



TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053
508-533-3291

MEMORANDUM

May 2, 2016

TO: Medway Zoning Board of Appeals
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Proposed Timber Crest Estates

The Medway Planning and Economic Development Board and I have reviewed the proposed Timber Crest Estates development described in the MassHousing Comprehensive Permit Site Approval Application submitted by Timber Crest LLC as submitted to the Town of Medway in late March.

We offer the following preliminary comments/concerns with the proposal as presented. Additional comments may be provided as the ZBA moves through the plan review process on this application. The proposal has not been reviewed for compliance with the Town's stormwater regulations. We strongly encourage the ZBA to retain a professional engineering consultant at its earliest convenience to review the submitted Timber Crest plan.

General Comments

1. Site access from south. The application represents that one of the access/egress points for the eastern part of the site will be via Fern Path. Please note that Fern Path is not an accepted Town public way, nor is Redgate Drive on which one must drive to access Fern Path from Holliston Street, nor is an approximately 1200 linear foot segment of Howe Street closest to Fern Path. Until such time as those streets are accepted, if at all, the applicant/developer should be required to provide documentation that they have secured rights to use those privately owned streets to access the eastern section of the development site.
2. The Chapter 40B Design Guidelines published by the Mass Department of Housing and Community Development specify that comprehensive permit residential developments should be designed to take advantage of the site's natural topography and features. The Existing Conditions Sheet (#2 of 14) prepared by Outback Engineering shows the standard topography, utility lines/easements, and wetlands resources. It does not appear that other site features/elements have been inventoried and mapped such as significant trees, rock outcroppings, stone walls, etc. Accordingly, we are uncertain as to whether other key site features/elements have been considered and taken fullest advantage of in developing the site plan design for Timber Crest Estates.

3. Buffers with adjacent neighborhoods – Much of the proposed residential development is located a reasonable distance away from existing residences. However, that is not the case with units 1 and 2 on Road A in the northern portion of the duplex condominium section of the site. We recommend that those two dwelling units be eliminated to provide a more substantial buffer area to the property at 21 Fairway Lane where the existing house is set back considerably far on the lot. The same recommendation is provided to eliminate units 80, 82 and 83 on Road C at the southern end of the duplex section closest to 5 Fern Path and to reduce the number of units at the entryway from Winthrop Street to the single family home section of Timber Crest.

Further, we would recommend that the developer offer to provide landscaping and/or fencing on the following adjacent properties to provide the owners of existing homes with a buffer to the new development.

- Crowley @ 7 Ohlson Circle
- Neamtu @ 9 Ohlson Circle
- Simcox @ 11 Ohlson Circle
- Broderick @ 98 Winthrop Street
- McCurley-MacKay @ 106 Winthrop Street
- Campo @ Winthrop Street

4. Neighborhood Context - As expected, the proposed density for Timber Crest is in strong contrast to the adjacent conventional subdivisions within the Agricultural Residential I zoning district. This is particularly noticeable in the western side of the development site closest to Winthrop Street in the single family home section where the proposed individual house lots are one sixth to one third of an acre in size and standard setbacks reduced by as much as 53%. We would recommend that Lots 1 and 72 at the beginning of Road A off of Winthrop Street remain undeveloped and be used instead to provide an attractive entranceway into Timber Crest Estates. Starting at Lots 2 and 71 and going easterly to Lots 4 and 69, we recommend that the lot size be increased to at least one half acre or more to better blend with the adjacent properties at 98 and 106 Winthrop Street. This would provide a more gradual transition from the rural character of Winthrop Street, a Medway Scenic Road, to the higher density area further into the subject site.
5. The proposed small house lots and reduced setbacks will result in an appearance where the houses will appear overly dense on the site. In the western subdivision portion of the site, there are 21 house lots under 10,000 sq. ft. in area. The Board is concerned about the appearance of overly large homes on small lots. To address this, the Board recommends that the smaller house lots should be specified for the two-bedroom, ranch style dwelling units. On the eastern section of the development, perhaps some of the duplex structures could become triplexes or quads to provide more space between the buildings and give some much needed breathing room.
6. The development plan and project description clearly indicate that Timber Crest Estates is “two separate independent neighborhoods”. The chart on the cover sheet refers to them as “West Side Subdivision” and “East Side Condominium”. The west section is a single family subdivision with 72 individual house lots. The east section is a private condominium community comprised 166 townhouse units, primarily duplexes. There is no vehicular and pedestrian connectivity

shown between the two areas. There is no shared vehicular access to the two sections. Because of this separateness, we would recommend that each portion of the site be given its own individual neighborhood/development name.

7. There are two open space areas shown on the various site plan sheets - Open Space Parcel #1 (3.11 acres) and Open Space Parcel #2 (67.94 acres). It is unclear what the applicant's intentions are in terms of open space. There is no discussion of ownership, use, on-going maintenance responsibility, public access, etc. Are any pocket parks to be incorporated? With such a large development, there would be great value in having a pedestrian accessible play area in each of the two sections of the site. There is no evidence of any proposed pedestrian connectivity within the open space or between the two distinct areas of the development. We recommend that the applicant be asked to develop a plan for the management of the open space parcels and further, to address pedestrian and bicycle accommodation in a complete manner and provide a detailed proposal for such.
8. The plans show 2 structures at 102 Winthrop Street and the project description indicates they are to be demolished. Please be advised that the house was constructed in 1842 and is subject to review by the Medway Historical Commission under Medway's Demolition Delay bylaw.
9. Composition of Affordable Housing Units – 100% of the 188 proposed dwelling units are to be owner-occupied. The Board is concerned about how many years it will take for the local market to absorb that many owner-occupied dwellings. We would encourage the developer to revise this composition to include some market rate and affordable rental units. In particular, some senior rental housing is very much needed in Medway as noted in the recently completed Medway Housing Production Plan. We would ask that the ZBA recognize the validity of that plan and encourage the developer to work with the Medway Housing Authority and/or the Medway Affordable Housing Trust to consider developing senior rental housing in the area closest to Winthrop Street. This would provide a more varied distribution of housing types within Timber Crest and more directly address Medway's housing needs.

REQUESTS for Waivers from the Subdivision Rules and Regulations

10. The applicant is requesting a waiver from the requirement under Section 5.5.12 of the *Subdivision Rules and Regulations* to complete a traffic study and has not provided any explanation as to why. The Board is particularly concerned about the impacts of traffic generated by the future residents of the 116 condominium dwelling units proposed for the eastern portion of Timbercrest Estates on the adjacent local subdivision streets which will provide access – Fairway Lane, Fern Path and Redgate Drive. We recommend that the ZBA not grant this waiver and instead, require the applicant to prepare and submit a traffic study for review by the ZBA and its consultants so that the full traffic impact of this development can be evaluated and suitable mitigation measures determined as may be needed.
11. The applicant has requested relief from the entirety of Sections 5 (Procedure for Admission and Review of Subdivision Plans) and 6 (Subdivision Administration) of the *Subdivision Rules and Regulations*. Within these sections are the provisions regarding a developer's responsibility to provide performance guarantees (Section 5.20) as required by the Massachusetts Subdivision

Control Law. This is an obligation of every subdivision developer in every municipality throughout the Commonwealth. I do not believe the ZBA cannot waive state law. Section 6.6 pertains to the Adjustment of Performance Guarantee which generally entails switching a covenant over to another form of performance security such as a bond, cash deposit, or tri-party agreement. The Board would strongly recommend that the ZBA not grant waivers to these two provisions and insist on suitable performance security throughout the entire construction process. Requiring appropriately substantial bond amounts (based on prevailing wage rates and with solid contingency percentage requirements) provides a strong incentive to the developer to remain engaged in the development through the end of the project.

12. The applicant has requested relief from Section 8 Administration of the *Subdivision Rules and Regulations* which includes provisions (Section 8.1.4) for collecting fees from the developer to retain an outside consultant to inspect the roadway/infrastructure construction. The PEDB strongly recommends the ZBA not waive this regulation and absolutely require that construction inspection takes place.
13. Roadway ownership – The applicant states that the western portion of the site is to be developed as a subdivision development. It is not evident from the application whether the applicant plans for the subdivision roadways to become accepted Medway streets. If they are intended to be Town owned streets, the ZBA should hold the applicant to all of the requirements for As-built Plans and Street Acceptance included in Sections 6.7 and 6.8 of the *Subdivision Rules and Regulations*.
14. Stormwater Management – The applicant has requested waivers from stormwater regulations included in Section 7.7 of the *Subdivision Rules and Regulations*, to be replaced by the State’s stormwater standards instead. Medway’s stormwater standards are more rigorous and we strongly recommend that they be adhered to in order to protect both Timber Crest residents and the abutting properties from damaging stormwater runoff. Further, the ZBA and the applicant must determine about who will ultimately be responsible for the operation and maintenance of the stormwater management system.

The applicant has also asked for a waiver from Section 7.7.2. p) which prescribes that 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. The regulations also provide that 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. The Board strongly advises against allowing stormwater basins on private house lots as homeowners generally are not aware of what they cannot do on that portion of their property.

15. Landscaped Islands – The applicant has requested a waiver from Section 7.9.6.e.1. which requires 24’ diameter landscaped island and instead proposes to provide other diameter islands and/or permeable pavement. The Board recommends that the ZBA maintain the requirement for landscaped islands in the eight cul-de-sacs shown on the plan as such serve as visual enhancements to the neighborhoods, even if the size of the landscaped islands is reduced.

16. Tree Planting - The applicant has requested a waiver from the tree planting requirement of Section 7.19.2 of the *Subdivision Rules and Regulations* which requires that three street trees shall be planted per lot at 40' intervals. An alternative landscaping approach is not provided. The plan set does not include any form of landscaping plan. Landscaping is a critically important feature in subdivision design. This is a matter of significant concern. Some level of street tree landscaping should be incorporated to enhance the visual quality of the neighborhoods.
17. Roadway Length – We approximate the roadway length for the single family residence portion of the development to be 2500 linear feet. This is a dead end street far in excess of the Town's 600 foot maximum dead end street length. The plan does show a secondary emergency access easement over 13 Ohlson Circle. The Board has concerns about this dead-end roadway length and the adequacy of access for safety and emergency vehicles. The applicant should be required to address all of the concerns of Fire Chief Lynch regarding the length of the dead end street and the adequacy of the roadways for the efficient access of emergency equipment to the single family subdivision section of the development.

Commonwealth's Sustainable Development Principles – The Board feels the proposed development does not meet many of the Commonwealth's Sustainable Development Principles as required under the 40B regulations.

- a) *Concentrate Development and Mix Uses* – Although the proposed development offers higher density and multifamily uses, it does not utilize existing water/sewer infrastructure. The development is entirely new construction in a presently undeveloped area and does not include a mix of uses. It is 100% residential. The location of the proposed neighborhoods is close to 2 miles away from existing commercial districts. This distance precludes the easy mixing of residential uses with the community's existing commercial, civic, cultural, educational and recreational uses which is widely viewed as a best practice for denser, multi-family housing developments.
- b) *Protect Land and Ecosystems* – By its construction, this development would decrease the amount of open space that has historically been present in this part of Medway. There is no discussion as to how the open space is to be managed, used and made accessible to the public.
- c) *Expand Housing Opportunities* – The construction of 188 owner occupied dwelling units does not address Medway's housing needs, specifically the growing need for rental housing in Medway and its nearby communities. It would be beneficial if a component of the development could provide rental housing opportunities, in particular for the elderly population. The applicant claims that the development expands the term of affordability but does not explain how. The Timber Crest site is not close to jobs, transit and other consumer services. Further, there are no provisions proposed to outfit a portion of the units to provide options for the special needs and disabled populations.
- d) *Provide Transportation Choice* – The applicant acknowledges that the development site is 2 miles from existing commercial centers and an automobile travel corridor. This is not considered to be "in close proximity". Access to the site is completely dependent on private automobiles and is not walkable to public transportation. Provisions for bicycle and

pedestrian access cannot be provided due to the limitations of the width of the Winthrop and Holliston Streets rights of way.

- e) *Increase Job and Business Opportunities* – The applicant asserts that the development project will provide construction jobs and that the residents who will live in Timber Crest are reasonably expected to support local businesses. Beyond that, it does not appear that this proposed residential development meets any other examples of this Sustainable Development Principle – permanent jobs; jobs near housing; housing near an employment center; expanded access to education, training or entrepreneurial opportunities; supporting natural resource businesses; reusing materials from an industry’s waste stream; supporting the manufacture of resource efficient materials; and supporting businesses that utilize locally produced resources.
- f) *Promote Clean Energy* – The use of Energy Star appliances and heating equipment has become almost standard in new home construction and should not be considered as sufficient for this development to claim that it meets the Commonwealth’s clean energy goals. There is no evidence of any plans to incorporate renewable energy sources, use recycled construction materials or employ water conservation measures. We encourage the ZBA to push for such measures.
- g) *Plan Regionally* – The proposed development with the planned 48 affordable dwelling units will provide additional housing opportunities for future owner occupants. In principle, that is a very good thing. However, there is growing evidence that communities in the southwest metropolitan Boston sub-region struggle with securing qualified, income eligible buyers for affordable, owner-occupied dwelling units and that is a concern of the Board for Timber Crest. The applicant claims that Timber Crest will address barriers identified in a Regional Analysis of Impediments to Fair Housing, but does not specify how it will do so, what those barriers are, nor does the applicant refer to a specific publication or regional plan.

Thank you for the opportunity to comment on the proposed Timber Crest development.