September 27, 2016 Medway Planning and Economic Development Board Meeting 155 Village Street Medway, MA 02053

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

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Discussion Continuation - Medway Gardens Site Plan Modification

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

- Draft site plan modification decision dated 9-13-16.
- 9-13-16 letter from Attorney Marshall Newman on behalf of Joe Avellino challenging the PEDB's authority to undertake site plan review on this property due to its horticultural use.
- Notes re: agricultural use and zoning.
- 9-23-16 CONFIDENTIAL email memo from Town Counsel (not attached)
- Disclosure Form Appearance of Conflict of Interest submitted by Andy Rodenhiser to Medway Town Clerk 9/26/2016

Mr. Avellino was present at the meeting.

The Chairman communicated that he had discussed the conflict of interest alleged by Mr. Avellino with Town Counsel. He informed the Board that he had submitted Disclosure of Appearance of Conflict of Interest form to the Town Clerk on September 26, 2016. Copies of the disclosure were distributed to the Board. (See Attached)

The Board is in receipt of the 9-23-16 CONFIDENTIAL email communication from Town Counsel which indicates that the burden is on Mr. Avellino to prove that Medway Garden Center is the primary use on the property in order to claim the agricultural use exemption.

Susy Affleck-Childs distributed a handout with information on parcel size and values for the subject parcel. (**See Attached**). The parcel includes 3 uses – Medway Gardens, a single family residence and the Cumberland Farms convenience store/gas station.

Mr. Avellino communicated that he disagrees that Cumberland Farms is the primary use of the property as Medway Gardens has more land area. He submitted a letter to the Board without further discussion and departed the meeting at 7:10 pm. (See Attached).

The Board began discussing the draft site plan modification decision dated 9-13-16.

The following revisions were recommended:

- Page 2 procedural history: Add date of public briefing continuation September 27, 2016.
- Page 3 written documents: Include Andy Rodenhiser's disclosure form, Mr. Avellino's letter, and Town Counsel's email.
- Page 3 specific conditions Add lengths and height of berm.
- Page 3 specific conditions Add specifics about sign and reference sign bylaw.
- Page 3 specific conditions List multiple species as options and make sure plants will be drought resistant. If plants die, they need to be replaced.
- Page 4 Include language that the applicant proposed to do this with a striping machine and include as needed.
- Page 4 Eliminate Condition F.
- Page 4 Combine with Condition G with H and designate the size.
- Page 4 Change date for work to be completed to December 2017.
- Page 4 Include item L with pergola.

The revisions to the draft decision will be completed and provided to the Board at the next meeting on October 4, 2016.

<u>Informal, Pre-Application Discussion – Possible Multi-family development at</u> 176-178 Main Street:

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

- Concept plan dated 9/5/2016.
- Multifamily Housing Overlay District provisions of the Medway Zoning Bylaw.

Prior to the discussion, the Chairman indicated that he has a previous business relationship with the current owner of the property but he does not presently have any business relations with them.

Engineer Ron Tiberi, on behalf of a prospective buyer, was present at the meeting for an informal discussing regarding 176-178 Main Street. This is for a possible 10 unit townhouse development to be developed under the provisions of the new multi-family housing overlay district bylaw. Both Stephanie Mercandetti and Susy Affleck-Childs have met with the Mr. Tiberi. There would be demolition of the existing vacant structure on the property. This plan did take into account the Rt. 109 project and the easements. The applicant will also be setting up a meeting with the Design Review Committee. All of the units will have master bedrooms on the main floor and some of the units will be at grade with no stairs. The garages in the back. The type of buildings were shown. These units will be brick. There will be one affordable unit. The parking will include two spaces per unit. The total parking needed is twenty spaces. There will be sidewalks along Main Street and Mechanic Street. A question about the snow storage areas was raised. This appears to be a small area and this should be revisited. Another recommendation was to have one way going into the site from Main Street. Consultant Carlucci

addressed the concern about the traffic impact with access. This will need to be reviewed. There was a suggestion to use down lighting on the back of the buildings instead of a light post. The Board is questioning if there needs to be two means of egress. The Board welcomes this application submittal.

Advance Auto Parts:

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

• Rough draft of a letter of understanding dated 9-23-16.

At the last meeting, the Board asked that a letter of understanding be written to Advance Auto Parts to address the issue of the business providing limited vehicle repair services such as changing windshield wipers and batteries. At the last meeting, the Board had discussed allowing such services only in two specific parking spaces toward the back of the building. There was a concern that the Board should not be getting involved since this is more so an issue between the tenant and landlord. Some of the members do not have an issue with the two services they provide. Susy Affleck-Childs noted that these services were limited and could be considered an accessory use. It was recommended that the Board let the business model run as presented. There is an advantage of having these services provided to the customers. The Chairman wanted it noted that he does not want to see this allowed on site.

The Board took no action on this item. A letter will be sent to the Advance Auto.

REVISED Timbercrest Comprehensive Permit Plan:

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

- Email communication dated 9-9-16 from Stephanie Mercandetti
- Revised Timber Crest Estates Plan dated 9-6-16.
- PEDB letter from May 2016 re: initial Timber Crest plan.

Director of Community and Economic Development Stephanie Mercandetti explained that the applicant has made a change to the plan. This is a result of the applicant's acquisition of a 7.4 acre parcel at 165 Holliston Street. It is being proposed to use this parcel to provide a direct access/egress to the development from Holliston Street. The second change pertains to a change in the type of residential use from the originally proposed townhouse use on the eastern side of the site to all single family detached homes on reduced size subdivision lots. The original plan called for 116 condominiums and the revised plan shows 85 single family homes. The new total number of homes for both the east and west sides of the development would be 157. There will be an emergency access near Olson Circle. There was discussion about Fern Path and the fact that this is not a publically accepted way. It was communicated that the applicant is claiming the right to use Fern Path for site access. The Board would like to see a playground in the plan.

The boards, committees and departments have been asked to provide review and comments. This information will be provided to the Zoning Board of Appeals at their meeting which is scheduled for Wednesday, October 5, 2016.

Susy will prepare updated comments from the Board based on the revised submittal.

Board and Committee Reports

Oak Grove:

The Medway Redevelopment Authority held the second community forum at the Thayer House. The proposed concept plan was presented. It was a productive meeting. The presentation included a question and answer period.

Economic Development Committee:

The Economic Development Committee met on Tuesday September 27, 2016 and talked about the proposed zoning articles. The Committee is supportive of what is being proposed.

Community Preservation Committee:

The Community Preservation Committee discussed the potential affordable housing projects for West Street and Cutler Street.

Request for Quotes:

The Town is putting out a request for quotes for the Choate Park redesign.

Sign Bylaw Meeting:

The Sign Bylaw Committee will be holding a meeting on Wednesday, September 28, 2016. The inventory of the signs has been completed. There will be a visual preference survey completed. The Economic Development Committee thought it would be a good idea to include signage as you enter the central business district and other noted districts.

PEDB Meeting Minutes

September 6, 2016:

On a motion made by Bob Tucker and seconded Rich Di Iulio, the Planning and Economic Development Board voted unanimously to accept the minutes from September 6, 2016.

September 13, 2016:

On a motion made by Bob Tucker and seconded Rich Di Iulio, the Planning and Economic Development Board voted unanimously to accept the minutes from September 13, 2016.

Adjourn:

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

The meeting was adjourned at 9:10 pm.

Respectfully Submitted,

Luy Siller land

Amy Sutherland

Recording Secretary



September 27, 2016 Medway Planning & Economic Development Board Meeting

Medway Gardens Site Plan

- Draft site plan modification decision dated 9-13-16
- 9-13-16 letter from Attorney Marshall Newman on behalf of Joe Avellino challenging the PEDB's authority to undertake site plan review on this property due to its horticultural use.
- Notes re: agricultural use and zoning
- 9-23-16 email memo from Town Counsel Barbara Saint Andre.

NOTE - Discussion of the extent of the Board's regulation of an agricultural use does NOT meet the criteria for executive session so any discussion about this matter must take place in open session.



TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street Medway, Massachusetts 02053

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

DRAFT - September 13, 2016

SITE PLAN DECISION Medway Gardens Site Plan Modification 34 Summer Street

You are hereby notified	that on September 13, 2016 at a duly called and properly posted
meeting, the Medway Planning	and Economic Development Board, after reviewing the application and
nformation compiled during the	public review process, voted on a motion made by
and seconded by	to approve with conditions as specified herein, the application of
Onilleva Realty, LLC of Medwa	y, MA to modify the previously approved site plan for Medway Gardens
from August 2014.	

This Decision includes the following sections:

- I. Project Location
- II. Background
- III. Project Description Proposed Modification
- IV. Procedural Summary
- V. Index of Site Plan documents
- VI. Testimony
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval
- I. PROJECT LOCATION Medway Gardens is located on a 2.27 acre portion of the property at 34 Summer Street (Parcel 56-039), in the Commercial V zoning district. The property is owned by Onilleva Realty, LLC of Medway, MA. The site is bounded on the west by Summer Street, on the north by Milford Street, on the east by property owned by Jesse and Teigan Bain at 37 Milford Street and by Madelyn Rivera and Pamela Bellino at 2 Knollwood Road, and on the south by property owned by Richard and Helen Barry at 32 Summer Street. The Cumberland Farms development is also located on this site.
- II. BACKGROUND The site plan decision for improvements at Medway Gardens was previously approved by the Medway Planning and Economic Development Board on August 12, 2014. Those improvements were shown on a plan dated August 21, 2014 which the Board endorsed on September 16, 2014. The approved scope of work included construction of a new greenhouse, a wooden pergola, and various site improvements including a reorganized and striped parking arrangement, perimeter landscaping/buffering, outside merchandise display, and improved access/egress to the site. The site plan decision specified that work was to be completed within a two year

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

period of plan endorsement. Based on a June 1, 2016 inspection of the site by Tetra Tech Engineering, the Board's consulting engineer, and the resultant punch list dated June 8, 2016, the Board determined that the scope of work had not been fully completed. The owner now wishes to modify/reduce the scope of site improvements.

III. PROJECT DESCRIPTION/PROPOSED MODIFICATION - The primary purpose of this application for site plan modification is to update the plan to depict the revised scope of improvements the applicant will implement. Pursuant to the application, the following scope of work is proposed:

Previously approved work to NOT be carried out includes paving 7 parking spaces in the parking area south of the wooden pergola. The owner wishes to be relieved of completing this particular site improvement. Gravel parking spaces will be provided instead.

The previously approved work which the applicant will install includes:

- Installation of a bituminous concrete apron and the appurtenant railroad ties at the Summer Street entrance
- Installation of 30 concrete wheel stops in the parking area to clearly designate the parking space locations
- Installation of directional and accessible parking signs
- Installation of a stockade fence and shrubs to enclose the existing dumpster
- Installation of a free-standing sign at the entrance driveway to the site from Summer Street
- Installation of landscaping along the southern and eastern perimeter of the site as a buffer to the adjacent parcels.

IV. PROCEDURAL HISTORY

- A. August 8, 2016 Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. August 9, 2016 Public briefing notice was filed with the Town Clerk, posted to the Town of Medway web site and mailed to abutters via first class mail.
- C. August 23, 2016 Public briefing commenced. The public briefing was continued to September 13, 2016 when it was closed and the Board voted its decision.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The application package to modify the previously approved Medway Gardens site plan submitted on August 8, 2016 included the following documents:
 - Application to Modify a Previously Approved Site Plan dated August 8, 2016
 - Project description dated July 12, 2016, received August 4, 2016
 - Medway Gardens Site Plan, dated July 22 2014, last revised July 22, 2016 prepared by Civil Design Group, LLC of North Andover, MA.
 - Certified abutters list
- B. During the course of the public briefing, the applicant provided the following additional documents:
 - A collection of site photos provided by the applicant during the August 23, 2016 to document completed work.

VI. TESTIMONY - In addition to the site plan application materials submitted and provided by the applicant during the course of its review, the Planning & Economic Development Board received written or verbal testimony as follows:

Written Documents

- Inspection report/punch list dated June 8, 2016 from Steve Bouley, Tetra Tech Engineering
- Site plan modification review letter dated August 16, 2016 from Gino Carlucci, the Town's consulting planner.
- Email communication dated August 21, 2016 from abutter Teigan Bain, 37 Milford Street including site photos.
- Email communication dated August 23, 2015 from abutter Pamela Bellino-Rivera of 2 Knollwood Drive

Verbal Testimony

- Joe Avellino, owner and applicant
- Gino Carlucci, consulting planner
- VII. SPECIFIC CONDITIONS OF APPROVAL Approval of this site plan modification is subject to the following specific conditions:
 - A. **Plan Revisions** Prior to endorsement, the site plan titled *Medway Gardens Site Plan*, dated June 22, 2014, last revised July 22, 2016 prepared by Civil Design Group of North Andover, MA shall be further revised to show the following:
 - the location and description of 25' linear feet of fencing to be installed along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road

2.	the establis	hment of a landscaped berm along the parcel's norther	n boundary
	(# of linear	feet) with property owned by Bain at 37 Milford Street.	The berm
	shall be	high and the landscaping shall consist of	

- 3. the free-standing sign to be located at the entrance driveway from Summer Street shall be noted as being a "new" sign instead of a "relocated" sign.
- 4. the notes regarding perimeter landscaping shall be revised to specify the height/size/type of evergreen trees to be planted every 20' and the height/size/type of native shrubs to be planted in between.
- The landscaping along the eastern boundary line with the Bains at 37 Milford Street as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014, shall be added to the site plan."
- 6. Add a design detail for a new swing gate (Condition F).
- 7. Final revision date.
- 8.
- 9.

- B. The owner shall regularly water the landscape plantings to be located on the perimeter of the site as shown on the plan so that they will be maintained and thrive. To accomplish this, the owner will install soaker hoses for irrigating the plants.
- C. The owner will arrange for the regular spray painting of lines outlining the 9' x 18' parking spaces on the gravel parking areas wherever there are no wheel stops. Such striping shall be performed a minimum of ____times per year.
- D. The owner shall continuously maintain the gravel access driveway to Milford Street such that weeds are regularly removed and the driveway appears neat and tidy and functions as a distinct driveway.
- E. A new free-standing, two sided Medway Garden Center sign shall be located near the entrance driveway from Summer Street. Said sign shall be in conformance with the Medway Zoning Bylaw.
- F. The owner shall replace the existing swing barrier gate at the northern edge of the internal driveway to Milford Street with a ____' high and ____' wide wood appearing swing gate to screen the back of the Medway Gardens site from the Cumberland Farms development and Route 109.
- G. The existing Conex container on the premises shall be removed
- H. A separate and distinct outside storage area shall be established and maintained to consolidate the storage of equipment, vehicles, palettes and other non-plant materials. Such area shall be screened from view with fencing and/or landscaping.
- I. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all 4 sides of the dumpster.
- J. The landscaping along the eastern boundary line with the Bains at 37 Milford Street shall be maintained in good condition, including watering and trimming, by the owner.
- K. Schedule for Project Completion The Planning and Economic Development Board's approval of this site plan modification shall lapse after ninety days of the grant thereof if substantial use has not commenced except for good cause. Construction shall be completed by the applicant or its assignees by June 30, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & 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 and hearing have been held.

L.

M.

N.

VIII. GENERAL CONDITIONS OF APPROVAL

- A. **Appeal** Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. **Plan Endorsement** Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement.
- C. Fees/Taxes Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, 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 & Economic Development Board to withhold plan endorsement.
- D. Construction Standards All construction shall be 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.
- E. Plan Revisions Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to SECTION V. C. 8 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & 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 if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Project Completion** At the conclusion of the installation/construction of the site plan improvements shall provide the Board with a written certification of a professional engineer registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the decision and the endorsed site plan.

Approved by	the Medway Planning & Economic Development Board:	-	
ATTEST:	Susan E. Affleck-Childs Planning & Economic Development Coordinator	Date	
COPIES TO:	Michael Boynton, Town Administrator Bridget Graziano, Conservation Agent Donna Greenwood, Assessor Thomas Holder, DPS Director Jeff Lynch, Fire Department		

Jack Mee, Building Commissioner/Zoning Enforcement Officer Stephanie Mercandetti, Director of Community and Economic Development Joanne Russo, Treasurer/Collector Jeff Watson, Police Department Steve Bouley, Tetra Tech Gino Carlucci, PGC Associates Joe Avellino



NEWMAN & NEWMAN, P.C.

ATTORNEYS AT LAW

ONE MCKINLEY SQUARE
BOSTON, MASSACHUSETTS 02109
(617) 227-3361
FACSIMILE (617) 723-1710
WWW.NEWMANLEGAL.COM

MARSHALL F, NEWMAN RICHARD JOYCE REBECCA H, NEWMAN* ANTHONY T, PANEBIANCO*

September 13, 2016

ABRAHAM NEWMAN (1915 - 1995) SAMUEL NEWMAN (1912 - 2008)

*ALSO ADMITTED IN NEW YORK

Planning Board Medway Town Hall 155 Village Street Medway, MA 02053

RE:

Onilleva Realty LLC and Medway Gardens, Inc.

34-38 Summer Street, Medway, MA

Gentlemen:

I represent Onilleva Realty LLC and Medway Gardens, Inc. ("the Owner"), which operate a nursery at the above-referenced property. Though they were granted a permit for the construction of their greenhouse without the necessity of seeking site plan approval, they have been compelled by the Planning Board, after the issuance of the building permit and the lapsing of all appeal periods, to file for site plan approval.

You are hereby advised that my clients are using the land for horticultural purposes within the meaning of M.G.L. c. 40A, § 3 ("the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises").

Because my clients' use of their land is primarily horticultural, they are not obliged to seek site plan approval. <u>See</u>, e.g., <u>Prime v. Zoning Board of Appeals of Norwell</u>, 42 Mass. App. Ct. 796, 798-799 (1997).

Even if the Planning Board had the power to compel my clients to apply for site plan approval, the conditions ostensibly imposed by the Board "unreasonably regulate" my clients' use of the land within the meaning of M.G.L. c. 40A, § 3, and are for that additional reason invalid.

Finally, it bears noting that the chairman of your Board who is the most vociferous proponent of imposing stringent measures upon my clients, is also the chief officer of the Lion's Club, which is my clients' principal competitor in the sale of Christmas trees in the Medway area. His bias is patent, and he must recuse himself.

NEWMAN & NEWMAN, P.C.

Planning Board of Medway September 13, 2016 Page Two

On behalf of my clients, I suggest you determine that my clients are not required to seek or obtain site plan approval.

Thank you for your attention to this matter.

Very truly yours,

NEWMAN & NEWMAN, P.C.

By

Marshall F. Newman

FOR YOUR REFERENCE

Agriculture - As defined in Massachusetts General Laws, Chapter 128, Section 1A.

"Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Horticultural - The producing, improving, marketing, and using of fruits, vegetables, flowers, and ornamental plants.

Floricultural - The cultivation of flowering and ornamental plants

Aquaculture - The breeding, rearing, and harvesting of plants and animals in all types of water environments

Gino Carlucci's Explanation of the Agricultural Exemption under M.G.L. c. 40A: Zoning may not prohibit, require a special permit or "unreasonably regulate" agricultural uses and buildings. This applies to silviculture (forestry) and horticulture (including nurseries) as well. To qualify for the exemption, the agricultural use must meet one of the following requirements:

- A. The agricultural activities must be on a minimum of 5 acres of land and
 - a. During the months of June, July, August and September (or harvest season of the primary product) at least 25% of the products sold must be grown on the land; or
 - b. At least 25% of the products sold must be grown on the land AND 50% of the products sold must be from other agricultural facilities within Massachusetts.

OR

B. The agricultural activities must be on a minimum of 2 acres and the products grown on the land must result in annual gross sales of at least \$1,000 per acre (so \$2,000 for 2 acres, \$3,000 for 3 acres, etc.).

NOTE - Section 3 of M.G.L. c. 40A defines "nursery" (for the purposes of the agricultural exemption) as: "Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises."]

DISCLOSURE OF APPEARANCE OF CONFLICT OF INTERESTECEIVED AS REQUIRED BY G. L. c. 268A, § 23(b)(3)

	DUDI IO CHIDI OVER INCOMENSION	
Name of public	PUBLIC EMPLOYEE INFORMATION	9EF 2 6 2016
employee:	Andrew S. Rodenhiser	
Title or Position:	Chairman	TOWN CLERK
Agency/Department:	Medway Planning & Economic Devel	olment Board.
Agency address:	155 Village St.	
Office Phone:	Medway, MA. 02053	
Office 17	508-533-3291	
Office E-mail:	Planningboard @ toung meduay	0019
	In my capacity as a state, county or municipal employee, I am expect performance of my official duties. Under the circumstances, a reasor that a person or organization could unduly enjoy my favor or imprope perform my official duties, or that I am likely to act or fail to act as a reor undue influence of a party or person.	ted to take certain actions in the nable person could conclude rly influence me when I
	I am filing this disclosure to disclose the facts about this relationship of appearance of a conflict of interest.	or affiliation and to dispel the
	APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	A sitePlan applicant is seek to an existing site Plan. They	ony a modification Sell X-mas Tree's
What responsibility do you have for taking action or making a decision?	I chair the meeting & Voteor	SHe Plan.
Explain your relationship or affiliation to the person or programization.	None Other than a Previous Support of the Site Plan.	ise Vote in
How do your official actions or decision matter to the person or organization?	The Applicant is claiming that in the Local Lions club ther because the Lions sell xwas I had stated Publicly That I The X-mas tree committee	I'm an officer fore Conflicted tree's. Was chairing
7	No such meeting had taken for	lace Asofthe

Optional: Additional facts – e.g., why	I'M NOT un office in the club and I'm
there is a low risk of undue favoritism or	Not a Director. I'm a member of the Lions
improper influence.	I have Never been an offseer ordirector. I Res
	From The of Chairman, Prior to A meeting of the hims knay tree committee 3 in fact Public WRITE AN X TO CONFIRM THE STATEMENT BELOW. At the Hearing When
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. The Hearing When it along into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	afrod
Date: 9 26/16	

Attach additional pages if necessary.

Not elected to your public position - file with your appointing authority.

Elected state or county employees - file with the State Ethics Commission.

Members of the General Court - file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee - file with the City Clerk or Town Clerk.

Elected regional school committee member - file with the clerk or secretary of the committee.

Form revised July, 2012

Medway Gardens property - 34 Summer Street and 41 Milford Street

Land Area

Overall Site 3.5 to 3.6 acres one parcel, map/parcel #56-039

Cumberland Farms portion 1.33 acres from CF site plan

Medway Gardens portion 2.23 acres from MG site plan

Property Value (per Medway Assessors' records)

Land \$ 463,800 entire parcel

Medway Gardens bldgs. \$ 40,800

Cumberland Farms bldgs. \$ 682,200

House \$ 161,900

TOTAL ASSESSED VALUE \$1,348,700

Data compiled 9/26/16 - sac

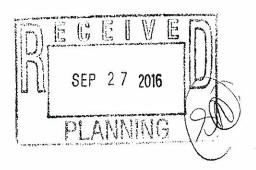
I would like to start by informing the board that Mr. Rodeneheiser remains a member of an organization which is direct competition with my business and simply by declaring that he is resigning as Chairman of the Christmas tree Committee, he does not eliminate this blatant conflict and any future actions that may arise from it.

I was not aware at the time that I filed for site plan approval that horticultural use was exempt by statute from the site plan approval requirement, but as soon as I discovered this, I brought it to the attention of the board and I was also made aware that this is "jurisdictional" (meaning: the Board does not have the power to require site plan approval in connection with a horticultural use so this lack of jurisdiction issue can be raised at any time).

Sincerely

Joseph Avellino

recol 9-27-16 from Joe Avellino





September 27, 2016 Medway Planning & Economic Development Board Meeting

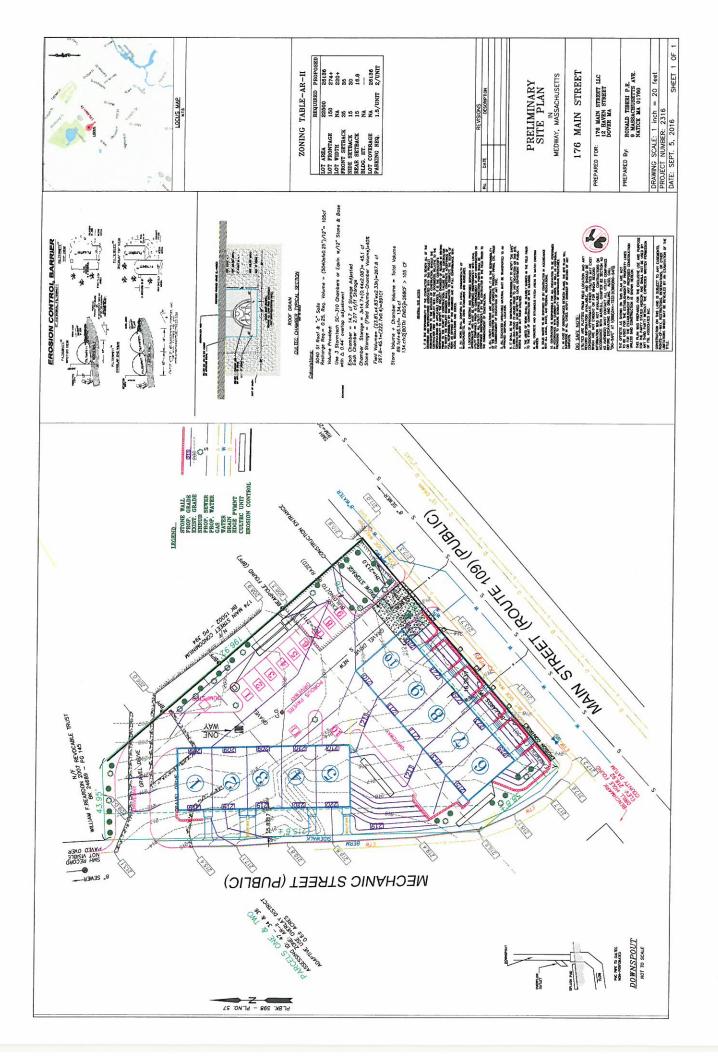
Informal Discussion re: Possible Multifamily Housing development at 176-178 Main Street

- Concept plan dated 9/5/2016
- Multifamily Housing Overlay District provisions of the Medway Zoning Bylaw

The site is located at the northeast corner of Main and Mechanic Street and is comprised of two lots – 176 and 178 Main Street. It has been vacant and for sale for a long time.

Ron Tiberi, engineer for the buyer, will meet with you to review and discuss a concept plan for a 10 unit townhouse development to be developed under the provisions of the new multi-family housing overlay district bylaw. This would involve demolition of the existing vacant structure on the property.

Stephanie and I have met with Mr. Tiberi. He is also meeting with Town department heads on Tuesday morning.



5.6.4 Multifamily Housing

A. Purpose: The purpose of this sub-section is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types, to promote pedestrian oriented development, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of Multifamily Dwellings or Apartment Houses, and Multifamily Developments within the capacities of existing Town utilities and services.

B. Applicability:

- 1. The Planning and Economic Development Board may grant a Multifamily Housing special permit for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development on a tract of land within the AR-I, AR-II, Commercial III or Commercial IV zoning districts whether on one parcel or a set of contiguous parcels, with a minimum of fifty feet of frontage on an existing street located within the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk. The street shall, in the opinion of the Planning and Economic Development Board, have sufficient capacity to accommodate the projected additional traffic flow from the development.
- 2. Tracts of land within residential subdivisions approved and constructed under the Subdivision Control Law since September 29, 1952 or granted a special permit under the Medway Zoning Bylaw shall not be eligible for a special permit under this Sub-Section.
- 3. Multifamily Dwellings or Apartment Houses and Multifamily Developments within the Adaptive Use Overlay District must comply with the Medway Zoning Bylaw, Adaptive Use Special Permit Site Development Standards.
- 4. These provisions apply to the following:
 - a. The alteration/rehabilitation and conversion/adaptive reuse of existing buildings
 - b. Construction of new buildings or additions to existing buildings.

C. Dimensional Regulations

- 1. The minimum dimensional requirements for area and setbacks shall be the same as for the underlying zoning district in which the parcel is located. However, the Planning and Economic Development Board may adjust these dimensional requirements by a four-fifths vote if, in its opinion, such adjustment will result in a more desirable design of the development or provide enhanced buffering for adjacent residential properties.
- 2. Legally pre-existing nonconforming buildings shall be eligible for a Multifamily Housing special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and open space requirements of this section.
- 3. Maximum building height: 2.5 stories or 40'

- D. Density Regulations The density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed twelve dwelling units per acre or portions thereof, except that the Planning and Economic Development Board may grant a density bonus for one or more of the following:
 - 1. + one unit when the project involves the rehabilitation/adaptive reuse of an existing structure at least seventy-five years of age and is completed in a manner that preserves and/or enhances the exterior architectural features of the building;
 - 2. + one unit for each three thousand sq. ft. of existing interior finished space that is substantially rehabilitated in accordance with the Board's *Multifamily Housing Rules and Regulations*.
 - 3. + two units when twenty-five percent of the dwelling units are designated as affordable independent of the provisions of the Section 8.6 Affordable Housing.

In no case shall total density, including bonus units, exceed twenty dwelling units per acres.

E. Special Regulations

- 1. Affordable Housing Requirement: Projects approved pursuant to this Sub-Section shall comply with:
 - a. The Town's Affordable Housing requirements as specified in Section 8.6 Affordable Housing;
 - b. the Massachusetts Department of Housing and Community Development (DHCD)'s Local Initiative Program (LIP) Guidelines, July 1996, as may be amended; and
- 2. Open Space: There shall be an open space or yard area equal to at least fifteen percent of the parcel(s) total area. This area shall be unpaved and may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area shall not be built upon but may include a play area.
- 3. Parking: At least one and one-half off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units.
- 4. There shall be Town water and sewer available in the street on which the Multifamily Dwelling or Apartment House or Multifamily Development has its frontage and said water and sewer lines shall have sufficient capacity to accommodate the project.
- 5. A Multifamily Dwelling or Apartment House shall not contain more than twelve dwelling units.
- 6. Any Multifamily Development shall not exceed forty dwelling units.

- F. Rules and Regulations: The Planning and Economic Development Board shall adopt *Multifamily Housing Rules and Regulations* which shall include application submittal requirements, public hearing and review procedures, and site development and design standards including but not limited to landscaping, buffering, lighting, building style, pedestrian access, off-street parking, utilities, and waste disposal.
- G. Development Limitation: The maximum number of Multifamily Dwelling units authorized pursuant to this sub-section shall not exceed five percent of the number of detached single-family dwellings located in the Town of Medway, as determined by the Board of Assessors.

H. Special Permit Procedures:

- 1. The special permit application, public hearing, and decision procedures shall be in accordance with this Sub-Section, the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*, and Section 3.5 Site Plan Review and Approval.
- 2. Application Requirements. The Applicant shall submit a Multifamily Housing special permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*.
- 3. The special permit review of Multifamily Dwelling or Apartment Houses, and Multifamily Developments shall incorporate site plan review pursuant to Section 3.5 Site Plan Review and Approval.
- I. Decision: The Planning and Economic Development Board may grant a Multifamily Housing special permit with any conditions, safeguards, and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with this Sub-Section and Section 3.5 Site Plan Review and Approval, upon finding that the Multifamily Dwelling or Apartment House, or the Multifamily Development will:
 - 1. meet the purposes and requirements of this Sub-Section, and the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations* and *Site Plan Rules and Regulations*;
 - 2. is consistent with the goals of the Medway Master Plan and the Medway Housing Production Plan;
 - 3. not have a detrimental impact on abutting properties and adjacent neighborhoods or such impacts are adequately mitigated;
 - 4. provide for greater variety and type of housing stock.

Key Definitions applicable to Medway Multifamily Housing Special Permit

(from the Medway Zoning Bylaw)

- Multifamily Dwelling or Apartment House: A building intended and designed to be occupied by more than two families living independently in separate dwelling units.
- **Multifamily Development**: A residential development of more than one building comprised of multifamily dwellings and which may also include one single family house and one or more two family houses.
- Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity. These units shall have the same construction methods, physical characteristics as, and be intermingled with other units in the subdivision or development.
- Affordable Housing Restriction: A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or 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 in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.
- **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.



September 27, 2016 Medway Planning & Economic Development Board Meeting

Advance Auto Parts Letter of Understanding

• 9-23-16 rough draft of a Letter of Understanding

DRAFT - September 23, 2016

Letter of Understanding – Advance Auto Parts Medway and Medway Planning and Economic Development Board

This is a Letter of Understanding between Doug Hawkins, manager of the Medway Advance Auto Parts store at 72 Main Street and the Medway Planning and Economic Development Board.

The Advance Auto Parts store at 72 Main Street in the Tri Valley Commons center is located in the Commercial I zoning district Its retail use is allowed by right per the Medway *Zoning Bylaw*. Nationwide, Advance Auto Parts stores customarily provide limited vehicle repair services to their customers including windshield wiper replacement, battery replacement and various diagnostic services (electrical testing of batteries, starters and alternators). These activities are accessory to the company's primary retail use. However, vehicle repair services are NOT allowed by right in the Commercial I district.

In an effort to find a reasonable balance, the parties agree to the following:

- Advance Auto Parts at 72 Main Street may provide only the following vehicle repair services to its customers.
 - Windshield wiper replacement
 - Battery installation

This authorization does not include the testing of batteries, starters and alternators.

- Advance Auto Parts employees shall not provide any diagnostic or repair services to any vehicle located in any of the parking spaces associated with Advance Auto Parts and Direct Tire at 72 Main Street.
- Installation of windshield wipers and batteries by Advance Auto personnel may occur only in the two most northerly parking spaces on the west side of its building.
- 4. Advance Auto Parts employees and management shall direct customers to not undertake vehicle repairs in the parking areas for Advance Auto Parts and Direct Tire.



September 27, 2016 Medway Planning & Economic Development Board Meeting

REVISED Timbercrest Comprehensive Permit Plan

- Email communication dated 9-9-16 from Stephanie
 Mercandetti re: revised Timber Crest Estates Plan
- Revised Timber Crest Estates Plan dated 9-6-16

The plan change is a result of the applicant's recent acquisition of 165 Holliston Street, a 7.4 acre parcel, which can be used to provide a direct access/egress for the development from Holliston Street. The plan also shows a change from the originally proposed townhouse use on the eastern side of the site to all single family detached homes on reduced size subdivision lots. So, the total new number of proposed subdivision homes for the entire Timbercrest development becomes 157.

Town boards, committees and departments have been asked to review and comment on the revised plans and submit comments to the ZBA by October 3rd. The next public hearing is October 5th.

Susan Affleck-Childs

From: Stephanie Mercandetti

Sent: Friday, September 09, 2016 8:27 AM

To: Michael Boynton; Susan Affleck-Childs; Jeff Lynch; Thomas Holder; David Damico; Jack Mee; Beth Hallal; Bridget Graziano; Chief

Tingley; jwatson@medwaypolice.com; Carol Pratt; Allison Potter; Donna Greenwood; Joanne Russo; 'Armand Pires'; 'Donald

Aicardi'; Doug Havens; Mary Becotte; Mary Jane White; Courtney Riley

Cc: Mackenzie Leahy

Subject: Timber Crest Notice of Project Change and Revised Plans - Hearing set for October 5th

Good morning -

The ZBA has received a Notice of Project Change (includes notice to MassHousing) and revised plans from Timber Crest LLC relative to the Comprehensive Permit application for their proposed development known as Timber Crest Estates on property primarily owned by Henry Wickett. Much of the change pertains to the eastern side of the development which originally called for 116 condominiums and now shows 85 single family homes. The proposed project is a 157-unit development consisting of all single family homes.

The Notice of Project Change to the ZBA and MassHousing along with the revised plans may be found in the Community & Economic Development folder (go to Timber Crest 40B) on the Common drive (H:). For those that do not have access to the Common drive, I also provided the link to the Timber Crest webpage where the documents have been uploaded: http://www.townofmedway.org/community-and-economic-development/pages/timber-crest-estates-development

As with the original submission, we are asking for boards, committees and departments to please comment on the revised proposal. In comments provided, please note any new comments as well as restate prior comments that are either still a concern or may have been addressed with this proposed change. In addition, there are some items yet to be submitted which includes supplements to any analyses and studies such as drainage and traffic. At such time as any additional materials are provided, we will notify you.

The hearing on the revised plan has been scheduled for Wednesday, October 5th. Please review and forward any initial comments you may have no later than Monday, October 3rd.

Please do not hesitate to contact either Mackenzie or myself should you have any questions.

Thank you, in advance, for your attention and review.

Take care, Stephanie

Stephanie A. Mercandetti Director, Community & Economic Development Town of Medway 155 Village Street Medway, MA 02053 Ph: 508.321.4918

Email: smercandetti@townofmedway.org



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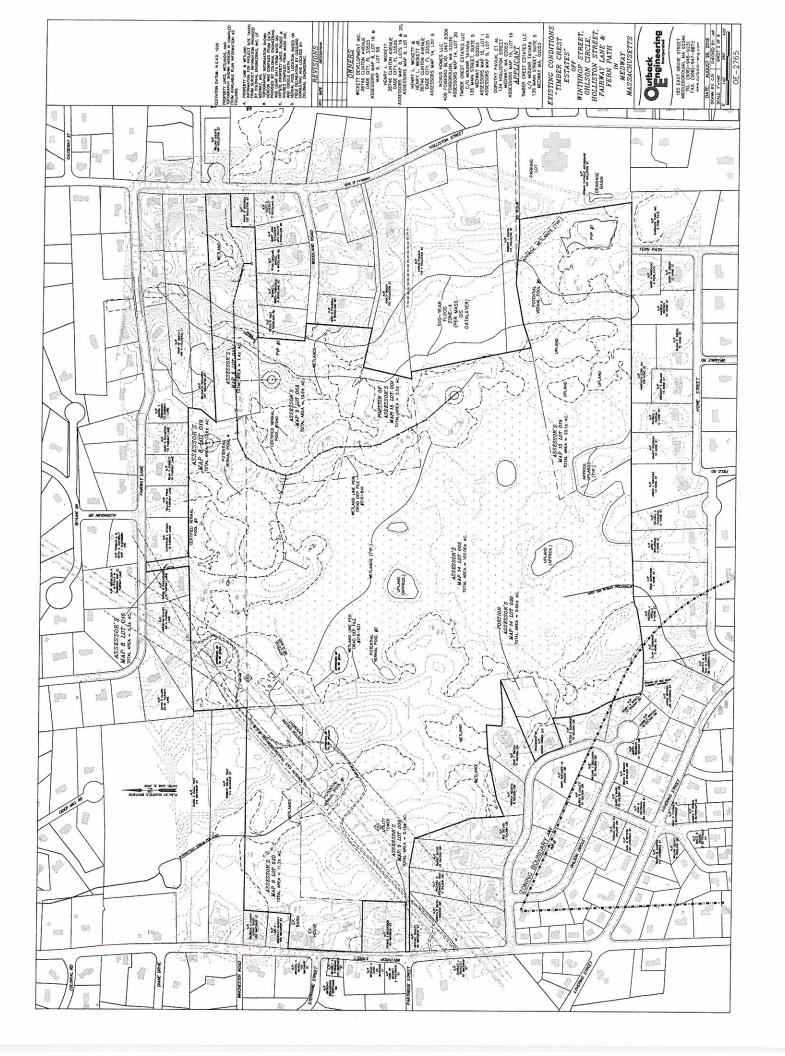
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TEL: (508)-946-9231
FAX: (508)-947-8873
www.outbock-eng.com

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