



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.
Karyl Spiller-Walsh
Richard Di Iulio, Associate Member

APPROVED - June 24, 2014

SPECIAL PERMIT DECISION

Millstone Village Adult Retirement Community Planned Unit Development (ARCPUD)

APPLICANT: Elite Home Builders, LLC
PO Box 1205
Westborough, MA 01581

PROPERTY OWNER: Betty Ann McCall Vernaglia
12 Partridge Street
Medway, MA 02053

LOCATION: 129 R Lovering Street

ASSESSOR'S REFERENCE: 20-004

ZONING DISTRICT: Agricultural Residential I

ENGINEER/SURVEYOR: GLM Engineering
19 Exchange ST
Holliston, MA 01746

ARCHITECT: HPA Design, Inc.
200 Stonewall Boulevard
Wrentham, MA 02093

PLAN: Millstone Village ARCPUD
October 15, 2013, last revised February 7, 2014
Prepared by GLM Engineering.

DESCRIPTION of PROPOSED PROJECT

The application was filed under the Adult Retirement Community Planned Unit Development section of the Medway Zoning Bylaw (SECTION V. Use Regulations, Sub-Section U.) The subject property, a 51 acre site, is located at 129 R Lovering Street, between 63 and 81 Winthrop Street, south of Lovering Street and across from Clover Lane in the ARI zoning district (the site). The site is presently owned by Betty McCall-Vernagli of Medway, MA.

Elite Home Builders, LLC (“Applicant”; as used herein, “Applicant” will also refer to the Applicant’s successors and assigns) proposes to construct a residential condominium development on the site, to be known as Millstone Village, consisting of 80 condominium dwelling units in 53 buildings, which shall be age restricted; 3,270 linear feet of privately owned roadway (Millstone Drive and Millstone Court, Cobblestone Drive and Cobblestone Court, Fieldstone Drive and Fieldstone Court, Steppingstone Drive and Sandstone Drive); sewage and water service; drainage/stormwater management facilities; 20.4 acres of dedicated open space; paved sidewalks; walking trails/paths; a community house; and associated parking and landscaping. Site access and egress will be from Winthrop Street, a Medway Scenic Road.

The 80 condominiums will be comprised of 45 townhouse type residences constructed in groups of two or three units and 35 detached single family houses. The dwelling units range in size from 1600 to 2300 sq. ft. Each dwelling will have a 2 car garage plus 2 additional driveway parking spaces. Another 42 off-street parking spaces will be provided for visitors and guests. Eight dwelling units will be available for sale to low or moderate income household and comply with the requirements for inclusion in the Subsidized Housing Inventory prepared by the Department of Housing and Community Development pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 (the “affordable housing units”).

The open space parcel identified on the Plan as Parcel B (888,791 sq. ft./20.40 acres) will be owned by the Millstone Village Condominium Trust and protected through a conservation restriction granted to the Town of Medway, acting through its Conservation Commission, for conservation and passive recreation purposes and permitting public access to the land, pathways and parking area to be constructed thereon.

HISTORICAL BACKGROUND

The proposed development substantially in its present configuration (*but without a community building*) was previously approved by the Planning and Economic Development Board in 2007 on the application of Barberry Homes. The applicant withdrew the application and the project was not constructed.

PROCEDURAL BACKGROUND – Current Application

The application for an Adult Retirement Community Planned Unit Development (ARCPUD) special permit was filed with the Planning and Economic Development Board (the Board) and the Town Clerk on November 18, 2013. The application package consisted of:

- *ARCPUD Special Permit Application* dated October 15, 2013
- Plan entitled *ARCPUD – Millstone Village, Medway, Massachusetts*, dated October 15, 2013 prepared by GLM Engineering of Holliston, MA

- a certified abutters list
- the associated stormwater drainage report prepared by GLM Engineering
- an application for street names; and
- documents from the previously approved Daniels Village ARCPUD from 2006 and 2007 – Certificate of Action, Scenic Road Work Permit, and waiver requests.

A public hearing was scheduled for January 14, 2014. Notice of the public hearing was published in the *Milford Daily News* on December 30, 2013 and January 6, 2014. Notices were sent by certified sent mail to abutters, parties of interest and the Planning Boards of all adjacent towns on December 26, 2013.

A email memo from the Planning and Economic Development Board dated December 20, 2013 was sent to the Building Commissioner, Board of Health, Conservation Commission, Design Review Committee, Police Chief, Fire Chief, and Department of Public Services. The memo noted that the public hearing was scheduled to begin on January 14, 2014 and requested plan review comments.

The Board convened the public hearing on January 14, 2014. The public hearing was continued to February 25, March 25, April 8, April 29, May 13, May 27, June 10 and June 24, 2014 when the public hearing was closed. At the public hearing, comments were received from the general public, municipal boards and/or departments, and the Planning and Economic Development Board's consultants including Tetra Tech, the Town's Consulting Engineer; PGC Associates, the Town's Planning Consultant; the applicant and GLM Engineering. All persons in attendance were provided the opportunity to comment and present evidence. All members voting on this Special Permit were present at all sessions or provided a Mullins Rule certification when absent.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

NOTE - The Applicant filed with the Medway Zoning Board of Appeals an application for a use variance as authorized by Section III.D.3 of the Town of Medway Zoning Bylaw ("Bylaw") from the provisions of Section V.U.4(c) (1) of the Bylaw, so as to allow the proposed ARCPUD with up to twenty (20%) percent of the units to be not age-restricted. At its June 4, 2014 meeting, the Medway Zoning Board of Appeals voted to not approve the requested relief.

EXHIBITS - PLANS AND DOCUMENTS

The following exhibits were submitted for the Board's review and deliberations at the time of application.

1. ARCPUD – Millstone Village, Medway, MA plans prepared by GLM Engineering, dated October 15, 2013.
2. Drainage Calculations for Millstone Village in Medway, MA dated October 15, 2013, prepared by GLM Engineering Consultants, Inc.
3. Street Naming Application and submittal letter dated October 15, 2013 prepared by GLM Engineering Consultants

Subsequent to the application package, the applicant submitted the following additional items.

1. Traffic Impact and Access Study – Proposed Millstone Village, Medway, MA; prepared by MS Transportation Systems, Inc., October 2006
2. Supplemental Stormwater Compliance Documents for Millstone Village, prepared by GLM Engineering Consultants, Inc., February 5, 2014
3. Request for Waivers prepared by GLM Engineering, Inc., March 18, 2014
4. Letter from GLM Engineering dated February 7, 2014 in response to January 2014 plan review letters from the Board’s consultants - David Pellegrini, Tetra Tech and Gino Carlucci, PGC Associates
5. Revised Millstone Village ARCPUD Plan prepared by GLM Engineering, revised date February 7, 2014.
6. Letter from GLM Engineering to Medway Water/Sewer Superintendent Robert Donahue re: sewer capacity.
7. Letter dated January 31, 2014 from applicant Julie Venincasa informing the PEDB of the applicant’s intention to petition the Medway Zoning Board of Appeals to allow up to 20% of the dwelling units to be sold to households who do not have at least one resident over the age of 55.
8. Scenic Road Work Permit application dated March 4, 2014.
9. Proposed Stone Wall/Entry elevation plan dated February 11, 2014 from Paul Apkarian Architects, Inc.
10. Revised Planting Plan dated March 11, 2014 prepared by Cosmos Associates and GLM Engineering.
11. Price Quote dated April 3, 2014 from Marlin Controls for Solar Powered Driver Speed Feedback Sign for Winthrop Street.
12. Development Phasing Plan prepared by GLM Engineering.
13. Application to the Zoning Board of Appeals for variance as authorized by Section III.D.3 of the Town of Medway Zoning Bylaw (“Bylaw”) from the provisions of Section V.U.4(c)(1) of the Bylaw, so as to allow an Adult Retirement Community Planned Unit Development with up to twenty (20%) percent of the units to be not age-restricted.
14. Proposed open space trails and parking layout, prepared by GLM Engineering, provided 6/10/14.
15. DRAFT LIP/LAU application prepared by MCO Housing Services including Local Preference Criteria and Market Information, submitted June 18, 2014.
16. Open Space Parking plan, dated June 24, 2014, prepared by GLM Engineering.

PUBLIC HEARING TESTIMONY & EVIDENCE

Written Comments/Review Letters/Verbal Testimony from Town of Medway Departments, Boards, Committees and Consultants

1. Plan Review Letter dated January 8, 2014 – Gino Carlucci, PGC Associates
2. Plan Review Letter updated February 21, 2014 – Gino Carlucci, PGC Associates
3. Plan Review Letter dated January 10, 2014 – David Pellegrini, Tetra Tech

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4. Plan Review Letter updated February 2002014 – David Pellegrini, Tetra Tech
5. Email Communication dated March 24, 2014 – Michael Hall, Tetra Tech
6. Memorandum dated January 9, 2014 from Medway Conservation Agent Patty Barry
7. Plan review letter dated January 10, 2014 from Matthew Buckley, chairman of the Medway Design Review Committee
8. Memorandum dated January 13, 2014 from Medway Community Housing Coordinator Douglas Havens.
9. Email communication dated March 6, 2014 from Medway DPS Director Thomas Holder forwarding a March 6, 2014 email from Liz Schreiber communicating that the Charles River Pollution Control District will accept the sewage flow generated by Millstone Village
10. Memorandum dated March 10, 2014 from Medway Community Housing Coordinator Douglas Havens.
11. Sidewalk construction cost estimate dated March 10, 2014 from Tetra Tech.
12. Memorandum dated March 25, 2014 from Fred Sibley, Medway Assistant Tree Warden, regarding the scenic road work permit application.
13. Plan review status report dated March 24, 2014 from Matthew Buckley, chairman of the Medway Design Review Committee
14. Jeff Lynch, Medway Fire Chief - January 14, 2014
15. Missy Dzikczek, Council on Aging Director – January 14, 2014
16. Matthew Buckley, Chairman of the Medway Design Review Committee – January 14, 2014
17. Douglas Havens, Medway Community Housing Coordinator – January 14, February 25, March 25, June 8, and June 24, 2014 meetings.
18. Memorandum dated February 19, 2014 from Susan Affleck-Childs, Planning and Economic Development Coordinator re: status of scenic road work permit.
19. Memo from Doug Havens, Community Housing Coordinator, dated January 13, 2014.
20. Scenic Road Work Permit approved by the Board on April 8, 2014
21. Email dated April 4, 2014 from Bridget Graziano, Interim Conservation Agent re: the Conservation Commission's vote to grant a one year extension of the DEP #216-735 Order of Conditions (which had been granted to the previous ARCPUD applicant for this site).
22. Plan Review Memorandum dated April 27, 2014 from Sergeant Jeff Watson.
23. Email communication dated June 3, 2014 from Tom Holder, Medway DPS Director, recommending the use of various water conservation measures.
24. Memo from Doug Havens, Community Housing Coordinator, dated June 12, 2014
25. Memo from Doug Havens, Community Housing Coordinator, dated June 23, 2014
26. Various drafts of the ARCPUD special permit decision.

Professional Commentary during the Public Hearings

1. Rob Truax, GLM Engineering
2. David Pellegri, P.E., Tetra Tech
3. Brian Marchetti, P.E, Tetra Tech
4. Gino Carlucci, AICP, PGC Associates
5. Attorney Alex Parra for the applicant

Applicant (Elite Home Builders, Inc.) Commentary

1. Julie Venincasa
2. Steve Venincasa
3. Leonardo DaSilva

Citizen/Abutter Commentary

1. Steven Kadlik, 2 Clover Lane
2. Frank Glass, 74 Winthrop Street
3. Laura Bockoven, 1 Iarussi Way
4. Karen Linstrom, 3 Iarussi Way
5. Henry Lewandowski, 72 Winthrop Street
6. Sean Barry, 70 Winthrop Street

Other Commentary

1. Letter dated March 13, 2014 from Sue Rorke, MetroWest Center for Independent Living

FINDINGS

To make its findings, decision, and conditions of approval, the Board carefully reviewed the Plan, and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and carefully analyzed the general purpose of the ARCPUD provisions of the Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to special permits.

On June 24, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, the Board voted to make the following **FINDINGS** regarding this application in accordance with the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section U. Adult Retirement Community Planned Unit Development. The motion was approved by a vote of 5 in favor and 0 against.

1. The Board finds that the Millstone Village ARCPUD will be in harmony with the general purpose and intent of the Bylaw since it is located within the AR-I district and meets the purposes of the Adult Retirement Community Overlay District section of the Zoning Bylaw as noted more specifically below.
 - a. The project is a master planned community providing 80 condominium dwelling units to help accommodate Medway's growing active adult (+55) and senior citizen population by providing alternative housing opportunities

other than the conventional single family detached home.

- b. The development provides 45 townhouse type units which are not allowed by right in the underlying AR-I zoning district. This helps meet the needs of the senior citizen population by offering a greater variety of housing types than is customarily provided in Medway. The condominium form of ownership reduces the maintenance burden on senior citizens associated with ownership of a single family home in a conventional subdivision.
 - c. The project uses creative and innovative site planning to preserve Medway's limited land resources. Wetland resource areas are protected. By clustering the residential construction on the interior portion of the site, the remaining 888,791 sq. ft. /20.4 acres, or 40% of the 51.02 +/- acre parcel shall become permanent, protected open space. The open space is located adjacent to Lovering Street. An additional 65,000 +/- sq. ft. of land within the developed portion of the site will be used for designated, but unprotected open space as well.
 - d. A sense of neighborhood and high quality design aesthetic has been achieved. Building architecture for the townhouses and single family homes reflects New England character. Walking paths interconnect throughout the development.
 - e. The project helps preserve Medway's rural character by limiting the impact of potentially numerous access roadways on Winthrop Street, a Medway Scenic Road.
 - f. The project will provide 8 affordable housing units to eligible purchasers in compliance with the requirements for inclusion in the Subsidized Housing Inventory prepared by the Department of Housing and Community Development.
2. Subject to the conditions below, the Board finds that the Millstone Village ARCPUD complies with the **General Standards** of SECTION V., Sub-Section U, 4. (c). These requirements include, but are not limited to, the following:
- a. *(c) 1 – All dwellings in an ARCPUD shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, or other document approved by the Planning and Economic Development Board that shall be recorded at the Registry of Deeds.* The dwellings within the Millstone Village ARCPUD will be subject to an age restriction limiting occupancy to at least one person who has attained a minimum age of fifty-five years and by: (i) spouses and/or persons providing health care services to a qualified owner of such Unit, (ii) a child or grandchild of a qualified occupant of such Unit, provided that such child or grandchild has attained the age of majority, and (iii) not more than one (1) person in addition to a spouse, health care provider and child or grandchild as aforesaid, provided that such person has attained the age of majority, or any guest of any age but such guest may only stay for six months in any calendar year.

- b. *(c) 2 – An ARCPUD shall be on a site that is a minimum of ten (10) acres in area. The Millstone Village site consists of multiple, contiguous lots that in aggregate total 51.01 acres.*
- c. *(c) 3 - The ARCPUD shall include at least one of the adult retirement community residential uses as defined in Section II of the Zoning Bylaw and may be developed in multiples phases. The Millstone Village ARCPUD consists of “Independent Living Residence Facilities” provided in the form of a condominium community comprised of 45 attached townhouses and 35 detached single family homes on one building lot – Parcel A. The applicant has indicated the development will be constructed in five phases.*
- d. *(c) 4 – Upon approval of the Planning and Economic Development Board, an ARCPUD may also include Local Convenience Retail use of no more than 7,500 sq. feet of gross building area. No Local Convenience Retail is proposed so this requirement is not applicable.*
- e. *(c) 5 – Upon approval of the Planning and Economic Development Board, an ARCPUD may include an ARCPUD Community Center intended for the use and benefit of the ARCPUD residents. A 2,400 sq. ft. community center is proposed which does not exceed 10% of the gross building floor area to be constructed for the 80 residential dwelling units. The Community Center will be owned and maintained by the Millstone Village Condominium Trust pursuant to as specified in Condition #1(a) herein.*
- f. *(c) 6 – The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). The plan shows a development of 80 residences on 51.01 acres. Considering the entire site, 153 units would be the maximum possible number of dwelling units allowed at 3 units per acre. For Parcel A alone, the maximum allowed would be 91 units.*
- g. *(c) 7 – When an ARCPUD is within more than one base zoning district, applicable use standards will be based on the percentage of acreage in each district. The Millstone Village ARCPUD is located entirely within the ARI zoning district, so this requirement is not applicable.*
- h. *(c) 8 – The maximum number of permitted housing units within all permitted ARCPUD developments in the Town of Medway shall be limited to a number equal to ten percent (10%) of the existing detached single-family residential housing units (excluding ARCPUD units) located in the Town of Medway. Per the Medway Board of Assessors, there were 5,246 detached single-family residential housing units in the Town of Medway on January 1, 2014. With the maximum 10% rule, that would allow for no more than a total of 527 ARCPUD units in Medway. There are presently no other adult retirement communities in Medway. The total of 80 proposed ARCPUD dwelling units for Millstone Village is well under Medway’s 10% threshold.*
- i. *(c) 9 – At least 10% of the total number of ARCPUD residential dwelling units, rounded up to the next higher integer, shall be designated and made*

available as Affordable Housing Units as defined in the Zoning Bylaw. The applicant has agreed and the decision includes Condition #5 that 8 of the 80 (10%) of the dwelling units will be designated as affordable housing units.

3. Subject to the conditions below, the Planning and Economic Development Board finds that the Millstone Village ARCPUD complies with the **Open Space Standards** of SECTION V. USE REGULATIONS, Sub-Section T. 4. (d). These requirements include, but are not limited to, the following:
 - a. *A minimum of 40% of the total land area of the ARCPUD site shall be set aside and maintained as open space. The plan shows the total open space land area to be 20.4 acres, which is 40% of the 51.01 acre site.*
 - b. *(d) 1 – Community buildings, median strips, landscaped areas within parking lots, or lawn/landscaped areas on individual home sites or impervious areas for the open collection and management of storm water shall not be counted as part of the required ARCPUD open space. The required open space area is comprised of one parcel and does not include any of the above noted items.*
 - c. *(d) 2 - A minimum of 40% of the required open space shall be suitable for passive and/or active recreation purposes. Approximately 11.3 acres of the provided open space are suitable for passive and/or recreation purposes. Pursuant to the zoning bylaw standard, the minimum required open space area suitable for passive and/or recreation purposes is 8.16 +/- acres and thus, the open space area proposed for passive and/or active recreation purposes is 131% of what the zoning bylaw requires. Walking trails are among the amenities on this portion of the open space.*
 - d. *(d) 3 - A minimum of 50% of the required open space shall be preserved in its natural, pre-development condition. Except for the walking trails to be installed, close to 100% of the provided open space is to be preserved in its natural state. Pursuant to the Zoning Bylaw standard, the minimum required open space area to be preserved in its natural state is 10.2 acres (50% of the open space parcel) and thus, the open space area proposed to be preserved in its natural state is approximately 200 % of what the zoning bylaw requires, except for the trails.*
 - e. *(d) 4 – Wetlands resource areas as defined by M.G.L., Chapter 131, shall comprise not more than 50% of the required ARCPUD open space area. Wetlands resource areas constitute 9.1 acres or 44.6% of the required open space area.*
 - f. *(d) 5 - The required open space shall be contiguous. The 20 acre open space parcel functions as one large square area immediately to the north of the Development Parcel A. The open space is bisected by utility easements which run from the northeast to the southwest corners.*
 - g. *(d) 6 – To the greatest extent possible, the required open space area should establish a network of open space within the site. The Millstone Village open space runs from Winthrop Street deep back into the parcel all the way to its*

western boundary. The open space is traversed with walking paths and is adjacent to Town owned open space immediately to the west.

- h. *(d) 7 - A minimum of 50% of the required ARCPUD open space shall be set aside permanently as Protected Open Space. An area of 888,791 sq. ft. / 20.4 acres is proposed to be set aside as Protected Open Space. Pursuant to the zoning bylaw standard, the minimum required open space area to be set aside permanently as Protected Open Space is 10.2 +/- acres and thus, the open space area proposed to be set aside as Protected Open Space is 200% of what the zoning bylaw requires. The Protected Open Space will be subject to a conservation restriction granted to the Town of Medway, acting through its Conservation Commission, in perpetuity for conservation and passive recreation purposes and permitting public access to the land, pathways and parking area to be constructed thereon. (d) 8 – Drainage facilities shall not be located in the open space areas. There are no detention/retention basins located within the open space areas.*
 - i. *(d) 9 – Open space shall be laid out to provide eco-corridors and other areas identified for open space preservation. The open space is laid out to provide an eco-corridor by connecting to open space area to the west in the Evergreen Meadow OSRD project. No land within 50 feet of a dwelling unit is counted as open space.*
 - j. *(d) 10 – Applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Planning and Economic Development Board. All open space areas including the Common Areas and the Open Space Parcel B shall be owned and maintained by the Millstone Village Condominium Trust. The Condominium Trust documents shall require that the Open Space Parcel B and the walking trails provided thereon shall be maintained in a manner suitable for passive recreational uses, which maintenance shall be the responsibility of the Condominium Trust.*
4. Subject to the Conditions below, the Board finds that the Millstone Village ARCPUD complies with the **Site Development Standards** of SECTION V, Sub-Section T. 4. (e). These requirements include, but are not limited to, the following:
- a. *(e) 1 - The contiguous lots on which an ARCPUD is located shall have a minimum of 250 linear feet of frontage on an existing public way. The proposed Millstone Village ARCPUD contiguous lots have 495 feet of frontage on Winthrop Street.*
 - b. *(e) 2- Each building in the ARCPUD shall either face an existing street or a public or private way constructed within the ARCPUD. Four single family residences will face Winthrop Street (2, 4, 6, & 8 Sandstone Drive). The remaining units will face at least one of the five private ways to be constructed in the development.*
 - c. *(e) 3 – Each building in the ARCPUD shall have a minimum front yard of not*

less than twenty feet (20') from the edge of the paved way and a side yard of not less than ten feet (10'). As shown on the 2-7-2014 Plan, all Millstone Village ARCPUD buildings have a 20.5' front yard setback and a 20.5' side yard setback from the edge of the paved way to the closest point of the structure. Provided that Applicant complies with the applicable setback provisions of SECTION V. T. 4 (e) 3, the location of the actual buildings may be altered. Final house locations shall be shown on the as-built plans.

- d. *(e) 4 – Each building in the ARCPUD shall be set back a minimum of fifty feet from the ARCPUD's perimeter lot line.* As shown on the 2-7-2014 Plan, each building in the Millstone Village ARCPUD is more than 50' from the site's perimeter property line. Provided that Applicant complies with the applicable provisions of SECTION V. T. 4 (e) 4, the location of the actual buildings may be altered. Final house locations shall be shown on the as-built plans.
- e. *(e) 5 – Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the right of way line of any public way.* Each Millstone Village ARCPUD building is set back a minimum of 50' from the right-of-way line of a public way (Winthrop Street).
- f. *(e) 6 – In an ARCPUD Residential Subdivision, each Home Site lot shall be a minimum of 6,000 square feet of area and meet the upland and lot space requirements of the Zoning Bylaw.* This is not applicable as none of the dwelling units are in an ARCPUD residential subdivision.
- g. *(e) 7- There shall be no minimum standards for internal lot line setbacks unless required by the Planning and Economic Development Board.* The Board finds that there is no need for internal lot line setbacks within the Millstone Village ARCPUD.
- h. *(e) 8 - A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.* For each dwelling unit there are two parking spaces in the garage and two parking spaces in the driveway. In addition, there are 42 off-street parking spaces for guests and visitors.
- i. *(e) 9 – A minimum of one (1) off-street parking space is required for each 500 sq. ft. of gross building area occupied by a local convenience use.* No Local Convenience Retail use proposed so this requirement is not applicable.
- j. *(e) 10 - All two way roadways serving more than one dwelling shall be a minimum paved width of twenty-two feet. The paved width of a one-way roadway may be less than 22 feet if approved by the Planning and Economic Development Board.* All roadways that service more than one dwelling are proposed to have a minimum paved width of twenty-two feet.
- k. *(e) 11 - All roadways, driveways and parking areas shall be maintained by the applicant, developer of the ARCPUD, its assigns, or owners and their agents.* The roadways, common driveways and parking areas shall be owned and maintained by the applicant, or its assignee, the Millstone Village Condominium Trust, which shall be responsible for all maintenance.

1. (e) 12 - *The landscape design shall give preference to the maintenance of existing healthy trees and groundcover.* The landscape design has given preference to the maintenance of existing healthy trees by preserving as many specimens as possible as identified in the existing conditions plan. During construction, the contractor will coordinate with the site engineer. The existing ground cover of the proposed 20.4 acre open space area shall be preserved.
 - m. (e) 13 – *All utilities shall be underground.* All permanent utilities in the Millstone Village ARCPUD are underground.
 - n. (e) 14 - *No mobile homes or trailers shall be allowed to be used as dwelling units in the ARCPUD.* No mobile homes or trailers are to be used as dwelling units in the Millstone Village ARCPUD.
 - o. (e) 15 – *Permanent utilities and on-site storage shall be shielded from view by walls or fences.* The permanent utilities in the Millstone Village ARCPUD will be shielded from view by landscaping any electrical boxes. Condition #14 and the Condominium Master Deed require that mobile homes or trailers, boats, boat trailers and recreational vehicles shall be stored in garages.
 - p. (e) 16 - *Solid waste removal, including all expenses, within the ARCPUD shall be the responsibility of the residents, owners or their agents.* The removal of solid waste shall be the responsibility of, and maintained by the Millstone Village Condominium Trust, which shall be responsible for all exterior and site maintenance.
5. The Board finds that the Millstone Village ARCPUD satisfies the **Requirements and Features of an ARCPUD** as stated in SECTION V. Sub-Section T. 4. (f).
- a. (f) 1 - *The ARCPUD is a defined tract of a minimum of ten acres in area.* The Millstone Village ARCPUD is to be developed on a tract of land that is 50+ acres in size.
 - b. (f) 2 - *The ARCPUD is to be developed in a comprehensive, design-integrated manner according to an overall master plan and includes two types of senior residential uses.* The applicant has proposed a 6 phase construction plan over a 5 year period. The development includes single family detached and attached townhouse dwelling units in duplex and triplex buildings.
 - c. (f) 3 - *As noted above, the ARCPUD is consistent with all ARCPUD general standards and all applicable site development standards.* This project fully meets all ARCPUD general and site development standards.
 - d. (f) 4 - *The ARCPUD is consistent with the goals and objectives of the Town of Medway Master Plan.* The proposed development implements Land Use Goal #1, Open Space Goal #3, and Affordable Housing Goal #5 of the 2009 Medway Maser Plan.
 - e. (f) 5 - *The ARCPUD clusters development units in a manner that preserves natural open space, and provides usable and accessible open space for the*

recreation and enjoyment of ARCPUD residents and the general public. The ARCPUD site development has taken into consideration the unique topography of the locus, preserving 20.4 acres of open space area, which contain a series of walking trails. The design of the ARCPUD site development preserves natural open space, and provides usable and accessible open space for the recreation and enjoyment of the ARCPUD residents and the general public.

- f. *(f) 6 - The ARCPUD makes efficient use of land by properly considering topography and protection of significant natural features.* The ARCPUD site design has taken into consideration the unique topography of the land, the unique features of the natural resources and the wetlands by integrating the developed area into and in harmony with the environmental resources, thus resulting in the preservation of the existing ground cover of the proposed 20.4 acres open space area.
- g. *(f) 7 - The ARCPUD demonstrates coordinated site development.* The development appropriately integrates land uses and housing types, uses compatible architecture, establishes an area of preserved open space, includes an efficient vehicular access and circulation system; and establishes pedestrian a network within the site.
- h. *(f) 8 - The ARCPUD roadway and infrastructure systems are sized to accommodate the overall service demand of all uses in the development.* The roadway and infrastructure systems have been designed to accommodate the adult retirement residents of the community.
- i. *(f) 9 - The roadway and infrastructure systems are linked to and coordinated with the surrounding off-site public roadways and infrastructure in a manner that is safe, efficient and non-injurious to the public and an improvement or benefit to the public where possible.* The development provides two access/ egress points with Winthrop Street which is beneficial for access by emergency services vehicles.
- j. *(f) 10 - The ARCPUD includes appropriate provisions for the ownership and preservation of the required open space.* The open space will be owned by the Millstone Village Condominium Trust and protected with a conservation restriction.
- k. *(f) 11 - The ARCPUD includes appropriate deed restrictions or covenants requiring compliance of all development with the ARCPUD master plan and with any site plan or architectural guidelines or standards.* The Millstone Village plan has been reviewed by the Medway Design Review Committee (DRC) and been found to be generally consistent with the Medway Design Review Guidelines.
- l. *(f) 12 – The Board may require that ARCPUD regulations pertaining to age restrictions and limitations or prohibitions on the presence of mobile homes, trailers, boats, boat trailers or recreational vehicles be made part of the*

special permit decision. As noted below in Condition #2, this ARCPUD special permit is conditioned on the inclusion of appropriate deed restrictions, by-laws, or other legal documents that generally limit residency to persons of age 55 or older. Condition #14 limits or prohibits the presence of mobile homes or trailers, boats, boat trailers and recreational vehicles, unless stored inside garages.

- m. *(f) 12 – The Board may, as a condition of an ARCPUD special permit, require that the land are on which the ARCPUD is located be maintained as one undivided lot and that the lot shall not be subdivided in the future without the express approval of the Board.* As noted below in Condition #1, this ARCPUD special permit is conditioned on the prohibition of any further subdivision of any lot without the express approval of the Planning and Economic Development Board.
- n. *(f) 13 The Board may, as a condition of an ARDPUD special permit, require a legal mechanism that will assure that the ARCPUD will not be subdivided or that the ARCPUD will remain as rental housing, or that ownership will remain consolidated.* Since this ARCPUD has been planned to be developed with a condominium form of ownership, it is conditioned to prohibit the further subdivision of any lot or any condominium unit.

DECISION/VOTE

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Development Board, at a duly posted meeting held on June 24, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted to grant an ARCPUD special permit to Elite Home Builders LLC and to approve the plan entitled ARCPUD Millstone Village, Town of Medway, Massachusetts, prepared by GLM Engineering, last revised February 7, 2014 to develop an 80 unit Adult Retirement Community Planned Unit Development (ARCPUD) subject to the PLAN MODIFICATIONS, CONDITIONS, AND LIMITATIONS listed below and certain WAIVERS from the *Subdivision Rules and Regulations*. This approval is transferable to successors in title of the subject property, or assignees. The motion was approved by a vote of 5 in favor and 0 against.

Planning and Economic Development Board Members

Thomas A. Gay
Matthew J. Hayes
Andy Rodenhiser
Robert K. Tucker
Karyl Spiller-Walsh

MODIFICATIONS – Prior to plan endorsement, the Plan and the associated documents shall be further revised to include the additional, corrected, or modified information as specified herein.

Documents

1. The Declaration of Trust for the Millstone Village Condominium Trust shall include the following language: *“The construction and operation of the condominium is governed by an ARCPUD Special Permit granted by the Medway Planning and Economic*

Development Board on June 24, 2014 copy of which is available for inspection at the Town Clerk's office.

2. The Millstone Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - a. the unit numbers of the designated affordable units;
 - b. that the affordable units shall be sold to income eligible persons or households that meet the age restriction of the master deed;
 - c. 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 Local Initiative Program or other applicable state housing program that provides units that are eligible for inclusion in the Subsidized Housing Inventory; and
 - d. the affordable housing use restriction.
3. The Declaration of Trust for the Millstone Village Condominium shall reference the conservation restriction on Open Space Parcel B to be granted to the Town of Medway in perpetuity acting through its Conservation Commission, for conservation and passive recreation purposes and permitting public access to Open Space Parcel B and the pathways and parking area to be constructed thereon; the maintenance of trails on Open Space Parcel B as provided for herein; the condominium association's ownership of and responsibility for the roadways, open space, trash, snow plowing, stormwater drainage system, sewer system and water system; and the approved Stormwater and Operations Maintenance Plan.
4. The Plan shall be revised to include the following items:
 - a. Street Names and addresses
 - b. Development Phasing Plan
 - c. Cape Cod berm along all streets except that roundings shall be vertical granite curbing
 - d. Modified resource area delineation lines as authorized by the Medway Conservation Commission in its March 27, 2014 action to extend the previously issued Order of Conditions for this site to March of 2015.
 - e. Information regarding off-site improvements, if any.
 - f. Stormwater Operations and Maintenance Plan
 - g. Location of trails and parking area on the Open Space Parcel
 - h. Maintenance plan for the upkeep and care of the Open Space Parcel.

CONDITIONS – The following conditions shall be binding upon the Applicant and its successors and assigns.

1. Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL G.L. C.40A or any other legislative act:
 - a. The maximum number of dwelling units to be constructed under this special permit shall be eighty. In addition to the dwelling units there shall be one community building, as shown on the Plans.
 - b. The tract(s) of land on which this ARCPUD is to be located shall not be altered or used except:

- 1) as granted by this special permit;
 - 2) substantially as shown on the plan entitled ARCPUD – Millstone Village last revised February 7, 2014 to be modified as referenced herein; and
 - 3) in accordance with subsequent approved plans or amendments to this special permit.
- c. The tracts of land and buildings comprising Millstone Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.

2. **Age Restriction**

- a. All units shall be subject to an age restriction limiting occupancy to at least one person who has attained a minimum age of fifty-five years (the “Qualified Occupant”) and by:
- 1) spouses;
 - 2) persons providing health care services to a Qualified Occupant of such dwelling unit;
 - 3) a child or grandchild of a Qualified Occupant of such dwelling unit, provided that such child or grandchild has attained the age of majority;
 - 4) not more than one person in addition to a spouse, health care provider and child or grandchild as aforesaid, provided that such person has attained the age of majority; and
 - 5) or one other person who has reached the age of majority, or any guest of any age but such guest may only stay for six months in any calendar year;
- b. In the event of the death of the Qualified Occupant(s) of a unit or other involuntary transfer of a unit, a one year exemption shall be allowed to allow for the rental or sale of the unit to another Qualified Occupant(s) (the “Age Restriction”) so long as the provisions of the Housing Laws (defined below) are not violated by such occupancy,
- c. The Age Restriction is intended to be consistent with, and is set forth in order to comply with the Fair Housing Act, 42 USC section 3607, as amended, the regulations promulgated thereunder, 24 CFR Subtitle B, Ch. 1, section 100.300 et seq. and M.G.L. c. 151B, section 4 (the “Housing Laws”). This special permit shall be construed so as to be consistent with federal and state law, and nothing in this special permit shall require or permit the Applicant or its successors or assigns to take any action in violation of federal or state law.
- d. The age qualification requirements for the affordable housing units shall be in conformity with DHCD’s requirements for inclusion on the Subsidized Housing Inventory.

3. **Phasing Plan**

- a. The applicant plans to build out the infrastructure of this project in the following phases:

- 1) **Phase IA:**
 - 2, 4, 6 & 8 Sandstone Drive
- 2) **Phase IB:**
 - 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 & 24 Millstone Drive
 - 17, 19, 21 & 23 Millstone Drive
 - 1, 3, 5, 7 & 9 Cobblestone Drive
 - 2 Cobblestone Drive (Community House)
- 3) **Phase II**
 - 2, 4 & 6 Cobblestone Court
 - 1, 3 & 5 Cobblestone Court
 - 4, 6, 8, 10, 12 & 14 Cobblestone Drive
 - 13 & 15 Cobblestone Drive
- 4) **Phase III**
 - 1, 3, 5, 7, 9 & 11 Millstone Court
 - 2, 4, 6, 8, 10 & 12 Fieldstone Court
 - 1, 3, 5, 7, 9 & 11 Fieldstone Drive
 - 11 Cobblestone Drive
 - 2, 4, 6, 8, 10, 12 & 14 Fieldstone Drive
 - 28 Millstone Drive
- 5) **Phase IV**
 - 29, 31, 33 & 35 Millstone Drive
 - 30, 32, 34 & 36 Millstone Drive
- 6) **Phase V**
 - 1, 3 & 5 Steppingstone Drive
 - 2, 4 & 6 Steppingstone Drive

- b. Any adjustments to the phasing plan require approval of the Board.
- c. Notwithstanding the foregoing, the Applicant may build and sell any of the dwelling units in the Project in any order, subject to the provisions of Condition 21 - Timetable for Construction herein.

4. Open Space – Restriction; public access

- a. The applicant shall convey Open Space Parcel B as shown on the Plan to the Millstone Village Condominium Trust which shall be responsible for its upkeep and maintenance, including the trails and public parking area.
- b. The conveyance of Open Space Parcel B to Millstone Village Condominium Trust shall be subject to a Conservation Restriction granted to the Town of Medway in perpetuity, acting through its Conservation Commission, for conservation and passive recreation purposes and permitting public access to Open Space Parcel B and the pathways and parking area to be constructed thereon.

- c. The aforementioned Conservation Restriction shall be reviewed and approved by the Medway Board of Selectmen, the Medway Conservation Commission, and the Secretary of Energy and Environmental Affairs (the Secretary) pursuant to G.L. c. 184, sections 31, 32 and 33, to ensure that the restriction remains enforceable in perpetuity. The Applicant shall file the proposed Conservation Restriction with the Secretary of Energy and Environmental Affairs within the later of 120 days after the Board endorses the Plan of Record or 30 days after preliminary approval of the proposed Conservation Restriction by the Medway Board of Selectmen and Medway Conservation Commission. The Applicant shall diligently pursue final approval of the Conservation Restriction by EEOA and the Medway Board of Selectmen and Conservation Commission. The approved and executed Conservation Restriction shall be recorded at the Norfolk County Registry of Deeds before the Town issues the occupancy permits for the final six dwelling units.
- d. The applicant shall construct a parking area which shall be gravel and contain sufficient area for five (5) parking spaces and shall be accessible from a public way to provide public access to the Open Space Parcel and trails.
- e. The applicant's improvements to the Open Space Parcel including trails and parking area shall be completed within four (4) years after plan endorsement.
- f. The Applicant and assigns shall be subject to the provisions included in the Conservation Restriction approved by the Secretary of Energy and Environmental Affairs for maintenance of the open space parcel, trails and parking area.

5. Affordable Housing

- a. In accordance with the Medway Zoning Bylaw, V. USE REGULATIONS, Sub-Section U. Adult Retirement Community Planned Unit Development, Paragraph 4. c) 9), eight dwelling units within the Millstone Village ARCPUD shall be affordable housing units that will comply with the requirements for inclusion in the Subsidized Housing Inventory prepared by the MA Department of Housing and Community Development (DHCD).
- b. Within the later of 120 days after the Board endorses the Plan of Record or 30 days after approval of the LIP application by the Medway Board of Selectmen and any other local authority required, if any, the Applicant shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed eight affordable dwelling units on the Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP Application. Prior to submitting the LIP Application, the applicant shall meet with the Medway Board of Selectmen for purposes of securing its support for the LIP Application and with the Medway Affordable Housing Committee and Trust regarding the marketing plan, the location of affordable housing units within the development, local preference guidelines, and to secure their support for the LIP Application.

- c. The eight affordable housing units shall each be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for each affordable housing unit as required by LIP. Each affordable housing unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.
- d. The affordable housing units are to be located within the development as required by DHCD for approval of the project's LIP application. The applicant has proposed the interior unit of each of the eight triplex townhouse buildings with the following addresses for the affordable housing units: 16 & 22 Millstone Drive (Phase IB); 3 & 9 Millstone Court, 3 & 9 Fieldstone Drive and 4 & 10 Fieldstone Court (all in Phase III). Upon direction by DHCD or request of the Applicant (*without effect to the Subsidized Housing Inventory eligibility*), the Planning and Economic Development Board shall permit a change in the locations of the affordable housing units.
- e. The applicant has proposed that the initial Lottery Agent for the initial sales of the affordable housing units be: MCO & Associates, Inc. of Harvard, MA or an agent designated by the Planning and Economic Development Board and the designation provided to the owner of record of the ARCPUD land. Any such Lottery Agent must meet the DHCD's experience requirements as determined by DHCD so that the affordable housing units may be counted on the Subsidized Housing Inventory.
- f. DHCD shall oversee the initial sales of the affordable housing units pursuant to the LIP program.
- g. The Board hereby names the Town of Medway Affordable Housing Trust if approved by DHCD as an additional Monitoring Agent for the sale and resale of the affordable housing units.
- h. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the affordable units pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement as required by DHCD for execution and recording at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the affordable housing units shall be subject to the Regulatory Agreement and shall be sold and resold in accordance with its provisions.

6. Recording of Plans and Documents

- a. The Plan of Record associated with this special permit is: ARCPUD – Millstone Village Town of Medway, MA, last revised February 7, 2014, to be further revised as specified herein, prepared by GLM Engineering Consultants, Inc.
- b. No construction shall begin on the site and no building permit shall be issued before the following documents/plans are recorded at the Norfolk County Registry of Deeds:
 - 1) This special permit decision
 - 2) The Plan of Record endorsed by the Planning and Economic Development

- Board
- 3) Restrictive Covenant with the Town of Medway (FORM G – *Medway Subdivision Rules and Regulations*).
- c. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of an occupancy permit for any building on the site.
 - 1) Millstone Village Condominium Master Deed
 - 2) Declaration of Trust of Millstone Village Condominium Trust
 - d. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds.
 - 1) If and to the extent approved by DHCD, an affordable housing deed rider in compliance with the requirements of the Massachusetts Department of Housing and Community Development’s Local Initiative Program.
 - e. The following document which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds before occupancy permit for last six dwelling units.
 - 1) Conservation Restriction on Open Space Parcel B granted to the Town of Medway in perpetuity (if and to the extent approved by the Secretary of Energy and Environmental Affairs) acting through its Conservation Commission for conservation and passive recreation purposes and permitting public access to Open Space Parcel B and the pathways and parking area to be constructed thereon;
 - f. The following document which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Executed Affordable Housing Regulatory Agreement with DHCD, if and to the extent approved by DHCD.
 - g. Within thirty days of recording, 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.

7. Drainage/Stormwater Management

- a. Until transferred to the Millstone Village Condominium Trust, the Applicant shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Planning and Economic Development Board.
- b. The stormwater drainage system, water and sewer systems shall be maintained by the applicant and its successors and assigns and shall not be dedicated to the Town. It is the intent of the Planning and Economic Development Board and the applicant that these systems not be accepted by Town Meeting.

- c. The applicant shall maintain the stormwater management system in accordance with the following guidelines for the operation and maintenance of the stormwater management system prepared by the applicant's registered professional engineer - *Millstone Village Stormwater Operation, Maintenance and Management Plan*, August 23, 2006, prepared by GLM Engineering.
 - d. In the event a management company is engaged, the guidelines shall be incorporated by reference in the management contract. In the event that the Applicant, its successors, or agent fails to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
8. **Wetlands/Streams**
- a. On March 27, 2014, the Medway Conservation Commission extended the previously issued Order of Conditions for this development parcel to March 2015. The Commission also voted to refine the resource area delineation lines by using the more restrictive wetland delineation lines from 2006 and 2013 as shown on drawings prepared by GLM Engineering Consultants, Inc. The Plan of Record shall include the refined resource area boundary lines to reflect the most restrictive boundaries.
 - b. Any future plans approved by the Medway Conservation Commission pursuant to an Order of Conditions for this site shall be provided to the Planning and Economic Development Board. If there is any inconsistency between the endorsed ARCPUD – Millstone Village Plan and any plans as may be approved by the Conservation Commission, the Applicant shall submit an amended plan to the Planning and Economic Development Board for approval. Said amended plan shall be accompanied by a letter setting forth a description of any and all changes from the ARCPUD – Millstone Village plan as approved herein and shall include three sets of revised drainage calculations, if applicable.
9. **Scenic Road** - Any construction work, tree clearing, installation of light poles, fences and design features along the Winthrop Street frontage of the Millstone Village ARCPUD shall be completed in accordance with the *Scenic Road Work Permit* approved by the Planning and Economic Development Board on April 8, 2014 on file with the Medway Town Clerk. The stone walls to be constructed at the access/egress driveways to Millstone Village as shown on the Plan of Record shall have a highly rustic, dry laid appearance in keeping with the rural nature of other stone walls on Winthrop Street.

10. **Water Conservation** – The development is relying on the Town’s public water system and the Town is held to its Water Management Act Permit with the Mass Department of Environmental Protection. The Applicant shall incorporate the following water conservation measures: well water for landscape irrigation, rain-gauge controlled irrigation systems, low flow household fixtures, and conservation rated appliances.
11. **Construction Standards**
 - a. Construction shall be completed in accordance with the standards of the Medway *Subdivision Rules and Regulations* dated April 26, 2005, except for waivers as specified in the applicant’s Request for Waivers, dated March 18, 2014 and as further provided as approved herein by the Planning and Economic Development Board.
 - b. All aspects of the site and building design shall comply with the requirements of the Massachusetts Architectural Access Board and the Americans with Disabilities Act.
12. **Construction Observation/Inspection** - Inspection of the construction of the roadways, infrastructure, stormwater management facilities, water and sewer facilities, site amenities including landscaping, and other utilities by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee under G.L. c. 44 §53G to the Town of Medway for such inspections. The amount for each phase shall be determined by the Board based on an estimate provided by the Town’s Consulting Engineer and shall be paid prior to Plan endorsement. A construction observation account shall be established with the Board. 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.
13. **Right to Enter Property** – Duly authorized agent(s) of the Town of Medway shall have the right to enter upon the common areas of the condominium to ensure continued compliance with the terms and conditions of this special permit.
14. **Ownership/Maintenance of Common Area** - The Board hereby requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
 - a. All roadways and parking areas
 - b. Stormwater management facilities
 - c. Snowplowing/sanding
 - d. Landscaping
 - e. Trash removal
 - f. Street lighting
 - g. Open Space
 - h. Water
 - i. Sewer

Such services shall be the responsibility of the Applicant and the Millstone Village Condominium Trust.

15. Appropriate deed restrictions, by-laws, or other legal documents shall require that mobile homes or trailers, boats, boat trailers and recreational vehicles shall be stored inside garages.
16. **Sidewalk Improvements** – In lieu of constructing 1234 linear feet of sidewalks/curbing along the property’s frontage on the west side of Winthrop Street, the applicant shall make a payment of \$11,562 to the Town of Medway Sidewalk Fund prior to the Town’s issuance of the first occupancy permit for the development.
17. **Restriction on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:
 - a. Construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
 - b. There shall be no construction on any Sunday or legal holiday without the advance approval of the Inspector of Buildings.
 - c. Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday.
18. **Payment of Balance of Fees/Taxes** - Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services provided by any outside consultants retained by the Board who assisted in the review of this project and any other outstanding expenses, taxes, betterments, charges, obligations or fees due the Town of Medway pertaining to this site. The Applicant shall also pay a fee for construction services to be provided by outside engineering and legal consultants. The fee shall be established by the Planning and Economic Development Board. The Applicant shall also be current with the Medway Town Treasurer/Collector for all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development.
19. **Performance Guarantee**
 - a. *Restrictive Covenant* - Prior to plan endorsement, the applicant shall sign a Restrictive Covenant, to be reviewed and approved by Town Counsel, to secure construction of the roadways, installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all site amenities including but not limited to lighting and landscaping, and any off-site improvements, all as shown on the Plan of Record. Reference to the restrictive covenant shall be noted on the cover sheet of the Plan of Record and shall be recorded at the Norfolk County Registry of Deeds.

- b. *Performance Guarantee* - At such time as the Applicant wishes to obtain a building permit for any structure other than the four single family detached homes in Phase 1A (2, 4, 6 & 8 Sandstone Drive) and the Community Center (2 Cobblestone Drive) and the Applicant has completed the minimum infrastructure construction for Phase IB as specified in Section 6.6.3 of the *Subdivision Rules and Regulations*, the Restrictive Covenant may be replaced by one of the types of performance guarantees set forth in G.L. Ch. 41 Section 81U, which method or combination of methods shall be selected and from time to time varied by the Applicant, in a sufficient amount, source and form acceptable to the Planning and Economic Development Board, Treasurer/Collector, and Town Counsel. Such performance guarantee shall secure performance of the construction of the roadways and installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting and landscaping, and any off-site improvements all as shown on the Plan of Record. The performance guarantee agreement shall:
- 1) define the obligations of the developer and performance guarantee company;
 - 2) specify a scheduled date by which the applicant shall complete construction in accordance with the Plan of Record;
 - 3) state that it does not expire until released in full by the Planning and Economic Development Board; and
 - 4) include procedures for collection upon default.
- c. *Amount* - The face amount of the performance guarantee shall be the amount that would be required for the Town of Medway to complete the construction of the roadways and installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting and landscaping, as specified in the Plan of Record and any off-site improvements that remain unfinished at the time the performance guarantee estimate is prepared. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the applicant fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. In determining the amount of the performance guarantee, the Board shall be guided by the following formula in setting the sum of the security.
1. the estimate of the Town's Consulting Engineer of the cost to complete the work; plus
 2. a twenty-five percent (25%) contingency.
- d. *Adjustment of Performance Guarantee* - At the Applicant's written request, the amount of the performance guarantee may be reduced, from time to time, by the Board and the obligations of the parties thereto released by the Board in whole or

in part, upon the partial completion of the roadways and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified in the Plan of Record that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the estimated cost to produce as-built plans and for project closeout services. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount:

1. the estimate of the Town's Consulting Engineer of the Town's cost to complete the work; plus
2. a twenty-five percent (25%) contingency.

The first request for a reduction of the performance guarantee shall not be made until the applicant has completed the minimum roadway and infrastructure improvements as specified in Section 6.6.3 of the ***Subdivision Rules and Regulations*** for the Phase II area.

The Board shall not approve subsequent requests for a reduction of the performance guarantee until the applicant has completed the minimum roadway and infrastructure improvements as specified in Section 6.6.3 of the ***Subdivision Rules and Regulations*** for the area included in each subsequent Phase.

The applicant shall not make any request for a reduction of the performance guarantee of less than \$100,000 or such lesser amount remaining on the performance guarantee.

- e. Any such surety shall be released by the Planning and Economic Development Board in accordance with the procedures of GL c 41, § 81U.

20. **Neighborhood Relations**

- a. The Applicant shall regularly inform the residents of Winthrop Street and the adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*) of the construction schedule.
- b. The Applicant shall establish a construction telephone hotline or email contact and inform all parties of interest and all residents in the Winthrop Street and adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*) of the hotline number or email contact to use for questions, concerns and complaints. The applicant shall reply to such inquiries within a reasonable time.

21. **Timetable for Completion**

- a. This special permit shall lapse in accordance with Section III. D. 2 of the Medway Zoning Bylaw.
- b. A preconstruction conference with the developer, general contractor, Department of Public Services, Police and Fire Departments, the Conservation Agent, the Planning and Economic Development Coordinator, and the Town’s Consulting Engineer shall be held prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (*removal of stumps and topsoil*) has been initiated. The general contractor shall request such conference at least one week prior to commencing construction by contacting the Planning and Economic Development office. At the conference, a schedule of inspections shall be agreed upon by the developer, the Town’s Consulting Engineer and other municipal officials or boards in accordance with Section 6.5 Construction Observation/Inspection of the *Subdivision Rules and Regulations*. At the pre-construction meeting, the developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPP) and a detailed construction schedule.
- c. The Applicant shall construct the roadways and all related infrastructure including the stormwater management system, and install all utilities as shown on the Record Plan, to the satisfaction of the Board, within 8 years of the date of endorsement of the plan, unless extended as provided in subparagraph d below.
- d. A request to extend the completion time limits as specified in Condition 20c must be made in writing to the Board at least thirty (30) days prior to the specified expiration date. The Board herewith reserves its right and power to grant or deny such an extension, to issue any appropriate changes to the special permit, and to require any appropriate modifications of the Plans.
- e. Issuance of Building and Occupancy Permits
 1. Within each construction phase:
 - a) All the areas designated for construction will be secure with erosion control barriers as shown on the Plan as certified by the Town’s Consulting Engineer before any other clearing, grading excavation or construction activities are commenced.
 - b) Sidewalks along streets shall be constructed at the time when the roads or common driveways for the dwelling units are constructed.
 2. *Building permits may be obtained for the Phase 1A dwelling units facing Winthrop Street (2, 4, 6 & 8 Sandstone Drive) and the Phase 1B Community Center (2 Cobblestone Drive) upon completion of the following:*
 - a) the entire Phase IA area and the area around the Community Center have been protected by erosion control barriers per the Plan as certified by the Town’s Consulting Engineer.

3. *Occupancy Permits may be obtained for the Phase IA dwelling units facing Winthrop Street (2, 4, 6 & 8 Sandstone Drive) and the Phase 1B Community Center (2 Cobblestone Drive) upon completion of the following:*
 - a) the roadway binder course and utility services necessary to serve the four *Phase IA dwelling units* and the *Phase 1B Community Center* have been completed;
 - b) the permanent drainage for the roadways servicing the four *Phase IA dwelling units* and the *Phase 1B Community Center* from Winthrop Street has been constructed and is operational;
 - c) pedestrian pathways other than along streets have been completed;
 - d) guest parking is completed;
 - e) the Town's Consulting Engineer has issued a letter to the Board that the above four requirements have been completed substantially according to the Plan of Record;
 - f) the PED office has notified the Building Inspector that occupancy permits may be issued.

4. *Building Permits may be obtained for any Phase IB building upon completion of the following:*
 - a) the entire Phase IB area has been protected by erosion control barriers per the Plan as certified by the Town's Consulting Engineer.
 - b) the roadway binder course and utility services for the Phase IA and Phase IB areas are completed.
 - c) the permanent drainage for the roadway(s) servicing the Phase IA area and the temporary construction drainage for the Phase 1B area are completed.
 - d) the Town's Consulting Engineer has issued a letter to the Board that the above three requirements have been completed substantially according to the Plan of Record.
 - e) the PED office has notified the Building Inspector that building permits for Phase IB may be issued.

5. *Occupancy permits may be obtained for the Phase IB dwelling units upon completion of the following:*
 - a) the permanent drainage for the roadways servicing the Phase 1B area has been constructed and is operational;
 - b) pedestrian pathways other than along streets have been completed;
 - c) the guest parking areas have been completed;
 - d) the Town's Consulting Engineer has issued a letter to the Board that these requirement has been completed according to the Plan of Record;
 - e) the PEDB office has notified the Building Inspector that an occupancy permit may be issued.

6. *Building permits for the Phase II, III, IV and V dwelling units may be obtained upon completion of the following:*

- a. the entire area of the current phase has been protected by erosion control barriers per the Plan as certified by the Town’s Consulting Engineer.
 - b. the roadway binder course and utility services for the current phase are completed.
 - c. the permanent drainage for the roadway(s) servicing the previous phases and the temporary construction drainage for the current phase area under construction are completed.
 - d. the Town’s Consulting Engineer has issued a letter to the Board that these two requirements have been completed according to the Plan of Record
 - e. The PED office has notified the Building Inspector that building permits for the current phase may be issued.
7. *Occupancy permits for the Phase II, III, IV and V dwelling units* may be obtained upon completion of the following:
- a. the roadway binder course, utilities, and sidewalk services in the current and previous phases have been completed.
 - b. the permanent drainage system for the roadway(s) servicing the previous phases and the temporary construction drainage for the current phase under construction are completed and as-built plans of any detention pond have been approved;
 - c. the remainder of the site drainage for that phase, either permanent or temporary, is fully functional;
 - d. the roadways for the current and previous phases in which the building is located have been fully completed up through the roadway binder course including street name signs, regulatory signs, and stop lines;
 - e. pedestrian pathways have been completed;
 - f. guest parking areas have been completed.
 - g. the Town’s Consulting Engineer has issued a letter to the Planning and Economic Development Board that these actions have been completed according to the plans; and
 - h. The PED office has notified the Building Inspector that an occupancy permit may be issued.
 - i. In no event shall an occupancy permit for the last five market rate dwelling units be issued before the total of eight affordable dwelling units are completed and consider occupancy permit ready by the Building Inspector.
22. **Modifications** – No modification shall be made to Plan of Record and development without modification of this special permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the decision or record plans, whether substantial or insubstantial. The Board reserves its right and power to modify or amend the Plan of Record and the terms and conditions of this special permit upon request of the Applicant, his designees or assigns. It shall be within the Board’s sole discretion to determine whether any proposed modification is substantial or insubstantial

and what constitutes such. Substantial modifications shall be subject to the same standards and procedures applicable to the original application for this special permit. The Board may authorize insubstantial modifications without a public hearing. If the Applicant petitions for amendments to the Plan of Record or this special permit, the applicant must submit all plans and information to the change as required by the applicable *Rules and Regulations*.

23. **Project Completion** – Upon completion of all work, and prior to the release of the last \$40,000 of performance guarantee, the following items shall be completed to the Board’s satisfaction:
- a. *As-Built Plans* – The Applicant shall prepare and provide as-built plans of the roadways, utilities and other infrastructure prepared in accordance with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Board. The Applicant shall provide the final as-built plan in electronic format. 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 development.
 - b. *Engineer’s Certification* – The Applicant shall provide written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all roadway and infrastructure work was constructed and completed in substantial compliance with the Plan of Record.
24. **Enforcement** - The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

LIMITATIONS – Other approvals or permits required by the Zoning Bylaw, Medway General Bylaws, or other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Special Permit Decision.

WAIVERS – The Planning and Economic Development Board’s *ARCPUD Rules and Regulations* provide that the Construction Standards for ARCPUD projects shall be those as specified in the Medway Planning Board’s *Subdivision Rules and Regulations*, dated April 26, 2005. The Applicant’s *Request for Waivers*, prepared by GLM Engineering was reviewed by the Planning and Economic Development Board during a duly called and properly posted public hearing on March 25, 2014. On June 24, 2014, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted to approve the Applicant’s *Request for Waivers*. The motion was approved by a vote of 5 in favor and 0 opposed. Waivers from the following sections of the *ARCPUD and Subdivision Rules and Regulations* were approved:

ARCPUD RULES & REGULATIONS

SECTION 303 – Standards for ARCPUD Plan Preparation - 2D. *All existing and proposed elevations shall refer to the North American Vertical Datum of 1099 (NAVD88).*

FINDINGS – The applicant requests to use NGVD 1929. The adjacent wetland has a 100 year flood study associated with it that is based on the NGVD 1929.

SUBDIVISION RULES & REGULATIONS

SECTION 7.7.4. (b) – Stormwater Management Construction – All drain pipes except sub-drains shall be Class IV reinforced concrete pipe.

FINDINGS – The applicant proposes to use corrugated plastic pipes. The life expectancy of plastic piping is greater than the reinforced concrete pipe. As this development will be permanently private, there is no compelling public reason to require the use of the concrete piping.

SECTION 7.9.2 – Streets and Roadways – Alignment b) The minimum horizontal centerline radii of a local street, neighborhood street or permanent private way shall be one hundred fifty feet (150’).

FINDINGS – There are five locations where the centerline radii are less than the 150 feet minimum required:

- Road A Station 4+87 – 111 foot radius;
- Road B Station 3+42 – 136 foot radius
- Road C Station 4+79 – 75 foot radius
- Road D Station +93 – 33 foot radius
- Road D Station 1+55 – 33 foot radius

These alternative radii are particular to this project and the design of the overall site layout. The layout aligns itself with existing site features to be preserved, i.e. wetlands, open fields, etc.

SECTION 7.9.2 – Street and Roadways – Alignment d) Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28’), or for a curb radius of not less than forty feet (40’), whichever is more stringent.

FINDINGS – The applicant proposes to have 30’ paved roundings at the intersections in order to reduce the total amount of impervious surfaces. The applicant has demonstrated that a truck can enter and exit at all intersections.

SECTION 7.9.5 Street and Roadways – Grade a) The minimum centerline grade for any street shall not be less than two percent (2%).

FINDINGS – The applicant proposes a minimum grade of 1.5%. This is to blend the proposed roadway with the existing contour. It minimizes cuts and fills.

SECTION 7.9.6 Streets and Roadways – Dead-End Streets e) Turnarounds shall be

designed as a cul-de-sac with a perimeter of 100 feet and shall include a 24' diameter center landscaped island or as a hammerhead or T-shaped turnaround.

FINDINGS – The diameter of the proposed cul-de-sac turnaround is 90 feet to reduce the extent of impervious surface.

SECTION 7.9.7 Streets & Roadways – Roadway Construction g) - The minimum widths of the road pavement shall be 26 feet for a Local Street.

FINDINGS – The applicant proposes 16 foot wide common driveways and 22 foot wide two way roadways. The 22' conforms to the ARCPUD bylaw. The reduced pavement width will provide less impervious surfaces.

SECTION 7.13.2 Sidewalks – Sidewalks shall extend the full length of the street and around the entire perimeter of the cul-de-sac, with pedestrian ramps at both ends and shall have the following dimensions for a local street – 6' wide sidewalk

FINDINGS – The plans show a 5 foot wide sidewalk with a 5 foot wide grass strip. This was done to reduce impervious surfaces. A 6' wide sidewalk is needed when the Town will be plowing due to the size of the Town's equipment. As this development will have privately owned sidewalks, this regulation is not applicable.

SECTION 7.10.2 - Curbing – Curbing shall be provided the full length of all streets along each side of the roadway. Curbing on local streets is specified as sloped granite edging.

FINDINGS – This is a private project that will be privately maintained. The Town will not be responsible for replacing the curbing if it becomes damaged. Vertical granite curbing will still be used on the roundings, which are the sections most vulnerable to damage from plowing or other causes.

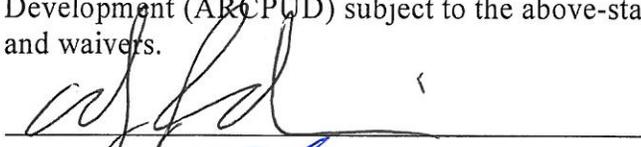
APPEAL - Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty days after the date of filing of this Decision in the Office of the Town Clerk.

After the appeals period has expired, the Applicant shall obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Registry of Deeds with this Decision. The Applicant shall provide documentation of such recording to the Town Clerk and the Planning and Economic Development Board.

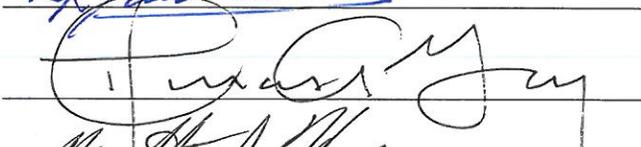
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**Medway Planning and Economic Development Board
ARCPUD Special Permit Decision
Millstone Village**

On June 24, 2014, the following members of the Medway Planning and Economic Development Board voted to grant an ARCPUD Special Permit and to approve the plan entitled ARCPUD Millstone Village, Town of Medway, Massachusetts, prepared by GLM engineering, last revised February 7, 2014 to develop an 80 unit Adult Retirement Community Planned Unit Development (ARCPUD) subject to the above-stated plan modifications, conditions, limitations and waivers.











ATTEST:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

6-24-2014
Date