

Board Members

Andy Rodenhiser, Chair
Sarah Raposa, A.I.C.P., Vice Chair
Timothy Harris, Clerk
Jessica Chabot, Member
John Parlee, Member
Alexandra Vinton, Associate
Member



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155 Village Street
Medway, MA 02053
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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT BOARD

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Certificate of Action
Hill View Estates Definitive Subdivision Plan
Modification

Date of Decision:	April 9, 2024
Location:	32R Hill Street, Assessors' Parcel 3-033
Applicant and property owner:	One Nirvana Development, LLC 741 Washington Street Canton, MA 02021
Other Property owner:	The 2 Nirvana Way Real Estate Trust 2 Nirvana Way, Medway, MA 02021
Original applicant and Owner:	Christine Price 32R Hill Street, Medway, MA 02053
Engineer:	Legacy Engineering, LLC 730 Main Street, Millis, MA 02054
Surveyor:	Colonial Engineering 11 Awl Street, Medway, MA 02053
Plan Dated:	Endorsed Definitive Subdivision Plan dated March 12, 2012, last revision October 10, 2017 Modification plan dated March 12, 2012, last revision date March 8, 2024 (10 sheets)
Zoning District:	Agricultural Residential I
Street Name:	Nirvana Way

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I. PROJECT DESCRIPTION: Original subdivision plan: The Hill View Estates Permanent Private Road Definitive Subdivision Plan was approved by the Planning and Economic Development Board (the Board) on February 11, 2014, and shows two residential house lots, and a parcel (Parcel A) for the road and drainage, on a 12.7 acre parcel of land located at 32R Hill Street in the Agricultural Residential I (AR-1) zoning district. The subject parcel includes one existing single-family house, to be retained on Lot 10B (4.029 acres +/-) as shown on the plan. The second house lot was shown as Lot 10A on the original plan (8.089 acres +/-). The site and existing house are presently accessed from a driveway off of Hill Street. A very small portion (1,369 square feet) of road Parcel A is located within the Town of Holliston where the driveway presently intersects with Hill Street.

The Hill View Estates subdivision created a 387 linear foot long roadway right of way with a cul-de-sac at its end to provide access and legal frontage for both house lots. The existing 12' wide driveway is located within the roadway right of way. A hammerhead turnaround will be constructed at its end from which two driveways will emanate to serve the individual houses. The private way will be known as Nirvana Way. The project also includes the construction of 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.

2018 ANR plan: In 2018, the Board endorsed an approval-not-required (ANR) plan for the property. The ANR plan created a nonbuildable "Parcel C" by carving out 1.79 acres from Lot 10A. This created a new Lot 10C with the remaining 6.3 acres of land from what had been Lot 10A. Lot 10B, the lot with the existing house, was not changed by the ANR plan.

The owner of Lot 10C will own and be responsible for upkeep and maintenance of the roadway and the stormwater drainage facilities.

Modification application: The modification application currently before the Board proposes modifications to existing stormwater management facilities to comply with recent updates to the Town's Stormwater Management and Land Disturbance bylaw and regulations, including the installation of a new infiltration trench on Lot 10C. Lot 10A as shown on the original subdivision plan is now shown as Parcel C and Lot 10C to match the ANR plan endorsed by the Board in 2018. The applicant states that it has endeavored to maintain the original stormwater management system design to the extent possible with minor changes proposed to Infiltration Trenches #1 and #2 and their associated pretreatment best management practices (BMPs). A third infiltration BMP was added to Lot 10C to mitigate the larger rainfall events associated with current Town requirements.

Over the past few years, two wetland areas were identified on Lot 10C. These have been added to the plan; and the potential house and septic system locations on Lot 10C have been updated to match what is actually proposed to be constructed.

II. PROCEDURAL SUMMARY:

1. On February 11, 2014, the Board issued its Certificate of Action approving the Hillview Estates Definitive Subdivision Plan. The Board's Certificate of Action is recorded at the Norfolk County Registry of Deeds at Book 35648, Page 237 (12/5/2017) (referred to hereinafter as the **"2014 Certificate of Action"**). The Definitive Subdivision Plan is recorded at the Norfolk County Registry of Deeds at Plan Book 664, pages 6-14 (12/5/2017) (referred to hereinafter as the **"2017 Definitive Plan"**).
2. As surety for completion of the construction of the road and installation of municipal services, a "Site Improvement Bond" was issued by the Hanover Insurance Company, dated 10/10/2017.
3. On January 12, 2024, the applicant submitted an application to modify the 2017 Definitive Plan. The public hearing notice was posted with the Medway Town Clerk and was mailed to parties in interest. The public hearing was duly noticed in the Milford Daily News on January 30, 2024 and February 6, 2024.
4. The public hearing was opened on February 13, 2024, and was continued to March 12, 2024. Due to a potential technical defect in the public hearing notice, the public hearing was re-noticed for March 26, 2024. The public hearing notice was posted with the Medway Town Clerk and was mailed to parties in interest including parties in interest in both Medway and Holliston. The public hearing was duly noticed in the Milford Daily News on March 12, 2024 and March 19, 2024. The public hearing was opened again on March 26, 2024, and continued to April 9, 2024, when the public hearing was closed.

The following were submitted with the application for modification:

1. Application
2. Plan entitled "Hillview Estates Permanent Private Road Definitive Subdivision Plan" dated March 12, 2012 with a last revised date of January 9, 2024, prepared by Colonial Engineering, Inc. of Medway, MA and Legacy Engineering, LLC of Millis, MA
3. Project Narrative
4. Stormwater Report dated March 12, 2012 with a last revision date of January 9, 2024, prepared by Legacy Engineering, LLC

Other documents submitted by applicant:

1. Revised plans, with revision date of February 22, 2024
2. Letter from Legacy Engineering dated February 22, 2024
3. Revised Stormwater Report dated February 22, 2024
4. Plan entitled "Hillview Estates Permanent Private Road Definitive Subdivision Plan" dated March 12, 2012 with a last revision date of March 8, 2024, prepared by Colonial Engineering, Inc. of Medway, MA and Legacy Engineering, LLC of Millis (referred to hereinafter as the **"2024 Modified Plan"**)
5. Letter from Legacy Engineering dated March 11, 2024

The Board received the following comments:

1. Email from Bridget Graziano, Conservation Agent, dated January 29, 2024
2. Email from Bridget Graziano, Conservation Agent, dated January 30, 2024
3. Email from Derek Kwok, Health Director, dated January 29, 2024
4. Letter from Tetra Tech dated February 2, 2024
5. Memorandum from Barbara J. Saint Andre, Director of Community and Economic Development, dated February 23, 2024
6. Email from Tetra Tech dated March 24, 2024

III. FINDINGS

The Board finds that the proposed modification complies with the Subdivision Control Law and the Board's Regulations, with the waivers that were previously granted. No changes were made to the size or configuration of either house lot or to the roadway layout. The modification does not add any house lots.

The Board voted to GRANT a modification to the Hill View Estates 2014 Certificate of Action and the 2017 Definitive Plan, as shown on the 2024 Modified Plan with a revision date of March 8, 2024, prepared by Colonial Engineering, Inc. of Medway, MA and Legacy Engineering, LLC of Millis, MA.

All conditions of the previous Subdivision Certificate of Approval remain in effect unless modified by this Certificate of Action.

IV. CONDITIONS OF MODIFICATION

1. This modification Certificate of Action and the 2024 Modified Plan endorsed by the Board shall be recorded with the Norfolk County Registry of Deeds prior to issuance of any building permit.
2. The subdivision shall be constructed in accordance with the 2014 Certificate of Approval, except where modified by the 2024 Modified Plan or this modification Certificate of Action.
3. References in the 2014 Certificate of Action to Lot 10A shall be deemed to refer to Lot 10C.
4. Condition number A.2 of the 2014 Certificate of Action shall be modified to read as follows:
"The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the 2024 Modified Plan, to the satisfaction of the Planning and Economic Development Board, within two years of the date of endorsement of the 2024 Modified Plan. The time for such construction and/or installation may be extended upon the written request of the applicant, for good cause shown, prior to the expiration of the two-year period, upon a vote of the majority of the Planning and Economic Development Board then present."

5. Prior to endorsement of the 2024 Modified Plan, the Applicant shall provide surety in compliance with G.L. c. 41, §81U, and the Board's Subdivision Rules and Regulations, in 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 2024 Modified Plan.
6. If surety is provided in the form of a subdivision covenant, reference to the Subdivision Covenant shall be noted on the cover sheet of the 2024 Modified 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 two years of the date of plan endorsement. No building permit shall be issued for any lot within the subdivision, or any lot conveyed, unless any Subdivision Covenant shall be replaced by other subdivision surety in compliance with General Laws chapter 41 §81U and the Board's Regulations.
7. No building permit shall be issued for any lot within the subdivision, or any lot conveyed, unless the Applicant has provided 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.
8. The applicant shall prepare an updated Private Way Maintenance Agreement that complies with the 2014 Certificate of Action, and this Certificate of Action, including references to the lot numbers as shown on the 2024 Modified Plan. This Agreement shall be reviewed and approved by Town Counsel, and recorded at the Norfolk County Registry of Deeds prior to issuance of any building permit.

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**Hill View Estates Definitive Subdivision Plan Modification
Certificate of Action
Medway Planning and Economic Development Board**

Date of Action by the Planning and Economic Development Board: _____

Andy Rodenhiser, Chair

Date

Sarah Raposa, AICP, Vice-Chair

Date

Timothy Harris, Clerk

Date

Jessica Chabot, Member

Date

John Parlee, Member

Date

The Board and the Permittee have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee and notice of the Decision will be mailed to all parties in interest.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 41, section 81BB, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

**Hill View Estates Definitive Subdivision Plan Modification
Certificate of Action
Medway Planning and Economic Development Board**

Date of Vote by the Planning and Economic Development Board: April 9, 2024

Andy Rodenhiser, Chair

Date

4/9/24

Sarah Raposa, AICP, Vice-Chair

Date

4/9/24

Timothy Harris, Clerk

Date

4/9/24

Jessica Chabot, Member

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