

Members of the Planning Board of the Town of Medway

COMMONWEALTH OF MASSACHUSETTS

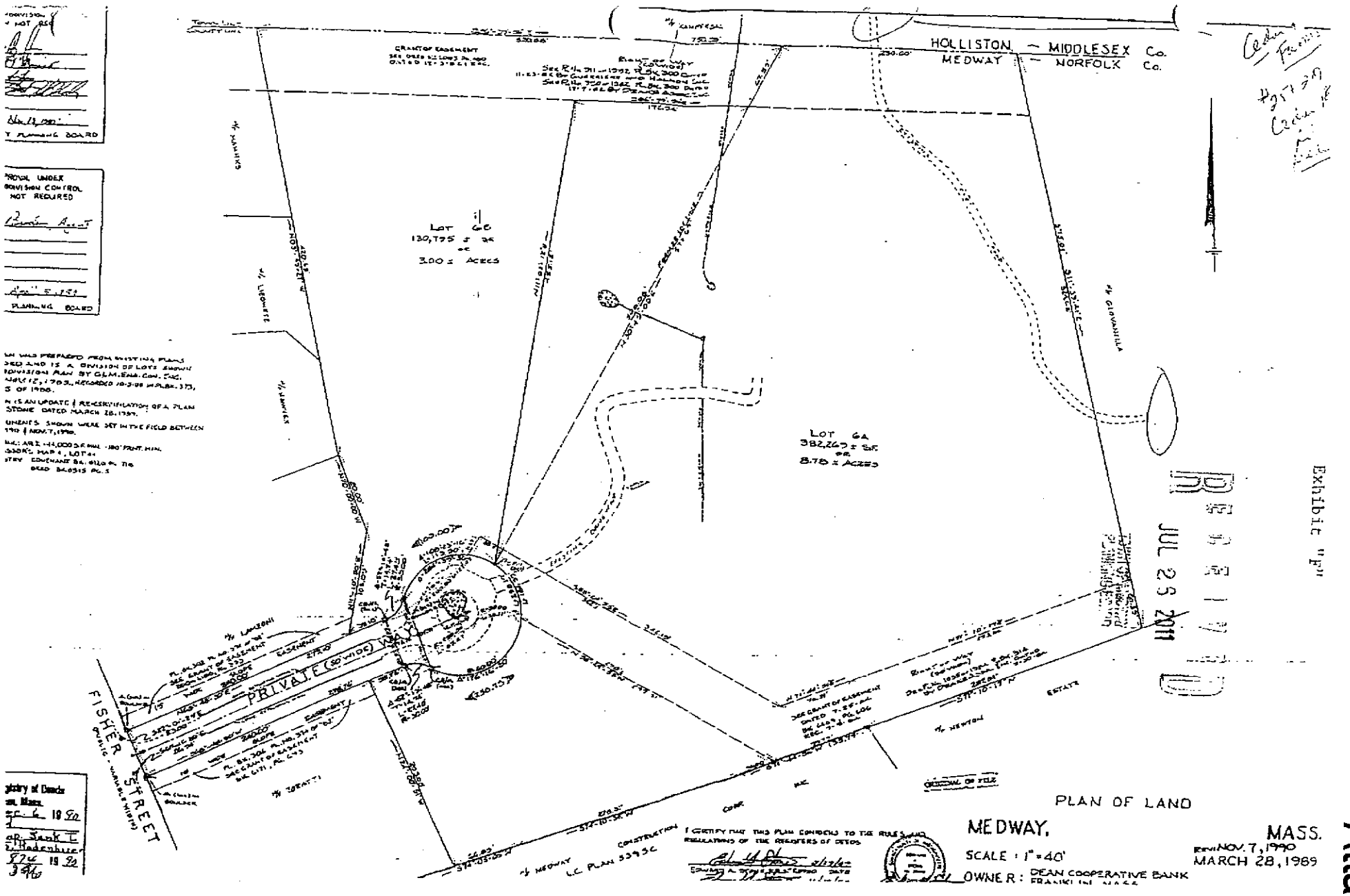
Norfolk, ss. April 23, 1986

Then personally appeared William Rombalski, one of the above named members of the Planning Board of the Town of Medway, and acknowledged the foregoing instrument to be the free act and deed of the Planning Board as aforesaid, before me,

Helen M. Wilkerson
Notary Public
My commission expires:
March 12, 1993

Attachment I

Exhibit "F"



Attachment J

8515

MASSACHUSETTS FORECLOSURE DEED BY CORPORATION (LONG FORM) 5

35.00

103363 103364

DEAN COOPERATIVE BANK
a corporation duly established under the laws of Massachusetts

and having its usual place of business at 21 Main Street, Franklin, Norfolk County, Massachusetts holder of a mortgage

from KENNETH S. RACICOT, TRUSTEE of the RACICOT REALTY TRUST under Declaration of Trust dated December 3, 1982 and recorded with Norfolk Deeds in Book 6085, Page 473
to DEAN COOPERATIVE BANK

dated November 25, 1986 recorded with Norfolk Deeds

book 7337 , page 447 , by the power conferred by said mortgage and every other power, for ONE HUNDRED NINETY-FIVE THOUSAND ($195,000.00) dollars

paid, grants to DEAN COOPERATIVE BANK, situated at 21 Main Street, Franklin, Norfolk County, Massachusetts

the premises conveyed by said mortgage.

The land with the buildings thereon, situated in Medway, Norfolk County, Massachusetts, off the Easterly side of Fisher Street, and being shown as Lot 6 on a plan entitled "Plan of Land in Medway, Mass., Property of Racicot Realty Trust, Scale 1" = 60', dated December 7, 1982, Surveyed by Drake Associates, Inc., Civil Engineers, Land Surveyors, 770 Grove Street, Framingham, Mass.", said plan recorded with Norfolk Deeds as Plan 950 of 1982 in Plan Book 300, to which plan reference is made for a more particular description.

Containing according to said plan 12.375 acres.

Subject to right of way to Edward Giovanella recorded with Norfolk Deeds in Book 6489, Page 606.

Property address: Lot 6 off of Fisher St, Medway, MA

RECEIVED RECORDED
89 DEC 18 AM 11:49

CANCELLED
NORFOLK
DEC 18
12/18/89

TAX 889.20
CHCK 889.20

50774817 11:44
EXCISE TAX

BOOK 8515 PAGE 5

Witness the execution and the corporate seal of said corporation this ninth

day of November 19 89

Dean Cooperative Bank

By: Wayne A. Cottle, President & Treasurer

The Commonwealth of Massachusetts

Norfolk ss. November 9, 19 89

Then personally appeared the above named WAYNE A. COTTLE

and acknowledged the foregoing instrument to be their free act and deed of DEAN COOPERATIVE BANK

before me,

Robert W. Simmler Notary Public

My commission expires February 15, 1996

Recorded Dec. 18, 1989 at 11h. 49m. A. M.
) The following is subjoined to the foregoing instrument.
)

Attachment K

8804

25.00
pc 25.00

427

MASSACHUSETTS QUITCLAIM DEED BY CORPORATION (LONG FORM) 708

97177

DEAN COOPERATIVE BANK

a corporation duly established under the laws of Massachusetts

and having its usual place of business at 21 Main Street, Franklin, Norfolk County, Massachusetts

for consideration paid, and in full consideration of $55,000.00

grant to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife, as tenants by the entirety, both

of 20 Highgate Road, Framingham, Middlesex County, Massachusetts

with quitclaim covenants

(Description and encumbrances, if any)

The land situated off the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on a plan entitled "Plan of Land in Medway, Mass., Scale: 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass. Prepared by: E. A. S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563", said plan to be recorded herewith, to which reference is made for a more particular description.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on said plan, and to "existing driveway" as shown on said Plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said Private Way.

Conveyance is made subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan, will maintain said way, and share costs equally.

Said conveyance does not constitute all the assets or a substantial portion of the assets of said Dean Cooperative Bank and said conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a Right of Way 50' Wide as shown on said Plan and a Right of Way 60' Wide as shown on said Plan.

The premises are conveyed subject to a Planning Board Covenant dated April 15, 1986 Recorded with aid Deeds in Book 8120, Page 718.

RECEIVED RECORDED
90 DEC -6 AM 10:42

REFER TO PLAN NO. 774 OF 1990 BK. 39

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

In witness whereof, the said Dean Cooperative Bank has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Wayne A. Cottle its President and Treasurer hereto duly authorized, this 4th day of December in the year one thousand nine hundred and ninety.

Signed and sealed in presence of

DEAN COOPERATIVE BANK

by Wayne A. Cottle, President and Treasurer of Dean Cooperative Bank

The Commonwealth of Massachusetts

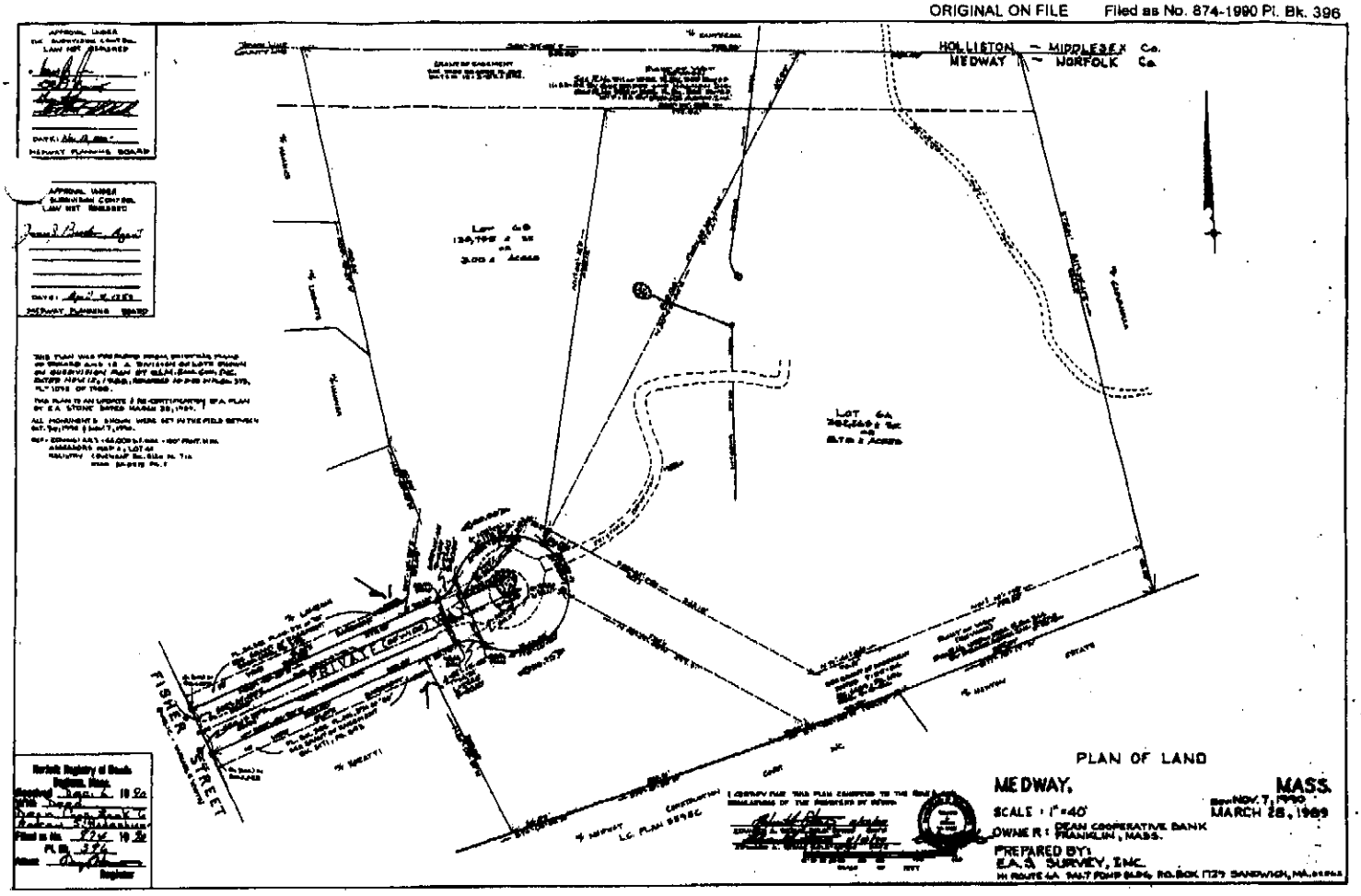
NORFOLK ss. December 4, 1990

Then personally appeared the above named Wayne A. Cottle and acknowledged the foregoing instrument to be the free act and deed of the Dean Cooperative Bank before me

Robert W. Simmler Notary Public

My commission expires February 15, 1996

ORIGINAL ON FILE Filed as No. 874-1990 Pl. Bk. 396



Attachment L

9088

414

Lot 6A Fisher St., Medway

90941

10. -

RELEASE OF COVENANT AND CONDITIONS

We, the undersigned, being a majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that lots 6A and 6B on a plan entitled, Definitive Subdivision Plan, Fisher St., Medway, Mass., Subdivision of Land in Medway, Massachusetts, Owner & Developer: Kenneth S. Racicot, Trustee of Racicot Realty Trust, dated November 12, 1985, Surveyed by: GLM Engineering Consultants, which is registered in Norfolk County Registry as Plan No. 1095 of 1988, Plan Book 373, to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986, recorded in Book 8120, Page 718 with said deeds.

Signed and sealed at Medway, Massachusetts, this 11th day of December, 1990.

NORFOLK, SS. Dated: December 11, 1990

Then personally appeared the above-named Allan Fraser and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public

My commission expires: March 12, 1993

RECEIVED 91 OCT 30 AM 11:19 RECORDED

Attachment M

Bk 28926 Pg503 #62933
07-05-2011 @ 10:51a

QUITCLAIM DEED

I, AUDRA J. RODENHISER, being an unmarried person, of Medway, Norfolk County, Massachusetts,

in full consideration of less than One Hundred ($100.00) Dollars, and pursuant to a Judgment of Divorce from the Norfolk Probate and Family Court, Docket No. 10D0376DR,

grant to ANDREW S. RODENHISER, of 104 Fisher Street, Medway, Norfolk County, Massachusetts, individually

with QUITCLAIM COVENANTS

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

WILLIAM P. O'DONNELL, REGISTER

(Description)

The land with the buildings thereon situated on the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, being shown as Lot 6A on a plan entitled "Plan of land in Medway, Mass., Scale 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass., Prepared by: E.A.S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P.O. Box 1729, Sandwich, MA 02563" which plan is recorded in Norfolk Registry of Deeds as Plan No. 874 of 1990 in Plan Book 396. Reference is hereby made to said plan on a more particular description to said Lot 6A.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Subject to grants of easement recorded with said Deeds in Book 6489, Page 606 and Book 6085, Page 480 and subject to "existing cart road" as shown on said plan and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with the other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way. Subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan will maintain said way, and share costs equally.

Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 1, Fisher Street Medway, MA

2

Subject to a Planning Board Covenant dated April 16, 1986 and recorded with said Deeds in Book 8120, Page 718 as affected by Release of Covenant and Conditions recorded in Book 9088, Page 414.

Being the same premises conveyed to Audra J. Rodenhiser by deed of Andrew S. Rodenhiser and Audra J. Rodenhiser dated February 28, 2003 and recorded with Norfolk Registry of deeds in Book 18331, Page 548.

WITNESS my hand and seal this 22 day of June 2011.

Audra J. Rodenhiser

Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. **Date:** June 22, 2011

On this 22 day of June, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by Driving Lic, to be the person whose name is signed on the within document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Edmund L. Myers Notary Public
My commission expires 5/26/2017

EDMUND L. MYERS NOTARY PUBLIC 2017

PHILLIPS, SILVER, TALMAN, AFRAME & SINRICH, P.C.

DAVID A. TALMAN
JAY Z. AFRAME
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SUMNER SILVER
OF COUNSEL
JAMES J. PHILLIPS
OF COUNSEL

July 19, 2012

RECEIVED
JUL 19 2012
TOWN OF MEDWAY
PLANNING BOARD

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

Re: Bay Oaks Subdivision
104 Fisher Street

Dear Board Members:

This office represents Andy Rodenhiser, the owner of 104 Fisher Street, Medway, Massachusetts. As you know, Mr. Rodenhiser filed an application for a preliminary subdivision plan with the Planning & Economic Development Board (the "Planning Board") on July 14, 2011. Mr. Rodenhiser's proposed subdivision would divide the 104 Fisher Street property into four residential lots, for the construction of three single family homes and one for the existing residence. This letter is to address issues concerning the existing private way leading to the 104 Fisher Street property. Currently, the private way provides access to both 104 Fisher Street and 106 Fisher Street, which is owned by Robert Reed.

Under Massachusetts law, Mr. Rodenhiser holds a fee ownership to the center line of the private way abutting 104 Fisher Street. See M.G.L. c. 183, § 58; *Lazarus v. Knowles*, 20 LCR 16 (Mass. Land Ct. 2012).

I would like to make the Planning Board aware of a 2004 Massachusetts Land Court case, *Lane v. Zylanksi*, 12 LCR 127 (Mass. Land Ct. 2004), which supports my client's proposed use of the private way to access the intended subdivision. The *Lane* case was affirmed by the Massachusetts Appeals Court.

In *Lane*, an individual who owned property off of a private way, though a portion of that road was a public way, wanted to develop the property into 20 residential units. Neighbors raised a number of objections, including one objection that seemed to treat the private way as an easement stating that by adding 20 unit owners to the private way, the developer was overburdening the easement. The Land Court stated, "An increase ... in the number of users of an easement does not constitute an overburdening of the easement, just a change in degree." And in so stating, the Land Court quoted another Massachusetts case which held that, "doubtless, an increase in the number of persons who use the easement in connection with going to and from

the ... property would be a change in degree only, and would not overload the easement." The Land Court, quoting yet a third case, went on to further state that a general right of way obtained by grant may be used for such purposes as are reasonably necessary to the full enjoyment of the premises to which the right of way is appurtenant. Thus, if adding 20 units does not overburden an easement or a private right of way, certainly adding three units, as Mr. Rodenhiser seeks to do, would not constitute an overburdening of the private way.

Finally, it is my understanding that Mr. Reed, who is the only other owner of property accessed by the private way, would consent to Mr. Rodenhiser's proposed subdivision.

Should you have any questions, please feel free to contact me.

Very truly yours,

Jay Z. Aframe

cc. Andy Rodenhiser.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

July 13, 2012

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I wish to supplement the comments in my July 5, 2012 review letter with a comment on the affordable housing provisions of Section V, Subsection X of the Zoning Bylaw. During consideration of the Bay Oaks preliminary plan, there had been considerable discussion about the affordable housing provisions of the Zoning Bylaw as they pertain to Bay Oaks.

As you know, at the time of that discussion, the affordable housing requirements were triggered by developments of 3 or more housing units. At the May 14, 2012 Annual Town Meeting, the affordable housing section of the Zoning Bylaw was amended. Among other changes, the affordable housing requirements are now triggered by developments of 6 or more housing units.

Since Bay Oaks is now under the threshold, the provisions are no longer applicable for this project, and therefore there was no need to mention them in my review letter. However, since the record shows the discussion of those provisions during the preliminary plan stage, it is now appropriate to explain why there was no mention of those requirements in my review letter pertaining to the definitive plan submission.

Sincerely,

Gino D. Carlucci, Jr.

Town of Medway
Affordable Housing Committee
155 Village Street
Medway, MA 02053

July 6, 2012

Mr. Andy Rodenhiser, Chairman
Medway Planning and Economic Development Board
Town Hall
155 Village Street
Medway, MA 02053

Dear Andy,

We are writing on behalf of the members of the Affordable Housing Committee to provide you and the members of the Planning and Economic Development Board with our consensus recommendations regarding the need for new zoning regulations that would facilitate the number of housing opportunities—especially rental opportunities—for low and moderate income individuals and families who would like to reside in the Town of Medway.

As you may know, this issue has been an ongoing discussion item at several of our meetings and we began a review of zoning proposals that might serve as a basis for increasing our affordable housing stock. As part of this effort, we looked at neighborhood maps of potential residential areas that might be affected by new zoning regulations, considered siting criteria, and drove through existing neighborhoods to observe frontage areas and respective lot sizes. However, we were not able to complete our efforts due our need for additional professional and technical guidance which was not available to us at that point in time. We do believe that we did learn enough to be able to offer some consensus recommendations for your consideration.

The AHC believes that the need for housing opportunities for low or moderate income families has grown more acute. It has been exacerbated by the current recession resulting in high rents—where and when rentals become available—and the slow recovery of the home ownership market as well as the lingering number of bank foreclosures. Therefore, we recommend the following:

- PEDB should consider zoning regulations that would result in the creation of additional rental opportunities consistent with existing site plan and review processes

Further, the AHC expressed strong support for the following ideas as discussed at its meetings during the 2011-2012 year:

- Modify infill housing provisions in the ARII zoning district to allow for affordable units to be constructed on newly created infill (non-compliant) lots and not just on existing infill lots.

- Establishment of a new Village Residential (VR) zoning classification by rezoning some property from ARII to VR. (*This could apply to property located in the two Medway National Register Historic Districts—Rabbit Hill and Medway Village.)* In the VR zone, two family dwellings would be allowed **by right** subject to minimum standards enforced through administrative site plan review.

- Provide a mechanism to allow for the construction or a conversion of an existing structure to multi-family units (three or more) by special permit from the PEDB.

Sincerely,

Robert D. Ferrari
AHC Co-Chair

Alison Slack
AHC Co-Chair

SouthWest
Advisory
Planning
Committee
SWAP

SWAP Parking Bylaw Project

Funding provided by the
District Local Technical Assistance
program

Prepared for the

Towns of Bellingham, Hopkinton,
Medway, Sherborn and Wrentham
All member communities of the
SouthWest Advisory Planning
Committee (SWAP)

December 30, 2011

MAPC

Prepared by
Metropolitan Area
Planning Council
60 Temple Place, 6th Floor
Boston, Massachusetts 02111
Tel (617) 451-2770
www.mapc.org

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TASK ONE:

Review of Existing Zoning Regulations

The first task of the project was to review the existing parking requirements in the zoning bylaws of the Towns of Bellingham, Hopkinton, Medway, Sherborn and Wrentham. Town Planners were asked to identify issues to be addressed in the study. In addition to the zoning bylaws, relevant town plans were also reviewed.

Appendix I summarizes this information and provides a baseline of information about the existing parking regulations in the five participating SWAP communities.

TASK THREE:

Model Parking Bylaws

For the final task, MAPC developed draft bylaws for 12 parking strategies organized into three general topic areas. These are:

Topic: Parking for Alternative Vehicles
Strategy # 1 Small Car Parking
Strategy # 2 Motorcycles
Strategy # 3 Bicycles
Strategy # 4 Electric Vehicles

Topic: Managing the Parking Demand
Strategy # 5 Reducing Required Parking
Strategy # 6 Parking Maximums
Strategy # 7 Fees-in-Lieu of Parking Spaces
Strategy # 8 Shared Parking

Topic: Managing the Environmental Impacts of Parking
Strategy # 9 Pervious Paving Materials
Strategy # 10 Parking Reserves
Strategy # 11 Landscaping for Shade and Air Quality
Strategy # 12 Location of Parking

The following Parking Bylaw Report includes a parking overview section and provides an explanation of how to use the Report. Each topic area is introduced by a context section that presents a brief background on the related parking strategies. There is a menu of suggested bylaw language that recognizes:

- The suburban nature of the SWAP subregion, with very limited public transportation
- Village centers with on-street or municipal parking areas
- Shopping mall, strip development, or village center without parking areas
- Employee vs. customer parking (long term vs. short term parking)

The project anticipates that communities will review the topics they are interested in and adapt the suggested bylaw language to suit their requirements. Shaded areas in the text indicate that a decision needs to be reached concerning a range of numbers or a percent, or signals an issue that may require a discussion of planning policy.

MAPC looks forward to working with SWAP communities to incorporate these parking strategies in town zoning bylaws.

Scope of Work: Metropolitan Area Planning Council (MAPC) and SouthWest Advisory Planning Committee (SWAP) Communities relative to Parking Bylaw Revisions using District Local Technical Assistance (DLTA) Funds

Bellingham, Hopkinton, Medway, Sherborn and Wrentham have requested assistance from MAPC to revise existing parking regulations in their town zoning bylaws utilizing state funds from the District Local Technical Assistance (DLTA) program. These five communities are part of the SouthWest Advisory Planning Committee (SWAP) subregion of MAPC.

Goals of the Study

- To develop dimensional parking requirements for alternative types of vehicles such as motorcycles, bicycles, and compact cars. Include incentives for promoting new technologies such as hybrid/electric cars.
- To develop flexible parking requirements for businesses that are pedestrian accessible and/or promote walking within the community. Determine if a reduction in number of required spaces is feasible and/or desirable for pedestrian-accessible locations.
- To examine the potential for incentives for business owners to modify existing parking areas to conform to new parking requirements.
- To reduce the amount of impervious surface required for parking facilities and allow for shared parking alternatives.

MAPC proposes the following Scope of Work:

1. MAPC will review existing zoning regulations in each participating town and solicit issues of concern from the Town Planners and Planning Boards. The participating towns are: Bellingham, Hopkinton, Medway, Sherborn and Wrentham.

2. MAPC will review current Best Practices to address the goals identified above. MAPC will research zoning bylaws that successfully incorporate the Best Practices.

3. MAPC will draft a model parking bylaw that incorporates sections to:
    a. Promote shared parking
    b. Reduce impervious surfaces
    c. Allow for reduced dimensional standards for alternative vehicles such as motorcycles and bicycles and hybrid vehicles
    d. Reduce parking requirements for businesses that promote access by other modes (transit, bicycle and pedestrian)
    e. Promote sidewalk construction and connectivity

June 22, 2011

parking or a municipal lot, or for a strip development or area that would need to provide all required parking.

- ***Suggested bylaw language*** *Will be shown in italics*

- ____ Indicates a **decision** needs to be reached on the exact number or percent. This may include discussing the community's policies relating to land use and/or parking. Where a range or number or percent is given, the figure represents a current best practice and is from an existing parking regulation. **Planners/Planning Board members need to discuss and determine the appropriate number/percentage/policy for their community.**

I. TOPIC: MANAGING THE PARKING SUPPLY
How do we get the most from the spaces we need and/or have?

Context: Providing Parking for Alternative Vehicles

Managing the supply of parking includes making the most efficient use of land devoted to parking, as well as providing for alternate means of travel. SWAP planners requested information on varying the required dimensions of the spaces in order to accommodate different sizes and types of vehicles. The purpose of the suggested bylaws below is to provide flexible parking space requirements in order to accommodate other types/styles of vehicles, such as compact (small) cars, motorcycles, electric vehicles and bicycles.

Not everyone drives a Sport Utility Vehicle. Communities wish to acknowledge that there are a variety of vehicles that require varying amounts of parking. It is anticipated that by allowing developers, property owners, etc., some discretion in number, size and type of parking spaces that must be provided, less land overall will be devoted to parking, permitting additional development and encouraging more sustainable site design.

There are four parking strategies and model bylaws under this Topic:

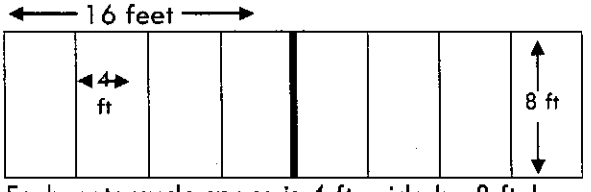
Strategy # 1 Small Car Parking
Strategy # 2 Motorcycles
Strategy # 3 Bicycles
Strategy # 4 Electric Vehicles

STRATEGY # 1 PARKING FOR SMALL (COMPACT) CARS

It may be preferable to use the term "small car" rather than "compact" because of variations in definitions, for example a "compact SUV" is still not a small car. The purpose of this bylaw is to encourage or require some small car spaces with reduced dimensions. The percentage of spaces that may be reserved for small cars can vary from 10% to 50% of total required spaces. Some communities wish to know how many small cars are registered in town, to gauge demand. Excise tax information available from the Assessor is one way to determine this information.

The benefit of this Strategy is that while the number of required spaces will likely remain the same, there will be a decrease in paved area on the site.

Where parking meters are utilized, and there are separate designated motorcycle spaces, the charge for these spaces should be one-fourth to one fifth (1/4 to 1/5) the rate for an automobile. This is because approximately four to five motorcycles can be parked in the space of one automobile. Seasonally, each group of 4 motorcycle spaces could become one small car space, with the cars parked in parallel. Adjustable signage could be modified, depending on the season, to accommodate either motorcycles or small cars.



Each motorcycle space is 4 ft. wide by 8 ft. long
A small car space is 8 ft. wide by 16 ft. long

Suggested bylaw language: To be adapted for Village Center and/or Strip Development
Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is greater

For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by 2 spaces. Each motorcycle space must be at least 4 feet wide and 8 feet long. Existing parking may be converted to take advantage of this provision.

OR

For parking lots containing more than 50 spaces, 10% of the required spaces may be designed for small car and/or motorcycle use. Small car parking spaces shall be not less than 8 ft. wide by 16 ft. long. Motorcycle spaces shall be not less than 4 ft. wide by 8 ft. long. Spaces designed for small cars and/or motorcycles shall be grouped in one or more contiguous areas and identified by appropriate signage.

STRATEGY # 3 BICYCLE PARKING

There is growing interest in the MAPC region in bicycles as a mode of travel. The success of Boston's Bikeshare is one example; a growing network of dedicated bicycle lanes as a component of complete streets design is another. It makes sense to include secure bicycle parking in the array of alternate parking provisions. Some jurisdictions differentiate between employee and customer bicycle parking, requiring different accommodations for each. For example, employee (typically long term) would be covered, and could be within a building. Customer bicycle parking would be located near the main entrance door.

Suggested bylaw language: To be adapted for Village Center and/or Strip Development: Specific provisions to be determined by each community. This is a menu of Best Practices.

One bicycle parking space will be provided for each ten (10)(20 is also used) off street automobile spaces required. Each space will be a minimum of 2 feet wide by 6 feet long. Rack(s) will be provided that allow for the bicycle frame and one wheel (some specify two wheels) to be locked to the rack and that support the bicycle in a stable position without damage to wheels, frame or components. All bicycle racks and lockers shall be securely anchored to the ground or building structure.

Suggested bylaw language (Applies town-wide)

*Add to **"Definitions"** section of the zoning bylaw, or incorporate the following definitions in a separate section of the bylaw:*

Battery Charging Station: *An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles at* ***Charging Level*** *1, 2 or 3.*

Charging Level: *The standardized indicator of electrical force, or voltage, at which an electric vehicle's battery is recharged. Level 1 is considered slow charging; Level 2 is considered medium charging; Level 3 is considered fast or rapid charging.*

Electric Vehicle: *Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose, such as a battery electric vehicle or a plug-in hybrid electric vehicle.*

Inserted under "Accessory Use" section
Battery Charging Station equipped with Level 1 or Level 2 charging equipment designed for electric vehicles is Allowed as an Accessory Use to any principal use. If only one station is provided, it shall be universally accessible (i.e. provide "Handicap Access").

As a "Principal Use"
Battery Charging Station is Permitted in Industrial zones, and by Special Permit in Commercial zones. (This Principal Use would be similar to a gas station.)

Key Considerations for Alternative Vehicles

Implementation
The spaces for small cars, motorcycles and bicycles should be clustered and clearly marked. (Small cars with small cars, etc.). It may be desirable to provide a locational advantage by having these spaces near the building's main entrance. Signage for motorcycles and bicycles could be movable so that good weather demand is met, and perhaps some of the space utilized for small cars in the winter. This could provide an incentive to include these types of spaces.

Challenges
Enforcement is always going to be an issue; we have all seen large pick-up trucks and SUVs parked in spaces designated "compact". Is there a way to put small car dimensions on the sign? Some lots have spaces painted "compact car" to indicate they are reserved for this vehicle type.

Dimensional Table for Alternative Vehicles			
Standard Parking Space/Stall	9 feet wide	18 feet long	162 sq ft
Small Car Parking Space/Stall	8 feet wide	16 feet long	128 sq ft
Motorcycle Parking Space	4 feet wide	8 feet long	32 sq ft
Bicycle Parking Space	2 feet wide	6 feet long	12 sq ft
Universal Access Space (Handicapped)	12 feet wide	18 feet long	216 sq ft

Note that the parking lot aisles between entire rows of small cars can also be narrower.

b. *Size and type of proposed uses or activities on site*
c. *Rate of parking turnover*
d. *Peak traffic and parking loads to be encountered*
e. *Availability of on-street parking or municipal parking facility (Village Center) or existing lot (strip mall, shopping mall)*
f. *Availability of public transportation, bicycle and/or pedestrian facilities such as sidewalks*
g. *Other factors identified by the Planning Board, Zoning Board of Appeal (SPGA/Site Plan Review entity)*

4. The SPGA/Site Plan Review entity may or shall consult with the Town building inspector, engineer and/or planner prior to granting any decrease in parking.

5. If the Special Permit Granting Authority (SPGA)/Site Plan Review entity allows a decrease in the amount of required off-street parking, the SPGA may require that a portion of the site be reserved to meet the off-street parking spaces required by this bylaw. This reserved area shall not be developed and shall be either landscaped or maintained in a natural state. The reserved area shall not count towards the open space requirements.

Suggested Additional Bylaw Language for a Village Center

In the Village Business Zone (specify which commercial/business zone applies), legal on-street parking may be credited toward the parking requirements if the spaces are located between the premises side lot lines on the same side of the street.

OR

In the Village Business Zone, the required number of spaces for nonresidential uses shall be 50% of the amount listed in Table or Section___

Off-street parking may be reduced if there is a municipal parking lot within 2 blocks/400 feet of the use.

Off-street parking may be reduced if employees are provided with, and required to use, remote parking.

The following language is for communities with varying intensities of business zoning districts, including a central business district. It allows for a decrease based on the intensity of use:

Off-street parking for non-residential uses must be provided only if the number of required spaces exceeds 20 in the central business district or 5 in the limited business district.

STRATEGY # 6 PARKING MAXIMUMS

The amount of parking mandated by zoning represents the minimum amount required for particular uses. Another approach to manage parking is to establish an upper limit or a cap "a maximum" on the amount of parking that may be built. Establishing parking maximums can prevent developers from building excessively large lots. Providing for parking maximums in a zoning bylaw can assist with the redevelopment of parking lots and/or strip malls and shopping areas where an excess amount of parking has been created. Along with additional development

STRATEGY # 7 FEES-IN-LIEU OF PARKING SPACES

Several of the strategies to manage parking reference municipal parking lots. One of the challenges in many communities is to establish a municipal lot. Obviously, removing existing structures in a downtown or village center is not a preferred method of obtaining municipal parking. There could be vacant lots, however, or opportunities to purchase vacant properties. Fees in Lieu of Parking Spaces can help the community pay for parking. In Lieu Fees can be established as a flat rate per parking space not provided, or per square foot of floor area, or through a case-by-case determination of the development as a whole. Fees may be collected as a property tax surcharge, or when a development is permitted or annually.

Suggested Bylaw Language for Village Centers

The purpose of this bylaw is to support commercial development in the Village Center by establishing a mechanism to provide public off-street parking facilities in lieu of private off street parking.

All or a portion of the required off street parking may be waived by the SPGA by special permit when the property is located within the Village Center District, provided that:

1. The Board finds that there are sufficient publicly-owned parking spaces in the vicinity of the property to justify the waiver without detriment to the public health, welfare and safety; and

2. The owner [or occupant] of the property on which the waiver is to be applied pays to the Town a fee equal to the fair market value of the waived parking spaces (the area of which shall be determined by the number of waived spaces times 200 square feet) plus the cost of converting such spaces into a parking lot, as estimated by the Planning Board with the advice of the Town Engineer/Highway Superintendent.

3. If the property owner donates to the Town a public right-of-way providing an important pedestrian or vehicular linkage in accordance with a downtown plan adopted by the Planning Board, the Board may reduce the fee specified in the paragraph above by an amount equal to the value of the donation, up to the total amount of the fee.

4. Any waiver of off-street parking approved under this Section shall run with the land, and any subsequent changes of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment and/or donation shall be made to the Town in total prior to the issuance of a building permit.

Alternate language:

Where a proposed use in the Village Center cannot meet the off street parking requirements, such requirements may be waived by special permit granted by the SPGA, where the applicant makes a payment in lieu to the Town Parking Mitigation Trust.

Payment in Lieu Payments in lieu shall be calculated using the following formula:

Number of required off-street parking spaces	***Annual Payment***
1-5 spaces	*$100.00/space*
Each additional space 6-15	*$75/space*
Each additional space after the first 15	*$50/space*

1. Determine the minimum amount of parking required for each land use or destination by time period as if it were a separate use
2. Sum the number of required parking spaces in each time period across all uses
3. Set the minimum requirement at the maximum total across time periods.

Another method is to allow the parties sharing the parking to determine the appropriate number of spaces. The Urban Land Institute has published ***Shared Parking***, which offers analytic methods and time-of-day parking utilization curves for local governments and developers to use to calculate parking needs for specific projects.

Suggested Bylaw Language

Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses. The total number of required spaces may be reduced by up to one-half (1/2) if it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. The following requirements shall be met:

1. Evidence of reduced parking needs shall be documented and based on accepted planning and engineering practice satisfactory to the Town Engineer, Planner or Highway Superintendent.

2. The Town Planner shall determine how a combined or multiuse facility shall be broken down into its separate (constituent) components.

3. If a lower total is approved, no change in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if the evidence is not satisfactory, then additional parking shall be provided (either on-site, offsite, or via a fee in lieu of parking) before a change in use is authorized.

5. Evidence of continued availability of common or shared parking areas shall be provided to the Town counsel and shall be documented and filed with the Site Plan if applicable and at the Registry of Deeds.

Alternate Language

Notwithstanding any other parking requirements set forth in this bylaw for individual land uses, when any land or building is used for two or more distinguishable purposes (including joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

1. Multiply the minimum parking requirement for each individual use (as shown in Town Bylaw Section/Chapter___) by the appropriate ***percentage*** *(as shown in the Parking Credit Schedule Chart) for each of the five designated time periods.*

2. Add the resulting sums from each vertical column.

3. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

those with an existing parking supply that exceeds their needs to rent or sell it to newcomers who can't add parking to their sites.

In some cases, developers may be constrained by requirements from lenders that they provide a certain amount of parking.

Another challenge with shared parking is working out an agreement between land owners or developers if the uses are not all on the same property. The municipality may wish to provide a model agreement that the parties can use.

Mixed use projects involving residential condominiums that deed specific parking spaces with units would make it impossible to share those spaces unless an agreement was reached with either the individual unit owners or the condominium association. Mixed use rental projects would offer more opportunity for shared parking.

III. MANAGING THE ENVIRONMENTAL IMPACTS OF PARKING
Reduce the Impervious Surface

Context

Parking lots with large amounts of pavement can be detrimental to the environment in a number of ways. Most pavement materials (asphalt and concrete) are impervious, or impermeable.

- The impervious surface does not allow rainwater/stormwater to penetrate into the ground to recharge groundwater; instead, it is usually channeled to storm sewers or directly to streams.
- Oil and other fluids that leak from parked vehicles contaminate the stormwater.
- The pavement absorbs the heat of the sun and causes heat island effects.

Parking can be designed and managed to mitigate environmental impacts, particularly those associated with stormwater run-off. SWAP communities wanted information on how to do this effectively, primarily by decreasing the amount of impervious surface. Improved parking lot design can also promote increased pedestrian access and connectivity.

There are four parking strategies and model bylaws under this Topic:

- Pervious Paving Materials
- Parking Reserves
- Landscaping for Shade and Air Quality
- Location of Parking

STRATEGY # 9 PERVIOUS PAVING MATERIALS

Pervious paving materials are designed so that rainwater is able to infiltrate or penetrate into the soil underneath the parking lot. This is important in order to recharge or renew groundwater. Groundwater provides drinking water for the majority of SWAP communities via aquifers and well systems. Reducing the amount of water running into storm sewers or directly to surface waters is one goal of town bylaws dealing with stormwater.

STRATEGY # 10 PARKING RESERVES

Many parking bylaws require more parking than is actually needed most days of the year. Landscaped parking reserves tries to address this situation by allowing developers to pave and provide a reduced number of parking spaces but set land aside in case the parking is needed in the future. This technique is useful in phased developments, for uses where parking demand is uncertain due to lack of data, or because of unusual operating characteristics. A variation is to allow land to be paved with a permeable surface for overflow parking, those peak monthly or yearly times when the parking is actually needed.

Suggested Bylaw Language: This technique is not suited to village centers because it reduces the development potential, unless the reserve parking provides an amenity, such as pedestrian connectivity or desirable open space (with the understanding this may be a temporary amenity).

The Planning Board may allow the applicant to reserve a number of parking spaces to be designated "Reserve Parking" on the Site Plan, subject to the following:

- *The applicant must provide documentation that the proposed use does not need the number of spaces required under Section ___ of this zoning bylaw.*
- *The Reserve Parking shall not exceed 40%-75% of required parking spaces.*
- *The Reserve Parking may remain as existing natural vegetation or be developed as a new landscaped area, as approved in the Site Plan.*
- *The Reserve Parking is not to be counted toward the minimum open space required.*
- *No structure or mechanical equipment may be placed in the Reserve Parking area.*

Alternate Language

The Planning Board may allow the applicant to reserve a number of parking spaces to be designated "Reserve (or Overflow) Parking" on the Site Plan, subject to the following:

- *The applicant must provide documentation that the use does not typically need the number of spaces required under Section ___ of this zoning bylaw.*
- *The overflow parking will be paved. At least ____% will be paved with a pervious-type paving material unless there are environmental limitations.*

STRATEGY # 11 LANDSCAPING FOR SHADE AND AIR QUALITY

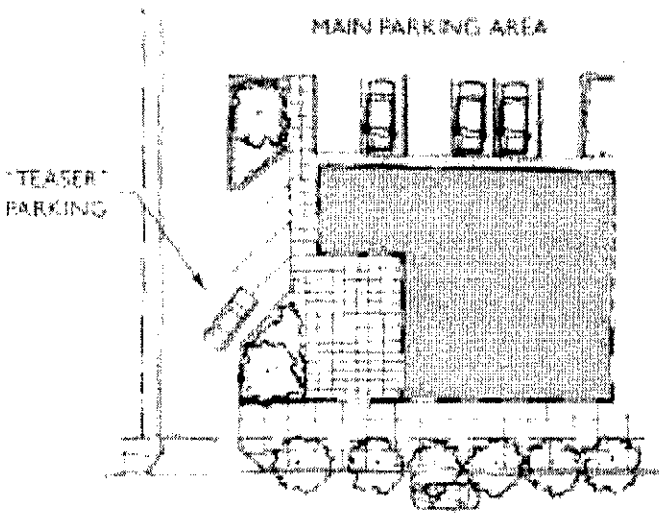
Landscaping in parking lots is a usual component in either site plan or parking bylaws. With additional requirements in Massachusetts to treat storm water run-off, landscaping in parking lots takes on an additional role to help address stormwater control measures. For this reason, any change to landscaping requirements, whether in the site plan or parking section of the bylaw ought to be coordinated with stormwater control regulations. Sometimes these regulations are also in the zoning bylaw, or they may be found within the General Bylaws of a community.

Treed islands provide some shade to reduce heat from the asphalt, and also provide some air quality benefits. They also can be designed to deal with stormwater, through techniques termed Low Impact Development or LID. LID is defined as landscaping and design techniques that attempt to maintain the natural, pre-development ability of a site to manage rainfall. LID

No employee parking shall be permitted directly between the building and the street alignment.

Additional language to require a landscaped buffer between the lot and the street:

A landscaped buffer area at least 20 feet in width as measured from the layout of the roadway providing street frontage shall be established. The buffer area shall be planted with grass, shrubs and trees. As appropriate, street trees shall be planted at least every 40 feet along the frontage. Access ways and walkways may be provided in the landscaped buffer.



From: Van Meter Williams Pollack and Urbsworks, Inc. "Parking Design Issues", Report for the City of Palo Alto, CA, 2004.

Key Considerations for Managing the Environmental Impact of Parking

Implementation

These techniques will usually be implemented during a site plan review or special permit review process.

Challenges

Providing pervious paving materials and parking reserves may be difficult because it could prove costly to a property owner or developer. For changing the location of parking, obtaining "buy in" from merchants and property owners will be a challenge. The idea that shoppers will be willing to park behind a store is a radical departure from the conventional and accepted wisdom. This will be easiest to implement where on-street parking is provided.

INCENTIVES

One of the most difficult challenges is to encourage developers and property owners to include these parking management tools in their projects. The suggested bylaws are written in a permissive rather than prescriptive style. A community could mandate these measures, rather than grant permission to utilize them. Given the economy however, it is likely that communities will be cautious in mandating improvements that could add significantly to development costs. Providing incentives is one way to encourage the use of these techniques. Following are various suggestions for providing incentives to encourage use of the parking strategies.

Potential Incentive for Including Alternative Vehicle Parking

The decrease in paved area devoted to parking could provide additional land for development. Note: While the number of spaces required does not change with small car spaces, the total parking area to be paved is reduced. Any additional allowed development would have to supply some additional parking.

The example below is for a project with 200 required parking spaces

All Standard	200	Standard spaces @ 162 sf x 200	32,400 sf
Compact @ 30%	60	Small car spaces @ 128 sf x 60	7,680 sf
Standard	140	Standard spaces @ 162 sf x 140	22,680 sf
		TOTAL	30,360 sf
		Decrease in paved area	2,040 sf

Potential Incentive for Including Bicycle Spaces

If bicycle parking is provided, parking may be reduced by 10-15% up to a maximum of___ in a Village Center or a maximum of _____ in strip Mall/Strip Development without access to designated bike lanes. If covered bicycle parking and showers are available for employee use, parking may be further reduced by _.5?_ space per covered bicycle rack.

Potential Incentive for Providing Connectivity

Rather than require a pedestrian path through a mall/strip development parking lot, a community might wish to adjust the required parking if such a path is provided. For example:

If interior pedestrian paths are constructed that link to a continuous sidewalk network, a community path, residential area or otherwise enhance and promote pedestrian access, the number of required parking spaces may be reduced by 5%.

OR

If the development provides a bus shelter, suitable structure to post the bus schedule, and if requested by the bus operator, a bus turn-around, required parking may be reduced by 5%.

APPENDIX I REVIEW OF EXISTING REGULATIONS

Parking Regulations	Issues	Request to Include in Scope	Other Resources
BELLINGHAM			
Zoning By-Law (2010)) **Section 3300** 3310 Number of Spaces 3320 Schedule of Requirements 3330 Parking Area Design and Location 3340 Loading Requirements Appendix Rules and Regulations for Development Traffic Impact analysis ARTICLE IV. SPECIAL REGULATIONS - 4100. Accessory Uses 3400. Major Proposals - 3533. Parking Area Plantings	• Parking regulations are generally over-designed for retail and industrial uses. • Restaurant and industrial requirements are hard to understand. • Limited flexibility for either the number of spaces or design. • Retail question of how to design for the busiest days (i.e. post Thanksgiving) without over-designing parking. • 2010 Master Plan's Circulation Chapter recommends considering a zoning amendment in requiring bike racks in all large parking lots. • No recent changes to parking regulations • Want to keep Section 3312 allowing the Planning Board to give a waiver for parking regulations under certain circumstances	• Reduce impervious surface while still maintaining appropriate amount of parking. • Allow for alternative dimensions for alternative vehicle parking (motorcycles etc) that would count toward parking spaces. • Encourage more green spaces in parking and alternative parking layouts (i.e. parking in the rear etc, shared parking). • Encourage alternative vehicle spaces (electric, hybrid, bicycles) and give incentives for business in appropriate areas to promote walking (this will only work in the more dense neighborhoods and may not be appropriate to all locations in a town, so it will need to be worded very carefully). • Like and want to continue that the Planning Board can give a waiver for parking regulations under certain circumstances (3312).	**Bellingham Master Plan - 3/25/10** Bellingham Library - need to increase parking (p 19) Bellingham Senior Center - parking concerns for future (p 20) Consider a zoning amendment to require bike racks in all large parking lots (p 26)

§ 210-47. Design. Curb cuts on streets shall be minimized, and to the greatest extent possible, buildings shall be located away from streets and surrounding noncommercial or industrial uses. Parking lots shall include islands with shade trees. Buildings, roadways and parking lots shall be designed to accommodate the landscape and natural site features, and disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets. § 210-47. Design. Curb cuts on streets shall be minimized, and to the greatest extent possible, buildings shall be located away from streets and surrounding noncommercial or industrial uses. Parking lots shall include islands with shade trees. Buildings, roadways and parking lots shall be designed to accommodate the landscape and natural site features, and disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets. 5 APPLICATION FOR PERMITS AND REQUESTS FOR DETERMINATION 5.3 Subdivision Roadways and Parking Lots - long discussion of impervious surfaces	GOAL: Improve existing recreation facilities and create new facilities to serve the needs of Hopkinton residents. -Provide parking and signage where public hiking trails exist or are being developed. (p 6) GOAL: Coordinate with regional & state agencies to assist in meeting federal Clean Air Act requirements & other federal and state environmental laws & policies. - Provide all-day parking and/or shuttle service for carpooling and rail commuters. (p 7) Business District regulations. New regulations approved at the 2006 Annual Town Meeting...regulations...allow a parking facility by special permit in order to provide more off -street parking. (p 43) GOAL: Develop specific design standards for the business and industrial zoning districts. (p 45) - includes parking needs to develop more trails and provide parking at trail heads. (p 54) GOAL: Improve existing recreation facilities and create new facilities - Provide parking and signage where public hiking trails exist or are being developed. (p 55) All day parking near Hopkinton Center and South Street would be required to make a shuttle service viable. - (p 63) GOAL: Coordinate with regional & state agencies to assist in meeting federal Clean Air Act requirements & other federal and state environmental laws and policies. - Provide all-day parking and/or shuttle service for carpooling and rail commuters. - (p 63)

areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should be hidden to the maximum extent possible and located near the side and rear of the site. Parking should not create a hazard to abutters, vehicles or pedestrians. Where or when parking does exist near the street, plantings or appropriate fences, i.e. picket or post & rail, should be incorporated into the design to screen parking areas and reduce their visual impact. D. NON-CONFORMING USES M. INDUSTRIAL DISTRICT I I. COMMERCIAL DISTRICT III ARTICLE IV SITE PLAN SUBMISSION s. 204 -1 Board of Selectmen Submittals d) Parking Impact (1)A Parking Impact Assessment is needed if the project proposes the addition of thirty (30) or more parking spaces. (2)A Parking Impact Assessment documents existing parking conditions,		

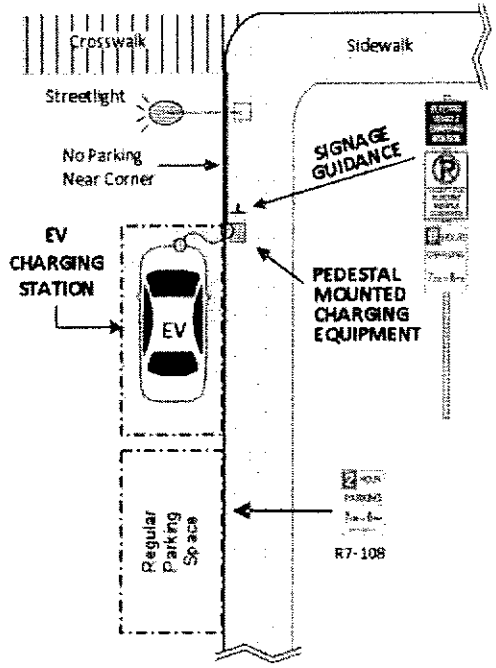
Parking Regulations	Issues	Request to Include in Scope	Other Resources
SHERBORN			
Zoning By-Law Section 5 - Special Regulations 5.1 - Off-Street Parking 5.1.1 - Minimum Parking Requirements 5.1.2 - Nonconforming Parking Exemptions 5.1.3 - Parking Area Plans 5.1.4. - Joint Use of Parking Facilities 5.1.1 - Screening of Parking Areas 3.2 - Schedule of Use Regulations - 4) Home Occupation, 5) Professional Occupation, 31A) Accessory Municipal Use 4.6 - Application for Special Permit - location of parking spaces 5.3 Special Permits in Business Districts (Add. 1981, amend.1987,1994)			Sherborn General Plan (October 2001) Resident's Survey taken in conjunction with the General Plan: Residents did support improved sidewalks to encourage pedestrian and bicycle use [and] interconnected parking areas. (27) Recommendations RE: the Town Center: • Ensure that businesses continue to furnish parking for their customers. (p 8) • Linked parking lots would achieve substantial circulation benefits with a minimum of disruption and cost. (p 30) • Businesses have traditionally provided their own parking. • Business parking is presently adequate, but linking lots would improve the efficiency of available parking. Parking for the recreation facilities has also been an issue, and is insufficient at peak times. (pp 30-31) • The Town should work with Town Center property and business owners to secure linked parking. (p 67)

		parking plan to identify side street and parking lot opportunities. (p 179) Creating a shared parking plan, to allow needed parking to be used for different purposes throughout the day can benefit the entire Downtown district. (p 183) Town Common, Park & Parking improvements - Public parking is at a premium, and much nearby parking seems to go largely unused through lack of awareness. The study should also seek to craft a shared parking strategy, allowing the flexible use of public and private parking areas by the public through the week, leveraging the utility of parking lots that today may be empty for all but a few hours weekly. (p 185) The Zoning review process should examine the minimum required parking and circulation requirements for vehicles on commercial properties. Satisfaction of these requirements has led to reductions in potential building area and impervious surfaces, with lower developed property values in contrast to larger building masses. Consideration should be given to reduced parking ratios, area shared parking strategies, TDM and other methods of reducing vehicle demands without affecting project and business viability. Site design review can also identify methods to reduce impervious lot coverage, with beneficial environmental aspects. (p 196) A District Shared Parking Plan would help make the available parking areas of the district and nearby areas better able to serve increasing retail trade. (p 198) Appropriate Development Revise parking ratios - high priority (p 203) Town Center - reduce parking ratios and permit and coordinate shared parking - high priority (p 205) Downtown shared parking study and program (p 211) Parking provision on site should be held to the rear of the parcel, without dominating the streets, and parking management should include shared use programs, to maximize its utility and ability to help support other Downtown businesses and uses. (p 239)

Bicycles, cont.	feet and add spaces as demand exceeds supply. A community can determine if it wants to provide parking for public facilities, and/or require bike parking for new developments. The type of facilities will depend on the site and the users: short-term users (shoppers) will need convenient parking close to building entrances; long-term users will value security and protection from the elements for their bikes, and employees are likely to value shower and changing facilities.	*Medway and Norfolk have bicycle parking in the zoning -look at these*	*placement is a goal. (SW) What are the current dimensions/standards for regular, compact, electric cars? Provide for next mtg.*
Parking Topic	**Definition/Concept**	**Examples**	**SWAP Meeting Comments** 7/27/11 Meeting in Sherborn **8/24/11 Meeting in Wrentham**
Flexible Parking Requirements for Businesses that are Pedestrian Accessible and/or Promote Walking within the Community			
• **Parking Minimums**	Most communities have standards for the minimum amount of parking required for new developments included in their zoning code. These minimums are generally based on the Institute of Transportation Engineers Parking Generation Handbook and/or other communities' parking requirements One way to improve parking	Newton has lower minimum parking requirements for state or federally subsidized low-income or elderly housing developments. Braintree allows reductions in required parking as part of a special permit or site plan review based on completion of a parking study and determination that the parking to be provided will be adequate. Belmont allows the Planning Board to reduce parking requirements based on age or other characteristics of site users and on implementation	*Check what was just done under the Weymouth Landing Project.*

Parking Maximums, cont.	the parking supply can work in places where the benefits, such as rapid transit service, attractive pedestrian environments, or concentrations of businesses and services, outweigh any inconvenience from reduced parking. To improve flexibility, planners can set up the parking maximums as transferable parking entitlements, so that the allowed number of parking spaces can be transferred or sold to another development if they are not needed. This allows for area-wide control of parking supply without restricting developments that need more parking.		
• **Fees-in-Lieu of Parking Spaces**	Developers pay fees into a municipal parking or traffic mitigation fund in lieu of providing the required parking on site. The fees can then be used to provide centralized public parking. The community may wish to establish the fund so that it can also be used for transit, bicycle, and pedestrian improvements that also reduce parking demand. By consolidating parking in centralized public lots or structures and allowing	New uses or changed uses on constrained sites in the Town of Braintree Village Zoning District that are unable to meet their minimum off-street parking requirements may be required as part of a Special Permit to pay an annual fee per space to allow the Town to provide the off-street parking. Northampton makes special provisions for the CBD to meet off-street parking requirements: payment of a fee in lieu of providing required off-street parking is allowed by right. The one-time fee of $2,000 per space is used to add parking spaces, improve the utilization of existing spaces, or reduce the need for new parking in the CBD. Oak Bluffs allows uses proposed for the B-1 Business District that are unable to meet the off-	Does this work best in business districts?

• **Unbundling**	Unbundling means that parking is rented or sold separately, rather than automatically included with building space. The cost of parking for residential and commercial units is often passed on to the occupants indirectly through the rent or purchase price ("bundled") rather than directly through a separate charge. For example, a three bedroom unit might come with two parking spaces included in the purchase price or rent. This means that tenants or owners are not able to purchase only as much parking as they need, and are not given the opportunity to save money by using fewer parking spaces. The alternative is to unbundle parking - rent or sell parking spaces separately, rather than automatically including them with building space.	The Massachusetts Transit-Oriented Development (TOD) Bond Program awarded funding for a mixed-use affordable housing development, Dudley Village, in Dorchester. The development has unbundled parking and 0.7 parking spaces per unit.	There was a general consensus that this would work in an urban setting, but would not be favorable in a suburban setting. Unbundling is seen as a conflict between planners who want to see no sprawl and the town who would like to see growth. With unbundling, there is the potential to lose control of adequate parking. Instead of unbundling, should instead strive to be as close as possible to designated parking ratios. Unbundling could possibly work in downtown Franklin (Gino). Could be implemented as location specific and would be issued as a special permit or in a specific zoning district. There is an age restricted development in Sherburne with 24 units and 12 garage spaces.
Parking Topic- (Note: The following topics included were well received.)	**Definition/Concept**	**Examples**	**SWAP Meeting Comments** 7/27/11 Meeting in Sherborn **8/24/11 Meeting in Wrentham**
Reducing Impervious Surface Required for Parking Facilities			
• **Pervious Paving Materials**	Materials that permit water to enter the ground by virtue of their porous nature or by	Pervious paving materials are part of a demonstration project for a parking lot at Silver Lake Beach in Wilmington. Funded by an EPA	Good idea, but the DPW not interested in pervious paving for public areas—okay with it

Parking Topic	Definition/Concept	Examples	SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham
Promoting New Technologies			
• Electric Vehicles	Encourage infrastructure for electric vehicles which includes the machinery and equipment needed to support an electric vehicle, such as charging stations.	In 2009 the Washington State passed legislation to encourage electric vehicles. The purpose of the law is to encourage the transition to electric vehicle use and requires that all local governments in Washington State allow electric vehicle charging stations in most of their zoning categories. Diagram is an On-Street Electric Vehicle Charging Station  	Hopkinton to have 2 stations: one at Caliper Corp and another at Legacy Farms. (EL) Incorporate incentives to do this. (SW) Photo and diagram courtesy Puget Sound Regional Council 

Parking Topic	Definition/Concept	Examples	SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham
Regulating Employee Parking	Employee parking programs may include establishing designated lots or portions of parking facilities for employees with a permit program to restrict use and/or require employees to register their cars so that if they park in valuable on-street spaces they can be ticketed. Employee parking areas are generally less conveniently-located than other parking but allow all-day parking and where parking is priced offer a discounted rate. This encourages employees to leave the most convenient spaces for customers.	Lexington has an employee permit parking program for Lexington Center that provides lower-cost parking around the outskirts of the downtown for employees in order to free up meter spaces for visitors. Permits cost $225-250 for the year, depending on the lot. Brookline has a commercial parking permit program with a limited number of spaces for businesses in Coolidge Corner and Brookline Village. One program allows qualified businesses to purchase a pass guaranteeing a space in an unmetered lot, with a maximum of 2 per business. The other gives a hang tag to businesses that allows employees to parking in metered spaces all day, but they must still pay the meter fees plus a small annual fee. Amherst has a Town Center permit parking area that provides permits to people living or working within the designated area. Employers and employees may obtain one vehicle permit per person, and eligible employers or employees may obtain two permits for two vehicles. Fees are $35 for a single permit and $45 for two vehicles.	Parking topic is urban in nature and is more of a TMA-type service. May not be directly applicable to the SWAP subregion. Is more part of a site plan review than a by-law. This is done in Needham.
Parking Cash-Out	Many employers offer their employees free parking. Though the parking seems free, the costs may be borne by employees indirectly, so that all employees pay for parking, even if they don't use it. A parking cash-out program offers employees who do not drive the value of a parking space as cash.	Studies in California showed that cashing out employer-subsidized parking reduced driving to work by 11%. In California, state law stipulates that employers who offer free parking must offer cash out programs as an alternative, and that cities must grant reduced parking requirements for developments that offer cash out programs.	Parking topic is urban in nature and is more of a TMA-type service. May not be directly applicable to the SWAP subregion.

Other Comments:

Some of these parking topics are urban in nature and are more TMA-type services.
They may not be directly applicable for the SWAP subregion.

Reduce Parking Requirements for Businesses that Promote Access for Other Modes (transit, bicycle, pedestrian)
What about allowing a reduction in spaces (or some other incentive) if locker rooms or showers are provided to promote people to ride or walk to work? This came about in a discussion with a teenager whose car was not working, and could ride a bike to work, but didn't want to get to work and be sweaty (SW – 8/9/11 e-mail).

Determine if a Reduction in Number of Required Spaces is Feasible and/or Desirable for Pedestrian-Accessible Locations

Examine the Potential for Incentives for Business Owners to Modify Existing Parking Areas to Conform to New Parking Requirements

Promote Sidewalk Construction and Connectivity

Additional information is available from MAPC's Parking Toolkit
http://mapc.org/resources/parking-toolkit
and the State's Smart Growth/Smart Energy Bylaw-Smart Parking Model Bylaw
http://www.mass.gov/envir/smart_growth_toolkit/bylaws/SP-Bylaw.pdf

Medway Planning and Economic Development

IDEAS for ZONING BYLAW AMENDMENTS and OTHER POSSIBLE TOWN MEETING WARRANT ARTICLES

UPDATED 7-18-2012

I. SUBSTANTIVE Zoning Work – Previously Discussed	*NOTES*	*Target DATE*	*SAC Priority*	*PEDB Priority*
A. Town Center/Commercial Mixed Use – 40R Overlay	Recommended in 2009 Master Plan			
B. Rezone area on Route 126/Main/Village Streets near Bellingham for business uses	What kind of uses would you want here? This would be a new district.			
C. Traditional Neighborhood Design Overlay District	Draft completed by Gino Carlucci (2007 Smart Growth Technical Assistance Grant); Recommended in 2009 Master Plan			
D. Oak Grove/Bottle Cap Lots - 40R Overlay	Recommended in 2009 Master Plan			

II. Zoning Bylaw Amendment Recommendations from the 2009 Master Plan	NOTES	Target DATE	SAC Priority	PEDB Priority
A. Establish a Transfer of Development rights option	Model bylaw available			
B. Establish a Wildlife Habitat Corridor Overlay Zoning District				
C. Adopt zoning to encourage mixed use development such as apartments above retail	Similar to 40R zoning as noted in Section I-A and I-D. of this document.			
D. Rezone property: • along Route 109 near Millis; • at intersection of Routes 109/126 (Commercial V); • around the Police Station (Commercial IV) • Clark and Route 109 (presently zoned AR1) to allow for construction of new office space with residential appearance				
E. Create a new zoning classification for office space and light industry	Location for such a district??			
F. Rezone properties that are no longer suitable for industrial uses	Such as??			
G. Review zoning to assure that design standards are consistent with Master Plan vision				
H. Review/revise zoning for high volume drive thru businesses to reduce or eliminate such uses because of safety concerns	Commercial I district			
I. Review zoning to ensure that aquifers, wellheads and watershed areas are preserved. Expand protection area around wells				
J. Rezone parcels for optimal use and Town benefit such as areas adjacent to currently zoned industrial property	Portion of ARI district that is adjacent to Industrial I district in East Medway			

III. ***Zoning Bylaw Amendment Recommendations from the 1999 Master Plan That HAVE NOT Been Implemented***	***NOTES***	***Target DATE***	***SAC Priority***	***PEDB Priority***
A. Look at ***Commercial III*** *(around Town Hall)* and ***Commercial IV*** *(around the Police Station)* zones. • Evaluate the possibility of expanding the boundaries of these zones and ways to strengthen the "village characteristics", • encourage the preservation adaptive use and allow for mixed uses • Interface with Medway Historic Commission re: the new Medway Village National Register Historic District in the Commercial District III area. • Allow for construction of residential duplexes and mixed uses by right	The boundaries of the Commercial III district were revised/cleaned up at the 6-13-2011 town meeting. A new AUOD district was established in the Medway Village area at the 6-13-11 town mtg. NOTE – These districts do not provide for any residential uses other than the construction of new single family homes			
B. ***Rezone contaminated lands for economic development.***	I do not believe we have any.			
C. Establish option for ***Neighborhood Conservation Districts***	Is this zoning or a general bylaw?			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Target DATE	SAC Priority	PEDB Priority
A. ***Work on Accessory Family Dwelling Units section*** • Establish a maximum size • Legality of occupancy rules	This needs attention per Town Counsel. This was noted by the ZBA as a very important topic			
B. ***Revise Commercial I*** • link special permits to site plan review; criteria, etc. to streamline and consolidate review process; • change authority so special permits are issued by the PB when done in conjunction with site plan review so to streamline and consolidate review process (business friendly) • revise zoning setback requirements	Seek input from Karen Johnson @ Charter Realty & Development			
C. ***Establish Use & Dimensional Tables*** – Requested by John Emidy	Previous draft is available for review			
D. ***Modify Affordable Housing Infill Bylaw*** to allow it to be used on undersized *(but neighborhood compatible)* parcels that are newly created thru the ANR process	Work with Affordable Housing Committee and Trust			
E. ***Estate/Back Lot Zoning*** – Allow a single family home to be constructed on an oversize lot with less frontage than normally required with an automatic permanent deed restriction against future subdivision	Previous draft available for review and discussion		***YES***	

IV. Other Zoning Bylaw Amendment Ideas - Continued	NOTES	TARGET DATE	SAC Priority	PEDB Priority
F. ***Create a new Village Residential (VR) zoning district*** for portions of ARII that are already more dense than the present ARII standards (150' frontage and 22,500 sq. ft of area)	This would better match the zoning text to the actual uses/sizes on the ground Allow duplexes by right and small multi-family developments by special permit from PEDB.		***YES***	
G. ***Sign Regulations*** • Remove sign provisions from zoning bylaw and convert to a general bylaw • Establish specific sign provisions for Medway Mill • Require DRC approval of sign design • Revisit sign regulations for Commercial I zone • Establish a sunset requirement for non-conforming signs • Establish a Sign Appeal Board			***YES***	
H. ***Strengthen buffer requirements*** in commercial and industrial zoning districts where such are adjacent to residential districts				
I. ***Establish a setback requirement (from side lot lines) for driveway locations***. (Requested by Bob Klein – 533-6212). He suggests a 6' setback.	Is this a zoning matter or would it be better addressed in the *Subdivision Rules and Regs* and/or the DPS street opening permit requirements			
K. ***Noise standards***	Current noise standards are very minimal			

IV. Other Zoning Bylaw Amendment Ideas - Continued	NOTES	Target DATE	SAC Priority	PEDB Priority
L. ***Establish another area for Commercial III or IV zoning – West Medway commercial area*** (west of Mechanic Street)	Presently this area is zoned ARII but it has many commercial uses that are operating as pre-existing non-conforming uses or pursuant to old special permits or use variances			
M. ***Site Plan Review*** – Add a provision for administrative site plan review of certain very limited projects such as simple façade renovations that need a building permit but nothing else. This would include review by John Emidy/SAC with input from the DRC. This process could also apply to unsubstantial modifications of previously approved site plan projects.			***YES***	
N. Develop zoning provisions for ***outdoor dining/ sidewalk cafes***				
O. Revise ***parking standards*** – based on MAPC study			***YES***	
P. Not allow businesses with a Commercial 2 license to operate as a home based business	Recommended by John Emidy			
Q. Allow for commercial solar generation in undevelopable back lot areas of AR1				
R. Expand east side industrial park (Industrial I) by rezoning a portion of ARI to Industrial I				
S. Revise what type of uses are allowed by right in the Industrial III zoning district to encourage highest and best uses	Requested by the BOS			

V. Zoning Map - Clean-Up Zoning District Boundaries	NOTES	Target DATE	SAC Priority	PEDB Priority
A. South side of Coffee Street near Main Street (Change from ARI to ARII)				
B. Southeast corner of Summer and Highland Streets. (Change from ARI to ARII)				
C. Refine ARI and ARII boundary near Brandywine Terrace east to Winthrop Street				
D. Refine ARI and ARII on east side of Winthrop Street north of Adams Street up to Lovering St.				
E. Refine boundary of ARII district along Lovering Street				
F. West side of West Street south of Edison easement - change from AR2 to Industrial 2				
G. Clean up/revise/expand boundaries of Commercial IV zone (near Police Station)	Match up zoning district boundary lines with parcel lines.		***YES***	
H. Expand Industrial I zone – rezone a portion of AR1 to Industrial I				
I.				
J.				
K.				
L.				

VI. OTHER POSSIBLE TOWN MEETING WORK	NOTES	DATE	SAC Priority	PEDB Priority
A. General Bylaw/or article to authorize BOS to accept conveyance of land or interests therein when such is already provided for in a decision by the PB, ZBA or ConCom (instead of having to go to town meeting)	Medfield example – suggested by Mark Cerel			
B. General Bylaw - Right to Farm *(recommended in 2009 Medway Master Plan)*	Work with "to be established" Agricultural Committee			
C. General Bylaw – Ban underground sprinkler systems *(recommended in 2009 Medway Master Plan)*	Discuss with DPS			
D. Something on business hours of operation – Prohibit or regulate 24 hour operations.	Probably a general bylaw			
E. Something to limit hours for outside construction				

August 14, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

Chairman Rodenhiser participated in the meeting as a member commencing at 9:05 pm.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Engineering Consultant - Tetra Tech Rizzo
Gino Carlucci, Planning Consultant - PGC Associates
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:05 pm.

There were no citizen comments.

Franklin Creek Subdivision – Bond Release

The Board is in receipt of a memorandum from Susy Affleck-Childs dated August 9, 2012 regarding the Franklin Creek Subdivision bond release. **(See Attached.)**

It is recommended that the present bond in the amount of $10,980 be released.

Dave Pellegri from Tetra Tech has approved the as-built plans and provided a sign-off that the roadway and infrastructure work is complete. **(See Attached.)**

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Planning Board voted unanimously to release the performance surety bond for Franklin Creek.

Construction Report Tetra Tech Rizzo:
Applegate Farm:
The work at Applegate Farm has been put on hold since one of the workers was injured. Things were started up at the beginning of this week. Reports will be coming.

Consultant Report PGC Associates:
The Board is in receipt of memorandum from Gino Carlucci re: the SWAP Parking Bylaws Study: dated August 14, 2012. **(See Attached)**

SWAP asked the Metropolitan Area Planning Council to undertake a review of parking bylaws within the SWAP region. The data collected was then used to produce some alternative model bylaws related to various aspects of parking.

The table goes into the topics: parking for alternative vehicles, managing the parking demand, and managing the environmental impacts of parking. Then there was a column of 12 parking strategies. The list was then compiled into a list of the current Medway parking bylaws along with general comments.

Vice Chairman Tucker suggested that we could modify our rules to consider hours of operation for shared parking.

The Board will be discussing this further at another meeting.

The next SWAP meeting is next week. This will be a kickoff event to begin the SWAP area transit study.

July 24, 2012 PEDB minutes:
These will be tabled until the next meeting.

July 10, 2012 PEDB minutes:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from July 10, 2012. *(NOTE - Andy Rodenhiser recused himself from this vote.)*

PUBLIC HEARING CONTINUATION - Bay Oak Definitive Subdivision Plan, 104 Fisher St:
The Vice Chairman reopened the continued hearing for Bay Oak Definitive Subdivision Plan.

The Board is in receipt of the following submittals included in the board packet which will be placed on the record. **(See Attached documents listed below.)**

- Communications from GLM Engineering
    1. Cover Letter – July 31, 2012
    2. Response to first round of review letters – July 30, 2012
    3. Proposed Mitigation Measures – July 30, 2012
    4. AASHTO Standards re: Lane Width

- Review letter from Fire Chief Jeff Lynch – July 26, 2012

- Revised Bay Oaks Definitive Subdivision Plan – July 30, 2012

- Tetra Tech Rizzo Review Letter on revised plans – August 8, 2012

- PCG Associates Review Letter on revised plans - August 9, 2012

- Information re: previous subdivision covenant for subject property (release of covenant dated 12-11-1990, letter dated 8/9/11 from Attorney Jay Aframe for the applicant, confidential email dated 8/18/2011 from Town Counsel Barbara Saint Andre).

- Photo of Dover Lane – September 2011

- Email Communication from Ed Duggan, 59 Fisher Street – August 9, 2012.

Engineer Rob Truax was present representing the applicant.

Rob indicated that the Board has received revised plans along with a revised drainage report, stormwater pollution prevention plan, letter addressing all comments, letter to address measures to mitigate, and AASHTO Guidelines on Lane width.

Rob explained that he has addressed the various comments from the Tetra Tech Rizzo and PGC Associates review letters.

Rob listed the recent revisions made to the plan:

- Erosion control plan
- Modified slightly the basin at the hammerhead. The shape has been changed to a teardrop.
- Provided a planting plan which included white pine and rhodendrens to screen the drainage basin.
- Road was elevated to one side to capture run-off.

Vice Chairman Tucker indicated that he is in favor of the drainage ditch.

Rob noted that the proposed drainage basin will capture the runoff for a 100 year storm event. The proposed basin will capture runoff via a drainage swale and mitigate surface flows. The proposed drainage trench will capture paved run off and provide infiltration.

Vice Chairman Tucker suggested providing a filter strip to infiltrate into the ground. This is for added protection. It was suggested that maybe a liner with fabric be added to set it up and it is cleaner.

Rob indicated he does not want this lined with fabric. In his experience with the product, it clogs over-time.

Dave Pellegri agrees that this fabric does at times clog the drainage.

Vice Chairman Tucker indicated that he was thinking about adding this on the upstream, more specifically, on the wall on side closest to road.

Rob does agree that this would work there.

Rob communicated that the next issue is that they need to ask for waivers relative to street construction.

Susy Affleck-Childs and Gino Carlucci are in agreement that the subdivision should be categorized as a neighborhood street per the Subdivision Rules and Regulations. Since it is a 4-lot subdivision, it does not technically qualify as permanent private way (in terms of the number of lots). However, the proposed subdivision road is an extension to an existing private way.

Rob noted that he will need to seek a waiver for that. He further explained that there will be no street trees proposed. There will be four white pine trees and 12 rhododendrons around the detention basin as noted in the consultant report from PGC Associates. The applicant will keep the remaining tree line.

Member Spiller-Walsh was pleased with the retention area.

Vice Chairman Tucker wanted to know if Mr. Truax has seen the letter from the Fire Chief regarding driveways.

The letter from the Fire Department was dated July 26, 2012. It indicated that the turning radius at the driveways must accommodate fire apparatus.

Rob is not sure how to address opening a roadway without asking for a waiver from the regulations.

Vice Chairman Tucker indicated that his concern is for the ambulance.

Rob responded that there is a turnaround at all driveways for an ambulance.

Member Rogers noted that at any emergency, there are usually four to six vehicles including police, fire and ambulance which arrive at scene.

Dave Pellegri communicated that the turning radii at the driveways have been added to the driveway entrances. However, the applicant needs to explain how it was determined that the radius is sufficient to accommodate the fire apparatus.

Rob responded that there is 3 ft. rounding and we can open it up with 5 ft. radius.

Vice Chairman Tucker wanted the applicant to look at the turning radius and then come back with their resolution.

Member Spiller-Walsh wanted to know what happened with the idea of merging two of the driveways into a common driveway.

Rob noted that he actually pushed the driveways further apart.

Member Spiller-Walsh wanted to know why they are better further apart.

Vice Chairman Tucker indicated that it works better with the easement.

Rob indicated that this affects only two lots and the others are not an issue.

It was also communicated that all the changes with signage have been made as requested by the Police Safety Officer. There will be an address post at the end of the driveway.

Dave Pellegri responded that the addresses should be marked at the end of the driveways if numbers on the houses are not visible from the road. It currently does not appear that this has been addressed on the plan.

Dave Pellegri noted that there should be a condition about the existing trees. The regulations state that the street trees be 12 feet high with a 2 ½ inch caliper at 4 feet above grade. This section specifies that they be located outside the right of way and at intervals of every 40 feet. There are no new trees shown and no waiver is requested.

Andy Rodenhiser indicated that the existing tree along the roadway shall remain. If this is the feeling of the Board, a waiver needs to be granted.

Dave Pellegri wants the full size pre-post plans submitted with labeled area and time of concentration lines to verify the Hydrocad model. Dave indicated that there has been an increase in peak rate and volume toward the Fisher Street analysis point.

Rob Truax responded that he had added swales to the proposed plan and modified the recharge calculations to include the swales; however that information is not reflected in the model.

Dave Pellegri wants the swales added to the model to see the amount of decrease and then determine if the addition of another swale on the opposite side of the roadway is warranted.

Rob Truax indicated the recharge numbers will be updated.

Dave Pellegri recommended replacing the top inches of the proposed gravel base material with 4 inches of dense graded crushed stone to provide a better base. This will make it more stable and it will pack better.

Gino Carlucci of PGC Associates summarized his review letter dated August 9, 2012. **(See Attached)**

The comments from Consultant Carlucci are relative to whether the waivers are required for compliance with the neighborhood streets standards. He is in agreement with Susy Affleck-Childs that this is considered a neighborhood street and that a waiver should be requested for all deviations from the standards for neighborhood streets.

The second issue is in relation to the white pines. It was suggested to select a different type of tree.

Member Spiller-Walsh noted that the applicant could make a quick trot through the Design Review Committee for additional input.

Rob Truax is comfortable changing the tree selection.

Rob Truax will put together the paperwork for the waivers.

Member Rogers has no questions at this point.

Susy Affleck Childs asked if they could elaborate with the AASHTO info for roadway width...

Rob Truax explained that it is not uncommon to have three to five houses on a private way. This is quite common in Medway. He read the regulations about private road standards, but the definition is noted that part of this is an existing private road.

Susy Affleck-Childs clarified that the road classification is based on number of lots.

Gino Carlucci noted that the criteria are the number of lots served.

Dave Pellegri will speak to the Chief again about road width.

Karyl Spiller-Walsh wanted to know when we have the18 ft. road, why should it be smaller and when is it appropriate to be smaller? It has an element of being site specific, whether the site is on hill or cliff or limiting ledges to move laterally. This is definitely a continuum about what is the extent of travel is and how it relates to the site. Is there a comfort zone there? She is not too comfortable with this. This has an element of site specific with the concrete walls.

Dave Pellegri noted that the Fire Department wanted to see a clear width of 18ft.

The Board received an email communication from Mr. Duggan at 59 Fisher Street. **(See Attached)** The email makes reference that in the original decision for the house at 104 Fisher St. the agreement called for no additional houses to be built.

Susy Affleck-Childs reported she had found the Subdivision Covenant which was executed on 4/23/1986 between Racicot Realty Trust and the Planning Board. The property was foreclosed on 11/9/1989 and Dean Bank took ownership from the Racicots. A lot was sold to the Rodenhisers on 12/4/2012. The Planning Board released the subdivision covenant on 12/11/1990.

Town Counsel Barbara Saint Andre was present to answer any questions.

Barbara clarified that the only document that she has seen was the Covenant and the Release of Covenant and conditions. For whatever reason, there was no separate subdivision approval decision other than what is included in the covenant. She indicated it would have been better to have had a separate decision and covenant. The covenant/decision which was in effect has been released by the board. With that release, there is not much the Planning Board can do to say that they cannot subdivide.

Member Spiller-Walsh wants to know if it is possible that anything else is out there.

Town Counsel noted that it is possible, but nothing has come up from her search.

Attorney Scott Sinrich who represents Mr. Rodenhiser communicated that he did a complete search and nothing more was found.

The Attorney expressed that in regards to private way vs. neighborhood street, he is in agreement with Susy Affleck-Childs and Consultant Carlucci that this is a neighborhood street.

In relation to the Homeowners Association, the new houses need to have an association, but with the existing houses, we do not have jurisdiction over existing property owner Robert Reed. His property is not part of the new subdivision. The Board cannot require that he become part of the new association.

Member Spiller-Walsh wanted to know how the applicant would approach the abutter about becoming part of the neighborhood association.

Mr. Rodenhiser explained that he has drafted a copy of such document and gave it to the abutter and offered to pay for the legal review of this and see if the abutter wants to consider.

Member Spiller-Walsh expressed, "Let's talk about the elephant in the room." She wanted to know from Town Counsel how much can we consider as we look at the applicant and the abutters and the right of way and their appearance at the public hearings during our process and their wish to use the road in the future to access their land in back. Can we consider their plan as an addendum to the current application before us? The discussion took place during this public hearing and it is already part of this application process. They have an interest in the future in using this road to access their land. Can we consider the additional impact of their future development as we approve/consider this application?

Town Counsel stated if your question is does the Board have to consider that there may be additional houses in the back, that question is not in front of the Board at this time. You need to look at what is in front of you now.

Karyl Spiller-Walsh responded that it is not as simplistic as that. We are reviewing part of their interest to develop behind the Rodenhiser property in the future and they made a statement about wanting to develop in the back.

Town Counsel answered that in regards to the land in the back, there are two rights of way and those are shown on the (Bay Oaks) plans. The owner (Rodenhiser) cannot interfere or change these rights of way. One issue is the existing easement rights on record, the records are there. If the back can be developed in the future, the Planning Board cannot try to speculate now on what might be built (in the future). It is the job of the Board to take the subdivisions as they come.

Member Spiller-Walsh responded that we rarely have a voice of concern that the standard of the road be improved during the process.

Town Counsel answered that certainly the abutters are welcomed to voice their opinion, but the standards are set out. That is the standard. You cannot increase standards based on speculation of what might be.

Vice Chairman Tucker wants to make sure the rights of way remain unencumbered and we have done this.

Member Spiller-Walsh wants to know if the Board is knowingly passing on a problem with the existence of the current access road.

Town Counsel communicated that the adequacy is the issue. The Board can look at this and the applicant will need to apply for waivers. The Board will need to vote on this. The Board must act on the basis of what is before you.

Rob Truax responded that the Board can only act on the portion within this project. He said they are not asking for waiver for the existing private way where the retaining walls are.

Member Spiller-Walsh responded, this is clear, we understand that. It is something that I take concern with.

Member Rogers noted that this is not even before us.

Member Gay noted that we cannot create a new conformance off the setbacks.

Town Counsel responded that the house must be set back a number of feet from the right of way. More specifically for Lot #2.

Rob Truax responded that this (the ROW) is not a road, and may never be. This is not his applicant's responsibility to do this.

Town Counsel clarified that the Right of Way is an easement.

Mr. Rodenhiser's attorney communicated that this was created to give flexibility. The neighbors created where this is landlocked. They would need to conform within the regulations.

Susy Affleck-Childs asked if it is a problem that the driveway crosses the right of way in Lot 1 and the roadway crosses.

The Attorney for Mr. Rodenhiser responded that this gives the Giovenellis the right to this way in the future.

Member Rogers wanted to know what prompted the email from Mr. Duggan.

Susy Affleck –Childs indicated that she is not sure why this came in or what prompted this email.

Abutter Mr. Reed (106 Fisher Street) wanted clarification about the deeds.

Vice Chairman Tucker summarized and noted that the previous Planning Board signed off on the release of covenant and it is no longer in effect.

Mr. Reed wanted to know if the deeds were reviewed.

Susy Affleck-Childs responded that they were reviewed.

Abutter Letson @ 97 Fisher St:

Mrs. Letson expressed concerns about water coming onto her driveway and property. She presented photographs for the Board to review.

Dave Pellegri reported that Fisher ST was recently repaved and the berm was not put in. There are a couple of issues with clogged leaves in the catch basins. The water is getting around the berm. He will go to the site and review this area and report back to the Board.

Rob Truax indicated he will also go out and look this when it rains.

Member Rogers notes that this is a problem for the Medway Department of Public Service. This needs to be addressed through them and not the applicant.

Abutter John Giovanella @ 44B Fisher St:
He communicated that there is run-off going onto another driveway. You can see that the water goes straight down. This is a concern with the three lots. We would like the Board to consider that the wall should be removed.

Vice Chairman Tucker noted that the only thing in front of us is the existing plan (4 lots at the top of the property).

Member Gay noted that the Planning Board is not charged with solving an existing problem, but we need to make sure that this project does not make the situation any worse.

Dave Pellegri indicated that there is a minor increase in runoff and a swale was put on the side of the road. We will put in the model and see what the increase is.

Susy Affleck-Childs asked what it would take to make this work better.

Dave Pellegri noted that underground storage on site is a possible resolution, but it is very expensive and this is not a typical resolution and would be difficult.

Rob Truax responded that we could put in additional catch basins on Fisher ST. The underground pipes are larger in the area and could accommodate more water.

Vice Chairman Tucker noted that there will always be leaves on that road and when it rains the leaves will go to the catch basin.

Applicant Rodenhiser responded that the elevation at Stone End is higher.

Abutter Letson @ 97 Fisher St:

Mrs. Letson explained that her driveway is across the street from the road (Dover Lane). Her concern is that people will be driving down the road and the headlights will be shining into her living room.

Member Spiller-Walsh wanted to know what the applicant can do about this. Can we do some offsite landscape?

Rob Truax indicated he will look at this issue.

The Attorney for Mr. Rodenhiser asked to confirm that the legal issues have been answered and he does not need to come back.

Spiller-Walsh noted that she is OK with what Town Counsel has stated this evening.

Continuation of Hearing:
On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the hearing for the Bay Oaks Definitive Subdivision Plan at 104 Fisher Street will be continued to August 28, 2012 at 8:00 pm.

Planning and Economic Development Coordinator's Report:

There will be a Community Signage Project Task Force meeting next Wednesday night. They will be meeting with graphic designers for concept idea. The Committee will make a selection. The target date for installation is March, 2013.

The Economic Development Committee is proceeding to review the EDC Specialist proposals.

Susy Affleck-Childs presented a map of Medway parcels organized by housing density which was dated August 14, 2012. She showed it to the board on paper and projected it on the large screen.

The Board noted that there is real density around the Commercial 3 and Commercial 4 zones. The Board could look at the crossovers and superimpose the layers.

The parcels are categorized by a land use code that is used across the state by assessors in every community to categorize land use.

The Board discussed that they could almost have another category that is different than village zoning. (For example, R3 Zone) for smaller subdivisions (Brentwood).

The idea is to start looking at allowing two families by right in a small village area.

Member Spiller-Walsh suggested including parcels that are not as dense to continue the build outs in those areas instead of mixed use to the dense sections.

Chairman Rodenhiser joined the meeting and discussion at 9:08 pm.

Member Gay suggested preserving the Commercial Area and allowing higher density around it.

Chairman Rodenhiser wanted to know if the parking would need to be addressed in those areas.

It was noted that the Commercial IV boundaries need to be cleaned up.

Member Gay noted that there is a natural village area near Cottage Street.

Member Rogers wanted to know what the red coloring indicated on the map.

Susy reported that the red area is indicative of multiple homes on one parcel.

Susy thanked Tom Gay for his assistance in pursuing the GIS.

Chairman Rodenhiser wanted to know if we can provide an as-built that is integrated with GIS so the layer and infrastructure are noted.

Susy responded that this would be something we will work toward. We are not there yet. She indicated there was a summer intern that scanned in all the as-builts from the Building Department along with the septic and well drawings. The goal would be to have all of these plans on MUNIS for the various departments to use.

Vice Chairman Tucker noted that these plans should be readily available for the Fire Department as well.

Member Rogers noted that there is a problem with the American Legion building. It was suggested that they come in and speak to the Board.

The Goals for Gino and Susy to work on:

- Village Residential Zone
- Look at further groupings
- Clean-up Boundaries for Commercial IV and ARII

Future Meetings:
The next Planning and Economic Development meeting will be August 28, 2012 at 7:00 pm

Adjourn:
On a motion made by Karyl Spiller –Walsh and seconded by Andy Rodenhiser, the Board voted unanimously to adjourn the meeting at 9:33 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TOWN OF MEDWAY

Planning & Economic Development

155 Village Street

Medway, Massachusetts 02053

MEMORANDUM

August 9, 2012

TO: Medway Planning and Economic Development Board

FROM: Susy Affleck-Childs

RE: Franklin Creek Subdivision – Bond Release

I recommend the Planning and Economic Development Board vote to release the performance security in full for the Franklin Creek subdivision. The present bond amount is $10,980 +/-.

The funds are being held by Walpole Co-operative Bank Medway pursuant to a Lender's Agreement executed January 8, 2008 by the Medway Planning Board, Wood Structure Construction, Inc. of Medfield, MA and Walpole Co-operative Bank.

Tetra Tech has approved the as-built plans and provided a sign-off that the roadway and infrastructure work is complete. See attached.

All fees for Tetra Tech inspection services this spring and summer have been paid.

DPS is satisfied with all work.

Taxes are paid in full on the road parcel.

Telephone: 508-533-3291 Fax: 508-321-4987

saffleckchilds@townofmedway.org

TETRA TECH

January 6, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Franklin Creek
As-Built Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) reviewed the "Road Asbuilt" Plan dated November 1, 2011 revised December 14, 2011, prepared by Land Planning, Inc. The plans were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations and our previous comment letter dated November 11, 2011.

The plan is now satisfactory as submitted and meets all applicable regulations. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Sr. Project Manager

P:\21583\08001\DOCS\2012-01-06 FRANKLIN CREEK REVIEW LETTER.DOC

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech (TT)

Re: **Franklin Creek**
Subdivision Review (Punchlist)
Medway, MA

Dt: June 25, 2012

At the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a final inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006, the Certificate of Action dated January 17, 2006 and our previous Punch List Memo dated April 11, 2012. All items have been completed to the satisfaction of TT.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

P:\21583\08001\DOCS\MEMO-FRANKLIN CREEK PUNCH LIST 2012-06-25.DOC

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: August 14, 2012

RE: Comments on SWAP Parking Bylaw Study

In 2011, SWAP asked the Metropolitan Area Planning Council to undertake a review of parking bylaws within the SWAP region and elsewhere and to use the data to produce some alternative model bylaws related to various aspects of parking.

The final report of that study resulted in 12 "parking strategies" organized 3 topics as follows:

TOPIC	STRATEGY
Parking for Alternative Vehicles	1. Small Car Parking 2. Motorcycles 3. Bicycles 4. Electric Vehicles
Managing Parking Demand	5. Reducing the Required Parking 6. Parking Maximums 7. Fees-in-Lieu of Parking Spaces 8. Shared Parking
Managing the Environmental Impacts of Parking	9. Pervious Paving Materials 10. Parking Reserves 11. Landscaping for Shade and Air Quality 12. Location of Parking

The table on the next page illustrates how Medway's current parking regulations relate to each of the strategies in the report, and adds other related comments as appropriate regarding potential applicability in Medway. This is intended to be an overview, and we can delve further into any of these measures, as the Board deems appropriate.

STRATEGY	CURRENT MEDWAY PARKING BYLAWS	GENERAL COMMENTS
Parking for Alternative Vehicles		
1. Small car parking	Already allowed for lots with more than 40 spaces up to 30% of total.	Threshold could potentially be lowered to 20 or 30.
2. Motorcycles	No provisions.	Consideration could be given to allowing parking demand to be met with motorcycle spaces. Study suggests up to 5% of total demand.
3. Bicycles	Already requires 1 bicycle space per 20 parking spaces.	Bicycle use is growing fast. Study suggests 1 bicycle per 10 or 20 spaces.
4. Electric vehicles	No provision	Any provisions for these would not substitute for parking demand but location advantages and/or charging stations could encourage their use.
Managing Parking Demand		
5. Reducing the required parking	Already allows reduction by ZBA in C1 district and by PEDB for shared parking	Could consider allowing reductions in any district by special permit. Specific minimum requirements are already in appropriate range, though changes could be considered.
6. Parking maximums	No provision	Maximums are probably not appropriate now but may be in future.
7. Fees-in-Lieu of parking spaces	No provision	This could be useful if the Town were able to provide a municipal lot directly or perhaps through an agreement with a property owner in a prime location suitable to serve multiple businesses. Probably not viable for now.
8. Shared parking	Already provided for with reduction up to 30%, but it is not clear that this is allowed in all districts.	While an agreement between abutting property owners is already allowed, the use of shared parking could be further encouraged where appropriate.

Continued

STRATEGY	CURRENT MEDWAY PARKING BYLAWS	GENERAL COMMENTS
Managing the Environmental Impacts of Parking		
9. Pervious paving materials	Most currently allowed, but site plan regulations "strongly encourage" asphalt surfaces.	Use could be further encouraged, especially for walkways and less-used spaces. Site plan language could be amended to encourage use of pervious materials.
10 Parking reserves	Not specifically allowed, but could be part of ZBA special permit for reduced numbers in the C1 district.	Could be allowed in all districts as part of site plan review.
11. Landscaping for shade and air quality	Site plan regulations require a shade tree for each 6 parking spaces.	
12. Location of parking	Site plan regulations already encourage parking to be to side and rear of building.	Set back changes could facilitate this.

GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 30, 2012

Medway Planning Board
Town Hall
155 Village Street
Medway, MA 02053

RECEIVED
JUL 31 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: Bay Oaks Definitive Subdivision Plan
Medway, MA

Dear Board Members,

Our firm revised the plans for the above captioned project to address the comments from the Tetra Tech, dated July 2, 2012; PGC Associates, Inc., dated July 5, 2012; Medway Police Department, dated July 23, 2012 and other comments from board members and abutters. The following is a response to comments:

Tetra Tech comments, dated July 2, 2012:

1. ***Revised plan provided street name "Dover Lane", See Sheets 2 & 3 of 7.***
2. ***Revised provide bench mark elevation, See Sheet 3 & 4 of 7.***
3. ***Revised provided existing woods line location, fences, etc. See Sheet 3 of 7.***
4. ***Revised See Sheets 2 & 4 of 7.***
5. ***Revised See Cover Sheet 1 of 7.***
6. ***Revised See Sheet 4 of 7. Note location is approximate and final location will not be determined by the electric company until endorsement of the plan.***
7. ***The site is heavily wooded and the area to be cleared will be minimal. The proposed roadway will be along the existing driveway.***
8. ***Revised See Cover Sheet 1 of 7.***
9. ***Revised See Cover Sheet 1 of 7.***
10. ***Revised See Sheet 4 of 7.***
11. ***Revised See Sheet 4 of 7. Note the drainage calculations were modified for the larger roof areas..***
12. ***Revised See Cover Sheet 1 of 7.***
13. ***Revised See Sheet 7 of 7. Roadway cross section.***
14. ***Revised See Sheet 7 of 7. Planting detail.***
15. ***The Board shall review.***
16. ***The length of the proposed dead end is 5+95 feet to the center of the cul-de-sac from the center line of Fisher Street.***
17. ***Revised and Note added to Cover Sheet 1 of 7.***
18. ***The fire chief will need to make a determination.***

19. *The proposal is to preserve the existing trees within close proximity of the roadway and provided plantings around the detention basin..*
20. *The existing trees to remain may be inspected after the clearing for the roadway is complete and trimmed as needed.*
21. *No street lights were recommended by the Traffic Safety Officer.*
22. *A narrative has been provided see attached.*
23. *Full size plans have been provided, See Revise drainage report.*
24. *Revised See Revised drainage report.*
25. *The amount of increase is minimal. The proposed plan may be revised to include two foot wide stone trenches along both sides of the roadway in lieu of a grass plot to provide additional mitigation and infiltration.*
26. *See Revised Drainage Report.*
27. *Revised See Sheet 2 of 7.*
28. *Revised See Sheet 3 of 7. Existing bit. Driveway.*
29. *The existing easements and restrictions is to be reviewed by Town Council.*
30. *The silt fence as shown is for the roadway construction only. Lots 2 and 3 will require a separate Notice of Intent filed with the conservation commission for the house, driveway and septic system construction.*
31. *Revised See Sheet 4 of 7.*
32. *There are no certified vernal pools on the locus. The conservation commission has conducted a site inpection and is currently reviewing the project.*
33. *The existing easements and restrictions is to be reviewed by Town Council.*
34. *The existing utilities will need to verified and new utilities lines will be installed which will include a new connection for the existing dwelling.*
35. *Revised See Sheets 3 & 4 of 7.*
36. *No development of house is proposed within the right of way.*
37. *Revise See Sheet 7 of 7. Detail of roof drainage.*
38. *Revised See Sheet 7 of 7.*
39. *The existing driveway shall be removed and new 12" gravel base shall be installed. See Sheet 7 of 7. Cross Section note added.*
40. *This should be addressed by the Board.*
41. *The Traffic Safety Officer has indicated that proper signage will be need to be provided.*
42. *The existing wall are shown on Sheet 3 of 7.*
43. *The should be addressed by the Board.*

<u>PGC Associates, Inc., comments, dated July 5, 2012:</u>

1. *Revised See Cover Sheet 1 of 7.*
2. *Revised to indicate the existing septic system. However, there is no information as to the actual locations of abutting septic systems. It appears that the existing abutting systems would be towards the front of the existing houses. The wells are shown on the rear portion of there lot.*
3. *Revised See Sheets 3 & 4 of 7.*
4. *Revised See Cover Sheet 1 of 7.*
5. *Revised See Sheet 5 of 7.*
6. *See drainage report for soil test results.*
7. *See drainage report for "Operation and Maintenance Plan".*
8. *The area around the detention basin is to be planted See Sheet 7 of 7.*
9. *Revised See Sheet 5 of 7.*
10. *No street lights were requested by the Traffic Safety Officer.*
11. *None is proposed.*

12. ***Planting information provided See Sheet 7 of 7.***
13. ***See Attached SWPPP.***
14. ***Revised See Sheet 6 of 7.***
15. ***Revised See Sheet 4 of 7.***
16. ***Revised See Sheet 6 of 7.***
17. ***Board to discuss.***
18. ***The Traffic Safety Officer has provided information that the area along Fisher Street in the vicinity of Dover Lane intersection be cleared of brush to provide better site visibility.***
19. ***The proposed grade is indicated on the profile view See Sheet 5 of 7.***
20. ***The Board should review.***
21. ***The Board should review.***
22. ***The area around the detention basin is planted as shown and the existing trees along the roadway shall remain.***
23. ***No island is proposed.***
24. ***No street lights were requested by the Traffic Safety Officer.***
25. ***None are proposed.***
26. ***The Board should review.***

Medway Police Department, Safety Officer, dated July 23, 2012:

1. ***The house number shall be put in a location that can be clearly seen from the private drive. The Board can include a condition of approval.***
2. ***Revised See Sheet 5 of 7. Sign provided.***
3. ***Revised See Sheet 5 of 7. Sign provided.***
4. ***Revised See Sheet 5 of 7. Sign provided.***
5. ***Revised See Sheet 5 of 7. Note added.***
6. ***See Sheet 5 of 7. Note added.***

Enclosed herewith are copies of the revised plans and drainage report for your review and comment. If you have any questions please don't hesitate to contact our office.

Thank you for your cooperation in this matter.

Yours truly,

Robert S. Truax
Project Manager/Design Eng.

GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 30, 2012

Medway Planning Board
Town Hall
155 Village Street
Medway, MA 02053

RECEIVED
JUL 31 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: Bay Oaks Definitive Subdivision Plan
Measures to Mitigate Impacts
Medway, MA

Dear Board Members,

The proposed project "Bay Oaks", Definitive Subdivision, has been designed to minimize impacts to the existing site features. The following "Measures were implemented to Mitigate Impacts":

Maximize stormwater infiltration and groundwater recharge: *The project has been designed to recharge 100 percent of all roof runoff for a 100 year storm event. The proposed drainage basin will capture runoff via a drainage swale and mitigate surface flows. The proposed drainage trench will capture paved runoff and provide infiltration.*
Prevent surface and groundwater contamination: *The proposed surface runoff will mitigate to maximum extend feasible through infiltration systems.*
Reduce detrimental impacts to water quality: *The project does not cause any detrimental impacts to water quality.*
Maintain slope stability prevent erosion: *An erosion control plan will be implemented to protect and maintain erosion from the site.*
Conserve Energy: *The homes will be built to current building code standards.*
Preserve wetlands: *No wetlands will be disturbed during or after construction.*
Preserve wildlife habitats, outstanding ecological or botanical features: *There are sufficient buffers around the wetland area to provide wildlife habitat. The proposed house lots are well in excess of the require zoning area requirements thus allowing for maximum preservation of existing features.*
Protect scenic views: *No scenic views will be disturbed.*
Retain natural landscape features: *The proposed roadway is designed as a permanent private way that will reduce impacts to the natural landscape.*
Design street layouts to facilitate southern orientation of houses: *A portion of the homes will have southern orientation.*
Use curvilinear street patterns: *The proposed roadway is approximately 200 feet in length with a curve to the left.*

Promote pedestrian and bicycle access and safety: *The proposed project does not include any public bike or pedestrian trails.*
Reduce the number of mature trees to be removed: *The proposed roadway alignment minimizing tree clearing.*
Provide green belt/buffer areas: *There is a 15 foot wide buffer provided along the property perimeter where the site abuts existing residential homes.*
Preserve historically important structures and features on the site: *There are no historic structures on the site.*
Retain natural valley flood storage areas: *The existing wetlands/flood storage areas will remain undisturbed and include a 25 foot no disturb buffer.*
Minimize the extent of waterways altered or relocated: *No existing waterways are altered or relocated.*
Reduce the volume of cut and fill: *The proposed roadway construction will not require any significant amount of gravel removal or fill.*
Minimize the visual prominence of man-made elements even if necessary for safety or orientation: *The proposed drainage structure will be screened with plantings and the proposed house will have significant buffering from the proposed road.*
Minimize municipal maintenance frequency and costs: *The proposed roadway shall remain private.*
Reduce building site frontages or driveway egresses onto primary or secondary streets: *All proposed driveways will have access and egress via the private way.*

The proposed project as designed will minimize impacts to the existing site features and surrounding area.

Thank you for your cooperation in this matter.

Yours truly,

Robert S. Truax
Project Manager/Design Eng.

Lane Width: Flexibility in the AASHTO Guidelines

The AASHTO Green Book (2) recognizes the need for flexibility and provides that flexibility, citing how lane width can be tailored, to a degree, to fit the particular environment in which the roadway functions (e.g., low-volume rural roads or residential areas versus higher volume rural or urban facilities). The formulation of these values demonstrates considerable flexibility. The AASHTO Green Book (2) recognizes the need for flexibility and provides that flexibility, citing how lane width can be tailored, to a degree, to fit the particular environment in which the roadway functions (e.g., low-volume rural roads or residential areas versus higher volume rural or urban facilities). The formulation of these values demonstrates considerable flexibility.

For lower speed, lower volume rural roads and highways with little or no truck traffic, lane widths as low as 9 ft (2.7 m) may be acceptable; lane widths substantially less than 12 ft (3.6 m) are considered adequate for a wide range of volume, speed, and other conditions.

For the reconstruction of rural two-lane highways, the AASHTO Green Book (2) notes that less than 12-ft or 3.6-m lane widths may be retained "where alignment and safety record are satisfactory." In other words, widening a narrow existing highway is not mandated if its safety performance is acceptable. Flexibility is also evident for lower-class roads and streets, with recommended narrower lane widths consistent with lower design speeds on such roads.

The discussion of lane width in the AASHTO Green Book (2) for urban areas also reflects a high degree of flexibility. It is noted that lane widths "may vary from 10 to 12 ft (3.0 to 3.6 m) for arterials." For lower classification facilities, similar flexible language encourages the tailoring of an urban street cross section to site-specific conditions. We believe that our vision for the Beethoven Promenade cannot be implemented without the support of the Miami-Dade County.

*From **A Guide for Achieving Flexibility in Highway Design**, 2004, by the American Association of State Highway and Transportation Officials, Washington, D.C. Used by permission. AASHTO publications may be purchased from that organization's bookstore at 1-800-231-3475 or online at http://bookstore.transportation.org.*

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A Guide for Achieving Flexibility in Highway Design
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American Association of State Highway and Transportation Officials
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Contributed by:
Elena Madison

Town of Medway
Fire Department

Jeffrey P. Lynch, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254

RECEIVED
JUL 31 2012
TOWN OF MEDWAY
PLANNING BOARD

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

Ms. Affleck-Childs, July 26, 2012

I have reviewed site plans for a subdivision to be located at 104 Fischer Street, Medway, MA.

During the review we discussed the following.

1.) The turning radius at the driveways must accommodate fire apparatus.
2.) The turning indent at the house end of the driveways should be increased to accommodate the ambulance to be able to turn around without backing the entire length of the driveway.
3.) The laneway and driveways will be designed to accommodate 75,000 pound vehicles and will be maintained at all times including snow removal.
4.) The road to the subdivision should be named Dover Lane and all houses Dover Lane serves should have Dover Lane addresses.
5.) We further had a discussion about water supply to the subdivision. While a viable water supply to the subdivision needs to be addressed, it is a problem throughout town that should be addressed via ordinance or zoning rules. Swimming pools are not generally an option as they are typically located of a hard surfaced road and access to them with large trucks is usually impossible in all weather scenarios. It would be extremely difficult to address this issue with this subdivision given the time constraints.
6.) Addresses should be marked at the end of the driveways if numbers on the houses are not visible from the road.

Any violation of the Massachusetts Fire Code not noted in this review is the sole responsibility of the property owner and will be rectified accordingly.

Thank you for seeking my input and if there is anything else I can do in this matter please let me know. If you have any questions please feel free to contact me at the above number.

Sincerely,

Jeffrey P. Lynch
Chief of Department

TETRA TECH

RECEIVED
AUG 08 2012
TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012
(Revised August 8, 2012)

Mr. Robert Tucker
Vice Chairman-Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Bay Oaks
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Tucker:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of a four lot subdivision off of Fisher Street, near the Holliston Town Line. The project proposes to extend the existing private way cul-de-sac to create three additional house lots. The existing site is approximately 8.7 acres and is primarily wooded, with one existing single family house. The three new residential buildings will require private utility connections gas, electric, and telecommunications. The sewer will be serviced through the use of on-site septic systems and the water will utilize on-site wells. The stormwater design will primarily consist of a swale running along the proposed roadway which will then discharge to a small drainage basin located adjacent to the proposed roadway. The roof runoff will be collected and discharged into below ground infiltration chambers.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Definitive Subdivision of Bay Oaks in Medway Massachusetts", dated May 18, 2012, prepared by GLM Engineering Consultants, Inc. (GLM).
- A stormwater report entitled "Stormwater Report, Bay Oaks", dated May 18, 2012, prepared by GLM.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GLM.
- Additional miscellaneous application material including a Designer's Certificate (Form D), and a Development Impact Report (Form F), prepared by GLM.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On June 27, 2012 at 4:00 PM, Tetra Tech met the applicant on-site to perform a site walk and review the existing conditions on the plan versus the field conditions. At that time, we discussed several comments that were generated in a draft of this review letter. Although the applicant answered some of the questions below during the site walk, we've left them on the list for the Planning and Economic Development Board's review, along with the information provided by the applicant (shown in italics following several of the comments).

On March 13th, 2012, TT received an updated package including a cover letter providing comment responses, plans, drainage report, and a list of waivers addressing our original comments. We have reviewed this package and have updated our comments, as bulleted below the original comment.

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)

    - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction. The board should review the plantings and confirm acceptance.

15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))

    - **TT 8/8/12 Update**: The PEDB should interpret this regulation and how it applies to this proposed subdivision.

16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))

    - **TT 8/8/12 Update**: The proposed roadway is 5+95' to the center of the cul-de-sac from the center line of Fisher Street.

17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

18. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision. (Ch. 100 §7.17.1)

19. **TT 8/8/12 Update**: There does not appear to be a fire alarm system proposed so the applicant should verify that the sum of money will be paid to the fire department. Trees shall be planted in accordance with Ch. 100 §7.19.2.

    - **TT 8/8/12 Update**: This item has not been addressed and may require a waiver. The intent is to preserve existing trees close to the roadway.

20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)

    - **TT 8/8/12 Update**: A note should be added to the plan to address this.

21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the requirements of the Land Subdivision-Form F, or requiring additional information:

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*

    - **TT 8/8/12 Update**: The applicant added swales to the proposed plan and modified the recharge calculations to include the swales, however that information is not reflected in the model. We would like the swales added to the model to see the amount of decrease and then determine if the addition of another swale on the opposite side of the roadway is warranted.

26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

28. The material of the existing driveway should be labeled.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.

    TT 8/8/12 Update: This item has been addressed to our satisfaction. Silt fence is provided for roadway and is acceptable for that scope of work. Additional silt fence will be provided during the Notice of Intent procedure for the proposed house construction.

31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

34. Existing private utilities should be shown on the plans.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation

code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

38. A monument detail should be added to the plans along with a label identifying type of monument to be set.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4"of dense graded crushed stone to provide a better base.

41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

42. Existing stone walls should be shown on the plans.

    - **TT 8/8/12 Update**: The applicant has stated that the walls are shown on sheet 3, however I believe there are more walls along the property line that are not shown.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.7.2 (M)-Stormwater Management-Side Slopes
Section 7.7.2 (P)-Stormwater Management-Separate Basin Parcel
Section 7.10.2-Curbs and Berms

43. The waiver request states that a waiver to section 7.10.2 is to allow country drainage swale along the roadway, however the grading does not reflect this. Only one section of roadway appears to sheet off to a basin or swale, approximately from STA 5+50 to 6+50).

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were raised during the public hearing process and do not appear to have been addressed:

44. The turning radius at the driveways must accommodate fire apparatus. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update**: Radii have been added to the driveway entrances however the applicant shall state how it was determined that the radius was sufficient to accommodate the fire apparatus.

45. We further had discussion about water supply to the subdivision. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update**: The applicant should discuss this issue with the fire department directly.

TETRATECH

46. Addresses should be marked at the end of driveways if numbers on the houses are not visible from the road. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update:** It does not appear that this has been addressed on the plan.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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PGC ASSOCIATES, INC.
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gino@pgcassociates.com

August 9, 2012

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RECEIVED
AUG 09 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the revised subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012 with a revision date of July 30, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 118,395 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 120,626 (Lot 3) square feet.

The original comments from my July 5, 2012 letter are repeated with new comments in **bold** as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands. **The wetlands calculations have no been provided. OK.**

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling. **The existing septic system on Lot 4 is now shown as well as the existing wells on abutting properties. The applicant explains that the existing septic systems for the abutting lots are not shown, but they appear to be in the front of those lots. OK.**

3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width information was not. The ROW width for the existing private way leading to the proposed

subdivision was provided, but the pavement width was not. **The pavement width for Dover Lane is now shown, but the ROW and pavement width of Fisher Street are not.**

4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately. **The three waiver requests are now shown on the cover sheet. OK.**

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested. **This information is now shown. It should be noted that NStar will have control over this. OK.**

6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided. **The soil tests are in the drainage report. OK.**

7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled. **The operation and maintenance plan is included in the drainage report. Also, the runoff from the lower sections of the roadway is proposed to run down Dover Lane to the catch basins at the bottom. OK.**

8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested. **Plantings, including 4 white pines and 12 rhododendrons are proposed around the detention basin. No street trees are proposed and no waiver is requested.**

9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary. **A street sign indicating Dover Lane and Fisher Street is now shown as well as signs indicating to yield to pedestrians. OK.**

10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested. **The applicant indicates that no streetlights have been requested by the safety officer. OK.**

11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed. **OK.**

12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround. **A planting plan around the detention basin is now proposed. I am not sure that white pines are the best choice for trees due to tendency to drip lower branches.**

13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested. **This has now been provided. OK.**

14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan. **A stockpile area is now shown. OK.**

15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested. **The footprints are now 40' x 80'. OK.**

16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided. **This has now been provided. OK.**

17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects. **OK.**

18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection. **The applicant responds that the safety officer has asked that brush along Fisher Street be cleared to improve sight distance and the area of clearing is now shown on the plans. OK.**

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated. **Grades are now shown, but no waiver is requested. This comment was made in error. OK.**

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets. **This comment still stands. Applicant asks that the Board review this.**

21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested. **This comment still stands. Applicant asks that the Board review this.**

22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested. **This comment stands. Applicant suggests that existing trees along the roadway shall remain. If this is acceptable to the Board, I suggest that a waiver be requested.**

23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed. **Again, applicant states that no center island is proposed. A waiver should be requested.**

24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested. **As stated previously, safety officer has not requested streetlights. OK.**

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed. **OK.**

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets. **This comment still stands. Applicant asks that the Board review this.**

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

Sincerely,

Gino D. Carlucci, Jr.

9088

414

Lot 6A Fisher St., Medway

90911

10. -

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA
BOOK 9088 PAGE 414
BARRY L. HANNAH, REGISTER

RELEASE OF COVENANT AND CONDITIONS

We, the undersigned, being a majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that lots 6A and 6B on a plan entitled, Definitive Subdivision Plan, Fisher St., Medway, Mass., Subdivision of Land in Medway, Massachusetts, Owner & Developer: Kenneth S. Racicot, Trustee of Racicot Realty Trust, dated November 12, 1985, Surveyed by: GLM Engineering Consultants, which is registered in Norfolk County Registry as Plan No. 1095 of 1988, Plan Book 373, to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986, recorded in Book 8120, Page 718 with said deeds.

RECEIVED
NORFOLK COUNTY
RECORDED
91 OCT 30 AM 11:19

Signed and sealed at Medway, Massachusetts, this 11th day of December, 1990.

NORFOLK, SS.

Dated: December 11, 1990

Then personally appeared the above-named Allan Fraser and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Public

My commission expires:
March 12, 1993

PHILLIPS, SILVER, TALMAN, AFRAME & SINRICH, P.C.

DAVID A. TALMAN
JAY Z. AFRAME
SCOTT S. SINRICH
JESSICA PARENTI
SARAH L. HARRIS
CHRISTINE A. OLIVARI

LAW OFFICES
146 MAIN STREET, 5TH FLOOR
WORCESTER, MASSACHUSETTS 01608-1137

TELEPHONE (508) 754-6852
FACSIMILE (508) 754-1944

SUMNER SILVER
OF COUNSEL
JAMES J. PHILLIPS
OF COUNSEL

August 9, 2011

Mr. Andrew Rodenhiser
104 Fisher St.
Medway, MA 02053

RE: Covenant Regarding Fisher Street
Medway Property

Dear Andy:

You have asked us to review the Covenant regarding your Fisher Street, Medway property dated April 16, 1986, recorded at the Norfolk County Registry of Deeds at Book 8120, Page 718, and the Release of Covenant and Conditions recorded at said Registry at Book 9088, Page 414. A question has arisen as to whether the Release releases the provisions of paragraph 11. of the Covenant, which states that the land shall not be further subdivided. Attorney Deborah Batog, representing the Giovanella family, owners of abutting property, has put forth the position at the July 26, 2011 meeting of the Medway Planning Board that the Release applies to the restrictions on construction, and not, what she refers to as, restrictions that run with the land.

In paragraph 15. of the Covenant, it states, "When the requirements of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed, and a certificate of partial compliance duly executed by a majority of the Board waiving this provision as to such particular lot(s), shall be filed and recorded in the Norfolk Registry of Deeds." That provision suggests that compliance as to certain of the building provisions shall be certified to by a certificate of compliance, not a release, and signed by the Planning Board.

The Release of Covenants and Conditions dated December 11, 1990, by its terms, would be a complete release of all covenants and conditions. It states, "We, the undersigned, being majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that Lots 6A and 6B on a plan entitled.... to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Raicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986 recorded in Book 8121, Page 718 with said deeds." This language is very broad, and clearly states that it releases the lots from the terms, provisions and

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Thursday, August 18, 2011 3:01 PM
To: Susan Affleck-Childs
Cc: Suzanne Kennedy
Subject: RE: Bay Oaks Subdivision - 104 Fisher Street -

CONFIDENTIAL

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

You have requested an opinion on a number of issues related to the Bay Oaks preliminary subdivision plan. I have reviewed the deeds, covenant, plans, chronology, and letter from the applicant's attorney that you forwarded to me. The questions are set forth below, followed by my responses.

1. What rights do the Giovanellas have in the ROW. In particular, does their right to use the ROW mean they also have the right to improve the ROW (build a road within it to access the back land).

Without performing a title search, I cannot opine on what rights, if any, the Giovanellas have in the various rights of way shown on the plans and described in the deeds. I do note that the deed from the Giovanellas to Kenneth Racicot in 1982 reserved to the Giovanellas the right to use the 60 foot wide right of way shown on the recorded plan "for any and all purposes for which public ways are commonly used in the Town of Medway." Similarly, the easement granted to the Giovanellas by Racicot in 1984 over the 50 foot right of way shown on the 1984 plan granted the right to use it "for all purposes for which public ways are used in the Town of Medway." Generally, the holder of a right of way easement has the right to make reasonable repairs and improvements so as to be able to use the way for its intended use. See Walker v. E. William & Merrill C. Nutting, Inc., 302 Mass. 535 (1939). In addition, by statute, an abutter to a private way who possesses deeded rights of ingress and egress in the way has the right to place, install, or construct in, on, along, under and upon said private way pipes, conduits, manholes, and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, provided that such facilities do not unreasonably obstruct the private way and subject to certain other provisions. G.L. c. 187 §5. For purposes of the statute, a driveway easement is considered a private way. Barlow v. Chongris & Sons, Inc., 38 Mass. App. Ct. 297 (1995). Thus, generally speaking, the land owner who has the benefit of an easement "for all purposes for which public ways are used" would be able to improve the easement in order to provide ingress and egress.

2. Are the Town's setback requirements applicable to the ROW boundaries or only to property line boundaries? How close can a house, septic, and well be located from a ROW boundary that is not coterminous with a property line?

The zoning by-law provides that "buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line." Section V.E.5. Accordingly, with respect to side and rear lot lines, the setback is measured from the lot line, not any easement that may cross the property. With respect to street lines, the zoning by-law defines a street as: "Public way established by or maintained under public authority or a way shown on a plan approved and endorsed by the Planning Board." In my opinion, the easements shown on the plans discussed above are not "ways" shown on the plan within the meaning of the by-law. Accordingly, the street line would be the cul-de-sac.

3. You have also inquired as to a Covenant recorded at Norfolk Registry of Deeds, Book 8120 page 718. This Covenant is in respect to the Planning Board's approval of a subdivision plan for the property in 1986 which divided the property into a private way with a cul-de-sac and two lots. The Covenant has many of the provisions found in boilerplate subdivision covenants granted under G.L. c. 41 §81U to provide surety for the construction of ways and installation of municipal services in the subdivision. It also contains a number of conditions, including condition no. 11: "The undersigned agrees that the land shall not be further subdivided, and shall not be further developed than as shown on Plan as two buildable lots." The Covenant was signed by the owner, Kenneth Racicot, and the planning board.

In 1996, the Planning Board executed a "Release of Covenant and Conditions", which was recorded at the Registry of Deeds, with respect to the Covenant. The Release states: "We....hereby certify that lots 6A and 6B on a plan entitled....is [sic] hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986..." This release, on its face, releases the lots from the Covenant in its entirety, including condition number 11 with respect to no further subdivision.

I am informed that there is no other document, such as a planning board certificate of action, setting forth this condition. Generally, all conditions must be inscribed on the plan or contained in a separate document referred to on the plan. Green v. Board of Appeal of Norwood, 358 Mass. 253 (1970). There is a note on the definitive plan that states: "Approval granted subject to a covenant dated April 16, 1986 to be recorded herewith"; there is no note as to conditions or any other document. The covenant, however, has since been released by the broad release that specifically is entitled "Release of Covenant and Conditions". As noted by Professor Bobrowski, "Planning boards should take care to provide for long-term conditions in a separate covenant, distinct from the statutory performance guarantee....these conditions should be stated in a supplemental covenant that will not be released...." Mark Bobrowski, Handbook of Massachusetts Land Use and Planning Law, (3rd ed., 2011) p. 541.

There may be further documents that would shed additional light on this situation, such as planning board minutes or other records. Based only on the Covenant and the Release, it is unlikely that the conditions set forth in the Covenant, including condition number 11, have any continuing vitality.

If you have further questions in this regard, do not hesitate to contact me.

CONFIDENTIAL

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

http://www.petrinilaw.com/

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Monday, August 01, 2011 1:44 PM
To: Barbara Saint Andre
Cc: tucrob@comcast.net; Suzanne Kennedy
Subject: Bay Oaks Subdivision - 104 Fisher Street -

Barbara,

Last Tuesday night, July 26, 2011, the PEDB started its review of the Bay Oaks Preliminary Subdivision Plan. This is the property owned by Andy Rodenhiser at 104 Fisher Street. AR1 zoning district.

A copy of the proposed preliminary subdivision plan is attached for your use. He proposes to divide his property into 4 lots, including one lot for his existing home.

Attending the meeting was Attorney Deborah Batog of Gilmore, Rees and Carlson, P.C. in Franklin. She represents the Giovanella family which owns the property immediately to the east of Mr. Rodenhiser. The property owned by Mr. Rodenhiser was once owned by the Giovanellas. Mr. Rodenhiser's property includes two ROW easements to the benefit of the abutting Giovanella property. Both ROWs come in from Fisher Street. Ms. Batog was present to try to ensure that the Bay Oaks subdivision does infringe on the Giovanellas rights.

At the meeting, Attorney Batog submitted a series of land documents to the Board – deeds, easements, plans, covenant, etc. They are attached for your review. Also attached is a chronology I prepared based on those documents.

PED Board member Karyl Spiller-Walsh had several questions she asked me to pose to you.

1. What rights do the Giovanellas have in the ROW. In particular, does their right to use the ROW mean they also have the right to improve the ROW (build a road within it to access the back land).
2. Are the Town's setback requirements applicable to the ROW boundaries or only to property line boundaries? How close can a house, septic, and well be located from a ROW boundary that is not coterminous with a property line?

The PEDB will next discuss this proposed subdivision at its meeting on August 9th. We would appreciate your review of the above noted documents and an opinion on the questions posted.

Thanks for your help.

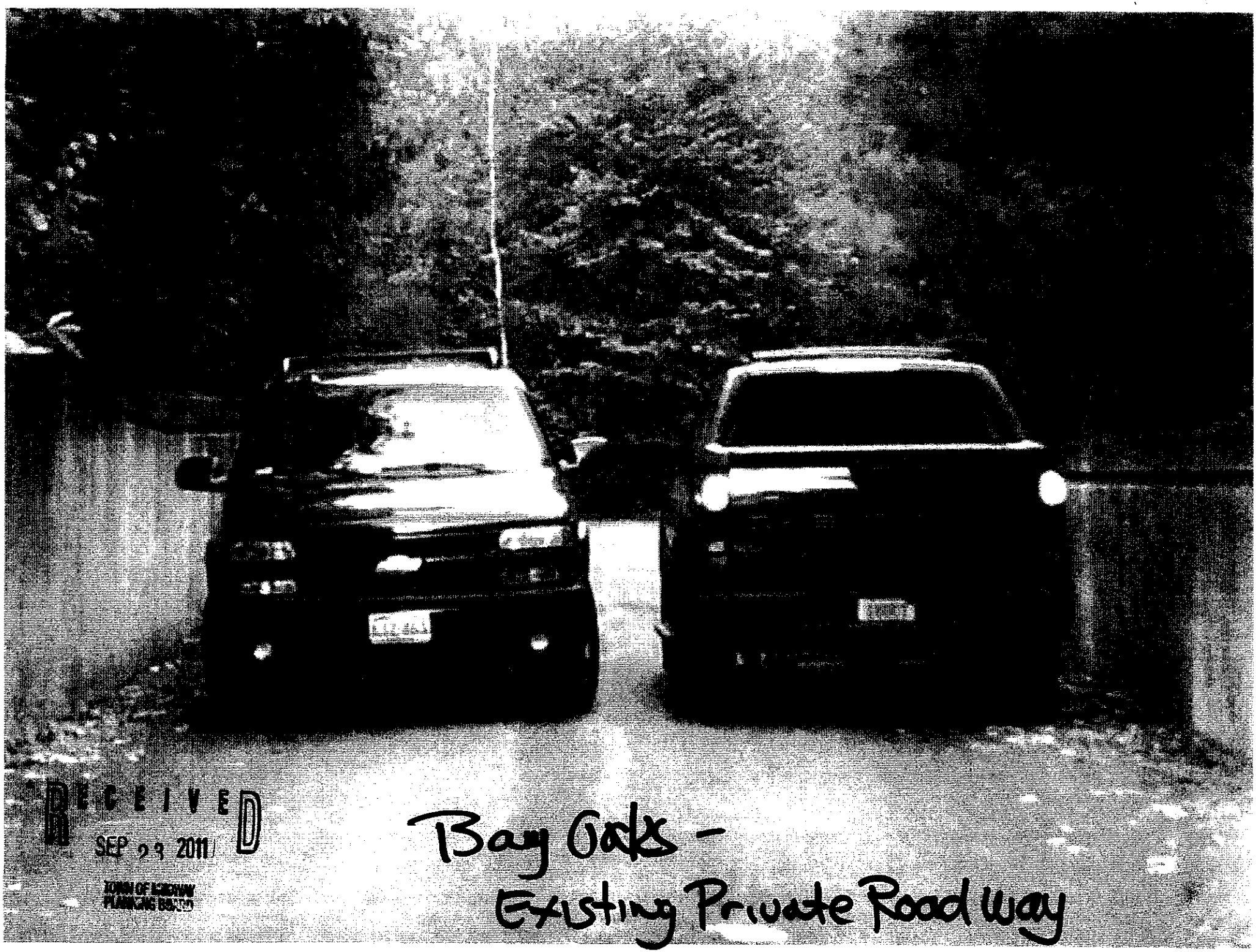
CONFIDENTIAL

Susy

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

508-533-3291

saffleckchilds@townofmedway.org



Susan Affleck-Childs

To: Ed Duggan
Subject: RE: Bay Oaks plan

Mr. Duggan,

Thanks for your email communication. I will provide it to the Planning and Economic Development Board and we will enter it into the record at the next public hearing on August 14th. That hearing will begin at 7:15 pm and will take place in Sanford Hall at Medway Town Hall. You are certainly welcome to attend and express your concerns.

I wanted to let you know that the Fire Chief has reviewed the Bay Oaks plans and provided comments to the Board. That is standard practice for any development proposal before the Board. We have also sought and received comments from Medway Safety Officer Sergeant Jeff Watson.

The Board is aware of and has read the agreement you speak of; it has also been reviewed by Medway Town Counsel. It was a subdivision covenant executed on April 23, 1986 between the property owner at the time, Racicot Realty Trust, and the Medway Planning Board. Dean Bank foreclosed on the property on 11/9/1989 and took ownership from Racicot. On 12/4/2012 Dean Bank sold one of the lots to the Rodenhisers. On 12/6/1990, the Planning Board voted to release that covenant. That action served to legally terminate the restriction that you recollect.

Please don't hesitate to contact me if you have any further questions.

Best regards,

Susy Affleck-Childs

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

508-533-3291

saffleckchilds@townofmedway.org

From: Ed Duggan [mailto:pjlabels@gmail.com]
Sent: Thursday, August 09, 2012 5:06 PM
To: Susan Affleck-Childs
Subject: Bay Oaks plan

Board Chairman and members,

I recall when the original plan for the house at 104 Fisher St. was approved,
The agreement called for no additional houses to be built on the balance of the land.
The drive was too narrow and steep but since there was only one house the board approved.
I have never seen the official approval of the plan and may not be recalling the approval agreement exactly, but could this be reviewed before approving additional houses in that area.
I would think that the Fire Chief should also review this plan for safety reasons prior to approval.

Sincerely,

Edward Duggan
59 Fisher St.,
Medway, Ma. 02053

508-533-6900

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

August 9, 2012

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

RECEIVED
AUG 09 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the revised subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012 with a revision date of July 30, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 118,395 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 120,626 (Lot 3) square feet.

The original comments from my July 5, 2012 letter are repeated with new comments in **bold** as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands. **The wetlands calculations have no been provided. OK.**

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling. **The existing septic system on Lot 4 is now shown as well as the existing wells on abutting properties. The applicant explains that the existing septic systems for the abutting lots are not shown, but they appear to be in the front of those lots. OK.**

3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width information was not. The ROW width for the existing private way leading to the proposed

subdivision was provided, but the pavement width was not. **The pavement width for Dover Lane is now shown, but the ROW and pavement width of Fisher Street are not.**

4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately. **The three waiver requests are now shown on the cover sheet. OK.**

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested. **This information is now shown. It should be noted that NStar will have control over this. OK.**

6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided. **The soil tests are in the drainage report. OK.**

7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled. **The operation and maintenance plan is included in the drainage report. Also, the runoff from the lower sections of the roadway is proposed to run down Dover Lane to the catch basins at the bottom. OK.**

8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested. **Plantings, including 4 white pines and 12 rhododendrons are proposed around the detention basin. No street trees are proposed and no waiver is requested.**

9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary. **A street sign indicating Dover Lane and Fisher Street is now shown as well as signs indicating to yield to pedestrians. OK.**

10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested. **The applicant indicates that no streetlights have been requested by the safety officer. OK.**

11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed. **OK.**

12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround. **A planting plan around the detention basin is now proposed. I am not sure that white pines are the best choice for trees due to tendency to drip lower branches.**

13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested. **This has now been provided. OK.**

14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan. **A stockpile area is now shown. OK.**

15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested. **The footprints are now 40' x 80'. OK.**

16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided. **This has now been provided. OK.**

17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects. **OK.**

18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection. **The applicant responds that the safety officer has asked that brush along Fisher Street be cleared to improve sight distance and the area of clearing is now shown on the plans. OK.**

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated. **Grades are now shown, but no waiver is requested. This comment was made in error. OK.**

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets. **This comment still stands. Applicant asks that the Board review this.**

21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested. **This comment still stands. Applicant asks that the Board review this.**

22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested. **This comment stands. Applicant suggests that existing trees along the roadway shall remain. If this is acceptable to the Board, I suggest that a waiver be requested.**

23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed. **Again, applicant states that no center island is proposed. A waiver should be requested.**

24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested. **As stated previously, safety officer has not requested streetlights. OK.**

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed. **OK.**

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets. **This comment still stands. Applicant asks that the Board review this.**

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

Sincerely,

Gino D. Carlucci, Jr.

August 28, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Consultant Tetra Tech Rizzo
Gino Carlucci, Consultant PGC Associates
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Construction Report Tetra Tech Rizzo

Applegate Farm:
NOTE – **Construction Reports #20, #21, #22, #23 – all from August, 2012.**

The work at Applegate Farm has been put on hold since one of the workers was injured. The work will begin soon with installing the drainage. Dave Pellegri indicated that the contractor is working off of a set of revised but unapproved plans. Dave did indicate to the contractor that the changes on the plans were not approved. The applicant will be doing a modification. The applicant is using a larger pipe for the drainage.

Dave will suggest that the applicant/contractor call Susy and see if field change or modification will be submitted.

Member Tucker wanted to know if a letter has gone out.

Susy Affleck-Childs responded that she did speak with Tom Holder but a letter did not go out. Susy did recognize that there needs to be some form of communication from Planning Board or Tom Holder to Ralph Costello.

It was recommended that there be a meeting with Bob Tucker, Tom Holder and Susy Affleck-Childs to discuss this issue.

Dave Pellegri also communicated that the size of the detention basin is also different. There is a plan for this.

Susy Affleck Childs recommends that we involve Town Counsel in this to explore the options of the Planning Board since there are mortgages on some of the properties. We may have limitations. Some lots have already been sold.

Member Tucker indicated that the lots affected by the new drainage pipe have not been sold. The regulations are clear.

Dave Pellegri indicated that they are not yet installing the drainage in what would be the new easement area.

The Board would like Dave to look at this further and report back to the Board.

Meeting Minutes

July 24, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from July 24, 2012 as presented.
(Andy Rodenhiser abstained from vote)

August 14, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from August 14, 2012 as presented.
(Andy Rodenhiser abstained from vote)

Task Force Reports
There were no Task Force reports:

Charles River Village OSRD Concept Plan
The final plans for the Charles River Village OSRD Concept Plan have been reviewed by Dave Pellegri and the Board will sign at the end of the meeting. A copy of Dave Pellegri's review letter dated August 20, 2012 is **attached.**

Norwood Acres Definitive Subdivision Plan - 61 Summer Street - Public hearing Continuation

The Board is in receipt of a memo from Guerriere and Halnon dated August 15, 2012. **(See Attached)** The memo is a response to the peer review comments provided by Tetra Tech Rizzo in its letter dated June 21, 2012.

The Board is in receipt of a memo from Guerriere and Halnon dated August 15, 2012 **(See Attached)** The memo is in response to the peer review comments provided by PGC Associates review letter dated June 22, 2012.

The Board is also in receipt of a request for 3 waivers dated August 15, 2012 from the Subdivision Rules and Regulations. **(See Attached)**

Paul Atwood of Guerriere and Halnon indicated that he has provided revised plans and those were submitted to both Consultant Carlucci and Consultant Pellegri.

Applicant Wayne Marshall also indicated that he had his Attorney prepare documents relative to the homeowner's association and the protective covenant on road. Susy Affleck-Childs will forward these documents to our Town Counsel for review.

Member Tom Gay arrived at 7:15 pm

Consultant Carlucci Comments:
Consultant Carlucci indicated that all items have been addressed. He did suggest that the paved apron be put on the profile sheet. The cross section was added.

Consultant Pellegri Comments:
Consultant Pellegri indicated that there were only small items which needed to be addressed but nothing major. The curb radii at the intersection should be labeled to determine if the property lines provide a curb radius of not less than forty feet.

Susy Affleck-Childs noted that we will get feedback from Counsel about the easement and sewer.

Member Tucker responded that he is available for a conference call with all parties if needed.

The applicant communicated that they will be going again to the Conservation Commission regarding the Open Space parcel.

Susy Affleck-Childs would like to get a copy of any decision the Conservation Commission makes relative to agreeing to accept the open space parcel.

Member Spiller-Walsh asked about the landscaping plan.

The applicant indicated that there was a landscape plan provided around the basin and the Conservation Commission liked the plan which was provided.

On a motion made by Bob Tucker and Tom Gay, the Board voted unanimously to continue the public hearing for the Norwood Acres Definitive Subdivision Plan for 61 Summer Street until September 11, 2012 at 7:30 pm.

Susy Affleck-Childs indicated that she may invite Town Counsel to come to the next meeting to discuss 61 Summer Street.

It is the goal that this hearing will be closed at the next meeting.

American Legion, 6 Cutler Street

Susy Affleck-Childs reported that at Chan Rogers' request, the American Legion has a place holder appointment for the September 11th meeting.

Chan Rogers suggested that Paul Yorkis may also want to be part of this discussion. Rogers indicated that he may be absent for the September 11th meeting, so he suggested this item be removed from the agenda. Susy will keep a place holder for the 11th until she hears otherwise after discussion with Mr. Yorkis.

Consultant Report PGC Associates:
Consultant Carlucci explained that he could not complete his report on sign regulation options in zoning vs. general bylaws. He will do it next week and provide for discussion at the 9-11-12 PEDB meeting.

Planning and Economic Development Coordinator's Report:
Susy Affleck-Childs reported that the Town is proceeding with the hiring of an Economic Development Specialist. There will be interviews conducted next week. The Economic Development Committee is considering possibilities and options for office space for the ED Specialist. There is not sufficient room at Medway Town Hall.

GIS:
Susy Affleck-Childs reported that representatives from People GIS spent two days with various Medway departments. The Town is looking to enter into a new contract for the next phase. The Town's IT staff has been part of the meetings. A proposal for Phase 3 funding will be submitted for FY 14 capital funds.

Community Signage:
Tom Gay reported that there has been a good amount of work on community signage. An examination and inventory of signs has been completed and the municipal signs throughout town have been and categorized. The Community Signage Task Force includes Matt Buckley of Design Review Committee, Tom Holder of Medway DPS, John Foresto of the BOS and Dan Hooper.

The Task Force has also interviewed design consultants. There is a small budget to work with for design.

Susy has submitted paperwork for Phase Two of the signage plan to the Capital Improvement Committee for Fiscal 2014 funding.

MAPC 495 MetroWest Development Compact Follow-Up
The Town of Medway was approached as being one of three communities to work with MAPC on a special project to follow-up on the 495 MetroWest Development Compact. Representatives from MAPC have offered to look at the Oak Grove Bottlecap Lot area to assist with drafting options for the mixed use zoning for the area. This is a great opportunity for the town. This work will be starting in the fall and will be completed by September 2013 with the intent to have any Zoning Changes take place at the spring 2014 town meeting.

The Chairman will reach out to Suzanne Kennedy to schedule a conference call with MAPC to discuss this further.

Member Spiller Walsh communicates that this is also good opportunity for MAPC.

Land Gifting Policy:

The Board is in receipt of an email from the Board of Selectmen dated August 24, 2012. This is a draft policy re: the gifting of land. **(See Attached)**

The Board of Selectmen has drafted guidelines for how the Town would handle donation of gifted land to the Town. They are seeking comments or suggestions from the various Boards and Departments.

The Board would like Consultant Carlucci and Susy to work together on drafting a letter with comments and suggestions as related to regulations.

The Chairman recused himself from the meeting at 8:00 pm.

Bay Oak Definitive Subdivision Plan, 104 Fisher St – Public Hearing Continuation

Vice Chairman Tucker reopened the continued hearing for Bay Oak Definitive Subdivision Plan.

The Board is in receipt of a memo from GLM Engineering dated August 16, 2012. **(See Attached)** The memo is a comparison of pre- and post developed flow rates and volumes.

The Board is also in receipt of Form Q Request for Waiver dated August 16, 2012 from Subdivision Rules and Regulations. **(See Attached)**

Engineer Rob Truax was present representing the applicant, Andy Rodenhiser.

Vice Chairman Tucker asked if any changes were made.

Rob Truax of GLM Engineering indicated that there was a minor change. It was the calculations on the trench drain. This was for mitigation. The width was increased. The cross-section was also changed. There was fabric put in as suggested.

Paul Truax communicated that after the last meeting, he went to the site the next day during and after a rain storm. He did see the water on Fisher Street but it was coming down the driveway of 108 Fisher. It flowed across Fisher Street to the driveway on the west side of Fisher Street as commented at the last meeting. He suggested that a berm on that site and the installation of a catch basin and manhole right there would solve the abutter's problem at 97 Fisher Street.

Dave Pellegri responded that Jimmy Smith from Medway DPS showed up and put gravel in the hole for a temporary solution. This is being addressed.

The Board suggested a letter to DPS asking them to please address this.

Rob Truax responded that this is an easy fix for the town.

Member Gay responded that this issue is not part of the discussion about the subdivision and has nothing to do with this development.

Consultant Comments

Tetra Tech Rizzo – Dave Pellegri

The Board is in receipt of a memo from Tetra Tech Rizzo dated August 20, 2012 **(See Attached).** Dave Pellegri communicated that there is no increase in water leaving the site. He also indicated that all others items have been addressed. He did review the waivers.

PGC Associates – Gino Carlucci:
The Board is in receipt of a memo from PGC Associated dated August 23, 2012. **(See Attached)** The memo included comment relative to recent revisions. All comments have been addressed with the exception of two comments. He is not sure that white pines are the best species. Also, the pavement width is still not shown on plan.

Rob Truax stated he will add the pavement width to the plan.

Susy Affleck-Childs communicated that she received an email dated August 20, 2012 from David Travalini, Chairman of the Conservation Commission. **(See Attached)**. The email indicated that the new plans showed the revised delineated wetlands areas but the Commission has not officially voted on those new boundaries.

Rob Truax communicated that the wetland line had changed and are reflected in plans.

Vice Chairman Tucker asked if there were any comments from the Board members.

Karyl Spiller-Walsh had no comments at this point.
Chan Rogers had no comments.
Tom Gay had no comments.

Member Spiller-Walsh wanted to know what the slope is on the existing access road where the walls are.

Rob Truax responded that at the top it is 11.7%. This is steep. The slope at the bottom is 8%.

Member Spiller-Walsh then asked, if this is not pre-existing are you requesting a waiver from the slope?

Rob Truax responded that yes, it is pre-existing non-conforming.

Susy Affleck-Childs wanted to know that the slope of new road is.

Rob Truax responded 8%.

Member Spiller-Walsh asked if he was requesting a waiver for the slope.
Vice Chairman Tucker responded that there is nothing to request a waiver of. They are not in violation of anything because the area with the steeper slope is not technically part of the subdivision under review. Town Counsel explained at the last meeting that it is her understanding that the Board is not voting on anything related to the existing roadway to the site.

Member Gay indicated that the existing road is not part of this development. This is out of play.

Member Spiller-Walsh communicated that she has trouble thinking about the end of the road. She is concerned about what will happen in the winter.

Rob Truax described the maintenance of snow removal and acknowledged there is an ice problem.

Karyl Spiller-Walsh wants to include maintenance contingency as part of the decision.

Vice Chairman Tucker responded that this was covered through the applicant's existing road agreement with abutter Robert Reed (106 Fisher Street).

Rob Truax responded that there will be a maintenance plan for the road and it would be split with all three new homes.

Susy Affleck-Childs asked Mr. Truax if they are expecting a response from Mr. Reed.

Rob Truax responded that we put in a good effort to work with Mr. Reed, but he could not yet say whether Mr. Reed is interested.

Member Spiller-Walsh communicated that her interest and concern is that an aggressive plan for road maintenance is put in place.

Andy Rodenhiser responded that we do that know.

Member Spiller-Walsh stated "that is not what I heard."

Andy Rodenhiser responded that the maintenance plan will address the circumstances as they are presented.

Rob Truax communicated that it is real important to hire a good snowplow contractor.

Susy Affleck-Childs communicated that she does not recollect what is being done. She finds that it would be helpful and beneficial to have something in the decision with more descriptive road maintenance language.

Andy Rodenhiser asked if Town Counsel said that this is not something that you act on, why does the Board need to be putting descriptive language about maintenance in the decision.

Member Spiller-Walsh responds that she would like a contingency with an aggressive plan in place. Can the maintenance plan be included? This needs to be a very aggressive maintenance plan. She wants an upgrade in the current maintenance plan. Karyl does not care what the cost of this is; she wants this road to be safe. There needs to be a contingency which is expressed, more than the average plan.

Member Tucker disagrees and indicted this project has a maintenance plan like all others. Every development is unique.

Member Spiller-Walsh responds that no other development has a road slope like this one. Is there one, really?

Member Chan Rogers made a motion to end this discussion. He states this is an existing condition.

The motion was not seconded.

Member Gay communicates that it looks like everything has been addressed.

Susy Affleck-Childs will check with the Fire Chief in regards to the past practice in relation to the fire alarm system. The practice is to provide payment in lieu of installing a fire alarm system. The fee is usually $1,000.

Dave Pellegri wanted to know how this is monitored.

Susy Affleck-Childs responded that it is usually tied into the first lot release

The discussion was opened to the public.

Attorney Deborah Batog is the representative for the Giovenellias. She explained that she missed the last meeting and so she is catching up. She was informed that the Planning Board, based on the opinion of Town Counsel, should only review the extension of the private way and accept the existing (access) road conditions as what they are. What you are entertaining is for the construction of the new roadway which is requesting a lot of waivers and cutting off the extension of how it is but the applicant is adding additional usage. She asked if waivers were not granted would the Board require an island on the extension and sidewalks. The sidewalks would go to the existing bulb.

Member Tucker indicated that they are going to the existing bulb.

Attorney Batog communicated that her clients concern is on the existing road conditions related to access of public way. She wanted to know how many waivers in total have been requested.

Rob Truax responded that seven waivers were requested.

Attorney Batog responds that the Giovenellas have no issue with the construction of the new houses. Their issue is with the adequacy of the use of the existing private way and its extension and use of the rights of way. Another part of their issue is with the existing 60' private right of way with 15 ft. of slope easement. She can only conclude that this was done purposefully. She wants to preserve the rights of way for her clients as well as their right to utilize the rights of way and the ability to do underground utilities in the future.

Member Gay indicated that the waivers are not unusual for this type of subdivision. The easement is ok and will not cause an issue with the (Giovanella's) non-conforming lot. He has no other questions.

Vice Chairman Tucker asked if there are any other questions or information to submit.

Neither the applicant nor the abutters had any additional information to present.

Close Bay Oaks Public Hearing:
On a motion made by Tom Gay and seconded by Chan Rogers, the Planning Board voted unanimously to close the public hearing on the Bay Oaks subdivision.

Susy Affleck-Childs will start drafting the decision.

The Chairman returned to the meeting at 8:40 pm

Site Plan Modification: 45 Milford Street/45 Place

The Board is in receipt of an application for site plan modification for 45 Milford Street/45 Place.

Mr. Paul Yorkis was present on behalf of the property owner to speak about the modification. He distributed a revised proposed elevation plan. The two issues include:

1. Amount of natural light coming into potential retail spaces. The approved plan has limited natural light.
2. Adding another point of public access to the building which will be compliant with handicap accessibility.

See Attached information provided by Paul Yorkis – email dated 7/25/12 referencing 6 items.

The Building Commissioner has looked at the modification and has determined it is not substantial.

Susy Affleck-Childs communicates that the Design Review Committee did meet on this and made some recommendations dated 8/23/2012 (**See Attached**) and the changes are reflected on plan Mr. Yorkis provided tonight.

Susy indicated that there was no date on the revised plan distributed this evening and she wanted to make sure the motion references the revised plan as provided tonight.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the modification as indicated on the Site Plan for 45 Milford Street with the revision date indicated on plan.

Plan Endorsement: Charles River Village OSRD Concept Plan.

The Board signed the set of plans for Charles River Village OSRD Concept Plan.

Lawrence Waste Site Plan, 49 Alder Street:
The Board is in receipt of a letter dated August 23, 2012 from Dennis Digiando Corporation, the contractor for the Lawrence Waste building project (49 Alder Street) relative to the color selection of the siding. **(See Attached)** There is a problem with selected color it fades and chips. There was another color sample (gray) provided to Board as an alternative to the previously selected green color.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the color sample (gray) as presented to Board.

Thayer House Homestead Site Plan (2B Oak Street) Pre-Application Discussion:

The Thayer House team was introduced.
John Foresto, Board of Selectmen member
Jim Delvieor, Civil Engineer
Jonathan Taylor, LLB Architects.
Chris Ladds, LLB Architects.
Dan Hooper, Chairman Thayer Development Committee

The purpose of the Committee coming to the Planning Board was to get clarity of the site plan application process since they are looking to the Fall Town Meeting to have the Town be able to vote on funding for this project. They need to seek construction bids to present a price for Town Meeting's consideration.

An overview of the project was provided. It was explained that a new company LLB Architects was brought in to work on the design.

Member Spiller-Walsh wanted to know what happened with first company.

It was explained that they presented the rough concept, but did not win the bid for the next design step of the project.

It was reported that the Thayer Development Committee had meetings with the DPS, and the Conservation Agent.

The project is being divided into 2 phases:
A: Homestead renovation and construction of an abutting addition
B: Parking/site improvements

Phase A will have a new building behind the edge of the original building. There is a concern about maintaining the integrity of the old house. It was indicated that the low area could be for concerts. There will be a terrace out front. Everything will be on grade. There will also be an area for dumpsters and loading. Pervious pavers will be used. Handicap spaces are shown on the plan.
Chairman Rodenhiser wanted to know if there is enough turning radius for the trash truck.

Dan Hooper indicated that they have not got to that point yet in design.

The goal is also to upgrade the utilities and sewer.

Member Tucker wanted to know if there is Town water into the existing home.

The applicant responded that there is a well on site.

It was communicated that stormwater analysis will need to be done and will have to meet the standards.

The large beech tree will not be removed.

Member Tucker responded that the tree will need to be designated for protection.

There was another question about how far is the property line on the west side of the parcel?

The applicant responded 52 ft.

Member Tucker would like the applicant to take into consideration putting in a reasonable buffer to address noise and light issues for the neighbors.

The Board also wanted to know if there will be modification to parking.

The applicant responded that there will be modifications to the parking. They hope to have a design for this soon.

Member Tucker suggested that they review the parking regulations.

There is a concerned about the number of parking spaces.

The Chairman wanted to know what is the anticipated parking capacity for a wedding.

The applicant indicated 96 people.

Consultant Carlucci responded that the parking requirements for the AR-2 zone are based on the structure's square footage. This appears for be a total of 3,600 square ft in the building.

Susy Affleck-Childs responds that the zoning bylaw does not include any parking standards for event facilities. We will need to research this further.

Member Spiller-Walsh would like to see a blending and the parking should have some relevance and make sense with each other.

Member Tucker wanted to know how you will handle the traffic access going out to Route 109.

It was noted there would need to be police details for specific events.

The applicant presented their anticipated site plan application schedule:

Schedule:

- Design Review Committee - September 10,2012
- Final Design Estimate - September 12, 2012
- Planning Board Public Hearing - September 25, 2012
- Community Preservation Committee meeting – October 1, 2012
- Planning Board Meeting – October 9,2012
- Final construction documents issued
- Town Meeting – November 11, 2012.

The bid documents may not reflect what ultimately is decided from the site plan process.

The Planning Board does not think that all the information can be gathered and submitted in time to hold a public hearing on September 25, 2012. The Board needs at least three weeks prior to the Public Hearing to be provided the information to give to the consultants for review and for the abutter notice and legal advertisement.

Susy Affleck-Childs made it clear that the Board of Selectmen has to be the applicant as the Town owns the property.

Susy will put together a timeline for the Thayer Committee on what to expect.

Susy indicated that Municipal Use is NOT exempt from the Zoning Bylaw or Site Plan Review. The application will need to be reviewed by the fire department, public safety, and there will need to be a document to address traffic. The other items which will need to be looked at are buffering of landscape, drainage, lighting, noise, parking, and impact to neighbors against the standards.

The Thayer Committee wanted to know how long this process will take.

Chairman Rodenhiser indicated about 80 days.

It was agreed that there will probably NOT be a signed approved site plan prior to the fall town mtg.

The Board is comfortable separating Phase A from Phase B for construction purposes.

The Board communicated that they still need to see the whole plan with everything on it.

The Board wanted to know if the applicant was planning on seeking waivers.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to waive the site plan application/filing fee for the forthcoming Thayer House site plan project.

Future Meetings:
The next Planning and Economic Development meeting will be September 11, 2012 at 7:00 pm.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:33 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Tetra Tech One Grant Street Framingham, MA 01701		
Project Applegate Farm	Date 08-09-2012	Report No. 20
Location Coffee/Ellis Street, Medway, MA	Project No. 127-21583-12007	Sheet 1 of 2
Contractor Canesi Bros. Inc.	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS

On Thursday, August 9, 2012, Steve Bouley from Tetra Tech visited the construction site to inspect the installation of the proposed drainage system. While on-site the following observations were made:

1. Observations
   A. Mr. Canesi has installed drainage infrastructure from the headwall in the proposed drainage basin at approximate STA 6+75 to approximate STA 11+25. The pipe and structures were installed per the approved plans.

2. Schedule
   A. Mr. Canesi plans to begin the installation of the southern portion of the drainage system this week.

3. New Action Items
   A. The drainage installation from approximate STA 8+00 to STA 10+50 has not been backfilled due to existing grades in this area being low compared to proposed finish grade. The system will be backfilled once material is brought in to bring the roadway to proposed grade.

CONTRACTOR'S FORCE AND EQUIPMENT

Sup't		Bulldozer		Asphalt Paver	
Foreman	1	Backhoe		Asphalt Reclaimer	
Laborers	2	Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader	1	Static Roller	
Oper. Engr.	1	Bobcat		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator	1	Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tree Remover	
Surveyors		Conc. Mixer		Chipper	
Blasting Crew		Conc. Truck		Screener	
		Pickup Truck		Drill Rig	
		Dump Truck 6 Whl		Boom Lift	
		Dump Truck 10 Whl		Water Tank	
		Dump Truck 14 Whl		Lull	
		Dump Truck 18 Whl		Gradall	

WORK DONE BY OTHERS

Dept. or Company	Description of Work

OFFICIAL VISITORS TO JOB

Police Details: n/a

Time on site: 8:30A.M.- 9:30 A.M.

CONTRACTOR'S Hours of Work:

RESIDENT REPRESENTATIVE FORCE

Name	Name

Resident Representative Steve Bouley

Project	Date	Report No.
Applegate Farm	08-09-2012	20
Location	Project No.	Sheet 2 of
Coffee/Ellis Street, Medway, MA	127-21583-12007	2
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. SUNNY P.M.	A.M. 80 P.M.

FIELD OBSERVATIONS CONTINUED

4. Previous Open Action Items
   A. From STA 0+00 to STA 3+00 boulders were observed just below grade. When grade stakes are set in this area we will confirm whether the boulders are within the 12" gavel base. If they are not within that section, they may remain if undisturbed. If they are disturbed during other activities they will need to be removed from the roadway ROW and replaced with suitable material. (Taken from 2010 report).
   B. The pavement in Coffee Street where the sewer connection was made needs to be repaired. *5/18 Update: Mr. Canesi has repaired that pavement in this location. The pavement is a temporary patch and will need to be repaired in a final condition prior to the completion of the project.*
   C. SMH 11 appears to be set too low. The flat top section of the structure is set at least 5' below the roadway grade. It appears that there is a discrepancy on the plan between the finish grade elevation in this area as shown on the profile versus the plan views. *5/18 Update: Mr. Canesi stated that he noticed this discrepancy but the structures were already ordered per the elevations provided in the profile. They will discuss with owner and revise as necessary. It should be easy to remove the flat top and add another riser section to raise the elevation as necessary.*
   D. TT requested that Canesi provide a sieve test for the material designated as fill for within the roadway.
   E. Canesi shall identify limits and remove any organics in the area of STA 10+00 during the stormwater infrastructure installation. *8/9 Update: This item has been completed to the satisfaction of TT.*
   F. Some of the material excavated from the basin was more sandy than gravelly so I asked Canesi to mix the sandier material with some of the gravel on-site that contained more stones/cobbles prior to placing within the street. *8/9 Update: This item has been completed to the satisfaction of TT.*

5. Materials Delivered to Site Since Last Inspection:
   A. N/A

Tetra Tech One Grant Street Framingham, MA 01701		
Project Applegate Farm	Date 08-13-2012	Report No. 21
Location Coffee/Ellis Street, Medway, MA	Project No. 127-21583-12007	Sheet 1 of 2
Contractor Canesi Bros. Inc.	Weather A.M. SUNNY P.M.	Temperature A.M. 70 P.M.

FIELD OBSERVATIONS

On Monday, August 13, 2012, Steve Bouley from Tetra Tech visited the construction site to inspect the installation of the proposed drainage system. While on-site the following observations were made:

1. Observations
   A. Mr. Canesi installed 12" RCP pipe on Friday from DMH #26 to DMH #23A as well as DMH #23A. Today Mr. Canesi is installing 12" RCP pipe from DMH #23A to DMH #23. All pipe and structures have been installed per the approved plans.

2. Schedule
   A. Mr. Canesi plans to begin the installation of the southern portion of the drainage system this week.

3. New Action Items
   A. N/A

CONTRACTOR'S FORCE AND EQUIPMENT

Sup't		Bulldozer		Asphalt Paver	
Foreman	1	Backhoe		Asphalt Reclaimer	
Laborers	2	Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader	1	Static Roller	
Oper. Engr.	1	Bobcat		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator	1	Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tree Remover	
Surveyors		Conc. Mixer		Chipper	
Blasting Crew		Conc. Truck		Screener	
		Pickup Truck		Drill Rig	
		Dump Truck 6 Whl		Boom Lift	
		Dump Truck 10 Whl		Water Tank	
		Dump Truck 14 Whl		Lull	
		Dump Truck 18 Whl		Gradall	

WORK DONE BY OTHERS

Dept. or Company	Description of Work

OFFICIAL VISITORS TO JOB

Police Details: n/a

Time on site: 8:30A.M.- 9:30 A.M.

CONTRACTOR'S Hours of Work:

RESIDENT REPRESENTATIVE FORCE

Name	Name

Resident Representative Steve Bouley

Project	Date	Report No.
Applegate Farm	08-13-2012	21
Location	Project No.	Sheet 2 of
Coffee/Ellis Street, Medway, MA	127-21583-12007	2
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. SUNNY P.M.	A.M. 70 P.M.

FIELD OBSERVATIONS CONTINUED

4. Previous Open Action Items
   A. From STA 0+00 to STA 3+00 boulders were observed just below grade. When grade stakes are set in this area we will confirm whether the boulders are within the 12" gavel base. If they are not within that section, they may remain if undisturbed. If they are disturbed during other activities they will need to be removed from the roadway ROW and replaced with suitable material. (Taken from 2010 report).
   B. The pavement in Coffee Street where the sewer connection was made needs to be repaired. *5/18 Update: Mr. Canesi has repaired that pavement in this location. The pavement is a temporary patch and will need to be repaired in a final condition prior to the completion of the project.*
   C. SMH 11 appears to be set too low. The flat top section of the structure is set at least 5' below the roadway grade. It appears that there is a discrepancy on the plan between the finish grade elevation in this area as shown on the profile versus the plan views. *5/18 Update: Mr. Canesi stated that he noticed this discrepancy but the structures were already ordered per the elevations provided in the profile. They will discuss with owner and revise as necessary. It should be easy to remove the flat top and add another riser section to raise the elevation as necessary.*
   D. TT requested that Canesi provide a sieve test for the material designated as fill for within the roadway.
   E. The drainage installation from approximate STA 8+00 to STA 10+50 has not been backfilled due to existing grades in this area being low compared to proposed finish grade. The system will be backfilled once material is brought in to bring the roadway to proposed grade.

5. Materials Delivered to Site Since Last Inspection:
   A. N/A

Tetra Tech One Grant Street Framingham, MA 01701		
Project Applegate Farm	Date 08-16-2012	Report No. 22
Location Coffee/Ellis Street, Medway, MA	Project No. 127-21583-12007	Sheet 1 of 2
Contractor Canesi Bros. Inc.	Weather A.M. SUNNY P.M.	Temperature A.M. 75 P.M.

FIELD OBSERVATIONS

On Thursday, August 16, 2012, Steve Bouley from Tetra Tech visited the construction site to inspect the installation of the proposed drainage system. While on-site the following observations were made:

1. Observations
   A. Mr. Canesi is installing 18" RCP pipe from DMH #13 to DMH #12. He is also installing DMH #12. All pipe and structures have been installed per the plans. It must be noted that the contractor is installing the drainage system in this portion of the site per an unapproved layout of the drainage system as shown on revised plans dated 2/15/12.

2. Schedule
   A. Mr. Canesi plans to continue the installation of the southern portion of the drainage system this week into next week.

3. New Action Items
   A. N/A

CONTRACTOR'S FORCE AND EQUIPMENT

Sup't		Bulldozer		Asphalt Paver	
Foreman		Backhoe		Asphalt Reclaimer	
Laborers	2	Loader		Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader	1	Static Roller	
Oper. Engr.	1	Bobcat		Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator	1	Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flagpersons		Scraper		Tree Remover	
Surveyors		Conc. Mixer		Chipper	
Blasting Crew		Conc. Truck		Screener	
		Pickup Truck		Drill Rig	
		Dump Truck 6 Whl		Boom Lift	
		Dump Truck 10 Whl		Water Tank	
		Dump Truck 14 Whl		Lull	
		Dump Truck 18 Whl		Gradall	

WORK DONE BY OTHERS

Dept. or Company	Description of Work

OFFICIAL VISITORS TO JOB

Police Details: n/a

Time on site: 8:30A.M.- 9:30 A.M.

CONTRACTOR'S Hours of Work:

RESIDENT REPRESENTATIVE FORCE

Name	Name

Resident Representative Steve Bouley

Project	Date	Report No.
Applegate Farm	08-16-2012	22
Location	Project No.	Sheet 2 of
Coffee/Ellis Street, Medway, MA	127-21583-12007	2
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. SUNNY P.M.	A.M. 75 P.M.

FIELD OBSERVATIONS CONTINUED

4. Previous Open Action Items
   A. From STA 0+00 to STA 3+00 boulders were observed just below grade. When grade stakes are set in this area we will confirm whether the boulders are within the 12" gavel base. If they are not within that section, they may remain if undisturbed. If they are disturbed during other activities they will need to be removed from the roadway ROW and replaced with suitable material. (Taken from 2010 report).
   B. The pavement in Coffee Street where the sewer connection was made needs to be repaired. *5/18 Update: Mr. Canesi has repaired that pavement in this location. The pavement is a temporary patch and will need to be repaired in a final condition prior to the completion of the project.*
   C. SMH 11 appears to be set too low. The flat top section of the structure is set at least 5' below the roadway grade. It appears that there is a discrepancy on the plan between the finish grade elevation in this area as shown on the profile versus the plan views. *5/18 Update: Mr. Canesi stated that he noticed this discrepancy but the structures were already ordered per the elevations provided in the profile. They will discuss with owner and revise as necessary. It should be easy to remove the flat top and add another riser section to raise the elevation as necessary.*
   D. TT requested that Canesi provide a sieve test for the material designated as fill for within the roadway.
   E. The drainage installation from approximate STA 8+00 to STA 10+50 has not been backfilled due to existing grades in this area being low compared to proposed finish grade. The system will be backfilled once material is brought in to bring the roadway to proposed grade.

5. Materials Delivered to Site Since Last Inspection:
   A. 12" RCP Pipe
   B. CB/DMH Structures

Tetra Tech One Grant Street Framingham, MA 01701		
Project Applegate Farm	Date 08-17-2012	Report No. 23
Location Coffee/Ellis Street, Medway, MA	Project No. 127-21583-12007	Sheet 1 of 2
Contractor Canesi Bros. Inc.	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS

On Thursday, August 16, 2012, Steve Bouley from Tetra Tech visited the construction site to inspect the installation of the proposed drainage system. While on-site the following observations were made:

1. Observations
   A. Mr. Canesi is installing 18" RCP pipe from DMH #12 to DMH #9 and also installing DMH #9. All pipe and structures have been installed per the approved plans. It must be noted that the contractor is installing the drainage system in this portion of the site per an unapproved layout of the drainage system as shown on revised plans dated 2/15/12.

2. Schedule
   A. Mr. Canesi plans to continue the installation of the southern portion of the drainage system this week into next week.

3. New Action Items
   A. N/A

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers	2	Loader		Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader	1	Static Roller			
Oper. Engr.	1	Bobcat		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tree Remover			
Surveyors		Conc. Mixer		Chipper			
Blasting Crew		Conc. Truck		Screener		OFFICIAL VISITORS TO JOB	
		Pickup Truck		Drill Rig			
		Dump Truck 6 Whl		Boom Lift			
		Dump Truck 10 Whl		Water Tank			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

Police Details: n/a	RESIDENT REPRESENTATIVE FORCE	
Time on site: 10:00 A.M.-11:30 A.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative Steve Bouley	

Project	Date	Report No.
Applegate Farm	08-17-2012	23
Location	Project No.	Sheet 2 of
Coffee/Ellis Street, Medway, MA	127-21583-12007	2
Contractor	Weather	Temperature
Canesi Bros. Inc.	A.M. SUNNY P.M.	A.M. 80 P.M.

FIELD OBSERVATIONS CONTINUED

4. Previous Open Action Items
   A. From STA 0+00 to STA 3+00 boulders were observed just below grade. When grade stakes are set in this area we will confirm whether the boulders are within the 12" gavel base. If they are not within that section, they may remain if undisturbed. If they are disturbed during other activities they will need to be removed from the roadway ROW and replaced with suitable material. (Taken from 2010 report).
   B. The pavement in Coffee Street where the sewer connection was made needs to be repaired. *5/18 Update: Mr. Canesi has repaired that pavement in this location. The pavement is a temporary patch and will need to be repaired in a final condition prior to the completion of the project.*
   C. SMH 11 appears to be set too low. The flat top section of the structure is set at least 5' below the roadway grade. It appears that there is a discrepancy on the plan between the finish grade elevation in this area as shown on the profile versus the plan views. *5/18 Update: Mr. Canesi stated that he noticed this discrepancy but the structures were already ordered per the elevations provided in the profile. They will discuss with owner and revise as necessary. It should be easy to remove the flat top and add another riser section to raise the elevation as necessary.*
   D. TT requested that Canesi provide a sieve test for the material designated as fill for within the roadway.
   E. The drainage installation from approximate STA 8+00 to STA 10+50 has not been backfilled due to existing grades in this area being low compared to proposed finish grade. The system will be backfilled once material is brought in to bring the roadway to proposed grade.

5. Materials Delivered to Site Since Last Inspection:
   A. N/A

TETRA TECH RIZZO

MEMORANDUM

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

Fr: David Pellegri, P.E.–Tetra Tech Rizzo

Re: **Charles River Village**
Special Permit Concept Plans
Medway, MA

Dt: 8/20/12

RECEIVED
AUG 20 2012
TOWN OF MEDWAY
PLANNING BOARD

At the request of the Medway Planning and Economic Development Board, on Monday, August 20, 2012 Tetra Tech reviewed the "Charles River Village" Open Space Residential Development, Special Permit –Concept Plans as dated July 28, 2010 with the latest revision date of August 20, 2012 against the Planning and Economic Development Board Decision dated March 30, 2011 for the same project. We find that the revised plans meet all applicable conditions defined in the board decision. Several conditions and findings of the decision reference requirements for the proposed Definitive Plan which will be reviewed upon submission of the Definitive Plans to the Planning and Economic Development Board.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

P:\21583\127-21583-09006\DOCS\MEMO\MEMO-CHARLES RIVER VILLAGE-PRELIMINARY PLAN REVIEW-2012-08-20.DOC

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G-6326

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1029 Providence Road
Whitinsville, MA 01588-2121
Phone (508) 234-6834
Fax (508) 234-6723

August 15, 2012

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

RE: 61 Summer Street, Norwood Acres

Dear Mr. Rodenhiser:

As you requested, this letter provides responses to the peer review comments provided in the Tetra Tech letter dated June 21, 2012 regarding the "Norwood Acres". I am also enclosing with this letter the following:

- A revised set of plans, revised as of August;
- A revised Hydraulic/Hydrologic Report, revised through August; and
- Letter from TEPP LLC regarding Sight Distance.
- Waiver Request.

The following responses correlate with Tetra Tech's comments as set forth in Tetra Tech's June 21 letter:

Section 5.0

1 **Response** - Letter from Traffic Engineer is attached regarding sight distance.
2 **Response** – Conservation has agreed that the stream located on site is intermittent.
3 **Response** – Street sign location has been added to plans.
4 **Response** -Limit of clearing & limit of work has been revised.
5 **Response** – The proposed footprint shown on the plans have been revised.

Section 7.0

6 **Response** – Waiver have been revised to be more specific.
7 **Response** – Trench detail has been added to detail sheet.
8 **Response** – Foundation drain locations and discharge locations have been added to the Plans.
9 **Response** – Waiver request enclosed. Landscape improvements have been prepared by Registered Professional Engineer using standard plants in similar commercial sites.
10 **Response** – Turnaround area has been revised per meeting with Fire Chief.

11 **Response** – Waiver has been asked for the planting of street trees. Applicant has taken into consideration the existing trees located along the property line in the design of the proposed road. All trees along the property line will remain.

12 **Response** –The trees to remain will be pruned of any branches within the 7 feet from final grade. This will be verified during construction.

13 **Response** Waiver request has filled out for no monuments to be installed because the road will remain private.

14 **Response** – Waiver request. No detail will be needed.

15 **Response** – Proposed lot lines will be staked out by land surveyor and iron pins with caps will be set at all angle breaks.

16 **Response** – Elevations refer to North American Vertical Datum of 1988 and has been referenced on the grading plan.

Water/Sewer Department Rules & Regultaions

17 **Response** – The proposed water line for the development will use the existing 6" water line for the existing hydrant located at the intersection of the new road and Summer Street. This has been explained to the DPS and has been approved.

18 **Response** – The proposed water line for the development has been revised to a 6"DI water main. This has been presented to DPS and also approved.

19 **Response** – Proposed hydrant has been added to the plans and the size of the water line has been revised to 6"Di. The location of proposed hydrant was determined at meeting with the Fire Chief. Blow off valve was also added at the end of the line.

20 **Response** – Proposed hydrant was added per meeting with Fire Chief.

21 **Response** – Hydrant detail was added to the Detail Sheet.

Stormwater Management

22 **Response** – Drainage area 1A has been adjusted to match description in drainage report.

23 **Response** – Drainage Area 1B has been adjusted on the Post Development Map so the entire gravel drive is collected by the grass swale.

24 **Response** – Drainage Area 2 description in the drainage report has been revised to reflect what is shown on the Post Development Map.

25 **Response** – The description for standard #3 has been revised to match the calculations.

26 **Response** – The TSS worksheets have been revised.

27 **Response** – Time of concentration has been revised for Drainage Area 1A and 1B. P-1A was checked and verified.

28 **Response** – Pre-Development and Post development Drainage Areas were check and revised.

29 **Response** – Outlet control structure has been revised.

Good Engineering Practices

30 **Response** – The proposed road way has been adjusted not to cause zoning issues with abutting properties.

31 **Response** – Additional information has been given to the Planning Board on the sewer easement that runs through the property.

32 **Response** – The existing sewer easement that runs parallel with Trail Drive is used to service 63 & 65 Summer Street.

33 **Response** – Water services have been labeled size and material.

34 **Response** – Proposed road cross section has been revised to show a 4" dense graded crush stone layer.

35 **Response** – Sewer connection for both house have been revised.

36 **Response** – The water main in Summer Street is 12".

37 **Response** – The proposed hydrant location has been revised per meeting with the DPS.

38 **Response** – Proposed stop sign & stop line have been added to plan.

39 **Response** - The proposed road will not cut a lot of trees and the design of the road has minimized the clearing of trees. The proposed plantings in the forebays(rain gardens) located in the turnaround area have been added to the Detail Sheet.

40 **Response** – The small tree near the carport will remain.

41 **Response** – The proposed curb cut will require that the curbing be removed and the sidewalk be removed and replaced. This has been labeled on the grading plan.

42 **Response** – The proposed water line will use the existing 6" water line from Summer Street , which is connected to the existing hydrant that will be relocated as shown on the plans.

43 **Response** – The existing water gate location has been verified with the DPS department.

44 **Response** – The proposed stormwater pipe is to be RCP pipe.

45 **Response** – HQ drain pipe has been removed from the Detail Sheet.

46 **Response** – Typical trench detail has been removed.

47 **Response** – The existing sewer manhole in the area of basin#2 does not need to be modified but during construction it can be modified if needed.

48 **Response** – Sewer services are proposed to be 6" pvc pipe.

49 **Response** – The utility company will be granted access to the right of way.

50 **Response** – The width of the grass strip between the road and the swale has been added to the road cross section on the Detail Sheet.(3'wide grass strip.)

51 **Response** – Drain manhole detail has been added to the Detail Sheet.

52 **Response** – Any work within Summer Street will have to conform to Department of Public Services specifications. Note has been added to the grading plan.

53 **Response** – The test pit differences between test holes 1&2 to 3&4 were because in the areas of 1&2 were depression in the topo and some surface water can be trapped for periods of time. The soil survey also shows a change in soils.

54 **Response** – The proposed water line will not be looped and will be 6" in size.

If you have any additional questions, or if you need any more information, please do not hesitate to contact this office.

Sincerely,

Peter M. Lavoie, E.I.T.
Project Engineer

Enclosures

P:\G-9035\Docs\Response Letter Tetra Tech 3-13-12

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

August 15, 2012

RE: 61 Summer Street, Norwood Acres

Dear Mr. Rodenhiser:

As you requested, this letter provides responses to the peer review comments provided in the PGC Associates, Inc. review letter of June 22, 2012 regarding the "Norwood Acres".

Item 1: The lots still comply with zoning requirements.

Items 2 & 3: We have revised Lot 1 to provide 180 feet of frontage on Trail Drive to the White lot on the north side of Trail Drive, eliminating the double use of the easement on Summer Street.

Item 4: Lots 1 & 2 were altered to preserve the existing setback status of the Snow lot on the south side of Trail Drive and the White lot on the north side.

Item 5: A stop line, stop sign and street sign are now proposed.

Item 6: A waiver of the street light requirement is requested.

Item 7: A landscape detail for the drainage basins is included.

Item 8: The right of way width has been maintained at 50 feet.

Item 9: The typical road cross section now shows 12" gravel borrow plus 4" of processed dense graded crushed stone.

Items 10 & 11: The Medway Conservation Commission has approved an Order of Conditions including the provision that Parcel A-1 will be deed to the Town of Medway in care of the Conservation Commission.

If you have any additional questions, or if you need any more information, please do not hesitate to contact this office.

Sincerely,

Paul B. Atwood

Paul B. Atwood, P.L.S.
Project Surveyor

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.7.2(p) - Stormwater Management Procedures
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Detention / Retention basins shall be located on separate parcels & not included on individual house/bldg. lots. Limits of basin shall not be closer than 30-feet from its lot/parcel line & any right-of-way.
What aspect of the Regulation do you propose be waived?	The aspects listed above.
What do you proposed instead?	Install the stormwater basin within the right-of-way where 30-feet from lot line & right-of-way is required
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project is a Permanent Private Way; project is proposed to be only two (2) house lots, leaving no parcel available to be on a separate parcel.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of one of the two house lots
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows for both proposed lots to be developed
What is the impact on the development if this waiver is denied?	Will change the development to only one lot, which may not be economically feasible for the applicant
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012; REVISED Aug. 14, 2012

Questions?? – Please contact the Medway PED office at 508-533-3291

7/8/2011

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.9.7 – Roadway Construction
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Roadway to be constructed in accordance to Medway Subdivision Rules & Regulations Section 7.9.7(a) thru (k)
What aspect of the Regulation do you propose be waived?	Typical road cross-section to be modified
What do you proposed instead?	Super elevated gravel roadway with modified cross-section of 4" dense grade crushed stone and 12" gravel borrow and no berm.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	To save trees along abutters' property line. Ability to use country-style drainage.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of pavement, berm, clearing of trees
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows roadway to remain similar to that of a scenic road, preserving trees and natural landscape
What is the impact on the development if this waiver is denied?	Destruction of trees and natural landscape along abutting property lines
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012; REVISED Aug. 14, 2012

Questions?? – Please contact the Medway PED office at 508-533-3291

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.6.2(b) – Water Facilities Installation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Water mains w/ hydrants, valves & other fittings... shall be at least 8-inch dia. cement lined ductile iron, Class 52 or greater.... water pipes shall be extended & connected to form a loop-type system.
What aspect of the Regulation do you propose be waived?	Water line to be 8-inch diameter and water pipe to be connected to form a loop-type system
What do you proposed instead?	Installation of a 6-inch DI pipe with no loop system
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Water will be supplying only two lots.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of larger pipe & cost of length of pipe to install a loop-type system.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	None
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012; REVISED Aug. 14, 2012

Questions?? – Please contact the Medway PED office at 508-533-3291

Susan Affleck-Childs

From: Allison Potter
Sent: Friday, August 24, 2012 10:21 AM
To: Andy Rodenhiser; Raymond_Himmel@waters.com; Open Space. Committee; dtravalini@verizon.net; Mark Cerel
Cc: Susan Affleck-Childs; Amy Sutherland; Karon Skinner-Catrone; shirley.bliss@verizon.net
Subject: Draft Land Gifting Guidelines
Attachments: Land Gift Guidelines Draft.pdf

Good morning,
Attached to this email is a document outlining proposed land gifting guidelines that the Board of Selectmen is considering adopting as a reference for future requests by property owners to donate land to the Town. Prior to approving such guidelines, the Selectmen would like to receive the input of your boards and committees. Please forward your ideas, suggestions and comments to our office by the end of September.
Thank you,
Allison

Allison Potter
Asst. to the Town Administrator
Town of Medway
508-533-3264
508-321-4988 (f)

DRAFT

Town of Medway

LAND GIFTING GUIDELINES

In the event that a Medway Land Owner comes forward and offers to give, gift, or donate land to the Town, the Town shall use the following guidelines:

Medway *will* consider land acceptance that:

- is in areas of interest for preservation (i.e., along riverfront/waterfront, identified in Master Plan(s))
- abuts or is adjacent to other town owned land
- can be used for public purpose (i.e., right of way, playing field, walking trail)
- is endorsed by future jurisdictional entity (i.e., Conservation Committee)
- has no associated charges which remain outstanding

Medway *will not* consider land acceptance that:

- is an isolated parcel that is not buildable
- is primarily wetlands not abutting or adjacent to other public land
- appears to be gifted simply to reduce tax burden for taxpayer with no benefit to town
- has a risk of having been contaminated

These guidelines are intended to assist the Board of Selectmen as they receive land gift requests. Due to the individuality of land parcels, each parcel request would be reviewed independently upon written receipt of offer by land owner.

Presented: 8/21/12 BOS Mtg.

Approved: xx/xx/xx

GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

August 15, 2012

Medway Planning Board
Town Hall
155 Village Street
Medway, MA 02053

RECEIVED
AUG 16 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: Bay Oaks Definitive Subdivision Plan
Medway, MA

Dear Board Members,

Our firm has reviewed the stone drainage swale along the proposed roadway to determine its infiltration capacity using "HydroCad" by Applied Microcomputer Systems. The results indicate that the stone drainage swale will infiltrate the slight increase volume of runoff described in the Stormwater Drainage Report for the project.

The following is a comparison of pre- and post-developed flow rates and volumes:

Storm Water Runoff Flow Rates towards Fisher Street

Storm Frequency	Pre-developed. 1Pre		Post-developed 1Post	
	Rate (c.f.s)	Volume (a.f.)	Rate (c.f.s.)	Volume (a.f.)
3.2"-2 year	1.16	0.11	1.00	0.10
4.8"-10 year	3.06	0.26	3.24	0.27
5.5"-25 year	4.11	0.35	4.28	0.36
7.0"-100 year	6.56	0.54	6.68	0.55

The calculations indicate that there is a slight increase in stormwater flow towards Fisher Street. The amount of increase in volume of runoff for the 7.0"-100 year storm event is 0.010 acre feet.

The following is summary of the Stone Trench Stormwater Infiltration Volume

Stone Trench Stormwater Infiltration

Storm Frequency	Post-developed Infiltration Volume
	Acre Feet
3.2"-2 year	0.010
4.8"-10 year	0.012
5.5"-25 year	0.014
7.0"-100 year	0.016

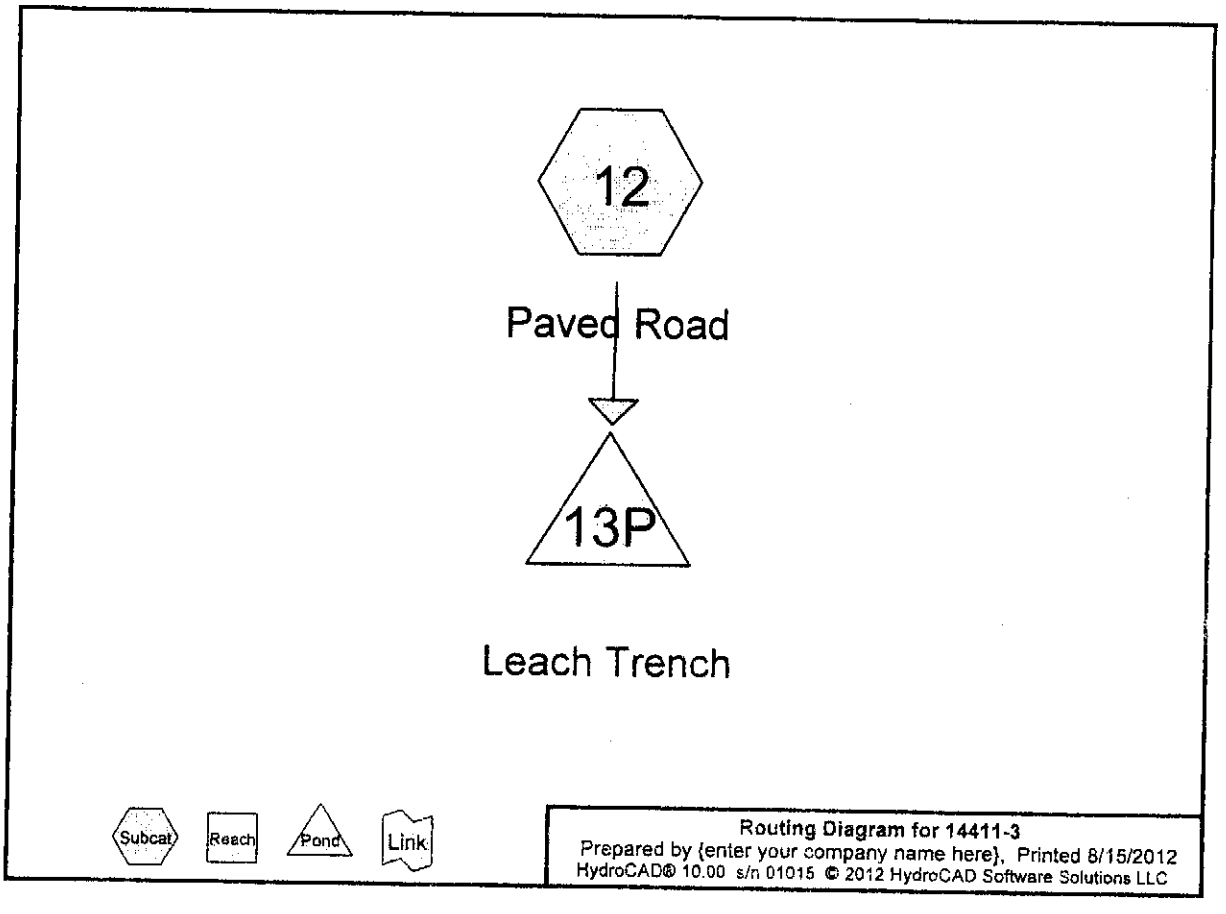
The calculations indicate that the stone drainage trench will provide sufficient recharge capacity to accommodate the increase in volume of runoff generated from the proposed roadway. Therefore, based on the calculations there will be no increase in stormwater runoff towards Fisher Street.

Enclosed herewith are copies drainage calculations for your review and comment. If you have any questions please don't hesitate to contact our office.

Thank you for your cooperation in this matter.

Yours truly,

Robert S. Truax
Project Manager/Design Eng.



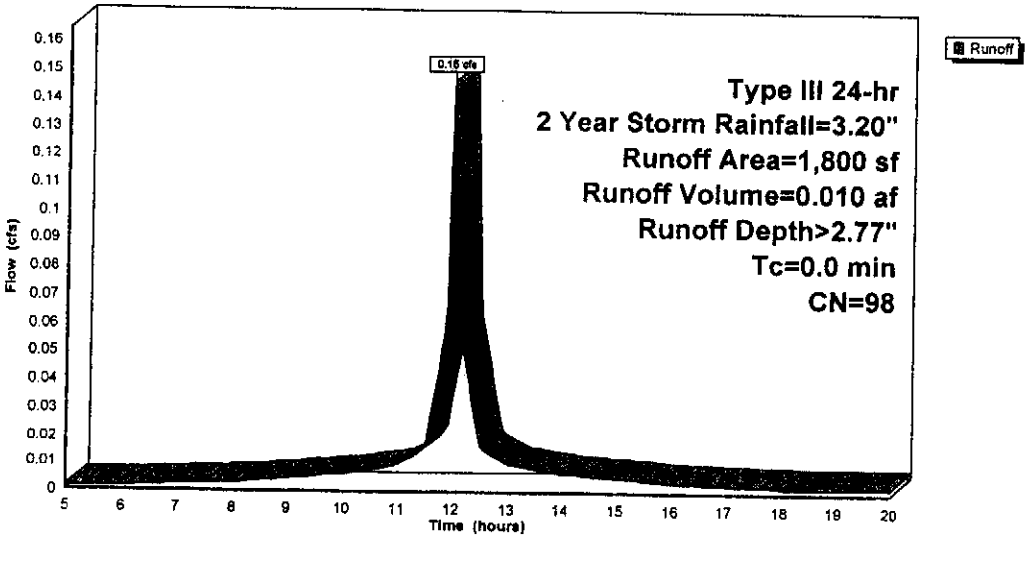
Summary for Subcatchment 12: Paved Road

Runoff = 0.15 cfs @ 12.00 hrs, Volume= 0.010 af, Depth> 2.77"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 2 Year Storm Rainfall=3.20"

Area (sf)	CN	Description
1,800	98	Paved parking, HSG B
1,800		100.00% Impervious Area

Subcatchment 12: Paved Road



Summary for Pond 13P: Leach Trench

Inflow Area =	0.041 ac,100.00% Impervious, Inflow Depth > 2.77" for 2 Year Storm event			
Inflow =	0.15 cfs @ 12.00 hrs, Volume=	0.010 af		
Outflow =	0.03 cfs @ 12.40 hrs, Volume=	0.010 af, Atten= 81%, Lag= 23.8 min		
Discarded =	0.03 cfs @ 12.40 hrs, Volume=	0.010 af		
Primary =	0.00 cfs @ 5.00 hrs, Volume=	0.000 af		

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Peak Elev= 1.85' @ 12.40 hrs Surf.Area= 0.005 ac Storage= 0.003 af

Plug-Flow detention time= 60.8 min calculated for 0.010 af (100% of inflow)
Center-of-Mass det. time= 59.9 min (794.0 - 734.1)

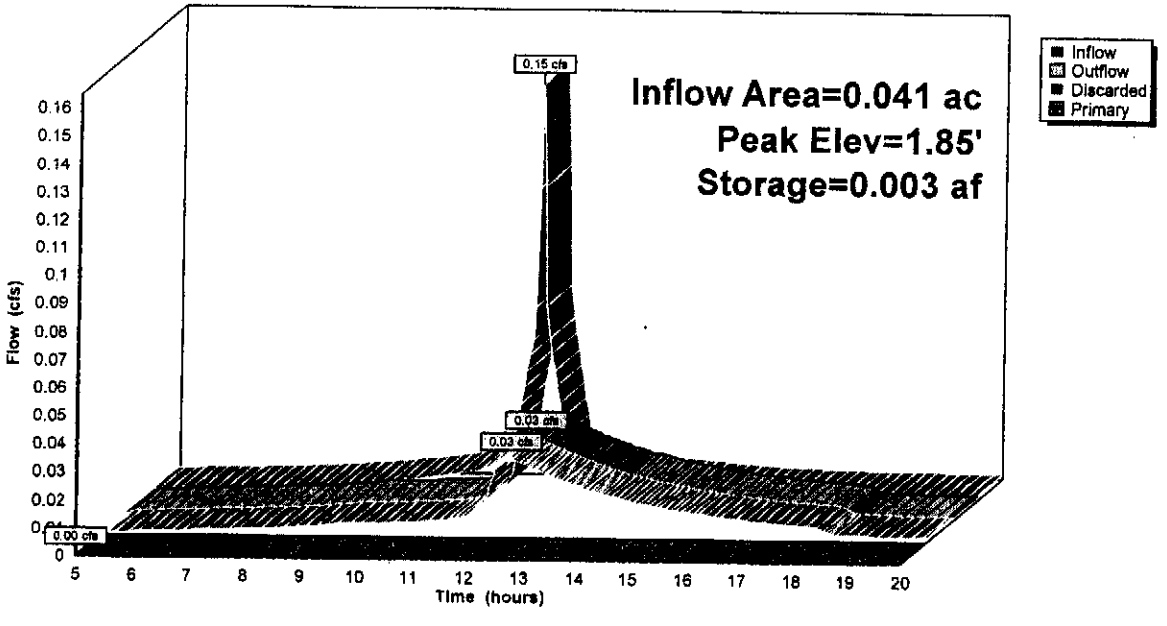
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	**2.00'W x 100.00'L x 2.20'H Prismatoid** 0.010 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	**1.020 in/hr Exfiltration over Wetted area**Conductivity to Groundwater Elevation = -1.00'
#2	Primary	2.00'	**10.0' long x 2.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 Coef. (English) 2.54 2.61 2.61 2.60 2.66 2.70 2.77 2.89 2.88 2.85 3.07 3.20 3.32

Discarded OutFlow Max=0.03 cfs @ 12.40 hrs HW=1.85' (Free Discharge)
└─1=Exfiltration (Controls 0.03 cfs)

Primary OutFlow Max=0.00 cfs @ 5.00 hrs HW=0.00' (Free Discharge)
└─2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)

Pond 13P: Leach Trench



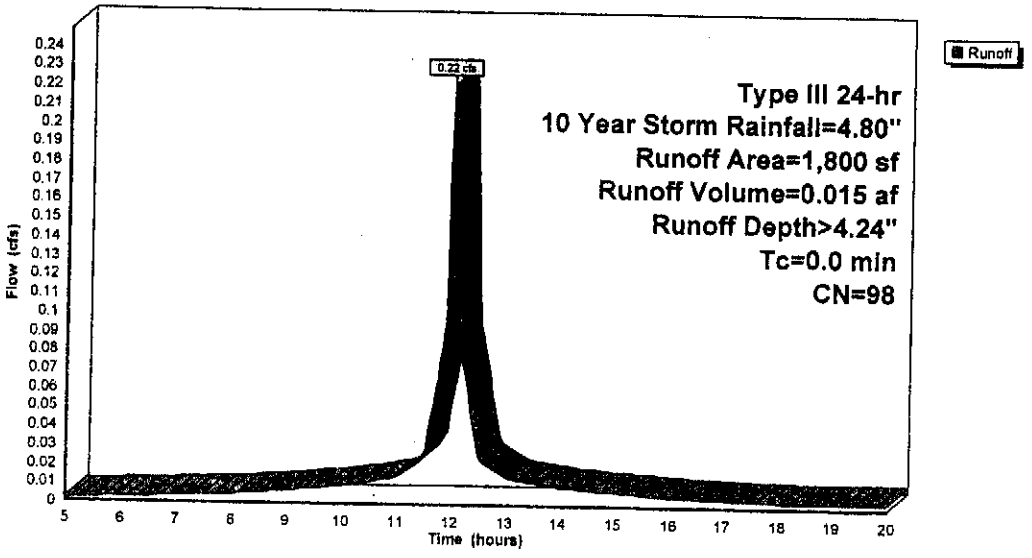
Summary for Subcatchment 12: Paved Road

Runoff = 0.22 cfs @ 12.00 hrs, Volume= 0.015 af, Depth> 4.24"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 10 Year Storm Rainfall=4.80"

Area (sf)	CN	Description
1,800	98	Paved parking, HSG B
1,800		100.00% Impervious Area

Subcatchment 12: Paved Road



Summary for Pond 13P: Leach Trench

Inflow Area = 0.041 ac, 100.00% Impervious, Inflow Depth > 4.24" for 10 Year Storm event
Inflow = 0.22 cfs @ 12.00 hrs, Volume= 0.015 af
Outflow = 0.31 cfs @ 12.05 hrs, Volume= 0.015 af, Atten= 0%, Lag= 3.0 min
Discarded = 0.03 cfs @ 12.04 hrs, Volume= 0.012 af
Primary = 0.28 cfs @ 12.05 hrs, Volume= 0.002 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Peak Elev= 2.05' @ 12.04 hrs Surf.Area= 0.005 ac Storage= 0.004 af

Plug-Flow detention time= 56.6 min calculated for 0.015 af (100% of inflow)
Center-of-Mass det. time= 55.6 min (786.6 - 730.9)

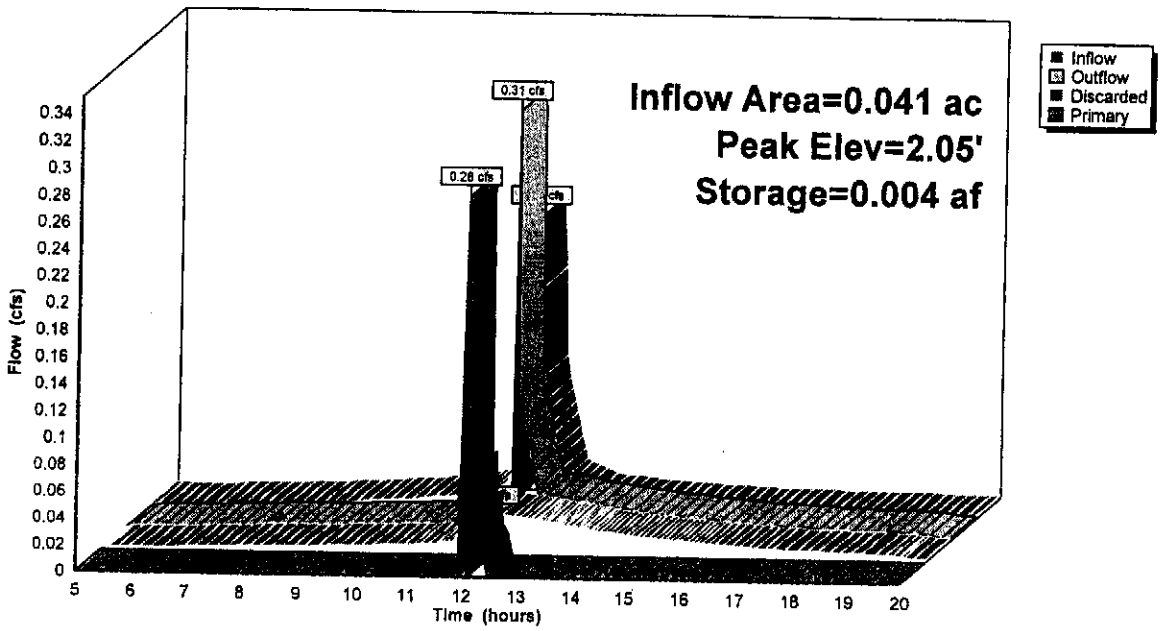
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	**2.00'W x 100.00'L x 2.20'H Prismatoid** 0.010 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	**1.020 in/hr Exfiltration over Wetted area**Conductivity to Groundwater Elevation = -1.00'
#2	Primary	2.00'	**10.0' long x 2.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 Coef. (English) 2.54 2.61 2.61 2.60 2.66 2.70 2.77 2.89 2.88 2.85 3.07 3.20 3.32

Discarded OutFlow Max=0.03 cfs @ 12.04 hrs HW=2.04' (Free Discharge)
└**1=Exfiltration** (Controls 0.03 cfs)

Primary OutFlow Max=0.28 cfs @ 12.05 hrs HW=2.05' (Free Discharge)
└**2=Broad-Crested Rectangular Weir**(Weir Controls 0.28 cfs @ 0.57 fps)

Pond 13P: Leach Trench



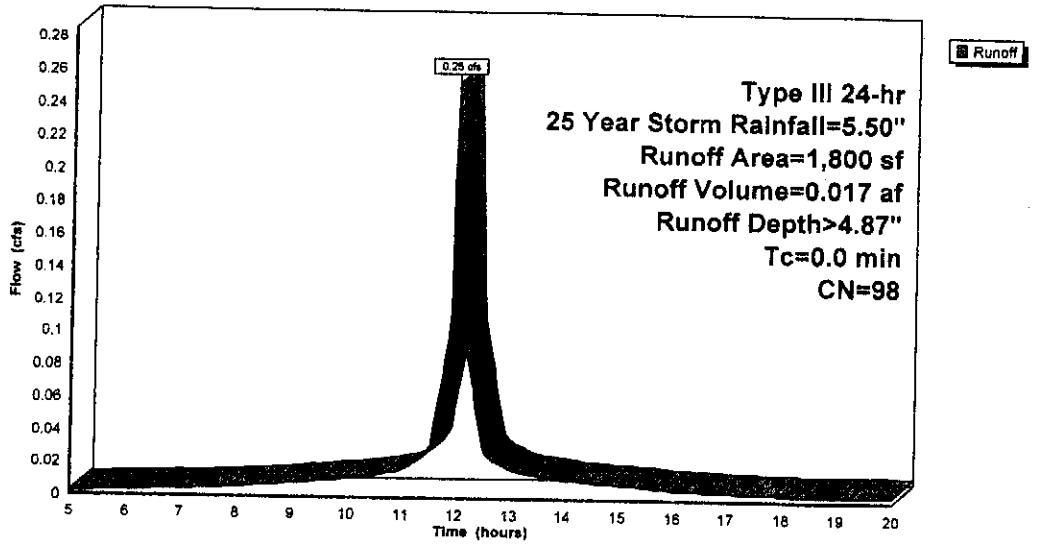
Summary for Subcatchment 12: Paved Road

Runoff = 0.25 cfs @ 12.00 hrs, Volume= 0.017 af, Depth> 4.87"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 25 Year Storm Rainfall=5.50"

Area (sf)	CN	Description
1,800	98	Paved parking, HSG B
1,800		100.00% Impervious Area

Subcatchment 12: Paved Road



Summary for Pond 13P: Leach Trench

Inflow Area =	0.041 ac,100.00% Impervious, Inflow Depth > 4.87" for 25 Year Storm event				
Inflow =	0.25 cfs @	12.00 hrs,	Volume=	0.017 af	
Outflow =	0.31 cfs @	12.01 hrs,	Volume=	0.017 af,	Atten= 0%, Lag= 0.5 min
Discarded =	0.03 cfs @	12.02 hrs,	Volume=	0.014 af	
Primary =	0.28 cfs @	12.01 hrs,	Volume=	0.003 af	

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Peak Elev= 2.06' @ 12.02 hrs Surf.Area= 0.005 ac Storage= 0.004 af

Plug-Flow detention time= 55.1 min calculated for 0.017 af (99% of inflow)
Center-of-Mass det. time= 53.7 min (783.9 - 730.2)

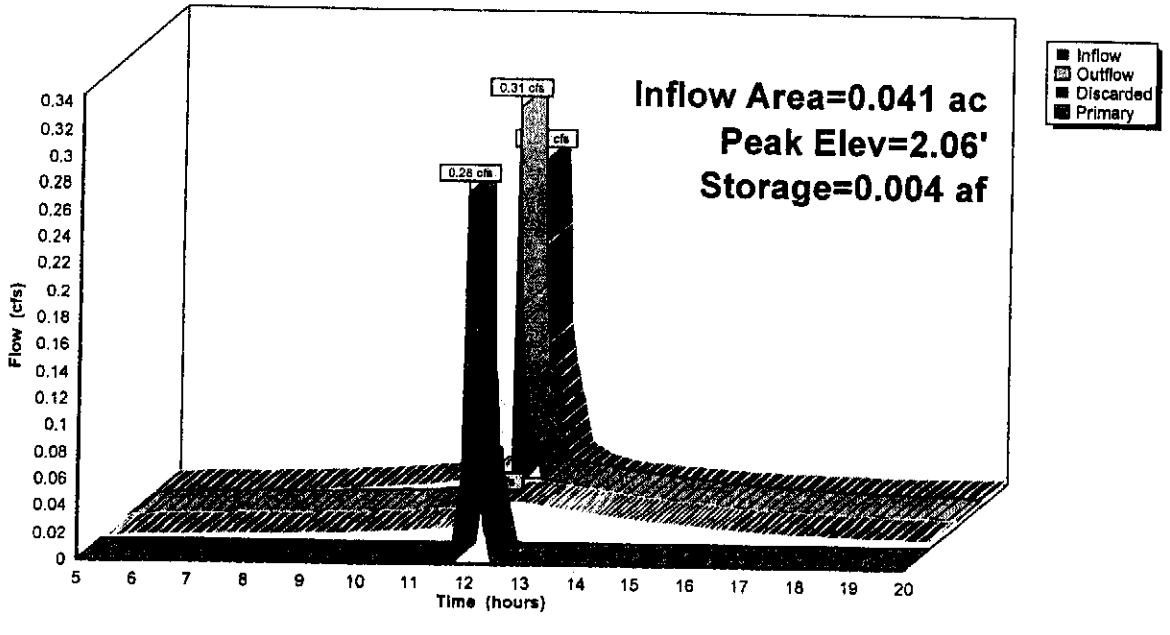
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	2.00'W x 100.00'L x 2.20'H Prismatoid 0.010 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	1.020 in/hr Exfiltration over Wetted areaConductivity to Groundwater Elevation = -1.00'
#2	Primary	2.00'	10.0' long x 2.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 Coef. (English) 2.54 2.61 2.61 2.60 2.68 2.70 2.77 2.89 2.88 2.85 3.07 3.20 3.32

Discarded OutFlow Max=0.03 cfs @ 12.02 hrs HW=2.04' (Free Discharge)
└1=Exfiltration (Controls 0.03 cfs)

Primary OutFlow Max=0.25 cfs @ 12.01 hrs HW=2.05' (Free Discharge)
└2=Broad-Crested Rectangular Weir(Weir Controls 0.25 cfs @ 0.54 fps)

Pond 13P: Leach Trench



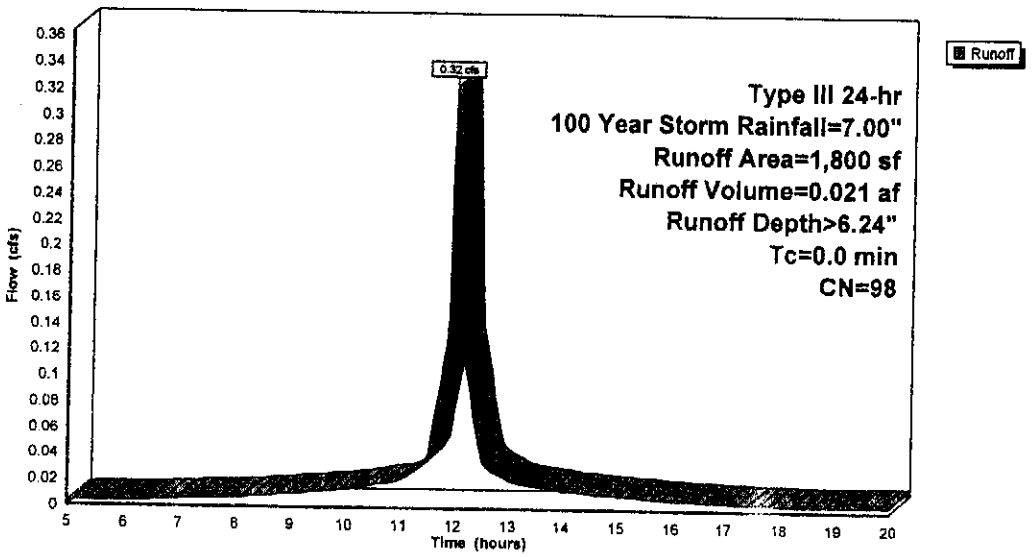
Summary for Subcatchment 12: Paved Road

Runoff = 0.32 cfs @ 12.00 hrs, Volume= 0.021 af, Depth> 6.24"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 100 Year Storm Rainfall=7.00"

Area (sf)	CN	Description
1,800	98	Paved parking, HSG B
1,800		100.00% Impervious Area

Subcatchment 12: Paved Road



Summary for Pond 13P: Leach Trench

Inflow Area = 0.041 ac,100.00% Impervious, Inflow Depth > 6.24" for 100 Year Storm event
Inflow = 0.32 cfs @ 12.00 hrs, Volume= 0.021 af
Outflow = 0.34 cfs @ 12.00 hrs, Volume= 0.021 af, Atten= 0%, Lag= 0.2 min
Discarded = 0.03 cfs @ 12.00 hrs, Volume= 0.016 af
Primary = 0.30 cfs @ 12.00 hrs, Volume= 0.006 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Peak Elev= 2.05' @ 12.00 hrs Surf.Area= 0.005 ac Storage= 0.004 af

Plug-Flow detention time= 52.8 min calculated for 0.021 af (99% of inflow)
Center-of-Mass det. time= 47.7 min (776.8 - 729.2)

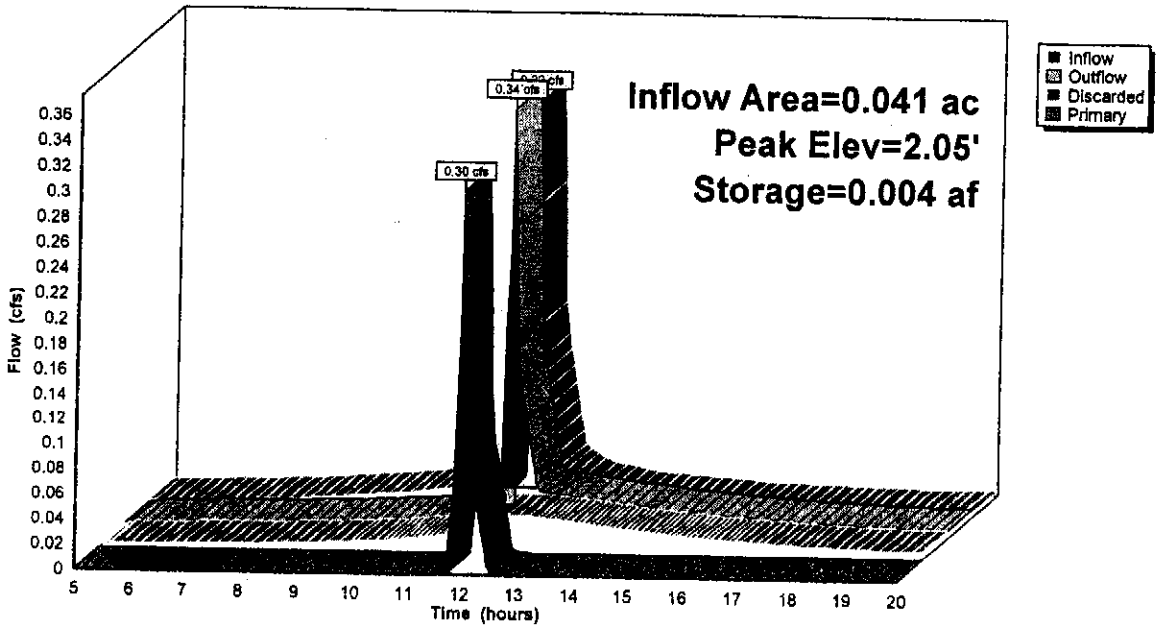
Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	0.004 af	**2.00'W x 100.00'L x 2.20'H Prismatoid** 0.010 af Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	**1.020 in/hr Exfiltration over Wetted area**Conductivity to Groundwater Elevation = -1.00'
#2	Primary	2.00'	**10.0' long x 2.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 Coef. (English) 2.54 2.61 2.61 2.60 2.66 2.70 2.77 2.89 2.88 2.85 3.07 3.20 3.32

Discarded OutFlow Max=0.03 cfs @ 12.00 hrs HW=2.05' (Free Discharge)
└1=Exfiltration (Controls 0.03 cfs)

Primary OutFlow Max=0.29 cfs @ 12.00 hrs HW=2.05' (Free Discharge)
└2=Broad-Crested Rectangular Weir(Weir Controls 0.29 cfs @ 0.58 fps)

Pond 13P: Leach Trench



Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.10.2 Curbs & Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.10.2: Curbing shall be for neighborhood slope granite edging.
What aspect of the Regulation do you propose be waived?	Waiver curb requirement.
What do you propose instead?	No curbing.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	No curbing to allow country drainage swale along roadway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approx. $23.00 per foot.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allow for runoff from road surface to disperse at edge of roadway.
What is the impact on the development if this waiver is denied?	Provide curbing with drain structures.
What are the design alternatives to granting this waiver?	Provide curbing with drain structures.
Why is granting this waiver in the Town's best interest?	Reduce site impacts.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No significant savings.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	None
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	August 15, 2012

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TOWN OF MEDWAY
PLANNING

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.9.7: Roadway Construction
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.9.7.g: Roadway Width, Neighborhood Street (20 feet)
What aspect of the Regulation do you propose be waived?	Request waiver to 18 feet width.
What do you propose instead?	18 foot wide pavement.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Reduced pavement width will preserve the existing trees.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approx. $4.00 per foot.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Reduce site impacts.
What is the impact on the development if this waiver is denied?	Provide 20 foot wide roadway.
What are the design alternatives to granting this waiver?	Provide 20 foot wide roadway.
Why is granting this waiver in the Town's best interest?	Reduce site impacts.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	None
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	August 15, 2012

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TOWN OF MEDWAY
PLANNING

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7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.19 Trees & Slope Stabilization
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.19.2: Requires center island in cul-de-sac.
What aspect of the Regulation do you propose be waived?	No center island.
What do you propose instead?	Hammerhead Turnaround.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Hammerhead will reduce impervious area and site clearing.
What is the estimated value/cost savings to the applicant if the waiver is granted?	No significant savings.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Will reduce impervious area and site impacts.
What is the impact on the development if this waiver is denied?	Increase impervious & site clearing.
What are the design alternatives to granting this waiver?	Provide Hammerhead Turnaround.
Why is granting this waiver in the Town's best interest?	Reduce impacts.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	None
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	August 15, 2012

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TOWN OF MEDWAY

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.13 Sidewalks
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	7.13.2 Sidewalk required on one side with 4 foot grass strip.
What aspect of the Regulation do you propose be waived?	No Sidewalk
What do you propose instead?	No Sidewalks
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	No sidewalks exist within the current roadway. No sidewalk will reduce site impacts.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approx. $13.00 per foot.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allow runoff from roadway to disperse into swale along roadway.
What is the impact on the development if this waiver is denied?	Provide sidewalk.
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Reduce site impacts.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No significant savings.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	None
Other Information?	–
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	August 15, 2012

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TOWN OF MEDWAY
PLANNING

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
Complete 1 form for each waiver request

Project Name:	Bay Oaks
Property Location:	104 Fisher Street
Type of Project/Permit:	Definitive Subdivision Plan
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.9.1.e: Location
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	The Board may authorize permanent private ways for subdivisions up to 3 lots.
What aspect of the Regulation do you propose be waived?	Request waiver to allow 5 lots on a private way.
What do you propose instead?	-
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The existing roadway is currently private and the proposed is an extension of the existing roadway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	No significant cost savings.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Reduce site clearing. Preserve the existing vegetation.
What is the impact on the development if this waiver is denied?	Increase roadway widths.
What are the design alternatives to granting this waiver?	-
Why is granting this waiver in the Town's best interest?	The Town will not be required to maintain the roadway.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	August 15, 2012

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AUG 16 2012
TOWN OF MEDWAY
PLANNING BOARD

Questions?? - Please contact the Medway PED office at 508-533-3291.

7/8/2011

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

August 23, 2012

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AUG 23 2012
TOWN OF MEDWAY
PLANNING BOARD

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the second revised subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012 with revision dates of July 30, 2012, and August 15, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 122,426 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 116,595 (Lot 3) square feet.

The comments from my original July 5, 2012 letter are repeated along with the comments on the first revised plan from my August 9, 2012 letter which are in **bold.** New comments are in *Arial italics* as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands. **The wetlands calculations have no been provided. OK.**

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling. **The existing septic system on Lot 4 is now shown as well as the existing wells on abutting properties. The applicant explains that the existing septic systems for the abutting lots are not shown, but they appear to be in the front of those lots. OK.**

3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width

information was not. The ROW width for the existing private way leading to the proposed subdivision was provided, but the pavement width was not. **The pavement width for Dover Lane is now shown, but the ROW and pavement width of Fisher Street are not.** *The Fisher Street pavement width is still not shown.*

4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately. **The three waiver requests are now shown on the cover sheet. OK.** *There are now 7 waiver requests and they are all shown on the cover sheet. OK.*

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested. **This information is now shown. It should be noted that NStar will have control over this. OK.**

6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided. **The soil tests are in the drainage report. OK.**

7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled. **The operation and maintenance plan is included in the drainage report. Also, the runoff from the lower sections of the roadway is proposed to run down Dover Lane to the catch basins at the bottom. OK.**

8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested. **Plantings, including 4 white pines and 12 rhododendrons are proposed around the detention basin. No street trees are proposed and no waiver is requested.** *A waiver to not require street trees is now requested.*

9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary. **A street sign indicating Dover Lane and Fisher Street is now shown as well as signs indicating to yield to pedestrians. OK.**

10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested. **The applicant indicates that no streetlights have been requested by the safety officer. OK.**

11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed. **OK.**

12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround. **A planting plan around the detention basin is now proposed. I am not sure that white pines are the best choice for**

trees due to tendency to drip lower branches. *A waiver from the requirement for a cul-de-sac island is now requested. Still not sure that white pines are best species for screening.*

13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested. **This has now been provided. OK.**

14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan. **A stockpile area is now shown. OK.**

15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested. **The footprints are now 40' x 80'. OK.**

16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided. **This has now been provided. OK.**

17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects. **OK.**

18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection. **The applicant responds that the safety officer has asked that brush along Fisher Street be cleared to improve sight distance and the area of clearing is now shown on the plans. OK.**

19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated. **Grades are now shown, but no waiver is requested. This comment was made in error. OK.**

20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets. **This comment still stands. Applicant asks that the Board review this.** *The waiver is now requested from neighborhood street standards. OK.*

21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested. **This comment still stands. Applicant asks that the Board review this.** *A waiver is now requested. OK.*

22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested. **This comment stands. Applicant suggests that existing trees along the roadway shall remain. If this is**

acceptable to the Board, I suggest that a waiver be requested. *A waiver is now requested. OK.*

23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed. **Again, applicant states that no center island is proposed. A waiver should be requested.** *A waiver is now requested. OK.*

24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested. **As stated previously, safety officer has not requested streetlights. OK.**

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed. **OK.**

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets. **This comment still stands. Applicant asks that the Board review this.** *A waiver to allow a permanent private way to serve 5 residences is now requested. OK.*

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

Sincerely,

Gino D. Carlucci, Jr.

Susan Affleck-Childs

From: Pellegri, David [david.pellegri@tetratech.com]
Sent: Monday, August 20, 2012 3:05 PM
To: Susan Affleck-Childs
Subject: Bay Oaks
Attachments: 20120820150923.pdf

Susy,
Please find attached our updated review of Bay Oaks. They have addressed all of our comments with the exception of numbers 20, 44, and 46 which I feel should be included in the conditions for the project.
Thanks,
Dave

David R. Pellegri, P.E. | Senior Project Manager
Direct: 508.903.2408 | Main: 508.903.2000 | Fax: 508.903.2001
david.pellegri@tetratech.com

Tetra Tech | Engineering and Architecture Services
1 Grant Street | Framingham, MA 01701 | www.tetratech.com

TETRA TECH

RECEIVED
AUG 20 2012
TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012
(Revised August 8, 2012)
(Revised August 20, 2012)

Mr. Robert Tucker
Vice Chairman-Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Bay Oaks
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Tucker:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of a four lot subdivision off of Fisher Street, near the Holliston Town Line. The project proposes to extend the existing private way cul-de-sac to create three additional house lots. The existing site is approximately 8.7 acres and is primarily wooded, with one existing single family house. The three new residential buildings will require private utility connections gas, electric, and telecommunications. The sewer will be serviced through the use of on-site septic systems and the water will utilize on-site wells. The stormwater design will primarily consist of a swale running along the proposed roadway which will then discharge to a small drainage basin located adjacent to the proposed roadway. The roof runoff will be collected and discharged into below ground infiltration chambers.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Definitive Subdivision of Bay Oaks in Medway Massachusetts", dated May 18, 2012, prepared by GLM Engineering Consultants, Inc. (GLM).
- A stormwater report entitled "Stormwater Report, Bay Oaks", dated May 18, 2012, prepared by GLM.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GLM.
- Additional miscellaneous application material including a Designer's Certificate (Form D), and a Development Impact Report (Form F), prepared by GLM.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On June 27, 2012 at 4:00 PM, Tetra Tech met the applicant on-site to perform a site walk and review the existing conditions on the plan versus the field conditions. At that time, we discussed several comments that were generated in a draft of this review letter. Although the applicant answered some of the questions below during the site walk, we've left them on the list for the Planning and Economic Development Board's review, along with the information provided by the applicant (shown in italics following several of the comments).

On July 31st, 2012, TT received an updated package including a cover letter providing comment responses, plans, drainage report, and a list of waivers addressing our original comments. We have reviewed this package and have updated our comments, as bulleted below the original comment.

On August 17, 2012, TT received a second updated package including a revision to the drainage report, modified plans, and a waiver list. We have reviewed this package and have updated our comments as bulleted below the original comment. At this time all of the items have been addressed to our satisfaction except those requiring conditions if the project is approved by the PEDB.

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)

   - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction. The board should review the plantings and confirm acceptance.

15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))

    - **TT 8/8/12 Update**: The PEDB should interpret this regulation and how it applies to this proposed subdivision.

    - **TT 8/20/12 Update**: The PEDB determined that waivers would be required from the applicant in order for the roadway design to meet the permanent private way regulations.

16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))

    - **TT 8/8/12 Update**: The proposed roadway is 5+95' to the center of the cul-de-sac from the center line of Fisher Street.

17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

18. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision. (Ch. 100 §7.17.1)

    TT 8/8/12 Update: There does not appear to be a fire alarm system proposed so the applicant should verify that the sum of money will be paid to the fire department.

19. Trees shall be planted in accordance with Ch. 100 §7.19.2.

    - **TT 8/8/12 Update**: This item has not been addressed and may require a waiver. The intent is to preserve existing trees close to the roadway.

    - **TT 8/20/12 Update**: A waiver has been submitted by the applicant for this item.

20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)

    - **TT 8/8/12 Update**: A note should be added to the plan to address this.

    - **TT 8/20/12 Update**: This should be included in the conditions.

21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the requirements of the Land Subdivision-Form F, or requiring additional information:

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*

    - **TT 8/8/12 Update**: The applicant added swales to the proposed plan and modified the recharge calculations to include the swales, however that information is not reflected in the model. We would like the swales added to the model to see the amount of decrease and then determine if the addition of another swale on the opposite side of the roadway is warranted.

    - **TT 8/20/12 Update**: The applicant increased the size of the swale to increase infiltration and thus decrease the post-development runoff. The project now results in no net increase in the post development flow towards Fisher Street.

26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

28. The material of the existing driveway should be labeled.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.

    TT 8/8/12 Update: This item has been addressed to our satisfaction. Silt fence is provided for roadway and is acceptable for that scope of work. Additional silt fence will be provided during the Notice of Intent procedure for the proposed house construction.

31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

34. Existing private utilities should be shown on the plans.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

38. A monument detail should be added to the plans along with a label identifying type of monument to be set.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.

- **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4"of dense graded crushed stone to provide a better base.

    TT 8/20/12 Update: This item has been addressed to our satisfaction. The detail has been modified to reflect our suggestion.

41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

42. Existing stone walls should be shown on the plans.

    - **TT 8/8/12 Update**: The applicant has stated that the walls are shown on sheet 3, however I believe there are more walls along the property line that are not shown.

    - **TT 8/20/12 Update**: This item has been addressed to our satisfaction.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.7.2 (M)-Stormwater Management-Side Slopes
Section 7.7.2 (P)-Stormwater Management-Separate Basin Parcel
Section 7.10.2-Curbs and Berms

43. The waiver request states that a waiver to section 7.10.2 is to allow country drainage swale along the roadway, however the grading does not reflect this. Only one section of roadway appears to sheet off to a basin or swale, approximately from STA 5+50 to 6+50).

    - **TT 8/8/12 Update**: This item has been addressed to our satisfaction.

The following items were raised during the public hearing process and do not appear to have been addressed:

44. The turning radius at the driveways must accommodate fire apparatus. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update**: Radii have been added to the driveway entrances however the applicant shall state how it was determined that the radius was sufficient to accommodate the fire apparatus.

    - **TT 8/20/12 Update**: This item should be included in the conditions of approval.

45. We further had discussion about water supply to the subdivision. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update**: The applicant should discuss this issue with the fire department directly.

46. Addresses should be marked at the end of driveways if numbers on the houses are not visible from the road. (Fire Department Letter dated July 26, 2012)

    - **TT 8/8/12 Update**: It does not appear that this has been addressed on the plan.

    - **TT 8/20/12 Update**: This item should be included in the conditions of approval.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

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Susan Affleck-Childs

From: PGYORKIS@aol.com
Sent: Wednesday, July 25, 2012 2:37 PM
To: John F. Emidy
Cc: Susan Affleck-Childs
Subject: Request to Modify Previously Approved Site Plan
Attachments: DSC08471.JPG; DSC08472.JPG; 45 Milford Street Application to Modify0001.pdf

Dear Mr. Emidy:

Attached please find an Application to Modify a Previously Approved Site Plan dated 7/25/2012 submitted on behalf of PMAM Group LLC, Mark Smith.

In addition to the application I have included the following documents:

1. A letter outlining the proposed changes ✓
2. Copy of the Approved Existing North Elevation ✓
3. Copy of the Proposed North Elevation ✓
4. Signed and stamped letter from Anson Courtright, Architect
5. Attachment to the letter regarding Commercial Energy Efficiency
6. Attachment to the letter regarding AAB Ramps

As outlined on page 30 of the Medway Zoning Bylaw - Updated April 17, 2012, section c) I am requesting that you review this information with the hope that you will determine that, "the proposed changes are Non-Substantial."

I have also attached photos of the North, West, and South elevations of the building.

Thank you in advance for your consideration.

Paul G. Yorkis
President
Patriot Real Estate, Inc.
159 Main Street
Medway, MA 02053
Cell - 508-509-7860
Massachusetts 2011 Realtor of the Year

45 Place
45 Milford ST

DISCRIPTION OF CHANGES TO PREVIOUSLY APPROVED SITE PLAN

On behalf of the applicant I share the following information:

1. No change to the site plan itself
2. No change to drainage
3. No change to parking
4. The only changes are as follows:
    a. Replace one window with a door on the north side of the building
    b. Replace the other windows with larger windows reflecting the needs of retail tenants
    c. Modify a small area of the existing sidewalk to conform with AAB regulations

The changes above will permit the 2000 square feet of vacant space to be subdivided and to be a more attractive retail environment.

Numerous potential tenants have passed on the space because of the current window size and arrangement.

Thank you for your consideration

Paul G. Yorkis
President
Patriot Real Estate, Inc.

RECEIVED
JUL 25 2012
TOWN OF MEDWAY
PLANNING BOARD

APPLICATION TO MODIFY A PREVIOUSLY APPROVED SITE PLAN

Medway Planning Board
155 Village Street - Medway, MA 02053
508 533-3291

RECEIVED
JUL 25 2012
TOWN OF MEDWAY
PLANNING BOARD

This application to modify an approved Site Plan is made pursuant to the Medway Zoning By-Law, Section V. USE REGULATIONS, Subsection C. SITE PLAN APPROVAL and the Planning Board's Rules and Regulations for the Submission and Review of Site Plans (as approved December 3, 2002)

Date: 7/25/2012

The undersigned, being the applicant and the owner of all land included within the site shown on the previously approved site plan entitled Restaurant 45 Proposed Site Redevelopment dated November 15, 2005, prepared by FAIST Engineering and _____, herewith submits this application to modify the approved site plan.

1. **Property Location Address**: 45 Milford st

2a) **Property Owner:** PMAM Group LLC (Mark Smith)

Address: 45 Milford st
Medway, MA 02053

Primary Contact: Mark Smith

Telephone: 508 889-5931 FAX: _____

2b) **Applicant** *(if other than property owner)*: _____

Address: _____

_____

Primary Contact: _____

Telephone: _____ FAX: _____

Email address: _____

_____ *Please check here if you are the equitable owner (purchaser on a purchase and sales agreement.)*

2c) *NOTE* – If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:

Official Representative: PAUL G. YORKIS

Address: 159 MAIN STREET

MEDWAY, MA 02053

Primary Contact:

Telephone: 508-509-7860 Fax: 508-533-2295

Email address: PGyorkis@AOL.com

3. **Engineer:**

Address:

Primary Contact:

Telephone: FAX:

Email address:

4. **Surveyor:**

Address:

Primary Contact:

Telephone: FAX:

5. **Architect:** ANSON COURTRIGHT AC-ARCHITECT #7214

Address: 77 FAIRWOOD DRIVE

PEMBROKE MA 02359

Primary Contact: ANSON

Telephone: 781-826-8400 FAX: 781-826-8400

6. **Prior Site Plan**

a. Approval Date: April 25, 2006

b. Was the prior site plan determined to be major or minor? MAJOR

7. **Project Description** – Please attach an explanation of why the approved site plan needs to be modified and include a detailed description of the changes you propose.

8. **Building Inspector's Determination** - Scope of Proposed Modification

____On-Site Construction Change

____ Minor Site Plan - Modification

____ Major Site Plan – Substantial Modification

✓ Major Site Plan - Not Substantial

Please attach a copy of the Building Inspector's determination.

SIGNATURES – I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief. *(If Applicable, I hereby authorize* PAUL G. YORKIS *to serve as my Official Representative to represent my interests before the Town of Medway with respect to this application to modify an approved site plan.)* In submitting this application, I also authorize the Planning Board, its agents, and other Town officials to access the site during the site plan modification review process.

Signature of Property Owner — *Date* 7/25/2012

Signature of Applicant (if other than Property Owner) — *Date*

Signature of Official Representative — *Date* 7/25/2012

SUBMITTAL INSTRUCTIONS – Required Submittals

Town Clerk

____ One (1) Site Plan Modification Application form with original signatures
____ One (1) set of the proposed revised Site Plan prepared in conformance with the *Site Plan Rules and Regulations*
____ One (1) copy of revised storm drainage calculations *(if applicable)*

Planning Board

X One (1) Site Plan Modification Application form with original signatures
____ Twelve (12) sets of the proposed revised Site Plan prepared in conformance with the *Site Plan Rules and Regulations*
____ Two (2) copies of revised storm drainage calculations *(if applicable)* NA
____ For a *substantial* modification to a major site plan, an updated list of all abutters and parties of interest as defined in the *Site Plan Rules & Regulations,* certified by the Assessor NA
X *Site Plan Modification Filing Fee* – Made payable to the Town of Medway

For projects up to 4,999 sq. ft./gross floor area	$ 500
For projects of 5,000 – 9,999 sq. ft./gross floor area	$ 750
For projects of 10,000 -14,999 sq. ft./gross floor area	$ 1,000
For projects of 15,000 sq. ft/gross floor area and more	$ 1,500

NA ____ Advance toward *Site Plan Review Expenses* – Made payable to Town of Medway - $1,000 will be handled in house w/out outside consultants

NOTE – These must be two separate checks.

Revised – November 6, 2006

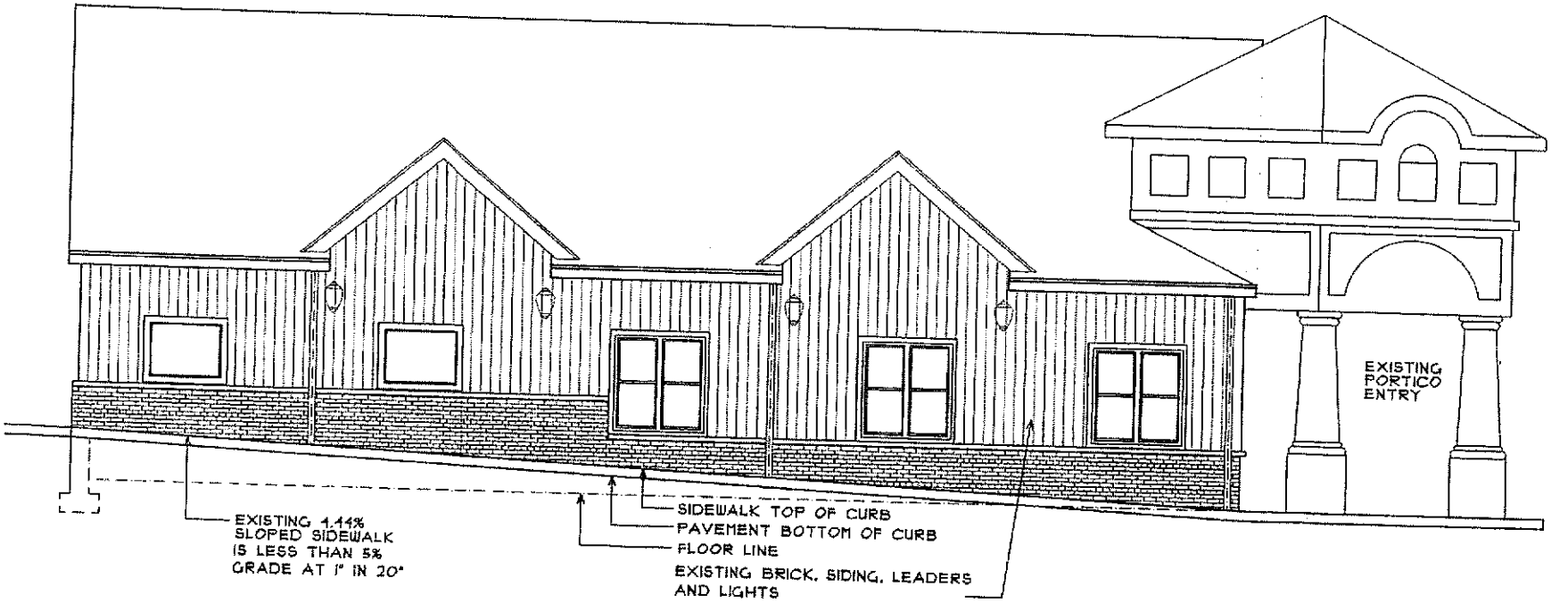
Susan Affleck-Childs

From: John F. Emidy
Sent: Wednesday, August 22, 2012 11:50 AM
To: Susan Affleck-Childs

Hi Susy,

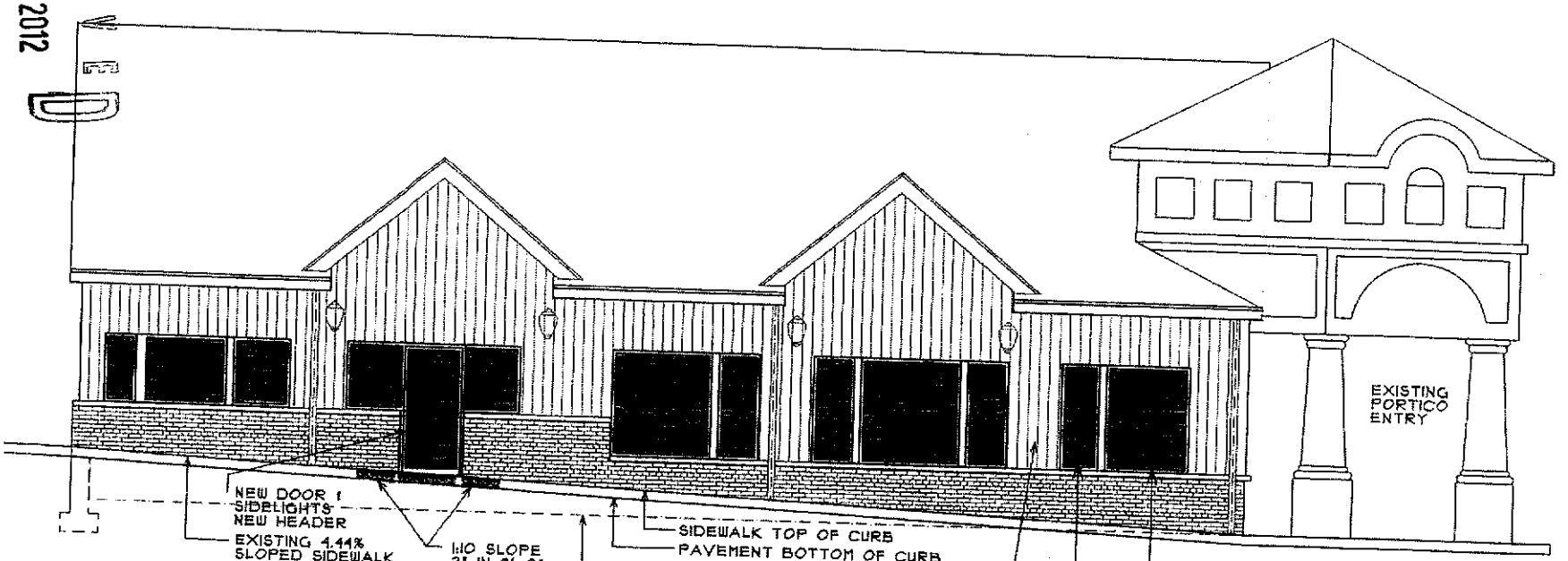
I'm in receipt of a request to modify the window area on the front section of the building located at 45 Milford Street. This section is the recently built addition. In my opinion, the proposed alteration is a non substantial change. Therefore, modification of the approved site plan will be required by the Planning Board prior to these proposed changes. Please contact me if you have any questions.

John



EXISTING NORTH ELEVATION

Architect	Owner	Project	Drawing Name	Date	Dwg #
AC-Architect Anson Courtright 77 Farwood Drive Pembroke MA 02359 781-630-2293	PMAM GROUP, INC 45 MILFORD STREET MEDWAY MA	Elevation Modification Restaurant 45 RETAIL 45 MILFORD STREET MEDWAY MA	EXISTING ELEVATION	Elevation Review 1-24-2012	EX-1



NOTE:
WINDOWS COMPLY WITH CODE AT LESS THAN 40% OF WALL.

U FACTOR OF LESS THAN .45 CAN BE ACHIEVED WITH PROPOSED TRI FAB SYSTEM

SIDEWALK MODIFICATIONS SHALL COMPLY WITH AAB SLOPE

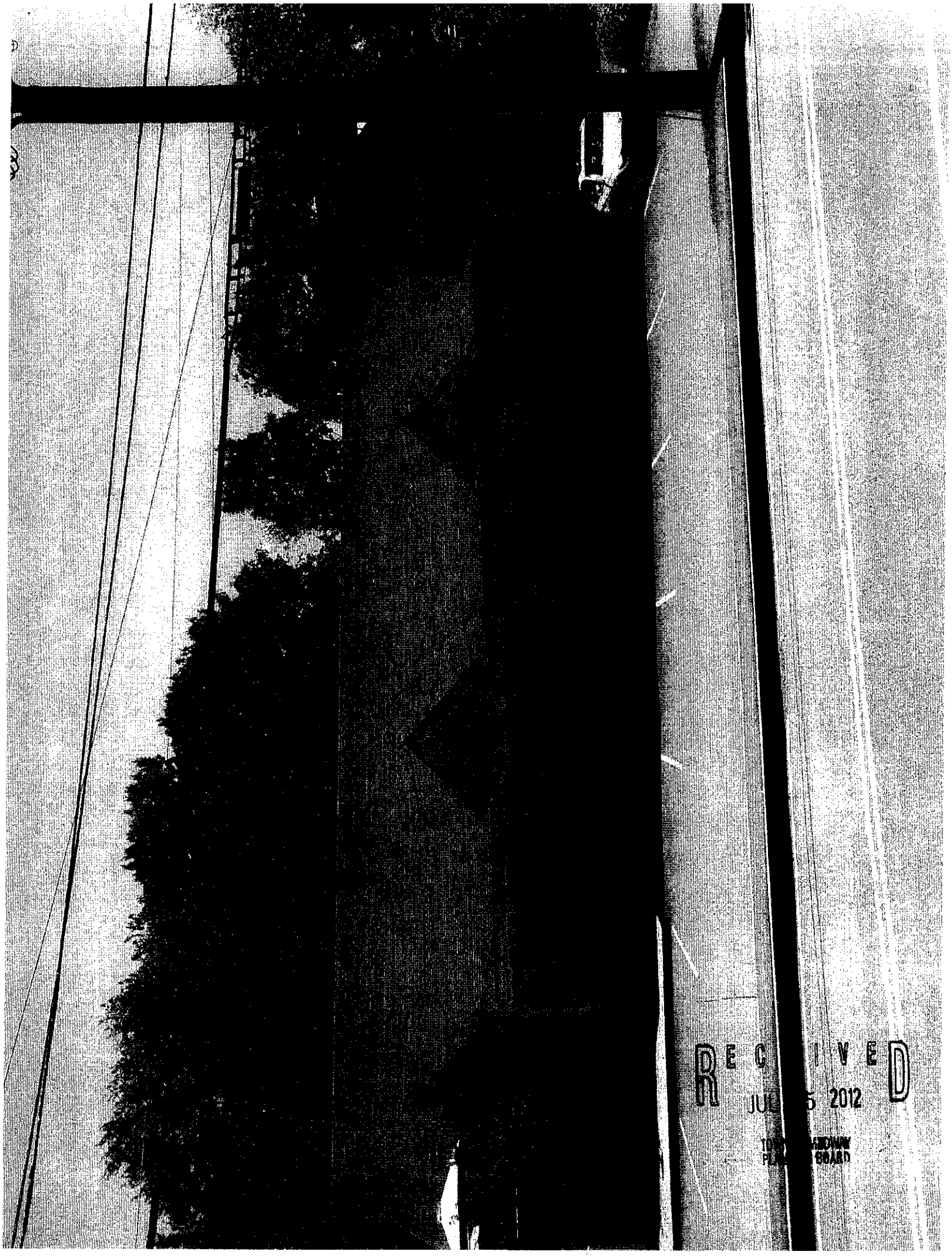
LIFT OR RAMP TO BE PROVIDED AT INTERIOR OF UNIT.

PROPOSED NORTH ELEVATION

SCALE 3/16 = 1'-0"

0 2 4 12

Architect	Owner	Project	Drawing Name	Date	Dwg #
AC-Architect Anson Courtright 77 Kenwood Drive Pembroke MA 02359 781-630-2293	PMAM GROUP, INC 45 MILFORD STREET MEDWAY MA	Elevation Modification Restaurant 45 RETAIL 45 MILFORD STREET MEDWAY MA	North Elevation PROPOSED ELEVATION	Elevation Revise 7-24-2012	PE-1



Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

August 23, 2012

Mark Smith
PMAM Group, Inc
45 Milford St
Medway, MA 02053

RE: DRC DESIGN RECOMMENDATION - RESTAURANT 45 RETAIL BUILDING ELEVATION MODIFICATION

Dear Mark,

Thank you for submitting the site plan and ELEVATION MODIFICATION for the Restaurant 45 Retail Building to the Medway Design Review Committee (DRC). The information was filed with the Town on 8/15/12. The proposed elevation modification plan dated 7/24/2012 was prepared by AC-Architect of Pembroke, MA.

This letter serves as the DRC's recommendation to the Planning and Economic Development Board regarding the proposed ELEVATION MODIFICATION TO THE RESTAURANT 45 RETAIL BUILDING AT 45 MILFORD ST. Please be advised that this letter does NOT constitute approval of a building permit. You must still secure a building permit from the Medway Building Department.

On Monday, August 20th, the DRC met with you to review the proposed modifications to the existing retail building. You have proposed the following:

- Replacing (5) window locations on the north façade, west of the Restaurant 45 patio area, servicing 2k sf of retail floor space.
- (4) of the current locations will be converted to larger windows, to enable more light to enter the space, and better visibility
- (1) of the current windows to be replaced by a new entry door with sidelights
- Splitting the 2k sf of retail space into (2) 1k sf retail spaces

The DRC offers the following comments/recommendations regarding the proposed building modification:

- The replacement of windows will enhance and draw attention to the retail component of the building.
- The new entrance way will enable a possible second retail space.
- Consider adding architectural details, such as an arch or small roof, to the façade at the new entrance to highlight and set it apart from the other windows.
- Consider if the proposed window size-upgrade will be enough of a change to produce the desired results.
- Consider choosing window styles that have a consistent appearance to surrounding buildings and include details such as mullions and trim that will further enhance the appeal of the building façade.

You indicated you would consider these suggestions and move ahead. You are welcome to return to a future DRC meeting for further conversation. Please contact the Medway Planning and Economic Development office at 508-533-3291 if you would like to schedule another appointment with the DRC.

We have enjoyed working with you and your team on the ELEVATION MODIFICATION for the retail portion of 45 Milford Street. Thank you for your time.

Sincerely,

Matthew Buckley
Chairman

cc: Paul Yorkis, Patriot Real Estate
Medway Planning and Economic Development Board

Dennis DiGiando Corporation Tel: 508 634 0221 Fax: 508 473 9779
Construction/Construction Management/Consulting 303 Main Street, Milford, MA 01757

August 23, 2012

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

RECEIVED
AUG 24 2012
TOWN OF MEDWAY
PLANNING BOARD

RE: 49 Alder Street East Hill Associates Building Color

Dear Susan,

At the time of approval of Lawrence Waste Services at the above location the color approved was green, at the time that the contract for the building was sent to the building distributor. C.A. Rollins Inc then contacted Dennis DiGiando Corporation regarding the color green for the building. They are having a problem with the color it may fade and chip. Mr. Lawrence would like to change the color to tundra, which I have enclosed for the boards approval.

As per our meeting I am enclosing a sample color for the main building tundra and the trim color of charcoal grey. Thank you for your help with this matter, If you have any questions please don't hesitate to contact me

Very truly,

Dennis DiGiando
President
Dennis DiGiando Corporation

Cc:/ J Worthington
B DiGiando
Keith Lawrence
File

September 11, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Consultant Tetra Tech Rizzo
Gino Carlucci, Consultant PGC Associates
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Construction Report – Dave Pellegri/Tetra Tech Engineering

Applegate Farms:
Dave Pellegri indicated that the drainage construction has been completed with the exception of the structures in the possible new easement area.

Member Tucker wanted to know if the letter went out. Susy indicated that a letter did not go to Ralph Costello. The Board would like the letter to go out next week.

There will be a meeting set up with Tom Holder, Bob Tucker and Susy Affleck-Childs.

Susy Affleck-Childs thought the Board wanted a letter to go to DPS asking for a status.

The Chairman thought a letter was to go to Ralph.

Consultant Pellegri communicated that it was his understanding that Mr. Costello would request a subdivision modification. This is an easy step since he is putting in a bigger pipe. There is no risk from the Town's perspective since the developer would be going with a bigger pipe. The pipe is being put in, but the approved plan does not show that size.

Member Tucker wanted to get something moving forward by addressing this from the Town's stand point. Mr. Costello faces a problem that the initial drainage study was incomplete. He needs to deal with this.

The Planning Board would like Tom Holder to take the lead on this. Susy will follow-up with Tom Holder.

Pine Meadows:

Pine Meadows has submitted as-built and street acceptance plans.

The Board communicated that there is a policy in place for street acceptance and the street and infrastructure need to be put in. The Town needs the as-builts. No houses have been built.

The Chairman wanted to know if the Town has a sidewalk crossing permit. This type of permit addresses transgression.

The Board does want to discuss street acceptance at this point.

Consultant Pellegri indicated that the top coat has been put in.

Susy would like to speak with Town Counsel about the bond and not approving any release of it because the houses are not built. She also recommended sitting with Tom Holder and discussing this situation with him to see how DPS feels about accepting a street before the houses are built.

Franklin Creek:
The Chairman wanted to know about the traffic cones at Franklin Creek.

Consultant Pellegri will follow-up.

The Chairman reminded all that there is a one year warrantee on the road.

Planning and Economic Development Coordinator's Update/Susy Affleck-Childs

Street Acceptance:

There will be a meeting held September 17, 2012 with the Board of Selectmen to update them on the two target subdivisions for street acceptance. The first subdivision is the Meadows and the second is Claybrook II. There will be a meeting held on September 26, 2012 where the information regarding the title research for the Meadows will be presented. The Claybrook II title research is being reviewed by town counsel and there will be a meeting sometime in mid-October with the neighbors to discuss the findings.

Member Tucker and Chairman Rodenhiser will be at the Board of Selectmen meeting on September 17, 2012.

Economic Development Specialist:
A team of representatives met last week to interview the candidate for the Economic Development Specialist Position. The recommended candidate met with Suzanne yesterday and the town is working on contract details. The goal is to have this person ready with signed contract October 1, 2012.

The candidate is outstanding and comes with a lot of experience. The candidate is from Shrewsbury.

Solar Net Metering:
The bids were due September 7th. Three bids were received and are being reviewed and evaluated.

Daniels Village ARCPUD:
Susy met with a prospective developer/buyer of the Daniels Village property (west side of Winthrop Street south of Lovering St). NOTE – The PEDB had previously approved an 80 unit ARCPUD for this site. The prospective buyer is interested in constructing an adult retirement community. The initial permit was withdrawn. Susy will be checking to see if the permit extension statute applies to this project. She will ask Town Counsel to look into it.

The Board of Selectmen is looking to have a joint meeting with Economic Development Committee and the Planning Board to discuss zoning initiatives. The date and time will be set.

Public Hearing Continuation – Norwood Acres Definitive Subdivision Plan:
The continued public hearing for Norwood Acres was opened.

Mr. Marshal spoke about the technical issues and talked about the sewer lines.

Mr. Marshall will provide something in writing from his counsel re: title research for the sewer easement. This will take him about three weeks to complete.

The Board would like something in writing such as a report about the usage of the sewer.

It was reported that there are 56 customers who tie in and peak flow is 47 gallons a minute. The capacity is .28%. There are 718 gallons a minute.

Mr. Marshall will provide something on letterhead to the Board for review.

Consultant Pellegri indicated that the flow looked ok.

Susy informed the Board that this development needs an extension of the deadline for PEDB action. She notified Mr. Marshall and he will be asking for that tonight.

There is a section running through Kingston Lane and there is no evidence that the sewer easement was conveyed to anyone. The deed was probably never recorded.

Mr. Marshall does not want to have to maintain this in the future.

There is a loop and two sections connected across his property.

Deadline Extension:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to grant the applicant's written request (ATTACHED) for an extension until October 10, 2012 for Norwood Acres.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the public hearing for Norwood Acres until September 25, 2012 at 7:15 pm.

Sign Regulations Bylaw:
The Board is in receipt of a memo from Gino Carlucci dated September 7, 2012 regarding Sign Bylaws. **(See Attached)**

The Board discussed the options relative to moving the sign bylaw out of zoning and into the general bylaw. The purpose of this would be to look at removing the sign bylaw from the Zoning Bylaw and adding it to the Medway General Bylaw.

Consultant Carlucci provided rationale for the possible switch, and included how some other towns have accomplished this.

Susy sent out a query on the Massplanners list serve and received several responses back.

Consultant Carlucci likes the approach that the Town of Brookline has taken. The Town has addressed the signs in both the Zoning Bylaw and the General Bylaws. Within the Zoning Bylaw there are very specific requirements for signs, which vary by Zoning District. This is similar to the current sign provisions of Medway's Zoning Bylaw.

The Town of Framingham has the sign regulations in its general bylaw. There are specific different standards for different zoning districts. The Framingham bylaw includes a firm date by which signs must be brought into compliance. There was also text indicating that the purpose of the regulations was "remedial" which indicates that it is intended to eliminate nonconforming signs.

The Town of Dedham had no drop dead date for sign compliance. There were provisions for pre-existing non-conforming signs. The setback cannot be increased or decreased depending on new requirements, but they must be in compliance.

The Board next discussed what would be considered a substantial change. This would need to be defined.

Consultant Carlucci responded that the changing of a panel is not considered a significant change.

There are provisions for damage to signs due to natural causes.
Susy indicated that there are some maintenance standards which are currently in place now which could remain, or be added to.

It could be written so that there are different regulations for both which would include the grandfathering component.

Design standards for signs would be better in zoning.

Member Spiller-Walsh wanted to know who you would file an appeal with.

Susy responded that there could be established a separate sign appeal board for when the sign regulations are in the general bylaw. This was done in Dennis.

It was communicated that Brookline does not have a separate sign appeal board. Consultant Carlucci believes that an appeal in Brookline must go to ZBA. He will follow-up and get further information.

Consultant Carlucci also indicated that most variances sought for signs are for size and illumination. Those are difficult factors on which a ZBA can issue a variance.

Member Spiller-Walsh would like to see the bylaws run parallel.

Susy responded that there is not a lot of room for creativity since the zoning bylaw cannot address every configuration.

Member Tucker responded that there are core features which belong in a Zoning approach.

Susy responded that the sign regulations are very prescriptive as to size and quantity.

Consultant Carlucci and Susy will continue researching this and will report back to the Board with refined possibilities for the Town of Medway.

TOWN SEAL:

The Chairman wanted to know where the movement to recreate or change the Town Seal came from.

Susy clarified that discussion about the Town Seal came out of some brainstorming discussion at Design Review Committee.

Member Spiller-Walsh responded that it came from the Planning Board way before the Design Review Committee started discussing.

Member Rogers disagrees. He believes it came from the Design Review Committee.

Susy provide some history noting that some people feel that the current town seal is not graphically strong and Design Review Committee talked about it more and wanted to offer their services to improve this design. They met last fall with the Board of Selectmen and spoke about

their idea and the Board of Selectmen gave the Design Review Committee their blessing to explore some options.

Member Rogers responds that people in town are resentful that the DRC wants to change the logo.

Susy explains that this would have to go to town meeting and it would not be until spring 2013.

Member Spiller-Walsh responded that the current seal has been around 100 years.

It was suggested that a public hearing be heard so all can voice their opinions.

It was noted that the Design Review Committee will be having a meeting with the Board of Selectmen on Monday Sept 17, 2012 to discuss their work on revisions to the Town Seal.

American Legion:
Paul Yorkis will be communicating with his client to see what they wanted to do this.

The Building Inspector has been asked for his opinion about a dance studio.

Susy does not know if there has been a formal request for a zoning interpretation.

The Chairman wanted to know if there was a bar and liquor license given to the American Legion. An argument could be made that it should be able to continue to be a bar as a pre-existing use. He was wondering if you market it as a bar or is there a better use.

Consultant Carlucci noted that the liquor license was used as part of a non-profit club.

Susy responded that this is located in the area where we are looking at Village Residential zoning. We could also look at a multifamily overlay district.

It was noted that the building is a prime candidate for affordable housing.

Susy responded that the owner of the property should approach the Affordable Housing Trust or the Trust could approach them.

There could be four residential units. There could be a change in the mechanisms to allow this. It could be done as a 40 B.

Review DRAFT Certificate of Action for Bay Oaks Subdivision

Chairman Rodenhiser stepped down from the discussion at 8:47 pm.
The Vice Chairman communicated to the members that it is the intent to review the draft document and make recommendations or comments. Susy will take the comments or recommendations and place them within the document.

Susy communicated that she would like to schedule another meeting next week to finish up the Certificate of Action with the intent to file the decision in a timely fashion.

Town Counsel has the draft decision and will provide comments.

The pages one through 5 are procedural and page six are the waivers:

CERTIFICATE OF ACTION
BAY OAKS – A PERMANENT PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(_____ with Waivers and Conditions)

Location:	104 Fisher ST
Assessors' Reference:	Map 26 - Parcel 20 *(formerly Map 4-Parcel 44A-6A)*
Parcel Size:	8.78 acres
Name/Address of Applicant:	Andrew Rodenhiser 104 Fisher ST Medway, MA 02053
Name/Address of Property Owner:	Andrew Rodenhiser 104 Fisher ST Medway, MA 02053
Engineer:	GLM Engineering Consultants, Inc. 19 Exchange ST Holliston, MA 02053
Land Surveyor:	Joyce Hastings GLM Engineering Consultants, Inc. 19 Exchange ST Holliston, MA 02053
Plan Dated:	May 18, 2012, last revised August 15, 2012
Zoning District:	AR-I
Street Name:	Dover Lane

DISCLOSURE

The applicant, Andrew Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with both Medway Town Counsel Barbara Saint Andre of Petrini and Associates and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed preliminary subdivision plan and during the hearings on the proposed definitive subdivision plan. He departed the Board table and sat in the audience as is customary for all applicants during the proceedings,

2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining four PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci, Engineering Consultant David Pellegri and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 24, 2012 public hearing.

I. PROJECT DESCRIPTION: The proposed *Bay Oaks Definitive Subdivision Plan* shows four residential house lots on an 8.78 acre parcel of land located in the ARI zoning district at 104 Fisher Street, a Medway Scenic Road. The subject parcel is set back approximately 270 feet from Fisher Street and is presently owned by Andrew Rodenhiser of Medway, MA. The site includes one existing single-family house, Mr. Rodenhiser's residence, which will be retained on the newly created lot #4. The site is presently accessed from Fisher Street via an existing permanent private way that is owned jointly by Andrew Rodenhiser and abutting property owner Robert Reed (106 Fisher Street). They presently share the use of and maintenance responsibility for that access road.

The Bay Oaks proposal includes construction of an approximately 170' linear foot long, 18' wide paved extension of that existing private roadway to provide access and legal frontage for 3 additional house lots. The existing and extended private way will be known as Dover Lane. The proposal includes the installation of private wells and private septic systems and stormwater management facilities to comply with Massachusetts DEP stormwater management requirements. A portion of the site is in a Wetlands Resource Area.

II. PROCEDURAL SUMMARY: With respect to the *Bay Oaks Definitive Subdivision Plan,* the Planning and Economic Development Board hereby certifies as follows:

1. On June 5, 2012, it received an application for approval of the *Bay Oaks Definitive Subdivision Plan*, dated May 18, 2012 prepared by GLM Engineering of Holliston, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed in July, August and September 2011. The Board issued a Preliminary Subdivision Plan Certificate of Action on September 27, 2011.

2. On June 15, 2012, it circulated the *Bay Oaks Definitive Subdivision Plan* to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health provided written comments dated July 2, 2012.

3. On July 10, 2012, it commenced a public hearing on the plan. The public hearing was duly noticed in the *Milford Daily News* on June 25 and July 3, 2012. Notice was posted with the Medway Town Clerk on June 14, 2012 and was sent by certified sent mail on June 18, 2012 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest. The public hearing was continued to July 24, August 14, and August 28, 2012 when it was closed.

4. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

III. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the *Bay Oaks Definitive Subdivision Plan* were conducted over the course of four Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in July 2011.

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

Definitive Subdivision Plan Application Materials
Form C – Definitive Subdivision Plan application - Dated _____.
Form D – Designer's Certificate – Dated _____.
Form F – Development Impact Report – Dated _____.

Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc.
May 18, 2012
Revised -July 30, 2012
Revised -August 15, 2012

Stormwater Report Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc.
May 18, 2012
Revised - July 30, 2012

Storm Water Pollution Prevention Plan/Bay Oaks Subdivision – GLM Engineering Consultants. July 29, 2012

Request for Waivers from Subdivision Rules and Regulations – GLM Engineering Consultants, August 15, 2012

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech
July 2, 2012 letter
August 8, 2012 letter
August 20, 2012

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
July 5, 2012 letter
July 13, 2012 letter
August 9, 2012 letter
August 23, 2012

Supplemental Information Provided By Applicant's Consultants

AASHTO Road Standards – *Lane Width: Flexibility in the AASHTO Guidelines* from a **Guide for Achieving Flexibility in Highway Design.**

Letter from Rob Truax, GLM Engineering, dated 7/30/2012 re: proposed mitigation measures

Letter from Rob Truax, GLM Engineering, dated 7/30/12 re: response to review comments from Tetra Tech (7/2/12), PGC associates (7/5/12), Medway Police (7/23/12) and additional comments from PEDB members and abutters as expressed at the public hearings.

Letter from Rob Truax, GLM Engineering, dated 8/15/2012 re: revised stormwater drainage calculations

Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board
Bay Oaks Preliminary Subdivision Plan *Certificate of Action* dated September 28, 2011 and filed with the Town Clerk on the same date.

Drawing dated 7/18/12 from Jimmie Smith, Medway Department of Public Services; drawing depicts location of stormwater facilities in Fisher ST and Stone End RD in the vicinity of the subject parcel

Land Transaction Chronology of 104 Fisher Street dated July 13, 2012 with associated Attachments A – M (deeds, plans, etc.) NOTE – Chronology prepared by Susan Affleck-Childs, Medway Planning and Economic Development Coordinator.
Letter dated July 19, 2012 from Attorney Jay Aframe of Worcester, MA *(for the applicant, Andy Rodenhiser)*

Photograph received September 23, 2011 showing Dover Lane with vehicles passing

Citizen/Resident Letters
Email communication dated August 9, 2012 from Ed Duggan, 59 Fisher St.

Citizen/Resident Testimony
Robert Reed, 106 Fisher Street – 7/10/12, 8/14/12
John Giovanella, 44B Fisher Street – 7/10/12, 7/24/12, 8/14/12
Katherine Presswood, 92 Fisher Street – 7/10/12
Krista Digregorio, 108 Fisher Street – 7/10/12
Trisha Letson, 97 Fisher Street – 7/24/12, 8/14/12
Chris Giovanella, 48 Fisher Street – 7/24/12

Professional Testimony
Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA – 7/10/12, 7/24/12, 8/14/12 & 8/28/12

David Pellegri, P.E., Tetra Tech – Framingham, MA - 7/10/12, 7/24/12, 8/14/12, 8/28/12

Rob Truax, GLM Engineering Consultants, Inc. – Holliston, MA - 7/10/12, 7/24/12, 8/14/12 & 8/28/12

Attorney Deborah Batog of Gilmore, Rees & Carlson, P.C. - Franklin, MA (*for the Giovanella family*) – 7/10/12, 7/24/12, 8/28/12

Letter dated July 19, 2012 from Attorney Jay Aframe of Worcester, MA (*for the applicant, Andy Rodenhiser)*

Attorney Scott Sinrich of Worcester, MA *(for the applicant, Andy Rodenhiser)* – 8/28/2012

Town Counsel Barbara Saint Andre, Petrini and Associates of Framingham, MA *(for the Town of Medway)* – 8/14/12

Medway Departmental/Board Review Comments
Memorandum dated July 2, 2012 from Stephanie Bacon, Health Agent, on behalf of the Board of Health

Memorandum dated July 23, 2012 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Memorandum and map dated July 23, 2012 from Will Naser, Medway Principal Assessor

Letter dated July 26, 2012 from Jeff Lynch, Medway Fire Chief
Email communication dated August 20, 2012 from Conservation Commission chairman David Travalini.

The Board is also in receipt of several confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates re: this proposed subdivision.

- August 18, 2011 re: former subdivision covenant and release
- July 13 & 15, 2012 re: public disclosure statements
- July 30, 2012 re: 7/19/2012 letter from Attorney Jay Aframe (for the applicant)

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

***SECTION 7.7.2 STORMWATER MANAGEMENT* – (m)** *Side slopes for stormwater detention basins/facilities shall be no steeper than three (3) horizontal to one (1) vertical.*

FINDINGS - The applicant has proposed a waiver to allow for a two (2) to one (1) slope on the side slopes of the detention basin. The basin is relatively small and shallow. Requiring a three (3) to one (1) slope will necessitate more clearing of natural vegetation and disturbance to the topography. Due to the small size of the basin, the PEDB finds that a two (2) to one (1) slope is acceptable.

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

FINDINGS - The applicant has proposed installing the stormwater management facilities within the roadway layout. The roadway layout is a separate parcel from the house/building lots and the PEDB has allowed detention basins to be located within the roadway layout of other private way subdivisions. Therefore, the location of the stormwater facilities within the roadway layout is acceptable.

SECTION 7.9.1. STREETS AND ROADWAYS – Location
e) *The Board may authorize permanent private ways for subdivisions of up to three (3) lots/dwelling units.*
f) *Neighborhood Street construction standards are to be used for subdivisions of up to five (5) lots/dwelling units.*

FINDINGS - The applicant proposes to divide the subject property into four house lots. A street serving a 4 lot subdivision would be categorized as a Neighborhood Street and would be expected to become a Town accepted street. However, the existing access to the subject parcel is provided by an existing paved, permanent private roadway; the size of the existing right of way for that roadway is 60' wide by about 410' long from Fisher Street. Access and frontage for the new house lots will be created by extending that private way northeasterly into the property for an additional 230' which results in a combined right of way length from Fisher Street of 640 linear feet. By necessity, the extension must also be a permanent private way. Because of this

unusual circumstance, the Board finds it acceptable to designate the roadway extension as a Permanent Private Way instead of as a Neighborhood Street.

SECTION 7.9.6 b) DEAD-END STREETS (Length) *– The maximum length of a dead end street shall be 600' as measured along the centerline of such street from the centerline of the intersecting through street into the dead end road. In the case of a group of connected streets . . . no point along the centerline of any dead end street shall exceed 600' measured from the centerline of the intersecting through street.*

FINDINGS - The plans show that the full length of the layout of the Dover Lane right-of-way from Fisher Street to its "new" end will be approximately 640 linear feet. While the end of the right-of-way is drawn as a bulb to create sufficient frontage, the paved length of the roadway to the point where the roadway splits into what are essentially driveways to Lots 3 and 4 is just over 600 feet, and the beginning of each driveway within the right-of-way form the hammerhead. Therefore, this minor deviation from the 600-foot standard is acceptable.

SECTION 7.9.6 d) & e) DEAD-END STREETS (Turnaround Design) *– To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief. Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround with a perimeter diameter of one hundred feet shall include a twenty-four foot diameter center landscaped island (for use on a Neighborhood Street); 2) A hammerhead or T-shaped turnaround (for use on a Permanent Private way).*

FINDINGS – The applicant has proposed the use of a hammerhead turnaround. As noted in the regulation, hammerhead turnarounds are allowed on permanent private ways. Since this roadway is by necessity a permanent private way, the hammerhead design is acceptable. More importantly, the Fire Chief has reviewed the plans and does not object to the hammerhead design as long as the turning radius is sufficient for fire apparatus. The use of a hammerhead turnaround instead of a center island cul-de-sac will also reduce the amount of impervious area and site clearing.

SECTION 7.9.7 g) ROADWAY CONSTRUCTION Width - *. . . . The minimum width of the roadway pavement shall be Twenty Feet (20') for a Neighborhood Street.*

FINDINGS – The applicant proposes that the road extension for Dover Lane be paved at an 18' width which is 2' less than the Neighborhood Street standards. However, the 18' paved width is consistent with the Town's standards for a Permanent Private Way. The reduced pavement width will result in more extensive preservation of the highly wooded setting and minimize site impacts. The 18' paved width is also consistent with the width of the existing Dover Lane permanent private way which accesses the subject parcel. It would serve little purpose to have a short extension be wider than the majority of the roadway.

SECTION 7.10.2 CURBS AND BERMS *– Sloped granite edging shall be provided along each side of the full length of a Neighborhood Street.*

FINDINGS – The applicant proposes to eliminate curbing/edging along the edge of the proposed roadway extension to allow for the use of a country drainage swale for low impact stormwater management purposes. Eliminating the curbing and super-elevating the roadway is necessary to accommodate the low-impact drainage system. This will result in reduced site impacts. The Board and its Consulting Engineer have reviewed the proposal and find it to be acceptable.

SECTION 7.13.2 SIDEWALKS – *Sidewalks shall extend the full length of the street and shall have a paved width of six feet on one side – hot mix asphalt with a minimum four-foot grass strip.*

FINDINGS - The applicant proposes to not install sidewalks on the planned roadway extension. Not constructing sidewalks will reduce site impacts and will allow for stormwater runoff from the roadway to disperse into the swale along the roadway. Furthermore, the existing roadway which accesses the subject parcel does not include sidewalks. Consideration was given to adding sidewalks to the existing roadway. However, the existing topography and roadway with its retaining walls on both sides would make adding such a sidewalk not feasible. Therefore, providing sidewalks on the extension would serve little purpose. In lieu of constructing sidewalks, a contribution in the amount of $_____ will be made to the Town's Sidewalk Fund for the purpose of building sidewalks elsewhere in the community.

BOARD DISCUSSION

Member Rogers does not think a contribution should be made. This should be eliminated.

Consultant Carlucci noted that this has been determined to be a neighborhood street. That is why a contribution is justified only for the new section.

The Board wanted to know what the length of the new section of road is.

Susy communicated that the length to the end is 230 ft. (ROW length)

Member Gay responded that consistently the length has been 595 ft. He is questioning where the 640' came from.

Susy noted that this is the station number. It has been consistently in the numbers presented.

The Board would like clarity on the length.

Consultant Carlucci indicated that the 595' goes to the center and not the edge of the ROW.

The Board would like the wording to be consistent with the regulations.

Applicant Rodenhiser wanted to know why we would use the Town's price if it is not actually going to be developed.

The Board discussed that options be placed in the decision regarding sidewalks. There may be another area in town that needs 200ft of sidewalk replaced.

Consultant Pellegri wanted to know how the applicant does this.

Susy responded that they would work with the DPS.

Member Tucker responded that we could allow a developer to use his own forces (to install the sidewalk). He wants to make sure we are consistent.

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system. Therefore, the Board finds this waiver to be acceptable subject to a condition that the applicant shall make a $1,000 payment in-lieu of installing the fire alarm system as has become the standard practice. Such payment shall be directed specifically into a Fire Department fund to be used exclusively toward the cost of a new fire alarm system for the community.

BOARD DISCUSSION

Mr. Rodenhiser wanted to know if he can put in a fire alarm system that notifies the Fire Department in lieu of paying into the fund.

Susy will check with the Fire Chief if this option or other options are available.

SECTION 7.19.2 – TREES AND SLOPE STABILIZATION *- Top enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock confirming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40') intervals . . . .*

FINDINGS – The applicant does not propose to plant additional street trees on the house lots. The site is already heavily wooded and the applicant has provided a landscaping plan for the area where the roadway splits off to become driveways for Lots #3 and #4. The Board finds that this is an acceptable substitute.

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner's

association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands, woodlands and other natural resources.

4. *Payment in lieu of sidewalk construction . . . . . to be determined*

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, 2012, a motion was made by _____ and seconded by _____ to _____ the above noted Waiver Findings. The motion was _____ by a vote of ___in favor ( ) and ___opposed ( ).

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, 2012, a motion was made by _____ and seconded by _____to _____ approve the above noted Mitigation Plan. The motion was _____by a by a vote of ___in favor ( ) and ____ opposed ( ).

Action on Waivers – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ 2012, a motion was made by _____ and seconded by _____to _____the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor ( ) and ___ opposed ( ).

V. PROJECT EVALUATION CRITERIA – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the Subdivision Rules and Regulations.

At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ a motion was made by _____ and seconded by _____to _____ the Project Evaluation Findings noted below. The motion _____by a vote of ___ in favor ( ) and __ opposed ( )

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

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

FINDINGS – The Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways and is found to be safe and convenient. During the hearing, concern was expressed about the condition of the existing access roadway (Dover Lane), more specifically its 18-foot width with retaining walls on both sides. However, documentation was presented that two SUV's could pass one another safely. Moreover, conditions were reviewed by both the Fire Chief and Police Safety Officer and the Town's consulting engineer. Signage was recommended to warn drivers to watch for pedestrians and has been incorporated into the plan. Also, it was represented by the applicant that a maintenance agreement is in place to address snow and ice conditions on the existing roadway (as well as the new roadway).

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. The new houses will use private wells and septic systems approved by the Board of Health, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.

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

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected. Stormwater management has been adequately addressed. There will be an increase of only three single-family houses to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

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

inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The Board finds that the proposed roadway as well as the existing roadway leading to the subdivision are adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic. The roadway will be built according to the Board's construction specifications for a permanent private way. The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer. As noted above, concerns have been raised about the existing roadway leading to the subdivision, but those concerns have been addressed.

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

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

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

VI. OTHER FINDINGS – THIS NEEDS WORK!!

- Existing rights of way shown on the plan are not diminished or damaged.
- The existing roadway which provides access to the subject parcel is a separate private roadway parcel that is not part of the plan before the PEDB.
- Acknowledge concern about the development limitation implied by the prior subdivision covenant in 1986 and reference the subsequent full Release of Covenant by the planning board in 1990.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on November 29, 2011, a motion was made by _____ and seconded by _____to _____the ***Bay Oaks Definitive Subdivision Plan***, prepared by GLM Engineering, dated May 18, 2012, last revised August 15, 2012 subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.

SECTION 7.7.2 m) and p) Stormwater Management

SECTION 7.9.1 e) and f) Streets and Roads
SECTION 7.9.6 b), d) and e) Dead End Streets
SECTION 7.9.7 (g) Roadway Construction
SECTION 7.10.2 Curbs and Berms
SECTION 7.13.2 Sidewalks
SECTION 7.17.1 Fire Prevention and Protection Measures
SECTION 7.19.2 Trees and Slope Stabilization

The motion was _____by a vote of ____in favor ( ) and ___opposed ( ).

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

A. Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 4 residential house lots. As a permanent condition of this plan, no further subdivision of the property beyond these 4 lots will be allowed.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.

3. *Ownership of Dover Lane* - It is understood that the extension of Dover Lane depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Bay Oaks Homeowners Association, to be comprised of the owners of lots 1, 2, 3 and 4 as shown on the Definitive Subdivision Plan. The Association shall ultimately own and maintain the parcel with the private roadway including snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.

4. The Applicant shall specifically reserve to itself ownership of the fee in the extension of Dover Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and drainage easements to the Bay Oaks Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
5. Prior to endorsement, the plans dated August 15, 2012 shall be further revised to include the following references:

- a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision.*

- Fisher Street pavement width shall be shown

- A note shall be added to the plan that brush will be cleared on the east side of Fisher Street on either side of the bottom of Dover Lane to the satisfaction of the Police Safety Officer.

- A note shall be added to the plan that trees remaining along the proposed roadway shall be clear of any branches from the approved grade level to a point seven feet above finish grade.

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

6. Prior to plan endorsement, the applicant shall review the turning radii at the driveways with the Fire Chief and provide a written determination from the Fire Chief that the planned radii are sufficient to accommodate fire apparatus or that the plan has been modified to make it acceptable.

BOARD DISCUSSION

The Board would like the applicant to get something in writing from the Fire Chief that the planned radii are sufficient and will work.

Consultant Pellegri noted that there is no standard radius and it depends on the width of the road.

Mr. Rodenhiser responded that isn't there a prescriptive standard.

Consultant Pellegri will contact the Fire Chief.

Susy responded that we need to be more specific about this and we can add another bullet.

7. It is understood that the existing addresses for 104 and 106 Fisher Street will be changed to Dover Lane addresses at the request of Fire, Safety and Assessing officials.

8. Something on maintenance of Dover Lane, particularly related to snow plowing.

9. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.

10. *The Bay Oaks Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Bay Oaks Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1, 2, 3 and 4 (and may include provisions for membership by the owner of the present 106 Fisher Street), management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the Dover Lane and the stormwater management system.

11. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Bay Oaks subdivision* – The future owners of lots 1, 2, 3 and 4 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* shall include language regarding the installation of light posts for each lot, the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

BOARD DISCUSSION

The Board discussed that the maintenance plan calls for street sweeping and basin cleanup as necessary but does not address snow and sand.
Member Tucker responds that why not put removal of branches into the plan.

Susy responds that this relates to the street sweeping.

It was suggested that the plan show snow storage areas and put language in the decision to address this.

Mr. Rodenhiser noted that we store the snow at the circle and at end of left and right sides.

Susy would like to see snow storage added before the definitive plan is endorsed.

Mr. Rodenhiser has no problem where snow will be stored.

Consultant Pellegri wanted to know if there is there something in the regulations.

Mr. Rodenhiser notes that he will add a note about the existing and ongoing storage and plan.

Susy will add a bullet to show snow storage.

Member Rogers notes that we are overdoing it.

Susy wanted to know what is the maintenance plan for the existing part of Dover Lane.

Member Tucker noted that this is not under consideration.

Susy asks what level of maintenance is reasonable for the bottom.

Member Tucker responds that why make it differential there, we have not done this with any other projects.

12. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Dover Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Bay Oaks Subdivision.*
13. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Dover Lane and all drainage easements

shown on the plan to the Bay Oaks Homeowner's Association, for review, comment, amendment and approval by Town Counsel.

BOARD DISCUSSION

The Board wanted further clarity about the Homeowners Association.

Mr. Rodenhiser explained that currently, the road maintenance is split 50% with Mr. Reed. After the new homes are added, it will be divided further by those residents.

Member Spiller-Walsh wanted to know if there would be any advantage for Mr. Reed not to join.

Mr. Rodenhiser responded that his percentage would be less, but this is up to him.

Member Tucker asks if there should there be more language included to address this.

Susy communicated that she will speak with Town Counsel about how to allow for this and how to divide the cost accordingly. She noted her opinion is that the whole road (existing and extension) should be owned by the association.

Member Spiller-Walsh wanted to know if the Board can be made aware of what Mr. Reed decided.

Mr. Rodenhiser responded NO since the public hearing is closed.

14. *Document/Plan Recording* – Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Bay Oaks subdivision,* any articles of association establishing the Bay Oaks Homeowner's Association, with the Norfolk County Registry of Deeds, 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.

15. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of the existing Dover Lane and its extension and all related stormwater management infrastructure throughout the entire construction process until the roadway determined to be complete by the Board and is subsequently conveyed to the Bay Oaks Homeowners Association.

B. General Conditions

1. *Expiration of Appeal Period* – Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.

2. *Payment of Balance of Fees/Taxes* – Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.

3. *Establishment of Bond Account* – Prior to plan endorsement, the Applicant shall establish a statement savings account *(with the Town of Medway)* at an area financial institution with which the Applicant will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.

4. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant,* on a form acceptable to the Planning and Economic Development Board , to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement. The Subdivision Covenant shall apply to lots 2, 3 and 4 as shown on the plan.

5. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a Subdivision Bond. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the

Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. The company providing the surety shall be acceptable to the Medway Treasurer/Collector.

6. *Order of Conditions* – Prior to plan endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the *"Order of Conditions"* shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

   Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

7. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

8. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

9. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Mass Department of Environmental Protection (DEP) shall be provided to the Town.

10. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for the property included in this subdivision.

11. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

12. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

BOARD DISCUSSION

The Board would like to schedule another meeting on Tuesday, September 18, 2012 at 5:30 pm in Sanford Hall to finish discussion about the Certificate of Action for Bay Oaks.

Mr. Rodenhiser returned to the Board table as Chairman at 10:07 pm.

Remote Participation Policy:
The Board is in receipt of the Town's remote participation policy for meetings as adopted by the Board of Selectmen. **(See Attached)**

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the remote participation policy.

Susy reported that Member Gay will be taking part via remote participation at the next regularly scheduled meeting on September 25, 2012. He will fill out and submit the required paperwork.

The Chairman wanted to know if this remote participation has this been used and tested.

Member Tucker asked if this will be tested prior to our meeting.

Susy responded that she will try to get someone here to run the phone.

Member Gay provided his phone number to use for the call.

The members wanted Susy to send an OUTLOOK meeting request.

Meeting Minutes:

August 28, 2012:
These would be tabled until next mtg.

Task Force Reports:
There were no Task Force reports:

Future Meetings:
The next regular Planning and Economic Development meeting will be September 25, 2012 at 7:00 pm

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:33 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

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MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: September 7, 2012

RE: Comments on Sign Bylaws

Introduction

The primary purpose of this memo is to explore the positive and negative aspects of removing the sign bylaw from the Zoning Bylaw and adding it to the General Bylaws. The issue to be considered is a desire to bring non-conforming signs into compliance with the requirements. The following sections include a rationale for a possible switch, how some other Towns and a model sign bylaw prepared by a sign industry association have addressed the issues, and some recommendations for additional research

Principle Rationale

As stated above, the principal motivation for considering the move is to establish a means to eliminate non-conforming signs over time. Zoning bylaws have a provision for grandfathering existing uses while general bylaws do not. A secondary impact would be that changes in the bylaw would be a bit easier to enact since amendments to general bylaws require a simple majority while zoning bylaw amendments require a 2/3 majority.

Other Towns and Model Bylaw

In response to a query on the MassPlanners listserve, Susy received several responses from other Towns whose sign bylaws were in the general bylaws rather than their zoning bylaws. At least one of these, Great Barrington, had made the switch relatively recently so I contacted their planner for additional information. In addition, we were informed that Brookline had adopted a general bylaw with a specific time frame for coming into compliance. Also, I reviewed a model bylaw produced by a sign industry trade association. Each of these is discussed below.

Great Barrington

Great Barrington made the switch about two years ago. The planner said that the switch went smoothly and there was no opposition. He said that their motivation was essentially the same as ours. Great Barrington's sign bylaw does not mandate conformance by a specific date. Rather, it requires that no changes may be made to a sign unless it is brought into compliance. Also, any change of use of the premises triggers a requirement for the sign to be brought into compliance. If

the activity, business or usage to which a sign relates is discontinued for 120 days, then the sign (whether conforming or not) can be ordered to be removed by the Building Inspector.

There has been some difficulty in the implementation due, perhaps, to a misunderstanding about what constitutes "substantial change." In the words of the planner, "We have had new businesses come in to re-face a sign when the business changes hands, only to discover that it qualified as a "substantial change" and they were thus no longer grandfathered and had to come into compliance. Businesses have not enjoyed that, let me tell you."

Brookline

Brookline may be unique in that it addresses signs in both its Zoning Bylaw and General Bylaws. At a minimum, its approach bears further study as it may serve as a useful model for Medway.

The Zoning Bylaw includes very specific requirements for signs, which vary by Zoning District, much like the sign provisions of Medway's Zoning Bylaw. Regarding nonconformity, it states that nonconforming accessory signs may be maintained, but in accordance with Section 5.83 of the Sign Bylaw (meaning within the General Bylaw, though it may be a typo since the section pertaining to nonconformance is 5.8.7. There is no 5.83, but 5.8.3 pertains to accessory signs in general and incorporates the provisions of the Zoning Bylaw by reference.).

Section 5.8.7 requires nonconforming accessory signs to be removed within 5 years of enactment of the bylaw (if left unchanged, if changed during that time they must be brought into compliance).

Truro

In response to Susy's query on the MassPlanners listserve, the Truro planner responded by saying that Truro is also considering doing this, but added a caution that sign bylaws cannot regulate signs by zoning districts. While this needs to be verified, it may account for Brookline's hybrid approach that includes specific regulations in its Zoning Bylaw with more general issues in its General Bylaws.

Framingham

Framingham's sign bylaw is a general bylaw. It is not clear whether it was converted from the Zoning Bylaw. However, it does specify different standards for different zoning districts.

Also, while I do not know the date of adoption of the Framingham sign bylaw, the bylaw contains the statement: "This Bylaw is hereby declared to be remedial and protective, and is to be so construed so as to secure the beneficial interests and purposes thereof." The term "remedial" indicates that it was intended to eliminate nonconforming signs. The bylaw establishes a firm date of September 1, 2008 by which signs were to come into compliance. This requirement is followed by a list of signs to which it applies. Most of the items on the list are signs or sign features that are prohibited by the bylaw. There are 2 items on the list that refer to "changes" in channel letter or panel wall signs and "single business freestanding signs." Thus, I would interpret this to mean

that these types of signs are allowed to remain as long as they are not changed in any way. This might be something to consider.

Dedham

The Dedham sign bylaw is also a general bylaw and it includes standards that vary by zoning district. It also includes a grandfathering provision for preexisting nonconforming signs that were legally constructed in accordance with the laws and regulations in effect at the time. This provision does not apply to signs that were not legally constructed. There is also a provision to change those legally preexisting signs without conforming totally to the new bylaw provided that the area of the changed signs can be no greater than 70% of the existing sign and its setback must be no less than the setback of the existing sign.

Pittsfield

The Pittsfield sign bylaw requires nonconforming signs to come into compliance by January 1, 2009. It does allow such signs to continue with a permit from the ZBA. The bylaw also does vary the requirements by Zoning District.

Dennis

The Dennis sign bylaw allows preexisting signs to continue as long as they are not altered. It also establishes a separate sign appeals board to hear appeals of the building commissioner's decisions and to grant relief from the provisions of the bylaw.

United States Sign Council Model Bylaw

The United States Sign Council (USSC), a sign industry trade organization has a model sign bylaw. Of course, its mission is to represent the interests of makers and owners of signs. However, its model bylaw provides for legally preexisting signs to continue, but requires that they be brought into compliance if changed in any way. It also requires temporary signs to come into compliance within 2 months of adoption of the bylaw.

Recommendations for Additional Research and Discussion

In addition to the primary question of whether Medway should move its sign bylaw from the Zoning Bylaw to the General Bylaws, there are a number of other issues that need to be considered and/or resolved. These include:

(1) While Truro expressed doubt that a general bylaw could regulate signs by zoning district, the number of Towns that do this would seem to indicate that this is not the case. However, this should be verified.

(2) Regardless of the legality of regulating signs by zoning district in the General Bylaws, Medway should consider the Brookline approach of leaving the specific sign standards in the Zoning Bylaw, but regulating all signs in the General Bylaw. It might be easier to tweak the sign regulations in the Zoning Bylaw and then adopt a new general bylaw pertaining to signs

rather than completely removing the sign requirements from the Zoning Bylaw and placing them in the General Bylaw. Would this approach still allow elimination of grandfathering rights? Would it be too confusing to have sign regulations in two different bylaw?

(3) Decisions would need to be made about time periods for bringing signs into compliance as well as whether any types of signs would be allowed to remain as long as no changes are made.

(4) Decisions would need to be made about whether a process for deviating from the standards (and thus allowing and/or encouraging more creativity) and/or establishing a process for appeals need to be adopted. Should the Dennis model of a separate sign appeals board be considered?

(5) In addition to moving the sign bylaw from Zoning to the General Bylaw, are there any substantive tweaks that need to be made to the bylaw requirements themselves?

Request for Extension of Deadline for Action by the Medway Planning & Economic Development Board

11 SEPT 2012
DATE

The undersigned Applicant (or official representative) requests an extension of the deadline for action by the Planning and Economic Development Board on the application of WAYNE MARSHALL
for:

_____ANR (Approval Not Required/81P Plan)

_____Preliminary Subdivision Plan

✓ Definitive Subdivision Plan (or modification)

_____ Site Plan Approval (or modification)

_____Scenic Road Work Permit

for the development project known as: NORWOOD ACRES

to the following date: 10 OCT 2012

Respectfully submitted,

Name of Applicant or official representative: WAYNE MARSHALL

Signature of Applicant or official representative: Wayne Marshall

****

Date approved by Planning and Economic Development Board: 9-11-2012

New Action Deadline Date: 10-10-12

ATTEST: S Affleck-Childs
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

10-23-09

REMOTE PARTICIPATION POLICY
Town of Medway, MA

1. PURPOSE STATEMENT

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 effective November 11, 2011 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards are strongly encouraged to attend meetings in person whenever possible, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by public bodies under the *Open Meeting Law, M.G.L. c.30A, Sections 18-25.*

2. ENABLING AUTHORITY – 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

3. ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on June 4, 2012, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town and applicable to all subsequent meetings of all local public bodies in the Town. In accordance with 940 CMR 29.10(3), the Board of Selectmen may add additional restrictions it wishes to impose or revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, commissions, committees, sub-committees and working groups regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

4. MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

No member of a public body shall participate in a meeting remotely unless the following requirements are met:

(a) Members of the public body who participate remotely and all persons present at the meeting locations shall be clearly audible to each other;

(b) A quorum of the body, including the chair or the person authorized to chair the meeting, shall be physically present at the meeting location in accordance with *M.G.L. c.30A, section 20(d);*
(c) Members of the body who participate remotely must have access to the same materials being used at the meeting location.
(d) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of *M.G.L. c.30A, section 23(D).*

Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for one or more types of adjudicatory hearing, a member of any municipal board, committee, or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

5. PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and public bodies as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to encourage all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A public body member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to extenuating circumstances such as: personal illness or disability; a family or other emergency; military service; geographic distance (due to personal employment or business on behalf of public body).

Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

6. ACCEPTABLE METHODS OF REMOTE PARTICIPATION

Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communication, if said technology is already available.

(i) Telephone, internet, or satellite-enabled audio or video conferencing
(ii) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another
(iii) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

The public body shall determine which of the acceptable methods may be used by its members taking a one-time vote authorizing remote participation by one or various methods for all future meetings.

If technical difficulties arise as a result of utilizing remote participation, the chair should suspend discussion while reasonable efforts are made to correct any problem which interferes with the remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection (and subsequent reconnection, if achieved) occurred shall be noted in the meeting minutes. If a public hearing or meeting continues after disconnection, the member shall be noted as absent.

The focus of the chair should always be on maintaining the flow of the meeting. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member.

7. PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to the meeting, notify the chair or person serving as chair of the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

(i) Prior to the meeting, the chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available, the chair shall deny the request for remote participation.

(ii) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(iii) All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.

(iv) Remote participants shall preserve the confidentiality of the Executive Session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.

(v) The Town shall not be responsible for the reimbursement of any out-of-pocket expenses associated with the remote participation of public body members. The expense associated with use of any teleconference service must be authorized by the Town Administrator and funds must be available within the public body's budget authorization prior to procuring the service.

(vi) Public bodies which review plans that include exceptional detail, are sized in such a manner to preclude easy electronic transmission at an appropriate scale, or have been modified since distribution are cautioned that remote participation may trigger appeal or unwanted litigation over approvals or denials of land use applications. The nuances of discussion on such details may be lost even via teleconferencing technology rendering remote participation impractical.

Both the municipality as a whole and individual public bodies are authorized to adopt procedures that prohibit or further restrict the use of remote participation.

Note: Consideration should be given to the proposed language in the Charter regarding associate members on public bodies. Associate members should be utilized in the absence of members of public bodies when deemed appropriate by the chair.

Date adopted by Board of Selectmen: *June 4, 2012*

Town of Medway

Remote Participation Request

I, _____ (print name), hereby request to participate remotely at the meeting of the _____ (Board/Committee/Commission) to be held on _____ (date). I certify to the Chair that my absence is the result of one or more of the following factors which make my physical presence unreasonably difficult:

_____ (1) Personal Illness or Disability _____ (2) A Family or Other Emergency

_____ (3) Military Service _____ (4) Geographic Distance (Employment / Board Business)

Explanation: _____

_____

_____

During the meeting, I will be at the following location:

_____ _____

Address Phone Number

_____ _____

Signature of Member Date

Please sign and return to Chair

Request received by _____ _____

Chair (please print) Date

Method of Participation_____ (e.g. speakerphone)

Request Approved_____ Request Denied*_____

_____ _____

Signature of Chair Date

Signed form to be appended to the meeting minutes.
***All Denied Requests are Final and Not Appealable.**

September 18, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, and Chan Rogers. Member Tom Gay participated under remote participation (speakerphone).

PEDB member Andy Rodenhiser was in attendance as the applicant for the Bay Oaks subdivision.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
Barbara Saint Andre, Petrini & Associates – Town Counsel

Vice Chairman Tucker opened the meeting at 5:30 pm.

There were no Citizen Comments.

See Attached approved *Remote Participation Request* from Tom Gay, approved by Robert Tucker dated 9/14/2012.

Vice Chairman Tucker informed the Board that the application for the Bay Oaks Subdivision plan was filed on June 5, 2012. The *Medway Subdivision Rules and Regulations* require that the Board file a decision within 90 days or request a deadline extension which needs to be filed with the Town Clerk.

The current situation is such that the Planning and Economic Board did not file the decision for Bay Oaks Subdivision before the September 3, 2012 deadline and an extension was not sought. So, the Bay Oaks plan is legally considered to be "constructively approved."

The Board has two options. One option is to do nothing and have the May 18, 2012 Bay Oaks plan stand as originally submitted. The other option is to initiate a process to amend that plan by holding another hearing to consider the various refinements that had been made to the plan during the public hearing process. That would require a public hearing which could occur on October 9, 2012 with notification to all abutters along with having the hearing advertised in the Milford Daily News.

Member Rogers made a motion for the Board to consider modification to the Bay Oaks subdivision plan under Mass General Laws, Chapter 41, 81W.

The Board entered into a period of discussion.

Member Spiller-Walsh wanted to know what "constructive approval" means.

Town Counsel responded that this is approval by default.

Mr. Rodenhiser responded that he respects the Board. The dates were never anything that was paid attention to and it was not his intent to have this happen. He did not know about the deadline issue until last week. He thinks highly of the Board but he does not have the ability to have his lawyer present with him tonight. He further communicated that he is really in the dark about what to do and what his rights are and what rights the Board has. He is frustrated and does not want to do anything to impugn the credibility of the Board or himself. This problem will cost him thousands of dollars. He expressed that he is very upset and he has no choice and is not sure what to do. He hopes to be treated fairly.

Vice Chairman Tucker communicated that the intent is to not point fingers. The purpose is to decide the best action looking at the Board's reputation and to make the best decision regarding the people we represent which include the abutters and applicant.

Town Counsel does not recommend rescinding the constructive approval.

Member Gay communicated that it is his perspective to go for a modification of the original plan and submit all of the material which was going into the original draft decision. By doing this we obey the law and include the interests of the town and the abutters. We go forward with the previous work that was done. This is a motion he is willing to support.

Mr. Rodenhiser wanted to inquire about the fact that the public hearing is closed and the Board was ready to wrap up the decision. Can that process continue?

Vice Chairman Tucker responded that Susy has prepared a "best case" schedule on how to address this. NOTE – Susy will send this schedule to Mr. Rodenhiser.

Mr. Rodenhiser then asked what if I record what has been done so far.

Member Rogers responds that you could do it, but it means adopting the original plan with no modifications. The Board is trying to be fair to the applicant and anyone who has spoken and appeared at the hearings.

Susy responded that we will go through the same motions and same points will be noted, but this will be legally done relative to the deadlines.

Mr. Rodenhiser wanted to know how is that fair to him.

Member Rogers responds that it may not be fair to you but if we hold another hearing it tells the abutters that we listened to what they suggested.

Member Gay communicated that with another hearing it would be fair to the applicant since we will put everything discussed previously in the record of testimony which led to draft decision and then ask if there is anything new before finalizing the decision. This is only a short delay. It does not hurt the cause.

Mr. Rodenhiser stated that the only issue is time; there are contractual obligations he is dealing with. Vice Chairman Tucker responds that we are looking at extending this process for about one month with the intent being that the public hearing would open and close with a decision ready barring any new information being presented. The decision could be filed the next day with the appeal period concluding 20 days.

Member Gay stated that had an extension been requested and signed off on and the decision finalized and signed, we are talking about a three week extension following all the rules. This is a month.

Mr. Rodenhiser responded that this is essentially approved now.

Vice Chairman Tucker communicated that you have a constructive approval now and the appeal period is until September 23, 2012.

Town Counsel communicated that by the time the public hearing notice goes out, the appeal process will be done. The board can go over the draft decision and come back with modifications, but the conditions and findings cannot be officially voted on until the new public hearing.

Vice Chairman Tucker responds that we will have review comments from Town Counsel on the draft decision but he does not see that this would be a big deliberation.

Mr. Rodenhiser wanted to know if the appeal process will continue on the first hearing.

Town Counsel indicated yes.

Susy indicated that the appeals process (on the constructive approval) started September 3, 2012 and will expire September 23, 2012.

Mr. Rodenhiser wanted to know if he can still do business in relation to this.

Vice Chairman communicated that he needs to discuss his next steps with his counsel and we do not want to give you any advice.

Town Counsel informed the applicant that he will get a signed certificate from the Town Clerk.

Susy asks about what would happen if Mr. Rodenhiser closes on his financing and we then have the decision on the modified plan. Where does that put us with the ability to modify if there is a mortgage on the property?

Town Counsel responds that this concern would come up if the plan was rescinded which is not the case here. This is not an issue as your intent is to not to rescind.

Susy then asked if the board modifies the constructively approved plan, would it take precedence.

Town Counsel responded that yes the new approval would take precedence.

Vice Chairman Tucker responded that the financing has nothing to do with us.

Mr. Rodenhiser asked that if this is a constructive approval and there will now be a modification, how this will affect my financing which needs to be done at the end of October.

Vice Chairman Tucker stated that if you are not going for financing until the end of October, a decision will be filed before then.

Mr. Rodenhiser wanted to know if there will be an appeal period for that decision.

Susy responded that there would be an appeal period. The soonest the Board could hold a special meeting to endorse the modified plan would be on November 1, 2012.

Vice Chairman Tucker asked for a second to the original motion.

Member Spiller-Walsh seconded Chan Roger's motion which was to proceed to modify the constructively approved subdivision plan for Bay Oaks.

Roll Call Vote:

Karyl Spiller-Walsh	aye
Bob Tucker	aye
Chan Rogers	aye
Ton Gay	aye

Susy expressed her apologies to the Board and the applicant. She regrets this at many levels and it is her intent to do better.

Vice Chairman Tucker responded that Susy has a stellar record and he appreciates her sincerity and hard work.

Mr. Rodenhiser responds that he cares immensely for Susy and he does not take this lightly and he knows that this was not done personally and does not hold grudges and he wants to move forward from here.

Applegate:

Susy informed that Board that she and Bob Tucker had a meeting yesterday with DPS Director Tom Holder about the Applegate subdivision drainage issues. The purpose of the meeting was to get the drainage issue moving forward and addressed. Susy will send a joint letter with the DPS to developer Ralph Costello. Tom will do the first draft and Susy will insert the information relative to the Planning Board issues. This letter will be ready for the Board to view at the meeting on Tuesday September 25, 2012.

The Board of Selectmen will be having a discussion on October 1, 2012 about the results of the title research for the Oak Grove parcel.
There will be an all Board meeting on October 11, 2012. One of the topics will be Open Meeting Laws.

Susy informed the Board that the Board of Selectmen approved the contract for Medway Economic Specialist. The target date for this person to begin is October 1, 2012.

Future Meetings:
The next Planning and Economic Development meeting will be September 25, 2012 at 7:00 pm

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 6:30 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway

Remote Participation Request

RECEIVED
SEP 19 2012
TOWN OF MEDWAY
PLANNING BOARD

I, THOMAS A. GAY (print name), hereby request to participate remotely at the meeting of the P&EDB (Board/Committee/Commission) to be held on SEPT. 18, 2012 (date). I certify to the Chair that my absence is the result of one or more of the following factors which make my physical presence unreasonably difficult:

_____ (1) Personal Illness or Disability _____ (2) A Family or Other Emergency

_____ (3) Military Service X (4) Geographic Distance (Employment / Board Business)

Explanation: IN WASHINGTON DC FOR WORK

During the meeting, I will be at the following location:

NATIONAL INSTITUTE OF BUILDING SCIENCES, WASHINGTON DC
Address

508.341.5174
Phone Number

Signature of Member

9.12.2012
Date

Please sign and return to Chair

Request received by Robert K. Tucker
Vice-Chair (please print)

9-14-12
Date

Method of Participation Speakerphone (e.g. speakerphone)

Request Approved ✓ Request Denied* —

Signature of Chair

9/14/12
Date

Signed form to be appended to the meeting minutes.
***All Denied Requests are Final and Not Appealable.**

September 25, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Tetra Tech Rizzo
Gino Carlucci, PGC Associates
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Consultant Reports

Dave Pellegri, Tetra Tech Rizzo:

The Meadows:
The Board is in receipt of a memo from Tetra Tech Rizzo dated September 25, 2012 regarding The Meadows subdivision. **(See Attached)**

Consultant Pellegri indicated that a punch list for The Meadows has been recreated and a letter was issued.

Azalea Drive:
Consultant Pellegri also indicated that a punch list and pricing was being created for Azalea Drive.

Rolling Hills Subdivision: 25 Milford ST
Susy reported that Rolling Hills wants to start construction soon. There will be a preconstruction meeting on September 26, 2012 with owner/developer Olga Guerrero. The purpose of the meeting is to explain to the applicant what will need to be done right from the start.

Gino Carlucci, PGC Associates:

Consultant Carlucci indicated that he just spent some time in the United Kingdom. He further explained that there is a rule in the United Kingdom that allows residents to put an addition up to 13 ft. on their house without planning approval.

Member Rogers indicated that the State of Massachusetts is the only State which has the Planning Board making decisions relative to subdivisions.

25 Fairway Lane, Release for Lot 31:
A lawyer representing the current owner is seeking a lot release on this lot in the Cider Mill IV subdivision. (**See Attached** letter dated September 18, 2012 from Jack Smolokoff). The backup documentation was provided along with the covenant.

_Member Tucker wanted to know if there are any outstanding issues on the lot.

Susy reported that the street has been accepted for a good number of years.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to sign the release of covenant for Lot 31 Cider Mill IV Subdivision (25 Fairway Lane).

The Board signed the necessary paperwork.

Fox Run Farm:
Susy reported this will be carried over to another meeting as the developer had not submitted the construction services funds or the tri-party lending agreement.

PEDB Meeting Minutes:

August 28, 2012:
On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Planning and Economic Development Board voted unanimously to accept the minutes from August 28, 2012. (Andy Rodenhiser abstained.)

September 11, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Planning and Economic Development Board voted unanimously to accept the minutes from September 11, 2012. (Andy Rodenhiser abstained).

PUBLIC HEARING CONTINUATION - Norwood Acres Definitive Subdivision Plan 61 Summer St:

The applicant Wayne Marshall and Paul Atwood of Guerriere and Halnon Engineering were both present at the meeting.

The Board is in receipt of a revised review letter from Dave Pellegri of Tetra Tech Rizzo dated September 25, 2012. **(See Attached)**

Susy Affleck-Childs wanted it entered into the record that Andy Rodenhiser has signed a certification that he reviewed the tape and minutes from the July 24, 2012 meeting. **(See Attached)**

Paul Atwood began his presentation by explaining that he was asked to supply information relative to the sewer line capacity. There was a memo presented dated September 25, 2012 from Guerriere and Halnon relative to the sewer capacity. **(See Attached).**

The Board next discussed the outstanding highlighted issues from Dave Pellegri's review letter. Those issues include the following:

- #15 The applicant indicated that the iron pins are shown on plan
- #31 – The owner of the easement needs to be clarified
- #41 – Detailed was added about curb and sidewalk at intersection
- #55 – This indicated that headwalls are visible and shall be fabricated with a natural stone appearance to the satisfaction of Board. Dave noted that he is not sure if this is necessary.

Chairman Rodenhiser wanted to know if there were any waivers presented.

The applicant informed the Board that the title search for the sewer easement was completed. This was submitted to the Board for review. **(See Attached communication from Claudia Ferrecchia dated September 13, 2012).**

From the title report, it appears that Owen Sullivan transferred the sewer easement to Speroni's Inc. (restaurant at 45 Milford Street) which then eventually sold the restaurant.

The applicant indicated that the sewer tie in will be on his property.

The condominiums to the south drain to the Marshall property.

The Chairman asked if this should be taken by the Town by eminent domain.

Consultant Pellegri responded that there is no other way around it. The Town has already tied in.

It was noted that the subdivision decision could reference the fact that Mr. Marshall has no opposition to the Town taking this be eminent domain. The town would take the whole loop in the easement area. We can define this further with the manholes.

Mr. Marshall also communicated that it could be put in decision that the applicant is amenable to having the DPS inspect these sewers making sure they comply according to town specs.

The Board is in receipt of an email dated September 24, 2012 from Conservation Agent Karon Skinner-Catrone indicating that the Conservation Commission voted to accept a future land donation for the open space parcel at 61 Summer St. **(See Attached)**

Mr. Marshall reported he had submitted draft deeds and a homeowners association documents based on samples provided by Susy Affleck-Childs.

Susy reported that Town Counsel had reviewed the draft documents and wants them changed to reflect the most recent private way subdivision homeowner documents. This needs to be done before the Board will endorse the subdivision plan.

The Chairman asked if there was any additional information or comments to be provided.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to close the public hearing on the Norwood Acres Definitive Subdivision Plan.

Susy Affleck-Childs informed the applicant that she would like to have another deadline extension until the end of October.

Mr. Marshall signed an extension until October 26, 2012. See **Attached Request.**

Reports:
There will be a CPC meeting on Tuesday, October 2, 2012 to discuss the funding of the Thayer House property.

There is also a meeting on Wednesday, October 3, 2012 to discuss Choate Park and the reconfiguring of the entrance.

Community Signage Project:
Tom Gay reported that a contract with a graphic designer was signed for the Community Signage project. The design firm is from Cambridge. This is moving forward.

The Meadows Subdivision:
There will be a meeting with the neighbors of The Meadows subdivision on September 26, 2012 at 7:00 pm. Town Counsel Barbara Saint Andre will be in attendance to discuss Street Acceptance We need to work out an agreement for a friendly taking.

GIS:
Susy reported the scope of services for Phase 2 of the GIS work has been finalized. This is being funded with the FY 13 capital budget. The contract will go to the Board of Selectmen Monday night (10/1/12) for authorization. The big pushes are for police and fire reporting and call center.

Clean-Up Day:
The Town of Medway is planning a clean-up day on Saturday, April 27, 2012. This is a community wide clean-up.

Waste Management will provide a truck.

EDC Specialist:
The Town of Medway has presented an offer which was accepted by EDC specialist. This will be an independent contractor position. The contract was approved by the Board of Selectmen. Her first day will be Monday, October 1, 2012. The office space is still being worked out.

Chairman Rodenhiser spoke with some of the businesses in the shopping plaza and people have reported a 20% drop in business since the construction began on the water main installation. It is starting to trickle back. It was recommended to get some communication from the Town about paving plans and plowing. It is also important to have this EDC Specialist person talk to businesses and communicate their interest and voices.

Economic Development Committee Recommendations re: Zoning Bylaw Amendments FY2013:
The Board is in receipt of a document dated September 25, 2012 regarding suggestions from the Economic Development Committee regarding Zoning Bylaw Amendments for FY 2013 **(See Attached).** Paul Yorkis was in attendance to present the EDC's recommendations.

Paul Yorkis started speaking on the Sign regulations and how we need the help from the business community to take part in this process. We must have their input. In the Commercial District there are setback requirements, and the buildings are set back from the street and there should be consideration for the businesses within this district.

Paul further explained that the EDC discussed parking, developing additional site plan review options, looking at signs, and removing the sign regulations from zoning bylaw and replacing them within the general bylaw which would add some flexibility and opportunities to provide incentives for older signs.

Paul Yorkis indicated that the purpose of this recommendation is to make the site plan review simpler for smaller project. More specifically where there is an existing building already on the site. One example of this is Medway Shopping Center. It was also noted that it would make it easier if there was a more expedient timeline. Another suggestion is to eliminate the need for hiring a landscape architect along with a landscape except for large projects.

It was recommended that the fees be reviewed to see if amounts are appropriate.

There was a recommendation to revise the parking regulations. The Town participates in SWAP and MAPC had produced a parking study for the SWAP communities. We have received a model parking bylaw. The idea is to take into account walkability, bicycle parking and motorcycle area. There is currently a formula for parking doesn't take into consideration when pedestrians can walk to restaurants.

Consultant Carlucci will look at this parking capacity in the business area and he will speak with the building inspector.

Paul Yorkis communicated that Medway has the toughest rules and regulations relative to drainage in the region; we need to determine whether or not this is appropriate.

Dave Pellegri will look at modernizing our material standards list.

The Planning Board needs to review the requirement for ANRAD which is for projects 200 ft. away from the water way. The rules currently say that an ANRAD must be completed, but the Planning Board should have a regulation which fits the activity.

The ANRAD serves as the official delineation of wetlands.

Paul Yorkis felt there needs to be further discussion about changing the setbacks requirements. The market will dictate if this will work.

Mr. Yorkis recommended changing the ZBL to allow for a two family structure by right.
He suggested encouraging workforce housing where the people can work and live in the community.

It was suggested to change the ZBL to allow for Accessory Family Dwelling unit by right.

There was discussion about recommending the exploration of a mixed use development zoning. The discussion focused at looking at a village residential zone. There was also interest in creating a new type of overlay and a traditional community for mixed use with flexibility.

2013 Planning and Economic Board Meetings Schedule:
On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the 2012 Planning and Economic Board schedule as presented. (See Attached).

Norwood Acres Updated Cost Estimate for Plan Review Services

The Board is in receipt of an updated cost estimate dated September 13, 2012 from Tetra Tech for plan review services for the Norwood Acres subdivision. **(See Attached).**

The change order is in the amount of $800.00.

Member Tucker wanted to know if the Board needs to recommend approval of the updated cost estimate, or can we just give Susy the OK to proceed.

Susy responded that this new estimate is asking for funding since the scope of the project scope has gone beyond the original estimate. She is not comfortable doing this without the Board's approval.

The Board communicated that Susy has the blessing of the Board to supply the new estimate to the applicant.

Susy responded that when she invoices applicants for plan review and construction services, she is very clear that this is an initial estimate. This should be no surprise.

Bay Oaks Subdivision:
The Chairman Andy Rodenhiser recused himself from discussions at 9:12 pm.

The Board is in receipt of a change order from Tetra Tech dated September 13, 2012 for plan review services for the Bay Oaks subdivision. **(See Attached)**

Tetra Tech Rizzo has supplied a new estimate for the additional work. This amount is $640.00.

Susy reported that the Bay Oaks Subdivision Certificate of Constructive Approval was prepared by the Town Clerk and can be picked up.

The Notice to Abutters was mailed, the public hearing notice was filed with the Town Clerk and the new public hearing will take place on October 9, 2012. The notice was also circulated to various town boards/departments.

Susy explained that the current draft of the Certificate of Action is an evolving document which will continue to be worked on. It does include the recent recommendations from Town Counsel.

Mr. Rodenhiser responded that there is no change in the ownership until something is sold and nothing is sold. The current agreement for maintenance of the existing private way is 50/50 between him and Mr. Reed. This is in place and it works.

Member Tucker indicated that there is an existing program in place for snow and ice removal.

Member Spiller-Walsh wants to know if someone slides down the road and gets killed, can they sue the Town of Medway.

Member Tucker responded, no, this is a private road.

Member Spiller-Walsh responds, "even if we approved it?"

Member Tucker responds that the documents which have been provided show how he will handle road maintenance.

Susy explained that she received a call from Attorney Batog (representing the Giovanella family – abutters). They have not been able to connect, but she will speak with her this week.

Member Tucker felt it would be helpful to have a summary of comments to read at the opening of the hearing. Susy will prepare this for him.

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech (TT)

Re: **The Meadows**
Subdivision Review (Punchlist)
Medway, MA

Dt: September 21, 2012

On September 21, 2012 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a Punch list inspection of The Meadows Subdivision against the As-Built/Street Acceptance Plans for The Meadows dated September 5, 2007 revised August 25, 2009 and our previous Punch List Memo dated September 13, 2009. The following is a list of items and current issues that should be repaired or resolved:

Roadway

1. Street Name signs are not located at the intersections of Goldenrod Drive/Ellis Street and Goldenrod Drive/Cardinal Circle.

2. All Catch basins do not contain hoods.

3. Minor cracking of the pavement is occurring along Goldenrod Drive and Cardinal Circle. The cracks should be sealed to prevent further damage to the pavement.

4. "Caution Sign" located on Goldenrod Drive west of Cardinal Circle is missing.

5. Bounds could not be located on the north side of Goldenrod Drive. This is possibly due to them being buried.

Drainage

6. Drain manhole covers located in grassed areas are partially buried.

7. Detention Basin #1 and #2 are grown in with thick brush and small trees. The outlet control structures and emergency spillways were not able to be accessed.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

JACK I. SMOLOKOFF
ATTORNEY AT LAW

1017 Turnpike Street
Suite 12A
Canton, MA 02021

Telephone: (781) 828 - 2616
Facsimile: (339) 502 - 6566
E-mail: JISLaw@aol.com

September 18, 2012

RECEIVED
SEP 18 2012
TOWN OF MEDWAY
PLANNING BOARD

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator

155 Village Street

Medway, MA 02053

Re: 25 Fairway Lane, Medway, MA

Dear Ms. Affleck-Childs:

Please be advised that I represent the Chiles Holdings, Ltd. the current owner of the above-referenced property.

The property is under agreement to be sold, with an anticipated closing date of September 27, 2012. A recent title search indicates that there is a Planning Board Covenant given by Henry L. Wickett, dated November 17, 1998 and recorded with Norfolk Registry of Deeds in Book 13071, Page 205, for which no Partial Release has ever been recorded for this property, which is described as Lot No. 31 on the recorded subdivision plan.

The subject property has been conveyed several times since the granting of the Covenant. More specifically, the property was conveyed by virtue of the following Deeds:

1. From Henry L. Wickett to Wicket Development Company, Inc. (included Lots 27-32), dated December 14, 1998 and recorded in Book 13071, Page 203.

2. From Wicket Development Company, Inc. to J.M. Barges Corporation, dated July 25, 2000 and recorded in Book 14297, Page 378.

3. From J.M. Barges Corporation to David S. Blood and Beth B. Blood, dated May 24, 2001 and recorded in Book 15073, Page 131.

4. From David S. Blood and Beth B. Blood to Stephen McNeill and Janice Rose McNeill, dated January 25, 2003 and recorded in Book 18161, Page 473.

5. Foreclosure Deed from Deutsch Bank Trust Company Americas to Chiles Holdings, Ltd., dated February 25, 2009 and recorded in Book 26454, Page 414.

Request is hereby made for the Issuance of a Partial Release of the subject property from the said Covenant. Attached is a completed Form 1. You have indicated that the Original Partial Release would be signed by the Board at its meeting on September 25, 2012. Kindly advise me when you have the original Release in hand so that we may make arrangements to obtain it in time for our closing.

Thank you very much for your assistance. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

Jack I. Smolokoff

LAND SUBDIVISION - FORM I

Partial Release of Restrictive Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot **31** on a plan entitled "Definitive Subdivision Plan of Land in Medway, Mass., Owner/Applicant: Henry Lee Wicket, Hill Street, Medway, Mass., Scale: 1" = 40', Date: January 10, 1997, Schofield Brothers of New England, Inc.", with a final revision date of June 23, 1998, prepared by Schofield Brothers of New England, Inc., which is recorded with the Norfolk County Registry of Deeds as Plan Number 858 of 1998 in Plan Book 461, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning Board and Henry L. Wickett dated November 17, 1998 and recorded with the Norfolk County Registry of Deeds in Book 13071, Page 205.

Executed under seal this _____ day of _____, 2012.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

_____ _____

_____ _____

_____

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____, 2012

On this _____ day of _____, 2012, before me, the undersigned notary public, personally appeared _____

_____,

proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

_____
Notary Public
My commission expires:

TETRA TECH

RECEIVED
SEP 13 2012
TOWN OF MEDWAY
PLANNING BOARD

CHANGE ORDER

1 Grant Street
Framingham, MA 01702
Tel: 508-903-2000
Fax: 508-903-2001

Date: September 13, 2012
TTR Project No.: 127-21583-12008
Change Order No. 1

Project: Medway-[redacted] Subdivision-Plan Review
Name: Susy Affleck-Childs
Company: Town of Medway Planning and Economic Development Board
Change Order Description: Additional Meetings and Review

NEED FOR EXTRA SERVICE:

Additional coordination and review is required for the above mentioned project due to the complexity of the sewer issue that arose during the review process. The original proposal submitted to the Client by TT provided assumptions for the number of meetings/hearings, and the number of reviews required to complete the project. These assumptions are included in the itemizations below.

DESCRIPTION OF TASKS:

1.1- Additional Meetings and Hearings- The original proposal included the participation in three meetings/hearings with the Medway Planning and Economic Development Board (PEDB) to discuss this project. At this time we have already attended five meetings and anticipate the attendance at 1 additional meeting. Assuming 3 additional meetings @1 hour/meeting@$160/hour=**$480**

1.2 – Additional Site Visit-The original proposal included one site visit to investigate existing conditions. The sewer conditions required one additioanl site visits to investigate the line from summer street through the site . Assume 1 additional site visit @ 1hour/visit@$160/hour= **$160**

1.3 – Additional Review-The sewer issue required review of easement documents and additional plans to digest the sewer issue associated with the project that was not intended in our original proposal . Assume 1 additional hour of review @$160/hour= **$160**

Change Order 1 Total - $800

CHANGES TO THE CONTRACT PRICE:

Contract Summary

Original Contract Amount = $4,111
Change Order 1 = $800
Adjusted Contract Amount = $4,911

CHANGES TO THE COMPLETION DATES:

We are prepared to begin work immediately upon authorization and receipt of a signed change order.

As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH
By: _____
David R. Pellegri, P.E.

Senior Project Manager

AGREED AND ACCEPTED FOR:
THE TOWN OF MEDWAY.
By: _____
Susan Affleck-Childs-
Medway PEDB Coordinator

Date: _____

Date Approved by PEDB: _____

P:\21583\127-21583-12008\ProjMgmt\Contracts\COs\Change Order 01-2012-09-13.doc

Town of Medway, Massachusetts

RECEIVED
JUL 24 2012
TOWN OF MEDWAY
PLANNING BOARD

CERTIFICATION PURSUANT TO G. L. c. 39, SECTION 23D OF PARTICIPATION IN A SESSION OF AN ADJUDCATORY HEARING WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session. This cannot be used for missing more than one hearing session.

I, Andy Rodenhiser (name), hereby certify under the pains and penalties of perjury as follows:

1. I am a member of Medway Planning & economic Dev.

2. I missed a public hearing session on the matter of

Norwood Acres

which was held on 7/10/12.

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

a. ✓ audio recording of the missed hearing session; or

b. _____ video recording of the missed hearing session; or

c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 24th day of July, 2012.

Andy Rodenhiser

Signature of Board Member

Received as part of the record of the above matter:

Date: July 24, 2012

By: Stephen Cheles

Position: Planner & Economic Dev. Coordinator

1-27-09

TETRA TECH

RECEIVED
SEP 25 2012
TOWN OF MEDWAY
PLANNING BOARD

June 21, 2012
(Revised August 20, 2012)
(Revised September 11, 2012)

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: Norwood Acres
Definitive Subdivision Plan Review
Medway, Massachusetts

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Permanent Private Way Plan for the above-mentioned project. The project includes the construction of a two lot subdivision on a permanent private road proposed off of Summer Street (Route 126). The site is primarily wooded, with open areas vegetated with brush. The new residential buildings will require utility connections including sewer, water, gas, electric, and telecommunications. The sewer services will extend from the existing infrastructure within the on-site sewer easement, while all other utilities will extend from Summer Street. The stormwater design will primarily consist of the construction of two proposed basins that will collect and detain runoff from the proposed development prior to discharging to the adjacent wetlands.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Norwood Acres, Definitive Subdivision Permanent Private Way in Medway Massachusetts", dated June 1, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- A hydrologic and hydraulic report (Drainage Report) entitled "Hydrologic & Hydraulic Report, dated June 1, 2012, prepared by GHI.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GHI.
- Additional miscellaneous application material including an Order of Resource Area Delineation, Designer's Certificate (Form D), Development Impact Report (Form F), and a Soil Suitability Assessment, all prepared by GHI.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

4. Please verify that the Limit of Clearing line coincides with the Limit of Work line. If they are different, the Limit of Clearing shall be shown also. (Ch. 100 §5.5.35)

   - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

5. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

   - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

Section 7.0- Design and Construction Standards

6. Several of the Waiver Requests, including items 7.6.2, 7.7, and 7.9.7 as listed on the cover sheet of the plans, require more specificity to identify exactly what provision is to be granted a waiver.

   - **TT 8/20/12 Update:** The specific section of the regulation requiring the permit should be added to the cover sheet. For example, the applicant is requesting a waiver from 7.6.2(b), however the cover sheet reads 7.6.2.

   - **TT 9/11/12 Update:** This item has been addressed to our satisfaction.

7. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))

   - **TT 8/20/12 Update:** A detail has been added to the detail plan however we feel that the detail should reflect some type of protective material over the duct bank. When concrete is not used, this is typically achieved by the use of sand and warning tape.

   - **TT 9/11/12 Update:** This item has been addressed to our satisfaction.

8. An independent drainage system shall be provided to collect and discharge subsurface runoff from the foundation perimeter drains for the houses along the proposed ways. (Ch. 100 §7.7.4 (d))

   - **TT 8/20/12 Update:** Foundation perimeter drains have been added to the plan, however it is unclear where the system discharges on Lot 2. The

- **TT 8/20/12 Update:** A waiver has been requested and thus this item will be tracked along with the other waiver requests..

15. Each lot line shall be completely defined by placing permanent monuments at each point of change in direction of that line. (Ch. 100 §5.5.76)

    - **TT 8/20/12 Update:** The applicant has stated that monuments will be set at all angle breaks. However, the plan should be shown on the plan.

16. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

The following items were found to be not in conformance with the Town of Medway Water/Sewer Department Rules and Regulations, or requiring additional information:

17. There shall be three (3) valves at every roadway intersection. (Article V-Item 5)

    - **TT 8/20/12 Update:** The explanation from the applicant to address this item is noted. We recommend discussing at the next public hearing.

18. All mains shall be at least eight (8) inches at a depth of 4.5'. The water main proposed is 4 inches. (Article V-Item 8)

    - **TT 8/20/12 Update:** The water main has been modified to six (6) inches which the applicant states was accepted by the DPS.

19. The standard size main shall be reduced to six (6) inches in certain circumstances with termination of a hydrant. There is not a hydrant proposed at the termination, and the size is proposed to be four inches. (Article V-Item 10)

    - **TT 8/20/12 Update:** A hydrant and blow off valve has been added to the plan per comments from the Fire Chief to the Applicant.

20. Hydrants shall not be spaced more than 500 feet apart. The proposed water main is approximately 475 feet so the applicant shall get approval from the fire and water departments for the absence of an additional hydrant. (Article V-Item 6)

TETRA TECH

28. Pre development HydroCAD model has a contributing acreage of 4.99 AC. The post model has 5.58 AC. Both models should be the same.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

29. Basin 2 outlet configuration does not appear to be modeled accurately. 12" outlet should be modeled as the primary and the two 8" vertical orifices should be modeled as Devices to the primary. The broad crested weir should also be modeled as the secondary.

    - **TT 8/20/12 Update:** This item has not been addressed. Our comment above has been modified to reflect the revised conditions.

    - **TT 9/11/12 Update:** This item has been addressed to our satisfaction.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

30. With the road against the property line, will this cause zoning complications for adjacent property?

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

31. Please provide additional information regarding the existing sewer easement running through the site, including the existing recorded easement documentation to identify ownership and ensure the utility and right to connect.

    - **TT 8/20/12 Update:** Updated plans include reading information was provided to the PDPR regarding easement. Please show ownership and the easement remains clear. This item should be carried to the PDPR.

32. What is the intent of the existing sewer easement running parallel with Trail Drive at the rear of Lot #1.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

33. Please label the waterline services with size and material information.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

TETRA TECH

- **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

41. Please clarify existing and proposed curb and sidewalk at the intersection of Trail Drive and Summer Street. There is an existing curb cut at this location but I believe the proposed entrance is wider and will require additional curb removal.

    - **TT 8/20/12 Update:** Labels are provided on the grading plan but it still remains unclear what is existing versus what is proposed. We would like to see the limits of the proposed sidewalk and curb more defined.

42. The method of connection for the waterline should be provided.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

43. The applicant should verify that the existing water gate is on the main and not on the hydrant service.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

44. What type of pipe (material) is to be used for stormwater?

    - **TT 8/20/12 Update:** The applicant has stated that the pipe shall be RCP which is acceptable, however we would request that a label be added to

    - **TT 9/11/12 Update:** This item has been addressed to our satisfaction.

45. What is "H.Q. Drain Pipe"?

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

46. What is the "Typical Trench Detail" to be used for, since there is additional trench details provided for PVC, H.Q., and DI pipe.

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

47. With the grading Basin #2, is it necessary to modify the rim elevation of the existing SMH in that area?

    - **TT 8/20/12 Update:** This item has been addressed to our satisfaction.

48. The size and type of the pipe used for the sewer services shall be labeled.

TETRA TECH

New Comments

55. Headwalls that are visible from a way shall be fabricated with a natural stone appearance to the satisfaction of the board.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.10.2-Curbs and Berms
Section 7.9.7-Roadway Construction
Section 7.7.2(p)-Stormwater Management Procedures
Section 7.6.2(b)-Water Facilities Installation
Section 7.17.1-Fire Alarms
Section 7.21-Street Lights
Section 6.8-Street Acceptance
Section 5.7.28-Streetlight Locations
Section 5.7.31-Location of Open Space

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

P:\21583\127-21583-12008\DOCS\REVIEWLTR_NORWOOD ACRES_2012-06-15-REVISED-2012-08-20.DOC

G-6326

Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

www.guerrierandhalnon.com

Est. 1972

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55 West Central Street
Franklin, MA 02038-2101
Phone (508) 528-3221
Fax (508) 528-7921

Whitinsville Office
1029 Providence Road
Whitinsville, MA 01588-2121
Phone (508) 234-6834
Fax (508) 234-6723

September 25, 2012

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

RECEIVED
SEP 25 2012
TOWN OF MEDWAY
PLANNING BOARD

RE: 61 Summer Street, Norwood Acres

Dear Mr. Rodenhiser:

As you requested, this letter provides responses to the question if the existing 10 inch cross country sewer line that runs through the site has the capacity for two three bedroom house to tie into it. The following calculation shows that the existing sewer line can support the minimal flow that the two single family houses will generate.

Total flow generated from existing dwellings that currently use the cross country sewer line is 138,631 c.f. per 6 months or 5,760 gallons per day. This information was taken from water meter readings supplied by the town.

Full capacity of existing sewer pipe:
The existing sewer line is a 10 inch pvc sewer pipe at the slope of 0.28 %.
From table conversion factor is 448.8 (conversion of cfs to gal/min.)
From Manning's equation the size and slope of pipe at full capacity is 1.6 cfs
1.6 cfs (448.8) = 718 gal/min.

Total flow in existing sewer line:
5,760 gal/day(**existing**) + 660 gal/day(**proposed**) = 6,720 gal/day
From table conversion factor is 1,440 (conversion of gal/day to gal/min.)
6,720 gal/day / 1,440 = 4.7 gal/min.
Peak factor would be 10 = 47 gal/min.
Peak flow conditions = 47 gal/min.< the capacity of the existing 10" sewer pipe = 718 gal/min.

If you have any additional questions, or if you need any more information, please do not hesitate to contact this office.

COMMONWEALTH OF MASSACHUSETTS
MICHAEL DEAN
CIVIL
No. 44253
REGISTERED PROFESSIONAL ENGINEER
9-25-12

Sincerely,

Michael Dean, P.E.
Engineering Manager

Claudia M. Ferrecchia
Title Examinations

29 Norwood Street
Marlborough, MA 01752
c.ferrecchia@verizon.net/ *774-249-4116*

TITLE REPORT

PROPERTY: Medway – Sewer easements located off of Summer Street as shown on Plan Book 452, Plan 780 and on Plan Book 466, Plan 406.

1. Sewer easement granted by David E. Sistrand, Jr. and Renee M. Sistrand to Narducci Corp. dated August 27, 1997 recorded in Book 12091, Page 252 and shown on Plan Book 452, Plan 780;
2. Sewer easement granted by Wayne E. Marshall and Sheila A. Marshall to Narducci Corp. dated November 12, 1997 recorded in Book 12091, Page 253 and shown on Plan Book 452, Plan 780;
3. Sewer easement granted by Thomas R. Reardon and Kim E. Reardon to Wayne E. Marshall and Sheila A. Marshall dated November 18, 1997 recorded in Book 12112, Page 398 and shown on Plan Book 452, Plan 780;
4. Easement granted by Narducci Corp. to Owen Sullivan , Trustee of Summer Milford Realty Trust for construction and maintenance of a 20' wide sewer easement shown on the Sewer Main Plan and Profile for Dearview Meadows, dated June 21, 1999 recorded in Book 13574, Page 589;
    a) Instrument also assigns to Summer Milford Realty Trust its rights in Sistrand sewer easement in Book 12091, Page 252 and in Marshall sewer easement in Book 12091, Page 253;
    b) Instrument provides that Narducci Corp. has the primary responsibility of maintaining sewer lines and systems for the benefit of the Grantee at the time Narducci Corp. (and successors or assigns) ties in to said system, and failing that, the Grantee may repair/replace said system with the cost being the responsibility of Narducci Corp. (and successors and assigns);
5. Sewer Construction and Tie-in Agreement dated June 21, 1999 recorded in Book 13574, Page 593;
    a) Summer Milford Realty Trust shall construct and install the sewer line over Narducci Corp. land at its sole cost and expense;
    b) Narducci Corp. has the right to "tie-in" to the sewer line;
    c) Wayne E. Marshall and Sheila A. Marshall extend their easement rights to Summer Milford Realty Trust for the benefit of the Trust land;
    d) David E. Sistrand, Jr. and Renee Sistrand extend their easement rights to Summer Milford Realty Trust for the benefit of the Trust land;
    e) Thomas R. Reardon and Kim E. Reardon extend their easement rights granted to Marshalls and their license for installation and construction of

sewer line tie-in granted to Narducci Corp., to Summer Milford Realty Trust for the benefit of the Trust land.

6. Owen Sullivan, Trustee of the Summer Milford Realty Trust conveys its easement rights in Book 13574, Page 589 and rights in the Sewer Construction and Tie-in Agreement in Book 13574, Page 593, to Speroni's , Inc. by Grant of Easement dated February 22, 2000 recorded in Book 14014, Page 54.
7. The Summer Milford Realty Trust property and the Speroni property lie on the southerly side of Milford Street.
8. Narducci Corporation conveys the property shown as Lots 1, 2 and Parcel A on Plan Book 471, Plan 834, comprising the land known as Dearview Estates Condominium (Kingston Lane), to Dearview Properties, LLC by deed dated March 17, 2000 recorded in Book 14053, Page 297. Land is conveyed subject to the easements granted in book 13574, Page 589 and subject to and with the benefit of the sewer construction and tie-in agreement in book 13574, Page 593.

MY EXAMINATION BEGINS: AUGUST 14, 1996

MY EXAMINATION ENDS: SEPTEMBER 11, 2012 at 4:00 p.m.

REMARKS:

1. Search begins with deed of Lot 6, Plan Book 274, Plan 723 to Narducci Corp. dated August 14, 1996 recorded in Book 11478, Page 306 (no copy).
2. Sistrand, Marshall, Reardon, Narducci Corp., Summer Milford Realty Trust and Speroni's Inc. all run for instruments impacting easement area from August 14, 1996 to date.
3. I find no record of the license and tie-in agreement granted by Reardon to Narducci Corp. referred to in Book 13574, Page 593.

Schedule

Location: MEDWAY SUMMER STREET + MILFORD STREET Sheet No. _____

Grantor: SEIDER EASEMENTS / AGREEMENTS / DEEDS From: 8-14-96 To: 9-11-12

Title by deed / estate of: _____ Date: _____ Book _____ Page _____

NARDUCCI CORP.

Rec. Date	Book-Page	Inst.	GRANTEE	Location/Remarks	Sheet No.
8-14-96	11478-306	Dd	BROWN to NARDUCCI CORP.	L-6 (284-723) d-8-14-96 LESS - PCL RT (317-13168)	✓ NO COPY
11-18-97	12091-252	ESMT	SISTRAND to NARDUCCI CORP	RTS - ESMT - CONSTRUCT + MAINTAIN 20' WD (452-780) d 8-27-97	✓
11-18-97	12091-253	ESMT	MARSHALL to NARDUCCI CORP.	ESMT RST - CNSTRT + MNTN 20' WD SUR ESMT (452-780) d-11-12-97	✓
11-26-97	12112-398	ESMT	REARDON to MARSHALL	ESMT RTS - CNSTRT + MNTN 20' WD SUR ESMT (452-780) d-11-18-97	✓
6-9-98	12568-196	O/C	#216-470 - MILFORD + SUMMER ST	5-19-98 Cplc -	28859-114
6-10-11	28859-114	CERT	#216-470 Full Cplc	6-2-11	✓
6-10-11	28859-117	CERT	#216-511 Full Cplc	6-2-11 See 13899-420	OK
6-10-11	28859-120	CERT	#216-512 - Full Cplc	6-2-11 See 13899-433	OK
7-2-99	13574-589	ESMT	NARDUCCI CORP to SUMMER MILFORD RLTY TR	20' WD SUR ESMT (446-406) W/ ASSN RTS IN ESMTS C 12091-252 + 253 6-21-99	✓
7-2-99	13574-591	AGMT	SUBORD - MEDWAY CORP BK	+ ESMT 13574-589	OK
7-2-99	13574-593	AGMT	SUMMER MILFORD RT / NARDUCCI CORP / MARSHALL + REARDON SUR ESMT / SISTRAND / MARSHALL + REARDON - EXTG RTS + SMRT - d-6-21-99		✓
12-9-99	13899-400	ASSN	CORP ASMT - DEARVIEW MEADOWS (471-834) 3-17-99		
12-9-99	13899-420	O/C	#216-511 - 55 SUMMER ST	9-17-99 Cplc -	28859-117
12-9-99	13899-433	O/C	#216-512	9-17-99 Cplc	28859-120
3-17-00	14053-297	Dd	DEARVIEW PROPERTIES LLC.	L's 1 + 2 PCL A (471-834) SUBJ ESMT C 13574-589 + AGMT C 13574-593, 3-17-00	✓

Bkcy: _____

Probate: _____

Federal Liens: _____

State Liens: _____

Schedule

Location: MEDWAY - SUMMER STREET + MILFORD STREET Sheet No. _____

Grantor: SEWER EASEMENT / AGREEMENTS / DEEDS From: 8-14-96 To: 9-11-12

Title by deed / estate of: _____ Date: _____ Book _____ Page _____

Rec. Date	Book-Page	Inst.	GRANTEE	Location/Remarks	Sheet No.
10-31-01	15700-545	Dd	DEARVIEW PROP to TOWN of MEDWAY	OPEN SPACE PCL (471-834) d-10-23-01	
4-6-98	12408-109	Dd	SPERONI'S INC to SUMMER MILFORD RLTY TR	L's 1→15 (455-242) 4-6-98, OWEN SULLIVAN, TR w/ PCL B + RTS/TITLE - SEE ANR PLAN	S/S MILFORD ST
2-23-00	14014-49	Esmt	SPERONI'S INC to SMR MILF RLTY TR 20' WD SEWER EASTERN + MAINE ESMT (472-85) for benefit of LOTS 13, 14, 15 (455-242)		✓ NO COPY S/S MILFORD ST + S/S MILFORD ST
2-23-00	14014-54	Esmt	SUMMER MILFORD RLTY TR to SPERONI'S INC	ESMT - RUSTIC RD (472-85) + ✓ ESMT REL - 13574-589 + AGMT - 13574-593 2-22-00	*
4-29-03	18782-516	Dd	SPERONI'S, INC to SMAM GROUP LLC	PCL A (472-85) 4-29-03 SUBJECT to 20' UTIL ESMT ON PLAN	- S/S MILFORD ST N/L
7-12-05	22631-545	TKG	TOWN MEDWAY - RELOC SUMMER ST (540-47→58) 6-27-05		OK
5-27-99	13475-585	Cov	PLAN BD - HAWK RIDGE (447-322) (465-207) 5-25-99 OFF MILFORD ST		N/A TO LOCUS
12-22-10	28430-186	TRUST	CERT - WE MARSHALL + DA MARSHALL IRREV TR - 12-17-10		
12-22-10	28430-188	Dd	TO TRUST -	L-2 (3012-93) 12-17-10	
12-22-10	28430-190	Dd	ANDREW J + MATTHEW W MARSHALL - PCL A (465-307) 12-17-10		

Bkcy: _____

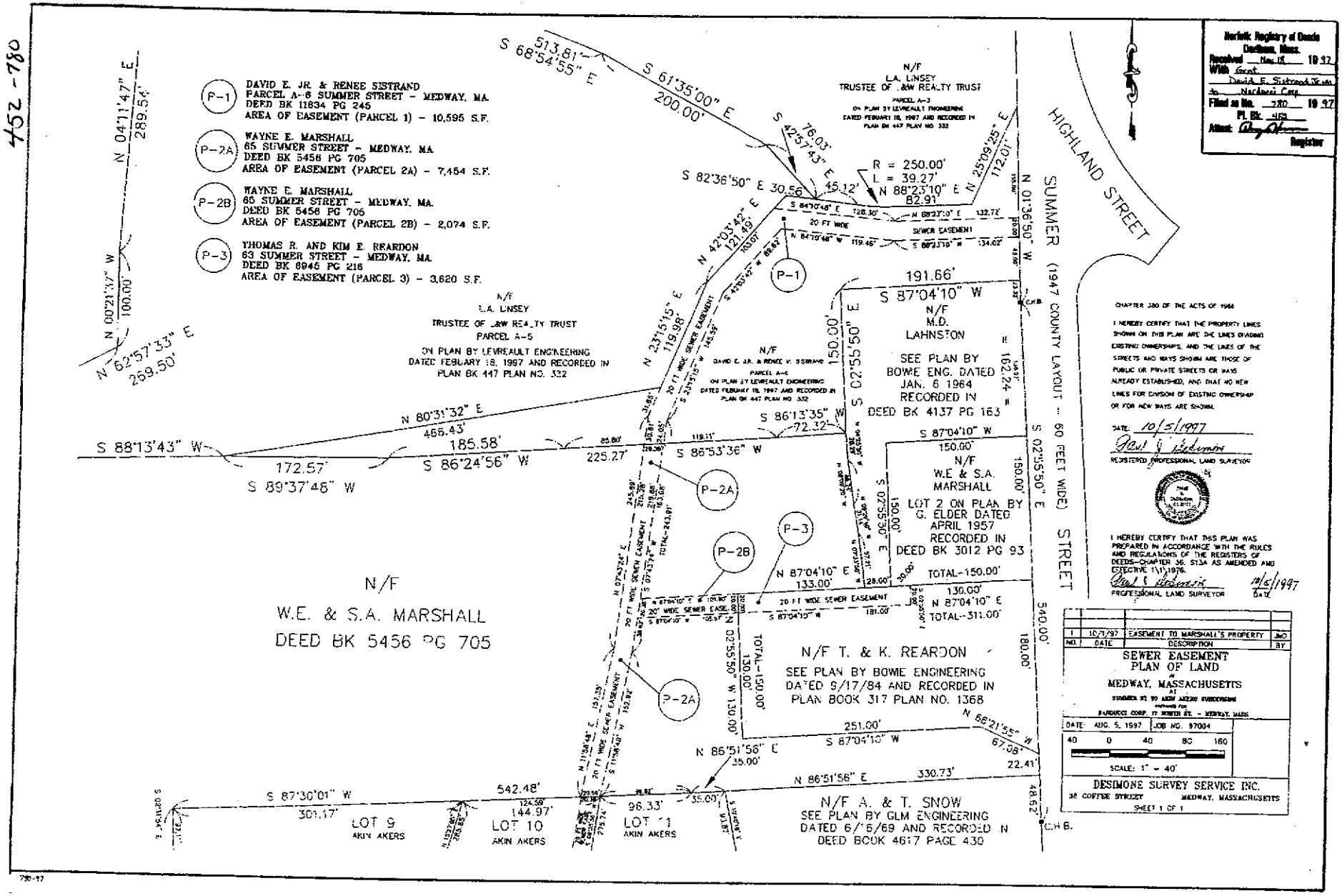
Probate: _____

Federal Liens: _____

State Liens: _____

(2)

452-780



Norfolk Registry of Deeds
Dedham, Mass.
Received Nov. 13 1997
With Grant
David E. Sistrand Jr. et
to Narducci Corp.
Filed as No. 7370 1997
Pl. Bk. 463
Attest: Register

CHAPTER 380 OF THE ACTS OF 1966

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

DATE: 10/5/1997

REGISTERED PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS—CHAPTER 36, S13A AS AMENDED AND EFFECTIVE 1/1/1976.

PROFESSIONAL LAND SURVEYOR 10/6/1997 DATE

NO.	DATE	DESCRIPTION	BY
1	10/7/97	EASEMENT TO MARSHALL'S PROPERTY	JMO

SEWER EASEMENT
PLAN OF LAND
IN
MEDWAY, MASSACHUSETTS
SHOWING 91 TO AKIN AKERS SUBDIVISION
PREPARED FOR
NARDUCCI CORP. 17 NORTH ST. - MEDWAY, MASS.

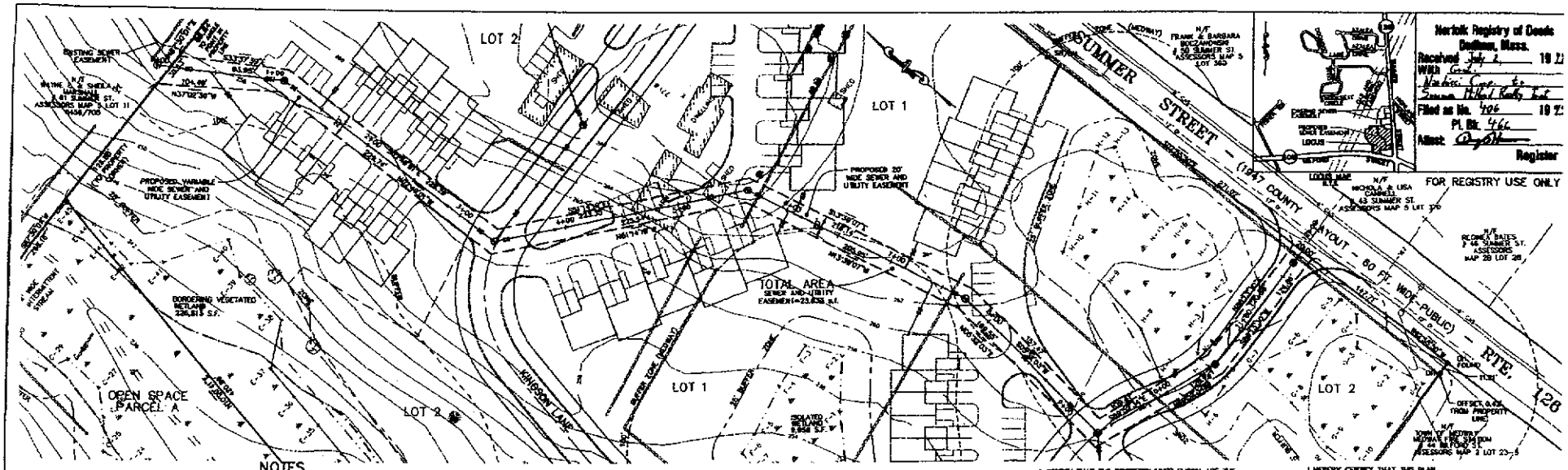
DATE: AUG. 5, 1997 JOB NO. 97004

40 0 40 80 160
SCALE: 1" = 40'

DESIMONE SURVEY SERVICE INC.
38 COFFEE STREET MEDWAY, MASSACHUSETTS
SHEET 1 OF 1

790-97

(5) 466-406



NOTES

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DIG-SAFE, TOWN OF ROCHESTER D.P.W., AND ALL UTILITY COMPANIES A MINIMUM OF 72 HOURS PRIOR TO CONSTRUCTION FOR LOCATION OF ALL UNDERGROUND UTILITIES AND UTILITY COMPANY AND D.P.W. APPROVALS.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDWAY SEWER DEPARTMENT.

PLAN
1" = 40'

PROFILE
HORIZ. 1" = 40'
VERT. 1" = 4'

NOTE:
RIM ELEVATION SHOWN REFLECT PROPOSED FINISHED GRADES OF THE DEARVIEW MEADOWS TOWNHOUSE PROJECT. IF SEWER IS CONSTRUCTED PRIOR TO CONSTRUCTION OF THE TOWNHOUSE DEVELOPMENT, ADJUST RIMS TO ONE FOOT ABOVE EXISTING GRADE.

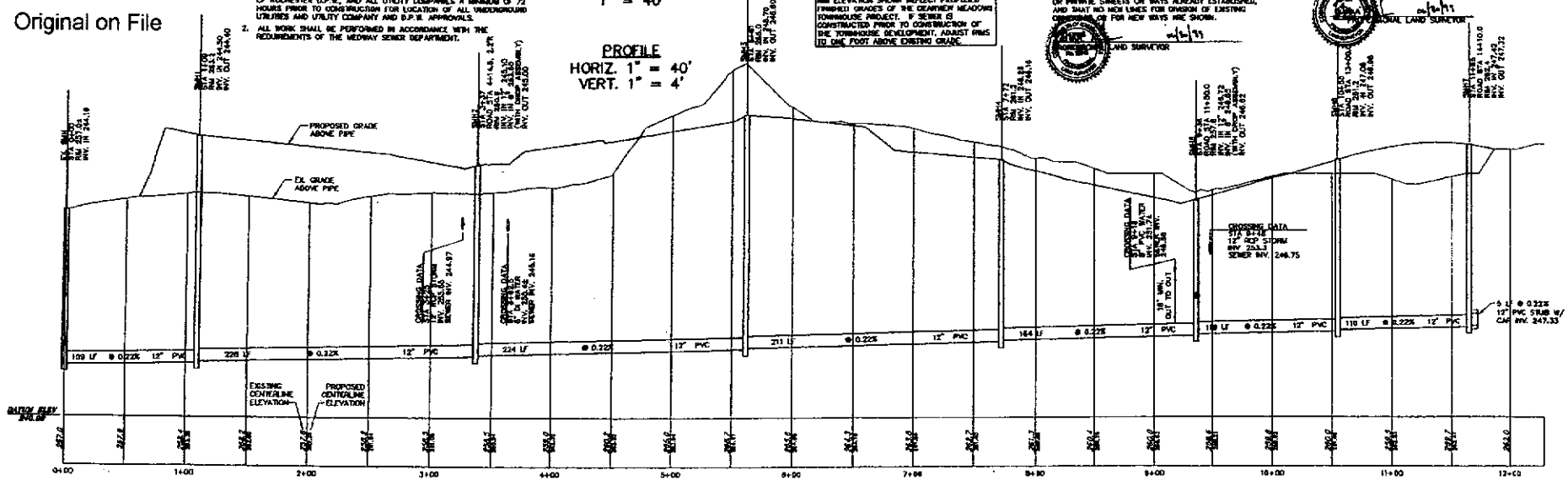
I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS MADE THEREWITH BY THE REGISTERS OF DEEDS.

PROFESSIONAL LAND SURVEYOR

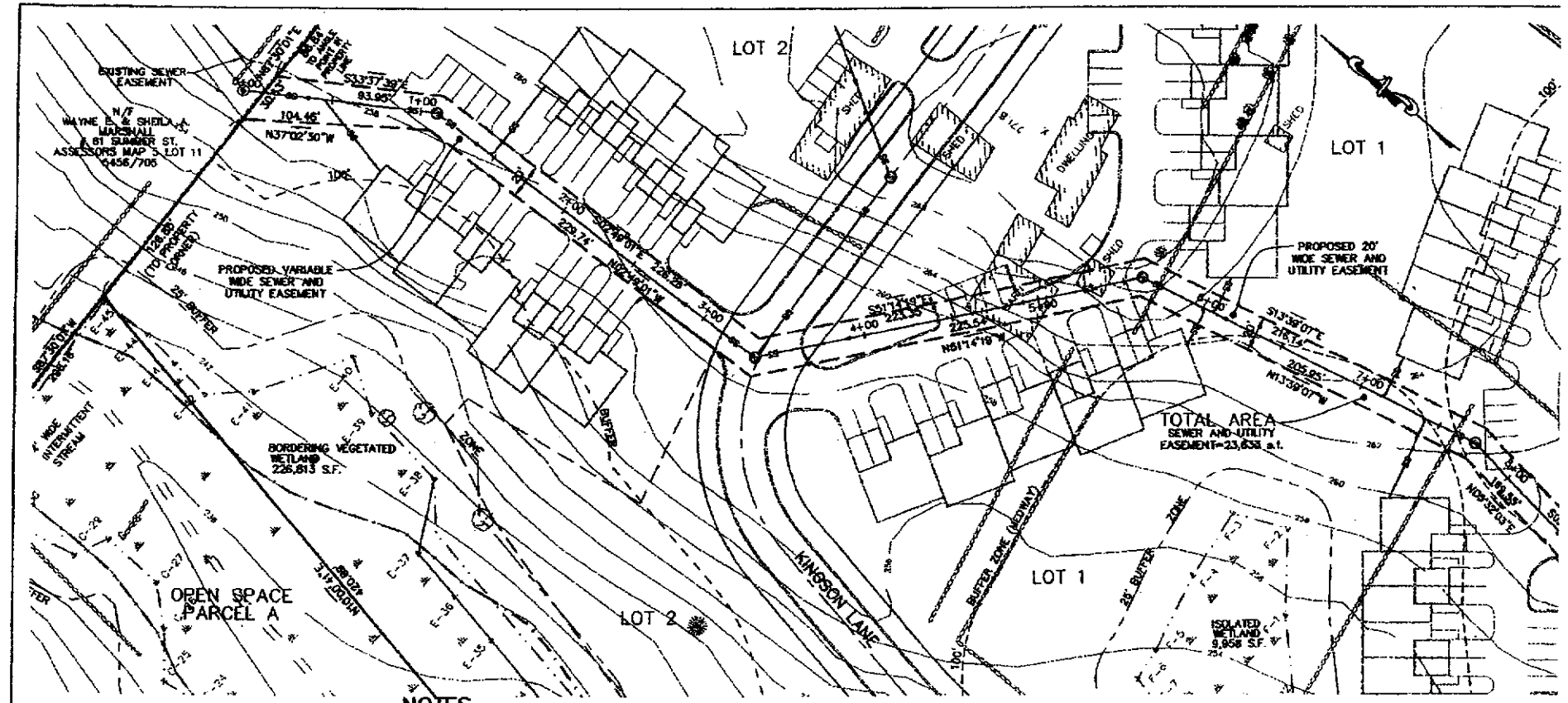
Original on File



Atlantic® DESIGN ENGINEERS, L.L.C. P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282	Designed by: SGL Drawn by: SWG Checked by: RJT Field survey chk. by: Approved by: RJT	SCALE SCALE 1" = 40'	DATE	1 DWS 8-30-96 RECORDING INFORMATION NO. BY DATE REVISION	OWNERS AND APPLICANTS NARDUCCI CORPORATION 17 NORTH STREET MEDWAY, MASSACHUSETTS 02053	SEWER MAIN PLAN AND PROFILE FOR DEARVIEW MEADOWS MEDWAY, MASSACHUSETTS MAY 14, 1999	Sheet 1 of 1 JOB NUMBER 1755.0

406-9

406-406



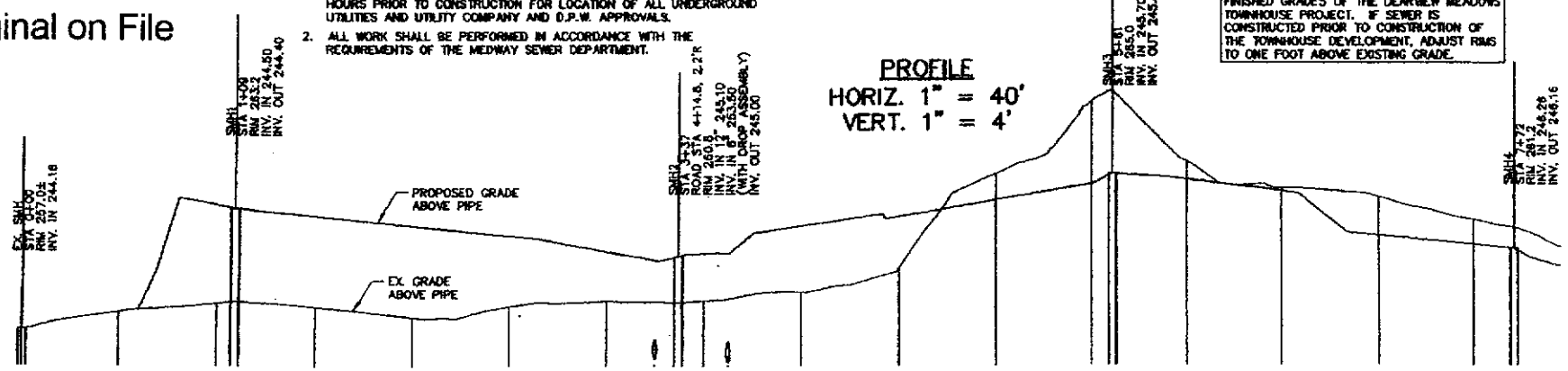
NOTES

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DIG-SAFE, TOWN OF ROCHESTER D.P.W., AND ALL UTILITY COMPANIES A MINIMUM OF 72 HOURS PRIOR TO CONSTRUCTION FOR LOCATION OF ALL UNDERGROUND UTILITIES AND UTILITY COMPANY AND D.P.W. APPROVALS.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDWAY SEWER DEPARTMENT.

PLAN
1" = 40'

PROFILE
HORIZ. 1" = 40'
VERT. 1" = 4'

NOTE:
RIM ELEVATION SHOWN REFLECT PROPOSED FINISHED GRADES OF THE DEARVIEW MEADOWS TOWNHOUSE PROJECT. IF SEWER IS CONSTRUCTED PRIOR TO CONSTRUCTION OF THE TOWNHOUSE DEVELOPMENT, ADJUST RIMS TO ONE FOOT ABOVE EXISTING GRADE.

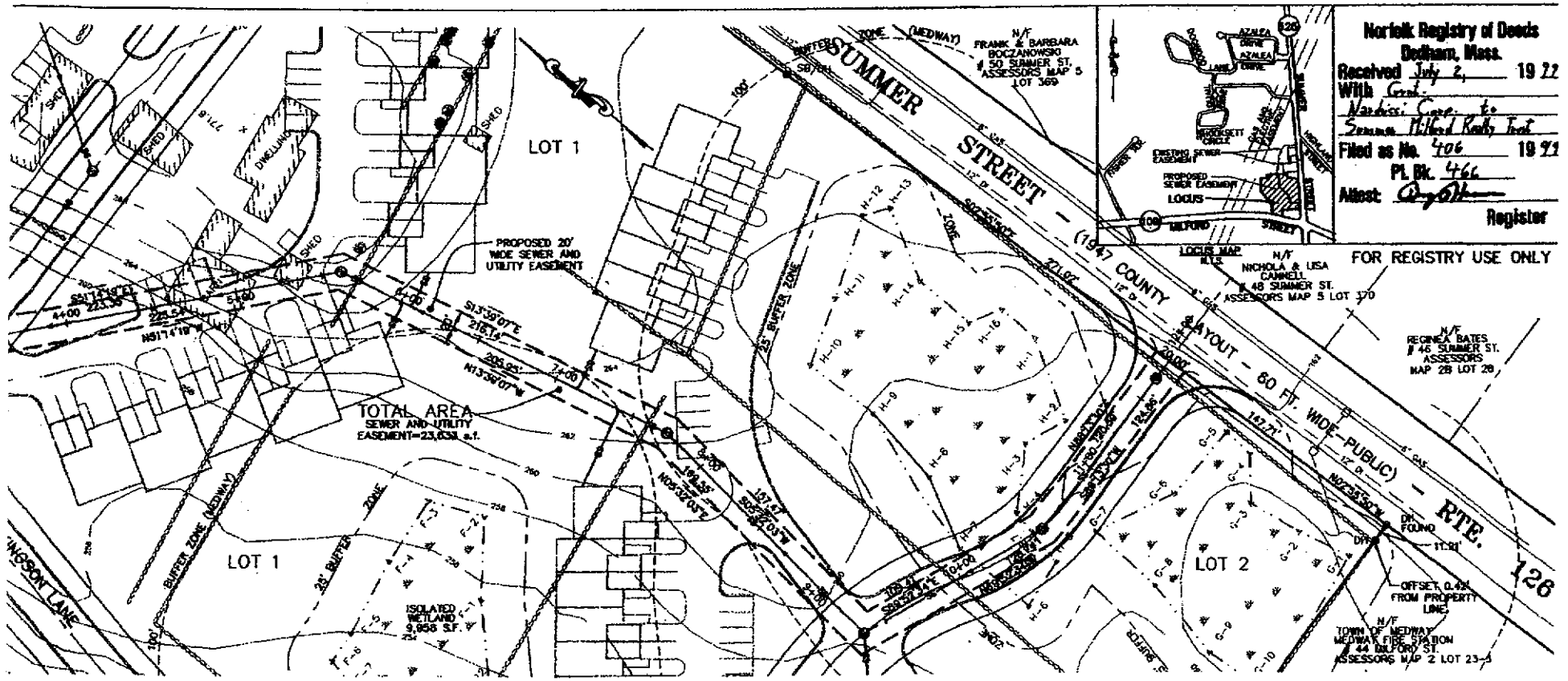


Original on File

466-406

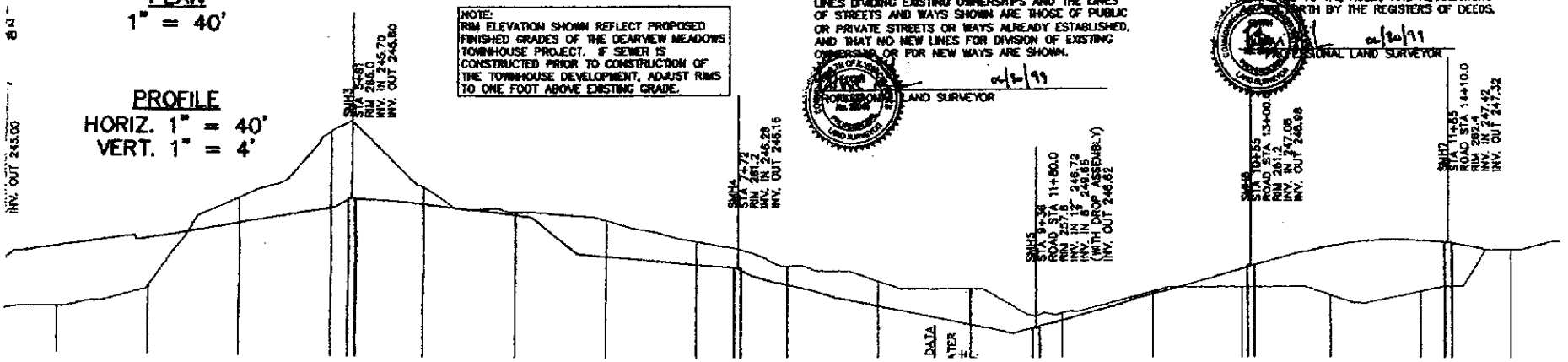
Norfolk Registry of Deeds
Dedham, Mass.
Received July 2, 1992
With Grant.
Narrow Cove to
Summer Milford Realty Trust
Filed as No. 406 1992
PL Bk. 466
Attest: [signature]
Register

FOR REGISTRY USE ONLY



PLAN
1" = 40'

PROFILE
HORIZ. 1" = 40'
VERT. 1" = 4'



NOTE:
RIM ELEVATION SHOWN REFLECT PROPOSED FINISHED GRADES OF THE DEARVIEW MEADOWS TOWNHOUSE PROJECT. IF SEWER IS CONSTRUCTED PRIOR TO CONSTRUCTION OF THE TOWNHOUSE DEVELOPMENT, ADJUST RIMS TO ONE FOOT ABOVE EXISTING GRADE.

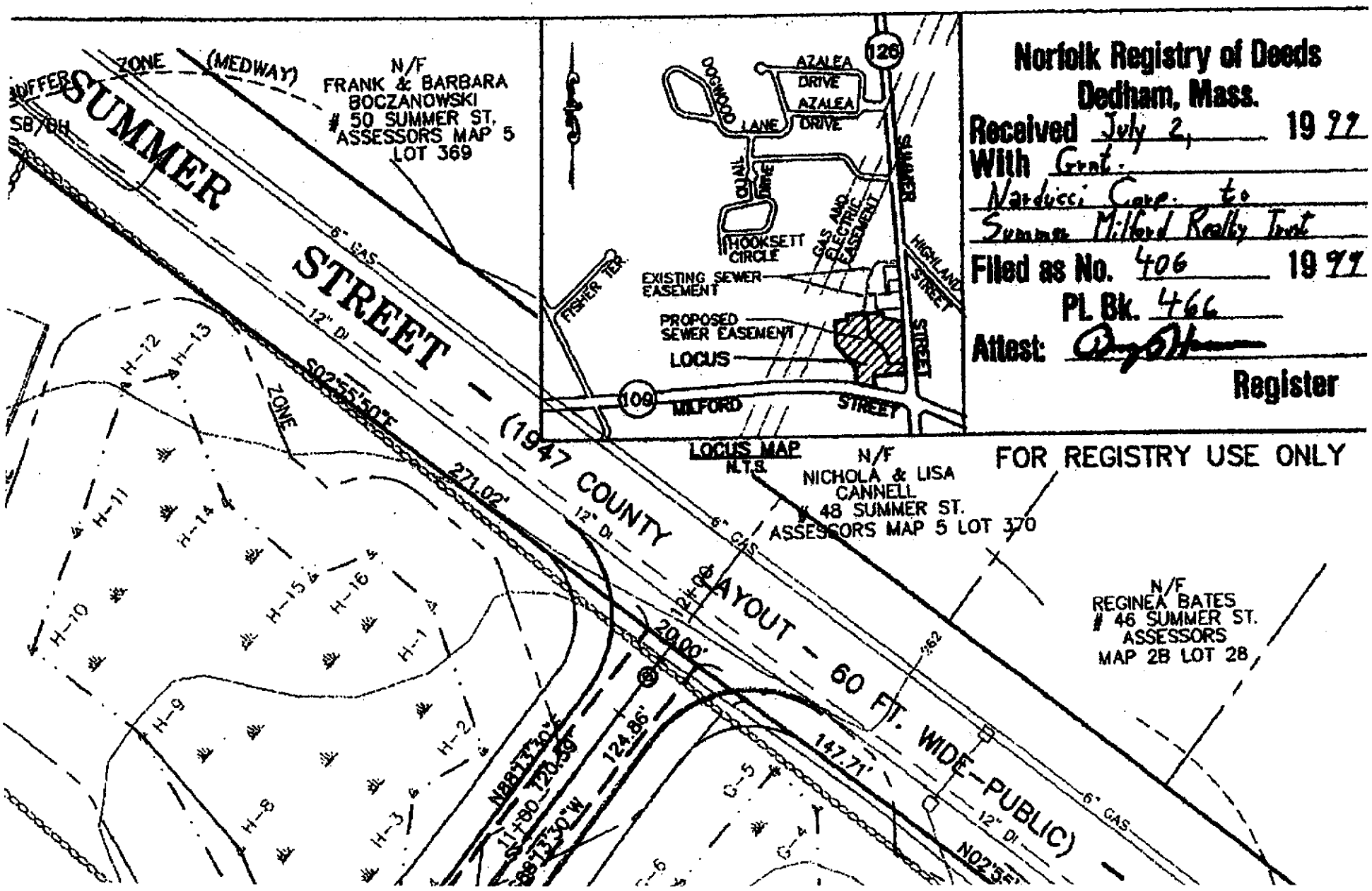
I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

06/30/99
PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS ADOPTED BY THE REGISTERS OF DEEDS.

06/30/99
PROFESSIONAL LAND SURVEYOR

406-406



Norfolk Registry of Deeds
Dedham, Mass.

Received July 2, 19 97
With Grant.
Narducci Corp. to
Summer Milford Realty Trust
Filed as No. 406 19 97
PL Bk. 466
Attest: [signature]
Register

FOR REGISTRY USE ONLY

BK 12091 PG 252

123421

10
25 pl

(4)

EASEMENT

WE, **DAVID E. SISTRAND, JR. AND RENEE M. SISTRAND,** husband and wife, as tenants by the entirety, of 130 Pond Street, Ashland, Middlesex County, Massachusetts, for consideration paid and in full consideration of ONE ($1.00) DOLLAR grant to **NARDUCCI CORP.**, of 17 North Street, Medway, Norfolk County, Massachusetts, the perpetual right to construct, install, repair, maintain and replace sewers and utilities and the right to enter, pass and repass on foot and with motor vehicles and equipment to effect said purposes in a twenty (20") foot wide easement on land in Medway identified as Parcel A-6 on Summer Street as shown on a plan by DeSimone Surveying Services, Inc. entitled "Sewer Easement Plan of Land in Medway, Massachusetts at Summer Street and Highland Street, Scale 1" = 40'," Date: August 5, 1997, to be recorded herewith, to which plan reference is made for a more complete description.

REFER TO PLAN NO. 780 of 1997
PLAN BOOK NO. 452 - 1 SHEETS

For title see deed of Linda Lindsey, Trustee of L & W Realty Trust to us dated May 30, 1997, recorded at Book 11834, Page 245, with the Norfolk Registry of Deeds.

WITNESS our hands and seals this 27 day of August, 1997.

David E. Sistrand, Jr.

Renee M. Sistrand

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

BARRY T. HANNON, REGISTER

COMMONWEALTH OF MASSACHUSETTS

Middlesex,ss. 8/27, 1997

Then personally appeared before me the above named DAVID E. SISTRAND, JR. AND RENEE M. SISTRAND and acknowledged the foregoing to be their free act and deed.

Notary Public
My commission expires: 1/26/2001

RECEIVED RECORDED
97 NOV 18 AM 10:

022-97

BK 12091 PG 258

(5)

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123422

EASEMENT

WE, **WAYNE E. MARSHALL AND SHEILA A. MARSHALL,** husband and wife, as tenants by the entirety, of 65 Summer Street, Medway, Norfolk County, Massachusetts, for consideration paid and in full consideration of ONE ($1.00) **DOLLAR,** grant to **NARDUCCI CORP.,** its heirs, successors and assigns, of 17 North Street, Medway, Norfolk County, Massachusetts, the perpetual right to construct, install, repair, maintain and replace sewers and utilities and the right to enter, pass and repass on foot and with motor vehicle and equipment to effect said purposes, in a twenty (20') foot wide easement as shown on a plan by DeSimone Surveying Services, Inc. entitled "Sewer Easement, Plan of Land in Medway, Massachusetts at Summer Street and Highland Street, Scale 1" = 40'," Date: August 5, 1997, recorded with Norfolk Registry of Deeds, in Plan Book 452, as Plan No. 780 of 1997, to which plan reference is made for a more complete description.

For our title see Deed of Roy R. McLeod and Pearl A. McLeod dated May 1, 1978 and recorded in Book 5456, Page 705, with the Norfolk Registry of Deeds.

RECEIVED RECORDED NORFOLK COUNTY 97 NOV 18 AM 10:28

WITNESS our hands and seals this 12 day of November, 1997.

Wayne E. Marshall

Wayne E. Marshall

RECORDED NORFOLK COUNTY REGISTRY OF DEEDS DEDHAM, MA

CERTIFY

REGGY T. HANNON, REGISTER

Sheila A. Marshall

Sheila A. Marshall

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss. November 12, 1997

Then personally appeared before me WAYNE E. MARSHALL AND SHEILA A. MARSHALL and acknowledged the foregoing to be their free act and deed.

Notary Public

My commission expires: 1/26/2001

022-97

128271 BK12112PG398 (6)

EASEMENT

We, **THOMAS R. REARDON AND KIM E. REARDON**, husband and wife, as tenants by the entirety, of 63 Summer Street, Medway, Norfolk County, Massachusetts, for consideration paid and in full consideration of ONE ($1.00) DOLLAR, grant to **WAYNE E. MARSHALL AND SHEILA A. MARSHALL**, of 65 Summer Street, Medway, Norfolk County, Massachusetts, their successors and assigns, the perpetual right to construct, install, repair, maintain and replace sewers and utilities and the right to enter, pass and repass on foot and with motor vehicle and equipment to effect said purposes, in a twenty (20') foot wide easement as shown on a plan by DeSimone Surveying Services, Inc. Entitled "Sewer Easement, Plan of Land in Medway, Massachusetts at Summer Street and Highland Street, Scale 1" = 40", Date: August 5, 1997, recorded with Norfolk Registry of Deeds in Plan Book 456, as Plan No. 780 of 1997, to which plan reference is made for a more complete description.

For our title see Deed recorded in Book 6945, Page 216 at the Norfolk Registry of Deeds.

WITNESS our hands and seals this 15th day of November, 1997.

Thomas R. Reardon

Kim E. Reardon

RECEIVED RECORDED NORFOLK COUNTY 97 NOV 26 PM 2:05

COMMONWEALTH OF MASSACHUSETTS,

Norfolk, ss. 11-18, 1997

Then personally appeared the above named **THOMAS R. REARDON AND KIM E. REARDON** and acknolwedged the foregoing instrument to be their free act and deed, before me,

Notary Public

My commission expires: 7-19-02

RECORDED NORFOLK COUNTY REGISTRY OF DEEDS DEDHAM, MA

CERTIFY

BARRY T. HANNON, REGISTER

022-97

BK13574PG589

(7)

10
pl.35

EASEMENT

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
BARRY T. HANNON, REGISTER

101100

99 JUL -2 PM 1:48

Narducci Corp., a duly authorized Massachusetts Corporation, having a usual place of business at 171 Norfolk Street, Medway, Massachusetts ("GRANTOR") for consideration paid and in full consideration of One ($1.00) Dollar grants to Owen Sullivan, Trustee of the Summer Milford Realty Trust u/d/t dated January 20, 1998 and recorded with Norfolk County Registry of Deeds in Book 12408, Page 100, and his heirs, successors and assigns (GRANTEE) the perpetual right to construct, install, repair, maintain, replace and utilize sewer pipes, lines systems and utilities and the right to enter, pass and repass on foot and with motor vehicles and equipment to effect said purposes in a twenty (20') foot wide easement area as shown and depicted as proposed 20'wide sewer easement on a plan by Atlantic Design Engineers, L.L.C. entitled "Sewer Main Plan and Profile" for Dearview Meadows, Medway, Massachusetts dated May 14, 1999 and recorded with Norfolk County Registry of Deeds herewith, to which plan reference is made for a more complete description.

This Easement shall forever benefit and run with the land now owned by Owen Sullivan, Trustee of the Summer Milford Realty Trust and located off of Summer and Milford Streets in Medway, Norfolk County, Massachusetts as more particularly described in Deed from Speroni's Inc. to Owen Sullivan, Trustee of the Summer Milford Realty Trust, which deed is dated April 6, 1998 and recorded with Norfolk County Registry of Deeds in Book 12408, Page 109.

Narducci Corp. hereby assigns to Owen Sullivan, Trustee of the Summer Milford Realty Trust, and his heirs, successors and/or assigns, its rights in two (2) separate Sewer Easements from (a) David E. Sistrand, Jr. and Renee M. Sistrand dated 8/27/97 and recorded with Norfolk County Registry of Deeds in Book 12091, Page 252and (b) Wayne E. Marshall and Sheila A. Marshall dated March 12, 1997 and recorded with Norfolk County Registry of Deeds in Book 12091, Page 253.

At the time that the Grantor or its successors and assigns "tie in" to said sewer pipes, lines and/or systems so constructed and installed by the Grantee, the Grantor shall have the primary responsibility to repair, maintain and/or replace said sewer pipes, lines and/or systems for the benefit of Grantee and his heirs, successors and assigns. In the event that Grantor fails to so maintain, repair and/or

REFER TO PLAN NO. 406 OF 1999
PLAN BOOK NO. 469 1 SHEETS

replace, as needed, said sewer pipes, lines and/or systems then Grantee and Grantee's heirs, successors and assigns may so repair and/or replace said sewer pipes, lines and/or systems and the cost for same shall be the responsibility of the Grantor and its successors and assigns.

For Grantor's title, see Deed of Alva A. Brown and Jacqueline T. Brown dated August 14, 1996 and recorded with Norfolk County Registry of Deeds in Book 11478, Page 306.

IN WITNESS WHEREOF, the said Narducci Corp., has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Michael Narducci, its President and Treasurer, hereby duly authorized, this 21st day of JUNE, 1999.

NARDUCCI CORP.

Michael Narducci

by: Michael Narducci
President and
Treasurer

THE COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss. JUNE 21, 1999

Then personally appeared the above-named MICHAEL NARDUCCI and acknowledged the foregoing instrument to be the free act and deed of Narducci Corp., before me

Richard D. Maciolek

Notary Public:

My Commission expires:

RICHARD D. MACIOLEK
NOTARY PUBLIC
My Commission Expires July 1, 2005

3
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(8)

SEWER CONSTRUCTION AND TIE-IN AGREEMENT

WHEREAS, Owen Sullivan, Trustee of the Summer Milford Realty Trust u/d/t dated January 20, 1998 and recorded at the Norfolk County Registry of Deeds in Book 12408, Page 109 is the owner of land located at Summer and Milford Streets in Medway, Massachusetts as more particularly described in Deed to Owen Sullivan, Trustee, which deed is recorded at the Norfolk County Registry of Deeds in Book 12408, Page 109 and further depicted on Plan of Land entitled Speroni Acres dated September 16, 1997, revised November 24, 1997 and revised December 17, 1997, drawn by C.E.C. Land Surveyors, Inc. which plan is recorded with the Norfolk County Registry of Deeds as Plan Number 242 in Plan Book 455 (hereinafter referred to as 'Sullivan Property').

WHEREAS, Narducci Corp. is the owner of Lot 6 on Summer Street, Medway, Massachusetts as more particularly described in Deed to Narducci Corp., which deed is recorded at the Norfolk County Registry of Deeds in Book 11478, Page 306 and further depicted on Plan entitled Subdivision Plan of Land, Medway, Massachusetts, dated September 11, 1980, Selwyn & Kerwin Associates which plan is filed as Plan Number 723 of 1980 in Plan Book 284 at the Norfolk County Registry of Deeds (hereinafter referred to as 'Narducci Corp. Land').

WHEREAS, The Narducci Corp. Land has the benefit of two existing sewer easements from (a) David E. Sistrand, Jr. and Renee M. Sistrand to Narducci Corp. which easement is dated August 27, 1997 and recorded at the Norfolk County Registry of Deeds in Book 12091, Page 252; and (b) Wayne E. Marshall and Sheila A. Marshall to Narducci Corp. which easement is dated November 12, 1997 and recorded at the Norfolk County Registry of Deeds in Book 12091, Page 253;

PB 452
PL 780
OF 1997

WHEREAS, Wayne E. Marshall and Sheila A. Marshall has the benefit of a sewer easement from Thomas R. Reardon and Kim E. Reardon dated November 18, 1997 and recorded with Norfolk County Registry of Deeds in Book 12112, Page 398 and further, the said Thomas R. Reardon and Kim E. Reardon has given a license to The Narducci Corp. for the installation

and construction of a sewer line by virtue of a sewer tie in agreement dated November 12, 1997;

WHEREAS, Owen Sullivan, Trustee of the Summer Milford Realty Trust, desires to construct and install a sewer line in Medway, Massachusetts from the Sullivan land to Summer Street and from Summer Street across the Narducci Corp. land to the existing sewer line which now runs from the Narducci Corp. land to Summer Street in Medway, Massachusetts across the Marshall and Reardon land;

The parties, in consideration of mutual promises and other valuable consideration, the receipt of which is hereby acknowledged, hereby agree as follows:

1. Narducci Corp. shall grant a sewer and utility easement to Owen Sullivan, Trustee of Summer Milford Realty Trust, for the benefit of the Sullivan land;

2. Owen Sullivan, Trustee of the Summer Milford Realty Trust shall construct and install the sewer line across the Narducci Corp. land at its sole cost and expense. The sewer line shall be constructed over that portion of the Narducci Corp. Land shown as proposed 20 foot wide sewer easement on Sewer Main Plan and Profile for Dearview Meadows, Medway, Massachusetts dated May 14, 1999;

3. Owen Sullivan, Trustee of the Summer Milford Realty Trust shall have the right to remove any and all obstructions within said proposed sewer line easement area and once the construction is so completed shall restore the surface similar to pre-construction condition;

4. Once construction is complete, Narducci Corp. may "tie-in" to the sewer line;

5. Wayne E. Marshall and Sheila A. Marshall herein extend their easement rights, previously given to Narducci Corp., to Owen Sullivan, Trustee of the Summer Milford Realty Trust for the benefit of the Sullivan Land;

6. David E. Sistrand, Jr. and Renee Sistrand herein extend their easement rights, previously given to Narducci Corp., to Owen Sullivan, Trustee of the Summer Milford Realty Trust for the benefit of the Sullivan Land;

7. Thomas R. Reardon and Kim E. Reardon herein extend their easement rights, previously given to Wayne E. Marshall and Sheila A. Marshall and the license for the installation and construction of a sewer line tie-in previously given to Narducci Corp., to Owen Sullivan, Trustee of the Summer Milford Realty Trust for the benefit of the Sullivan Land.

WITNESS OUR HANDS AND SEALS THIS 21 DAY OF June, 1999.

Narducci Corp.

WITNESS:

BY: Michael Narducci Pres & Tr
Michael Narducci
President and Treasurer

WITNESS:

Owen Sullivan, Trustee
of the Summer Milford
Realty Trust

WITNESS:

Wayne E. Marshall

WITNESS:

Sheila A. Marshall

WITNESS:

David E. Sistrand, Jr.

WITNESS:

Renée M. Sistrand

WITNESS:

Thomas R. Reardon

WITNESS:

Kim E. Reardon

BK14014PG054

(9)
10

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
BARRY T. HANNON, REGISTER

GRANT OF EASEMENTS

Owen Sullivan, Trustee of the Summer Milford Realty Trust u/d/t dated January 20, 1998 and recorded with Norfolk County Registry of Deeds in Book 12408, Page 100 ("GRANTOR") for consideration paid and in full consideration of One ($1.00) Dollar grants to Speroni's Inc., a duly authorized Massachusetts Corporation, having a usual place of business at Milford Street, Medway, Massachusetts (GRANTEE), and its heirs, successors and assigns, the perpetual right and easement to construct, install, repair, maintain, replace and utilize sewer pipes, lines systems and utilities and the right to enter, pass and repass on foot and with motor vehicles and equipment to effect said purposes in an easement area as shown and depicted as "utility easement" area at the easterly end of Rustic Road, a private way, which area runs between Parcel A and Summer Street and which "Utility Easement" area is set forth and depicted on a plan by C.E.C. Land Surveyors, Inc., entitled "Plan of Land for Speroni Acres in Medway, MA" Owners: Speroni's Inc., Milford Street, Medway, MA and Summer Milford Realty Trust, Milford Street, Medway, MA, dated October 15, 1999 and recorded with Norfolk County Registry of Deeds herewith (the "PLAN"), to which plan reference is made for a more complete description.

016854

00 FEB 23 AM 9:16

PCL A LOCATED ON SOUTHERLY SIDE of MILFORD ST

This easement shall forever benefit and run with the land depicted as Parcel A on said Plan and now owned by Speroni's Inc. as more particularly described in Deed from Mary J. Speroni to Speroni's Inc., which Deed is dated December 21, 1973 and recorded with Norfolk County Registry of Deeds in Book 5007, Page 141 (said Lot A being a portion thereof).

Owen Sullivan, Trustee of Summer Milford Realty Trust ("Grantor"), further grants to Speroni's Inc., and its heirs, successors and/or assigns, the benefit of the rights and easements set forth in a sewer easement from Narducci Corp. to Owen Sullivan, Trustee of Summer Milford Realty Trust, which easement is dated June 21, 1999 and recorded at Norfolk County Registry of Deeds in Book 13574, Page 589 and Sewer Construction and Tie-In Agreement recorded with said Deeds in Book 13574, Page 593.

For Grantor's title, see Deed of Speroni's Inc. dated April 6, 1998 and recorded with Norfolk County Registry of Deeds in Book 12408, Page 109 (Being a portion thereof).

WITNESS my hand and seal this 22nd day of February, ~~1999~~ 2000

SUMMER MILFORD REALTY TRUST

by: Owen Sullivan, Trustee

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS. February 22, ~~1999~~ 2000

Then personally appeared the above-named, Owen Sullivan, Trustee aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public: Michael R Paolino

My Commission Expires: 12/1/2000

2

BK 14053 PG 297

(10)

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QUITCLAIM DEED

Narducci Corporation, a Massachusetts Corporation, having a usual place of business at 17 North Street, Medway, Massachusetts, for consideration paid of **One Million Six Hundred Seventy Thousand and 00/100 ($1,670,000.00) Dollars Grants to Dearview Properties, LLC**, a duly organized Massachusetts Limited Liability Company with an address of 26 Rutledge Road, Natick, Massachusetts **WITH QUITCLAIM COVENANTS** the property located in Medway, Norfolk County, Massachusetts described as follows:

See EXHIBIT "A" attached hereto and incorporated by reference.

This sale is not a sale of all or substantially all of the assets of the grantor and is in the ordinary course of business of Narducci Corporation.

For title see Norfolk Deeds Book 11478, Page 306 wherein the premises were granted to Narducci Corp. by error, the true name of the corporation being Narducci Corporation.

Property address: Dearview Meadows, Medway, Massachusetts

IN WITNESS WHEREOF the said Narducci Corporation has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Michael Narducci, its President and Treasurer hereto duly authorized this 17th. day of March, 2000

Narducci Corporation

By _____
Michael Narducci, President
and Treasurer as aforesaid

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss. March 17, 2000

Then appeared the above-named Michael Narducci, President & Treasurer as aforesaid and acknowledged the foregoing to be the free act and deed of Narducci Corporation, before me.

_____
Joseph J. Prudell - Notary Public
My Commission Expires: 12/20/2002

024806

00 MAR 17 AM 10:55

CANCELLED

DEDHAM
DEEDS REC #17
NORFOLK
MAR 1 2000
03/17/00 10:53AM 01
000000 #6138
FEE $7615.20
CASH $7615.20

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
BARRY T. HANNON, REGISTER

EXHIBIT A

The land with buildings thereon, if any, situated in Medway, Norfolk County, Massachusetts, described as follows:

Lots 1 and 2, Parcel A, and the fee in Kingston Lane, all shown on a plan entitled "Definitive Plan of Land – Lot Layout Plan for Dearview Meadows, Medway, Massachusetts, June 9, 1999" Applicants: Narducci Corporation, 17 North Street, Medway, Massachusetts 02053 as amended September 2, 1999, recorded with Norfolk County Registry of Deeds as Plan No. 834 of 1999 in Plan Book 471.

Premises are conveyed subject to all Drainage Easements, Sewer Easements, Buffer Zones, and Notes and Conditions as shown on said plan.

Premises are conveyed subject to a Taking by the Norfolk County Commissioners dated December 23, 1947 for the layout of Summer Street recorded with Norfolk County Registry of Deeds in Book 2734, Page 29.

Premises are conveyed subject to an Order of Conditions issued by the Town of Medway Conservation Commission May 19, 1998 recorded with Norfolk County Registry of Deeds in Book 12568, Page 196.

Premises are conveyed subject to an easement granted by Narducci Corp. to Owen Sullivan, Trustee of Summer Milford Realty Trust dated June 21, 1999 recorded with Norfolk County Registry of Deeds in Book 13574, Page 589.

Premises are conveyed subject to and have the benefit of a Sewer Construction and Tie-In Agreement dated June 21, 1999 recorded with Norfolk County Registry of Deeds in Book 13574, Page 593.

Premises are conveyed subject to a Decision on Request for Comprehensive Permit issued by the Town of Medway Zoning Board of Appeals dated March 17, 1999 recorded with Norfolk County Registry of Deeds in Book 13899, Page 400.

Premises are conveyed subject to an Affirmation Superseding Order of Conditions dated September 17, 1999 issued by the Massachusetts Department of Environmental Protection recorded with Norfolk County Registry of Deeds in Book 13899, Page 420.

Premises are conveyed subject to an Affirmation Superseding Order of Conditions dated November 10, 1999 issued by the Massachusetts Department of Environmental Protection recorded with Norfolk County Registry of Deeds in Book 13899, Page 433.

Memo

To: Susan E. Affleck-Childs, Planning Board

From: Karon Skinner Catrone, Conservation Commission

Date: September 24, 2012

RE: Donation of Open Space parcel at 61 Summer Street

This is to inform you that at the September 20, 2012 Conservation Commission meeting the Medway Conservation Commission unanimously voted to accept a land donation at 61 Summer Street as shown on the Norwood Acres Definitive Subdivision Plan.

Please feel free to contact me at 781-727-0502 if you need any further information.

Ideas for Discussion and Review Relating to Permitting and Development in Medway

Prepared by Paul Yorkis for 8/21/12 Medway Economic Development Committee Meeting - Updated 9/5/2012

Sign Regulations - ZBL	Sign technology is changing. Signs need to be of sufficient size to be seen. Figure out a way to help businesses have effective signs. Factor - size, flexibility in shape- how do we assess what comprises a sign?
Site Plan Review - ZBL	Make it simpler for smaller projects where there is an existing building already on the site.
	Specific recommendation - Eliminate the need for hiring a landscape architect to produce a landscape plan except for large projects. Concern is about financial impact on an applicant. The desire is to fit the requirement for professional services to the relative scale of project.
Fees	Look at all of the application/filing fees (PB, Conservation, BOH, Water/Sewer to see if the fees that are being charged are appropriate in terms of the amount and the actual cost of providing the
Parking Regulations - ZBL	Use SWAP Study to overhaul the parking requirements on a formula basis and to add parking for motorcycles, bicycles and to reflect customer's ability to walk to the site; It is OK to have parking lots jammed from time to time; goal is to encourage the reduction of parking and the increase in allowable building area
Drainage - Rules and Regulations	Encourage Medway to conduct a full analysis of the Town's drainage regulations across the board in comparison with other towns. Are Medway's drainage requirements overly rigorous. Medway exceeds state standards. IT would be beneficial for all development sites if the scale and size of drainage systems could be reduced with no impact on resultant water quality.
PB Requirement for ANRAD	Concerned about cost of preparing an ANRAD to the applicant. If the development site is such that the distance is more than 100 feet from a delineated wetland, why require an ANRAD? Changing this could serve as a time saver and provide cost savings to the applicant and speed up the permitting process.
Setback Requirements - ZBL	Recommend review of all setback requirements in all zoning districts. Bringing the buildings closer to the street and sidewalk creates a more friendly environment, may reduce site disturbance near environmentally sensitive areas, may create more buildable commercial and industrial space and would encourage parking behind commercial and industrial buildings as opposed to in front of. There is flexibility with an OSRD project, but is not an option for conventional subdivisions in AR1 and AR2.
Duplex by Right	Recommend changing the ZBL to allow for 2 family structures by right.
Accessory Family Dwelling Units	Recommend changing the ZBL to allow for accessory family dwelling units by right.
Mixed Use Option	Explore the exploration of a mixed use development option - mixed use means commercial, residential (detached, duplex and apartment style) and office
Outdoor Dining	Recommend changing the ZBL to allow for outdoor dining

Request for Extension of Deadline for Action by the Medway Planning & Economic Development Board

25 SEPT 2012
DATE

The undersigned Applicant (or official representative) requests an extension of the deadline for action by the Planning and Economic Development Board on the application for:

_____ANR (Approval Not Required/81P Plan)

_____Preliminary Subdivision Plan

_X_ Definitive Subdivision Plan

_____ Site Plan Approval

_____Scenic Road Work Permit

for the development project known as: NORWOOD ACRES

to the following date: 26 OCT 2012

Respectfully submitted,

Name of Applicant or official representative: WAYNE E MARSHALL

Signature of Applicant or official representative: Wayne E Marshall

****

Date approved by Planning and Economic Development Board: 9-25-12

New Action Deadline Date: October 26, 2012

ATTEST: S Affleck-Childs
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT

TOWN OF MEDWAY

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

PLANNING & ECONOMIC DEVELOPMENT BOARD
2013 MEETING SCHEDULE

The Planning & Economic Development Board generally meets on the second & fourth Tuesday evening of each month at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The dates for the Regular meetings for 2013 are as follows:

January 8 and 22, 2013
February 12 and 26, 2013
March 12 and 26, 2013
April 9 and 23, 2013
May 14 and 28, 2013
June 11 and 25, 2013
July 9 and 23, 2013
August 13 and 27, 2013
September 10 and 24, 2013
October 8 and 22, 2013
November 12 and 26, 2013
December 10, 2013

Special meetings and site visits will be scheduled as needed.
Some meetings may be rescheduled due to summer vacations and holidays.

Meeting agendas are posted outside the office of the Town Clerk on the Friday morning before the following Tuesday night meeting

Agendas may also be viewed online at www.townofmedway.org

Most meetings are televised live on Medway Cable Access – Channel 11.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

TETRA TECH

RECEIVED
SEP 13 2012
TOWN OF MEDWAY
PLANNING BOARD

CHANGE ORDER

1 Grant Street
Framingham, MA 01702
Tel: 508-903-2000
Fax: 508-903-2001

Date: September 13, 2012
TTR Project No.: 127-21583-12008
Change Order No. 1

Project: Medway-[redacted]ubdivision-Plan Review
Name: Susy Affleck-Childs
Company: Town of Medway Planning and Economic Development Board
Change Order Description: Additional Meetings and Review

NEED FOR EXTRA SERVICE:

Additional coordination and review is required for the above mentioned project due to the complexity of the sewer issue that arose during the review process. The original proposal submitted to the Client by TT provided assumptions for the number of meetings/hearings, and the number of reviews required to complete the project. These assumptions are included in the itemizations below.

DESCRIPTION OF TASKS:

1.1- Additional Meetings and Hearings- The original proposal included the participation in three meetings/hearings with the Medway Planning and Economic Development Board (PEDB) to discuss this project. At this time we have already attended five meetings and anticipate the attendance at 1 additional meeting. Assuming 3 additional meetings @1 hour/meeting@$160/hour=**$480**

1.2 – Additional Site Visit-The original proposal included one site visit to investigate existing conditions. The sewer conditions required one additioanl site visits to investigate the line from summer street through the site . Assume 1 additional site visit @ 1hour/visit@$160/hour= **$160**

1.3 – Additional Review-The sewer issue required review of casement documents and additional plans to digest the sewer issue associated with the project that was not intended in our original proposal . Assume 1 additional hour of review @$160/hour= **$160**

Change Order 1 Total - $800

CHANGES TO THE CONTRACT PRICE:

Contract Summary

Original Contract Amount = $4,111
Change Order 1 = $800
Adjusted Contract Amount = $4,911

CHANGES TO THE COMPLETION DATES:

We are prepared to begin work immediately upon authorization and receipt of a signed change order.

As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH
By: _____
David R. Pellegri, P.E.

Senior Project Manager

AGREED AND ACCEPTED FOR:
THE TOWN OF MEDWAY.
By: _____
Susan Affleck-Childs-
Medway PEDB Coordinator

Date: _____

Date Approved by PEDB: _____

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TETRA TECH

RECEIVED
SEP 13 2012
TOWN OF MEDWAY
PLANNING BOARD

CHANGE ORDER

1 Grant Street
Framingham, MA 01702
Tel: 508-903-2000
Fax: 508-903-2001

Date: September 13, 2012
TTR Project No.: 127-21583-12009
Change Order No. 1

Project: Medway-Bay Oaks Subdivision-Plan Review
Name: Susy Affleck-Childs
Company: Town of Medway Planning and Economic Development Board
Change Order Description: Additional Meetings and Review

NEED FOR EXTRA SERVICE:

Additional coordination and review is required for the above mentioned project due to the complexity of a number of issues including the safety and drainage questions that arose during the review process. The original proposal submitted to the Client by TT provided assumptions for the number of meetings/hearings, and the number of reviews required to complete the project. These assumptions are included in the itemizations below.

DESCRIPTION OF TASKS:

1.1- Additional Meetings and Hearings- The original proposal included the participation in three meetings/hearings with the Medway Planning and Economic Development Board (PEDB) to discuss this project. At this time we have already attended six meetings including 5 hearings and 1 safety meeting. We are assuming that we will NOT be required to attend future hearings for this project. Assuming 3 additional meetings @1 hour/meeting@$160/hour=**$480**

1.2 – Additional Site Visit-The original proposal included one site visit to investigate existing conditions. The drainage conditions required multiple site visits to investigate abutter claims. Assume 1 additional site visit @ 1hour/visit@$160/hour= **$160**

Change Order 1 Total - $640

CHANGES TO THE CONTRACT PRICE:

Contract Summary

Original Contract Amount = $4,111
Change Order 1 = $640
Adjusted Contract Amount = $4,751

CHANGES TO THE COMPLETION DATES:

We are prepared to begin work immediately upon authorization and receipt of a signed change order.

As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH
By: _____
David R. Pellegri, P.E.
Senior Project Manager

AGREED AND ACCEPTED FOR:
THE TOWN OF MEDWAY.
By: _____
Susan Affleck-Childs-
Medway PEDB Coordinator
Date: _____
Date Approved by PEDB: _____

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October 9, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay and Chan Rogers. Andy Rodenhiser entered the discussions after 8:30 pm.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegri, Tetra Tech Rizzo
Gino Carlucci, PGC Associates
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

ANR Plan - 34 Broken Tree Road:
The Board is in receipt of an ANR application for 34 Broken Tree Road which was completed by Paul DeSimone of Colonial Engineering.

This was submittal was for applicant Michael Curatola and Michael Sheehan.

The Board has a letter dated October 1, 2012 from Colonial Engineering, Inc. **(See Attached)**

The Board is also in receipt of a review memo commenting on the ANR Plan Submittal from Gino Carlucci, PGC Associates dated October 4, 2012. **(See Attached)**

The applicant provided revised plans indicating the zoning district and the applicable minimum lot area as had been recommended by PGC Associates.

The applicant will provide 5 copies to the Planning Board office.

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to endorse the ANR Plan for 34 Broken Tree Road as revised. (Member Gay abstained from vote)

Consultant Reports

Dave Pellegri, Tetra Tech Rizzo:
Consultant Pellegri indicated that the Applegate project is still on hold until there is a resolution in relation to the drainage. The testing results came back and everything passed.

Gino Carlucci, PGC Associates:
Consultant Carlucci communicated that he has not followed up with Brookline in regards to the sign bylaw. He will have something by the next meeting.

The next SWAP meeting will be October 17, 2012 in Franklin.

Funding for the SWAP Transit Feasibility Study was approved by Metropolitan Planning Organization (MPO).

Susy Affleck-Childs, Planning and Economic Development Coordinator's Report

There will be an Open Meeting Law workshop held on Thursday October 11, 2012 at 7:00 pm. There will be an all Board meeting to follow.

There will be a meeting of the Community Preservation Committee on Tuesday October 16, 2012. The purpose of the meeting is to discuss the Thayer house project and proposed CPA funding for it. Board members are welcomed to attend.

The Economic Development Specialist Claire O'Neil started October 1, 2012.

Public Hearing Modification to Bay Oaks Definitive Subdivision Plan:

Vice Chairman Tucker opened the public hearing on the **MODIFIED** Bay Oaks Subdivision Plan. That plan is dated August 15, 2012.

The subject parcel is an 8.78 acre site located at 104 Fisher Street.

The property owner is Andy Rodenhiser of Medway, MA.

Andy Rodenhiser is an elected member of the Planning and Economic Development Board. He will NOT participate in this public hearing as a board member. He may participate as the owner of the subject property.

For the benefit of those present in the audience, please be aware that this meeting is being videotaped, recorded and is broadcast live on Medway local cable access.

Introductions of the Board were done. It was indicated that he, Bob Tucker, is the Vice-Chairman of the Planning and Economic Development Board. I would like to introduce my fellow Board members to you. Karyl Spiller-Walsh is to my right. Chan Rogers and Tom Gay are to my left.

Also at the table with us are:

- Gino Carlucci of PGC Associates, our planning consultant
- Dave Pellegri of Tetra Tech, our engineering consultant
- Susy Affleck-Childs, Medway's Planning and Economic Development Coordinator, and

- Amy Sutherland, our meeting recording secretary. Amy takes notes of the entire meeting for the preparation of the official meeting minutes.

State law requires a municipal planning board to hold a public hearing on any proposed subdivision plan or any modification to an approved definitive subdivision plan. The public hearing usually occurs over the course of several meetings. The board must also issue a written decision regarding the plan. That decision is called a Certificate of Action and is filed with the Town Clerk.

The original Bay Oaks Definitive Subdivision Plan dated May 18, 2012 was "constructively approved" on September 3, 2012. This occurred because neither a Certificate of Action or a deadline extension were filed within 90 days of the date the original Bay Oaks subdivision application and plan were submitted to the Town on June 5, 2012.

Pursuant to that "constructive approval" the subject property is now legally divided into 4 lots.

The Planning and Economic Development Board met on September 18, 2012 and decided to initiate proceedings to amend the constructively approved Bay Oaks Subdivision Plan dated May 18, 2012.

The public notice requirements for the hearing on the modified plan have been satisfied. On September 19, 2012, a public hearing notice was sent to all owners of property located within 300 feet of the development site in both Medway and Holliston and to all parties of interest. The official legal notice for this public hearing was posted at the Medway Town Clerk's office and on the Town's web site on September 19, 2012. The legal advertisement was published in the *Milford Daily News* on September 24 and October 2, 2012.

On September 25, 2012, Town boards and departments were notified of the public hearing on the modified plan. .

The ground rules for how tonight's public hearing will proceed were covered.

1. The Board will enter into the record all of the various documents pertaining to this subdivision that it received or compiled on June 6, 2012 and after.

2. The Board will enter into the record any new information which has been prepared since its September 18, 2012 decision to initiate proceedings to modify the constructively approved plan.

3. Next, the public will have its opportunity to speak. The comments should pertain only to the modified plan dated August 15, 2012. There is no need to repeat previously provided comments. If you wish to comment or ask a question, please raise your hand. I will recognize all speakers and responders. When called upon, please come forward to the microphone, state your name and address so our recording secretary can have accurate information for the record. You may offer comments, ask questions, or read a prepared statement. If you have a prepared statement, please provide a copy to Amy.

4. After all citizens/residents and their representatives have been given the opportunity to speak, we will then move to any Town staff and representatives of other Town boards or committees. If anyone is present from Town staff, they should come forward to the microphone; state their name and which department or committee they represent. They may offer comments, ask questions and make suggestions for improvements and additional information.

5. After that, we will return to Board members for additional comments and further discussion.

Based on the information gathered and the comments we receive this evening, the Board will determine its next steps. Most likely, we will continue the public hearing to a specific future date and time that we will announce at the end of tonight's hearing.

The public was informed that the Board does not need to re-notify the abutters regarding the next public hearing date. So please take note of the date and time that will be announced. Susy will post a public hearing continuation notice with the Town Clerk. You may also call the Town's Planning and Economic Development office at any time to check on the date and time.

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to waive the reading of the public hearing notice.

NOTE – The public hearing notice is Attached.

Member Rogers communicates that this is an example of why the Massachusetts subdivision control process is so expensive and the highest in the country. This is a problem.

Susy Affleck-Childs explains that there is a draft of the decision on the modified definitive subdivision plan and the draft references all of the documents which were previously provided. This includes all the review letters, reports, consultant recommendations, public professional and citizen testimony and all information provided during the public hearings. The dates of the professional testimony were included along with reference to the departmental review comments.

The new information which will be entered into the record includes:

1. Sidewalk construction estimate prepared by Tetra Tech Rizzo dated September 19, 2012 **(See Attached)**
2. Copy of the Town Clerk's Certificate of Failure to Act dated September 25, 2012. **(See Attached)**
3. Text for page 12 of the draft decision from Consultant Gino Carlucci. **(See Attached)**
4. Letter from Attorney Deborah Batog of Gilmore Rees & Carlson dated October 5, 2012. **(See Attached)**. Ms. Batog is attorney for the Giovanella family, an abutting property owner.

Vice Chairman Tucker indicated that he did review the comments from both attorneys.

Attorney Batog began by indicating that she sent a letter as a submission in an email dated July 26, 2012 with attachments that was not listed in the decision. The letter of October 5, 2012 was noted and the only question is in regards to procedure. Were there any other cases where the Board failed to render a decision within the last year?

Susy Affleck-Childs responded that this is the first time this has happened in twelve years.

Attorney Batog wanted to know if there were any changes since the August 15, 2012 plan.

Susy Affleck-Childs responded that the plan did evolve but there were no changes on the definitive plan.

Vice Chairman Tucker communicated that the Board had two options. One option is to do nothing and let the constructive approval stand. The other option is to modify the plan and render a decision on the modified plan. The board decided as a group to proceed with option two. This discussion took place at the September 18, 2012 meeting.

Mr. Rodenhiser indicated that he was willing to extend time under the circumstances, but Counsel has said it was mute.

Attorney Batog responds that her client is not opposed to this project, but her clients want more say on the findings, waivers and conditions regarding the permanent private way and future forward concerns. She wants to look to see if there is something to be done in the Certificate of Action.

She further communicates that this Certificate of Approval raises a red flag and is suspect to begin with. She has spoken with other counsels in other towns who indicted they had advised planning boards that it may be better to not render a decision when there are abutter issues. There is case law. The project has components that raise red flags and the process has become muddied due to certain requirements. She indicated that she appreciates the Board coming back to look at this as a modification and she hopes that the conditions and findings address her client's concerns.

Member Spiller-Walsh wanted it communicated crystal clear that we do not have any abutter issues on this project. We have combed through this meticulously. Over the last 15 years, the Board has been more that squeaky clean.

Member Rogers responded that it was reopened so that your clients would be heard.

Attorney Batog noted that this is confusing to lay people who have never been in this situation. It is reflective of the statute and how it was written regards to the timeframes.

Member Rogers noted that all people are losers in this case. This is an increase in delay. He tried to get the statutes changed over the years and there is no movement to change this. It is an archaic process and what we have to put up with this.

Attorney Batog responds that it is unfortunate that the applicant was not up front with her client in the first place about purchasing the land.

Member Rogers noted that this situation make it difficult for all, the applicant, the abutters, and the Board. This is an unusual site.

Mr. Rodenhiser takes dispute with Attorney Batog's characterization about communications between him and the Giovanellas that she who was not party to. These were discussions had with the Giovanella that it was a non-buildable lot was referenced by me. If I had bought that land, I could have not added more to what is being provided. That land has no benefit to them. They were the architect to the subdivision originally by dividing the property and they did not retain frontage anywhere. It requires a road since there is no frontage. They created their own hardship. The purchase price he offered was fair if it was open space based on what it is assessed at.

Susy Affleck-Childs wanted to know if a timeframe could be provided relative to the conversation and with whom.

Mr. Rodenhiser indicated that it was the three Giovanellas in 2011.

John Giovanella responded that the timeframe of the discussion was two weeks before the abutter notices were received. Mr. Rodenhiser offered to buy the land and stated that this was a non-buildable lot along with his lot and the adjacent lot. Mr. Rodenhiser had agreed to relocate the right of way and Mr. Giovanella's father did not agree to the terms and it was relocated to lower right side. Since then, Mr. Rodenhiser did offer a low value considering they are being taxed on it as a "buildable" lot. We always had a 60 foot wide right of way and the other one to the right which is 50 foot wide. Mr. Rodenhiser communicated that he had the site flagged and we were told there were vernal pool flaggings. Mr. Rodenhiser said that the Board would never allow them to divide their land. Mr. Giovanellas said no thanks to Mr. Rodenhiser and stated if you want to give us a better offer, then we might consider it. He came back with another offer. His mother asked him what he would like to do with property. Mr. Rodenhiser commented that he loves nature and would leave it. He never said that a subdivision would be built. The next few days after our discussion, we received a letter in the mail (from the Planning Board) about the hearing. Mr. Rodenhiser called back and said go try to get it approved. It will not go through. He said that he will not let us develop.

Vice Chairman Tucker responded that Mr. Rodenhiser does not make the decisions for the Town of Medway. The conversations did take place and this gives the Board more history and he appreciates the information. He does not discredit what anyone was saying.

Attorney Batog responds that in regards to the Right of Way, Racicot owned the original right of way and then it went to Dean Cooperative Bank who then went in on an ANR with a modification. The ANR plan identifies the location of the existing driveways and cart path which burden Lot 6A. There are references about this in the paperwork she provided.

Mr. Rodenhiser responded that this is not testimony. It is what Attorney Batog thinks. Mr. Rodenhiser explains that he has title insurance and no claims came forward. This is about sour grapes and should not have any bearing on this project. The easements are protected and referenced. If the Giovanellas offered to buy land, they could have and I would have been happy to allow them to do so. They want a price for this land which is not part of this process. Mr. Rodenhiser states that his time is being wasted talking about a land deal that really has nothing to do with anything.

Attorney Batog responds that this is relevant to impeachment and the credibility or the representation of the witnesses.

Member Spiller-Walsh asks what is wrong with the credibility of the existing easements and we have gone to great lengths to make sure they are protected. Where it the contention? We have protected their easements with great care and professionalism.

Attorney Batog is concerned with the fact that the existing permanent private way is not being looking at. The Board is only looking at the extension. The extension and adequate access goes beyond and the applicant owns this and it is within his control.

Vice Chairman Tucker responds that he is not the only ownership of that.

Attorney Batog responds that the applicant has a full right to construct within the 50 ft. road. and 15 ft. slope easements on each side.

Member Spiller-Walsh responds that the Board has given more than enough time to this and has included a good summation about maintenance in the findings and it was done with clarity about what exists at the site.

Attorney Batog indicates that sidewalks could run all the way up Fisher St.

Member Gay asks Attorney Batog why you would want a boulevard to turn into a cart path.

Attorney Batog responds that this is not a cart path.

Vice Chairman Tucker responds that this has already been discussed. We need new information.

Member Rogers responds that this is an existing condition that you cannot change.

Attorney Batog indicated that this is an issue about the waivers.

Member Spiller-Walsh responds that the Board was advised by Town Counsel that the access road was outside the purview of the presentation and was not for us to consider. That all became mute upon that opinion from counsel.

The Board next discussed the draft decision which was dated October 9, 2012. **(See Attached)**

Susy noted the draft does not include minor changes that have been provided by town counsel.

The focus of the discussion will start with the sidewalk waivers. This was referenced on page 8 of the decision. The estimate for payment in lieu of sidewalk construction is $5450.00. This is for a length of 166 ft.

Vice Chairman Tucker wants to stay consistent in relation to the contingency relative to sidewalks.

Mr. Rodenhiser communicated that after speaking with his Attorney it was explained that if he has to do offsite improvement, he should construct the sidewalk on the development site. Does the Board object to blue stone versus asphalt?

Vice Chairman Tucker communicated that with the sidewalk will have to meet the ADA requirements.

Mr. Rodenhiser will speak with his engineer about the sidewalks.

Consultant Pellegri indicated that he could build with stone dust.

Attorney Batog wanted to know if the plan would need to be modified to show the sidewalks in relation to what was presented to the Conservation Commission.

Mr. Rodenhiser noted that he has no problem going to Conservation Commission for a change.

Susy Affleck-Childs recommends that the hearing is kept open to new information which might be presented.

Member Spiller-Walsh noted that adding sidewalks may have an impact on the stormwater management. This is another component. Does this become a double edge sword?

The Board next moved to discuss the fire alarm section of the decision which was referenced on page 9.

Mr. Rodenhiser would like to install early notification which goes directly to the Fire Department. This is a hard wire system.

Susy Affleck-Childs will follow-up with the Fire Department and ask.

The next section discussed was the Other Findings. Town Counsel has indicated that the first three topics are not needed as the decision pertains to the MODIFICATION.

Consultant Carlucci provided suggestions to the Other Findings section of draft Certificate of Action in a communication dated October 7, 2012. **(See Attached)**

The first item is in relation to the road ownership for lower and upper Dover Lane. The Board finds that the ownership and maintenance responsibility for both the existing and extended segmented of Dover Lane should be consolidated into a single entity.

The second item is in relation to the on-going roadway maintenance of lower Dover Lane. The Board discussed that the homeowners association is critical to ensure that sanding and plowing is performed in a timely manner.

The third item is in regards to the stormwater flow off of Dover Lane. The Board would like to see this monitored to ensure that the Fisher Street catch basins continue to function adequately and that there is not an increase in flow to properties across Fisher Street from Dover Lane.

The recommendations from Town Counsel will also be included.

The follow-up items include:
1. Fire Alarm
2. Sidewalks

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to continue the Bay Oaks public hearing until Thursday, October 18, 2012 at 7:00 pm at the Medway Senior Center.

There will be a special executive session meeting on October 30, 2012 to discuss Oak Grove. Town Counsel will be at the meeting.

Member Karyl Spiller-Walsh was excused at 8:33 pm.

<u>Bay Oaks Subdivision – Construction Services</u>
The Board is in receipt of a construction estimate from Tetra Tech Rizzo dated September 12, 2012. **(See Attached)**

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted to approve the construction estimate for BAY Oaks in the amount of $5,295.06. Member Rogers was a no vote. Mr. Rodenhiser abstained.

This vote passes.

Member Rogers noted that we need to be more conscientious about what we charge the applicants. This is absurd. We are being irresponsible.

NOTE – Andy Rodenhiser joined the meeting as a PEDB member when the public hearing on Bay Oaks was concluded for the night.

Land Gifting Guidelines:
The Board is in receipt of the revised Land Gifting Guidelines dated October 4, 2012. **(See Attached)**

The Land Gifting Guidelines were reviewed by both Susy Affleck-Childs and Consultant Carlucci. They have included more clarification and details were added.

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to endorse the land gifting guidelines with the revisions provided and with further comments offered by Jim Wieler.

Russ Santoro: Road Entry for Village Estates
The Board is in receipt of an email from Russ Santoro dated October 4, 2012.-**(See Attached)**

Mr. Santoro was present and wanted to inform the Board that he has been in communication with Jim Smith of the Medway Highway Department about the sidewalks on Village Street. Mr. Santoro would like to use concrete curbs at the entry of the street to his subdivision instead of granite curbs as presently approved and wants the Board's permission. This way the curbing would match.

NOTE – This subdivision plan has not yet been endorsed by the Board.

Consultant Pellegri agrees that this would be a preferred approach

One option is for Russ to just do this and have it show up on the as-built plan as a field change.

Susy noted this could be handled at a board meeting as a minor subdivision modification. This would not have to be a public hearing. But we could issue a memo approving the change.

It was agreed this will be put on as an agenda item for the next mtg.

Letter to Ralph Costello:
There was a neighborhood meeting on September 26, 2012 with residents of Goldernrod Drive and Cardinal Circle to discuss street acceptance for the Meadows Subdivision.

Susy reported that Tetra Tech has provided a punch list from a recent inspection.

The Board is in receipt of a draft letter to Ralph Costello from Andy Rodenhiser dated October 3, 2012. **(See Attached).** It was recommended that there be a date indicated for Mr. Costello to respond back. Susy will revise and send out.

PEDB Meeting Minutes:

September 18, 2012:
On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Planning and Economic Development Board voted unanimously to accept the minutes from August 28, 2012. (Andy Rodenhiser abstained.)

September 25, 2012:
On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Planning and Economic Development Board voted unanimously to accept the minutes from September 11, 2012. (Andy Rodenhiser abstained).

Adjourn:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

COLONIAL ENGINEERING, INC.
Surveying and Engineering

11 AWL STREET
MEDWAY, MA. 02053
(508) 533-1644
(508) 533-1645 FAX

October 1, 2012

Medway Planning Board
Medway Town Hall
155 Village Street
Medway, Ma. 02053

Re: 34 Broken Tree Road

Dear Board Members,

Our client Mr. Michael Sheehan is subdividing 3.67 acres of land located at 34 Broken Tree Road into one conforming lot with Parcel A, a non buildable lot to be deeded to the abutting owner. If you have any questions please do not hesitate to call.

Sincerely

Paul F. DeSimone GM

LAND SUBDIVISION – FORM A

RECEIVED
OCT 01 2012
TOWN OF MEDWAY
PLANNING BOARD

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

Planning & Economic Development Board - Town of Medway, MA

RECEIVED
OCT - 1 2012
TOWN CLERK

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

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

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

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.
You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.
Your absence may result in a delay in its review.

10/1, 2012

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

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

ANR PLAN INFORMATION

Plan Title: PLAN OF LAND MEDWAY MA.

Prepared by: PAUL J. DESIMONE

P.E. or P.L.S registration #: 30466 Plan Date: SEPT 26, 2012

PROPERTY INFORMATION

ANR Location Address: 34 BROKEN TREE ROAD

The land shown on the plan is shown on Medway Assessor's Map # 16 Parcel # 1

Total Acreage of Land to be Divided: 3.67 ACRES

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR-1

Frontage Requirement: 180' Area Requirement: 44,000

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

The owner's title to the land that is the subject matter of this application is derived under deed from: ROBERT SHEEHAN + MICHAEL SHEEHAN to MICHAEL SHEEHAN dated MAY 19 1999 and recorded in Norfolk County Registry of Deeds, Book 13459 Page 553 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: MICHAEL SHEEHAN // MICHAEL CURATOR

Applicant's Signature: [signature]

Applicant's Address: PO BOX 157
MEDWAY MA

Applicant's Telephone: 508 667 2713

Applicant's Email: MIKECWISE@GMAIL.COM

PROPERTY OWNER INFORMATION *(if different than applicant)*

Property Owner Name: Michael Sheehan

Address: 34 Broken Tree Rd.
Medway, MA 02053

The Owner hereby appoints _____ to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 9/28/12

[signature]
Owner's Signature

_____
Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

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

_____ 1. The accompanying plan does not show a division of land.

_____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ *(name of way(s)*, which is:

_____ a. A public way. Date of street acceptance: _____

_____ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*

_____ c. A way shown on a definitive subdivision plan entitled _____
_____
that was previously endorsed by the Planning & Economic Development Board on _____
and recorded at the Norfolk County Registry of Deeds on _____. Provide detailed recording information.

_____

_____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____
and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.

✓ 3. The division of land shown on the accompanying plan is not a *"subdivision"* for the following reasons: _____

NO NEW WAYS OR STREETS

ANR PLAN FILING FEE

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

Please prepare two checks: one for $80 and one for the balance. Each check should be made payable to: Town of Medway.

Fee approved 11-2-04

APPLICATION CHECKLIST – All items must be submitted

✓ *2 signed original ANR applications (FORM A)*

✓ *8 prints of ANR plan*

✓ *Project Explanation*

✓ *Application/Filing Fee*

****

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic Development Board: 10-1-2012

ANR Application/Filing Fee Paid: Amount: $90 $160 *Check #* 1558 1559

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

September 19, 2012

NOTICE OF PUBLIC HEARING

MODIFICATION to Bay Oaks Definitive Subdivision Plan – 104 Fisher Street
A Permanent Private Way subdivision
Tuesday, October 9, 2012

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that ***the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, October 9, 2012 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider modifications to the Bay Oaks Definitive Subdivision Plan.*** The application for approval of the Bay Oaks Definitive Subdivision Plan *(dated May 18, 2012 and prepared by GLM Engineering Consultants of Holliston, MA.)* was filed with the Town of Medway on June 5, 2012. That plan was constructively approved on September 3, 2012.

Owned by Andy Rodenhiser of Medway, MA, the subject parcel is located at 104 Fisher Street [Medway Assessors Map 26 – Parcel 20 *(formerly Medway Assessors Map 4 - Parcel 44A-6A)*]. The 8.78 acre property is located off the east side of Fisher Street in the Agricultural Residential I zoning district.

Pursuant to the constructive approval, the subject property was divided into four residential lots, one containing the existing dwelling at 104 Fisher Street plus 3 lots for new residential to be located on an extension of the existing permanent private way.

The proposed modified *Bay Oaks Definitive Subdivision Plan* is dated May 18, 2012, last revised August 15, 2012 and is on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday – Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available at the Medway Planning and Economic Development office at Town Hall.

The scope of the October 9th public hearing will pertain to various plan revisions and refinements which have been proposed and discussed during the initial public hearing process since the application and plan were first filed with the Town in June.

Telephone: 508-533-3291 Fax: 508-341-3287
planningboard@townofmedway.org

Bay Oaks Subdivision-
Sidewalk Estimate

WORK ACTIVITY		QUANTITY	UNIT	UNIT PRICE		TOTAL	COMMENTS
EARTHWORK							
Unclassified Excavation		46	CY	25.00	$/CY	1,150	
	Subtotal					**1,150**	
AGGREGATE							
Gravel Borrow		37	CY	30.00	$/CY	1,110	
	Subtotal					**1,110**	
Hot Mix Asphalt							
3" HMA		20	T	100.00	$/T	2,000	
	Subtotal					**2,000**	
LANDSCAPING							
Loam Borrow		6	CY	38.00	$/CY	228	
Seeding		36	SY	1.50	$/SY	54	
	Subtotal					**282**	
Project Summation						**4,542**	
Contingency		**20%**				**908**	
Site Total						**5,450**	
Project Total						**5,450**	

Estimate is based on the sidewalk requirements for a Neighborhood Street including a six (6) foot HMA sidewalk on one side of street (Planning Board Rules and Regulations Chapter 100, Section 7.13.2). The standard town details calls for 12' of gravel below the HMA sidewalk. We assumed that the sidewalk would run on the east side and would not include the driveway areas. The calculated length of the sidewalk for which the calculations above are based is 166 feet. We have assumed ADA ramps could be constructed with hot mix asphalt and are included in the sidewalk cost because there are no required roadway crossings.

Assume two feet of Loam and Seed installed on the side of sidewalk to transition the disturbed areas.

Unit prices are taken from the latest information provided on the Massachusetts Highway Department website. They utilize the MassHighway weighted bid prices (Combined - All Districts) for the time period 9/2011-9/2012.

MEDWAY TOWN CLERK

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

MARYJANE WHITE, CMMC
CERTIFIED MASSACHUSETTS MUNICIPAL CLERK
JUSTICE OF THE PEACE
Notary Public

RECEIVED
SEP 25 2012
TOWN OF MEDWAY
PLANNING BOARD

REF: Bay Oaks Subdivision, Medway, MA

Owner and Applicant: Andrew Rodenhiser

104 Fisher St, Medway, Ma

CERTIFICATE OF FAILURE TO ACT

GENERAL LAWS CHAPTER 41, §81V

The undersigned, being the Town Clerk of the Town of Medway, hereby certifies that on June 5, 2012, an application for Approval of a Definitive Subdivision Plan for a subdivision known as Bay Oaks was submitted by Andrew Rodenhiser to the Medway Planning and Economic Development Board. This application was filed more than 45 days after the filing of a preliminary subdivision plan. No notice of decision was filed by the Planning and Economic Development Board within the statutory period of 90 days, which expired on September 3, 2012. In accordance with General Laws chapter 41, 81U, the application for approval of a definitive subdivision plan is deemed approved due to the failure of the granting authority to take final

VI. OTHER FINDINGS

- Road ownership for lower and upper portions of Dover Lane – The Board finds that, for the purposes of efficiency and clarity of responsibility, it makes sense for the ownership and maintenance responsibility for both the existing and extended segments of Dover Lane to be consolidated into a single entity. While the Board recognizes that the co-owner of the existing segment is not a party to this application, it encourages the applicant to seek an agreement for consolidated responsibility for the entire roadway of Dover Lane.

- On-going roadway maintenance of lower Dover Lane – The Board finds that, due to an increase in usage of the existing segment of Dover Lane by at least three additional households, that adequate maintenance of that segment is critical but adequate subject to the homeowners association commitment to ensure that. in particular, sanding and plowing is performed in a timely manner to reduce the potential for conflicts created by the increased usage.

- Stormwater flow off of Dover Lane – The Board finds, after evaluation by its consulting engineer and Town officials, that the management of stormwater flow off the existing segment of Dover Lane is adequate. However, this situation should be monitored to ensure that the Fisher Street catch basins continue to function adequately and that there is not an increase in flow to properties across Fisher Street from Dover Lane.

GILMORE REES & CARLSON PC

ATTORNEYS AT LAW

DANIEL J. GILMORE (1950 - 2005)

CHRISTOPHER T. CARLSON
WILLIAM J. REES
BRUCE J. BETTIGOLE*✦
PAUL D. BISHOP
SIDNEY A. SLOBODKIN
JOSEPH D. KROPP
GARY M. HOGAN*
KATHERINE A. BOTELHO*
ROBERT J. MORRILL
LISA M. RICO** ❖ ♦

1000 FRANKLIN VILLAGE DRIVE
FRANKLIN, MA 02038
(508) 520-2200
FAX: (508) 520-2217

DEBORAH E. BATOG
JANE FISHER CARLSON
KATHERINE R. DORVAL*
BUNKER L. HIGHMARK**
BRIAN T. LIBERIS

*Also Admitted in RI
**Also Admitted in CT
❖Also Admitted in NY
♦Also Admitted in MD
✦Also Admitted in OH

October 5, 2012

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

Re: Bay Oaks Definitive Subdivision Plan-104 Fisher Street (the "Project")
Applicant/Owner: Andrew Rodenhiser (the "Applicant/Owner")

Dear Board Members:

As you are aware from my attendance at Planning Board meetings during the Public Hearing on the above Project, I represent Mrs. Joanne Giovanella, an owner of the property identified on the Town's Assessors' Map 26, Parcel 32 (herein the "Giovanella Property"). The Giovanella Property abuts the Project to the North. In addition to being an abutter to the Project, the Giovanella Property has the benefit of the following appurtenant easement rights, which burden the real property constituting the Project, including the Applicant/Owner's fee interest in the existing permanent private way running from the Project to Fisher Street:

1) 60' Right of Way as shown on the Plan recorded with the Norfolk County Registry of Deeds (herein the "Registry") in Plan Book 300, Plan No. 911 of 1982 and reserved in Deed recorded with said Registry in Book 6085, Page 480. NOTE: This Plan identifies Lot 6, which constitutes a portion of the Project, as "NOT A BUILDABLE LOT";

2) 50' Right of Way as shown on Plan recorded with said Registry in Plan Book 314, Plan No. 1035 of 1984 as expressly granted by Instrument recorded with said Registry in Book 6489, Page 606. This Right of Way runs from Fisher Street to the Giovanella Property;

3) 50' Right of Way as shown on Plan recorded with said Registry in Plan Book 373, Plan No. 1095 of 1988, which Plan is a Definitive Subdivision Plan showing Lots 6A and 6B approved by the Planning Board (herein the "Racicot Subdivision Plan"). This Right of Way runs from the cul-de-sac of the "Private Way" to the Giovanella Property. This Definitive Subdivision Plan was granted subject to a Covenant dated April 16, 1986 and recorded with said Registry in Book 8120, Page 718 (herein the "Covenant"); and

4) 50' Right of Way as shown on Plan recorded with said Registry in Plan Book 396, Plan No. 874 of 1990, which Approval Not Required Plan purports to be only a re-subdivision of the Racicot Subdivision Plan (herein the "Dean Coop ANR Plan"). The Dean Coop ANR Plan fails to show all Rights of Way, including the Right of Way as located on the Racicot Subdivision Plan. The Dean Coop ANR Plan identifies slope easements on each side of the "Private Way" and identifies the location of the existing driveway and cart path which burden Lot 6A.

In addition to the above appurtenant rights, which carry not only rights of access but the right to install utilities, my client asserts that the Giovanella Property has the benefit of rights in the existing driveway and the cart path, which burden Lot 6A, the site of the Project (as previously set forth in a prior submission to the Board via an e-mail communication with attachments to Susan Affleck-Childs, the Planning and Economic Development Coordinator, dated July 26, 2012).

Although my client is not opposed to the Applicant/Owner's development of his Property, she has the following concerns and issues:

1) The Definitive Subdivision Plan should identify all Rights of Way appurtenant to the Giovanella Property.

2) The approval of the Definitive Subdivision Plan should be conditioned upon an affirmative duty of the Applicant/Owner and subsequent grantees not to interfere or encroach upon the Rights of Way appurtenant to the Giovanella Property or interfere with the use thereof in connection with the development and construction of the Project and use thereafter.

3) The Covenant provides "11. The undersigned agrees that the land shall not be further Subdivided and shall not be further developed than as shown on Plan as two buildable lots." and "12. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.". Despite the prohibition on further development and statement that the "restrictions" are to run with the land, the Board has taken the position that the Release of Covenant and Conditions dated December 11, 1990 and recorded with said Registry in Book 9088, Page 414 effectively released the restriction, despite the absence of express language releasing "restrictions".

4) The existing permanent private way, which provides access from Fisher Street to the Project has only been paved to a width of 18' and has retaining walls situated on each side of the way. The Applicant/Owner owns a fee interest in the existing permanent private way, which has a laid out width of 50' with 15' slope easements on each side. Issues have been raised by my client and others during meetings as to whether the Project has adequate access to Fisher Street. In response thereto, the Board has stated that it is only required to review the Plan before it which is an "extension" of the permanent private way from Fisher Street. Therefore, it is not required to review the adequacy of the existing permanent private way, which is an existing condition. However, the Board's refusal to address the issue of adequacy of access over the existing permanent private way and apparent willingness to waive requirements of a neighborhood road for the Project fails to take into consideration that the Applicant/Owner as a fee owner of it has the ability to provide adequate access from Fisher Street to the Project and comply with the requirements of a neighborhood road. Further, it fails to consider that in addition to the 5 lots which would utilize the existing permanent private way and its extension, the Giovanella Property, which has consistently been taxed by the Town as potential developable land, could be subdivided in the future. If the Giovanella Property is developed in the future, the number of lots would in all likelihood only require construction of a permanent private way, yet will the Board view the project as an extension of existing permanent private way(s) or deny the application due to adequacy of access stemming from its grant of waivers from the requirements of a neighborhood road relative to this Project? The Board's granting of such waivers in the circumstances is not in the public interest nor is it consistent with the intent and purpose of the subdivision control law.

5) As the owner of the Giovanella Property, which has the benefit of rights on and over "Dover Lane", my client should be a party to any homeowner's agreement pertaining to its use and maintenance. Therefore, any approval of the Subdivision Plan for the Project should be conditioned upon the Applicant/Owner obtaining my client's express consent and approval of any agreement related to "Dover Lane".

I trust this correspondence outlining my client's concerns and issues, as an abutter and holder of rights over Dover Lane and the Applicant/Owner's property, regarding the Project shall be submitted into the record at the Public Hearing scheduled for October 9, 2012.

Very truly yours,

Deborah E. Batog
cc: Mrs. Joanne Giovanella

VI. OTHER FINDINGS

- Road ownership for lower and upper portions of Dover Lane – The Board finds that, for the purposes of efficiency and clarity of responsibility, it makes sense for the ownership and maintenance responsibility for both the existing and extended segments of Dover Lane to be consolidated into a single entity. While the Board recognizes that the co-owner of the existing segment is not a party to this application, it encourages the applicant to seek an agreement for consolidated responsibility for the entire roadway of Dover Lane.

- On-going roadway maintenance of lower Dover Lane – The Board finds that, due to an increase in usage of the existing segment of Dover Lane by at least three additional households, that adequate maintenance of that segment is critical but adequate subject to the homeowners association commitment to ensure that. in particular, sanding and plowing is performed in a timely manner to reduce the potential for conflicts created by the increased usage.

- Stormwater flow off of Dover Lane – The Board finds, after evaluation by its consulting engineer and Town officials, that the management of stormwater flow off the existing segment of Dover Lane is adequate. However, this situation should be monitored to ensure that the Fisher Street catch basins continue to function adequately and that there is not an increase in flow to properties across Fisher Street from Dover Lane.

TETRA TECH

September 12, 2012

Mr. Robert Tucker, Vice Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Construction Administration Services
Bay Oaks Subdivision
Fisher Street, Medway, Massachusetts

Dear Mr. Tucker:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Bay Oaks Subdivision located on Fisher Street. (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.

TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech Rizzo. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

Attachments

M:\SITE\DAVIDP\MEDWAY-BAY OAKS-CLERK OF THE WORK-2012-09-12.DOC

Construction Administration Budget

Bay Oaks Subdivision
Medway, MA

9/12/12

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	3	$72.00	$216.00
2	Clear & Grub (Included in Item 1)			$72.00	$0.00
3	Subgrade/Staking	1	2	$72.00	$144.00
4	Drainage System	2	3	$72.00	$432.00
5	Detention Pond (Included in Item 4)			$72.00	$0.00
6	Roof Recharge Systems	3	2	$72.00	$432.00
7	Roadway Gravel	1	4	$72.00	$288.00
8	Water System			$72.00	$0.00
9	Sewer System			$72.00	$0.00
10	Roadway Binder	1	6	$72.00	$432.00
11	Curb/Berm (N/A)			$72.00	$0.00
12	Private Utilities (N/A)			$72.00	$0.00
13	Sidewalk Base/Gravel (N/A)			$72.00	$0.00
14	Sidewalk Binder (N/A)			$72.00	$0.00
15	Sidewalk Reconstruction			$72.00	$0.00
16	Roadway Top	1	6	$72.00	$432.00
17	Sidewalk Top (N/A)			$72.00	$0.00
18	Frames and Covers/Grates (N/A)			$72.00	$0.00
19	Adjust Frames & Covers/Grates (N/A)			$72.00	$0.00
20	DMH Inverts (N/A)			$72.00	$0.00
21	Bounds	1	2	$72.00	$144.00
22	Landscape/Plantings	1	3	$72.00	$216.00
23	Roadway Sub-Drain (N/A)			$72.00	$0.00
24	Guard Rail/Fencing (N/A)			$72.00	$0.00
25	Periodic Inspections (See Note 1)	2	4	$100.00	$800.00
26	Bond Estimates	2	3	$100.00	$600.00
27	As-Built Plans	1	4	$100.00	$400.00
28	Meetings	2	2	$120.00	$480.00
29	Admin	2	1	$50.00	$100.00
	Subtotal				$5,116.00
	Expenses			3.5%	$179.06
	TOTAL				**$5,295.06**

Notes:

1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.

2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

Draft Proposed Revisions – PEDB
10/4/2012

Town of Medway

LAND GIFTING GUIDELINES

In the event that a Medway Land Owner comes forward and offers to give, gift, or donate land to the Town, the Town shall use the following guidelines:

Medway *will* consider land acceptance that:

- is in areas of interest for preservation (i.e., along riverfront/waterfront, identified in Master Plan(s)~~)~~ or Medway Open Space and Recreation Plan
- abuts or is adjacent to other ~~town owned~~ land owned by a government agency or a land trust
- can be used for public purpose (i.e., right of way, playing field, walking trail, openspace, stormwater management, affordable housing, economic development~~)~~
- is endorsed by future jurisdictional entity (i.e., Conservation Committee~~)~~, Parks Commission, Affordable Housing Trust)
- has no associated Town fees, taxes or charges which remain outstanding
- is a component of a subdivision or special permit decision of the Planning and Economic Development Board or a comprehensive permit decision of the Zoning Board of Appeals

Medway *may not* consider land acceptance that:

- is ~~an~~ a small isolated parcel with no clear public benefit
- is primarily wetlands not abutting or adjacent to other public land
- appears to be gifted simply to reduce tax burden for taxpayer with no benefit to town
- has a risk of having been contaminated in a manner that wold likely post a risk of liability to the Town

These guidelines are intended to assist the Board of Selectmen as they receive land gift requests. Due to the individuality of land parcels, each parcel request would be reviewed independently upon written receipt of offer by land owner.

These guidelines do not apply to the conveyance of land/easements for street acceptance purposes.

Susan Affleck-Childs

From: Russ Santoro [russ@addvantage.com]
Sent: Thursday, October 04, 2012 3:01 PM
To: Susan Affleck-Childs
Subject: Road Entry

I have been talking with Jim Smith of the Medway Highway Dept. about the sidewalks they were doing on Village Street. We talked about the street entry curbs from Bedelia lane to Village Street and he suggested that we use concrete curbs. They will match what is being put in ,and they stand up better in winter snow plowing. Could I use concrete curbs in the entry instead of granite curbs. I am still in the refinance process to get last paper signed, but want to accommodate the timing of town sidewalk installation, and my obvious street installation. This will also changed the driveway entrance of 272 village street,and so the new sidewalk installed will not be disturbed. Thanks for your help, Russ

TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES

TOWN OF MEDWAY
Planning & Economic Development Board

Entrusted To Manage The Public Infrastructure

October 4, 2012

Mr. Ralph Costello
Unique Homes, Inc.
503 Main Street
Medfield, MA 02052

RE: Applegate Farm Subdivision Drainage

Dear Mr. Costello,

We are writing in response to your communication dated May 22, 2012 in which you assert that the Town of Medway is responsible for addressing the "flow of storm water flooding the homes, streets and land at Virginia Road, Ellis Street, Green Valley Road and the soon to be developed land, streets and homes of the Applegate Subdivision", and for compensating you for easement costs through offsetting modifications of the Applegate Farm Subdivision Plan approval. The Town denies that it is liable to you in any manner whatsoever for the storm water drainage, storm water drainage improvements, or easements detailed in your letter.

The conveyance of stormwater through the Applegate Farm subdivision is the responsibility of Unique Homes, not the Town of Medway. The extent of the existing conditions of stormwater discharge onto the Applegate Farm Subdivision property was not fully identified nor addressed in the subdivision plan submittals you provided to the Town of Medway in late 2005. It was your responsibility to fully assess all the stormwater flows onto your property and to propose an adequate drainage design to accommodate those flows. Accordingly, the stormwater flows need to be addressed by you as the developer at this time.

Without waiving any of the Town's rights, and for purposes of settlement only, we also believe we can forge a productive partnership with you. Any actions or statements by Town officials and employees in this regard are for purposes of settlement only, and are not to be construed as an admission of any liability or admissible in any subsequent proceedings.

To date, the Medway Department of Public Services (DPS) has funded work performed by GLM Engineering Consultants, Inc. to model and design a collaborative public and private remedy to accommodate stormwater flows from Virginia Road and Ellis Street across the Applegate Farm Subdivision property to the planned retention basin. This engineering work has cost the DPS approximately $10,000.00.

Ralph Costello
October 4, 2012

To facilitate the transport of the subject storm flows in Ellis Street, the DPS by way of settlement only would agree to furnish and install materials and perform the associated improvement work within the public right-of-way on Ellis Street similar to that identified in the "Virginia Road Drainage Improvement, Medway, MA" scope of work prepared by GLM Engineering Consultants, Inc, dated February 12, 2012. This work would primarily involve an upgrade to the existing drainage infrastructure to include the installation of catch-basins, a manhole and connecting pipe work as well as all materials required for the installation of systems and roadway repair. It is anticipated that this work will not cost more than $20,000.00. The DPS is prepared to perform this work upon being notified of a signed formal agreement which clearly identifies the remedial actions expected of both the Town and you as the Developer. The DPS feels the expenditure it has already made to address this matter coupled with the investment in public infrastructure it hereby offers to make more than adequately represents the Town's financial contribution to this project partnership.

Furthermore, the DPS is supportive of relieving some of the public way construction standards previously specified in the approved Applegate Farm subdivision plan. As discussed at a recent Planning and Economic Development Board meeting, Board members have stated informally that they would be receptive to considering a modification to the Applegate Definitive Subdivision Plan that would include:

- the aforementioned changes in the stormwater design
- the addition of a drainage easement on the 4 parcels
- a reduction in the paved width of Applegate Road
- a modification to the curbing standards

We believe the adjustment of some of the construction standards would reduce your construction costs while still allowing for safe and maintainable public areas. However, as discussed at a recent meeting, the Planning and Economic Development Board members have stated informally that they are not receptive to relieving you of the sidewalk construction requirements on the north side of Coffee Street from the eastern edge of your property to Holliston Street. Please note that the Planning and Economic Development Board may not make any determinations as to any proposed modifications of the Applegate Farm subdivision plan approval until after considering all evidence presented at a duly noticed public hearing. Any statements by Board members as to proposed modifications are informal discussions only and are not binding.

Please inform the DPS at your earliest convenience if you would like to further discuss a mutually satisfactory solution in line with the above and proceed with a modification to the subdivision plan as outlined.

Tom Holder

Thomas A. Holder
Director
Medway Department of Public Services

Andy Rodenhiser

Andy Rodenhiser
Chairman
Medway Planning & Economic Development Board

October 18, 2012
Medway Planning and Economic Development Board
Medway Senior Center – 76 Oakland Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay and Chan Rogers.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

BOS Strategic Planning:
The Board is in receipt of an email from the Board of Selectmen in regards to a meeting which will be held on Thursday, October 25, 2012 at 7:00 pm. The purpose of the meeting will be strategic planning. Department managers have been asked for suggestions/recommendations.

The Chairman wanted to know why the Board of Selectmen is not executing the Medway Master Plan (2009). There was a tremendous effort put into creating that document.

The Board was in agreement that the Board of Selectmen should work toward implementing the existing Medway Master Plan since was voted on at town meeting.

It was also noted that there are a number of Committees which have accomplished many things.

Susy will write a letter with the recommendations.

Member Rogers communicated that the Board of Selectmen has shown a lack of activity with what is going on in town. One example of this is with the Street Acceptance, they do not understand the process.

Public Hearing Continuation - Modification to Bay Oaks Definitive Subdivision Plan:

Andy Rodenhiser sat in the audience as the applicant.

Vice Chairman Tucker reopened the public hearing.

The Board reviewed the revised draft Certificate of Action dated October 11, 2012. **(See Attached)**

Susy Affleck-Childs informed all that the draft included comments from Town Counsel. She also distributed an email from Town Counsel dated October 9, 2012 in response to Attorney Deborah Batog's written communication dated October 5, 2012.

Susy noted that additional language was added to Item # 7 of the draft decision - that the Board decided to hold a public hearing to modify the constructively approved plan. In particular, the Board considered the plan dated August 15, 2012.

Included to the list of documents noted in the decision will be added an email communication from Attorney Deborah Batog dated July 26, 2012. **(See Attached).**

It will also be noted that both Attorney Costa and Attorney Batog were in attendance at the October 18, 2012 meeting.

There was a document presented by Mr. Rodenhiser. **(See Attached).** The Board did not have a copy of this prior to the meeting since it was presented this evening. This document is from Middlesex Savings Bank and pertains to the release of parcels 2, 3 and 4 from the mortgage. This essentially indicates their permission that they are comfortable with the plan modification.

Mr. Rodenhiser communicated that he did speak again with Mr. Reed in regards to the Homeowners Association. Mr. Reed is not saying that he is in favor or opposed. Mr. Reed is changing attorneys.

Town Counsel has noted that there is nothing within the requirements that the developer obtain the abutter's consent to the Homeowner's Association.

The Board continued discussing the draft Certificate of Action and more specifically page 10 which is in relation to the payment in lieu of sidewalk construction. The amount indicated is $5,450.00.

Mr. Rodenhiser does not want to burden this any further. This will cost more time to review.

Attorney Costa commented in relation to another one of the conditions pertaining to the payment of consultant fees. This is within the general conditions and is indicated under item #2. This is unusual since Mr. Rodenhiser already has constructive approval. It came as a surprise that there will be an additional fee for this. The amount of those fees is about $5,000. His request is for a reduction in the sidewalk fee or fund. He is not aware of anything in the regulations which references constructive approval where applicants would be required to paying additional fees for consultants. These fees were not anticipated.

Member Rogers wanted to discuss the whole issue with sidewalks. He does not think the applicant needs to provide sidewalks. He does not feel it is necessary to provide sidewalks. The Planning Board has this discretion. The whole neighborhood has character without sidewalks. He sees no reason to have sidewalks there. It would cost $100,000 to change the width of the road to include sidewalks. The Board has the discretion to make this determination.

The payment for the sidewalk was based on 166 feet and the standard width for the sidewalk. This was based on the estimate provided by Tetra Tech at the last meeting.

Attorney Costa responded that the applicant did request a waiver and it is truly seeking a waiver and but it is seeking something else. A donation in this amount is unusual in fact if the Board requires spending it elsewhere, why not spend it on your own development. This is unusual since it is a waiver.

Susy Affleck-Childs responds to Attorney Costa that she appreciates that it is a bit unusual but it has been a practice in the Town of Medway to include a donation as an option. This is part of our policies and is within the Rules and Regulations and has been in place for a good number of years. This could be revisited at another time by the Board.

Vice-chairman Tucker responded that the Board has always pushed for consistency for all applicants. All applicants are treated fairly and equally.

Attorney Costa further explains that this is a unique situation since this is a constructive approval with a modification. There have been additional costs placed upon his client due to an error on the Board's part. This is at no fault of his client. The Attorney is asking to reduce the sidewalk payment.

Member Spiller-Walsh asked what would he consider to be a good will reduction or donation to the Town of Medway.

Attorney Costa responded that it is difficult in this situation but he asks the Board to do what they think is fair. If this had been wrapped up as it should have, there would not have been no additional costs to Mr. Rodenhiser for additional outside consultants.

Member Spiller-Walsh does not think that the applicant is entirely without fault as well. It is a mutual fault and unfortunate situation.

Attorney Costa indicated that the applicant followed the process and the Board did not take action as it should have. His client has been patient through this process. The Board missed the deadline. There have been additional costs for the applicant.

Member Rogers indicated that he believes the Board has really stuck it to Mr. Rodenhiser. The Board has redone this to the benefit of the abutters. This has cost him several thousand dollars. This goes on his pocketbook.

The Board wants to have Susy review what the actual amount of money involved and come up with a dollar amount.

Vice-Chairman Tucker responded that the Board needs this information prior to closing the hearing.

Member Spiller-Walsh communicated that the Board could reduce up to that amount and she is willing to do this.

Attorney Batog communicated that by the Board's failure to act is prejudicial for her client since the constructive approval is not appealable. It is her job to make sure her client's rights and easements

are protected in the future and not prejudicing her clients for future use. The failure to act was not to the abutter's benefit either. The abutters have had to pay for her services. This was not to their benefit and nor did they want to delay the process. The abutter's intentions were to make sure it is developed to protect her clients' interests. The modification was not to her client's benefit. Her applicant has had to incur additional fees.

Susy Affleck-Childs indicated that the Board initiated the modification process as a benefit to the abutters.

Attorney Costa wanted to know what does this mean in regards to the hearing, process and timing. Is this something that can be voted on tonight or does the Board needs to keep this hearing open?

Susy Affleck-Childs indicated that there is a meeting scheduled in three days.

Vice-chairman Tucker wants to see the correct numbers first before closing the hearing.

Member Spiller-Walsh noted that this could be a contingency.

Susy Affleck-Childs responds that she wants to look at the consultant expenses pre-constructive approval and post. The language of this need to be specific.

Susy Affleck-Childs spoke with the Fire Chief and he is not comfortable with Mr. Rodenhiser wanting to set up a private alarm system to tie into the fire station directly. The Fire Chief is not set up to handle this administratively. The response of the Fire Chief was forwarded to the applicant. The recommendation was to have the $1,000 payment to the fire alarm fund.

Member Gay communicated that it is important to go back and check the dates on the consultant fees.

Vice-Chairman Tucker wants to do this right and we do not have the information in front of us.

Susy Affleck-Childs will provide the numbers to the Board prior to the next meeting.

The applicant also requested the numbers prior to the next meeting.

Susy Affleck-Childs will put this together is a memo.

The Board then reviewed Page 12 of the draft decision. There were two grammatical errors which were referenced and corrected in the Findings section.

The Board next reviewed the specific conditions.

It was recommended to rework item #15 to address the options.

Attorney Costa has concerns that some of the conditions require the applicant to expend additional funds before revenue is coming in. For example Item #4 notes that the applicant shall provide a

proposed Home Owner's Association before plan endorsement. The applicant will not be ready to provide copies of the deeds, these are not even built. These will not be conveyed for some time.

Susy Affleck-Childs communicates that she appreciates Attorney Costa's perspective. This is the standard language the Board uses. There are certain points in the process where we have a lever to collect money and provide oversight. We do not have a way to enforce the issues when needed. For example, if a cease and desist is issues. We are not set up well to do this. It is our standard practice with private way to get these documents up front. She is not comfortable deviating from the practice.

Vice-Chairman Tucker indicated that we have a consistent way of doing business.

Vice-Chairman Tucker wants to push consistency for all.

Member Gay responds that the rules we have right now are the rules we have right now and the Board must follow those.

Member Rogers communicated that this is ironic that Massachusetts has the highest cost of homes in country. He wants to reduce the cost. The applicant is stuck with all this additional costs which is added to the cost of each lot. Massachusetts is doing well with keeping people and here we go with adding costs to our Chairman. This is a sad situation and we hold on to old colonial laws. All other states can get permit for what is legally done with no added costs.

Continuation Date for Public Hearing

NOTE - Member Gay will not be able to participate remotely on October 23, 2012.

On a motion made by Tom Gay and seconded by Karyl Spiller –Walsh, the Board voted unanimously to continue the hearing for until October 23, 2012 at 7:15 pm at Medway Town Hall.

Mr. Rodenhiser asked Mr. Gay if the Board is to determine a reduction in the sidewalk fee, does he have an opinion on this.

Member Gay responds that the Board needs to balance the dates and when the increased estimates were added. Make sure a balance is struck with all dates and times in relation to when the constructive approval came. He agrees in principal with the reduction.

Susy Affleck-Childs will give Tom the numbers and he will respond back.

OTHER MATTERS

Susy noted a request from Tom Gay to participate remotely for the October 30, 2012 meeting re: Oak Grove with Town Counsel and the Assessor due to out of town travel. Vice-chairman Tucker approved the request.

Continued discussion on request from BOS for ideas for long term strategic planning.

Susy noted several of her priorities – larger municipal building, linked trail, capitalizing on the Charles River.

Tom Gay noted that there could be a single school facility for most of the elementary grades and move more population to the middle school. McGovern could be vacated and used as a town hall. There are a lot of opportunities at this site. The Facilities Management Committee did discuss this. The school population is going down and there is square footage that the school does not need.

Adjourn:
On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village ST
Medway, Massachusetts 02053

Revised Draft – October 11, 2012
(includes Town Counsel edits)

CERTIFICATE OF ACTION
BAY OAKS – A PERMANENT PRIVATE WAY
MODIFIED DEFINITIVE SUBDIVISION PLAN
(_____ with Waivers and Conditions)

Location:	104 Fisher Street
Assessors' Reference:	Map 26 - Parcel 20 *(formerly Map 4-Parcel 44A-6A)*
Parcel Size:	8.78 acres
Name/Address of Applicant:	Andrew Rodenhiser 104 Fisher Street Medway, MA 02053
Name/Address of Property Owner:	Andrew Rodenhiser 104 Fisher Street Medway, MA 02053
Engineer:	GLM Engineering Consultants, Inc. 19 Exchange Street Holliston, MA 02053
Land Surveyor:	Joyce Hastings GLM Engineering Consultants, Inc. 19 Exchange Street Holliston, MA 02053
Plan Dated:	May 18, 2012, last revised August 15, 2012
Zoning District:	Agricultural Residential I
Street Name:	Dover Lane

DISCLOSURE

The applicant, Andrew Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with both Medway Town Counsel Barbara Saint Andre of Petrini and Associates and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed preliminary subdivision plan, during the hearing on the proposed definitive subdivision plan and during the hearing on the modification to the plan. He departed the Board table and sat in the audience as is customary for all applicants during a public hearing.

2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining four PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci, Engineering Consultant David Pellegri and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 24, 2012 public hearing.

I. PROJECT DESCRIPTION: The *Bay Oaks Definitive Subdivision Plan* dated May 18, 2012, last revised August 15, 2012, shows four residential house lots on an 8.78 acre parcel of land located at 104 Fisher Street, a Medway Scenic Road, in the Agricultural Residential I zoning district. The subject parcel is set back approximately 270 feet from Fisher Street and is presently owned by Andrew Rodenhiser of Medway, MA. The site includes one existing single-family house, Mr. Rodenhiser's residence, which will be retained on the newly created *lot #4*. The site is presently accessed from Fisher Street via an existing permanent private way that is owned jointly by Andrew Rodenhiser and abutting property owner Robert Reed (106 Fisher Street). They presently share the use of and maintenance responsibility for that access road.

The Bay Oaks subdivision includes construction of an approximately 170' linear foot long and 18' wide paved extension of that existing private roadway to provide access and legal frontage for 3 additional house lots. The existing private way and its extension will be known as Dover Lane. The project includes the installation of private wells and private septic systems and stormwater management facilities to comply with Massachusetts Department of Environmental Protection (DEP) stormwater management requirements. A portion of the site is in a Wetlands Resource Area.

II. PROCEDURAL SUMMARY:

1. On June 5, 2012, the Planning and Economic Development Board received an application for approval of the *Bay Oaks Definitive Subdivision Plan*, dated May 18, 2012 prepared by GLM Engineering of Holliston, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed in July, August and September 2011. The Board issued a Preliminary Subdivision Plan Certificate of Action on September 27, 2011.

3. On July 10, 2012, the Board commenced a public hearing on the May 18, 2012 plan. The public hearing was duly noticed in the *Milford Daily News* on June 25 and July 3, 2012. Notice was posted with the Medway Town Clerk on June 14, 2012 and was sent by *Certified Sent* mail on June 18, 2012 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest. The public hearing was continued to July 24, August 14, and August 28, 2012 when it was closed. During the course of the public hearing, the plan was modified twice; the first modification was dated July 31, 2012 and the second dated August 15, 2012.

4. On September 3, 2012, the May 18, 2012 plan was "constructively approved" as the Board did not file a decision or a deadline extension with the Town Clerk within ninety days of the June 5, 2012 application submittal date.

5. On September 18, 2012, the Board voted to initiate a process to amend or modify the constructively approved Bay Oaks subdivision plan dated May 18, 2012.

6. On September 25, 2012 the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed modification of the constructively approved *Bay Oaks Definitive Subdivision Plan*.

7 On October 9, 2012, the Board commenced a public hearing on the proposed modification of the constructively approved plan. In particular, the Board considered the plan dated August 15, 2012. The public hearing was continued to October 18, 2012 when it was closed.

8. The public hearing was duly noticed in the *Milford Daily News* on 9/24/12 and 10/2/2012. Notice of the public hearing was posted with the Medway Town Clerk on 9/19/2012 and was sent by *Certified Sent* mail on 9/19/2012 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest

9. All members voting on this Certificate of Action were present at all sessions of the public hearing on the modified plan. [or have provided a certification pursuant to General Laws c. 39 section 23D].

III. PUBLIC HEARING SUMMARY: The public hearing and Board review of the proposed modification of *Bay Oaks Definitive Subdivision Plan* was conducted on October 9, 2012 and October 18, 2012. In addition, public hearings on the original Bay Oaks Definitive Subdivision Plan were conducted over the course of _____ Planning and Economic Development Board meetings in June, July and August 2012 during which substantive information was presented and evaluated. The plan

and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in July 2011.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board since June 6, 2012. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc. dated May 18, 2012
Revised -July 30, 2012
Revised -August 15, 2012

Stormwater Report Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc.
Dated May 18, 2012
Revised - July 30, 2012

Storm Water Pollution Prevention Plan/Bay Oaks Subdivision – GLM Engineering Consultants, Inc.
Dated July 29, 2012

Request for Waivers from Subdivision Rules and Regulations – GLM Engineering Consultants, Inc.
Revised - August 15, 2012

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech
July 2, 2012 letter
August 8, 2012 letter
August 20, 2012 letter

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
July 5, 2012 letter
July 13, 2012 letter
August 9, 2012 letter
August 23, 2012

Supplemental Information Provided By Applicant's Consultants

AASHTO Road Standards – *Lane Width: Flexibility in the AASHTO Guidelines* from a **Guide for Achieving Flexibility in Highway Design.**

Letter from Rob Truax, GLM Engineering, dated 7/30/2012 re: proposed mitigation measures

Letter from Rob Truax, GLM Engineering, dated 7/30/12 re: response to review comments from Tetra Tech (7/2/12), PGC associates (7/5/12), Medway Police (7/23/12) and additional comments from PEDB members and abutters as expressed at the public hearings.

Letter from Rob Truax, GLM Engineering, dated 8/15/2012 re: revised stormwater drainage calculations

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

Bay Oaks Preliminary Subdivision Plan *Certificate of Action* dated September 28, 2011 and filed with the Town Clerk on the same date.

Drawing dated 7/18/12 from Jimmie Smith, Medway Department of Public Services; drawing depicts location of stormwater facilities in Fisher ST and Stone End RD in the vicinity of the subject parcel

Land Transaction Chronology of 104 Fisher ST dated July 13, 2012 with associated Attachments A – M (deeds, plans, etc.) NOTE – Chronology prepared by Susan Affleck-Childs, Medway Planning and Economic Development Coordinator.

Photograph received September 23, 2011 showing Dover Lane with vehicles passing

Sidewalk Construction Cost Estimate prepared by Tetra Tech Engineering dated September 19, 2012.

Certificate of (Planning Board) Failure To Act issued by Medway Town Clerk Maryjane White, 9-25-12.

Citizen/Resident/Abutter Letters

Email communication dated July 26, 2012 (with attachments) from Attorney Deborah Batog of Franklin, MA on behalf of Joanne Giovanella, an abutting property owner to the project.

Email communication dated August 9, 2012 from Ed Duggan, 59 Fisher ST

Letter dated October 5, 2012 from attorney Deborah Batog of Franklin, MA on behalf of Joanne Giovanella, an abutting property owner to the project.

Citizen/Resident Testimony

Robert Reed, 106 Fisher Street – 7/10/12, 8/14/12

John Giovanella, 44B Fisher Street – 7/10/12, 7/24/12, 8/14/12

Katherine Presswood, 92 Fisher Street – 7/10/12

Krista Digregorio, 108 Fisher Street – 7/10/12

Trisha Letson, 97 Fisher Street – 7/24/12, 8/14/12

Chris Giovanella, 48 Fisher Street – 7/24/12

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA – 7/10/12, 7/24/12, 8/14/12 & 8/28/12

David Pellegri, P.E., Tetra Tech – Framingham, MA - 7/10/12, 7/24/12, 8/14/12 & 8/28/12

Rob Truax, GLM Engineering Consultants, Inc. – Holliston, MA - 7/10/12, 7/24/12, 8/14/12 & 8/28/12

Attorney Deborah Batog of Gilmore, Rees & Carlson, P.C. - Franklin, MA (*for the Giovanella family*) – 7/10/12, 7/24/12, 8/28/12, 10/9/12,

Letter dated July 19, 2012 from Attorney Jay Aframe of Worcester, MA (*for the applicant, Andy Rodenhiser)*

Attorney Scott Sinrich of Worcester, MA *(for the applicant, Andy Rodenhiser)* – 8/28/2012
Town Counsel Barbara Saint Andre, Petrini and Associates of Framingham, MA *(for the Town of Medway)* – 8/14/12

Attorney Adam Costas/Mark Bobrowski of _____, MA (for the applicant, Andy Rodenhiser) 10/18/12.

Medway Departmental/Board Review Comments

Memorandum dated July 2, 2012 from Stephanie Bacon, Health Agent, on behalf of the Board of Health

Memorandum dated July 23, 2012 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Memorandum and map dated July 23, 2012 from Will Naser, Medway Principal Assessor

Letter dated July 26, 2012 from Jeff Lynch, Medway Fire Chief

Email communication dated August 20, 2012 from Conservation Commission chairman David Travalini.

The Board is also in receipt of confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

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

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

***SECTION 7.7.2 STORMWATER MANAGEMENT* – (m)** *Side slopes for stormwater detention basins/facilities shall be no steeper than three (3) horizontal to one (1) vertical.*

FINDINGS - The applicant has proposed a waiver to allow for a two to one slope on the side slopes of the detention basin. The basin is relatively small and shallow. Requiring a three to one slope will necessitate more clearing of natural vegetation and disturbance to the topography. Due to the small size of the basin, the PEDB finds that a two to one slope is acceptable.

****

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

FINDINGS - The applicant has proposed installing the stormwater management facilities within the layout of the private roadway extension. The roadway layout is a separate parcel from the house/building lots and the PEDB has allowed detention basins to be located within the roadway layout of other private way subdivisions. Therefore, the location of the stormwater facilities within the roadway layout is acceptable.

****

SECTION 7.9.1. STREETS AND ROADWAYS – Location

e) *The Board may authorize permanent private ways for subdivisions of up to three (3) lots/dwelling units.*

f) *Neighborhood Street construction standards are to be used for subdivisions of up to five (5) lots/dwelling units.*

FINDINGS - The applicant proposes to divide the subject property into four house lots. A street serving a four lot subdivision would be categorized as a Neighborhood Street and would be expected to become a Town accepted street. However, the existing access to the subject parcel is provided by a paved, permanent private roadway; the right of way for that existing roadway is 60' wide by about 410' long from Fisher Street. Access and frontage for the new house lots will be created by extending that private way northeasterly into the property for an additional 230' which results in a combined right of way length from Fisher Street of 640 linear feet. By necessity, the roadway extension must also be a permanent private way. Because of this unusual circumstance, the Board finds it acceptable to designate the roadway extension as a Permanent Private Way for purposes of the roadway construction standards instead of as a Neighborhood Street.

****

SECTION 7.9.6 b) DEAD-END STREETS (Length) – *The maximum length of a dead end street shall be 600' as measured along the centerline of such street from the centerline of the intersecting through street into the dead end road. In the case of a group of connected streets . . . no point along the centerline of any dead end street shall exceed 600' measured from the centerline of the intersecting through street.*

FINDINGS - The full length of the layout of the Dover Lane right-of-way from the centerline of Fisher Street to its "new" end is approximately 657 linear feet. While the end of the right-of-way is shown as a bulb to create sufficient frontage for the house lots, the paved length of Dover Lane from Fisher Street to the point where the roadway splits into what are essentially driveways to Lots 3 and 4 is just over 600 feet, and the beginning of each driveway within the right-of-way forms the hammerhead. Therefore, this minor deviation from the 600-foot standard is acceptable.

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SECTION 7.9.6 d) & e) DEAD-END STREETS (Turnaround Design) *– To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief. Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround with a perimeter diameter of one hundred feet shall include a twenty-four foot diameter center landscaped island (for use on a Neighborhood Street); 2) A hammerhead or T-shaped turnaround (for use on a Permanent Private way).*

FINDINGS – The applicant has proposed the use of a hammerhead turnaround. As noted in the regulation, hammerhead turnarounds are allowed on permanent private ways. Since this roadway is by necessity a permanent private way, the hammerhead design is acceptable. More importantly, the Fire Chief has reviewed the plans and does not object to the hammerhead design as long as the turning radius is sufficient for fire apparatus. The use of a hammerhead turnaround instead of a center island cul-de-sac will also reduce the amount of impervious area and site clearing.

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SECTION 7.9.7 g) ROADWAY CONSTRUCTION Width - *. . . . The minimum width of the roadway pavement shall be Twenty Feet (20') for a Neighborhood Street.*

FINDINGS – The applicant proposes that the road extension for Dover Lane be paved at an 18' width which is 2' less than the Neighborhood Street standards. However, the 18' paved width is consistent with the Town's standards for a Permanent Private Way. The reduced pavement width will result in more extensive preservation of the highly wooded setting and minimize site impacts. The 18' paved width is also consistent with the width of the existing Dover Lane permanent private way which accesses the subject parcel. It would serve little purpose to have a short extension be wider than the majority of the roadway. Furthermore, Fisher Street as paved varies in width but is generally no wider than 17'.

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SECTION 7.10.2 CURBS AND BERMS *– Sloped granite edging shall be provided along each side of the full length of a Neighborhood Street.*

FINDINGS – The applicant proposes to eliminate curbing/edging along the edge of the proposed roadway extension to allow for the use of a country drainage swale for low impact stormwater management purposes. Eliminating the curbing and super-elevating the roadway is necessary to accommodate the low-impact drainage system. This will result in reduced site impacts. The Board and its Consulting Engineer have reviewed the proposal and find it to be acceptable.

****

SECTION 7.13.2 SIDEWALKS *– Sidewalks (for a Neighborhood Street) shall extend the full length of the street and shall have a paved width of six feet on one side – hot mix asphalt with a minimum four-foot grass strip.*

FINDINGS - The applicant proposes to not install sidewalks on the planned roadway extension. Not constructing sidewalks will reduce site impacts and will allow for stormwater runoff from the roadway

to disperse into the swale along the roadway. The existing roadway which accesses the subject parcel does not include sidewalks. Consideration was given to adding sidewalks to the existing roadway. However, the existing topography and roadway with its retaining walls on both sides would make adding such a sidewalk not feasible. Therefore, providing sidewalks on the extension would serve little purpose. In lieu of constructing sidewalks, the applicant, within thirty days of the sale of the first house lot, will make a contribution in the amount of $5,450 to the Town's Sidewalk Fund for the purpose of building sidewalks elsewhere in the community or the applicant will construct 166linear feet of sidewalk elsewhere in the community as may be approved by the Medway Department of Public Services. This is specified in Special Condition #15.

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SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system. Therefore, the Board finds this waiver to be acceptable subject to a condition that the applicant shall make a $1,000 payment in-lieu of installing the fire alarm system as has become the standard practice. Such payment shall be directed specifically into a Fire Department fund to be used exclusively toward the cost of a new fire alarm system for the community. This is specified in Special Condition #14.

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SECTION 7.19.2 – TREES AND SLOPE STABILIZATION *- Top enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40') intervals . . . .*

FINDINGS – The applicant does not propose to plant additional street trees on the house lots. The site is already heavily wooded and the applicant has provided a landscaping plan for the area where the roadway splits off to become driveways for Lots #3 and #4. The Board finds that this is an acceptable substitute.

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MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands, woodlands and other natural resources.

4. *Payment in lieu of sidewalk construction . . . . . to be determined.* Specific Condition #14.

5. The applicant shall make a payment of $1,000 to the Town of Medway Fire Department Fire Alarm Capital Fund in lieu of installing a fire alarms system for the subdivision. Specific Condition #15.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, 2012, a motion was made by _____ and seconded by _____ to _____ the above noted Waiver Findings. The motion was _____ by a vote of ___in favor ( ) and ___opposed ( ).

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, 2012, a motion was made by _____ and seconded by _____ to _____ approve the above noted Mitigation Plan. The motion was _____by a by a vote of ___in favor ( ) and ____ opposed ( ).

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ 2012, a motion was made by _____ and seconded by _____to _____the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor ( ) and ___ opposed ( ).

V. PROJECT EVALUATION CRITERIA

– Before taking action on the MODIFIED Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision modification according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ a motion was made by _____and seconded by _____to _____ the Project Evaluation Findings noted below. The motion _____by a vote of ___ in favor ( ) and __ opposed ( )

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

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

FINDINGS – The Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient. During the hearing, concern was expressed about the safety of the existing access roadway (Dover Lane), more specifically its 18-foot width with retaining walls on both sides, for use by three additional property owners.

However, photographic documentation was presented that two SUV's could pass one another safely. Moreover, the conditions were reviewed by both the Fire Chief and Police Safety Officer and the Town's consulting engineer. Signage was recommended to warn drivers to watch for pedestrians and has been incorporated into the plan. Also, it was represented by the applicant that he and Robert Reed of 106 Fisher Street, the other owner of Dover Lane, have jointly and successfully maintained the existing roadway for many years. Furthermore, as noted in Specific Condition #4, the required Bay Oaks Home Owners Association documents will include provisions for maintenance and upkeep of the roadway and drainage system.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. The new houses will use private wells and septic systems approved by the Board of Health, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.

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

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected. Stormwater management has been adequately addressed. There will be an increase of only three single-family houses to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

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

FINDINGS – The Board finds that the proposed roadway as well as the existing roadway leading to the subdivision are adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic. The roadway extension shown on the plan will be built according to the Board's construction specifications for a permanent private way. The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer.

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

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

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

VI. OTHER FINDINGS

- Road ownership for lower and upper portions of Dover Lane – The Board finds that, for the purpose of efficiency and clarity of responsibility, it makes sense for the ownership and maintenance responsibility for both the existing and extended segments of Dover Lane to e consolidated into a single entity. While the Board recognizer that the co-owner of the existing sement of Dover Lane is not a party to this application, it encourages the applicant to seek an agreement for consolidated responsibility for the entire roadway of Dover Lane.

- On-going roadway maintenance of lower Dover Lane – The Board finds, that due to an increase in the usage of the existing segment of Dover Lane by at least three additional households, that adequate maintenance of lower Dover Lane is critical. The Bay Oaks Homeowners Association will commit to ensure that, in particular, sanding and plowing is performed in atimely manner to reduce the potential for conflicts created by the increased usage.

- Stormwater flow off of Dover Lane – the Board finds, after evaluation by its consulting engineer and Town officials, that the management of stormwater flow coming off the existing segment of Dover Lane is adequate. However, the situation should be monitored closely to ensure that the Fisher Street catch basins at the bottom of Dover Lane continue to function adequately and that there is not an increase inflow to properties across Fisher Street from Dover Lane.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____ and seconded by _____to modify the ***Bay Oaks Definitive Subdivision Plan***, prepared by GLM Engineering, dated May 18, 2012, as constructively approved on September 3, 2012, as shown on the last revised plan dated August 15, 2012, and further to modify the approved plan by imposing the Specific and General Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.

SECTION 7.7.2 m) and p) Stormwater Management
SECTION 7.9.1 e) and f) Streets and Roads
SECTION 7.9.6 b), d) and e) Dead End Streets
SECTION 7.9.7 (g) Roadway Construction
SECTION 7.10.2 Curbs and Berms

SECTION 7.13.2 Sidewalks
SECTION 7.17.1 Fire Prevention and Protection Measures
SECTION 7.19.2 Trees and Slope Stabilization

The motion was _____by a vote of ____in favor ( ) and ___opposed ( ).

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

A. Specific Conditions

1. This subdivision of the subject property is authorized for no more than four residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these four lots is allowed.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three years of the date of endorsement of the plan.

3. Prior to plan endorsement, the plans dated August 15, 2012 shall be further revised to include the following references:

   - A note shall be added to all plan sheets indicating that the plan is subject to this *Certificate of Action* which shall be recorded with the Plan at the Norfolk County Registry of Deeds.

   - a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision*

   - Fisher Street pavement width shall be indicated.

   - A note shall be added to the plan that brush will be cleared on the east side of Fisher Street on either side of the bottom of Dover Lane to the satisfaction of the Police Safety Officer.

   - A note shall be added to the plan that trees remaining along the proposed roadway shall be clear of any branches from the approved grade level to a point seven feet above finish grade.

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

   - Snow storage areas shall be shown on the plan.

3. *Ownership of Dover Lane extension* - The extension of Dover Lane depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Bay Oaks Homeowners Association to own the roadway extension. The Association shall ultimately maintain the private roadway parcel including but not limited to snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.

4. *The Bay Oaks Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Bay Oaks Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1, 2, 3 and 4 (and may include provisions for membership by the owner of the present 106 Fisher Street (*Medway parcel 26-019*) and 0-R Fisher Street *(Medway parcel 26-032)*, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the Dover Lane including but not limited to snowplowing and sanding and the stormwater management system. The documents shall specify that the costs shall be divided equitably among the members.

5. The Applicant shall specifically reserve to itself ownership of the fee in the extension of Dover Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and the drainage easements to the Bay Oaks Homeowners Association prior to the sale of the last lot.

6. Prior to plan endorsement, the applicant shall review the turning radii at the driveways with the Fire Chief and provide the Board with a written determination from the Fire Chief that the planned radii are sufficient to accommodate the Town's largest fire apparatus, or the plan shall be modified to make it acceptable.

7. The existing addresses for 104 and 106 Fisher Street will be changed to Dover Lane addresses as specified by Medway Fire, Police and Assessing officials.

8. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Bay Oaks subdivision* – The future owners of lots 1, 2, 3 and 4 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* to be reviewed and approved by Town Counsel and the

Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* shall include language regarding the installation of light posts for each lot, the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Dover Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to the MODIFIED definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Bay Oaks Subdivision.*

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Dover Lane and all drainage easements shown on the plan to the Bay Oaks Homeowner's Association, for review, comment, amendment and approval by Town Counsel.

12. *Document/Plan Recording* – Within thirty days of recording the endorsed MODIFIED definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Bay Oaks subdivision,* any articles of association establishing the Bay Oaks Homeowner's Association, with the Norfolk County Registry of Deeds, 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.

13. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of the existing Dover Lane and its extension and all related stormwater management facilities throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to the Bay Oaks Homeowners Association.

14. The applicant shall make a payment of $1,000 to the Medway Fire Department Fund to be used exclusively toward the cost of a new fire alarm system for the community. Said payment shall be made before the last house lot is conveyed.

15. The applicant shall make a payment of $5,450 to the Town of Medway Sidewalk Fund for the purpose of building sidewalks elsewhere in the community or the applicant will construct 166 linear feet of sidewalk elsewhere in the community as may be approved by the Medway Department of Public Services. In either instance, the payment shall be made or the work completed before the last house lot is conveyed.

B. General Conditions

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

2. *Payment of Balance of Fees/Taxes* – Prior to endorsement of the modified plan, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.

3. *Subdivision Covenant* – Prior to endorsement of the modified plan, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved modified subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Subdivision Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The *Subdivision Covenant* shall apply to lots 2, 3 and 4 as shown on the plan.

4. *Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's Regulations. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The surety amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. The applicant shall also enter into a surety agreement with the Planning and Economic Development Board as provided in the Regulations. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector.

5. *Order of Conditions* – Prior to endorsement of the modified plan, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the *"Order of Conditions"* shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a further modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Planning

and Economic Development Board and the Town's Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to endorsement of the modified plan, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board endorsement *of the modified plan.* The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

7. Within thirty days of endorsement of the modified plan, the Applicant shall provide the Town with a set of the approved plans in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Massachusetts Department of Environmental Protection (DEP) shall be provided to the Town.

9. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town Treasurer/Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision.

10. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and*

Regulations in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

11. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection's Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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BAY OAKS DEFINITIVE SUBDIVISION PLAN – MODIFIED
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

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

_____

AYE: ***NAY:***

_____ _____

_____ _____

_____ _____

_____ _____

Date Signed: _____

Attest: _____ _____
Susan E. Affleck-Childs Date
Planning and Economic Development Coordinator

Date Filed with the Town Clerk: _____

Copies To: Andy Rodenhiser
Rob Truax, GLM Engineering
Stephanie Bacon, Health Agent
David D'Amico, Public Services
John Emidy, Building Commissioner
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Jeff Lynch, Fire Chief
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

Susan Affleck-Childs

From: Deborah E. Batog [DBatog@grcpc.com]
Sent: Thursday, July 26, 2012 10:46 AM
To: Susan Affleck-Childs
Cc: 'Christopher Giovanella'
Subject: 104 Fisher Street\"Bay Oaks" Definitive Subdivision Plan-Abutter submission
Attachments: DOC072512.pdf

Dear Ms. Affleck-Childs:

As you are aware, I represent Mrs. Joanne Giovanella, an abutter to the subject property. With reference to the continued Public Hearing held on July 24, 2012 on the above project, during which hearing the Vice-Chairman invited interested parties to submit documentation for inclusion into the record (in addition to those you identified at the hearing),attached please find the following documents, which I have grouped according to subject matter:

1. Cart Path-

Grant of Easement recorded with the Norfolk County Registry of Deeds in Book 226, Page 306 (Transcription of same provided by Attorney Kenney)

Deed to John Giovanella, et ux recorded with the Norfolk County Registry of Deeds in Book 28787, Page 170 (former Ozella lot)

Unrecorded plan showing "Adams Pasture" provided by Attorney Kenney showing Mrs. Giovanella's house lot (8 3/4 acre parcel) and "Maguire" Lot now owned by John Giovanella with cart path to Fisher Street.

Deeds in the chain of title to the "Maguire" Lot recorded with the Norfolk County Registry of Deeds in Book 2426, Pages 69-72

Deed into Kampersal bounded by "Mann" on Fisher Street at the town line recorded with Norfolk County Registry of Deeds in Book 4495, Page 686. Rein Kampersal acquired tracts of land on the town line from Thomas Tracy (See Middlesex South District Registry of Deeds Book 3610, Page 487)-See location of Thomas "Tracy's Meadow" on attached plan entitled "Adams Pasture".

Cart path shown on Medway Assessors Map 4-1

Plan recorded with the Norfolk County Registry of Deed as Plan No. 874 of 1990 in Plan Book 396 showing both the Cart Path and the existing driveway reference in Applicant's Deed in Book 8804, Page 427.

2. 60' ROW-

Reed Deed recorded with the Norfolk County Registry of Deeds in Book 14543, Page 411, which references 60' ROW, as well as restriction on private way which also appears in Rodenhiser Deed.

Deed of Racicot ANR for lot 1 on Fisher Street subject to the 60' ROW.

3. Issue raised by Planning Board Member Gay as to "not a buildable lot" notation on plan of record for Giovanella property which abuts subject property-

PARTIAL RELEASE

Middlesex Savings Bank, a corporation duly established under the laws of the Commonwealth of Massachusetts whose principal address is 6 Main Street, Natick Massachusetts, holder of the following Mortgage from Andrew S. Rodenhiser of 104 Fischer Street, Medway, MA 02053:

Mortgage dated June 28, 2011 in the original principal amount of $416,000.00 recorded at the Norfolk County Registry of Deeds at Book 28926, Page 505

for consideration paid, releases all interest acquired under said Mortgages in the following described portion of the mortgaged premises:

Lots numbered 1, 2 and 3 and the proposed roadway as shown on "Definitive Subdivision of 'Bay Oaks', A 4 Lot Single Family Residential Subdivision, Medway, Massachusetts, dated May 18, 2012 prepared by GLM Engineering Consultants, Inc., Holliston, Massachusetts, and recorded with the Norfolk County Registry of Deeds on October 5, 2012 in Plan Book 617, Page 8. The premises being released are a portion of the premises described in a deed dated June 22, 2011 recorded with said Deeds at Book 28926, Page 503.

Other than as herein provided, this Partial Release shall in no way release or otherwise affect the Mortgage referenced above, which shall remain in full force and effect.

Signed as a sealed instrument this 18th day of October 2012.

Middlesex Savings Bank

By: _____

RECEIVED
OCT 18 2012
TOWN OF MEDWAY
PLANNING BOARD

October 23, 2012
Medway Planning and Economic Development Board
Sanford Hall @ Medway Town Hall
155 Village Street
Medway, MA

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Chan Rogers.

Chairman Rodenhiser joined the discussions at 8:09 pm after the conclusion of the Bay Oaks subdivision public hearing.

ABSENT WITH NOTICE: Tom Gay

ALSO PRESENT: Dave Pellegri, Tetra Tech Engineering
Gino Carlucci, PGC Associates
Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary

The Vice Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Construction Services Estimate - Norwood Acres Subdivision:
The Board is in receipt of an estimate dated October 12, 2012 from Tetra Tech Rizzo in the amount of $9,149.00. **(See Attached.)**

Susy explained that the applicant will serve as the general contractor. The areas he will perform are the water line and excavation.

The Board notes that this is relatively harmless.

The Board is comfortable with the estimate.

There will be more site visits if necessary.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the construction services estimate for Norwood Acres Subdivision in the amount of $9149.00.

Construction Report:

Applegate Subdivision

Consultant Pellegri informed the Board that Applegate has begun the installation of the water service. They did the taps this week for both Ellis and Coffee Street outside of the right of way. Installation of the water line was done. They would like to get road binder in soon.

The gas line will be brought in.

Consultant Pellegri indicated that a question came up at the corner of the new road and Ellis Street. The contractor has a force main and pump into tank. They have been having trouble and want to disconnect and go into Applegate. The only difference is that there is not a bond. Dave is not sure if not having a bond is a problem.

The stubs are in for the other lots. The stubs are capped and pressure tested.

Dave will verify and double check this.

Andy Rodenhiser asked if there would be a bond in place.

The bond would not be required to be in place until he wants to pull a building permit for the lot.

The Board recommends that Consultant Pellergri get input from Department of Public Services.

Consultant Pellegri will put the recommendation from DPS in writing for the Board.

Vice-Chairman Tucker would like Dave to look at the other ANR lots.

Ralph Costello would put up a bond when the lots go up.

This does not follow the typical process.

Member Spiller-Walsh wanted to know if Dave has seen what happened to the mitigation with the meandering sidewalk which was indicated on the plan. The stone wall at the corner of Coffee and Ellis streets is substantial.

Susy Affleck-Childs responded that she did check the Applegate Plans and the language within the decision.

Consultant Pellegri indicated that he will take photographs of the stone wall.

Susy communicated that the wall was to be a repaired and reworked.

Member Spiller-Walsh indicated that the trees and bushes were taken out on the Coffee Street side. This has been cleared.

Susy will check to see if they are in violation and will follow with a letter if needed.

Dave reported that Ralph Costello will be coming in for a plan modification for the changes in the drainage basin and pipes.

Susy indicated that Mr. Costello has not responded to the letter sent from the Planning and Economic Board.

MODIFICATION to the Bay Oaks Definitive Subdivision Plan – Public Hearing Continuation

Vice Chairman Tucker reopened the public hearing for the MODIFICATION to the Bay Oaks Definitive Subdivision Plan.

The Board reviewed the revised draft Certificate of Action dated October 19, 2012. **(See Attached).**

Susy referenced the information she had provided regarding the invoices for outside consultants since the Constructive Approval. **(See Attached).**

Member Spiller-Walsh feels that this is fair and represents the information which was presented in relation to the funds.

Vice Chairman Tucker noted that this is a reasonable mitigation.

On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted to reduce the payment in lieu of sidewalk fee to $2,247.00.

Susy will amend the decision with the language in the decision referencing the sidewalk fund with the amount of $2,247.00.

Member Rogers wanted to clarify a point of order, that since there are only three members voting on this decision, that two members constitute a quorum for the vote necessary and a two out of three vote would constitute an approval.

All were in agreement.

Vice Chairman Tucker asked if any other information was to be submitted to the Board.

The applicant, Mr. Rodenhiser, had no additional comments or information to provide.

Vice Chairman Tucker asked if there were any additional comments from the general public. There were no additional comments.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to close the public hearing on the MODIFICATION to the Bay Oaks Definitive Subdivision Plan.

Member Rogers wanted to take a few minutes to review the noted revisions and findings.

Member Rogers wanted clarity on the Sidewalk and Fire Alarm findings.

Member Rogers further asked the Board to reconsider the $1,000 contribution to the Fire Alarm Fund. He feels the board should not require this.

Vice Chairman Tucker responded that he wants consistency and this has been the policy of the Board. This is about $250.00 per house or for a length of roadway. He is not in favor of taking it out of the decision.

Bay Oaks Action on Findings, Action on Mitigation Plan and Action on Waivers:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the Action of Findings, Action of Mitigation Plan, and Action on Waivers for the MODIFICATION to the Bay Oaks Subdivision Plan.

Bay Oaks Project Evaluation Criteria:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the Bay Oaks Project Evaluation Criteria.

Bay Oak Other Findings:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the Bay Oaks findings.

Bay Oak Subdivision Decision:
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to modify the Bay Oaks Subdivision Plan and approve the decision as presented.

The Board signed the last sheet of the decision.

Susy Affleck-Childs indicated to all that the next step will be to file the decision tomorrow with the Town Clerk. The 20 day appeal process will begin. A notice of decision will be sent to the abutters to inform them that the decision was approved.

Chairman Rodenhiser joined the table at 8:09 pm.

Meeting Minutes:

October 9, 2012:
The minutes from October 9, 2012 will be tabled until the next meeting.

October 18, 2012:
The minutes from October 18, 2012 will be tabled until the next meeting.

Village Estates Subdivision:
The Board is in receipt of a memorandum from Susy Affleck-Childs dated October 23, 2012 regarding Village Estates Subdivision. **(See Attached)**

The applicant would like to use concrete curbing instead of vertical granite curbing at the entrance to the subdivision. This is due to the fact that the Town is going to be undertaking sidewalk work on Village Street and will be using concrete curbing throughout.

On a motion made by Andy Rodenhiser and seconded by Karyl Spiller-Walsh, the Board voted unanimously to grant the applicant permission to use concrete curbing instead of granite curbing.

Susy indicated that this is a mini-modification. She will be preparing something in writing which will need to be filed with the Town Clerk to modify the Certificate of Action and Plan.

Consultant Carlcucci indicated that the DPS usually has authority over these types of changes.

Norwood Acres Decision:
The Board is in receipt of the revised Certificate of Action dated October19, 2012 for Norwood Acres for a permanent private way. **(See Attached)**

The Board discussed that the numbering on page 10 needs to be fixed. The Board also would like the sentence which is part of #5 eliminated.

There was also a condition added that a note shall be added to the plan sheets to indicate that final approval of the water system shall be subject to approval of the Medway Fire Chief and the Medway Department of Public Services.

The decision will also include that the property owners will convey the Open Space Parcel to the Medway Conservation Commission.

Certificate of Action Norwood Acres:
On a motion made by Andy Rodenhiser and seconded by Chan Rogers, the Board voted unanimously to approve the Action on Wavier Findings, Action on Mitigation Plan, Action of Waivers, Project Evaluation Criteria and Decision for Norwood Acres.

The Board signed the last sheet of the decision.

Susy Affleck-Childs indicated to all that the next step will be to file the decision tomorrow with the Town Clerk. The 20 day appeal process will begin. A notice of decision will be sent to the abutters to inform them that the decision was approved.

Charles River Pre-Application Discussion:
Paul Yorkis and John Claffey were present to get some feedback in regards to the Charles River Village development. NOTE – The applicant is preparing to submit the definitive plan to the Board.

Mr. Yorkis presented the Board with information regarding the Charles River Village OSRD & Affordable Housing Special Permit Decision which the Board issued on March 30, 2011.

The first section of the decision which the Board discussed was Page 6, Number 7.

The Section is noted as the maximum number of dwellings units. The maximum possible number of Units are 13. Mr. Yorkis would like to go to 11 units and have the ability to put the two affordable units elsewhere in Medway.

Mr. Yorkis asked, what would happen if the applicant made a decision to purchase two affordable units off site which were habitable to meet the requirements or could we pay funds into the affordable housing trust account. Is that ok? Mr. Yorkis is looking to explore the options which may be available.

Susy Affleck-Childs wants to study the bylaw and see if the proposed change would necessitate a modification to the special permit. The language of the special permit is specific to the site.

Mr. Yorkis responded that he is not looking to get any answers this evening.

Susy Affleck- Childs also indicated that she will need to look at what bylaws were in place when the permit was issued.

The next section discussed was that the building footprints shall be shown on the plan, and no structure shall be located closer than 30 feet from any other structure. If this is revised and the applicant could have the distance be 20 feet between dwellings, it could result in a very different subdivision.

The Board was in agreement that this would also need to be researched in regards to an opinion from Town Counsel.

The next section discussed was the proposed shared driveways for units 2 and 3 and another for units 4 and 5. Mr. Yorkis is comfortable with the shared driveways, but the special permit indicated the building styles were representatives and not the particular building built. A buyer may approach Mr. Yorkis and may want to build a different cottage style house. He would like flexibility with the styles and to have a shared driveway option.

Chairman Rodenhiser indicated that this would be a minor modification.

Mr. Yorkis indicated that he does not want to have to come in front of Board for a minor modification. He wants the applicant to have the flexibility since the market demand has changed and is the driver behind the development.

Mr. Yorkis is trying to look at this in the spirit of the bylaw (at the time the development was approved) and the revised bylaw and to present to a buyer a high quality environment to buy a home.

Susy Affleck-Childs will work with Consultant Carlucci to try to figure out a way to build in the flexibility.

She noted the applicant will need to put some funds into the consultant plan review account so that such consulting services can be provided.

Consultant Carlucci noted that the regulations are geared towards building houses and not condominiums.

Mr. Yorkis noted that it is their intent to construct a model home, probably unit one, which would have frontage on the statutory private way.

Vice Chairman Tucker wanted to know if the Building Inspector will issue building permits by per unit and not lots.

It was noted that the applicant would need a waiver for the local street standards due to the number of units in the development.

Susy Affleck-Childs would like to recommend that the applicant provide these questions in writing with an explanation. This will probably need to be reviewed by counsel.

Mr. Yorkis agreed to do that.

Vice Chairman Tucker indicated that we take a look at the decision and then see if it needs to go to counsel for further review.

Member Rogers communicated that the Planning Board needs a larger budget for town counsel.

Susy Affleck-Childs communicated that we have good access to town counsel, but the question is who pays the bill. Anything related to development project is outside the scope of the standard monthly retainer and is paid separately and is charged to the developer.

Chairman Rodenhiser questioned why we need town counsel to research deeds if the property owner has had an attorney prepare them.

Susy Affleck-Childs responded that she is looking to make sure the language on the deeds is clear so there are no questions in the future.

General Comments:

Doug Havens, Community Housing Coordinator for the Medway Affordable Housing Trust communicated that the current owner of the Williamsburg development may be proposing an adjustment to the number of affordable housing units. The proposed change may be from 3 to 2 units. NOTE – This will have to come before the PEDB. Mr. Yorkis met with the Affordable Housing Trust and is evaluating his options.

The Board thanked him for providing them with the information.

Fiscal Year 2014 Budget Calendar:
The Board is in receipt of the Fiscal Year 2014 Budget and 2013 Town Meeting Calendar provided by the Town Administrator's office. **(See Attached)**

Adjourn:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:55 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TETRA TECH

RECEIVED
OCT 18 2012
TOWN OF MEDWAY
PLANNING BOARD

October 12, 2012

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

Re: Construction Administration Services
Norwood Acres Subdivision
Summer Street, Medway, Massachusetts

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Norwood Acres Subdivision (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.

TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Contract Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning and Economic Development Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Sean P. Reardon, P.E.
Vice President

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

Attachments
M:\SITE\DAVIDP\MEDWAY-NORWOOD ACRES-CLERK OF THE WORK-2012-10-18.DOC

Construction Administration Budget

Norwood Acres Subdivision
Medway, MA

10/18/12

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	$72.00	$144.00
2	Clear & Grub	1	2	$72.00	$144.00
3	Subgrade/Staking	1	2	$72.00	$144.00
4	Drainage System	3	3	$72.00	$648.00
5	Detention Pond	2	3	$72.00	$432.00
6	Roadway Gravel	2	4	$72.00	$576.00
7	Water System	6	3	$72.00	$1,296.00
8	Sewer System	2	3	$72.00	$432.00
9	Roadway Binder (N/A)			$72.00	$0.00
10	Curb/Berm/Edge Treatment	1	4	$72.00	$288.00
11	Private Utilities (N/A)	1	3	$72.00	$216.00
12	Sidewalk Base/Gravel (N/A)			$72.00	$0.00
13	Sidewalk Binder (N/A)			$72.00	$0.00
14	Sidewalk Reconstruction			$72.00	$0.00
15	Roadway Top (4" Processed Crushed Stone)	2	4	$72.00	$576.00
16	Roadway Top (Apron)	1	4	$72.00	$288.00
17	Sidewalk Top (N/A)			$72.00	$0.00
18	Frames and Covers/Grates			$72.00	$0.00
19	Adjust Frames & Covers/Grates (N/A)			$72.00	$0.00
20	SMH Inverts (Included in Item 17)	1	2	$72.00	$144.00
21	Bounds	1	2	$72.00	$144.00
22	Landscape/Plantings	1	4	$72.00	$288.00
23	Roadway Sub-Drain (N/A)			$72.00	$0.00
24	Guard Rail/Fencing (N/A)			$72.00	$0.00
25	Periodic Inspections (See Note 1)	2	3	$100.00	$600.00
26	Bond Estimates	2	2	$100.00	$400.00
27	As-Built Plans	2	4	$100.00	$800.00
28	Meetings	2	2	$120.00	$480.00
29	Admin	2	2	$50.00	$200.00
30	Project Closeout (See Note 3)	1	1	$600.00	$600.00
	Subtotal				$8,840.00
	Expenses			3.5%	$309.40
	TOTAL				**$9,149.40**

Notes:

1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.

2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

3 Closeout price is a lump sum value assessed to the project for extra items not listed above. This value has been placed in the breakdown due to past experience on other subdivision reviews.

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village ST

Medway, Massachusetts 02053

Revised Draft – October 19, 2012

CERTIFICATE OF ACTION
BAY OAKS – A PERMANENT PRIVATE WAY
MODIFIED DEFINITIVE SUBDIVISION PLAN
(_____ with Waivers and Conditions)

Location:	104 Fisher Street
Assessors' Reference:	Map 26 - Parcel 20 *(formerly Map 4-Parcel 44A-6A)*
Parcel Size:	8.78 acres
Name/Address of Applicant:	Andrew Rodenhiser 104 Fisher Street Medway, MA 02053
Name/Address of Property Owner:	Andrew Rodenhiser 104 Fisher Street Medway, MA 02053
Engineer:	GLM Engineering Consultants, Inc. 19 Exchange Street Holliston, MA 02053
Land Surveyor:	Joyce Hastings GLM Engineering Consultants, Inc. 19 Exchange Street Holliston, MA 02053
Plan Dated:	May 18, 2012, last revised August 15, 2012
Zoning District:	Agricultural Residential I
Street Name:	Dover Lane

DISCLOSURE

The applicant, Andrew Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with both Medway Town Counsel Barbara Saint Andre of Petrini and Associates and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed preliminary subdivision plan, during the hearing on the proposed definitive subdivision plan and during the hearing on the modification to the plan. He departed the Board table and sat in the audience as is customary for all applicants during a public hearing.

2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining four PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci, Engineering Consultant David Pellegri and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 24, 2012 public hearing.

I. PROJECT DESCRIPTION: The *Bay Oaks Definitive Subdivision Plan* dated May 18, 2012, last revised August 15, 2012, shows four residential house lots on an 8.78 acre parcel of land located at 104 Fisher Street, a Medway Scenic Road, in the Agricultural Residential I zoning district. The subject parcel is set back approximately 270 feet from Fisher Street and is presently owned by Andrew Rodenhiser of Medway, MA. The site includes one existing single-family house, Mr. Rodenhiser's residence, which will be retained on the newly created *lot #4.* The site is presently accessed from Fisher Street via an existing permanent private way that is owned jointly by Andrew Rodenhiser and abutting property owner Robert Reed (106 Fisher Street). They presently share the use of and maintenance responsibility for that access road.

The Bay Oaks subdivision includes construction of an approximately 170' linear foot long and 18' wide paved extension of that existing private roadway to provide access and legal frontage for 3 additional house lots. The existing private way and its extension will be known as Dover Lane. The project includes the installation of private wells and private septic systems and stormwater management facilities to comply with Massachusetts Department of Environmental Protection (DEP) stormwater management requirements. A portion of the site is in a Wetlands Resource Area.

II. PROCEDURAL SUMMARY:

1. On June 5, 2012, the Planning and Economic Development Board received an application for approval of the *Bay Oaks Definitive Subdivision Plan,* dated May 18, 2012 prepared by GLM Engineering of Holliston, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed in July, August and September 2011. The Board issued a Preliminary Subdivision Plan Certificate of Action on September 27, 2011.

3. On July 10, 2012, the Board commenced a public hearing on the May 18, 2012 plan. The public hearing was duly noticed in the *Milford Daily News* on June 25 and July 3, 2012. Notice was posted with the Medway Town Clerk on June 14, 2012 and was sent by *Certified Sent* mail on June 18, 2012 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest. The public hearing was continued to July 24, August 14, and August 28, 2012 when it was closed. During the course of the public hearing, the plan was modified twice; the first modification was dated July 31, 2012 and the second dated August 15, 2012.

4. On September 3, 2012, the May 18, 2012 Bay Oaks Definitive Subdivision Plan was "constructively approved" as the Board did not file a decision or a deadline extension with the Town Clerk within ninety days of the June 5, 2012 application submittal date.

5. On September 18, 2012, the Board voted to initiate a process to amend or modify the constructively approved Bay Oaks subdivision plan dated May 18, 2012.

6. On September 25, 2012 the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed modification of the constructively approved *Bay Oaks Definitive Subdivision Plan.*

7. On October 5, 2012, the constructively approved Bay Oaks Definitive Subdivision Plan was recorded at the Norfolk County Registry of Deeds in Plan Book 617, Page. 8

8. On October 9, 2012, the Board commenced a public hearing on the proposed modification of the constructively approved plan. In particular, the Board considered the plan dated August 15, 2012. The public hearing was continued to October 18 and 23, 2012 when it was closed.

9. The public hearing was duly noticed in the *Milford Daily News* on 9/24/12 and 10/2/2012. Notice of the public hearing was posted with the Medway Town Clerk on 9/19/2012 and was sent by *Certified Sent* mail on 9/19/2012 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest

10. All members voting on this Certificate of Action were present at all sessions of the public hearing on the modified plan.

III. PUBLIC HEARING SUMMARY: The public hearing and Board review of the proposed modification of *Bay Oaks Definitive Subdivision Plan* was conducted on October 9, 2012 and October 18, 2012. In addition, the public hearings on the original Bay Oaks Definitive Subdivision Plan was conducted over the course of four Planning and Economic Development Board meetings in June, July

and August 2012 during which substantive information was presented and evaluated. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in July 2011.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board since June 6, 2012. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc. dated May 18, 2012
Revised -July 30, 2012
Revised -August 15, 2012

Stormwater Report Bay Oaks Definitive Subdivision Plan – GLM Engineering Consultants, Inc.
Dated May 18, 2012
Revised - July 30, 2012

Storm Water Pollution Prevention Plan/Bay Oaks Subdivision – GLM Engineering Consultants, Inc.
Dated July 29, 2012

Request for Waivers from Subdivision Rules and Regulations – GLM Engineering Consultants, Inc.
Revised - August 15, 2012

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech
July 2, 2012 letter
August 8, 2012 letter
August 20, 2012 letter

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
July 5, 2012 letter
July 13, 2012 letter
August 9, 2012 letter
August 23, 2012

Supplemental Information Provided By Applicant and his Consultants

AASHTO Road Standards – *Lane Width: Flexibility in the AASHTO Guidelines* from a **Guide for Achieving Flexibility in Highway Design.**

Letter from Rob Truax, GLM Engineering, dated 7/30/2012 re: proposed mitigation measures

Letter from Rob Truax, GLM Engineering, dated 7/30/12 re: response to review comments from Tetra Tech (7/2/12), PGC associates (7/5/12), Medway Police (7/23/12) and additional comments from PEDB members and abutters as expressed at the public hearings.

Letter from Rob Truax, GLM Engineering, dated 8/15/2012 re: revised stormwater drainage calculations

Release from Middlesex Savings Bank dated October 18, 2012 re: Lots 1, 2 and 3 as shown on the May 18, 2012 Bay Oaks Definitive Subdivision Plan.

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

Bay Oaks Preliminary Subdivision Plan *Certificate of Action* dated September 28, 2011 and filed with the Town Clerk on the same date.

Drawing dated 7/18/12 from Jimmie Smith, Medway Department of Public Services; drawing depicts location of stormwater facilities in Fisher ST and Stone End RD in the vicinity of the subject parcel

Land Transaction Chronology of 104 Fisher ST dated July 13, 2012 with associated Attachments A – M (deeds, plans, etc.) NOTE – Chronology prepared by Susan Affleck-Childs, Medway Planning and Economic Development Coordinator.

Photograph received September 23, 2011 showing Dover Lane with vehicles passing

Sidewalk Construction Cost Estimate prepared by Tetra Tech Engineering dated September 19, 2012.

Certificate of (Planning Board) Failure To Act issued by Medway Town Clerk Maryjane White, 9-25-12.

Citizen/Resident/Abutter Letters

Email communication dated July 26, 2012 (with attachments) from Attorney Deborah Batog of Franklin, MA on behalf of Joanne Giovanella, an abutting property owner to the project.

Email communication dated August 9, 2012 from Ed Duggan, 59 Fisher ST

Letter dated October 5, 2012 from attorney Deborah Batog of Franklin, MA on behalf of Joanne Giovanella, an abutting property owner to the project.

Citizen/Resident Testimony

Robert Reed, 106 Fisher Street – 7/10/12, 8/14/12

John Giovanella, 44B Fisher Street – 7/10/12, 7/24/12, 8/14/12

Katherine Presswood, 92 Fisher Street – 7/10/12

Krista Digregorio, 108 Fisher Street – 7/10/12

Trisha Letson, 97 Fisher Street – 7/24/12, 8/14/12

Chris Giovanella, 48 Fisher Street – 7/24/12

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA – 7/10/12, 7/24/12, 8/14/12 & 8/28/12

David Pellegri, P.E., Tetra Tech – Framingham, MA - 7/10/12, 7/24/12, 8/14/12 & 8/28/12

Rob Truax, GLM Engineering Consultants, Inc. – Holliston, MA - 7/10/12, 7/24/12, 8/14/12 & 8/28/12

Attorney Deborah Batog of Gilmore, Rees & Carlson, P.C. - Franklin, MA (*for the Giovanella family*) – 7/10/12, 7/24/12, 8/28/12, 10/9/12, 10/18/12,

Letter dated July 19, 2012 from Attorney Jay Aframe of Worcester, MA (*for the applicant, Andy Rodenhiser)*

Attorney Scott Sinrich of Worcester, MA *(for the applicant, Andy Rodenhiser)* – 8/28/2012
Town Counsel Barbara Saint Andre, Petrini and Associates of Framingham, MA *(for the Town of Medway)* – 8/14/12

Attorney Adam Costas of Concord, MA (for the applicant, Andy Rodenhiser) - 10/18/12.

Medway Departmental/Board Review Comments

Memorandum dated July 2, 2012 from Stephanie Bacon, Health Agent, on behalf of the Board of Health

Memorandum dated July 23, 2012 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Memorandum and map dated July 23, 2012 from Will Naser, Medway Principal Assessor

Letter dated July 26, 2012 from Jeff Lynch, Medway Fire Chief

Email communication dated August 20, 2012 from Conservation Commission chairman David Travalini.

The Board is also in receipt of confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

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

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

SECTION 7.7.2 STORMWATER MANAGEMENT – **(m)** *Side slopes for stormwater detention basins/facilities shall be no steeper than three (3) horizontal to one (1) vertical.*

FINDINGS - The applicant has proposed a waiver to allow for a two to one slope on the side slopes of the detention basin. The basin is relatively small and shallow. Requiring a three to one slope will

necessitate more clearing of natural vegetation and disturbance to the topography. Due to the small size of the basin, the PEDB finds that a two to one slope is acceptable.

****

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

FINDINGS - The applicant has proposed installing the stormwater management facilities within the layout of the private roadway extension. The roadway layout is a separate parcel from the house/building lots and the PEDB has allowed detention basins to be located within the roadway layout of other private way subdivisions. Therefore, the location of the stormwater facilities within the roadway layout is acceptable.

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SECTION 7.9.1. STREETS AND ROADWAYS – Location

e) *The Board may authorize permanent private ways for subdivisions of up to three (3) lots/dwelling units.*

f) *Neighborhood Street construction standards are to be used for subdivisions of up to five (5) lots/dwelling units.*

FINDINGS - The applicant proposes to divide the subject property into four house lots. A street serving a four lot subdivision would be categorized as a Neighborhood Street and would be expected to become a Town accepted street. However, the existing access to the subject parcel is provided by a paved, permanent private roadway; the right of way for that existing roadway is 60' wide by about 410' long from Fisher Street. Access and frontage for the new house lots will be created by extending that private way northeasterly into the property for an additional 230' which results in a combined right of way length from Fisher Street of 640 linear feet. By necessity, the roadway extension must also be a permanent private way. Because of this unusual circumstance, the Board finds it acceptable to designate the roadway extension as a Permanent Private Way for purposes of the roadway construction standards instead of as a Neighborhood Street.

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SECTION 7.9.6 b) DEAD-END STREETS (Length) *– The maximum length of a dead end street shall be 600' as measured along the centerline of such street from the centerline of the intersecting through street into the dead end road. In the case of a group of connected streets . . . no point along the centerline of any dead end street shall exceed 600' measured from the centerline of the intersecting through street.*

FINDINGS - The full length of the layout of the Dover Lane right-of-way from the centerline of Fisher Street to its "new" end is approximately 657 linear feet. While the end of the right-of-way is shown as a bulb to create sufficient frontage for the house lots, the paved length of Dover Lane from Fisher Street to the point where the roadway splits into what are essentially driveways to Lots 3 and 4 is just over 600 feet, and the beginning of each driveway within the right-of-way forms the hammerhead. Therefore, this minor deviation from the 600-foot standard is acceptable.

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SECTION 7.9.6 d) & e) DEAD-END STREETS (Turnaround Design) *– To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief. Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround with a perimeter diameter of one hundred feet shall include a twenty-four foot diameter center landscaped island (for use on a Neighborhood Street); 2) A hammerhead or T-shaped turnaround (for use on a Permanent Private way).*

FINDINGS – The applicant has proposed the use of a hammerhead turnaround. As noted in the regulation, hammerhead turnarounds are allowed on permanent private ways. Since this roadway is by necessity a permanent private way, the hammerhead design is acceptable. More importantly, the Fire Chief has reviewed the plans and does not object to the hammerhead design as long as the turning radius is sufficient for fire apparatus. The use of a hammerhead turnaround instead of a center island cul-de-sac will also reduce the amount of impervious area and site clearing.

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SECTION 7.9.7 g) ROADWAY CONSTRUCTION Width - *. . . . The minimum width of the roadway pavement shall be Twenty Feet (20') for a Neighborhood Street.*

FINDINGS – The applicant proposes that the road extension for Dover Lane be paved at an 18' width which is 2' less than the Neighborhood Street standards. However, the 18' paved width is consistent with the Town's standards for a Permanent Private Way. The reduced pavement width will result in more extensive preservation of the highly wooded setting and minimize site impacts. The 18' paved width is also consistent with the width of the existing Dover Lane permanent private way which accesses the subject parcel. It would serve little purpose to have a short extension be wider than the majority of the roadway. Furthermore, Fisher Street as paved varies in width but is generally no wider than 17'.

****

SECTION 7.10.2 CURBS AND BERMS *– Sloped granite edging shall be provided along each side of the full length of a Neighborhood Street.*

FINDINGS – The applicant proposes to eliminate curbing/edging along the edge of the proposed roadway extension to allow for the use of a country drainage swale for low impact stormwater management purposes. Eliminating the curbing and super-elevating the roadway is necessary to accommodate the low-impact drainage system. This will result in reduced site impacts. The Board and its Consulting Engineer have reviewed the proposal and find it to be acceptable.

****

SECTION 7.13.2 SIDEWALKS *– Sidewalks (for a Neighborhood Street) shall extend the full length of the street and shall have a paved width of six feet on one side – hot mix asphalt with a minimum four-foot grass strip.*

FINDINGS - The applicant proposes to not install sidewalks on the planned roadway extension. Not constructing sidewalks will reduce site impacts and will allow for stormwater runoff from the roadway to disperse into the swale along the roadway. The existing roadway which accesses the subject parcel does not include sidewalks. Consideration was given to adding sidewalks to the existing roadway. However, the existing topography and roadway with its retaining walls on both sides would make adding such a sidewalk not feasible. Therefore, providing sidewalks on the extension would serve little purpose. In lieu of constructing sidewalks, the applicant, within thirty days of the sale of the first house lot, will make a contribution in the amount of _____ to the Town's Sidewalk Fund for the purpose of building sidewalks elsewhere in the community or the applicant will construct 166 linear feet of sidewalk elsewhere in the community as may be approved by the Medway Department of Public Services. This is specified in Special Condition #16.

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SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES *– A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system. Therefore, the Board finds this waiver to be acceptable subject to a condition that the applicant shall make a $1,000 payment in-lieu of installing the fire alarm system as has become the standard practice. Such payment shall be directed specifically into a Fire Department fund to be used exclusively toward the cost of a new fire alarm system for the community. This is specified in Special Condition #15.

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SECTION 7.19.2 – TREES AND SLOPE STABILIZATION *- Top enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40') intervals . . . .*

FINDINGS – The applicant does not propose to plant additional street trees on the house lots. The site is already heavily wooded and the applicant has provided a landscaping plan for the area where the roadway splits off to become driveways for Lots #3 and #4. The Board finds that this is an acceptable substitute.

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MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands, woodlands and other natural resources.

4. The applicant shall make a payment of $1,000 to the Town of Medway Fire Department Fire Alarm Capital Fund in lieu of installing a fire alarms system for the subdivision. Specific Condition #15.

5. *Payment in lieu of sidewalk construction . . . . to be determined.* Specific Condition #16

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____ to _____ the above noted Waiver Findings. The motion was _____ by a vote of ___in favor ( ) and ___opposed ( ).

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to _____ approve the above noted Mitigation Plan. The motion was _____by a by a vote of ___in favor ( ) and ____ opposed ( ).

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to _____the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor ( ) and ___ opposed ( ).

V. PROJECT EVALUATION CRITERIA – Before taking action on the MODIFIED Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision modification according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____and seconded by _____to _____ the Project Evaluation Findings noted below. The motion _____by a vote of ___ in favor ( ) and __ opposed ( )

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

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

FINDINGS – The Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient. During the hearing, concern was expressed

about the safety of the existing access roadway (Dover Lane), more specifically its 18-foot width with retaining walls on both sides, for use by three additional property owners. However, photographic documentation was presented that two SUV's could pass one another safely. Moreover, the conditions were reviewed by both the Fire Chief and Police Safety Officer and the Town's consulting engineer. Signage was recommended to warn drivers to watch for pedestrians and has been incorporated into the plan. Also, it was represented by the applicant that he and Robert Reed of 106 Fisher Street, the other owner of Dover Lane, have jointly and successfully maintained the existing roadway for many years. Furthermore, as noted in Specific Condition #4, the required Bay Oaks Home Owners Association documents will include provisions for maintenance and upkeep of the roadway and drainage system.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. The new houses will use private wells and septic systems approved by the Board of Health, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.

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

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected. Stormwater management has been adequately addressed. There will be an increase of only three single-family houses to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

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

FINDINGS – The Board finds that the proposed roadway as well as the existing roadway leading to the subdivision are adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic. The roadway extension shown on the plan will be built according to the Board's construction specifications for a permanent private way. The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer.

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

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

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

VI. OTHER FINDINGS

At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to _____ the Other Findings noted below. The motion _____by a vote of ___ in favor ( ) and __ opposed ( )

- Road ownership for lower and upper portions of Dover Lane – The Board finds that, for the purpose of efficiency and clarity of responsibility, it makes sense for the ownership and maintenance responsibility for both the existing and extended segments of Dover Lane to be consolidated into a single entity/homeowners association. While the Board recognizes that the co-owner of the existing segment of Dover Lane is not a party to the Bay Oaks subdivision, it encourages the applicant to seek an agreement for consolidated responsibility for the entire roadway of Dover Lane.

- On-going roadway maintenance of lower Dover Lane – The Board finds that due to an increase in the usage of the existing segment of Dover Lane by at least three additional households, adequate maintenance of lower Dover Lane is critical. The Bay Oaks Homeowners Association will commit to ensure that, in particular, sanding and plowing is performed in a timely manner to reduce the potential for conflicts created by the increased usage.

- Stormwater flow off of Dover Lane – The Board finds, after evaluation by its consulting engineer and Town officials, that the management of stormwater flow coming off the existing segment of Dover Lane is adequate. However, the situation should be monitored closely to ensure that the Fisher Street catch basins at the bottom of Dover Lane continue to function adequately and that there is no increased stormwater flow onto properties across Fisher Street from Dover Lane.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to modify the ***Bay Oaks Definitive Subdivision Plan***, prepared by GLM Engineering, dated May 18, 2012, as constructively approved on September 3, 2012, as shown on the last revised plan dated August 15, 2012, and further to modify the approved plan by imposing the Specific and General Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.

SECTION 7.7.2 m) and p) Stormwater Management

SECTION 7.9.1 e) and f) Streets and Roads
SECTION 7.9.6 b), d) and e) Dead End Streets
SECTION 7.9.7 (g) Roadway Construction
SECTION 7.10.2 Curbs and Berms
SECTION 7.13.2 Sidewalks
SECTION 7.17.1 Fire Prevention and Protection Measures
SECTION 7.19.2 Trees and Slope Stabilization

The motion was _____by a vote of ____in favor ( ) and ___opposed ( ).

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

A. Specific Conditions

1. This subdivision of the subject property is authorized for no more than four residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these four lots is allowed.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three years of the date of endorsement of the plan.

3. Prior to plan endorsement, the plans dated August 15, 2012 shall be further revised to include the following references:

   - A note shall be added to all plan sheets indicating that the plan is subject to this *Certificate of Action* which shall be recorded with the Plan at the Norfolk County Registry of Deeds.

   - A note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision*

   - Fisher Street pavement width shall be indicated.

   - A note shall be added to the plan that brush will be cleared on the east side of Fisher Street on either side of the bottom of Dover Lane to the satisfaction of the Police Safety Officer.

   - A note shall be added to the plan that trees remaining along the proposed roadway shall be clear of any branches from the approved grade level to a point seven feet above finish grade.

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

- Snow storage areas shall be shown on the plan.

4. *Ownership of Dover Lane extension* - The extension of Dover Lane depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Bay Oaks Homeowners Association to own the roadway extension. The Association shall ultimately maintain the private roadway parcel including but not limited to snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.

5. *The Bay Oaks Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Bay Oaks Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1, 2, 3 and 4 (and may include provisions for membership by the owner of the present 106 Fisher Street (*Medway parcel 26-019*) and 0-R Fisher Street *(Medway parcel 26-032)*, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the Dover Lane including but not limited to snowplowing and sanding and the stormwater management system. The documents shall specify that the costs shall be divided equitably among the members.

6. The Applicant shall specifically reserve to itself ownership of the fee in the extension of Dover Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and the drainage easement to the Bay Oaks Homeowners Association prior to the sale of the last lot.

7. Prior to plan endorsement, the applicant shall review the turning radii at the driveways with the Fire Chief and provide the Board with a written determination from the Fire Chief that the planned radii are sufficient to accommodate the Town's largest fire apparatus, or the plan shall be modified to make it acceptable.

8. The existing addresses for 104 and 106 Fisher Street will be changed to Dover Lane addresses as specified by Medway Fire, Police and Assessing officials.

9. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.

10. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Bay Oaks subdivision* – The future owners of lots 1, 2, 3 and 4 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed

Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Bay Oaks Subdivision* shall include language regarding the installation of light posts for each lot, the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

11. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Dover Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to the MODIFIED definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Bay Oaks Subdivision.*

12. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Dover Lane and all drainage easements shown on the plan to the Bay Oaks Homeowner's Association, for review, comment, amendment and approval by Town Counsel.

13. *Document/Plan Recording* – Within thirty days of recording the endorsed MODIFIED definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Bay Oaks subdivision,* any articles of association establishing the Bay Oaks Homeowner's Association, with the Norfolk County Registry of Deeds, 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.

14. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of the existing Dover Lane and its extension and all related stormwater management facilities throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to the Bay Oaks Homeowners Association.

15. The applicant shall make a payment of $1,000 to the Medway Fire Department Fund to be used exclusively toward the cost of a new fire alarm system for the community. Said payment shall be made before the last house lot is conveyed.

16. The applicant shall make a payment of $5_____to the Town of Medway Sidewalk Fund for the purpose of building sidewalks elsewhere in the community or the applicant will construct 166 linear feet of sidewalk elsewhere in the community as may be approved by the Medway

Department of Public Services. In either instance, the payment shall be made or the work completed before the last house lot is conveyed.

B. General Conditions

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

2. *Payment of Balance of Fees/Taxes* – Prior to endorsement of the modified plan, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.

3. *Subdivision Covenant* – Prior to endorsement of the modified plan, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved modified subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Subdivision Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The *Subdivision Covenant* shall apply to lots 2, 3 and 4 as shown on the plan.

4. *Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's Regulations. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The surety amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. The applicant shall also enter into a surety agreement with the Planning and Economic Development Board as provided in the Regulations. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector.

5. *Order of Conditions* – Prior to endorsement of the modified plan, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all *"Order of Conditions"* as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the *"Order of Conditions"* shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a further modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable

modifications to the *"Order of Conditions"* that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to endorsement of the modified plan, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board endorsement *of the modified plan*. The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

7. Within thirty days of endorsement of the modified plan, the Applicant shall provide the Town with a set of the approved plans in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Massachusetts Department of Environmental Protection (DEP) shall be provided to the Town.

9. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town Treasurer/Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision.

10. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

11. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection's Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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BAY OAKS DEFINITIVE SUBDIVISION PLAN – MODIFIED
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

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

_____

AYE: ***NAY:***

_____ _____

_____ _____

_____ _____

_____ _____

Date Signed: _____

Attest: _____ _____
Susan E. Affleck-Childs Date
Planning and Economic Development Coordinator

Date Filed with the Town Clerk: _____

Copies To: Andy Rodenhiser
Rob Truax, GLM Engineering
Stephanie Bacon, Health Agent
David D'Amico, Public Services
John Emidy, Building Commissioner
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Jeff Lynch, Fire Chief
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

Bay Oaks	Prior to Constructive Approval or for services that would normally be provided even if there had been no Constructive Approval	After Constructive Approval	Total
Petrini services in September	$ 234.00	$ 2,572.10	$ 2,806.10
Tetra Tech services in September	$ 401.08	$ 360.97	$ 762.05
PGC services in September	$ -	$ 270.00	$ 270.00
	$ 635.08	$ 3,203.07	$ 3,838.15
Key date is 9/11/2012 when SAC first determined that a constructive approval had occurred.			
10/22/2012 - sac			

TOWN OF MEDWAY

Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

October 23, 2012

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Village Estates Subdivision

Background – Village Estates is a 2 lot subdivision. The Board issued a Certificate of Action on November 29, 2011. However, the Board has not yet endorsed the definitive subdivision plan as we are waiting for the applicant to provide a subdivision covenant for the Board's signature. This must occur at the same time as the plans are endorsed. This has been delayed because the applicant's lender has to be a party to the subdivision covenant and has not yet signed the required document.

Applicant's Proposal – The applicant has approached the Board to ask if he could use concrete curbing instead of vertical granite curbing at the entrance to the subdivision. This is because the Town is going to be undertaking sidewalk work on Village Street and will be using concrete curbing throughout.

The Certificate of Action for Village Estates already includes a waiver re: curbs and berms as follows:

> ***SECTION 7.10.2 CURBS AND BERMS*** – *Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.*
>
> ***FINDINGS*** – The applicant proposes to eliminate a Cape Cod berm along the edge of the proposed roadway. Since most of the road will be gravel, there is no need for a berm along the edge so the Board finds this acceptable. However, a Cape Cod berm will be required along the edges of the paved portion of the roadway and an edge treatment on the portion that consists of dense graded crushed stone shall be installed to ensure proper functioning of the drainage system.

The applicant's proposal would require the Board to grant another waiver along the lines of the following:

> ***SECTION 7.10.1*** – *Vertical Granite Curbing shall be installed at intersection roundings and cul-de-sac entrances.*

FINDINGS – The applicant proposes to install concrete curbing where the roadway meets Village Street instead of vertical granite curbing. The Town of Medway is planning to upgrade the sidewalks on that portion of Village Street and will be using concrete curbing throughout. The Board finds that using concrete curbing is a reasonable alternative in this instance because of the sidewalk construction work the Town is planning.

The Board might consider taking the following action to revise the Certificate of Action.

1. Include the above noted additional waiver; AND

2. Add another condition to the Decision that would require the plans (presented for the Board's endorsement and subsequent recording at the Norfolk County Registry of Deeds to be revised to reflect the change from vertical granite curbing to concrete curbing.

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village ST
Medway, Massachusetts 02053

Revised Draft – October 19, 2012

CERTIFICATE OF ACTION
NORWOOD ACRES – A PERMANENT PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN
(_____ with Waivers and Conditions)

Location:	61 Fisher Street
Assessors' Reference:	Map 46 - Parcel 10 *(formerly Map 5-Parcel 11)*
Parcel Size:	7.78 acres
Name/Address of Applicant:	Wayne E. Marshall 65 Summer Street Medway, MA 02053
Name/Address of Property Owner:	Andrew and Matthew Marshall 65 Summer Street Medway, MA 02053
Engineer:	Michael Dean, P.E. Guerriere and Halnon, Inc. P.O. Box 235 Milford, MA 01757
Land Surveyor:	Paul Atwood, P.L.S Guerriere and Halnon, Inc. P.O. Box 235 Milford, MA 01757
Plan Dated:	May 21, 2012, last revised August 29, 2012
Zoning District:	Agricultural Residential I
Street Name:	Trail Drive

I. PROJECT DESCRIPTION: The *Norwood Acres Definitive Subdivision Plan* dated May 21, 2012 and last revised August 29, 2012, shows the division of the 7.78 acre parcel of land located in the Agricultural and Residential I (ARI) zoning district at 61 Summer Street into two single-family residential house lots and one open space parcel. The subject parcel is set back approximately 270 feet from Summer Street and is presently owned by Andrew and Matthew Marshall of Medway, MA. The land would be accessed from Summer Street via a proposed permanent private way to be known as Trail Drive.

The Norwood Acres subdivision includes construction of an approximately 524 linear foot long and 18 foot wide paved permanent private roadway to provide access and legal frontage for the two house lots. The project includes connecting to the existing sewer line that runs through the property, connecting to the public water system on Summer Street, and installing stormwater management facilities to comply with Massachusetts Department of Environmental Protection (DEP) stormwater management requirements. A portion of the site is in a Wetlands Resource Area.

II. PROCEDURAL SUMMARY:

1. On June 4, 2012, the Planning and Economic Development Board received an application for approval of the *Norwood Acres Definitive Subdivision Plan*, dated May 21, 2012 prepared by Guerriere and Halnon of Milford, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed in February 2011.

2. On June 8, 2012 the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Norwood Acres Definitive Subdivision Plan,* provided copies of the plans and requested review comments.

3. On June 26, 2012, the Board commenced a public hearing on the May 21, 2012 Norwood Acres subdivision plan. The public hearing was duly noticed in the *Milford Daily News* on June 11 and 19, 2012. Notice was posted with the Medway Town Clerk on June 7, 2012 and was sent by *Certified Sent* mail on June 8, 2012 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was continued to July 10, August 28, September 11, and to September 25, 2012 when it was closed. During the course of the public hearing, the applicant submitted two revisions to the Norwood Acres Definitive Subdivision Plan; the first revision was dated August 10, 2012 and the second was dated August 29, 2012.

4. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

III. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of *the Norwood Acres Definitive Subdivision Plan* were conducted over the course of five Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in July 2011.

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

Norwood Acres Definitive Subdivision Plan Application Materials

Form C – Definitive Plan Application – received June 4, 2012
Form D – Designer's Certificate (with deed) – dated June 1, 2012
Form F – Development Impact Report – received June 4, 2012

Norwood Acres Definitive Subdivision Plan – Guerriere & Halnon, Inc.

June 1, 2012
Revised – August 10, 2012
Revised – August 29, 2012

Hydrologic & Hydraulic Report – 61 Summer Street - Guerriere & Halnon, Inc.

May 5, 2012
Revised – August 10, 2012

Request for Waivers from Subdivision Rules and Regulations – Guerriere & Halnon

May 31, 2012
Revised - August 14, 2012

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech

June 21, 2012 letter
August 20, 2012 letter
September 11, 2012 letter

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

June 22, 2012 letter
August 23, 2012

Supplemental Information Provided By Applicant's Consultants

Email communication dated 6/29/12 from Paul Atwood of Guerriere & Halnon, Inc. and Sketch for Norwood Acres Definitive Subdivision Plan of Land dated 6/29/12 by Guerriere & Halnon.

Email communication dated 6/29/12 from Paul Atwood of Guerriere & Halnon, Inc. with a collection of easement and other legal documents.

Approval Not Required Plan dated 6/16/1969, prepared by Bowie Engineering Co of Millis MA, re: 63 Summer Street.

Letter from Peter Lavoie, Guerriere & Halnon, dated 8/15/2012 in response to review comments from Tetra Tech dated June 21, 2012.

Letter from Paul B. Atwood, Guerriere & Halnon, dated 8/15/12 in response to review comments from PGC Associates dated June 22, 2012.

Letter from Peter Lavoie, Guerriere & Halnon, dated 9/5/2012 in response to review comments from PGC Associates review letter dated August 23, 2012 and Tetra Tech review letter dated August 20, 2012.

Traffic Assessment Memorandum – Proposed Norwood Acres Residential Subdivision, dated 8/11/12, prepared by Kim Eric Hazarvartian, TEPP LLC (Transportation Engineering, Planning and Policy)

Letter from Michael Dean, Guerriere & Halnon, dated 9/25/12.

Title Report dated 9/11/12 prepared by Claudia M. Ferrecchia, Title Examiner.

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

Mullins Rule certification from Andy Rodenhiser re: July 10, 2012 PEDB mtg.

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Applicant Testimony

Wayne Marshall, 63 Summer Street – Medway, MA – 7/10/12, 8/28/12, 9/11/12, 9/25/12

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA – 6/26/12, 8/28/12,

David Pellegri, P.E., Tetra Tech – Framingham, MA – 6/26/12, 7/10/12, 8/28/12, 9/11/12, 9/25/12,

Paul Atwood, P.L.S., Guerriere & Halnon, Inc. – Milford, MA - 6/26/12, 7/10/12, 8/28/12, 9/25/12.

Medway Departmental/Board Review Comments

Email communication dated July 2, 2012 from Stephanie Bacon, Health Agent, on behalf of the Medway Board of Health

Letter dated July 10, 2012 from Jeff Lynch, Medway Fire Chief

Email communication dated June 29, 2012 from Jim Wickis/Medway Open Space Committee.

Email communication dated September 24, 2012 from Karon Skinner-Catrone, Conservation Agent, on behalf of the Medway Conservation Commission

The Board is also in receipt of confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

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

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

SECTION 7.6.2 b) WATER FACILITIES INSTALLATION – This section requires the use of 8" cement lined ductile iron pipe for water lines. It also requires the looping of extensions to the water lines.

FINDINGS – The applicant proposes the use of 6 inch DI pipe (instead of 8 inches) and to install the water lines without the required loop system. Since the water service is only for 2 lots, the Board finds that a 6" cement-lined ductile iron pipe is sufficient and is acceptable subject to approval of the Medway Department of Public Services. Also since extension to another property is not feasible, not looping the water line is also acceptable.

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

FINDINGS - The applicant has proposed installing the stormwater management facilities within the roadway layout of the permanent private way which is a separate parcel from the house/building lots. The PEDB has allowed stormwater management facilities to be located within the roadway layout of other private way subdivisions. Therefore, the Board finds that the location of the stormwater facilities within the roadway layout is acceptable.

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SECTION 7.9.7 ROADWAY CONSTRUCTION (a) thru (k) – This section includes specifications for roadway construction. Permanent private ways are required to have 16 inches of gravel base plus 4 inches of hot mix asphalt consisting of a binder course of 2 ½ inches and a finish course of 1 ½ inches.

FINDINGS – The applicant has proposed to use 12" of gravel borrow, topped with 4" of dense grade crushed stone instead of the standard specifications in an effort to save trees along the abutters' property line. The applicant has designed the subdivision with a low-impact development (LID) stormwater management system. Since the roadway is a permanent private way serving just 2 lots and the Town will have no maintenance responsibility, the Board finds this waiver request to be acceptable.

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SECTION 7.10.2 CURBS and BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of each side of a permanent private roadway.

FINDINGS – The applicant has proposed to NOT install hot mix asphalt Cape Cod Berm along the length of the private way. The berm is not practical on a roadway that is not paved with hot mix asphalt. Also, due to the low-impact development (LID) design of the stormwater system, the berm is not needed.

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SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – *A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.*

FINDINGS – The applicant has proposed to not install the fire alarm system nor make a payment to the Town because this 2 lot development is too small to justify the expense. Although, the Medway Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system, the Board believes it is important that all subdivision developers contribute to a firm alarm system for the community. Therefore, the Board finds this waiver to be acceptable subject to a condition that the applicant shall make a $1,000 payment in-lieu of installing the fire alarm system as has become the standard practice. Such payment shall be directed specifically into a Fire Department fund to be used exclusively toward the cost of a new fire alarm system for the community. This is specified in Special Condition #24.

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SECTION 7.19.2 – TREES AND SLOPE STABILIZATION - *To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40') intervals . . . .*

FINDINGS – The applicant proposes to not plant additional street trees on the house lots. The applicant has committed to retaining the existing trees located along the property line by not cutting them during roadway construction. Further, the applicant has provided a landscaping plan for a portion of the roadway layout. The Board finds that these are acceptable substitutes, especially considering that the permanent private way functions essentially as a driveway so street trees are not necessary.

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SECTION 7.21.1 Street Lights – *It shall be the responsibility of the developer to install street lighting within the subdivision at the entrance to the subdivision, at all intersections within the subdivision, sharp turns or other areas where the Traffic Safety Officer deems they are needed for public safety.*

FINDINGS – The applicant proposes to not install any street lights in the subdivision. The Police Department's Traffic Safety Officer has not asked for them. Also, there are street lights along Summer Street so the Board finds this waiver is acceptable.

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SECTION 7.25.1 *Monuments shall be installed along the roadway layout at all points of curvature and angle points.*

FINDINGS – The applicant has proposed that no monuments be installed due to the small size of the subdivision. The applicant agreed that iron pins will be set at all angle breaks. Since the roadway is a permanent private way serving just 2 lots, the Board finds this waiver is acceptable.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.

3. The applicant has proposed and the Conservation Commission has agreed to receive a donation of open space parcel. Specific Condition #14.

4. The applicant shall make a payment of $1,000 to the Town of Medway Fire Department Fire Alarm Capital Fund in lieu of installing a fire alarms system for the subdivision. Specific Condition #15.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____ to _____ the above noted Waiver Findings. The motion was _____ by a vote of ___in favor ( ) and ___opposed ( ).

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to _____ approve the above noted Mitigation Plan. The motion was _____by a by a vote of ___in favor ( ) and ____ opposed ( ).

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____to _____the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ____ in favor ( ) and ___ opposed ( ).

V. PROJECT EVALUATION CRITERIA – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012 a motion was made by

_____and seconded by _____to _____ the Project Evaluation Findings noted below. The motion _____by a vote of ___ in favor ( ) and __ opposed ( ).

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submissions were complete and technically accurate.

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

FINDINGS – The Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. Erosion controls will be in place during construction.

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

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected. Stormwater management has been adequately addressed. There will be an increase of only two single-family houses to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

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

FINDINGS – The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic. The plans have been reviewed by the Fire Chief.

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

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

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

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by _____ and seconded by _____ to _____ the ***Norwood Acres Definitive Subdivision Plan***, prepared by Guerriere and Halnon, Inc. dated May 21, 2012, last revised August 29, 2012 subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.

SECTION 7.6.2 (b) Water Facilities Installation
SECTION 7.7.2 (p) Stormwater Management
SECTION 7.9.7 Roadway Construction
SECTION 7.10.2 Curbs and Berms
SECTION 7.17.1 Fire Prevention and Protection Measures
SECTION 7.19.2 Trees and Slope Stabilization
SECTION 7.21 Street Lights

The motion was _____ by a vote of ____ in favor ( ) and ___ opposed ( ).

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

A. Specific Conditions

1. This subdivision is authorized for no more than two residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these four lots is allowed.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three years of the date of endorsement of the plan.

3. Prior to plan endorsement, the plans dated August 29 2012 shall be further revised to include the following references:

- A note shall be added to all plan sheets indicating that the plan is subject to this Certificate of Action which shall be recorded with the Plan at the Norfolk County Registry of Deeds.

- A note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres Subdivision*

- A note shall be added to the plan sheets to indicate that final approval of the water system shall e subject to approval of the Medway Fire chief and the Medway Department of Public Services, upon field inspection of the water service to the hydrant at Summer Street and by the Medway Board of Health upon field inspection of water supplies to the proposed houses on Lots 1 and 2. Also, sheets 4, 5 and 7 shall be revised showing water gate details as approved by the Medway Department of Public Services.

3. *Ownership of Trail Drive* – Trail Drive as depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Norwood Acres Homeowners Association to own the roadway. The Association shall ultimately maintain the private roadway parcel including but not limited to snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.

4. *The Norwood Acres Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Norwood Acres Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 & 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Trail Drive including but not limited to snowplowing and sanding and the stormwater management system. The documents shall specify that the costs shall be divided equitably among the members.

5. The Applicant shall specifically reserve to itself ownership of the fee in Trail Drive and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and the drainage easements to the Norwood Acres Homeowners Association prior to the sale of the last lot. The existing sewer easement that crosses Trail Drive and runs south to north through Lots 1 and 2 shall have maintenance rights conveyed to the Town of Medway through the Department of Public Services and the Water/Sewer Commission.

8. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Norwood Acres subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Trail Drive is a private way, not ever to be owned by the Town of Medway. The deed shall refer to the definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Norwood Acres Oaks Subdivision.*

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Trail Drive and all drainage easements shown on the plan to the Norwood Acres Homeowner's Association, for review, comment, amendment and approval by Town Counsel. The Applicant shall also provide a copy of the proposed deed to convey the sewer easement to the Town of Medway for review, comment, amendment and approval by Town Counsel.

12. *Open Space Parcel* – The property owners will convey the Open Space Parcel to the Medway Conservation Commission.

13. *Document/Plan Recording* – Within thirty days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Norwood Acres subdivision,* any articles of association establishing the Norwood Acres Homeowner's Association, with the Norfolk County Registry of Deeds, 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.

14. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Trail Drive and all related stormwater management

infrastructure throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to the Norwood Acres Homeowners Association.

15. The applicant shall make a payment of $1,000 to the Medway Fire Department Fund to be used exclusively toward the cost of a new fire alarm system for the community. Said payment shall be made before the last house lot is conveyed.

B. General Conditions

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

2. *Payment of Balance of Fees/Taxes* – Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.

3. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board , to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The Subdivision Covenant shall apply to lots 1 and 2 as shown on the plan.

4. *Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's Regulations. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The surety amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. The applicant shall also enter into a surety agreement with the Planning and Economic Development Board as provided in the Regulations. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector.

5. *Order of Conditions* – Prior to plan endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all *"Order of Conditions"* as issued by

the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the *"Order of Conditions"* shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the *"Order of Conditions"* that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any *"Order of Conditions"* requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system and other utilities are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

7. Within thirty days of plan endorsement, the Applicant shall provide the Town with a set of the Approved plans in 11" x 17" paper format. The Applicant shall also provide the approved plans in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed DEP shall be provided to the Town.

9. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town

Treasurer/ Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision.

10. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

11. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

NORWOOD ACRES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

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

AYE: ***NAY:***

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Date Signed: _____

Attest: _____ _____
Susan E. Affleck-Childs Date
Planning and Economic Development Coordinator

Date Filed with the Town Clerk: _____

Copies To: Wayne Marshall
Paul Atwood, Guerriere & Halnon
Stephanie Bacon, Health Agent
David D'Amico, Public Services
John Emidy, Building Commissioner
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Jeff Lynch, Fire Chief
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

Town of Medway

Fiscal Year 2014 Budget and 2013 Town Meeting Calendars

Date	Activity	Charter Ref.
Jul. 16	Town Administrator Issues Capital Improvement Plan (CIP) Instructions	**5-2-6**
Aug. 21	CIP Submitted to Town Administrator	**5-2-6**
Aug. 21-31	Town Administrator/Finance Director Review and Refine CIP	
Sept. 19	Proposed CIP Submitted to Capital Improvement Planning Committee (CIPC)	
Sept. 19-Dec. 13	CIPC Reviews, Ranks and prepares five year project schedule	
Oct. 1	Board of Selectmen (BOS) Issues Budget Calendar	**7-2-1**
Oct. 1	Town Administrator/Finance Director Issue Five (5) Year Revenue and Expense Budget	**7-2-3/7-4-1**
Oct. 15	Board of Selectmen (BOS) Issues Policy Statement for 2012 Budget	**7-2-4**
Dec. 17	Town Administrator Issues Budget Instructions to Dept. Heads and Committee Chairs	
Dec. 27	Capital Budget Completed by CIPC	
Jan. 7	CIPC Presents Capital Budget to BOS	
Jan. 7	Annual Town Meeting (ATM) Warrant Opens	
Jan. 18	Operating Budgets Submitted to Town Administrator	**7-2-5**
Jan. 22-Feb. 8	Finance Director/Town Accountant Review Department Budgets	
Feb. 4	ATM Warrant Closes	
Feb. 4	School Department Budget Submitted to Town Administrator and BOS	
Feb. 5-6	ATM Warrant Compiled	
Feb. 7-8	Legal Review of Warrant	
Feb. 11- 28	Town Administrator/Finance Director Review Department Budgets	
Feb. 19	BOS Reviews and Approves Warrant	
Mar. 4	BOS Adopts and Recommends Warrant to FinCom	**7-2-9**
	Town Administrator submits proposed comprehensive operating and capital budgets to BOS	**7-2-6**
Mar. 4	Town Administrator Submits ATM Warrant to BOS	
Mar. 5 -25	BOS Reviews Operating and Capital Budgets	
Mar. 18	FinCom Submits Public Hearing Notice to Milford Daily News (4 business days prior to advertisement in paper)	
Mar. 24	Public Hearing Notice Appears in Milford Daily News	
Mar. 25	BOS Adopts and Transmits Proposed Operating and Capital Budgets to FinCom	
Mar. 26-Apr. 10	FinCom Reviews Operating and Capital Budgets	
Apr. 3	Fincom Holds Public Hearing	**2-5-2/7-2-10**
Apr. 10	FinCom Recommends Final Budget and Warrant	
Apr. 12 - 19	Warrant Submitted to Publisher	
Apr. 22	Warrant Mailed to Residents, Posted on Web	
May 13	Annual Town Meeting	

Date	Activity
April 26, 2013	**Constable Posts Warrant**

November 27, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, and Tom Gay.

ABSENT WITH NOTICE: Chan Rogers

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary
David Pellegri, Tetra Tech Engineering
Gino Carlucci, PGC Associates

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Applegate Farm Subdivision:
The Board had an informal discussion with Developer Ralph Costello and DPS Director Tom Holder. Rob Truax from GLM Engineering was in attendance as Mr. Costello's engineer. This subdivision is located on Applegate Road at the northeast corner of Ellis and Coffee Streets, shown as Road A on the approved plans.

The purpose of the meeting was to discuss a possible plan modification resulting from the Virginia Road drainage issues.

There were several documents entered into the record:

- A letter dated November 16, 2012 from Unique Homes from Ralph Costello.**(See Attached)**
- Email dated November 1, 2012 from Tom Holder, Department of Public Services. **(See Attached)**
- A letter dated October 4, 2012 from Tom Holder, Department of Public Services. **(See Attached)**

Mr. Costello communicated that he is not planning on taking any legal action. His goal is to work together with the Town to resolve this matter. The plan is to establish another drainage easement through Applegate Farm to carry water from Ellis Street to the Applegate detention basin. The cost of this will be shared between Mr. Costello and the Town.

Mr. Costello has put together a framework for a resolution. This document was circulated to members.

Chairman Rodenhiser disclosed that he has an ongoing working relationship with Rob Truax from GLM Engineering.

Engineer Truax showed a plan showing the easements. It was related to the Board that Mr. Costello has already completed some of the installation work at his cost. The size of the drainage basin and pipes was increased to accommodate the increased flows. The stub is in place. This has been completed. Mr. Costello is looking to reduce the sidewalk from 6 feet to 5 ½ feet. The applicant would also like get a waiver from the curbing standards to allow for Cape Cod berm instead of sloped granite. The applicant would also like to delete the "sidewalk to nowhere" (on the north side of Coffee Street east from Applegate Road to the eastern edge of the property) along with eliminating foundation drains.

Tom Holder indicated that he is receptive to allowing the sidewalk to be reduced to 5.5 ft. He did indicate that this must meet the ADA and AAB requirements.

Susy Affleck-Childs recommended that the Board not make any decision about eliminating the "sidewalk to nowhere" until the public hearing takes place. The neighbors felt strongly about the sidewalk. A variation of this current condition would require a waiver from the subdivision rules and regulations.

The Board discussed the purpose of the independent drain and why it is not needed.

Tom Holder explained that the independent drain has been put in behind the foundation drains. It is independent of the roadway drainage system. This is not a common practice, but it goes to the same place. It is clean water. This is for all lots on the upside of the roadway. This was referenced on the plan. The test pits will have to be evaluated. It has been recommended to eliminate the drain completely. The desire is to keep the stormwater local.

Tom Holder noted that he is comfortable with Cape Cod berm. This is finding common ground.

The Board was comfortable and receptive to allowing for bituminous Cape Cod berm rather than the granite currently specified.

Member Spiller-Walsh wanted to know if the sidewalk to nowhere is behind the proposed stone wall which has been installed already.

It was communicated that this was a private stone wall that was not built by Mr. Costello.

Member Spiller-Walsh wanted to know has anyone had a conversation with him about this.

Member Spiller-Walsh would hate to see a cut through the wall. This is a scenic wall. The new wall looks beautiful and solid.

Mr. Costello responded that he would love to add on to the wall up Ellis Street to Lot 7. It would be two or three feet back from the property line like the newly reconstructed and installed wall, but he would use the same rocks.

Member Spiller-Walsh asked what happens with the sidewalk on Coffee Street where A meets B?

Mr. Costello noted probably nothing, but he wants to improve value. There was a suggestion that the idea was to have the sidewalk meander through trees. Ralph does not want to volunteer to build that section of stone wall.

It bothers Spiller-Walsh that the stone wall stops in the middle of the stretch on Coffee St. Member Tucker is in favor of taking down more trees.

Rob Truax noted that there are about 24 to 26 ft. trees. All the trees are shown on plan. There were not a lot of big trees.

The applicant will file an application to amend the previously approved subdivision plan and will list items as waivers. A whole new set of plans needs to be submitted. The sidewalks will meet the ADA standards.

The applicant will take all the information and put it into the plan modification.

The Meadows:

The Board is in receipt of a memo from Ralph Costello dated November 16, 2012. **(See Attached)**

Mr. Costello is challenging number #1 and #4 of the punch list prepared by Tetra Tech. He communicated that the signs were initially put in and have been stolen. This was the same with the caution sign. The town has been maintaining this for a number of years. This is a matter of public safety.

Tom Holder notes that we will take on something (accept a street) in relatively good condition.

Mr. Costello indicated that each time we completed a list, a new list was created. He is interested in getting a return on the bond.

Susy Affleck-Childs responded that there have been repeated letters sent to Mr. Costello which have been ignored.

Consultant Pellegri communicated that creating a punch list prior to street acceptance is standard.

Mr. Costello responds that it is not his responsibility to maintain since the Town has been maintaining it.

Susy Affleck-Childs asks the Board to consider having Mr. Costello make a payment in lieu of instead of installing a fire alarm.

Mr. Costello responded that the piping for system is already in the ground, and the former Fire Chief (Wayne Vinton??) had communicated that he didn't want that type of system any more.

Mr. Costello agreed to put up the signs and do the crack sealing.

Consultant Pellegri indicated that the crack sealing will not need to be done until spring.

Mr. Costello agreed to do other items.

The Board was in agreement that the bond will not be released until the work is done.

Susy reported that the process to release a bond will take about four weeks. She thanked Tom Holder for all he has done and expressed her appreciation for his willingness to work together and his department on this, going as far as allocating some funds.

ECONOMIC DEVELOPMENT DIRECTOR:

Claire O'Neill, the newly appointed Economic Development Director, was present at the meeting. She communicated that she is currently working with 19 hours a week from her home until the office space will be ready. She has spent the last six week getting to know the town. She has also had meetings with companies and manufacturers and is getting a sense about what challenges these business owners have.

The Economic Development Committee is planning to have small business workshops at different times of the day for businesses. There were invitations sent out to 350 companies.

Claire is also working on the vacant property list along with creating listing sheets for industrial opportunities. She is also having meetings with town departments. There is a meeting with Charles River Pollution Control District next week.

Susy Affleck Childs and Claire met in Boston with the Department of Housing and Community Development. This was a great meeting and there was discussion about Oak Grove and the challenges.

Claire will also be working with Northeastern to update the Economic Development Assessment Survey. There was no avenue to solicit the business when the results were collected initially. This was not done. We can generate updated information from business which would update the report. Northeastern has offered to give a new report once information is provided. This is no cost to town.

Claire will be attending a meeting tomorrow of the Metrowest Economic Development Academy.

The Economic Development Committee met with a broker from Northeast Real Estate Solutions to discuss potential solar sites.

There was a recommendation to make sure the Energy Committee is involved with this.

It was also suggested we look at permitting changes for this so that we are not overly limiting sites where commercial solar could be installed in Medway.

Claire wanted to know if anyone has reached out to the owners of property in the Industrial II zoning district which is presently zoned for solar.

Susy responded she had not.

The Economic Development Committee is exploring the development of the website and is considering an outside vendor.

Claire is also looking to set up more properties for 43D designation.

ENGINEERING CONSULTANT REPORT:
Applegate Subdivision

Dave Pellegri informed the Board that some soil material came in from other projects and he rejected this.

Vice Chairman Tucker will check the State Law regarding when soil is brought in. Dave indicated that he rejected what he saw.

There was an issue with soft pavement. This will have to be cut out and fixed. The material was a little thin. There was a dense crushed dense stone. The material was very good.

Consultant Pellegri indicated that an Ellis Street house parcel was cleared along with shrubs. There is concern that there was a swale and now there is no swale and a pipe is being blocked. There was a defined path for the water before. Now it is not there and we need make sure it is cleared. Consultant Pellegri will follow-up with the contractor.

The sewer will be tied into Applegate and it will be inspected and coordinated with Medway Water and Sewer.

The Board would like to make sure that the easements are clean and would like this cleared from Town Counsel. This needs to be clearly defined.

There was discussion about having Consultant Pellegri put together a letter that the residents are tying in at their own risk.

Member Tucker would like Town Counsel to review this letter prior to anything being sent out.

Consultant Pellegri indicated that Applegate does not have a bond in place yet.

It was suggested that a bond be put in place to protect the infrastructure.

The problem is when something breaks, where does this leave the subdivision? There is no risk to the town but there is to the homeowners.

It was noted that a bond is to cover work that is not completed.

The Board recommended that Dave speak with Tom Holder since the Town will own the infrastructure.

The Board would like a bond to be put in place along with getting input from Tom Holder about maintenance and responsibility with specific locations of where we own. This needs to be made clear to the homeowners.

Consultant Pellegri will keep this on the report until the bond is posted.

Pine Meadows:
Consultant Pellegri provided and update on Pine Meadows. Dave reported that the contractor had noted that there was an issue putting in the bounds.

The Board wants the bounds in place.

PLANNING CONSULTANT REPORT

Consultant Carlucci provided a memo dated November 27, 2012 regarding comments on proposed Village Residential District and Sign Bylaws. **(See Attached)**

The Board discussed adding a possible new Village zoning district. There was a recommendation that a portion of AR-II could become this new Village district. It could follow the lines of the historic districts.

Gino mentioned another possible district for Brentwood and similar mid-century/early suburban subdivisions which do not comply with the AR2 classification.

As far as the names for this area it could be referenced at R-1, R-2, R-3, and R-4.

Consultant Carlucci communicated that he did not look at the dimensional requirements.

The Board reviewed a document from entitled Ideas for a New Village Residential District dated October 4, 2012 drafted by Susy Affleck-Childs. **(See Attached)**

The discussion was about the Village Residential District. For new construction it was suggested to analyze the predominant existing conditions to determine dimensions that would make the majority of existing properties conforming. There was further discussion about two family dwellings; some standards could be based on context within the same block. The Board would like this to be done on a scaled basis. It could be done be by lot coverage. This is clearly a proportional issue and would needs to be done cohesively. This would require a special permit to limit the size. The Board does not want to allow overbuilding on a lot. The Board is ok with variation. The Board discussed that there must be diversity within the community.

This could make two-family by right. This is part of the idea of the Village community. These types of homes already exist there.

The parking within this area would need to be addressed. There could be on street parking for streets which could accommodate. It was noted that the Town's snow parking ban would not allow this. This would need to be looked at further. The 30,000 sq. ft area may be too big for a two-family lot. If there is a parking area designated by the Town, it would bring more investment in the Village area. The parking

will always be an issue in this area until it is changed. There was discussion about lot size in the Village area. The Board would like to think about the other houses in this area.

Consultant Carlucci will look into this further and will report back to the Board.

Sign Bylaw:
Consultant Carlucci did speak with a representative from Brookline within the planning department. It was communicated that the Town does not necessarily get permits for the signs. There is an enforcement issue. This is a similar situation to Medway. The enforcement of this is an issue in both towns. There is a fair amount of chasing when someone is in violation.

Susy Affleck-Childs communicated sign enforcement is an issue worth discussing with the Town Administrator and the Board of Selectmen.

Planning and Economic Development Coordinator:

- Mr. Calarese has filed for a Special Permit with the Zoning Board of Appeals for the Tri Valley Commons Shopping Center (72 Main Street)
- There is a meeting with the MetroWest Academy on November 28, 2012. Ann Sherry, Andy Rodenhiser and Susy are planning on attending.
- There is a meeting with Capital Improvements Planning Committee on November 29, 2012 to discuss the FY 2014 requests and there will be a demonstration about the GIS work which has been completed. There will also be an update about the community signage project.
- The title work for Oak Grove is almost complete. The wetlands were noted on the map and the six categories are being redefined.
- The December 11, 2012 PEDB mtg will include action on the Fox Run Farm 40 B project – bank agreement and lot releases.
- The Board is in receipt of an email dated November 19, 2012 from Susy which was sent to Paul Yorkis with responses to questions regarding Charles River Village OSRD. This document contains answers to various questions posed by Mr. Yorkis. **(See Attached)**

Meeting Minutes

October 23, 2012:
The minutes from October 23, 2012 were be tabled until the December 11, 2012 meeting.

October 30, 2012
On a motion made by Karyl-Spiller Walsh and seconded by Bob Tucker, the Board voted to approve the minutes from October 30, 2012. (Andy Rodenhiser abstained)

Adjourn:
On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 10:20 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

UNIQUE

WWW.UNIQUENEWHOMES.COM

RECEIVED
NOV 19 2012
TOWN OF MEDWAY
PLANNING BOARD

November 16, 2012

Susan Affleck Childs
Medway Planning and Economic Development Board
Medway, Ma.

Dear Susan,

The purpose of this letter is to schedule a time with the Medway Planning and Economic Development Board to request a modification to the Applegate Farm Definitive Subdivision Plan. Modifications are needed as part of an overall plan to solve a drainage problem impacting Virginia Road, Ellis Street, and the Applegate Farm subdivision. After many months of discussing the drainage problem and possible solutions, Tom Holder of the Medway Department Of Public Services, Rob Truax of GLM Engineering, Dave Pellegri of Tetra Tech Engineering and Unique Homes, the owner of the Applegate Farm Subdivision have developed a framework for a solution including a plan which creates a drainage easement through the Applegate Farm Subdivision and shares the improvement costs of the easement between the developer and the town.

The reason for the meeting is to discuss the framework, revised plans, and modifications and seek Planning and Economic Development Board approval of the proposed changes.

Please contact me at (508) 359-8550 or rmc@uniquenewhomes.com to schedule a meeting time with the board as soon as possible. Thank you for your cooperation.

Sincerely yours,

Ralph Costello
Unique Homes

508 Main Street
Medfield, MA
02052-3548
T: 508.359.8550
F: 508.359.3662

Susan Affleck-Childs

From: Thomas Holder
Sent: Monday, November 19, 2012 3:58 PM
To: Susan Affleck-Childs; David Damico; Pellegri, David
Subject: RE: The Meadows - REsponse from Ralph Costello re; punch list

Hi Susy – In understanding the intent of accepting a street is that it would be accepted relatively soon after it was built and therefore would be in good condition. When we now accept roads that are aged and have conditional short-comings, we would naturally ask that the road and associated systems be brought up to as new condition as possible prior to accepting responsibility. We wouldn't knowingly take on a financial liability. This being said, I think that the items Unique Homes is categorizing as Town responsibility is perceived as such because we were gracious enough to service those roads prior to accepting them. We should expect that the roads and systems be updated to the extent funding will allow.

Sorry if I sound preachy, Just my high-altitude perspective of street acceptances.

Thanks.
Tom

Thomas Holder| Director
Department of Public Services

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3275

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

From: Susan Affleck-Childs
Sent: Monday, November 19, 2012 2:57 PM
To: Thomas Holder; David Damico; Pellegri, David
Subject: The Meadows - REsponse from Ralph Costello re; punch list

Hi,

We have received a response from Ralph Costello to the Board's letter dated October 15, 2012 re: the punch list for the Meadows. See attached documents.

The PEDB will probably meet with him next Tuesday evening to discuss this and other matters.

What is the DPS perspective on Mr. Costello's comments on the street signs and pavement cracking? He has suggested that those are the Town's responsibility, not his. Thoughts!?!?

TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES

TOWN OF MEDWAY
Planning & Economic Development Board

Entrusted To Manage The Public Infrastructure

October 4, 2012

Mr. Ralph Costello
Unique Homes, Inc.
503 Main Street
Medfield, MA 02052

RE: Applegate Farm Subdivision Drainage

Dear Mr. Costello,

We are writing in response to your communication dated May 22, 2012 in which you assert that the Town of Medway is responsible for addressing the "flow of storm water flooding the homes, streets and land at Virginia Road, Ellis Street, Green Valley Road and the soon to be developed land, streets and homes of the Applegate Subdivision", and for compensating you for easement costs through offsetting modifications of the Applegate Farm Subdivision Plan approval. The Town denies that it is liable to you in any manner whatsoever for the storm water drainage, storm water drainage improvements, or easements detailed in your letter.

The conveyance of stormwater through the Applegate Farm subdivision is the responsibility of Unique Homes, not the Town of Medway. The extent of the existing conditions of stormwater discharge onto the Applegate Farm Subdivision property was not fully identified nor addressed in the subdivision plan submittals you provided to the Town of Medway in late 2005. It was your responsibility to fully assess all the stormwater flows onto your property and to propose an adequate drainage design to accommodate those flows. Accordingly, the stormwater flows need to be addressed by you as the developer at this time.

Without waiving any of the Town's rights, and for purposes of settlement only, we also believe we can forge a productive partnership with you. Any actions or statements by Town officials and employees in this regard are for purposes of settlement only, and are not to be construed as an admission of any liability or admissible in any subsequent proceedings.

To date, the Medway Department of Public Services (DPS) has funded work performed by GLM Engineering Consultants, Inc. to model and design a collaborative public and private remedy to accommodate stormwater flows from Virginia Road and Ellis Street across the Applegate Farm Subdivision property to the planned retention basin. This engineering work has cost the DPS approximately $10,000.00.

Ralph Costello
October 4, 2012

To facilitate the transport of the subject storm flows in Ellis Street, the DPS by way of settlement only would agree to furnish and install materials and perform the associated improvement work within the public right-of-way on Ellis Street similar to that identified in the "Virginia Road Drainage Improvement, Medway, MA" scope of work prepared by GLM Engineering Consultants, Inc, dated February 12, 2012. This work would primarily involve an upgrade to the existing drainage infrastructure to include the installation of catch-basins, a manhole and connecting pipe work as well as all materials required for the installation of systems and roadway repair. It is anticipated that this work will not cost more than $20,000.00. The DPS is prepared to perform this work upon being notified of a signed formal agreement which clearly identifies the remedial actions expected of both the Town and you as the Developer. The DPS feels the expenditure it has already made to address this matter coupled with the investment in public infrastructure it hereby offers to make more than adequately represents the Town's financial contribution to this project partnership.

Furthermore, the DPS is supportive of relieving some of the public way construction standards previously specified in the approved Applegate Farm subdivision plan. As discussed at a recent Planning and Economic Development Board meeting, Board members have stated informally that they would be receptive to considering a modification to the Applegate Definitive Subdivision Plan that would include:

- the aforementioned changes in the stormwater design
- the addition of a drainage easement on the 4 parcels
- a reduction in the paved width of Applegate Road
- a modification to the curbing standards

We believe the adjustment of some of the construction standards would reduce your construction costs while still allowing for safe and maintainable public areas. However, as discussed at a recent meeting, the Planning and Economic Development Board members have stated informally that they are not receptive to relieving you of the sidewalk construction requirements on the north side of Coffee Street from the eastern edge of your property to Holliston Street. Please note that the Planning and Economic Development Board may not make any determinations as to any proposed modifications of the Applegate Farm subdivision plan approval until after considering all evidence presented at a duly noticed public hearing. Any statements by Board members as to proposed modifications are informal discussions only and are not binding.

Please inform the DPS at your earliest convenience if you would like to further discuss a mutually satisfactory solution in line with the above and proceed with a modification to the subdivision plan as outlined.

Tom Holder

Thomas A. Holder
Director
Medway Department of Public Services

Andy Rodenhiser

Andy Rodenhiser
Chairman
Medway Planning & Economic Development Board

UNIQUE HOMES

WWW.UNIQUENEWHOMES.COM

RECEIVED
NOV 19 2012
TOWN OF MEDWAY
PLANNING BOARD

November 16, 2012

Susan Affleck Childs
Medway Planning and Economic Development Board
Medway, Ma.

Dear Susan,

This letter is a follow up to our conversation in which we discussed the release of the bond on "The Meadows "subdivision.

It is my understanding that the balance of the bond is approximately $35,000 and this amount will be released to me when the items are completed or resolved on the list prepared by Tetra Tech as outlined in the attached September 21, 2012 letter to the Medway Planning and Economic Development Board, Items number 2, 5, 6, and 7 will be completed by Unique Homes within the next two weeks. Items number 1 and 4 were completed in the past; the signs were either lost or stolen through the years. The town of Medway routinely replaces signs as part of its ongoing maintenance. Item number 3 is also a maintenance item, since The Town of Medway has been maintaining the roadways at " The Meadows " , the minor cracking is something that is also routinely handled by the town.

Item number 8 on the list calls for a Fire Alarm Box to be installed. It is my understanding that the Medway Fire Department does not want boxes installed as the 911 system is more than adequate in emergencies. Fire Alarm Boxes open up the possibility for pranksters to send false alarms resulting in added aggravation and costs.

Please contact me at (508)359-8550 or rmc@uniquenewhomes.com with any questions that you may have.

Sincerely Yours,

Ralph Costello
Unique Homes

enclosure

503 Main Street
Medfield, MA
02052-3548
T: 508 359 8550
F: 508 359 8662

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

October 15, 2012

Mr. Ralph Costello
Cedar Trail Trust
503 Main Street
Medfield, MA 02052

RE: The Meadows Subdivision – Goldenrod Drive and Cardinal Circle

Dear Mr. Costello,

As you know, Town officials held a meeting on September 26, 2012 with residents of Goldenrod Drive and Cardinal Circle. As expected, they are eager to have the Town accept those streets as public ways. The Town is targeting the May 2013 annual town meeting to consider street acceptance.

To date, however, you have not completed the installation of ways and municipal services within The Meadows subdivision in accordance with the Planning Board's Certificate of Action, the Planning Board's *Rules and Regulations for the Approval of Land Subdivisions*, and the Massachusetts Subdivision Control Law. This is despite repeated communications to you from the Board and the Town's Consulting Engineers.

Attached is a punch list prepared by Tetra Tech, the Town's present consulting engineer, based on a recent site inspection. You need to address these items immediately. The Board will not consider the construction of the ways and installation of municipal services at The Meadows to be "complete" until these matters are resolved to the Board's satisfaction.

Please provide a plan/schedule for finishing the punch list items to the Board by November 8, 2012. If you do not complete the work or provide the requested plan or if we cannot reach a mutually agreeable resolution, the Board is prepared to take action to obtain the subdivision's performance security to complete the needed work.

Thank you for your attention to these matters. If you have any questions, please contact Susy Affleck-Childs, our Planning and Economic Development Coordinator at 508-533-3291.

Best regards,

Andy Rodenhiser
Chairman

cc: Suzanne K. Kennedy, Town Administrator

Telephone: 508-533-3291 Fax: 508-533-3287
planningboard@townofmedway.org

TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech (TT)

Re: **The Meadows**
Subdivision Review (Punchlist)
Medway, MA

Dt: September 21, 2012

On September 21, 2012 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a Punch list inspection of The Meadows Subdivision against the As-Built/Street Acceptance Plans for The Meadows dated September 5, 2007 revised August 25, 2009 and our previous Punch List Memo dated September 13, 2009. The following is a list of items and current issues that should be repaired or resolved:

Roadway

1. Street Name signs are not located at the intersections of Goldenrod Drive/Ellis Street and Goldenrod Drive/Cardinal Circle.

2. All Catch basins do not contain hoods.

3. Minor cracking of the pavement is occurring along Goldenrod Drive and Cardinal Circle. The cracks should be sealed to prevent further damage to the pavement.

4. "Caution Sign" located on Goldenrod Drive west of Cardinal Circle is missing.

5. Bounds could not be located on the north side of Goldenrod Drive. This is possibly due to them being buried.

Drainage

6. Drain manhole covers located in grassed areas are partially buried.

7. Detention Basin #1 and #2 are grown in with thick brush and small trees. The outlet control structures and emergency spillways were not able to be accessed.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

TETRA TECH

Utilities

8. The fire alarm has not been installed. Once the fire alarm is installed, it should be documented on the As-Built/Street Acceptance Plans.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

P:\21583\127-21583-09006\DOCS\MEMO\MEMO-THE MEADOWS PUNCH LIST 2012-09-21.DOC

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: November 27, 2012

RE: Comments on Proposed Village Residential District and Sign Bylaws

Introduction

I have reviewed the draft Village Residential District drafted by Susy and have spoken with her about a potential additional new district for Brentwood and other similar mid-century neighborhoods. I have some comments on those ideas as well as some follow-up to my earlier memo on the sign bylaw.

Mid-Century District

I don't propose the above as the name of a new district, but am just using it as a working title for now. On the name issue, if 2 new districts are created, one option is to rename all the districts to R-1, R-2, R-3 and R-4. However, it may be preferable to use names that at least somewhat reflect the character of the district.

I would suggest that the portion of AR-II that is north of Route 109 and C-I would be a logical area to become this new district. At a minimum, the district could include all of Brentwood plus both sides of Meadow Road, Sunset Drive and the portion of Lovering that forms the horizontal northern boundary of AR-II. Consideration could also be given to expanding to further to include Priscilla and Delmar Roads and northward along Lovering.Street.

I have not yet looked in detail at what the dimensional requirements of the district should be, but logically it would be something that makes the vast majority of properties conforming.

Village Residential District

For the boundaries of the Village Residential District, I think it does make sense to use the two historic districts as the core of the new district. Since one objective is to enhance and strengthen the character of these areas, the zoning districts should probably go beyond the boundaries of the historic districts.

I have made comments on the initial draft that is attached. In summary, I suggest that standards be in context to the immediate area of a property, and that parking standards be more flexible.

Sign Bylaw Comments

While I thought that the Brookline approach looked promising (and I still have some hope for it), I have since found that, despite the general bylaw requiring it, most nonconforming signs were not removed. As is often the case, enforcement is the issue. The Building Department is responsible for enforcement and they only respond to complaints. Also, a problem is that business put up signs without permits. I was told that every time they put an enforcement procedure in place, someone wants to change it.

Ideas for a new Village Residential District
10-4-2012 sac draft

XXXX. VILLAGE RESIDENTIAL DISTRICT

1. Buildings, structures and premises may be used for lawful residential, municipal, religious, educational or nonprofit recreational purposes, and for uses customarily accessory thereto, and for Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses.

2. Single Family Dwelling

   a) New Construction - Any single family detached dwelling hereafter erected in this district shall be located on a lot having a continuous frontage of not less than _____ ft. on a street or streets, and an area of not less than _____ sq. ft.

   b) Existing

3. Two-Family Dwellings

   a) New Construction – Subject to administrative site plan review (to be determined . . .) a two family dwelling may be erected in this district provided that the lot has an area not less than _____ sq. ft and a continuous frontage of not less than _____ ft on a street or streets and provided that the exterior design of the structure has the character of a single-family dwelling.

      Proportion issues ???? Lot coverage; FAR??

   b) Conversion – Subject to administrative site plan review (to be determined . . .), the alteration and conversion of a single-family dwelling to accommodate two families is permitted on lots having an area not less than _____ sq. ft and a continuous frontage of _____ sq. ft on a street or streets, provided that the exterior design of the structure is not changed from the character of a single-family dwelling.
      - Conversion within the existing footprint
      - Conversion with addition??

   c) Other provisions for 2 family dwellings (new or conversion)
      - Subject to administrative site plan review?
      - Maximum size per dwelling unit (# of square feet)
      - Maximum # of bedrooms per unit
      - Exterior stairways to be covered??
      - Use of basement for a dwelling unit????
      - Required screening or buffering with adjacent lots – landscaping/fence
      - Each dwelling unit must have 2 separate exits??? – isn't this a building code issue
      - One curb cut only to be shared by both units
      - Parking - There shall be provided on each lot an off-street parking area or areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer that 10 ft. to the line of an adjoining lot. No space shall be considered available for parking which reduces the effective width of a driveway providing access to this or any other dwelling. SHALL PARKING BE PAVED???

4. Multi Family (3-5 units) - construction or conversion
   - by special permit (from PEDB??)
   - minimum lot and frontage standards

- Affordable housing applicability??

5. Setbacks - All buildings shall extend no nearer to any street line than ___ ft., and shall not be less than ___ ft. from the side lot lines and ___ ft. from the rear lot line. The Board of Appeals may make exception to this upon appeal or written request, if the setbacks of buildings on adjoining lots vary from its requirement.

6. *Accessory family dwellings* – use same text for whatever amendments are proposed

7. *Infill Lots and Dwelling Units* – use same text for whatever amendments are proposed

FRANKLIN

10,000 sq. ft lot
100' frontage
Front setback = 20 feet
Side setback = 15 feet
Rear setback = 20 feet
Lot coverage = 30% for buildings

Should we have some special provisions for tear down situations . . . design standards for new construction to address scale, compatibility with neighborhood?

Where to draw boundaries for a new VR district(s)?

Around Police Station
Around Town Hall – similar to Medway Village historic district
Around West Medway – similar to Rabbit Hill historic district

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Monday, November 19, 2012 10:36 AM
To: 'PGYORK[illegible]@aol.com'
Subject: Responses to Questions Regarding Charles River Village OSRD
Attachments: OSRD section 7-16-2011 with amendments from 6-12-2011.doc

Good morning Paul,

We have reviewed a number of [illegible] development. See your questions below [illegible]

Best regards,

Susan Affleck-Childs

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

508-533-3291

safflechildsl@townofmedway.org

QUESTIONS FOR [illegible]

The applicant has reviewed the draft of the [illegible] Planning Board's [illegible] in light of the [illegible] and MAPC [illegible] Economic Development Council of [illegible] questions:

1. Item 3 page 6:

   a. What is the procedure [illegible] the owner's signature in lieu of association?

   Answer: Paragraph 3 of the [illegible] Board must approve the [illegible] units. The special permit is the legal mechanism which allows [illegible] units. Therefore, any proposed change in the method requires the Board's approval through an amendment.

to the special permit which involves an application and filing fee, public hearing, abutter notification, legal advertisement, etc. So in conjunction with the definitive plan application, you would also need to apply to amend the special permit decision and modify the concept plan. In so doing, please specify your proposed method of meeting the affordable housing obligation.

[illegible]

b. [illegible]

[illegible]

c. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Equivalent AH unit value = $361,500 – 200,400 = $161,100.

As the affordable housing obligation for this development is two affordable dwelling units, the required payment in lieu of amount for the Charles River Village development would be the Equivalent AH unit value x 2.

$161,100 x 2 = $322,200

d. [illegible]

ANSWER – Paragraph 15, of the Affordable Housing [illegible] applicant with two options regarding the [illegible] One option is to make a [illegible] permit. Another option is to make a [illegible] Such payments would [illegible] two noted options [illegible] application to modify the [illegible] permit.

NOTE regarding all of the questions [illegible] affordable housing units – [illegible] Wellesley Zoning Bylaw states that "to [illegible] with a requirement in lieu of [illegible] Village, the two previously approved [illegible] authorized to change the method of [illegible] payment in lieu of option. According to [illegible] market rate dwelling units for the Charles River Village [illegible]

e. What is the procedure if the applicant [illegible] instead wants to sell [illegible]

ANSWER – Paragraph 9 of the Affordable Housing provisions of the [illegible] Board must approve the method or combination of [illegible] units. As the special permit is the [illegible] affordable units, any proposed change in the [illegible] to the special permit, which involves an application [illegible] advertisement, etc. The Bylaw further states that the [illegible] providing the affordable housing units, must determine that the affordable housing units cannot be

produced through the other methods – on site construction, off-site construction or rehabilitation, or a donation of land. Again, the responsibility for making that case rests with the applicant/developer.

Paragraph 9. b) of the Affordable Housing provisions of the Mountain Zoning Bylaw [illegible] *location of the off-site affordable housing units* [illegible] *Development Board* [illegible] affordable housing units [illegible] provide affordable housing units [illegible] housing [illegible] community [illegible] [illegible] [illegible] [illegible]

2. Item (c) page 7:

[illegible]

[illegible]

[illegible]

[illegible]

What is the process to accomplish this improvement? The applicant would prefer that it be done as part of the definitive plan hearing process.

[illegible]

[illegible]

[illegible]

3. Item (i) which begins on page 10 and continues to page 11 addresses shared driveways. The applicant may choose to use additional shared driveways within the subdivision. What is the process to allow this to happen?

[illegible]

4. [illegible]

[illegible]

5. [illegible]

[illegible]

6. [illegible]

[illegible]

7. [illegible]

[illegible]

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

From: [illegible] [mailto:[illegible]]
Sent: Thursday, November 01, 2012 2:51 PM
To: [illegible]
Subject: Questions for [illegible]

Good afternoon

Attached please find a list of questions on behalf of the applicant.

Please call me or email me with any questions.

Paul G. Yorda
President
Pauly's Pizza Sauce, Inc.
[illegible] Main Street
Medway, MA 02053
Cell: [illegible]
Medway Chamber 2011 Member of the Year

December 11, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, and Tom Gay.

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ALSO PRESENT:
Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Planning and Economic Development Coordinator's Report:
Susy Affleck-Childs provided a status update as follows:

Zoning Bylaw Books:
The members were provided with an updated Zoning Bylaw with. It includes the amendments approved at the May 2012 town meeting which were approved by the Attorney General. This will also be sent electronically to the members who request such. This document has also been loaded to Town's website and all links go to this version.

Charles River Village OSRD:
Susy has received the Definitive Plan application for the Charles River Village OSRD. The public hearing will begin January 8, 2013. The abutter notifications will go out next week.

Norwood Acres:
The Norwood Acres plan will be ready for plan endorsement on January 8, 2013.

Fiscal 2014 Budget:
The Fiscal 2014 budgets are due January 18, 2013.

Green Community Annual Report:

Susy has completed and submitted Medway's Green Community Annual Report to the Mass Department of Energy Resources.

Daniels Village ARCPUD:
Susy met with a prospective developer who is very interested in doing an ARCPUD on this site (west side of Winthrop Street south of Lovering Street). This developer asked whether the permit extension law applies. Town Counsel is looking into this. Barberry Homes was the previous applicant.

Fox Run Farm Subdivision Security:
The Board is in receipt of a performance secured lender's agreement for the Fox Run Farm 40B development. **(See Attached)** The document was signed by Rockland Trust Company.

The developer has paid the current invoice for construction services for $11,000. The bond agreement has been reviewed by Town Counsel. The bond amount recommended by Tetra Tech is $88,825.00

The Board agreed that they have fulfilled all of their requirements.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to approve and sign the Tri-Party Agreement with Mujeeb Ahmed and Rockland Trust.

NOTE – Three originals were signed.

The Board also signed the Release of the Subdivision Covenant.

9 & 11 Cedar Farms Road: ANR Plan

Mr. Brian Nelson of MetroWest Engineering was present.

The Board is in receipt of an ANR Plan for 9 and 11 Cedar Farms Road dated December 3, 2012. **(See Attached)**

The Board is also in receipt of paperwork submitted by Metrowest Engineering dated December 5, 2012. **(See Attached).**

The Chairman disclosed that on occasion he does business with MetroWest Engineering.

The applicant is looking to do a land swap for properties located at 9 & 11 Cedar Farms Road. The two residents were seated in the audience.

The plan is to reconfigure the common lot line between the two properties. Both lots will have adequate area, frontage and access off of Cedar Farms Road. The properties are located in the Agricultural-Residential District 1.

Consultant Carlucci indicates that this does fully comply and the noted technical issues have been addressed. This is noted in his memo dated December 10, 2012. **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to endorse the ANR plan for Applebaum-Cunha as presented with a revised plan date of December 11, 2012.

25 Main Street: ANR Plan – Redwing Properties

The Board is in receipt of an ANR application and plan for 25 Main Street dated December 5, 2012. **(See Attached)**

The property consists of 7.52 acres, and is to be divided into 2 lots and 2 parcels. All are labeled as LOTS on the plan. The plan was drawn by Paul DeSimone from Colonial Engineering. The owner is Toni Biocchi. He is taking and carving off a piece to make a buildable lot for his son. He is leaving the back as a non-buildable.

Member Rogers wants to see the flood plan lines drawn in the right and accurate way.

Member Gay would like to see the applicant lay this out in a better way. He is not comfortable with the creation of a swamp lot. He does not want to see the Town creating useless pieces of property. Member Gay is comfortable with Lot 4 as shown.

The applicant will revise this making it three lots instead of four. The applicant asked to withdraw the application without prejudice so that he can resubmit.

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the applicant's request to withdraw the application for the ANR plan for 25 Main Street without prejudice.

The applicant will need to submit a new plan noting the various recommended revisions relative to Parcel A & B and flood plan line. The applicant would like to be placed on the January 8, 2013 agenda.

Possible Rezoning - 32 Summer Street:
Paul Yorkis was present to speak on behalf of Berry's Greenhouses at 32 Summer Street. It was suggested that this parcel could be rezoned from ARII to Commercial V.

The Board is in receipt of a copy of the Town of Medway Map #56. The parcel was noted with an orange x. **(See Attached)**

There is a building which can be used for residential purposes. The building on the property is not being actively used. It is being used as a residential structure.

The Board discussed that a rezoning would need to go on the warrant for town meeting vote. It could be initiated by the Planning Board or by the owner.

Chairman Rodenhiser communicates that this makes sense from an Economic Development perspective to change the zoning.

Member Rogers has no problem supporting this, but he does not want the Board to initiate since it is a single lot.

Member Tuckers notes that if this were not adjacent to the existing Commercial IV, it would not make sense, but it is and it makes sense.

It was discussed that this whole area should be looked at in terms of rezoning. Perhaps there are other parcels along this part of Route 126 that should be rezoned to Commercial V.

Susy responds that this will need some analysis for the comprehensive approach of making this area all commercial. This might be more than we can manage for the spring town meeting with the other priorities the board has taken on. This could be a joint endeavor with the Economic Development Committee.

It was suggested that Mr. Yorkis send a letter requesting that the Planning Board sponsor the article for the May town meeting.

Possible Revisions to Williamsburg Condominium Decisions/Plans:
The Board is in receipt of a memo dated December 6, 2012 from Mr. Paul Yorkis, president of Williamsburg Condominium Corporation. **(See Attached)**

The developer wants to reduce the number of affordable units from the currently required three units to two units. The other changes would include adding garages to two affordable units. This would require a waiver.

Mr. Yorkis explained that he did discuss this matter with the Medway Affordable Housing Trust and the Affordable Housing Committee and they have indicated their support. A letter will be coming from the various committees. He further explained that there are State (DHCD) guidelines and not policies about affordable houses having garages.

Susy explained that this change may need a modification to the OSRD special permit and/or the definitive plan decisions. She wants to take this new information and provide it to Gino for review. The language in both the Special Permit decision and definitive plan decision will probably need to be modified. This will need to have a public hearing.

This item will be added to the agenda item for January 8, 2013.

Bob Ferrari, Co-Chairman of the Affordable Housing Committee was present. They have taken a position to endorse this proposed change.

Consultant Estimates for Charles River Village Definitive Plan

The Board is in receipt of consultant estimates for plan review services pertaining to the Charles River Village Definitive Plan.

PGC Associates Inc. review estimate dated December 6, 2012. **(See Attached)**

Tetra Tech Rizzo review estimate dated December 5, 2012. **(See Attached)**

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted to approve the consultant estimate from PGC Associates in the amount of $1,170.00 and from Tetra Tech Rizzo in the amount of $5019.00 for Charles River Village Definitive Plan. (Chan Rogers chose to not vote.)

Susy communicated to the Board that the estimates from Tetra Tech Rizzo are more detailed as had been requested.

Continuation of Planning and Economic Development Coordinator's Report

Parking Regulations Analysis:
The Board is in receipt of a document dated December 5, 2012 entitled "Existing Medway Parking Requirements/Standards per Medway Zoning Bylaw. **(See Attached).** This document was created by Susy Affleck-Childs. It is an inventory of Medway's existing parking requirements district by district. The document will be shared with Paul Yorkis and Claire O'Neill along with the Economic Development Committee.

Marijuana Dispensaries:
The Board is in receipt of a letter dated November 27, 2012 from the Town of Walpole. **(See Attached)** The Board is also in receipt of paperwork entitled "MMA Seeks Delay of Marijuana Dispensaries" dated November 20, 2012. **(See Attached).**

This item will be placed on the January 8, 2013 agenda.

Streamlined Street Acceptance:
The Town of Medway sponsored an initiative to the Legislature to streamline the street acceptance process. This has made it through one of the two houses and it looks promising. Allison from the Town Administrators office has been monitoring this.

Zoning Board of Appeals:
The Board is in receipt of a notice that the Zoning Board of Appeals will hold a public hearing on December 19, 2012 for a Special Permit for Calarese Properties for 72 Main Street for the Tri Valley Commons shopping center.

Susy also informed the members that she sent an email to the Chairman of the Zoning Board of Appeals asking if they are interested in working on refining the accessory family dwelling unit provisions of the zoning bylaw.

Capital Improvements Committee:
Susy informed the Board that she presented to the Capital Improvement Committee. Susy, Fran and Dave provided a demonstration of the GIS work which has been completed. This included a presentation of the various maps.

Joint Meeting with BOS
There will be a joint meeting with the Board of Selectmen on Tuesday, January 15, 2013 at 7:00 pm to discuss zoning ideas.

Oak Grove Title Work:
The Oak Grove Title work is completed. There will be an executive session with Board of Selectmen on December 17th to discuss the information. There will be an update provided to the Board.

People GIS – ON-Line Permitting:
The staff had a demonstration with People GIS showing a mock online permitting application. This continues to proceed forward.

MAPC:
The Town of Medway has been selected to receive technical assistance from MAPC. Cynthia Wall will be doing some work to draft mixed use zoning for the Oak Grove area.

Integrated Water Resources Management Program Task Force:
The Board is in receipt of a letter from the Tom Holder, Department of Public Services dated December 6, 2012. **(See Attached)**

The letter explains that the DPS has begun a project to evaluate water resource management in the community. DPS is interested in having representation from the Planning Board to serve on the Advisory Committee.

Andy Rodenhiser and Chan Rogers are both interested in assisting on this committee.

Upper Charles Conservation Land Trust:
The Board received a note from Jim Wieler, the Chairman of the Upper Charles Land Trust.

Minutes:
October 23, 2012:
These will be tabled until the next meeting.

November 27, 2012
On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted to approve the minutes from the November 27, 2012 meeting.

Adjourn:
On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:45 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Performance Secured by Lender's Agreement

Planning & Economic Development Board – Town of Medway, MA

This agreement is entered into this _____ day of December, 2012, between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Fox Run Development Group LLC ("Applicant"), and Rockland Trust ("Lender") to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on May 4th 2011, after a duly noticed public hearing, the Board of Appeals approved a Modification to Comprehensive Permit Subdivision Lotting Plan showing 12 lots, which is entitled Fox Run Farm, prepared by Outback Engineering Inc, dated May 24th, 2011 and recorded at the Norfolk County Registry of Deeds in Plan Book 610 Page 62 (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 122 Holliston Street and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 599 Page 64; or is registered in _____ as Document No. _____ and noted on Certificate of Title No. _____; and

WHEREAS, the Applicant has recorded a first mortgage with the Lender dated November 26, 2012 and recorded in the Norfolk County Registry of Deeds, Book 30731 Page 525 covering the land shown on the Subdivision Plan as security for the payment of a note in the principal sum of $500,000; and

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

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of $88,825, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this subdivision; the application submitted for approval of this

subdivision; the Board's Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Approval; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:
_____ (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than ___ years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on June 15th 2011, and therefore the required completion date is _____.

3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board to the Lender upon completion of the work by the Town of Medway.

4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Applicant without the prior written release of said funds by the Board.

5. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W. No signature by Lender of this Agreement shall be deemed a consent by Lender under the provisions of G.L. c. 41 §81W.

6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this agreement in full or in part. Upon receipt of a written notice of reduction or release, such reduced or retained funds shall be available to the Lender, who may retain or may disburse the Retained Funds, or portion thereof, to the Applicant, as Lender so determines.

7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six

months prior to said release. This agreement does not expire until released in full by the Board.

8. Failure to complete construction of the ways and installation of the municipal services by the required completion date shall result in automatic rescission of approval of the Subdivision Plan. Such rescission shall be in accordance with G.L. c. 41 §81W. No signature by Lender of this Agreement shall be deemed a consent by Lender under the provisions of G.L. c. 41 §81W.

9. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 2012.

PLANNING & ECONOMIC DEVELOPMENT BOARD – TOWN OF MEDWAY

_____

_____

_____

_____

_____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____day of _____, 2012, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board _____

_____

_____

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

_____
Notary Public
My commission expires:_____

APPLICANT

By: _____

Mujeebuddin Ahmed

Title/Position: Member

Organization: Fox Run Development Group LLC

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 26th day of November, 2012 before me, the undersigned notary public, personally appeared the above-named Mujeebuddin Ahmed, proved to me through satisfactory evidence of identification, which was (personal knowledge) (~~Massachusetts~~ R.I. driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

BRUCE A. ISSADORE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 29, 2017

_____

Notary Public: Bruce A. Issadore

My commission expires: 12.29.2017

LENDER

By: _____

Title/Position: First Vice President

Organization: Rockland Trust Company

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 26TH day of NOVEMBER, 2 012, before me, the undersigned notary public, personally appeared the above-named JOHN DAVIDSON proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

BRUCE A. ISSADORE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 29, 2017

_____

Notary Public:

My commission expires: 12/29/17

LAND SUBDIVISION – FORM A

RECEIVED DEC 05 2012

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

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

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

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

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board. ***You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.*** *Your absence may result in a delay in its review.*

12/03, 2012

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

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

ANR PLAN INFORMATION

Plan Title: PLAN OF LAND #9 & #11 CEDAR FARMS ROAD IN MEDWAY, MASS

Prepared by: METROWEST ENGINEERING, INC., ROBERT A. GEMMA

P.E. or P.L.S registration #: P.L.S. #37046 Plan Date: DECEMBER 3, 2012

PROPERTY INFORMATION

ANR Location Address: #9 AND #11 CEDAR FARMS ROAD

The land shown on the plan is shown on Medway Assessor's Map # 4-2 Parcel # 53 & 53-3

Total Acreage of Land to be Divided: 2.26

Subdivision Name (if applicable): N.A.

Medway Zoning District Classification: (AR-I) AGRICULTURAL - RESIDENTIAL DISTRICT I

Frontage Requirement: 180 FEET Area Requirement: 44,000 SQUARE FEET

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

The owner's title to the land that is the subject matter of this application is derived under deed from: SEE ATTACHMENT to _____ dated _____ and recorded in Norfolk County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title Number_____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

	#11 CEDAR FARMS ROAD	#9 CEDAR FARMS ROAD
Applicant's Name:	MATTHEW & NICOLE APPLEBAUM	GARY & TINA CUNHA
Applicant's Signature:		
Applicant's Address:	11 CEDAR FARMS ROAD	#9 CEDAR FARMS ROAD

Applicant's Telephone: _____

Applicant's Email: _____

PROPERTY OWNER INFORMATION *(if different than applicant)*

Property Owner Name: _____

Address: _____

The Owner hereby appoints _____ to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 12/3/2013

_____ #9 CEDAR FARM
Owner's Signature

_____ # 11 CEDAR FARM
Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

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

_____ 1. The accompanying plan does not show a division of land.

_____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on CEDAR FARMS ROAD *(name of way(s)*, which is:

_____ a. A public way. Date of street acceptance: _____

_____ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*

✓ c. A way shown on a definitive subdivision plan entitled DEFINITIVE SUBDIVISION OF CEDAR FARMS II that was previously endorsed by the Planning & Economic Development Board on 12\09\1986 and recorded at the Norfolk County Registry of Deeds on 04\24\1987. Provide detailed recording information.

PLAN #438 OF 1987

_____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.

_____ 3. The division of land shown on the accompanying plan is not a *"subdivision"* for the following reasons: THIS PLAN IS A PARCEL SWAP. NO NEW BUILDING LOTS ARE BEING CREATED. BOTH BUILDING LOTS HAVE FRONTAGE AND ACCESS OFF CEDAR FARMS ROAD, A CONSTRUCTED, PRIVATE WAY.

ANR PLAN FILING FEE

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

Please prepare two checks: one for $80 and one for the balance. Each check should be made payable to: Town of Medway

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

✓ *2 signed original ANR applications (FORM A)*

✓ *8 prints of ANR plan*

✓ *Project Explanation*

✓ *Application/Filing Fee*

****

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic Development Board: 10/5/2010.

ANR Application/Filing Fee Paid: Amount: $250 — *Check #* 1488 #80
1489 #170

MATTHEW APPLEBAUM
NICOLE MARIE APPLEBAUM
11 CEDAR FARMS ROAD
MEDWAY MA 02053

11/03

1488

5-7017/2110
794

12/4/12
Date

Pay to the Order of Town of Medway $ 80.00

Eighty 00/100 Dollars

Security Features Details on Back.

Citizens Bank
Massachusetts

For Land Subdivision

Nicole Applebaum

⑆211070175⑆ 1139456390⑈ 1488

MATTHEW APPLEBAUM
NICOLE MARIE APPLEBAUM
11 CEDAR FARMS ROAD
MEDWAY MA 02053

11/03

1489

5-7017/2110
794

12/4/12
Date

Pay to the Order of Town of Medway $ 170.00

One hundred + Seventy 00/100 Dollars

Security Features Details on Back.

Citizens Bank
Massachusetts

For Land Subdivision

Nicole Applebaum

⑆211070175⑆ 1139456390⑈ 1489

Proposed Parcel Exchange
9 & 11 Cedar Farms Road
Medway, MA 02053

Approval Not Required Plan (ANR)– Attachment A

Property Information

Project Location: 9 & 11 Cedar Farms Road, Medway MA

Applicant

Matthew and Nicole Applebaum
11 Cedar Farms Road
Medway, MA 02053
(508) 494-2108

Owners

Gary & Tina Cunha
9 Cedar Farms Road
Medway, MA 02053

Matthew and Nicole Applebaum
11 Cedar Farms Road
Medway, MA 02053

Land Surveyor & Owner Representative

MetroWest Engineering Inc.
75 Franklin Street
Framingham, MA 01702
(508) 626-0063

Record Title Information

9 Cedar Farms Road
Assessor's Map 4-2, Lot 53-3
Deed from N.P. Dodge Jr. to Gary and Tina Cunha, dated July 30, 2009
Deed Book 26941, Page 572

11 Cedar Farms Road
Assessor's Map 4-2, Lot 53
Deed from Deborah Walis to Matthew and Nicole Applebaum, dated November 16, 2007
Deed Book 25304, Page 03

Project Explanation-ANR Plan, 9 and 11 Cedar Farms Road, Medway

The project site is located on the westerly side of Cedar Farms Road near the intersection of Rockwood Road in the town of Medway. The ANR application and plan of land pertain to a parcel swap between the properties known as 9 and 11 Cedar Farms Road in Medway.

The plan reconfigures the common lot line between the two properties through the creation of Parcels A and B. Parcel A is a triangular piece of land located between the properties and has an area of 2,314 square feet. Parcel A is to be conveyed from #9 cedar Farms Road and combined with the premises at 11 Cedar Farms Road (Lot 1A-1) to create one building lot with an area of 49,296 square feet and having a total frontage of 264.51-feet.

Parcel B is a rectangular shaped piece of land that has an area of 2,286 square feet of land and is located at the rear of the properties. Parcel B is to be conveyed from #11 Cedar Farms Road and combined with the premises at 9 Cedar Farms Road to create one building lot with an area of 44,692 square feet and having a total frontage of 224.48-feet.

Both lots will have adequate area, frontage and practical access off of Cedar Farms Road. Cedar Farms Road is a constructed private way.

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: December 10, 2012

RE: Cedar Farms Road-Applebaum-Cunha ANR

I have reviewed the ANR plan submitted for endorsement by Matthew and Nicole Applebaum and Gary and Tina Cunha, all of Medway. The plan was prepared by Metrowest Engineering, Inc. of Framingham. The plan proposes to adjust the lot line between two abutting properties by swapping roughly equal areas. I have comments as follows:

1. Section 3.2.2 of the regulations requires that the Registry block and signature block be in the upper right hand corner of the plan. These are in the lower left corner of the plan.

2. Section 3.2.6 requires that the names of abutters across the street be included on the plan. The direct abutters are shown but not the ones across the street.

3. Section 3.2.11 requires a statement as to whether the subject property is classified as Chapter 61A or 61B land. No statement about this is on the plan.

The plan qualifies for ANR endorsement. Since the technical deficiencies are minor and the plan is simply a lot line adjustment, I recommend that it be endorsed.

COLONIAL ENGINEERING, INC.
Surveying and Engineering

11 AWL STREET
MEDWAY, MA. 02053
(508) 533-1644
(508) 533-1645 FAX

December 3, 2012

Medway Planning Board
155 Village Street
Medway, Ma. 02053

Re: 25 Main Street

Dear Board Members,

25 Main Street consists of 7.52 acres, to be subdivided into 4 lots. Two nonconforming and two conforming lots. Of the two conforming lots one will have the original homestead and garage. If you have any questions please do not hesitate to call.

Sincerely

Paul F. DeSimone GM

LAND SUBDIVISION – FORM A

RECEIVED
DEC 05 2012
TOWN OF MEDWAY

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

Planning Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two signed originals of this Application and one copy of the ANR Plan to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, seven (7) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning Board.

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

In submitting this application, the Applicant authorizes the Planning Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application and ANR plan. You or your duly authorized agent will be expected to attend the Planning Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application. Your absence may result in a delay in its review.

Dec 3, 2012

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

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

ANR PLAN INFORMATION

Title: Plan of Land in Medway, MA

Prepared by: Paul J. DeSimone

P.E. or P.L.S registration #: 30466

Plan Date: Sept 26 2012

PROJECT EXPLANATION

Provide a cover letter or attach an additional sheet with a detailed explanation of what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPLICANT INFORMATION

Applicant's Name: Anthony Brocchi

Applicant's Signature: [illegible]

Applicant's Address: 25 Main St

Medway MA. 02053

Applicant's Telephone: 508 561 1502 (cell)

PROPERTY OWNER INFORMATION (if not Applicant)

Property Owner Name: _____

Address: _____

_____

The Owner hereby appoints Anthony Brocchi to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 12/3/12 [illegible]

Owner's Signature

PROPERTY INFORMATION

ANR Location Address: 25 MAIN ST.

The land shown on the plan is shown on Medway Assessor's Map # 32 Parcel # 033

Total Acreage of Land to be Divided: 7.52±

Subdivision Name (if applicable): N/A

The owner's title to the land that is the subject matterof this application is derived under deed from: James A. Sia Trustee to Red Wing Properties dated Oct 28, 2010 and recorded in Norfolk County Registry of Deeds, Book 28212 Page 433 or Land Court Certificate of Title Number_____, Land Court Case Number _____,registered in the Norfolk County Land Registry District Volume _____, Page _____.

Medway Zoning District Classification: AR 1

Frontage Requirement: 180' Area Requirement: 44,000 S.F.

APPROVAL NOT REQUIRED JUSTIFICATION

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

_____ 1. The accompanying plan does not show a division of land.

_____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ *(name of way(s)*, which is:

_____ a. A public way. Date of street acceptance: _____

_____ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*

_____ c. A way shown on a definitive subdivision plan entitled _____ that was previously endorsed as an approved plan by the Planning Board on _____ subject to the following conditions _____ _____.

_____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, having, in the opinion of the Planning Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.

✓ 3. The division of land shown on the accompanying plan is not a *"subdivision"* for the following reasons: _____

NO new ways on Streets

ANR PLAN FILING FEE

$250 for a plan involving two (2) or fewer lots or parcels

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

Check to be made payable to: Town of Medway

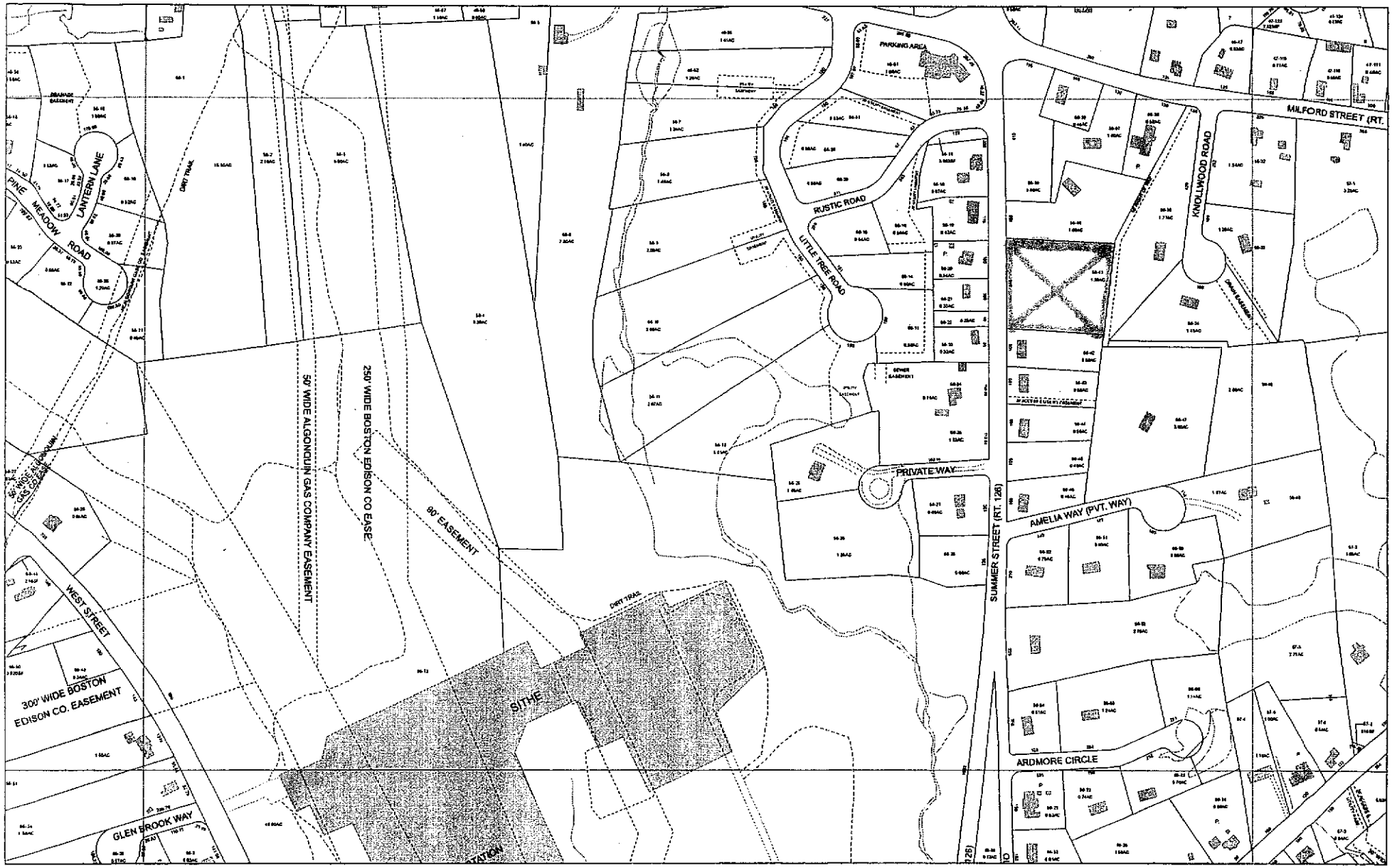
Fee approved 11-9-04

Date Form A and ANR Plan Received by Planning Board: 12/5/2018

ANR Application/Filing Fee Paid: Amount: $250 – *Check #* 1293

Date Form A and ANR Plan Received by Town Clerk

Revised – April 14, 2005



PeopleGIS Inc. 22 Mill St Ste Arlington, MA REVISED 2012	THIS DOCUMENT HAS BEEN PREPARED TO SHOW AP PROXIMATE LOT LOCATION ONLY. INFORMATION SHOWN IS NOT TO BE USED FOR DEED DESCRIPTIONS.	PARCEL MAP-LOT NUMBER ..... 14-2 BOUNDARY DIMENSION..... BUILDING WITH STREET NO..... PAPER STREET.....	PARCEL AREA..... SUBDIVISION LOT NO..... VACANT LOT WITH STREET NO. ZONING LIMITS..... AGR	PROPERTY MAP **TOWN OF MEDWAY** NORFOLK COUNTY, MASSACHUSETTS	1 INCH = 111 FEET 0 25 50 100 FEET	**MAP 56**

Williamsburg Condominium Corporation
159 Main Street
Medway, MA 02053

RECEIVED
DEC 06 2012
TOWN OF MEDWAY
PLANNING DEPT.

December 6, 2012

Mr. Andy Rodenheiser
Chair
Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Dear Mr. Rodenheiser:

By way of this letter and the attachment prepared by David Faist, Faist Engineering, I would like to have a discussion with the Planning and Economic Development Board regarding Williamsburg Condominiums.

Specifically, I would like to discuss the reduction in the number of affordable units from the currently approved three (3) units to two (2) units.

Other changes include adding garages to two (2) affordable units, changing a lot line to make sure the open space conforms to the recent changes to the OSRD bylaw, and two waivers both relating to garages.

I will be happy to review with the Planning and Economic Development Board all aspects of this request.

Please note that I have discussed this matter with the Affordable Housing Trust and Affordable Housing Committee and they have indicated their support for the request pending their receipt of a letter and documentation relating to the request.

Thank you in advance for your consideration.

Sincerely,

Paul G. Yorkis
President
Williamsburg Condominium Corporation

Civil Environmental

FAIST ENGINEERING, INC.

67 Hall Road - Sturbridge, MA 01566

Mr. Paul Yorkis
President – Williamsburg Condominium Corporation
159 Main Street
Medway, MA 02053
Phone: 508-533-2292

December 06, 2012

RE: ***2012 OPEN SPACE RESIDENTIAL DEVELOPMENT & AFFORDABLE HOUSING CHANGES***
"Williamsburg Condominiums - OSRD" West Street - Medway, MA

Dear Mr. Yorkis:

It is our understanding that the *Williamsburg Condominium Corporation* is requesting an amendment to the January 20, 2010 Town of Medway Planning and Economic Development Board's "Certificate of Action Williamsburg Condominium Open Space Residential Development (OSRD) Definitive Plan" based on your proposed building configuration changes, recent interaction with the State of Massachusetts Department of Housing and Community Development, and 2012 changes to the Town of Medway Zoning By-Law.

Faist Engineering, Inc. (FE) is writing this letter to summarize our review of the proposed changes to the project as they relate to the 2012 revisions to the Town of Medway Zoning By-Law Section V. Use Regulations **Sub-Section T. Open Space Residential Development (OSRD)**, date June 14, 2012.

We believe the following OSRD By-Law sections include changes that require a new waiver or an amendment to the January 20, 2010 Certificate of Action based on your proposed building layout changes.

8. Adjustment of Dimensional Requirements

- **Modification of Existing Waiver** - 8(f) Garage doors set back a minimum of 5 ft. more than the front wall of the principle building.

  Proposed Unit 7 will have front load garage similar to "F" Style Units 13 & 19. January 19, 2010 Cert. of Action page 13 - waiver was granted for "a maximum of two "F" style building are acceptable". This would need to be modified to allow for three (3) front load garages with less than 5 ft. minimum setback.

- **New Waiver** – 8(f) No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed.

  Applicant's proposal to provide 2-car garages for all Units, including Affordable Units, development area space only provides for at total of eight (8) side load garages (44%). Original Plan did not provide garages for two affordable and two regular units. A waiver is necessary from the 2012 regulations to allow for construction of 56 % of garage doors to face the street.

Phone: (508) 864-6802 dfaist@faisteng.com

9. Open Space Requirements

9(e) – The following shall not qualify toward the required minimum open space area:

(4) Land within thirty feet (30') of any dwelling unit.

Units 1/3, 17/19, and 21/23 are within 30' of the existing Open Space Parcel B.

(7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.

A 15 ft. wide strip of land is currently utilized as Open Space along the western property boundary with land N/F Wickis.

- **Proposed Modification of OSRD Property Line**

Williamsburg Condominium Corporation is proposing to eliminate the 15' wide strip of Open Space land along the western property boundary with land N/F Wickis and reconfigure two (2) lot lines behind Units 9/11 & 13/15 resulting in no net change to either lot area. This is necessary to address the above noted changes to the Open Space requirements.

This will require the preparation of a plan by a licensed state of Massachusetts land surveyor in accordance with all applicable State of Massachusetts property & registry of deeds requirements. In addition, the easement for the existing roof drain piping along this property line will be adjusted to match its as-built location. The roof drain piping and manholes were installed further inside the development parcel to preserve the mature trees in this area and will not be within the revised open space parcel.

January 19, 2010 – Certificate of Action Specific Condition #15

- **Proposed Modification of Existing Specific Conditions- Affordable Housing** - Proposal to decrease number of affordable units from three (3) to two (2) based on Town of Medway Zoning By-Law Section V. Sub-Section X. Affordable Housing, date June 14, 2012 as it relates to the "Williamsburg Condominiums – Open Space Residential Development (OSRD)" on West Street in Medway, MA (the "Site").

Unit # 12 & Unit #5 are now proposed as the two (2) affordable units. A "Proposed OSRD Building Layout Revision Sketch Plan" showing existing as-built buildings and proposed building / affordable unit locations is included as **Attachment A**.

A summary letter by Faist Engineering, Inc. dated October 23, 2012 re: "2012 Affordable Housing Changes to Required # of Affordable Dwelling Units Williamsburg Condominiums – OSRD" is included as **Attachment B.**

This letter represents our professional opinion of the 2012 Zoning By-Law revisions we believe apply to your proposed changes to the Williamsburg Condominium-OSRD project. The project substantially complies, to the best of our knowledge, with all other engineering design aspects of the approved January 19, 2010 "Certificate of Action" and 2012 Town of Medway OSRD By-Law.

Please note all requests for project changes are subject to review and approval by the Medway Planning and Economic Development Board. We understand that the project is currently only partially complete and will require a finally as-built and engineering review to insure all work is complete in accordance with the approved plans.

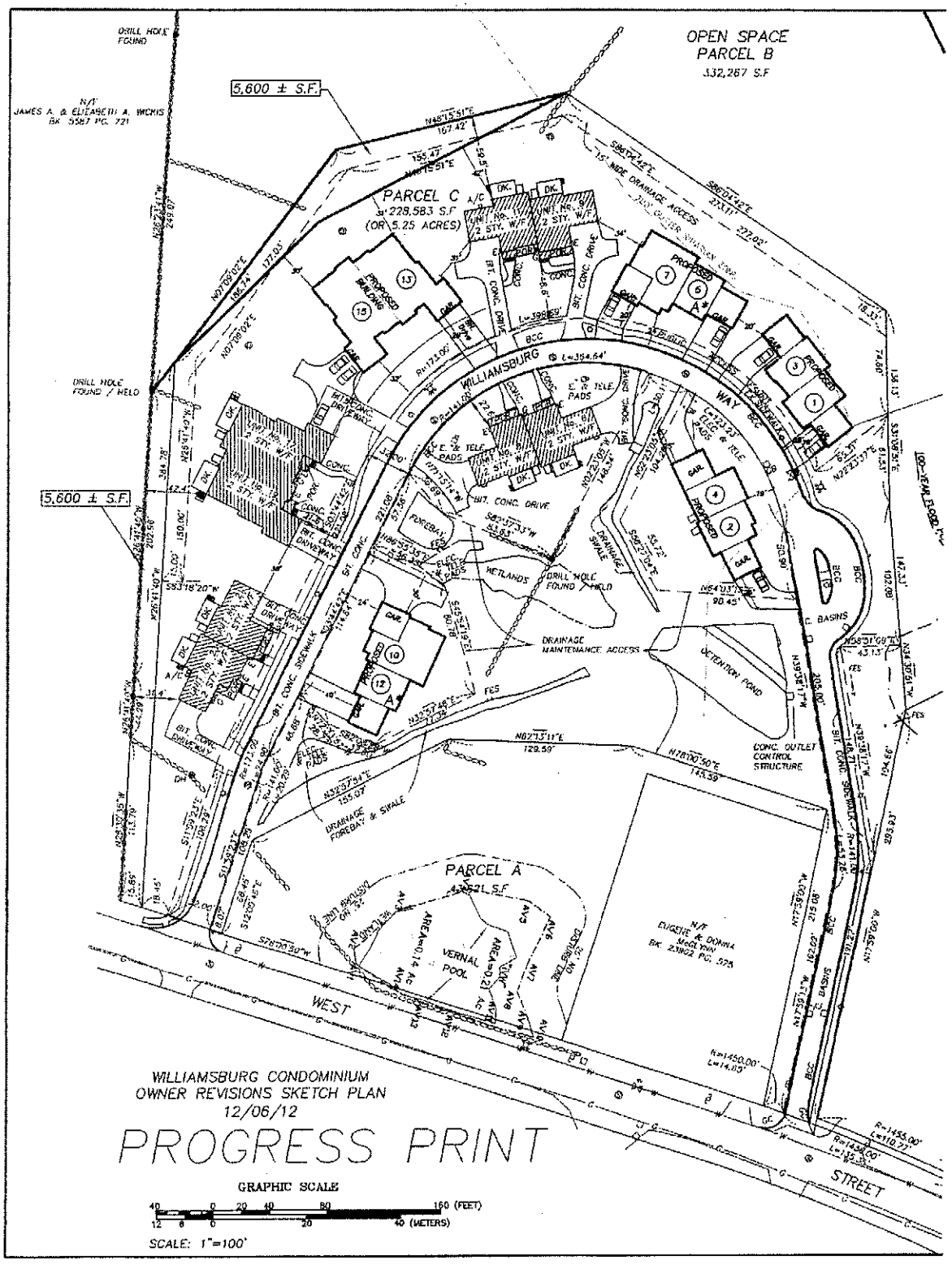
Please contact us at (508) 864-6802 with any questions or if you need additional information. Thank you.

Sincerely,

David T. Faist, P.E.
Principal Engineer
Attachments

ATTACHMENT A

Williamsburg Condominium OSRD
2012 – Proposed OSRD Building Layout Revisions
Sketch Plan


OPEN SPACE
PARCEL B
332,287 S.F
PARCEL C
PARCEL A
WILLIAMSBURG WAY
WEST STREET
5,600 ± S.F.
DRILL HOLE FOUND
DRILL HOLE FOUND / HELD
PROPOSED BUILDING
DRAINAGE MAINTENANCE ACCESS
DETENTION POND
CONC. OUTLET CONTROL STRUCTURE
DRAINAGE FOREBAY & SWALE
VERNAL POOL
WETLANDS
100-YEAR FLOOD LINE
WILLIAMSBURG CONDOMINIUM
OWNER REVISIONS SKETCH PLAN
12/06/12
PROGRESS PRINT
GRAPHIC SCALE
SCALE: 1"=100'

ATTACHMENT B

10/23/12
2012 Affordable Housing By-Law Changes
Letter

Maximum # of OSRD Dwelling Units = $\frac{TA - (0.5 \times WA) - (0.1 \times TA)}{\text{Zoning District Minimum Lot Area}}$

Maximum # of OSRD Dwelling Units = $\frac{13.86 \text{ Acres} - (0.5 \times 7.08) - (0.1 \times 13.86)}{0.517 \text{ Acres}}$ = 17.3 UNITS

TOTAL PROPERTY AREA (TA): = 13.86 Acres
WETLAND RESOURCE AREA: = 3.19 Acres (23.0%)
RIVERFRONT 200' RIPARIAN ZONE AREA: = 3.89 Acres (28.1%)
TOTAL WETLANDS & RIVERFRONT AREA (WA) = 7.08 Acres (51.1%)

REQUIRED OPEN SPACE AREA (50% TA) = 6.93 Acres
REQUIRED UPLAND AREA W/IN OPEN SPACE = 5.34 Acres (77.0%)
PROPOSED TOTAL OPEN SPACE AREA = 8.65 Acres
UPLAND AREA WITHIN OPEN SPACE = 5.66 Acres

WETLAND AREA:	2.47 Acres
VERNAL POOL AREA:	0.14 Acres
100-YR FLOOD PLAIN AREA:	0.58 Acres
WETLAND RESOURCE AREA:	3.19 Acres

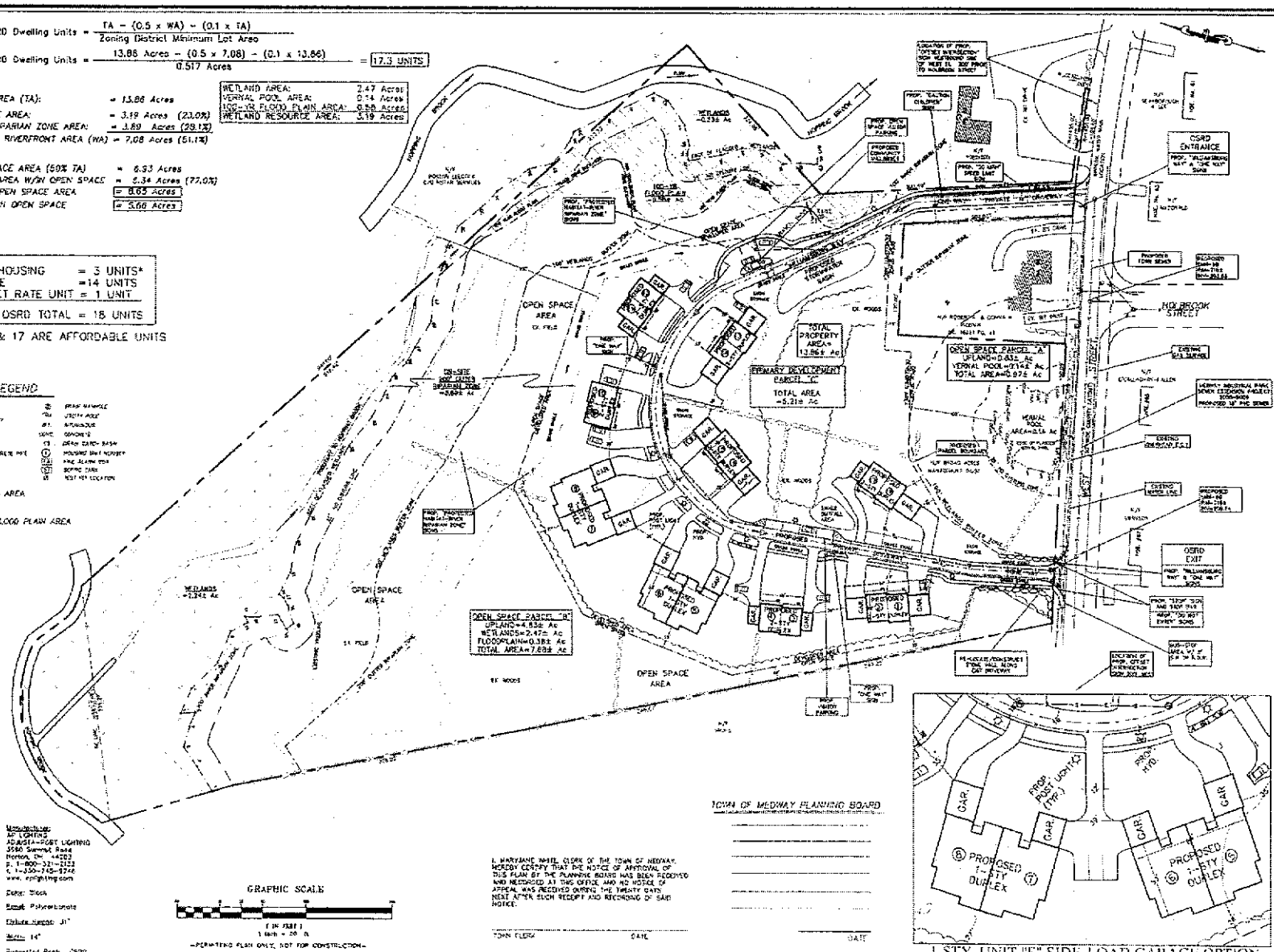
AFFORDABLE HOUSING = 3 UNITS*
MARKET VALUE = 14 UNITS
BONUS MARKET RATE UNIT = 1 UNIT
OSRD TOTAL = 18 UNITS

*UNITS 9, 11, & 17 ARE AFFORDABLE UNITS

LEGEND

WETLANDS AREA

100-YR FLOOD PLAIN AREA



TOWN OF MEDWAY PLANNING BOARD

I, MARYANNE WHITE, CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

TOWN CLERK DATE DATE

GRAPHIC SCALE

(IN FEET) 1 inch = 20 ft.

-PERMITTING PLAN ONLY, NOT FOR CONSTRUCTION-

LIGHT POST DETAIL

Manufacturer: AP LIGHTING
ADAGIO-POST LIGHTING
3580 Sherrick Road
Norton, OH 44203
P. 1-800-321-2123
F. 1-330-745-9246
www.aplighting.com

Color: Black
Resin: Polycarbonate
Fixture Height: 31"
Arm: 14"

Bollard Post: CBP2
Height: 8'

ALL UNITS TO BE SERVICED BY TOWN WATER & FUTURE WEST STREET SEWER (2006-2008)

DATE ISSUED: 8/20/08	REVISIONS FOR	DATE:	PREPARED FOR:
DWG. SCALE: 1"=20'	1 ELIMINATE SINGLE DWELLING UNIT	9/24/08	Broad Acres Management
DRAWN BY: KH/DTF	2 ADD 3 AFFORDABLE UNITS, 1 MARKET RATE UNIT	10/17/08	1352 West Main Street
REVIEWED BY: DTF	3 UNIT F-SIDE LOAD GARAGE OPTION	1/26/09	Milford, MA
PROJECT NO. MRE-2356	4 AFFORDABLE UNITS 9, 11, & 17	2/23/09	
	5 PLANNING BOARD OSRD-DECISION	3/10/09	

FAST ENGINEERING, INC.
400 Charlton Street, Southbridge, MA 01550
MA Phone/Fax: (508) 765-7153

DONALD T. FAST
LAND SURVEYOR
Professional Land Surveying Services

YIELD PLAN

WILLIAMSBURG CONDOMINIUMS
WEST STREET
MEDWAY, MASSACHUSETTS

ATTACHMENT B

June 2, 2008
Affordable Housing By-Law
Chart - "Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)"

June 2, 2008
Affordable Housing

Chart Below is for Informational Purposes Only and pertains to units constructed pursuant to paragraph 9 a) only.

Proposed # of Dwelling Units	*Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)*	*# of Additional Market Rate Units Allowed as a Density Bonus*	*Total # of Market Rate and Affordable Dwelling Units*	*Overall Affordable % Achieved*
3	.45 > 1	+1	4	25%
4	.6 >1	+1	5	20%
5	.75 >1	+1	6	16.7%
6	.9 > 1	+1	7	14.3%
7	1.05 > 2	+2	9	22.2%
8	1.2 > 2	+2	10	20%
9	1.35 > 2	+2	11	18.2%
10	1.5 > 2	+2	12	16.7%
11	1.65 > 2	+2	13	15.4%
12	1.8 > 2	+2	14	14.3%
13	1.95 > 2	+2	15	13.3%
14	2.1 > 3	+3	17	17.7%
15	2.25 > 3	+3	18	16.7%
16	2.4 > 3	+3	19	15.8%
17	2.55 > 3	+3	20	15%
18	2.7 > 3	+3	21	14.3%
19	2.85 > 3	+3	22	13.6%
20	3	+3	23	13%
25	3.75 > 4	+4	29	13.8%
30	4.5 > 5	+5	35	14.3%
35	5.25 > 6	+6	41	14.6%
40	6	+6	46	13%
45	6.75>7	+7	52	13.46%
50	7.5 > 8	+8	58	13.8%

PLANNING BOARD

be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time.

14. **Water Infrastructure** - At the request of the Medway DPW, the applicant has agreed to install additional water infrastructure:

    A. One (1) Hydrant and associated valve and appurtenances to Town Specifications (Hydrant provided by Town)(Valve and appurtenances to be provided by applicant)

    B. One (1) gate valve for placement within the Williamsburg development for the provision of main-line isolation. (Materials to be provided by applicant)

    Exact installation locations are to be coordinated with the Medway DPW. This change to be shown on the as-built plan.

15. **Affordable Housing**

    A. Three dwelling units within the Williamsburg Condominiums will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.

    B. Affordable dwelling units are hereby designated as units # 9, 11 and 17. The Affordable units shall have three bedrooms.

    C. Prior to the issuance of the occupancy permit for the first dwelling unit, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development and the Williamsburg Condominium Corporation, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.

    D. Prior to the issuance of the occupancy permit for the first dwelling unit, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for Planning and Economic Development Board approval. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.

    E. A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town and the Massachusetts Department of Housing and Community Development shall be recorded with the deeds for the affordable units.

F. The Williamsburg Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:

1) the unit numbers of the designated affordable units

2) that the affordable units shall be sold to income eligible persons or households

3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory

G. Minimum design and construction standards for affordable housing units – The affordable housing units shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1,500 square feet and three bedrooms excluding basement space.

H. The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.

I. All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub- Section X. Affordable Housing shall apply.

16. **Condominium Documents** - Prior to the issuance of an occupancy permit for the first unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.

A. Williamsburg Condominium Master Deed, Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
B. Declaration of Trust of the Williamsburg Condominium organization
C. Open Space/Conservation Restriction applicable to Parcel A.

ATTACHMENT C

June 14, 2012
Affordable Housing By-Law
FIGURE 1 - "Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)"

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

A Net increase in Number of Lots or Dwelling Units	B Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)	C # of Additional Market Rate Units Allowed as a Density Bonus Based on +.5 market rate unit for every 1 required affordable unit (rounded up)	D Total # of Market Rate and Affordable Dwelling Units (A + C)	E Overall Affordable % Achieved Based on the number of affordable units as a % of the total # of units (B/D)
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

PGC ASSOCIATES, INC.
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

December 6, 2012

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

Re: **Charles River Village Condominiums Review Estimate**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called Charles River Village, submitted by Charles River Village LLC of Medway. The owners are the Estate of Michael Aquafresca and the Estate of Carol Supernor. The plans were prepared by Faist Engineering, Inc. of Sturbridge, O'Driscoll Land Surveying Co. of Medway and TO Design of New Britain, CT. The plan is dated November 20, 2012. It proposes 13 units including 2 affordable units.

Task	**Hours**
Technical Review and comment	4.5
Review of revisions	2.0
Planning Board meetings	3.5
Review/assist in drafting decision	3.0
Total	13.0
Cost Estimate (@$90)	**$1170.00**

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

Sincerely,

Gino D. Carlucci, Jr.

TETRATECH

December 5, 2012

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

Re: Open Space Residential Development Definitive Plan Review
Planning and Economic Development Board
Charles River Village
Medway, Massachusetts

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Charles River Village Open Space Residential Development (OSRD) Definitive Plan submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed OSRD Plan submittal package, including but not limited to the Plans, Application (Form C-2), Special Permit Conditions Assessment, Waivers Worksheet, and the Stormwater Management Report, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of the Subdivision, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice. Upon request we have excluded from our scope, the review of the application package as they relate to the OSRD requirements in the Town of Medway Zoning By-Laws.

Scope of Services

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

Task 1 Site Visit

A. We have visited the site during past phases of this project and therefore a site visit is not required;
   - Budget Assumption: $0

Task 2 Design Review

A. Review the proposed Application for Approval of an OSRD Definitive Plan, Special Permit Conditions Assessment, and the Waivers Worksheet, prepared by Faist Engineering, Inc. (Faist) and O'Driscoll Land Surveying Co. (O'Driscoll), and incorporate comments into review letter in item D below;
   - Budget Assumption: 1 hours @$155=$155.

TETRA TECH

B. Review the proposed "Charles River Village" OSRD Definitive Plans prepared by Faist and O'Driscoll dated November 20, 2012;

- Budget Assumption: 4 hours @155=$620
  6 hours @ $115/hr= $690
  6 hours @ $90/hr= $540
  Total= $1,850

C. Review the Stormwater Management Report prepared by Faist and dated November 20, 2012 for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;

- Budget Assumption: 5 hours @ $115/hr=$575.

D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;

- Budget Assumption: 3 hour @ $155/hr=$465
  1 hours @ $90/hr= $90
  Total= $555

E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:

- Budget Assumption: 3 hour @ $155/hr=$465
  2 hour @ $115/hr= $230
  1 hour @ $90/hr=$90
  Total-$785

Task 3 Meeting Attendance

A. Participate in four (4) meetings with the Town of Medway Planning and Economic Development Board.

- Budget Assumption: 4 Meetings
  1.5 hrs/meeting @$155/hr= $930

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

TETRA TECH

Task	Task Description	Fee
Task 1	Site Visit	$0
Task 2	Design Review	$3,920
Task 3	Meeting Attendance	$930
	Labor Subtotal	**$4,850**
	Expenses (3.5%)	$169
	Total Fee	**$5,019**

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegri, P.E.
Senior Project Manager

Date Approved by Medway Planning and Economic Development Board_____

Certified by: _____ _____
Susan E. Affleck-Childs Date
Medway Planning and Economic Development Coordinator

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Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
ARI	No parking requirements
ARII	5. and 6. Two family dwellings (new construction and conversion) that are authorized by special permit from the ZBA are required to have 2 off street parking spaces
	9. 6) Infill construction authorized by special permit from the PEDB is required to have 2 off street parking spaces
Commercial I	2. g) Off Street Parking as follows:
	1) For restaurants and other establishments providing food and beverages, at least 1 off-street parking space for each employee and at least 1 off-street parking space for every three seats
	2) For other uses allowed by right, at least 1 off-street parking space for every 300 sq. ft of gross floor area
	3) The ZBA may reduce or vary the foregoing parking requirements by special permit upon a finding that such a r reduction or variation is adequate for the proposed use(s) and is in the best interests of the Town to do so.
	4) For special permit uses, off-street parking spaces as required by the Special Permit Granting Authority, based on industry standards.
Commercial III	4. g) Off Street Parking: For every 300 sq. ft of gross space, at least 1 off-street parking space.
Commercial IV	4. g) Off Street Parking: For every 300 sq. ft of gross space, at least 1 off-street parking space.
Commercial V	2. h. Off-Street Parking
	1) For every 200 sq. ft of gross retail floor space, at least 1 offs-street parking space. For every250 sq. ft f gross floor space for business or professional offices, at least 1 off-street parking space.
	2) For each employee, 1 off-street parking space and for each three seats in restaurants or other establishments providing food and beverages, at least 1 off-street parking space
	3) For all other permitted uses, off-street parking as required by the Planning and Economic Development Board
	4) All off-street parking spaces shall be located on the same lot as the principal use they re intended to service and each space shall consist of approximately 300 sq. ft of appropriate dimensions for the parking of an automobile, including maneuvering area.

Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
Business Industrial	2. g) Off-Street Parking
	1) For restaurants and other establishments providing food and beverages, at least 1 off-street parking space for each employee and at least 1 off-street parking space for every three seats
	2) For other uses allowed by right, at least 1 off-street parking space for every 300 sq. ft of useable floor area
	3) The ZBA may reduce or vary the foregoing parking requirements by special permit upon a finding that such a reduction or variation is adequate for the proposed use(s) and is in the best interests of the Town to do so.
	4) For special permit uses, off-street parking spaces as required by the Special Permit Granting Authority, based on industry standards.
Industrial I	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Industrial II	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Industrial III	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Accessory Family Dwelling Units	3. e) As authorized by special permit from the ZBA, at least 1 off-street parking space shall be provided for the accessory family dwelling unit. No extra curb cut is allowed.
Exempt Uses Child Care Facilities	1. c) One off-street parking space with a minimum dimension of 9' by 18' for every paid and unpaid employee who does not reside on the premises, so that there is no on-street parking by employees.
Exempt Uses Religious Facilities	2. b) 1) One off-street parking space for every paid and unpaid employee
	2. b) 2) One off-street parking space for every 3 seats of 100 sq. ft of gross floor space in the largest assembly area, whichever is greater.

Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
Exempt Uses Educational Facilities	3. b) 1) One off-street parking space for every paid and unpaid employee
	3. b) 2) One off-street parking space for every 400 square feet of gross floor area
Open Space Residential Developments (OSRD)	10. k) Three off-street parking spaces per dwelling unit. PEDB may require additional off-street parking for common use by residents and guests.
Adult Retirement Community (ARCPUD)	4. e) 8) Two off-street parking spaces for each dwelling unit. PEDB may require additional off-street parking for common use by residents and guests.
	4. 3) 9) One off-street parking space for each 500 sq. ft. of gross building area occupied by a permitted Local Convenience Retail Use. This may be reduced by the PEDB.
Adaptive Use Overlay District (AUOD)	5. h) 1 off street parking space for every 300 square feet of gross floor area. PEDB may authorize a lesser number based on site characteristics and proposed use.
	5. i) At least 2 off-street parking spaces for every residential unit in a building with multiple residences or in a mixed use building (commercial and residential) . PEDB may authorize a lesser number of parking spaces based on site characteristics and proposed use

compiled 12/5/2012 - sac

BOARD OF SELECTMEN
Eric A. Kraus, Chair
Michael C. Berry, Vice Chair
Mark E. Gallivan, Clerk
Christopher G. Timson
Nancy S. Mackenzie

Walpole Town Hall
135 School Street
Walpole, MA 02081
Phone (508) 660-7277
Fax (508) 660-7303
EMAIL: bos@walpole-ma.gov

TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS

November 27, 2012

The Honorable James Timilty
Massachusetts House of Representatives
State House Room 206
Boston, Massachusetts 02133

Dear Senator Timilty:

On behalf of the Walpole Board of Selectmen, I respectfully request your assistance with an issue that has Statewide impacts relative to the passage of Ballot Question #3.

At our most recent Selectmen's meeting, with the new law taking effect in roughly 45 days, the possibility of individuals or firms seeking locations for marijuana "dispensaries" in Walpole or any other Town is of great concern. We are simply not prepared for such a development, and there is no way we can be prepared in that short amount of time. We understand that applications to DPH can not be filed until the Department of Public Health promulgates their regulations, however the need for a community to address its zoning needs is critical yet time consuming. What we are not sure of is whether a building or occupancy permit can be submitted to Walpole or any other City or Town after January 1st but before the DPH regulations are promulgated thereby by-passing potential Spring Town Meeting Zoning. We obviously want to avoid this occurring. In order to put any new zoning in place we need to have a 2/3 Town Meeting vote. Our next Town Meeting is scheduled for the Spring of 2013, and it is doubtful that we could pull together new zoning in 45 days, let alone schedule and hold a special Town Meeting (at a cost of several thousand dollars) in that amount of time. According to Police Chief Richard Stillman, there may be some discussion in your Chambers of State Legislation that would delay the effective date of Question #3. If so, we request and urge our delegation to support this effort and get such legislation passed.

The Walpole Selectmen voted to send a letter to you and the rest of our State delegation requesting legislation delaying Question #3's effective date and to send the letter to other Towns asking for their support. As you may know, our Board, and in particular Selectman Timson, has done a lot of work with the Walpole Coalition For Drug and Alcohol Awareness and set up a Selectmen's Task Force to assist the Coalition. We have been making great strides and can see the positive results of this program already. However, what message will we as legislative and community leaders be sending to the youth of Walpole and other

Towns if a dispensary opens in Walpole Center or at the Walpole Mall? The passage of Question #3 no doubt requires a redoubling of the efforts of the Coalition and Task Force. Please do not allow the task to be made even more difficult by not allowing Towns the time needed to put appropriate zoning in place.

There are additional reasons to support a delay. In order for DPH to put forth regulations that are well thought out, we would like you/our State Delegation to ask that a DPH Medical Marijuana Regulation Committee comprised of local health, state health, fire, police, medical people, zoning and members from some of the Coalitions around the State in order to share ideas and put together comprehensive, well thought out regulations that could be enforced. After DPH puts out draft regulations (hopefully with the input and assistance of the Committee suggested herein), DPH should hold hearings around the State, have a comment period and then time to tweak the regulations based upon the input received from the proposed hearings. We would respectfully suggest that this would take more than just May 1st to do this task properly.

As always, we are most appreciative of your service to our community, and the leadership you have demonstrated on Walpole's behalf. We appreciate your consideration of this concern, and thank you for making every effort to provide us with an appropriate amount of time to prepare for the implementation of Question #3 and the impacts it will undoubtedly have on our community. If you should have any questions, please do not hesitate to call on me.

Very truly yours,

Eric A. Kraus,
Chairman

cc: Police Chief Richard Stillman
Walpole Planning Board
Health Director Robin Chapell

William Francis Galvin
Secretary of the Commonwealth of Massachusetts

2012 Information For Voters

QUESTION 3: Law Proposed by Initiative Petition

Medical Use of Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to $500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

MMA seeks delay of marijuana dispensaries

November 20, 2012

Following the Nov. 6 passage of a state initiative legalizing the sale of marijuana for certain medical conditions, the MMA is calling for more time to allow cities and towns to adequately prepare for the new law.

A number of processes and regulations must be established before the law goes into effect. For example, the Department of Public Health must establish what constitutes a 60-day supply of the drug, the maximum that patients will be allowed to purchase at any one time.

The Department of Public Health must also register dispensaries that intend to cultivate marijuana and register each dispensary's agents. Fees for applying for dispensary licenses must be set, and patients will need registration cards to procure marijuana. The DPH must also issue hardship cultivation registrations to individual patients.

The law calls for state regulations to be in place by April 1, but the MMA is advocating for an effective date of July 1.

The law allows for up to 35 cultivation dispensaries authorized by the state in the first year. There must be at least one dispensary in each county, but no more than five. Registration fees for dispensaries will be set to make the law cost-neutral to the state.

Following voter approval of the ballot initiative, several cities and towns have taken, or plan to take, steps to prohibit or restrict the location of marijuana dispensaries in their communities.

On Nov. 15, town meetings in Wakefield and Reading approved zoning bylaws prohibiting marijuana dispensaries. In Reading, nearly three-quarters of town meeting members supported the ban. Support was even higher in Wakefield, which has an open town meeting.

The city of Melrose held a public hearing on banning dispensaries on Nov. 19.

Neighboring Malden, by contrast, has scheduled a Dec. 12 hearing on the possibility of establishing a medical marijuana dispensary in the city. The hearing will focus on a proposal by two city councilors to establish use regulations and parking requirements, among other conditions for a dispensary.

Since marijuana was decriminalized in Massachusetts four years ago, more than 80 cities and towns have strengthened penalties for smoking marijuana in public, according to Ruth Clay, the health director for Melrose, Wakefield and Reading.

While marijuana remains a Schedule 1 drug under the Federal Controlled Substances Act, the U.S.

Department of Justice has issued an informal directive not to pursue federal prosecutions when state laws allow medical usage.

Massachusetts is the 18th state to legalize medical marijuana.

Written by MMA Legislative Analyst J. Catherine Rollins

William Francis Galvin
Secretary of the Commonwealth of Massachusetts

2012 Information For Voters

QUESTION 3: Law Proposed by Initiative Petition

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The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to $500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

MMA seeks delay of marijuana dispensaries

November 20, 2012

Following the Nov. 6 passage of a state initiative legalizing the sale of marijuana for certain medical conditions, the MMA is calling for more time to allow cities and towns to adequately prepare for the new law.

A number of processes and regulations must be established before the law goes into effect. For example, the Department of Public Health must establish what constitutes a 60-day supply of the drug, the maximum that patients will be allowed to purchase at any one time.

The Department of Public Health must also register dispensaries that intend to cultivate marijuana and register each dispensary's agents. Fees for applying for dispensary licenses must be set, and patients will need registration cards to procure marijuana. The DPH must also issue hardship cultivation registrations to individual patients.

The law calls for state regulations to be in place by April 1, but the MMA is advocating for an effective date of July 1.

The law allows for up to 35 cultivation dispensaries authorized by the state in the first year. There must be at least one dispensary in each county, but no more than five. Registration fees for dispensaries will be set to make the law cost-neutral to the state.

Following voter approval of the ballot initiative, several cities and towns have taken, or plan to take, steps to prohibit or restrict the location of marijuana dispensaries in their communities.

On Nov. 15, town meetings in Wakefield and Reading approved zoning bylaws prohibiting marijuana dispensaries. In Reading, nearly three-quarters of town meeting members supported the ban. Support was even higher in Wakefield, which has an open town meeting.

The city of Melrose held a public hearing on banning dispensaries on Nov. 19.

Neighboring Malden, by contrast, has scheduled a Dec. 12 hearing on the possibility of establishing a medical marijuana dispensary in the city. The hearing will focus on a proposal by two city councilors to establish use regulations and parking requirements, among other conditions for a dispensary.

Since marijuana was decriminalized in Massachusetts four years ago, more than 80 cities and towns have strengthened penalties for smoking marijuana in public, according to Ruth Clay, the health director for Melrose, Wakefield and Reading.

While marijuana remains a Schedule 1 drug under the Federal Controlled Substances Act, the U.S.

Department of Justice has issued an informal directive not to pursue federal prosecutions when state laws allow medical usage.

Massachusetts is the 18th state to legalize medical marijuana.

Written by MMA Legislative Analyst J. Catherine Rollins

TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

Entrusted To Manage The Public Infrastructure

THOMAS M. HOLDER
DIRECTOR

DAVID D'AMICO
DEPUTY DIRECTOR

Andy R
Tom R

December 6, 2012

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

RE: Membership – Community Advisory Task Force
Integrated Water Resources Management Program

The Department of Public Services has begun a project to evaluate water resource management in the community. The Integrated Water Resources Management Program (IWRMP) will look comprehensively at drinking water, wastewater and stormwater resources and needs, and the Town's capacity to meet those needs, over the next twenty years. A **Citizens Advisory Task Force (CATF)** is being created to provide guidance during progress of the work and ensure that residents and business owners in Town have input throughout the process. Representatives from interested stake-holder organizations are being invited to participate in the IWRMP through attendance at CATF meetings and workshops, dates and times for which will be established during the course of the project. We are very interested in having representation from your organization on this important advisory group.

The IWRMP will be undertaken in phases. During Phase I, the focus will be on stormwater, which has become a much greater infrastructure management responsibility of communities under the federal National Pollutant Discharge Elimination System (NPDES) program. IWRMP Phase I activities will include mapping the system, understanding where it currently discharges, and prioritizing areas to focus on eliminating non-stormwater discharges to improve water quality of Medway's surface water bodies. Future phases will address new NPDES requirements and look at opportunities for Medway to implement sustainable / green solutions for stormwater treatment. During Phase II, the IWRMP process will evaluate needs and options for drinking water conservation, supply, and treatment. Wastewater management issues to be explored include continued reliance on on-site septic systems, innovative/alternative systems, shared community systems or satellite treatment facilities with groundwater discharge, and in-depth evaluation of the current regional wastewater treatment plant capacity to meet future needs.

In knowing that everyone is busy with personal and professional obligations, we have structured the CATF so as not to place too great of a burden on participating members. Phase I of the project is anticipated to last approximately 6 months and include two daytime CATF meetings. Phase II is anticipated to last approximately 18 months, and include three CACTF daytime meetings and two community workshops. The initial meeting of the CATF is expected to take place in January 2013. Organization, roles/responsibilities and the schedule for subsequent meetings will be discussed at that time.

We are hopeful that you or someone from your organization is able to join us for the development of sustainable water, wastewater and stormwater programs in the Town. Please feel free to contact me with any questions you may have regarding this endeavor and I look forward to hearing of your interest in participating with this progressive project.

Respectfully,

Tom Holder

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