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Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 533-3291
Fax (508) 321-4987
Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ANR Decision Memorandum

November 23, 2020

TO: Maryjane White, Town Clerk
FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator
RE: ***ANR (Subdivision Approval Not Required) Plan*** – 35 Milford Street

At its November 10, 2020 meeting, the Planning and Economic Development Board considered a Subdivision Approval Not Required (ANR) application and plan as described below:

Name of Plan: *Plan of Land in Medway, MA*
Location/Address: 35 Milford Street
Assessor's Reference: Map 56, Parcel 032
Zoning District: AR-II
Property Owners: Andrew Mahan and Colleen Garry
4 Lilly Street
Medway, MA 02053
Applicant: Cameron Bagherpour
83 Lovering Street
Medway, MA 02053
Plan Date: October 14, 2020
Prepared by: Anthony M Dellorco, PLS
Colonial Engineering Inc.
11 Awl Street
Medway, MA 02053
Scale: 1 inch = 40 feet

An ANR plan dated October 14, 2020, an ANR application, and associated documents were filed with the Planning and Economic Development office on November 4, 2020. The plan shows the division of the 1.54 acre property at 35 Milford Street into two house lots. Parcel A-I has 31,332 sq. ft. of area with 150' of frontage on Milford Street. Parcel A-II is a corner lot with 35,956 sq. ft. of area with frontage on Milford Street and Knollwood Road, a permanent private roadway. The existing house at 35 Milford Street is planned for demolition.

The ANR plan was reviewed by me and I provided a review memorandum dated November 6, 2020 to the Board and the applicant. The plan meets the content requirements specified in the *Medway Subdivision Rules and Regulations*. The lots have sufficient frontage (150') as required by the Medway Zoning Bylaw for the AR-II zoning district and the frontage is on an accepted road (Milford Street) and a road (Knollwood Road) which is shown on a definitive subdivision plan endorsed by the Planning Board (11-22-1988) and recorded at the Registry of Deeds (Plan Book 375, Page 1323). Further, vital access is provided to each lot as the driveways will be from Milford Street. However, the memorandum noted that there is language in both the Knollwood Road subdivision covenant and plan that limits future subdivision.

On November 10th, the applicant submitted a supplemental memorandum to the Board to address the question of whether an endorsed ANR plan will allow the Building Commissioner to approve building permits. Mr. Bagherpour and his attorney, Michael Larkin, attended the Board's meeting and discussed this issue with the Board.

The Planning and Economic Development Board determined that the subject *Plan of Land* **DID NOT** show a subdivision for the above noted reasons. At its November 10, 2020 meeting, the Board voted to endorse the submitted *Plan of Land in Medway, MA* for 35 Milford Street dated October 14, 2020. A copy of the endorsed plan is provided for the Town Clerk; the electronic version of the plan is attached for other recipients of this memorandum.

Please note that the land division does not take effect until the plan is recorded at the Norfolk County Registry of Deeds.

NOTES to Applicant

1. Driveways - The ANR plan indicates and the applicant has stated publically that both lots will use Milford Street as the means of access to the subject properties. The applicant is advised that street opening permits will be needed from the Medway Department of Public Works for the driveways. The Town's regulations for street opening permits can be found at:

<https://www.townofmedway.org/sites/g/files/vyhli866/f/uploads/streetstandards.pdf>

As the Applicant develops its plan for site design for each new house lot, they are encouraged to maximize both the distance between Knollwood Road and the driveway for Parcel A-2 and the distance between the driveways for Parcel A-1 and A-2.

NOTE - The current deed for 35 Milford Street does not include any language that the owner has rights to use Knollwood Road, thus preventing the Applicant from changing the access to Parcel A-2 from Milford Street to Knollwood Road.

2. In developing the architectural plans for the new houses, the Applicant is encouraged to be sensitive to the character and style of neighboring homes along Milford Street. Although the subject property is not located within the Rabbit Hill Historic District, it is close by.

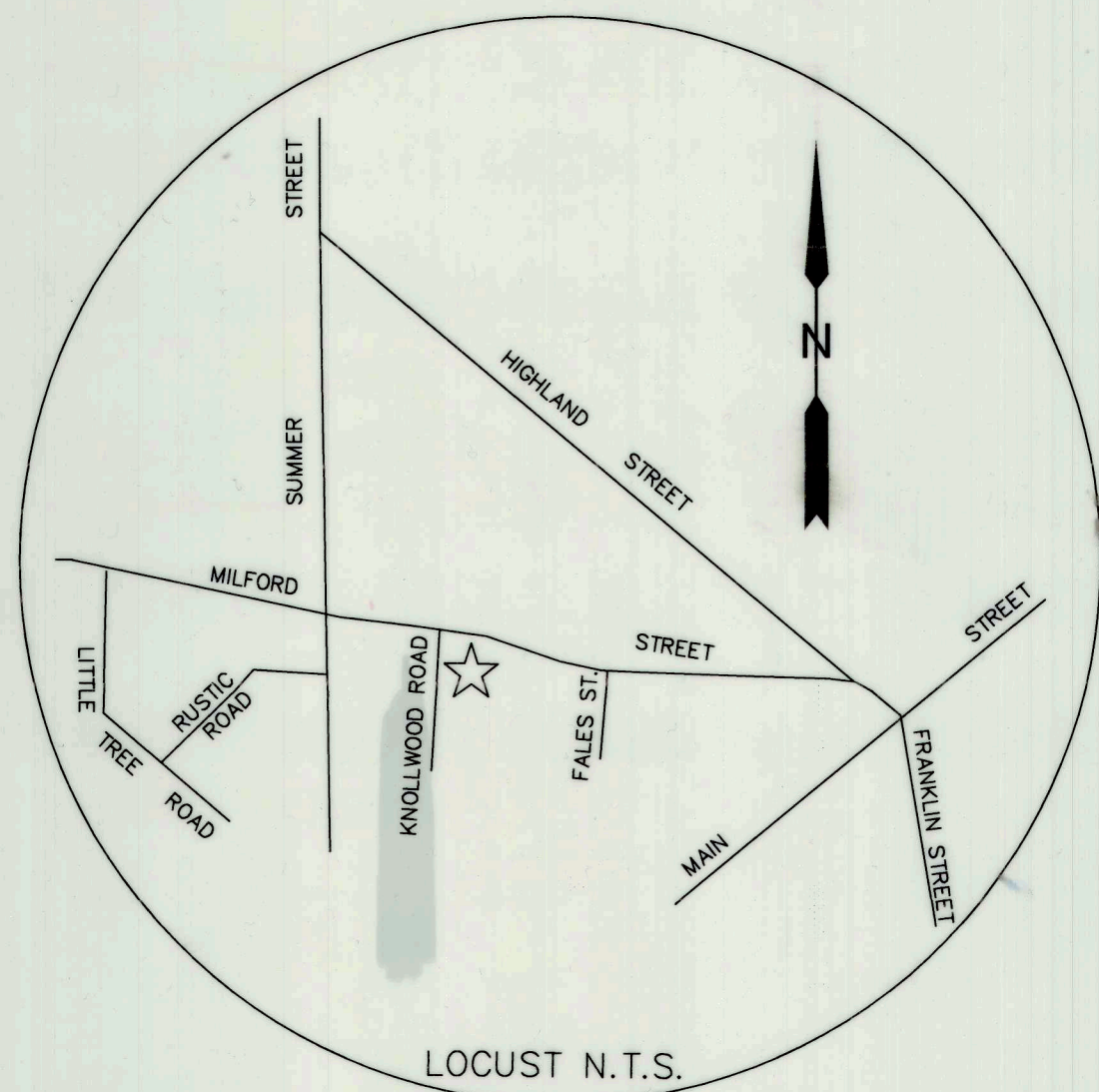
3. The future construction of the houses and driveways is of a size that is likely to trigger the applicability of the Town's Stormwater Management and Land Disturbance Bylaw and the need to secure a Land Disturbance Permit from the Medway Conservation Commission. Further information about the bylaw and permit can be found at:

<https://www.townofmedway.org/planning-economic-development-board/pages/stormwater-management-and-land-disturbance-bylaw>

4. Tree Preservation – In developing the individual site plans for each lot, the Applicant is encouraged to also utilize the standard 15' side and rear zoning setback areas as a tree preservation area (no cut zone) to provide a wooded buffer to the adjacent properties and to reference such no cut zone in the respective deeds. Google Earth images of the property show a considerably wooded site. We advise that the Applicant make all possible efforts during site design and construction to retain existing trees with a diameter of 18" or more measured at 4.5' above the ground.

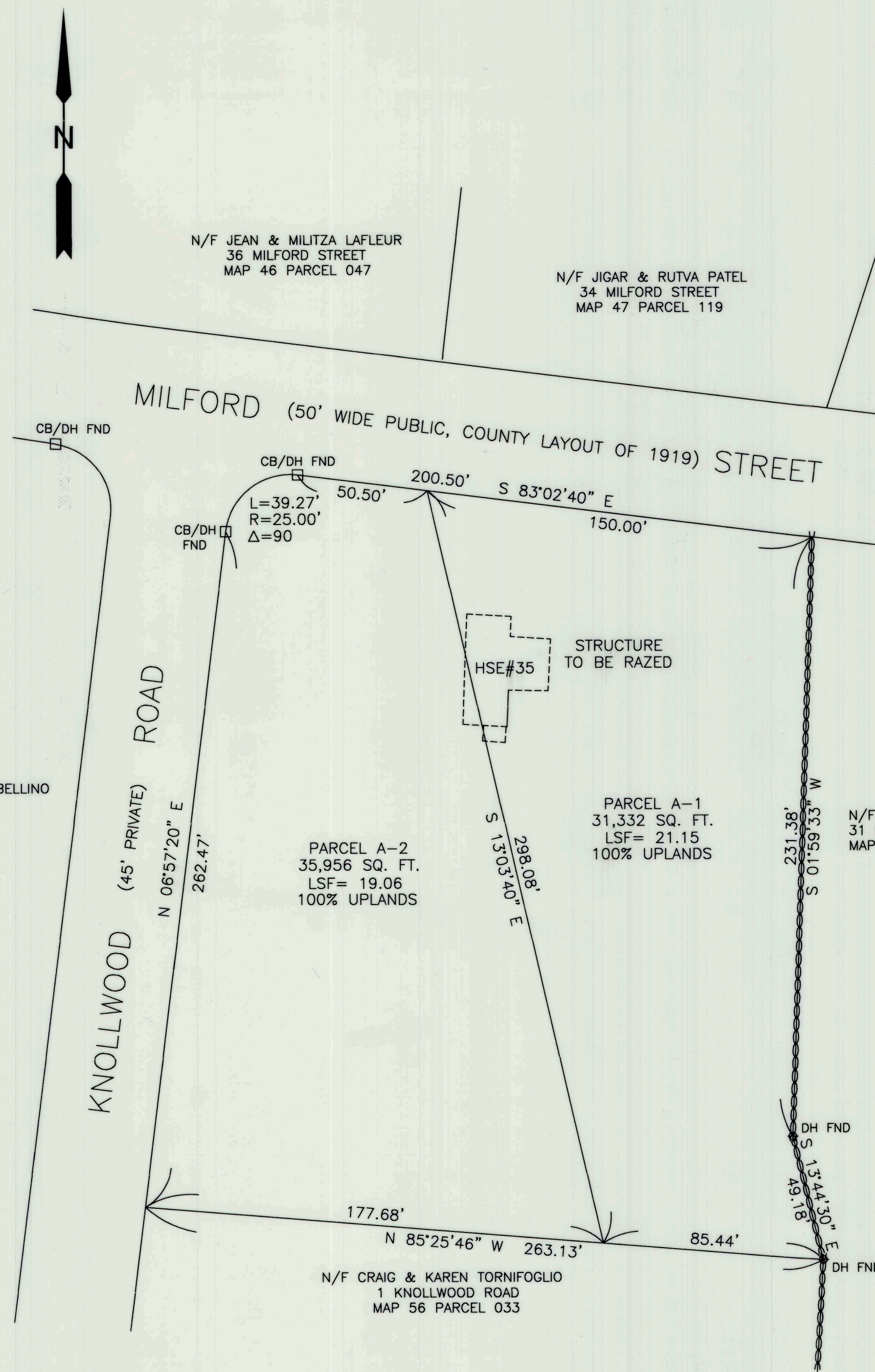
5. Possible Conflict with Definitive Subdivision Plan for Knollwood Road – Both the previously mentioned definitive subdivision plan which shows the creation of Knollwood Road and the associated subdivision covenant include language indicating that there is to be no further subdivision of land so as to create additional building lots. The applicability of that language to 35 Milford Street and the two parcels shown on the ANR plan is a determination to be made by the Building Commissioner at such time as building permits are applied for.

Copies to: Cameron Bagherpour
Andrew Mahan and Colleen Garry
Donna Greenwood, Principal Assessor
Jack Mee, Building Commissioner
David D'Amico, DPW Director
Bridget Graziano, Conservation Agent
Colonial Engineering, Inc.



ZONE AR II
 AREA 22,500 S.F.
 FRONTAGE 150'
 35' SETBACK
 15' SIDEYARD
 15' REARYARD

N/F MADELYN RIVERA & PAMELA BELLINO
 2 KNOLLWOOD ROAD
 MAP 56 PARCEL 035



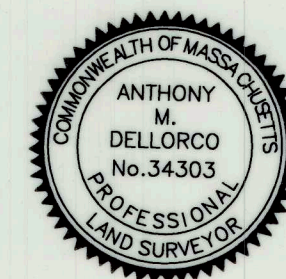
NOTES: BEING A SUBDIVISION OF PARCEL A SHOWN ON A PLAN BY G.L.M. ENGINEERING CONSULTANTS INC. AND RECORDED IN NORFOLK COUNTY REGISTRY OF DEEDS PLAN BOOK 375 PAGE 1323.

BOTH PARCELS WILL USE MILFORD STREET AS A MEANS OF ACCESS.

N/F JEAN & MILITZA LAFLEUR
 36 MILFORD STREET
 MAP 46 PARCEL 047

N/F JIGAR & RUTVA PATEL
 34 MILFORD STREET
 MAP 47 PARCEL 119

N/F JAMES & LISA WASHEK
 32 MILFORD STREET
 MAP 47 PARCEL 118



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.

Anthony M. Dellorco
 DATE: OCTOBER 14, 2020

APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.

DATE APPROVED: November 10, 2020

ad Rod
Richard J. DiStasio
Matthew J. Ryan

TOWN OF MEDWAY PLANNING BOARD

"PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAWS."

NOTE: PROPERTY SHOWN ON THIS PLAN IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

MAP 56 PARCEL 032
 PLAN OF LAND

IN
MEDWAY, MA.

SCALE: 1"=40' OCT. 14, 2020

OWNER: Andrew Mahan & Colleen Garry
 35 Milford Street
 Medway, Ma. 02053

COLONIAL ENGINEERING INC.
 11 AWL STREET MEDWAY, MA. 02053
 508-533-1644

