



August 10, 2021

**Medway Planning & Economic Development Board
Meeting**

**Redgate Subdivision – Release of
Performance Security**

Staff has had some conversations with Town Manager Michael Boynton and Treasurer/Collector Joanne Russo and Town Counsel Lee Smith of KP Law about the request for release of the Redgate subdivision performance security funds. We will update you on those conversations and discuss some options for moving forward. The Board may go into executive session on this matter only if discussion is needed on the value of the Redgate property.

NOTES

- The amount of performance security is \$13,053
- The amount of taxes owed on 2 Redgate Drive (drainage parcel) is \$9,886.
- The assessed value of 2 Redgate Drive is \$23,500. See enclosed Medway tax assessor's property card.
- The developer objects to the Town withholding the taxes owed from the refund of the bond balance and will not sign the draft agreement. See 6-30-21 email from Michael Bruce in which he states that the Town "took" 2 Redgate Drive in 2005; Mr. Bruce provides recording information at the Registry of Deeds for the "taking".

Other documents provided for your reference:

- Draft release agreement prepared by KP Law
- DPW Redgate punch list dated July 14, 202
- Email dated 8-25-2020 from Dave D'Amico

Unofficial Property Record Card - Medway, MA

General Property Data

Parcel ID 22-020 Prior Parcel ID 5-201-01- Property Owner RED GATE ESTATES RLTY.TR. J. BRUCE & R. GRANT, TRS. Mailing Address 30 JILLSON CR. City MILFORD Mailing State MA Zip 01757 ParcelZoning AR-I	Account Number 5-201-01 Property Location 2 REDGATE DR Property Use UNDEV LAND Most Recent Sale Date 11/3/1987 Legal Reference 7790-658 Grantor REDGATE EST.RLTY. Sale Price 1,250,000 Land Area 1.445 acres
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Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 23,500	Total Value 23,500
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Building Description

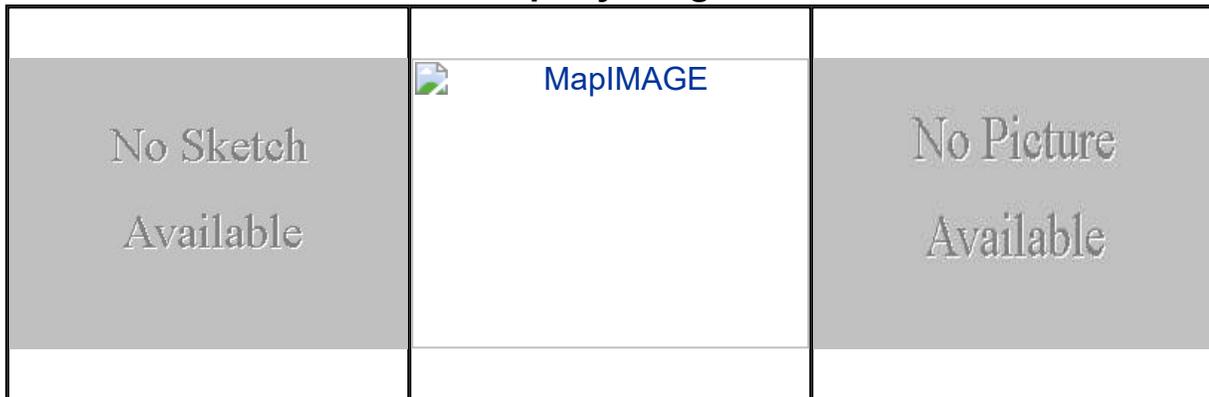
Building Style # of Living Units 0 Year Built N/A Building Grade Building Condition Average Finished Area (SF) N/A Number Rooms 0 # of 3/4 Baths 0	Foundation Type Frame Type Roof Structure Roof Cover Siding Interior Walls N/A # of Bedrooms 0 # of 1/2 Baths 0	Flooring Type N/A Basement Floor N/A Heating Type N/A Heating Fuel N/A Air Conditioning 0% # of Bsmt Garages 0 # of Full Baths 0 # of Other Fixtures 0
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Legal Description

Narrative Description of Property

This property contains 1.445 acres of land mainly classified as UNDEV LAND with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

From: Michael Bruce [mailto:m@tenld.com]
Sent: Wednesday, June 30, 2021 2:12 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Jonathan Bruce <jbruce@armidainc.com>; Daniel Bruce <dan@darkblue.llc>
Subject: Re: Redgate Subdivision

Dear Ms. Affleck-Childs:

Regarding the Red Gate Estates subdivision, Attorney Jepsky provided the developer with the draft "Mutual Release of Claims" as provided by the Town's attorney towards the end of May. It includes provisions not agreed upon between the developer and the Town, namely, the Town insisting on retaining the right to collect real estate taxes purportedly owed for 2 Redgate Drive.

Upon completion and technical approval of the subdivision several decades ago, 2 Redgate Drive was offered for dedication along with the roadways. However, at that time, the Town refused to accept it and the roadways for legal / political reasons. Furthermore, the Town then took 2 Redgate Drive in 2005 with the instrument recorded at the Norfolk County Registry of Deeds in Book 22651, Page 30. Therefore, the developer is not willing to sign the agreement as currently constructed by the Town's attorney.

Please confirm the Planning Board will direct its attorney to adjust the Mutual Release of Claims to be consistent with what was agreed-upon between the developer and the Town.

Sincerely,

Michael Bruce, PE

Edited by Developer 6-3-21

MUTUAL RELEASE OF CLAIMS

1. This Mutual Release of Claims (“Release”) is made as of _____, 2021 by Jonathan M. Bruce and Robert P. Grant, Trustees of the Red Gate Estates Realty Trust u/d/t November 3, 1987 (the “Trustees”) recorded in the Norfolk Registry of Deeds in Book 7790, Page 652, and the Town of Medway, acting by and through its Planning and Economic Development Board, a municipal corporation with an address of Town Hall, 155 Village Street, Medway, Massachusetts (the “Town”), and their respective heirs, successors, and assigns, on all of whom this Release shall be binding.

2. For and in consideration of:

(A) the release of ~~the entire value of \$ _____~~ the security (\$13,055.68 as of May 27, 2021) held by the Planning and Economic Development Board for the completion of the roads and infrastructure in the Red Gate Estates subdivision, Medway Massachusetts (the “Bond”) ~~being the balance of the total sum~~ held in Rockland Trust Bank, Account Number ~~XXX8586~~; and

Commented [MB1]: Update

(B) the conveyance of Lot 1 together with a drainage easement as shown on a “Subdivision Plan of Land In Medway, Mass. Red Gate Estates” recorded in said Registry as Plan 613 of 1987 (the “Plan”), meaning to convey the fee and all their right, title and interest in Lot 1, and said drainage easement, known and numbered as 2 Redgate Drive in Medway, Norfolk County, Massachusetts to the Town, by delivery of an executed Quitclaim Deed in a form acceptable to Medway Town Counsel, from the Trustees as grantors to the Town as grantee; and

(C) the conveyance of Hay Field Road (a/k/a/ Field Road), Briar Lane, Bramble Patch Way (a/k/a) Bramble Road, Red Gate Drive (a/k/a Redgate Drive) and Fern Path together with all drainage easements thereon as shown on the Plan (collectively, the “Roads”) meaning to convey the fee and all their right, title and interest in the Roads, and drainage easements thereon in Medway, Norfolk County, Massachusetts to the Town, by delivery of one or more executed Quitclaim Deeds in a form acceptable to Medway Town Counsel, from the Trustees as grantors to the Town as grantee;

~~(D) subject to the rights of the Town pursuant to G.L. c. 40A, §93 for the collection of any and all real estate taxes due and owing to the Town for Assessor’s Parcel 22-020-0000, known and numbered as 2 Redgate Drive, Medway, Massachusetts;~~

the receipt and sufficiency of which are hereby acknowledged, the Trustees hereby releases and discharges the Town and its officers, employees and agents, insurers, and each of their respective successors and assigns, of and from any and all debts, claims, demands, actions, causes of action, suits, accounts, covenants, contracts, agreements, damages and liabilities of any kind, name or nature whatsoever which it now has or may have upon or against the Town arising out of or resulting from or relating to the Bond and each agree to forever waive any and all claims thereon; and

the Town hereby releases and discharges the Trustees and ~~their~~ its employees, agents, insurers, and ~~each of their respective~~ its successors and assigns, of and from any and all debts, claims, demands, actions, causes of action, suits, accounts, covenants, contracts, agreements, damages and liabilities of any kind, name or nature whatsoever which it now has or may have arising out of or resulting from or relating to the construction of the Roads and Lot 1 in Medway, Massachusetts; ~~explicitly excluding however, any and all real estate taxes due and owing to the Town for Assessor's Parcel 22-020-0000, known and numbered as 2 Redgate Drive, Medway, Massachusetts.~~

3. The Trustees and the Town each understand and acknowledge that this Release is to compromise and terminate any and all claims arising out of the said Roads and Lot 1 and any and all damages, expenses and any loss or injury whatsoever, known or unknown, in any way relating to the Roads and Lot 1 including any conveyance thereof occurring before or after the date of his release; ~~explicitly excluding any and all real estate taxes due and owing to the Town for Assessor's Parcel 22-020-0000, known and numbered as 2 Redgate Drive, Medway, Massachusetts.~~

4. The undersigned state and agree that they have carefully read the foregoing Release and know the contents hereof, and sign this release as their own free act and deed as Trustees and as members of the Planning and Economic Development Board of the Town of Medway.

5. The Trustees and the Town each represent and warrant that they have had the opportunity to review this Release and has had the advice of counsel prior to executing this Release, and that ~~his~~ the signatures of this Release ~~is~~ are their free acts and deeds.

6. This Release shall be governed by, and construed in accordance with, the law of the Commonwealth of Massachusetts, without resort to conflict of laws principles.

(Remainder of page intentionally left blank. Signature pages follow.)

IN WITNESS WHEREOF, the undersigned Jonathan M. Bruce, Trustee of the Red Gate Estates Realty Trust signed, acknowledged and delivered this Mutual Release of Claims on this ____ day of _____, 2021.

Jonathan M. Bruce, Trustee of the
Red Gate Estates Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Jonathan M. Bruce, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of the Red Gate Estates Realty Trust.

, Notary Public
My Commission Expires:

IN WITNESS WHEREOF, the undersigned Robert P. Grant, Trustee of the Red Gate Estates Realty Trust signed, acknowledged and delivered this Mutual Release of Claims on this ____ day of _____, 2021.

Robert P. Grant, Trustee of the
Red Gate Estates Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Robert P. Grant, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of the Red Gate Estates Realty Trust.

_____, Notary Public
My Commission Expires:

IN WITNESS WHEREOF, the undersigned Planning and Economic Development Board signed, acknowledged and delivered this Mutual Release of Claims on this ____ day of _____, 2021.

TOWN OF MEDWAY
By its Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Jessica Chabot

Richard Di Iulio

Matthew J. Hayes, P.E.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared _____

members of the Medway Planning and Economic Development Board, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Medway.

Notary Public
My Commission Expires:

Redgate Subdivision – DPW notes (July 14, 2020)

Redgate Dr

The road asphalt is in very poor condition, which is not unusual for a road that is over 30 year old.

Sidewalks in fair condition. Drainage looks like it was installed correctly.

Briar Ln

The road asphalt is in very poor condition. Sidewalks in fair condition, Drainage installed correctly.

Field Rd.

The section road from Briar Ln around the circle is in good condition. The section from Briar Ln to Howe St is in poor condition. Sidewalks in fair condition.

Drainage looks like it was installed correctly.

Fern Rd.

The road and sidewalks are in fair condition, showing its age. Drainage looks like it was installed correctly.

Bramble Rd.

The road and sidewalks are in fair condition, showing its age.

The drainage at the end of Bramble appear to have been installed too high. The catch basins in front of number 19 are above the asphalt. They have a 4" frame and grate set on the top of the structure. The outlet pipe are about 12" below the top of the frame. With all the water not entering the catch basin we have had flooding problems.

The subdivision is 30+ years old and is showings its age. Other than the drainage on Bramble Rd. the normal wear and tears, everything else seems to be fine.

Thank You,

Jack Tucker, Highway Superintendent

Susan Affleck-Childs

From: Susy Affleck-Childs <susyac@comcast.net>
Sent: Saturday, August 29, 2020 12:15 PM
To: Susan Affleck-Childs
Subject: FW: Redgate subdivision
Attachments: Redgate Subdivision.docx

From: David Damico [mailto:ddamico@townofmedway.org]
Sent: Tuesday, August 25, 2020 5:36 PM
To: Susy Affleck-Childs
Cc: Peter Pelletier; Jack Tucker
Subject: FW: Redgate subdivision

Susy,

Not really sure where to go here, but I'll give you some ideas.

- The drain at 19 Bramble is the only "defect" we found. The problem is that the drain line installation is set too high. It isn't possible to adjust the catchbasin any lower to accept stormwater and function properly. The only real fix is to remove the existing drain and reinstall it at a lower depth. That's a \$100,000 project. An alternative possibility, if soils allow, is to install a cultek chamber at the end of the road and use it to infiltrate water in this area. That's about \$30,000 if conditions allow.
- Everything else is just old age. Sidewalks are about a \$80 per foot to remove and replace. All are in fair condition, so I wouldn't be too concerned here at this point.
- Redgate, Briar, and the original Field Road are in need of reclamation and paving. I'm seeing about 2,400 ft. I'd guess about \$250,000 for these roads. Of course doing them without touching the rest of the development will cause a revolt by the residents. Adding the rest (accept for Howe and Fern Path) with maybe a mill and overlay will get you to \$500K. Doing everything with sidewalks is a \$1 million effort easy.

These are back of the envelope numbers. If you need a more detailed estimate it will have to wait until I return.

Thanks,

Dave
Medway DPW Director
Town of Medway
45B Holliston Street
Medway, MA 02053
508-533-3275
Check us out on-line at www.townofmedway.org

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From: David Damico
Sent: Monday, July 27, 2020 5:56 PM

To: Susan Affleck-Childs <sachilds@townofmedway.org>

Cc: Peter Pelletier <ppetelier@townofmedway.org>

Subject: FW: Redgate subdivision

Susy,

This is from Jack Tucker. Looks like we have one area that does need to be fixed. Want me to get some numbers on that?

Thanks,

Dave

Medway DPW Director

508-533-3275

Check us out on-line at www.townofmedway.org

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From: Jack Tucker <jtucker@townofmedway.org>

Sent: Tuesday, July 14, 2020 10:59 AM

To: David Damico <ddamico@townofmedway.org>; Peter Pelletier <ppetelier@townofmedway.org>

Subject: Re: Redgate subdivision

Dave,

Here is what we found in The Redgate subdivision.

From: David Damico <ddamico@townofmedway.org>

Sent: Thursday, July 9, 2020 11:43 AM

To: Jack Tucker <jtucker@townofmedway.org>

Cc: Peter Pelletier <ppetelier@townofmedway.org>

Subject: FW: Redgate subdivision

Jack,

Another old sub-division they are trying to accept. The attached plan shows the roads for this one. As usual, make a complete list of what you see. Since the developer is looking to get money returned, It's important to note anything we feel was installed sub-par to begin with. 30 years of age will take a normal toll, but if there are deficiencies with the road surface, curbing, sidewalk, drainage, etc. likely caused by the initial installation, that's a bigger issue.

Planning has no money for TetraTech on this, but if you feel you need some help, let me know and we can work something out with him.

Thanks,

Dave

Medway DPW Director

508-533-3275

Check us out on-line at www.townofmedway.org

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, June 24, 2020 12:43 PM
To: David Damico <ddamico@townofmedway.org>
Cc: Barbara Saint Andre <bsaintandre@townofmedway.org>; Andy Rodenhiser <andy@rodenhiser.com>
Subject: Redgate subdivision

Hi Dave,

We have been contacted by the developer of the Redgate subdivision. This is a longstanding subdivision dating back to 1987; the streets have never been accepted (Redgate and Briar in full and portions of Field Road, Fern Path and Bramble). See attached subdivision map with the streets highlighted.

The original developer was Jonathan Bruce, now being represented by his son Michael Bruce. The subdivision had been the subject of a lawsuit brought many years ago against the Town and the developer by an abutter (George Carem). This past fall, the court finally dismissed the lawsuit for inaction.

Michael Bruce has requested return of the bond funds (\$13,000 +/-) and street acceptance by the Town.

Of course there are no funds left in the construction account for the subdivision for us to retain Tetra Tech to do an inspection.

Could you arrange for somebody from DPW to inspect the subdivision and prepare a report/punch list of conditions of the roads, sidewalks, curbs, etc. What kind of shape are these streets in? How do the stormwater facilities look?

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291