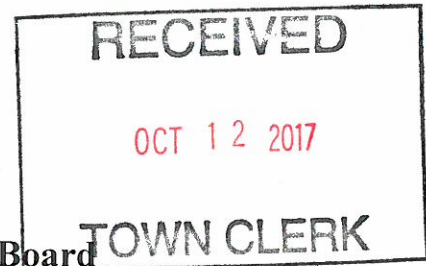


TOWN OF MEDWAY
Planning & Economic Development Board
155 Village ST
Medway, Massachusetts 02053



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

October 10, 2017

CERTIFICATE OF ACTION
Paul Revere Estates
DEFINITIVE SUBDIVISION PLAN
(APPROVED with Waivers and Conditions)

Location: 33 Main Street
Assessors' Reference: Map 41 – Parcel 035-001
Parcel Size: 11.31 acres
Name/Address of Applicant: Notwen Realty Trust
33 Fruit Street
Norfolk, MA 02056
Name/Address of Property Owner: Notwen Realty Trust
33 Fruit Street
Norfolk, MA 02056
Engineer: Daniel J. Merrikin, P.E.
Merrikin Engineering, LLP
730 Main Street, Suite 2C
Millis, MA 02054
Land Surveyor: Colonial Engineering
11 Awl Street
Medway, MA 02053
Plan Dated: June 9, 2017, last revised August 29, 2017
Zoning District: Agricultural Residential I
Street Name: Revere Road

- I. PROJECT DESCRIPTION:** The *Paul Revere Estates Definitive Subdivision Plan* dated June 9, 2017, last revised August 29, 2017 shows the division of the 11.31 acre parcel of land located at 33 Main Street (*Medway Assessor's Map 41, Parcel 35-0001*) which is a recently divided portion of 39 Main Street (*Medway Assessor's Map 41, Parcel 35*) in the Agricultural Residential I zoning district.

The plan shows the division of land into five residential lots and one drainage parcel, the construction of an approximately 571' roadway (Revere Road) intended to be an accepted Medway street, and the installation of stormwater management facilities and municipal water and sewer service. A portion of this site is in a Wetlands Resource Area and the Groundwater Protection District. This proposal is for a "by right" use in this zoning district. The property will be accessed from Main Street. NOTE - The stormwater design for Paul Revere Estates includes the property at 31 Main Street which was also recently divided from 39 Main Street via an Approval Not Required Plan.

II. PROCEDURAL SUMMARY:

- A. On June 15, 2017, the Planning and Economic Development Board received an application for approval of the *Paul Revere Estates Definitive Subdivision Plan*, dated June 9, 2017 prepared by Merrikin Engineering, LLP of Millis, MA.
- B. On June 29, 2017 the Board notified various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Paul Revere Estates Definitive Subdivision Plan*, provided copies of the plans and requested review comments.
- C. On July 11, 2017, the Board commenced a public hearing. The public hearing was duly noticed in the *Milford Daily News* on June 26 and July 3, 2017. Notice was posted with the Medway Town Clerk on June 19, 2017 and was sent by *Certified Sent* mail on June 20, 2017 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was continued to August 22, September 12 and October 10, 2017 when it was closed. During the course of the public hearing, the applicant submitted two revisions to the Paul Revere Estates Definitive Subdivision Plan, one dated August 8, 2017 and the second revision dated August 29, 2017.
- D. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

- III. PUBLIC HEARING SUMMARY:** The public hearing and the Board's review of the *Paul Revere Estates Definitive Subdivision Plan* were conducted over the course of four Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in July 2011.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

Paul Revere Estates Definitive Subdivision Plan Application Materials

Form C – Definitive Plan Application – received June 15, 2017
Form D – Designer’s Certificate (with deed) – dated June 9, 2017
Form E – Certified Abutters’ List - dated April 3, 2017
Form F – Development Impact Report – dated June 9, 2017

Paul Revere Estates Definitive Subdivision Plan – Merrikin Engineering, LLP.

June 9, 2017
Revised – August 8, 2017
Revised – August 29, 2017

Stormwater Report for Paul Revere Estates – Merrikin Engineering, LLP.

June 9, 2017

Requests for Waivers from Subdivision Rules and Regulations – Prepared by Merrikin Engineering,
June 15, 2017

Town Engineering Consultant Reviews – Steven Bouley, P.E. and Sean Reardon, P.E. Tetra Tech

July 6, 2017 letter
August 14, 2017 letter
September 11, 2017 letter

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

June 22, 2012 letter
August 23, 2012 letter

Supplemental Information Provided by Applicant’s Consultants

Letter from Daniel Merrikin, Merrikin Engineering dated August 9, 2017 including a Revere Road Fire Access Sketch Plan dated (8-8-17) in response to plan review comments from Tetra Tech dated July 6, 2017 and PGC Associates dated July 5, 2017.

Letter from Daniel Merrikin, Merrikin Engineering, dated August 9, 2017, submitting the revised Paul Revere Estates Definitive Subdivision Plan dated August 8, 2017 and summarizing the plan changes.

Letter from Daniel Merrikin, Merrikin Engineering dated September 6, 2017 submitting the revised Paul Revere Estates Definitive Subdivision Plan dated August 29, 2017, a summary of plan changes, an additional request for waiver from the *Subdivision Rules and Regulations*, a revised Stormwater Operations and Maintenance Plan dated September 6, 2017 and a revised Stormwater Pollution Prevention Plan (SWPPP) dated September 6, 2017.

Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board

Mullins Rule certifications from Matthew Hayes and Thomas Gay re: the hearing on July 21, 2017 PEDB

Citizen/Resident Letters/Communications

Email communication dated August 18, 2017 from Bruce Hamblin, 17 Crestview Avenue

Citizen/Resident Testimony

Matthew Rymanowski, 29 Main Street

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA

Sean Reardon, P.E., Tetra Tech – Marlborough, MA

Steven Bouley, P.E., Tetra Tech – Marlborough, MA

Daniel Merrikin, P.E. Merrikin Engineering – Millis, MA

Medway Departmental/Board Review Comments

Email communication dated July 17, 2017 from Jeff Lynch, Medway Fire Chief

Email communication dated July 28, 2017 from Barry Smith, Deputy Director, Medway
Department of Public Services

Memorandum dated August 14, 2017 from Sergeant Jeffrey Watson, Medway Police

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS –

The Applicant has requested and the Board has identified needed waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.6 CONTENTS OF SUBDIVISION PLAN – *The existing conditions sheet shall include locations of single free-standing trees with a diameter of one foot (1') or greater at twenty-four inches (24") above grade.*

FINDINGS – The applicant has asked that this requirement be waived due the cost of conducting a tree survey on the entire 11-acre site. Instead, the applicant has proposed to locate and map all hardwood trees larger than 24" that are growing within the proposed construction area. Those trees not interfering with the proposed roadway layout and stormwater basin location and which are away from the reasonably expected house locations have been tagged in the field and mapped on the plan. The applicant has agreed to preserve those trees - See Specific Condition # 6.

SECTION 7.7.2 STORMWATER MANAGEMENT – (p) *Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. Stormwater basins are to be no closer than thirty feet from lot/parcel lines and any right-of-way.*

FINDINGS – The applicant has proposed to have the northern edge of the stormwater basin on Parcel D set back 20 feet from the property lines with Lots 4 and 5. To meet the State and Town stormwater design standards and due to the location of adjacent wetlands to the east, the location and size of the stormwater basin results in it needing to have a lesser setback from the property lines than the 30 feet specified in the *Subdivision Rules and Regulations*. The 20-foot setback is a reasonable alternative given the site characteristics.

SECTION 7.10.2 CURBS and BERMS – Curbing shall be sloped granite edging (Type S-A) for the full length of Neighborhood Streets.

FINDINGS – The applicant has proposed to NOT install sloped granite edging along the length of Revere Road and to use monolithic Cape Cod berm instead all locations except around the cul-de-sac island and at the Main Street entrance roundings. This type of curbing is more resilient to snowplow damage and is easier to maintain and replace. The Department of Public Services is in agreement that this type of curbing is suitable as it will be maintaining Revere Road once it is conveyed to the Town.

MITIGATION PLAN

- A. As part of this project, the applicant shall completely remove the concrete foundation that is located partially on Lot 1 and partially on the parcel at 39 Main Street
- B. The applicant will provide a stormwater easement to the Town of Medway on portions of 31 Main Street and Lot 5 as shown on Sheet 5 of the plan set.
- C. The applicant will install solar illuminated “crosswalk ahead” and “crosswalk” signs on both the east and westbound sides of Main Street

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 10, 2017, a motion was made by Thomas Gay and seconded by Matthew Hayes to approve the above noted waiver requests from the *Subdivision Rules and Regulations*. The motion was approved by a vote of four in favor and none opposed.

V. PROJECT EVALUATION CRITERIA – Before taking action on a definitive subdivision plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 10, 2017, a motion was made by Matthew Hayes and seconded by Richard Di Iulio to approve the Project Evaluation Findings noted below. The motion was approved by a vote of four in favor and none opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – All submissions were reviewed by Town staff and/or the Town’s Consulting Engineer and Consulting Planner and no significant missing or technical inaccuracies were identified.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS – The Board finds that the proposed street pattern within the new subdivision is safe and convenient. The layout has been reviewed by the Town’s Fire Chief, Public Safety Officer and Consulting Engineer. Comments from them have been incorporated into the design. Future roadway extension to adjacent property is not feasible so provisions to do so are not required.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater

runoff and the sight distances from the proposed roadway's intersection with Main Street are adequate. Erosion controls will be in place during construction. The residents will be served by Town water and sewer.

5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected through action of the Medway Conservation Commission. Stormwater management has been reviewed by the Town's consulting engineer and is adequately addressed. A portion of the site is within a groundwater protection district but no construction is proposed within that portion and stormwater released in the direction of the groundwater protection district is treated prior to such discharge. There will be an increase of only five single-family houses to be constructed. Significant trees on site that are not within the house footprints or infrastructure elements will be protected and retained. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic generated by five residences. The plans have been reviewed by the Fire Chief, Public Safety Officer and Consulting Engineer. Comments from them have been incorporated into the design. The roadway shown on the plan will be built according to the Board's construction specifications for Neighborhood Streets. The 20-foot roadway width meets national Fire Code standards while also reducing impervious surfaces and stormwater impacts.

5.16.6 Conformity with all applicable requirements of the Medway Zoning Bylaw including but not limited to minimum area and frontage standards.

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning Bylaw, including minimum area and frontage requirements for the Agricultural Residential I zoning district.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because the infrastructure proposed is adequate for the new development and the impacts of the subdivision have been mitigated to a reasonable extent. Reasonable waivers have been granted herein with good cause.

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 10, 2017, a motion was made by Richard Di Iulio and

seconded by Matthew Hayes to approve the *Paul Revere Estates Definitive Subdivision Plan*, prepared by Merrikin Engineering, LLP, dated June 9, 2017, last revised August 29, 2017 subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

- Section 5.7.6 Contents of Subdivision Plan
- Section 7.7.2 (p) Stormwater Management

The motion was approved by a vote of four in favor and none opposed.

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

A. Specific Conditions

1. The Paul Revere Estates subdivision is authorized for no more than five residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these five lots is allowed, although lot boundaries within the subdivision may be adjusted so long as no additional lots are created.
2. *Completion Schedule* - The Applicant or its Assignee shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the endorsed Paul Revere Estates Definitive Subdivision Plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the 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 three (3) year period, upon a vote of the majority of the Planning and Economic Development Board then present.
3. *Plan Revisions* - Prior to plan endorsement, the plans dated August 29, 2017 shall be further revised to include the following:
 - A note shall be added to all plan sheets indicating that the plan is subject to this Certificate of Action which shall be recorded with the Plan at the Norfolk County Registry of Deeds.
 - The cover sheet shall be revised to indicate APPROVED WAIVERS instead of WAIVER REQUESTS.
 - The property addresses for Revere Road, to be provided by the Medway Assessor's office, shall be added to the plan.
 - The stormwater basin landscaping design (Sheet 6) for Parcel D shall be revised to include additional landscaping around the security/access gate. The access gate detail shall be revised to depict a vinyl fence façade attached to the gate to improve aesthetics.
 - Solar illuminated crosswalk ahead and crosswalk signs on both the east and westbound sides of Main Street

The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval prior to plan endorsement. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.

5. *Selective Cut Zones* – The plan shows a “selective cut zone” around the non-street perimeter of each house lot for 15 feet. During construction, the area included in the selective cut zones shall not be disturbed. Future property owners shall maintain the selective cut zone as a landscaped and

wooded buffer without intrusion, however, pruning necessary for removal of dead/damaged/diseased or harmful plant materials and additional landscape planting is permitted.

6. *Tree Preservation* – Sheet 4 of the plan shows six hardwood trees larger than 24 inches in diameter to be preserved/retained.
 - a. The applicant shall make the fullest possible effort to preserve/retain these trees and prevent their removal, demise or damage during construction.
 - b. If any of the above noted trees are removed or damaged during construction, the applicant shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved and that square inch total is the amount of required square inches of the replacement tree(s). A 3” caliper tree equals seven (7) sq. inches. The location of the replacement trees shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed tree(s).
7. *Sidewalk Construction* – In lieu of sidewalk construction along the Main Street frontage of 39 and 31 Main Street, the applicant shall:
 - a. Provide \$63,314 to the Medway Sidewalk Fund before the Building Department issues an occupancy permit for the third house in the subdivision; or
 - b. Construct the equivalent of 656 linear feet of concrete sidewalk with vertical granite curbing in one or more locations in the community as determined by the Medway Department of Public Services. Construction to occur before the Building Department issues a building permit for the fourth dwelling unit.
8. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deeds to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. The deed shall refer to the definitive subdivision plan and the selective cut zone (See Condition #5 herein). Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the Revere Road and easements shown on the subdivision plan for future conveyance to the Town of Medway. Each deed shall be accompanied by a Lot Sketch Plan to be recorded with the deed which shall depict all easements and the Selective Cut Zone. The deed for Lot #3 shall specify that the owner shall be responsible in perpetuity for the upkeep and maintenance of the landscaped island in the Revere Road cul-de-sac.
9. *Road Deed, Drainage Parcel Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Revere Road, Parcel D (drainage parcel) and all drainage and utility easements shown on the plan to the Town of Medway for review, comment, amendment and approval by Town Counsel and approval of Town Meeting.

10. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Revere Road and all related stormwater management infrastructure throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to the Town of Medway.

B. General Conditions

1. *Expiration of Appeal Period* – Prior to endorsement of the definitive subdivision plan, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty-day appeal period from the Town Clerk's office.
2. *Payment of Balance of Fees/Taxes* – Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.
3. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on 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 approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *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 three years of the date of plan endorsement. The Subdivision Covenant shall apply to Lots 1 – 5 as shown on the plan.
4. *Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's Regulations. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide 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.
5. *Order of Conditions* – Prior to plan endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the "*Order of Conditions*" shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the

modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty-day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

6. *Construction Services* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, a construction services account shall be established with the Medway Planning and Economic Development Board. The Applicant shall pay a construction services fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The Applicant shall provide supplemental payments to the Town of Medway for reasonable additional construction services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system and other utilities are completed and the as-built and street acceptance plans have been reviewed and determined to be satisfactory for filing with the Town.
7. *Document/Plan Recording* – This Certificate of Action, the endorsed Definitive Subdivision Plan and the Subdivision Covenant shall be recorded with the Norfolk County Registry of Deeds. Within thirty days of such 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.
8. *Plan Endorsement* - Within thirty days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 24" x 30" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). 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 subdivision.
9. *Other Permits* – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
10. *Pre-Construction Meeting* – At least seven days prior to the start of any site preparation or construction, a pre-construction meeting shall take place with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed DEP shall be provided to the Town.
11. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town Treasurer/Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision.
12. *Restrictions 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 specific restrictions on construction activity shall apply.

- a. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
- b. *Neighborhood Relations* – The applicant shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
- c. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
- d. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
- e. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
- f. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
- g. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
- h. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

13. *Compliance with Plan and Decision*

- a. All construction shall be as specified in the approved definitive subdivision plan and any modifications thereto and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- b. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with this Decision.

- c. The Conditions of Approval are enforceable under Section 3.1. F. of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.
14. *Site Access* - Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction for compliance with the endorsed subdivision plan and the provisions of this Decision.
15. *Modification of Plan and/or Decision*
- a. This approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as a subdivision plan modification.
 - b. Any work that deviates from the approved subdivision plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification and such approval is provided in writing by the Planning and Economic Development Board.
 - c. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed subdivision plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.
16. *Landscape Maintenance*
- a. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
 - b. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.
17. *Project Completion* – The Board shall determine project completion and refund/release the performance security once the applicant has:
- a. provided the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all site work has been completed in substantial compliance with the approved and endorsed Plan, and any modifications thereto; and
 - b. submitted an As-Built Construction Plan and a Street Acceptance plan prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts in accordance with the Subdivision Rules and Regulations in effect at the time the plans are submitted to the Board for review by the Town's Consulting Engineer and the Board's approval. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp).

- c. paid the Town of Medway for any taxes/fees associated with these parcels or other property owned by the applicant in the Town of Medway; and
- d. completed any mitigation measures specified in the subdivision certificate of action to the satisfaction of the Board.

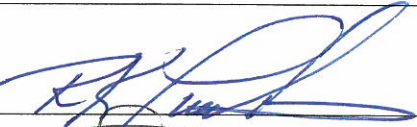
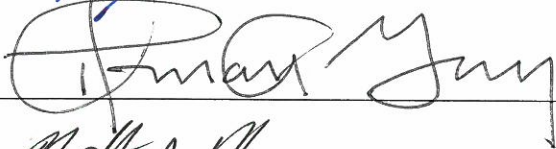


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**PAUL REVERE ESTATES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: October 10, 2017

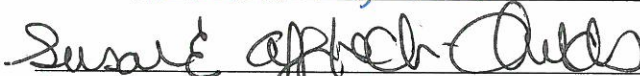
AYE:

NAY:

Date Signed: October 10, 2017

Attest:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

October 11, 2017
Date

Copies To: Paul Newton, Notwen Realty Trust
Dan Merrikin, Merrikin Engineering
Michael Boynton, Town Administrator
David D'Amico, Public Services
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner
Stephanie Mercandetti, Community and Economic Development
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Sergeant Jeffrey Watson, Police Safety Officer
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech