

**December 12, 2017
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Gino Carlucci, PGC Associates
- Amy Sutherland, Recording Secretary

There were no Citizen Comments.

ANR Plan – 0R Crooks Street:

The Board is in receipt of the following:

- ANR Application for 0R Crooks Street - Revised 12/12/17.
- ANR Plan dated 12-5-17 prepared by Guerriere and Halnon
- Review letter dated 12-8-17 prepared by Gino Carlucci/PGC Associates
- Explanatory memo to PEDB from DPS Director Dave D’Amico dated 12-12-17.

Department of Public Services Director Dave D’Amico was present. Mr. D’Amico indicated that the Town is planning to construct a new DPS facility to consolidate operations. Space is needed for this center. This property would assist with this goal. It is a portion of the Oakland Cemetery land. There has been no purchase and sale agreement executed yet, but he has contacted the Oakland Cemetery Board and they are willing to work with the Town.

This ANR would pertain to a split of 1.572 acres of the Oakland Cemetery property to be conveyed to the Town of Medway. This land would be used for a municipal building purposes.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board authorizes the Chairman to sign contingent upon receipt of an ANR application signed by a representative of the current property owner.

2 Marc Road Site Plan - Performance Security Agreement:

The Board is in receipt of the following:

- Email dated 12-5-17 from Ellen Rosenfeld with status report on project completion.
- Draft performance security of agreement for deposit of cash.

Ellen Rosenfeld provided a \$5,000.00 check as performance security as determined at the 11/28/17 PEDB meeting. The performance security agreement has been signed by Ellen

Rosenfeld.

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to sign the performance security agreement as presented.

The Haven Subdivision:

The Board is in receipt of the following:

- Tetra Tech Inspection Report/Punch List with photos dated 12/12/17.
- Tetra Tech Bond estimate dated 12/12/17.
- Performance Security Agreement - Cash Deposit (draft 12/12/17).
- The Haven subdivision decision for a three lot, private way subdivision (Sorrento Lane) off of Fisher Street
- The Haven Subdivision Plan - endorsed 11/8/17.

The Board was supplied with a copy of a check for the performance security in the amount of \$47,838. The actual check will be submitted tomorrow. Tetra Tech provided a punch list of items which need to be completed on which the bond estimate was based.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted to set the bond at \$47,838.00 and will sign the noted agreement requiring that the four items in the Tetra Tech memo be completed before any occupancy permits are issued along with the making sure the fire hydrants are in compliance with the Town standards prior to any building occupancy permits being issued. (Member Tucker abstained)

Merrimack Building Supply – Site Plan Endorsement

The Board is in receipt of the following:

- Pre-Endorsement Checklist dated 7-24-17.
- Site Plan/Special Permit Decision dated 7/11/17.
- Verification of taxes paid dated 12/5/17.
- Certificate of no appeal from town clerk dated 12/7/17.
- Revised site plan presented for endorsement dated 10-5-17.
- Tetra Tech review memo dated 11/27/17.
- SAC email memo dated 12/6/17 to Guerriere & Halnon re: plan changes.

The Board was made aware that a preconstruction meeting was held this week.

On a motion made by Matt Hayes and seconded Rich Di Iulio, the Board voted unanimously to endorse the plan for Merrimack Building Supply. (Member Tucker abstained).

Wingate Farm Subdivision – Status Report

The Board is in receipt of the following:

- Updated Tetra Tech inspection report dated 12/7/17.
- Updated bond estimate by Tetra Tech dated 12/7/17.
- Subdivision Modification Decision dated 4/28/2005.

- Endorsed modified subdivision plan dated 11/8/2005.
- Notes of the chronology of the Wingate Farm Subdivision
- Confidential email from Town Counsel dated 10/2/2017.
- Email from Steve Bouley dated 12/7/17 re: minimum required items needed for lot releases/bonding.

The Board called engineering consultant Steve Bouley of Tetra Tech and he participated remotely. Consultant Bouley indicated that he visited the site last week. He indicated that the sight distances relating to the left turn movement out of the site onto Holliston Street are not sufficient. This was captured in a video. The Timbercrest evaluation of their proposed site roadway off of Holliston Street specified 335' of sight distance after their proposed roadway mitigation. Wingate is located closer to the existing crest and a larger distance would be required since no mitigation is proposed as part of their project. Consultant Bouley indicated that he would not sign off on this.

He also noted that the existing gravel roadway requires replacement. It is recommended that the removal of approximately 2" of existing material will be necessary to remove all organic material and groundcover root system. The existing overflow weir meets the approved plan. The applicant planted three trees on the overflow weir but it does not appear they will adversely affect the performance of the basin.

Property owner Karyl Spiller-Walsh indicated that this was not in compliance when the plan was approved in 2006. She did communicate that there is less visibility when looking at this with Timbercrest. She noted that there has not been one accident in 42 years near her entrance. She asked if the Board rescinds the subdivision, would the lot lines disappear. Their intent is to hold onto their house and lot 2 and sell the rest with the hopes that a developer would buy it hopefully over the winter.

The options for the subdivision include the following:

- Rescind the subdivision approval due to lack of performance.
- Modify the subdivision decision dated 4-28-2005 to extend the time for completion along with having them complete the minimum required items for lot releases/bonding and provide the specified performance security. This would allow the residents to sell off one or two of the house lots.
- Require a new filing with an updated plan to reflect the actual as-built conditions of the infrastructure work done to date with a new public hearing, plan review, waivers, findings, decision, etc.

If this ends up as a new submittal, the language from the Board's April 26, 2005 *Subdivision Rules and Regulations* would need to be used along with the AASHTO standards.

The Board is in agreement that the intent is to maintain the roadway layout. The applicant has invested a lot of time and money into the plan. It was recommended that the drainage will need to be reviewed to make sure it is consistent with the requirements. The adequacy of the roadway turnaround for equipment will also need to be reviewed. The Board would like a better understanding of what has changed from the 2005 plan and compare it to what was actually constructed in the field. The Board's engineering consultant would be needed to address this.

The Consultant would need to prepare a cost estimate to do this. The Board would like this by the January meeting date.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted unanimously to defer any decision until the January 9, 2018 meeting.

Salmon Village ARCPUD – Plan Endorsement

The Board is in receipt of the following:

- Pre-endorsement checklist
- ARCPUD Special Permit Decision
- Certificate of No Appeal Town Clerk
- Certification of paid taxes
- Covenant

The Board discussed having one member sign the plans since there are a total of 116 total sheets. There will be language included on the front cover.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to allow the Clerk (Tom Gay) to endorse the plans on behalf of the Board.

On a motion made by Matt Hayes and seconded Rich Di Iulio, the Board voted unanimously to sign the presented covenant.

Medway Gardens Site Plan – Project Completion

The Board is in receipt of the following:

- Site Plan Modification decision dated 11-8-2016.
- Modified Site Plan endorsed dated 12-13-16.
- 11-5-17 email from Susy Affleck-Childs to Joe Avellino.
- Tetra Tech email dated 12-7-17. With photos
- Collection of photos from Joe Avellino.

Consultant Bouley conducted an inspection on Thursday December 7, 2017. The report and photos were attached. Mr. Avellino has been in communication with the PEDB providing documentation of site improvements throughout the summer and fall. The dumpster is enclosed and fenced. The site plan decision requires the owner to provide the Board with certification of project completion from a licensed engineer. The engineer, Phil Henry, is scheduled to conduct the site inspection on December 18, 2017.

The Board discussed that the drawing shows the pergola (within the setback area) but the Board is not approving this since it is not part of the site plan. It is located within the minimum setback area from Summer Street. It is an existing condition and is not part of scope of work for the site plan.

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to accept the as-built plan based on the presented inspection with the work completed but to not accept the pergola as part of the site plan improvements.

On a motion made by Ton Gay, and seconded Rich Di Iulio, the Board voted unanimously to file a zoning complaint with the Building Commissioner about the location of the pergola at Medway Gardens.

ANR - 11 Ohlson Circle:

The Board is in receipt of the following:

- ANR Application dated 10-16-17.
- ANR plan by Colonial Engineering dated 9-20-17.
- ANR review letter from Gino Carlucci/PGC Associates dated 12-11-17.

This ANR application was submitted on December 11, 2017. This was forwarded to Consultant Carlucci for review. The Consultant is recommending endorsement.

On a motion made by Rich Di Iulio and seconded Matt Hayes, the Board voted unanimously to sign the presented ANR plan for 11 Ohlson Circle.

PEDB Meeting Minutes:

November 20, 2017:

On a motion made by Rich Di Iulio and seconded Matt Hayes, the Board voted unanimously to accept the minutes from November 20, 2017. (Member Gay abstained.)

Other Business:

Village Estates (Bedelia Lane)

The applicant is making progress installing the relocated sewer line at Village Estates. The DPS and BOH performed an inspection. Consultant Bouley Structures did not inspect but will follow-up with the DPS and BOH.

Progress of 2010 Open Space Recreation Plan:

Member Hayes explained that the Task Force is updating Medway's Open Space and Recreation Plan. One of the tasks is to review the community's progress in carrying out the 2010 action plan. The action plan was reviewed by the Open Space Committee. The Task Force asked that the PEDB and the Conservation Commission also review the action plan.

There were a series of seven goals with action plan tasks which identify the lead agency, implementation mechanisms, scheduling, any possible funding. Mackenzie Leahy is working on creating a list of identifying key parcels to protect natural resources, protection of historic landscapes. The implementation of this would be addressed through the special permit process. There needs to be further refinement of how to manage the open space parcels. The goal is to also establish/expand greenbelts along the Charles River and other water bodies as well as other corridors, and establishing a rail trail to bike into Boston. The Planning Board has reviewed land use controls to identify and discourage sprawl. This has been addressed within the regulations. There has also been worked accomplished to encourage compact development through zoning bylaw work and amendments such as mixed use zoning.

Adjourn:

On a motion made Tom Gay, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 9:15 pm.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Amy Sutherland".

Amy Sutherland
Recording Secretary

Reviewed and edited by,

A handwritten signature in black ink that reads "Susan E. Affleck-Childs".

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning and 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.
Richard Di Iulio

Updated December 11, 2017

MEETING NOTICE
Tuesday, December 12, 2017 – 7 p.m.

LOCATION

Sanford Hall @ Medway Town Hall, 155 Village Street

AGENDA

CALL TO ORDER

CITIZEN COMMENTS

PUBLIC HEARINGS – None

APPOINTMENTS

- 7:00 p.m. Approval Not Required (ANR) Plan for Town of Medway, 0R Crooks Street**
7:15 p.m. 2 Marc Road Site Plan – Bond agreement
7:30 p.m. Wingate Farm Subdivision (168 Holliston Street) – Status report, punch list, bond estimate
8:00 p.m. The Haven Subdivision (Fisher Street/Sorrento Lane) – Punch list and bond estimate
8:15 p.m. Medway Gardens (34 Summer Street) – Project completion
8:30 p.m. Salmon Willows ARCPUD (Village Street) – Plan Endorsement
8:45 p.m. Approval Not Required (ANR) Plan for John and Kathleen Simcox, 11 Ohlson Circle

OTHER BUSINESS

1. Plan Endorsement – Merrimack Building Supply Site Plan, 20 Trotter Drive
2. Discussion of implementation progress on 2010 Open Space and Recreation Plan
3. Zoning Bylaw Work for May 2018 Town Meeting
4. Consideration of minutes of the 11/28/17 PEDB meeting
5. Reports – Staff, Consultants and Committee Liaisons
6. PEDB Members' Comments and Concerns
7. Review Correspondence/Communications

OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD

ADJOURN

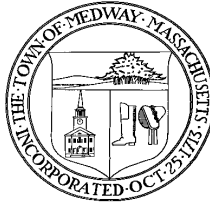
The listed agenda items are those reasonably anticipated by the Chair to be discussed at the meeting.
Public hearings cannot commence before the specified time. Appointment times are approximate and may be adjusted.
Not all of the listed items may in fact be discussed.

The Board may address and consider other matters not specified to the extent permitted by law.

UPCOMING PEDB MEETINGS

Tuesdays, January 9 & 23, February 13 & 27, March 13 & 27, and April 10 & 24, 2018

planningboard@townofmedway.org



December 12, 2017
Medway Planning & Economic Development Board
Meeting

0R Crooks Street ANR Plan

- **ANR Application for 0 R Crooks Street – REVISED 12-12-17**
- ANR Plan dated 12-5-17, revised **12-11-2017**, prepared by Guerriere and Halnon
- Review letter dated 12-8-17 prepared by Gino Carlucci
- **Explanatory memo to PEDB from DPS Director Dave D'Amico dated 12-12-17**

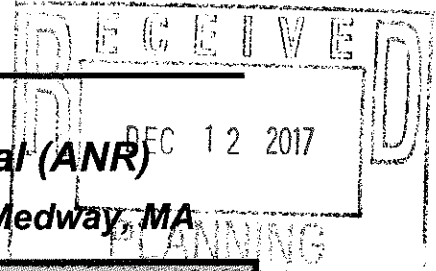
This pertains to a split of 1.572 acres of the Oakland Cemetery property to be conveyed to the Town of Medway.

Plan was received on 12-7-17 and forwarded to Gino Carlucci for review. Signed application is forthcoming!!

LAND SUBDIVISION – FORM A

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR)

Planning & Economic Development Board - Town of Medway, MA



INSTRUCTIONS TO APPLICANT/OWNER

*This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations.
Please complete this entire Application.*

*Submit two (2) signed originals of this Application, one copy of the ANR Plan, and one Project Explanation
to the Town Clerk who will date stamp both Applications.*

*Provide one original ANR Application date stamped by the Town Clerk, one Project Explanation, eight
copies of the ANR Plan, an electronic version of the ANR plan and the appropriate ANR Filing Fee
to the Medway Planning & Economic Development office.*

*The Applicant certifies that the information included in this Application is a true, complete and accurate
representation of the facts regarding the property under consideration.*

*In submitting this application, the Applicant and Property Owner authorize the Planning & Economic
Development Board and its agents to access the site during the plan review process.*

*The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and
provide a recommendation to the Planning & Economic Development Board. A copy of that letter
will be provided to you.*

***You or your duly authorized agent is expected to attend the Board meeting
when the ANR Plan will be considered to answer any questions and/or submit such
additional information as the Board may request.
Your absence may result in a delay in its review.***

December 12, 2017

TO: The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: Plan of Land, Oakland Cemetery, Medway, MA

Prepared by: Guerriere & Halnon, Inc.

P.E. or P.L.S registration #: 49611 Plan Date: December 5, 2017

PROPERTY INFORMATION

ANR Location Address: Oakland Cemetery, 0R Crooks Street, Medway, MA

The land shown on the plan is shown on Medway Assessor's Map # 50 Parcel # 003

Total Acreage of Land to be Divided: 11.172

Subdivision Name (if applicable): _____

Medway Zoning District Classification: AR-I

Frontage Requirement: 180 ft Area Requirement: 44,000 sq.ft.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? N/A

The owner's title to the land that is the subject matter of this application is derived under deed from: Fisher, Milton M to Evangelical Congregational Society of Medway dated 06/19/1891 and recorded in Norfolk County Registry of Deeds, Book 636&711 Page 139&160 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: Evangelical Congregational Society of Medway

Applicant's Signature: _____

Address: c/o Roger Cummings
200 Hero Blvd. Unit 905, Cumberland, RI 02864

Telephone: 508-686-5221 Email: RCummings@sterlingservicesinc.com

The Applicant hereby appoints Town of Medway to act as its Agent/ Official Representative for purposes of submitting this application for endorsement of this ANR Plan.

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: _____

Owner's Signature: _____

Address: _____

Telephone: _____ Email: _____

ENGINEER or SURVEYOR INFORMATION

Name: Guerriere & Halnon, Inc.

Address: 55 West Central Street
Franklin, MA 02038

Telephone: 50-528-3221 Email: rconstantine@
gandhengineering.com

ATTORNEY INFORMATION

Name: Barbara Saint Andre, KP Law LLP

Address: 101 Arch Street, 12th Floor
Boston, MA 02110

Telephone: (617) 556-0007 Email: bsaintandre@k-plaw.com

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☐ 1. The accompanying plan does not show a division of land.
- ☐ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ *(name of way(s), which is:*
- ☐ a. A public way. Date of street acceptance: _____
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled _____
- that was previously endorsed by the Planning and Economic Development Board on _____ and recorded at the Norfolk County Registry of Deeds on _____
- Provide detailed recording information: _____
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: _____
- Parcel A to be conveyed to the Town of Medway, future
owner of abutting property. Land to be used for
municipal building purposes.

ANR PLAN FILING FEE

**\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.**

**Please prepare two checks: one for \$95 and one for the balance.
Each check should be made payable to: Town of Medway**

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

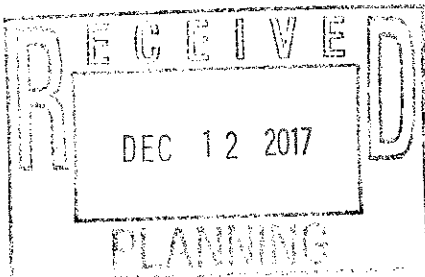
- _____ 2 signed original ANR applications (FORM A)
- _____ 8 prints of ANR plan – 1 for Town Clerk and 7 for Planning
- _____ Electronic version of ANR plan for Planning
- _____ Project Explanation - 1 for Town Clerk and 1 for Planning
- _____ Application/Filing Fee (2 checks)

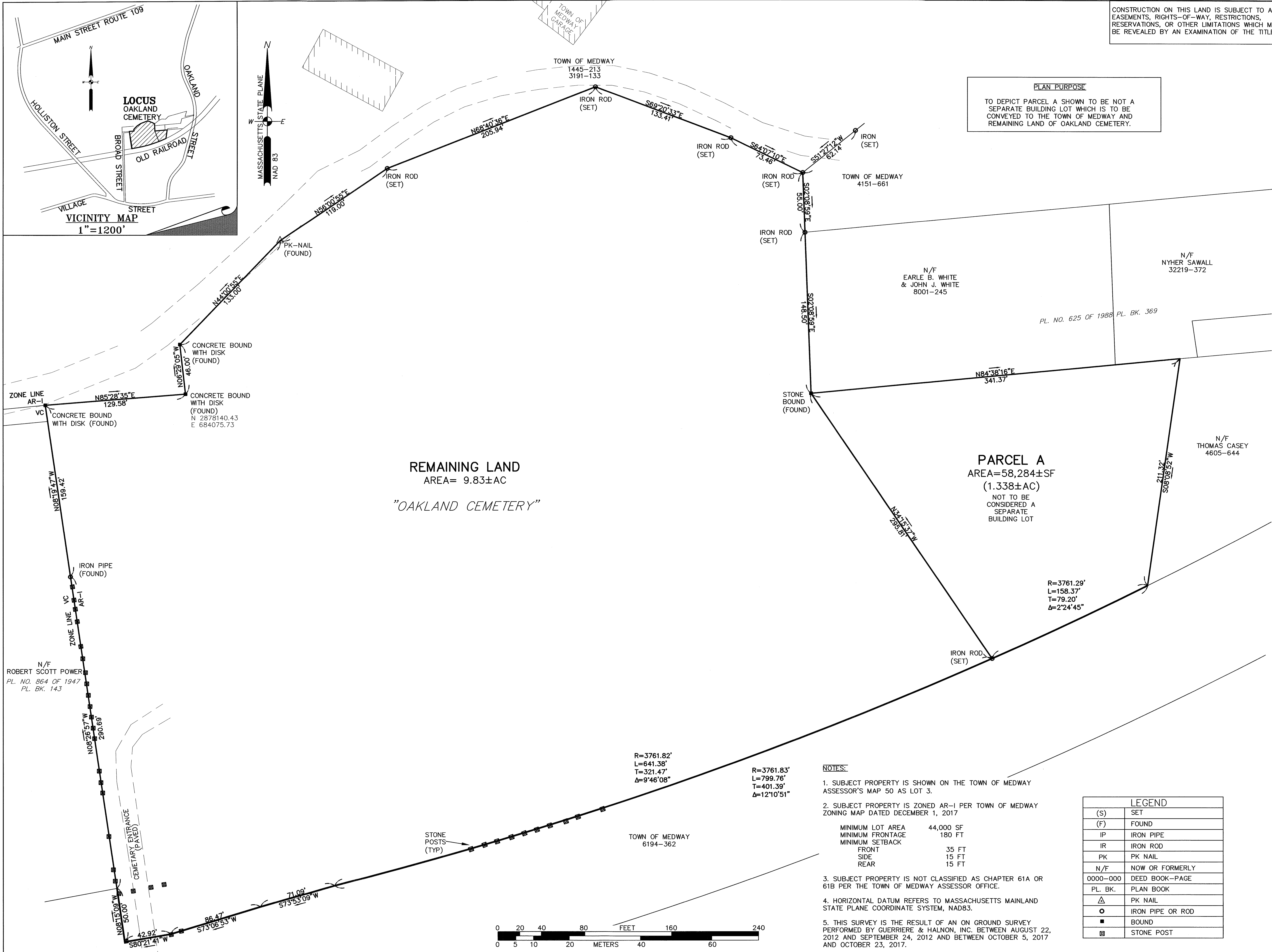
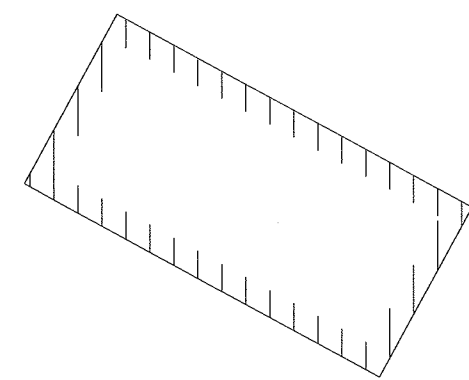
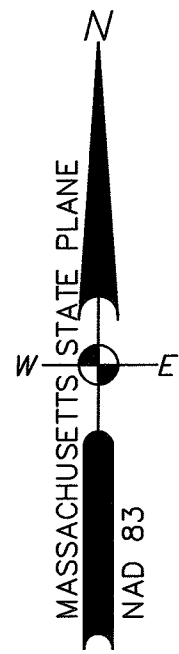
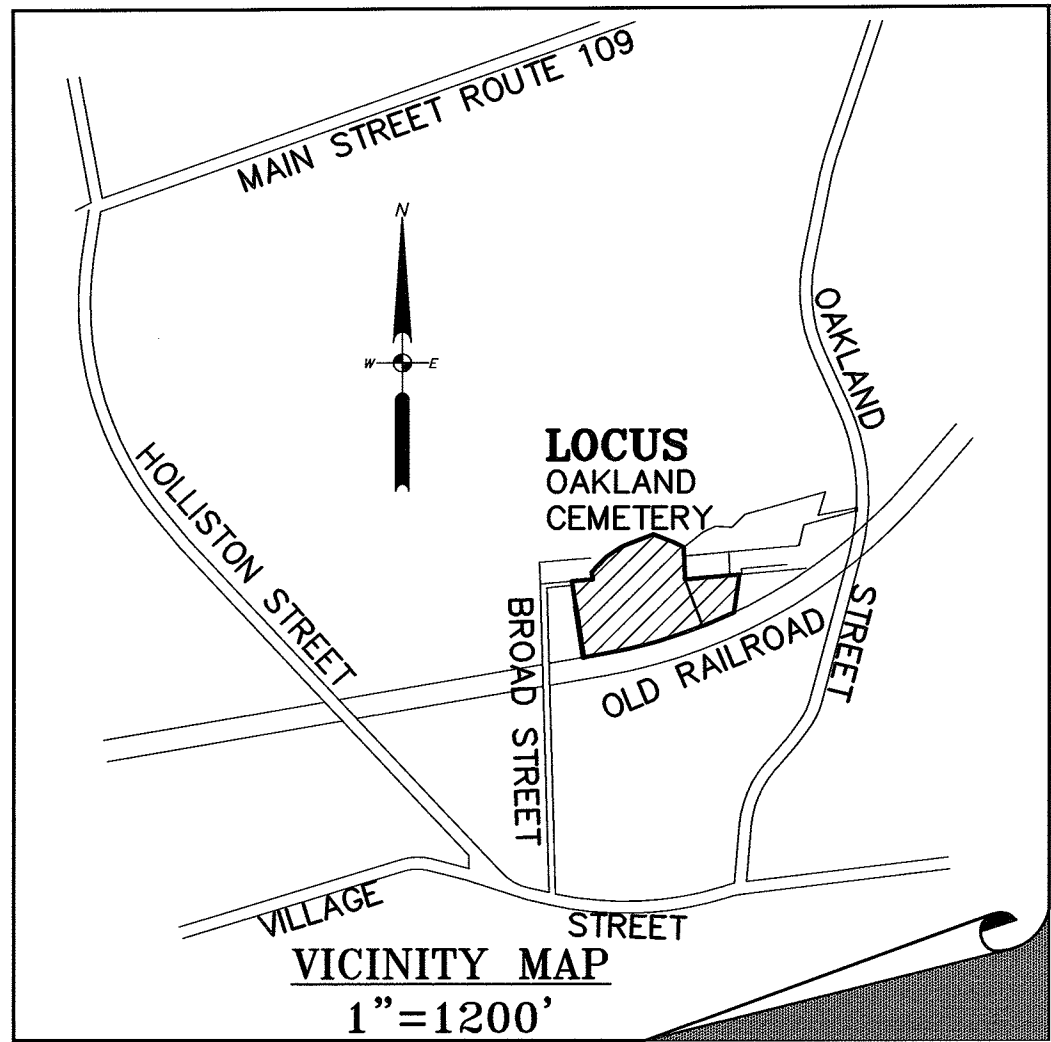
Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: _____.

ANR Application/Filing Fee Paid: Amount: _____ Check # _____

Check # _____

*No fee - TOM
project -*





CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

PLAN PURPOSE

TO DEPICT PARCEL A SHOWN TO BE NOT A SEPARATE BUILDING LOT WHICH IS TO BE CONVEYED TO THE TOWN OF MEDWAY AND REMAINING LAND OF OAKLAND CEMETERY.

PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE ZONING BYLAW.

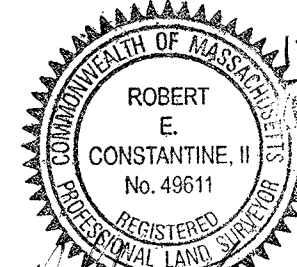
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

MEDWAY PLANNING BOARD

DATE: _____

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

THIS IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.

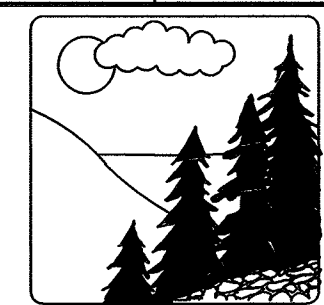


OWNER:

EVANGELICAL CONGREGATIONAL SOCIETY OF MEDWAY
C/O ROGER CUMMINGS
200 HERO BLVD, UNIT 905
CUMBERLAND, RI 02864
DEED BK. 636 PG. 139
DEED BK. 711 PG. 160

REVISIONS

DATE	REVISED
12.11.2017	LOT SIZES AND NOTES.



Guerriere & Halnon, Inc.
Engineering & Land Surveying

Ph. (508) 528-3221 55 WEST CENTRAL STREET
Fx. (508) 528-7921 FRANKLIN, MA 02038
www.gandhengineering.com

PLAN OF LAND
OAKLAND CEMETERY
MEDWAY
MASSACHUSETTS

DATE
DECEMBER 5, 2017

SCALE
1"=40'

SHEET
1 OF 1

JOB NO.
F4152

NOTES:

- SUBJECT PROPERTY IS SHOWN ON THE TOWN OF MEDWAY ASSESSOR'S MAP 50 AS LOT 3.
- SUBJECT PROPERTY IS ZONED AR-I PER TOWN OF MEDWAY ZONING MAP DATED DECEMBER 1, 2017
- SUBJECT PROPERTY IS NOT CLASSIFIED AS CHAPTER 61A OR 61B PER THE TOWN OF MEDWAY ASSESSOR OFFICE.
- HORIZONTAL DATUM REFERS TO MASSACHUSETTS MAINLAND STATE PLANE COORDINATE SYSTEM, NAD83.
- THIS SURVEY IS THE RESULT OF AN ON GROUND SURVEY PERFORMED BY GUERRIERE & HALNON, INC. BETWEEN AUGUST 22, 2012 AND SEPTEMBER 24, 2012 AND BETWEEN OCTOBER 5, 2017 AND OCTOBER 23, 2017.

MINIMUM LOT AREA	44,000 SF
MINIMUM FRONTAGE	180 FT
MINIMUM SETBACK	
FRONT	35 FT
SIDE	15 FT
REAR	15 FT

LEGEND	
(S)	SET
(F)	FOUND
IP	IRON PIPE
IR	IRON ROD
PK	PK NAIL
N/F	NOW OR FORMERLY
0000-000	DEED BOOK-PAGE
PL. BK.	PLAN BOOK
△	PK NAIL
○	IRON PIPE OR ROD
■	BOUND
▣	STONE POST

PGC ASSOCIATES, LLC

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

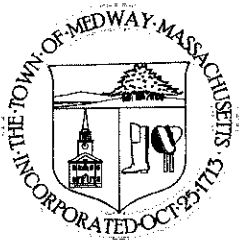
DATE: December 17, 2017

RE: ANR for Oakland Cemetery off Broad Street

I have reviewed the ANR plan submitted for endorsement by Evangelical Congregational Society of Medway (c/o of Roger Cummings). The plan proposes to divide a parcel (existing cemetery) of about 11.2 acres into two parcels of 9.6 and 1.572 acres respectively (neither is a separate building lot). The plan was prepared by Guerriere and Halnon, Inc., of Franklin and is dated December 5, 2017. I have comments as follows:

1. Section 3.2.1 requires that the name and address of the owner. The address is shown as 155 Village Street, Town Hall, which does not appear to be the correct address of either the Evangelical Congregational Society or Roger Cummings. It also requires that the Assessor's map and parcel numbers for the subject land. These were not provided.
2. Section 3.2.3 requires that the plan indicate the minimum lot area as well as front, side and rear setback requirements for the applicable zoning district. This was not on the plan.
3. Section 3.2.11 requires a statement as to whether the land is classified as Chapter 61A or 61B. This was not provided.

The plan meets the substantive requirements for ANR endorsement. I recommend that the address of the applicant be clarified and that the technical issues of Items #1 and #2 above be corrected prior to endorsement of the plan.

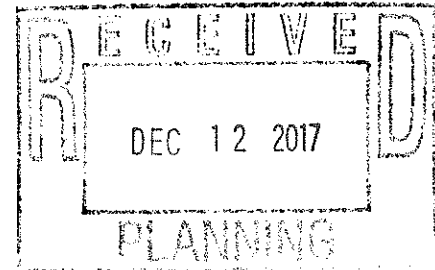


TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

*Entrusted To
Manage The
Public
Infrastructure*

DAVID D'AMICO
DIRECTOR

BARRY SMITH
DEPUTY DIRECTOR



To: Medway Planning & Economic Development Board

Date: December 12, 2017

Re: Oakland Cemetery ANR Plan

The Town of Medway is working with the Evangelical Congregational Society of Medway, owners of Oakland Cemetery, to acquire a portion of the cemetery property. The Town is seeking to acquire Parcel "A" as identified on the ANR plan.

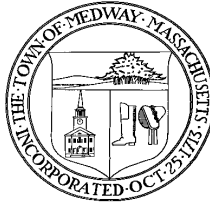
Parcel "A" currently abuts the former rail road bed now owned by the Town to the south. In addition, the Town is seeking to acquire the parcel to the north now owned by Earle B. and John J. White. Along with Parcel "A", this would give the Town a contiguous area abutting the current Town of Medway Highway facility and recycling center. This area would be used for the new DPS facility now in the planning stages.

Sincerely,

David E. D'Amico
Director

HIGHWAY - WATER - SEWER - FLEET - PARKS - FACILITIES - SOLID WASTE

TOWN OFFICES | 45B HOLLISTON STREET | MEDWAY, MASSACHUSETTS 02053 | TEL 508-533-3275



December 12, 2017
Medway Planning & Economic Development Board
Meeting

2 Marc Road – Performance Security
Agreement

- Email dated 12-5-17 from Ellen Rosenfeld with status report on project completion
- Draft Performance Security of Agreement for Deposit of Cash

Ellen Rosenfeld provided a \$5,000 check as performance security as determined at the 11-28-17 PEDB meeting. The check has been turned over to the Treasurer's office to establish a bond account at Charles River Bank. However, a corresponding performance security agreement needs to be signed by Ellen and the Board. The attached has been provided to Ellen for her review and signature.

Susan Affleck-Childs

From: Ellen Rosenfeld <ellen@rosenfeld-law.com>
Sent: Tuesday, December 05, 2017 4:31 PM
To: Susan Affleck-Childs
Cc: dan@merrikinengineering.com
Subject: RE: party

Susy
You are very welcome
Just as an fyi
We installed the stone apron in front of our other lot on Marc Road
We installed the half blocks to support the retaining wall
We had the defender cleaned
We installed the hoods and rebar grates in the catch basins
We removed all of the erosion controls
We contracted for the fence around the dumpsters –
Will install bike rack tomorrow –
ellen

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, December 5, 2017 3:14 PM
To: Ellen Rosenfeld <ellen@rosenfeld-law.com>
Subject: RE: party

Thanks very much!

Also, thanks for the wonderful box of Lindt candies. So good!!

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Ellen Rosenfeld [<mailto:ellen@rosenfeld-law.com>]
Sent: Tuesday, December 05, 2017 2:49 PM
To: Michael Boynton; Stephanie Mercandetti; Susan Affleck-Childs
Subject: party

Just wanted to make sure you saw this invite –
Hope to see you
ellen

Town of Medway
Planning and Economic Development Board

Agreement for Deposit of Money to Secure Performance

This performance Agreement is entered into this ____ day of December, 2017, between the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as “the Board”), and Ellen Rosenfeld/Ellen Realty Trust (hereinafter referred to as “the Applicant”) with a usual place of business and Address of 730 Main Street, Millis, MA 02054 to secure the completion of site improvements as shown on an approved site plan described below.

WHEREAS, on June 28, 2016, after a duly noticed public hearing, the Board issued a Site Plan Decision and Special Permits to Ellen Realty Trust for a site plan which is entitled *2 Marc Road Site Plan of Land in Medway, MA* for the property located at 2 Marc Road in Medway, MA, prepared by Merrikin Engineering, LLP of Millis, MA dated March 30, 2016, last revised June 7, 2016 (hereinafter referred to as “the Site Plan”) and endorsed its approval on said revised plan dated July 18, 2016 on July 26, 2016; and

WHEREAS, the Board’s requires the applicant to post a performance guarantee if an occupancy permit is sought before all approved site improvements are completed; and

WHEREAS, the Applicant has decided to secure the completion of site improvements by means of providing a sum of five thousand dollars, said amount based on the estimate provided by the Town’s Consulting Engineer and approved by the Board on November 28, 2017;

NOW, THEREFORE, the parties agree as follows:

1. The Applicant hereby binds and obligates itself, its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$5,000.00, and has secured this obligation by depositing with the Town of Medway Treasurer a deposit of money in the above sum to be deposited in an escrow account to be established for this project at a local financial institution in the name of the Town of Medway. The deposit of money is to be used to secure the performance by the Applicant of all conditions, agreements, terms and provisions contained in the Board’s Site Plan/Special Permit Decision dated June 28, 2016; all conditions subsequent to approval of the Site Plan due to an amendment, modification or revision to the Site Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:

(hereinafter the “Approval Documents”).

2. The Applicant shall complete the construction and installation of site improvements no later than two years from the date of endorsement of the Site Plan. The Site Plan was endorsed on July 26, 2016. Therefore, the required completion date is July 26, 2018.

3. Upon completion of all obligations as specified herein and as may be included in the Site Plan Decision, on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the Board shall release the Applicant from this Agreement.

4. In the event the Applicant should fail to complete the site improvements as specified in the Decision and shown on the approved Site Plan and within the time herein specified, the Board may apply the funds held by the Treasurer of the Town of Medway, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete the construction of site improvements as provided in this Agreement. Any portion of the funds that are not applied as set forth above, shall be returned to the Applicant upon completion of the site improvements by the Town of Medway

5. The Board, after notice to the Applicant and an opportunity for the Applicant to be heard, may rescind its approval of the Site Plan for breach of any provision of this Agreement or any amendments thereof.

6. The Board, at its discretion, may grant an extension of time and/or reduce the amount of the deposited funds and notify the Applicant and the Treasurer of the Town of Medway of any authorized adjustment.

7. The Applicant and the Board agree and understand that the Board will not release the funds in full until the site improvements have been deemed by the Board to be constructed and installed in accordance with the approved Site Plan and this Agreement. This Agreement does not expire until the Board releases the funds in full.

8. If a court of competent jurisdiction determines that any provision of this Agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 12th day of December, 2017.

**TOWN OF MEDWAY
PLANNING AND ECONOMIC DEVELOPMENT BOARD**

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of December, 2017, before me, the undersigned notary public, personally appeared the following members of the Medway Planning and Economic Development Board, _____

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Medway Planning and Economic Development Board.

Notary Public
My commission expires: _____

APPLICANT/OWNER/DEVELOPER

By: _____

Title/Position: _____

Organization: _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of _____, 2 ____, before me, the undersigned notary public, personally appeared the above-named _____, Applicant or person duly authorized to execute this Agreement on behalf of the Applicant, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

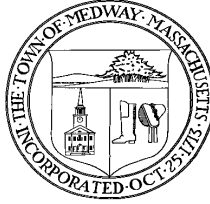
Notary Public

My commission expires: _____

.....

APPENDICES

- A. SITE PLAN/SPECIAL PERMITS DECISION
- B. SITE IMPROVEMENTS COMPLETION COST ESTIMATE



December 12, 2017
Medway Planning & Economic Development Board
Meeting

The Haven Subdivision
UPDATED

- **Tetra Tech Inspection Report/Punch List with photos dated 12-12-17**
- **Tetra Tech Bond Estimate dated 12-12-17**
- **Performance Security Agreement – Cash Deposit – Draft 12-12-17**
- The Haven Subdivision Decision – 3 lot, private way subdivision (Sorrento Lane) off of Fisher Street
- The Haven Subdivision Plan – endorsed 11-8-16

The Board needs to establish performance security for The Haven subdivision to replace the Covenant. The developer has provided a certified check to establish a bank account with a local bank.

To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech 

Date: December 11, 2017

Subject: The Haven Punch List

On November 29, 2017 and December 11 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Haven private subdivision in Medway, MA. The site was inspected and a punch list and bond estimate generated of outstanding items which have not yet been completed or are deficient in quality.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "The Haven, A Private Way Definitive Subdivision Plan", dated November 4, 2003, revised October 10, 2015, PEDB endorsement November 7, 2016, prepared by Colonial Engineering (CE).
- A Certificate of Action (COA) Decision dated August 25, 2015.

Punch List

Items not completed as required for lot release (PEDB Rules and Regulations Ch. 100 §6.6.3)

1. The contractor has not submitted an as-built plan of the drainage system. (Ch. 100 §6.6.3.d)
2. The contractor has not installed street name and regulatory signs. (See Photo 1) (Ch. 100 §6.6.3.e)
3. The contractor has not installed stop line pavement markings. (See Photo 1) (Ch. 100 §6.6.3.f)
4. The contractor shall confirm if installed hydrant is operational. (Ch. 100 §6.6.3.h)

Missing/Deficient Items

5. The contractor has not loamed and seeded all areas within the right-of-way. (See Photo 2-3)
6. The contractor has not installed proposed inspection ports for the infiltration trench. (See Photo 4)
7. The contractor has not installed proposed bituminous berm. (See Photo 5)
8. The contractor has not installed rip-rap at infiltration trench outlet. (See Photo 6)
9. The contractor has not raised castings to proposed top course grade prior to final paving. (See Photo 7)
10. The contractor shall confirm if the roof runoff infiltration systems have been installed. It appears pvc pipe has been installed at each downspout location which may suggest the units have been installed. TT was not notified of their installation. (See Photo 8)

11. The contractor has not installed proposed "Street Left" sign on Fisher Street.
12. The contractor has not installed bituminous concrete top course.
13. The contractor has not installed proposed bounds.
14. The contractor has not installed proposed landscape plantings and majority of proposed street trees.
15. The contractor shall remove all erosion controls upon receiving final authorization from Medway Conservation Commission.
16. The contractor shall clean the drainage system structures after site is stabilized and prior to final release of the project by the PEDB.
17. The contractor shall submit final site as-built for review upon project completion.

Decision Conditions

18. The contractor has installed proposed white vinyl fence along the northern property boundary of Parcel A and the western property boundary of adjacent Masterson property per Section VIII.A.4 of the COA. (See Photo 9-10)
19. The contractor has not installed the proposed residential light poles per Section V.Mitigation Plan.3 of the COA.

Site Maintenance

20. The contractor shall sweep the roadway and maintain silt sacks in Catch Basin A and B. Inspection ports shall be installed in the infiltration trench as previously mentioned. Infiltration trench must remain free of all sediment. (See Photo 11-12)

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-17003 (THE HAVEN CONSTRUCTION SERVICES)\CONSTRUCTION\PUNCH LIST\MEMO_THE HAVEN PUNCH LIST_2017-12-11.DOC

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



**TETRA TECH**

Bond Estimate
The Haven
Medway, Massachusetts
 December 11, 2017

Marlborough Technology Park
 100 Nickerson Road
 Marlborough, MA 01752
 Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Cape Cod Berm	100	FT	\$8.00	\$800
Drainage - Inspection Ports	1	LS	\$500.00	\$500
Drainage - Rip-Rap	3	CY	\$80.00	\$240
Adjust Castings	2	EA	\$375.00	\$750
HMA Top Course	70	TON	\$93.00	\$6,510
Pavement Markings	1	LS	\$800.00	\$800
Street Name/Regulatory Signage	1	LS	\$600.00	\$600
Topsoil Rehandled & Spread	78	CY	\$27.00	\$2,106
Seeding	392	SY	\$2.00	\$784
Landscaping	1	LS	\$2,500.00	\$2,500
Street Trees	12	EA	\$600.00	\$7,200
Residential Lighting	3	EA	\$1,000.00	\$3,000
Bounds	12	EA	\$400.00	\$4,800
Erosion Control Removal	1	LS	\$1,000.00	\$1,000
Clean Drainage System	1	LS	\$800.00	\$800
SWPPP/Stormwater Inspections	1	LS	\$1,500.00	\$1,500
As-Built Plans	276	LF	\$5.00	\$1,380
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$38,270
25% Contingency				\$9,568
Total				\$47,838

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 12/2016 - 12/2017. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

**TOWN OF MEDWAY
PLANNING and ECONOMIC DEVELOPMENT BOARD**

AGREEMENT FOR DEPOSIT OF MONEY

This agreement is entered into this 12th day of December, 2017, between the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as “the Board”), and Vineyard Point Ventures, Inc. with an address of 49 Cedar Street, Milford, MA (hereinafter referred to as the “Owner”), to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on August 25, 2015, after a duly noticed public hearing, the Board approved a definitive subdivision plan showing three lots, which is entitled *The Haven, A Private Way Definitive Subdivision Plan*, prepared by Merrikin Engineering, LLP of Millis, MA and Colonial Engineering of Medway, MA dated November 4, 2013, last revised October 15, 2015, endorsed by the Board on November 8, 2016 and recorded at the Norfolk County Registry of Deeds in Plan Book 655, Page 46 (hereinafter referred to as “the Subdivision Plan”); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 13 and 15A Fisher Street and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 34839, Pages 1-3; and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision; and

NOW, THEREFORE, the parties agree as follows:

1. The Owner hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$47,838, and has secured this obligation by depositing with the Town of Medway Town Treasurer a deposit of money in the above sum to be deposited in a subdivision escrow account in the name of the Town of Medway. The deposit of money is to be used to secure the performance by the Owner of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Planning and Economic Development Board’s *Rules and Regulations for the Review and Approval of Land Subdivisions* applicable to this subdivision; the application submitted for approval of this subdivision; the Board’s Board Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Action; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: _____ (hereinafter the “Approval Documents”).

2. The Owner shall complete the construction of ways and the installation of municipal services no later than three (3) years from the date of the endorsement of the Subdivision Plan. The

Subdivision Plan was endorsed on November 8, 2016, and therefore the required completion date is November 8, 2019.

3. Upon completion of all obligations as specified herein on or before the completion date, or such later date as may be specified by vote of the Board with the concurrence of the Owner, the deposit of money including all interest accrued thereon shall be returned to the Owner by the Town of Medway. In the event the Owner should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Board, in accordance with applicable laws, may apply the deposit of money held by the Town of Medway Town Treasurer, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the deposit of money, together with accrued interest, will be returned to the Owner upon completion of the work by the Town of Medway.

4. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.

5. The Board shall notify the Town of Medway Town Treasurer of any authorized reduction or release of the deposit of money that secures this agreement in full or in part. Upon receipt of a notice of reduction or release, the Treasurer shall forthwith return the deposit of money, or portion thereof, together with accrued interest, to the Owner, or to such other person or entity as the Owner may designate in writing.

6. The Owner agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This agreement does not expire until released in full by the Board.

7. Failure to complete construction of the ways and installation of the municipal services by the required date shall result in automatic rescission of approval of the Subdivision Plan.

8. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this ____ day of December, 2017.

TOWN OF MEDWAY
Planning and Economic Development Board

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of _____, 2017, before me, the undersigned
notary public, personally appeared the following Members of the Medway Planning and

Economic Development Board, _____

proved to me through satisfactory evidence of identification, which was (personal knowledge)
(Massachusetts driver's license), to be the persons whose names are signed on the preceding
document, and acknowledged to me that it was signed voluntarily for its stated purpose as
members of the members of the Board.

Notary Public

My commission expires: _____

APPLICANT/OWNER/DEVELOPER

By:

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

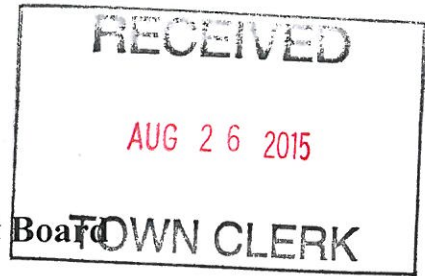
On this ____ day of December, 2017, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Notary Public

My commission expires: _____



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

August 25, 2015

CERTIFICATE OF ACTION
The Haven – A PERMANENT PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN
APPROVED with Waivers and Conditions

Location: 13 and 15A Fisher Street

Assessors' Reference: Map 45 – Parcel 39 & 41, and a portion of Parcel 14 on Map 55

Name/Address of Applicant: Louis J. Cheschi, Jr.
L & L Realty Trust
9 Hillside Avenue
Milford, MA 02757

Name/Address of Property Owner: Louis J. Cheschi, Jr.
L & L Realty Trust
9 Hillside Avenue
Milford, MA 02757

Engineer: Merrikin Engineering, LLP
730 Main Street
Millis, MA 02054

Land Surveyor: Colonial Engineering
P.O. Box 95
Medway, MA 02053

Plan: The Haven Definitive Subdivision Plan of Land
Original Date – November 4, 2003
Last revised – July 23, 2015

Zoning District: Agricultural Residential II

Street Name: Sorrento Lane

- I. PROJECT DESCRIPTION:** The applicant proposes to develop a 3-lot, private way residential subdivision on 2.5 acres of land located at 13 and 15A Fisher Street (*Medway Assessors Map 45 – Parcel 39 & 41, and a portion of Parcel 14 on Map 55*) in the Agricultural Residential II zoning district. The plan shows the division of land into three, single-family residential lots, a 1,300 Parcel A, and a separate road parcel for the construction of an approximately 275' long and 18' wide paved permanent private roadway to be known as Sorrento Lane. The project will include the installation of underground stormwater management facilities and connections to Town water. A private septic system for each house lot is needed. Fisher Street is a Medway Scenic Road, however, no disturbance or removal of stone walls or trees in the Town's right of way are planned.

The property is owned by L & L Realty Trust of Milford, MA. It is bounded on the east by Fisher Street and property owned by Masterson; on the south by property owned by Walsh and Long; on the west by land owned by Boston Edison and Biocchi; and on the north by property owned by Mulkerrin and Masterson.

- II. BACKGROUND:** On March 1, 2005, the Medway Planning Board issued a Certificate of Action to Louis Cheschi, Jr. of Milford, MA for The Haven Definitive Subdivision Plan dated January 21, 2015 prepared by Merrikin Engineering and DeSimone & Associates. The plan was endorsed by the Planning Board on June 22, 2006 but neither the decision nor the endorsed plan were ever recorded, nor did construction commence.

In early 2015, the applicant's representative contacted the Planning and Economic Development Board to reactivate the plan. They were informed that the approval had long expired, that the Board had adopted new *Subdivision Rules and Regulations* in April 2005, and that a new subdivision application and updated definitive subdivision plan would need to be submitted for full review and public hearing process.

III. PROCEDURAL SUMMARY:

1. On March 31, 2015 the Planning and Economic Development Board received an application for approval of *The Haven Definitive Subdivision Plan*, dated March 25, 2015 prepared Merrikin Engineering, LLC of Millis, MA and Colonial Engineering of Medway, MA.
2. On April 2, 2015, the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Haven Definitive Subdivision Plan*, provided copies of the plans and requested review comments.
3. Notice was posted with the Medway Town Clerk on March 31, 2015. The public hearing was duly noticed in the *Milford Daily News* on April 13 and 21, 2015. A public hearing notice was sent by *Certified Sent* mail on April 9, 2015 to abutters in Medway within 300 feet of the subject property and to parties of interest.
4. On April 28, 2015, the Board commenced a public hearing on proposed plan. The public hearing was continued to June 9, July 14, July 28, August 11 and August 25, 2015.

5. During the course of the public hearing, the applicant submitted two revisions to The Haven Definitive Subdivision Plan; the first revision was dated July 8, 2015 and the second plan revision was dated July 23, 2015.
6. At its July 14, 2015 meeting, the Planning and Economic Development Board approved the applicant's request to extend the deadline for the Board to act on The Haven Definitive Subdivision Plan to August 31, 2015.
7. The public hearing was closed on August 31, 2015.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of *The Haven Definitive Subdivision Plan* were conducted over the course of six 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 the definitive subdivision plan to the Board in March 2015.

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).

The Haven Definitive Subdivision Plan Application Materials

Form C – Definitive Plan Application – received March 31, 2015
Form D – Designer's Certificate (with deed) – received March 31, 2015
Form F – Development Impact Report – received March 31, 2015
Collection of deeds, etc. to document property ownership
Street Naming Application for Sorrento Lane as approved October 18, 2004

The Haven Definitive Subdivision Plan – Merrikin Engineering, LLP

Original Date - November 4, 2003, revised March 25, 2015 for submittal
Revised – July 8, 2015
Revised – July 23, 2015

Request for Waivers from Subdivision Rules and Regulations – Prepared by Merrikin Engineering, dated March 25, 2015

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

April 23, 2015
July 22, 2015

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

April 21, 2015
July 21, 2015

Supplemental Information Provided by Applicant's Consultants

Letter from Daniel Merrikin, Merrikin Engineering, dated July 10, 2015 in response to review comments from Tetra Tech dated April 23, 2015 and from PGC Associates dated April 21, 2015.

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

Mullins Rule certification from Robert Tucker for the July 28, 2015 PEDB meeting
Mullins Rule certification from Thomas Gay for the August 11, 2015 PEDB meeting
Remote meeting participation approval for Andy Rodenhiser for the August 25, 2015 PEDB meeting

Certificate of Action dated March 1, 2005 – The Haven Definitive Subdivision Plan

Citizen/Resident Letters

Email communication dated May 1, 2015 from Mark Biocchi

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA
Sean Reardon P.E., and Steve Bouley of Tetra Tech – Framingham, MA
Dan Merrikin, P.E. Merrikin Engineering, LLC – Millis, MA

Medway Departmental/Board Review Comments

Fire Chief Jeff Lynch – email dated June 15, 2015

V. 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 5.6.3 Standards for Preparation of Definitive Subdivision Plan – All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

FINDINGS – The applicant has requested that the NVGD29 datum be used for this project instead of the specified NAVD88. They note that the subdivision plan previously approved by the Board in 2005 was based on the NGVD29 datum as the Board found that the use of NVGD29 was not detrimental to the Town's interests. The applicant argues that adjusting the plan to the NAVD88 datum seems unnecessary. To ensure that there is no confusion on the plans, the plans have been labeled to show all benchmarks as being the NVGD 29 datum and notes have been added to all sheets.

SECTION 5.7.36 ***The subdivision plan shall show house footprints at forty feet (40') by eighty feet (80').***

FINDINGS – The applicant has requested a waiver to allow for smaller house footprints than the standard 40' by 80' size. Due to zoning and wetland setback limitations, houses with a 40' by 80' footprint will not fit on Lots 2 and 3. Instead, the house footprint for Lot 2 is 30' by 54'. The house footprint for Lot 3 is 30' by 64'.

SECTION 7.7.2 e) Stormwater Management – Watershed Analysis. In a residential subdivision, the analysis shall assume a minimum forty foot (40') by eighty foot (80') building footprint and a paved driveway for each lot.

FINDINGS – The applicant has requested a waiver to allow for the stormwater management watershed analysis to be based on a house footprint smaller than the standard 40' by 80'. This is due to the reality that the houses on Lots 2 and 3 will be smaller than the regulations anticipate due to setback limitations per the Zoning Bylaw and resulting from the configuration of wetlands on Lots 2 and 3. This will provide for a more realistic stormwater calculation as only the area to truly be impervious will be considered instead of including land area on which nothing could ever be constructed. The engineer included an extra 1,000 sq. ft. of impervious coverage in the stormwater calculations for Lot 2 to account for incidentals such as driveways, walkways, and patios. The engineer included an extra 750 sq. ft. of impervious coverage in the stormwater calculations for Lot 3 for incidentals.

SECTION 7.9.5 a) Grade – The minimum centerline grade of any street shall not be less than 2%.

FINDINGS – The applicant has proposed a 1% centerline grade instead of 2%. The steeper 2% grade would either require crating a low spot in the middle of the road or would require lowering the road below existing grade at the turnaround which in turn, would necessitate lowering the stormwater infiltration system. The applicant believes a consistent 1% grade will result in lesser future roadway maintenance. The Town's engineering consultant does not object to the waiver as the reduced grade will not negatively affect capturing stormwater and will require less earthwork/stockpiling materials adjacent to nearby wetlands.

SECTION 7.10.1 Curbs and Berms – Vertical granite curbing shall be installed at intersection roundings and cul-de-sac entrances.

FINDINGS – The applicant has proposed to NOT install any curbing at the intersection roundings of Sorrento Lane with Fisher Street. The Board concluded that such a design will be consistent with the character of Fisher Street, a Medway Scenic Road. The traffic volume on this permanent private roadway with only 3 houses is expected to be very low.

SECTION 7.10.2 Curbs and Berms – Hot Mix Asphalt Cape Cod Berm shall be provided the full length of all streets along each side of a permanent private way.

FINDINGS – The applicant has requested to NOT install any curbing along Sorrento Lane. This is due to the Fire Chief's request that the roadway be increased from 18' to 20' wide. There is no curbing on Fisher Street.

SECTION 7.21.1 Street Lights – It shall be the responsibility of the developer to install street lighting within the subdivision at the entrance to the subdivision, at all intersections within the subdivision, sharp turns or other areas where the Traffic Safety Officer deems they are needed for public safety.

FINDINGS – The applicant proposes to not install any street lights in the subdivision. The Police Department’s Traffic Safety Officer has not asked for them. The proposed street is very short (only 275’ in length) and straight, so the existing street lighting on Fisher Street should be sufficient for vehicles entering and exiting the subdivision. Instead, the applicant has agreed to install residential light poles at the end of each driveway near the street.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
3. The applicant has agreed to install residential light poles at the end of the driveway for each house lot on Sorrento Lane.
4. As agreed by the Applicant, the applicant shall install a solid 6’ high wood or PVC stockade face in the following location: a) approximately 98 linear feet along the northerly side of Parcel A starting at the point of curvature of the lot line, and b) assuming the adjacent property owner approves the work on their land, approximately 100 linear feet along the westerly side of the adjacent Masterson property starting at the corner of Parcel A and extending northerly. The fence shall be installed before the Board releases house lots from the Subdivision Covenant.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 11, 2015, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted Waiver Findings. The motion was approved by a vote of four in favor and none opposed.

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 11, 2015, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of four in favor and none opposed.

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 25, 2015, a motion was made by Matthew Hayes and seconded by Andy Rodenhiser to approve the above noted Mitigation Plan. The motion was passed by a by a vote of five in favor and zero opposed.

VI. 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 August 11, 2015 a motion was made by Robert Tucker and seconded by Matthew Hayes 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 – The Planning and Economic Development Board finds that the submission documents were complete and technically accurate.

- 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, as conditioned, the proposed street pattern within the new subdivision is safe and convenient, and extension is not feasible. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient.

- 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 road are adequate. Erosion controls will be in place during construction.

- 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 an Order of Conditions from the Conservation Commission. Stormwater management has been adequately addressed. There will be an increase of only three single-family houses to be constructed. 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. The Fire and Police departments were afforded an opportunity comment on the plans. The fact that no comments were received is taken as an acceptance of the plan as submitted.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law 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.

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.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 25, 2015, a motion was made by Thomas Gay and seconded by Matthew Hayes to approve ***The Haven Definitive Subdivision Plan***, prepared by Merrikin Engineering LLP dated November 4, 2003, last revised July 23, 2015 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 5.6.3 - Standards for Preparation of Definitive Subdivision Plan

SECTION 5.7.36 – Size of House Footprints

SECTION 7.7.2 e) Stormwater Management – Watershed Analysis.

SECTION 7.9.5 a) Grade

SECTION 7.10.1 Curbs and Berms

SECTION 7.10.2 Curbs and Berms

SECTION 7.21 Street Lights

The motion was approved by a vote of five in favor and zero opposed.

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 or were approved for remote meeting participation.

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

A. Specific Conditions

1. This subdivision is authorized for no more than three residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these three lots is allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the 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.
3. Prior to plan endorsement, the plans dated July 23, 2015 shall be further revised to include the following references:
 - The cover sheet shall include a final revision date.

- 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.
 - Addresses for the 3 new house lots
4. *Fence* - As agreed by the Applicant, the subdivision plan shall be revised prior to endorsement to depict the installation of a solid 6' high wood or PVC stockade fence in the following location: 1) approximately 98 linear feet along the northerly side of Parcel A starting at the point of curvature of the lot line, and 2) assuming the adjacent property owner approves the work on their land, approximately 100 linear feet along the westerly side of the adjacent Masterson property starting at the corner of Parcel A and extending northerly. The fence shall be installed before the Board releases house lots from the Subdivision Covenant.
 5. *Ownership of Sorrento Lane* – Sorrento Lane as depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established The Haven Homeowners Association to be comprised of the owners of Lots 1, 2 and 3 to own the roadway parcel. The Association shall ultimately be responsible for maintaining the private roadway parcel including but not limited to snowplowing and sanding. The Association shall also maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.
 6. *The Haven Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Haven Homeowners Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1, 2 & 3, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Sorrento Lane including but not limited to snowplowing and sanding and the stormwater management system. The document shall specify that the costs shall be divided equitably among the members.
 7. The Applicant shall specifically reserve to itself ownership of the fee in Sorrento Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and the drainage easements to The Haven Homeowners Association prior to the sale of the last lot.
 8. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. 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.
 9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing The Haven Subdivision* – The future owners of Lots 1, 2 and 3 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* to be executed and recorded with the definitive

subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. 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. Each deed shall clearly state that Sorrento Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to the definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing The Haven Subdivision*.
11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Sorrento Lane and all drainage easements shown on the plan to The Haven Homeowner's Association for review, comment, amendment and approval by Town Counsel.
12. *Parcel A Deed* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Parcel A to the abutting property owner at 15 Fisher Street for review, comments, amendment and approval by Town Counsel. The deed conveying Parcel A shall clearly state that the new owner of Parcel A has no ownership right in or responsibility for Sorrento Lane. Parcel A shall be conveyed to the abutting property owner before the Board releases house lots from the Subdivision Covenant.
13. *Document/Plan Recording* – Within thirty days of recording with the Norfolk County Registry of Deeds the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing The Haven subdivision*, and any articles of association establishing The Haven Homeowners Association, 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.
14. *Sidewalk Construction* – Section 7.13.3 of the *Subdivision Rules and Regulations* requires that an applicant provide sidewalks along the entire frontage of the subdivision parcel along existing Town ways. In instances where sidewalk construction is not feasible or practical, an applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount to be determined by the Board as advised by the Town's consulting engineer. In lieu of constructing approximately 79 linear feet of curbed sidewalk along the west side of Fisher Street along the frontage of Lot 1, the applicant agrees to provide funding to the Town of

Medway, within one year of plan endorsement, in an amount of \$ 4,746. This amount is based on an estimate dated August 6, 2015 by Tetra Tech, the Town's consulting engineer which is based on the most recent average statement price published by the Massachusetts Department of Transportation for sidewalk construction (based on 100' of a 5½' wide asphalt sidewalk, a 6½' grass strip, two concrete cement wheelchair ramps and berm), said funds to be used by the Town of Medway for sidewalk construction in the community.

15. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Sorrento Lane 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 Haven Homeowners Association.
16. *Real Estate Taxes* – Prior to any infrastructure or building construction activity on site, the Applicant shall pay all outstanding real estate taxes due the Town of Medway and shall provide proof of such payment to the Planning and Economic Development Board.

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.
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, 2 and 3 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 *Subdivision Rules and 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 *Subdivision Rules and Regulations*. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector. No release of Covenant will be authorized unless all items specified in Section 6.6.3 of the *Subdivision Rules and Regulations* are fully completed to the satisfaction of the Planning and Economic Development Board.

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.

Additionally, upon issuance of any “*Order of Conditions*” requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a Construction Observation 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. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection 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 plan has been reviewed and determined to be satisfactory for filing with the Town.
7. Within thirty days of plan endorsement, the Applicant shall provide the Town with a set of the approved endorsed plans in full size format. The Applicant shall also provide the approved plans 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.

8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, 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.
9. *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.
10. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. 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). 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.
11. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan 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.

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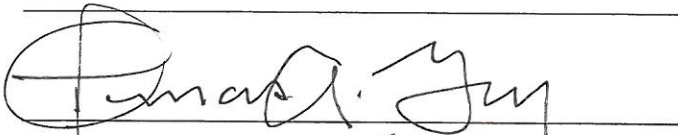

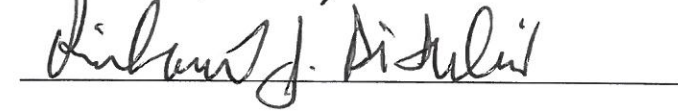
**THE HAVEN DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: August 25, 2015

AYE:

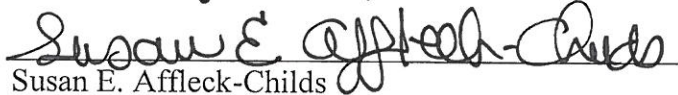


NAY:

Date Signed: August 25, 2015

Attest:


Susan E. Affleck-Childs
Planning and Economic Development Coordinator

August 25, 2015
Date

Copies To: Louis Cheschi, applicant
Dan Merrikin, Merrikin Engineering
Stephanie Bacon, Health Agent
David D'Amico, Public Services
Jack Mee, Building Commissioner
Thomas Holder, Public Services
Michael Boynton Town Administrator
Jeff Lynch, Fire Chief
Donna Greenwood, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Bridget Graziano, Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech

THE HAVEN A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

NOV. 4, 2003

LATEST REVISION: October 10, 2015

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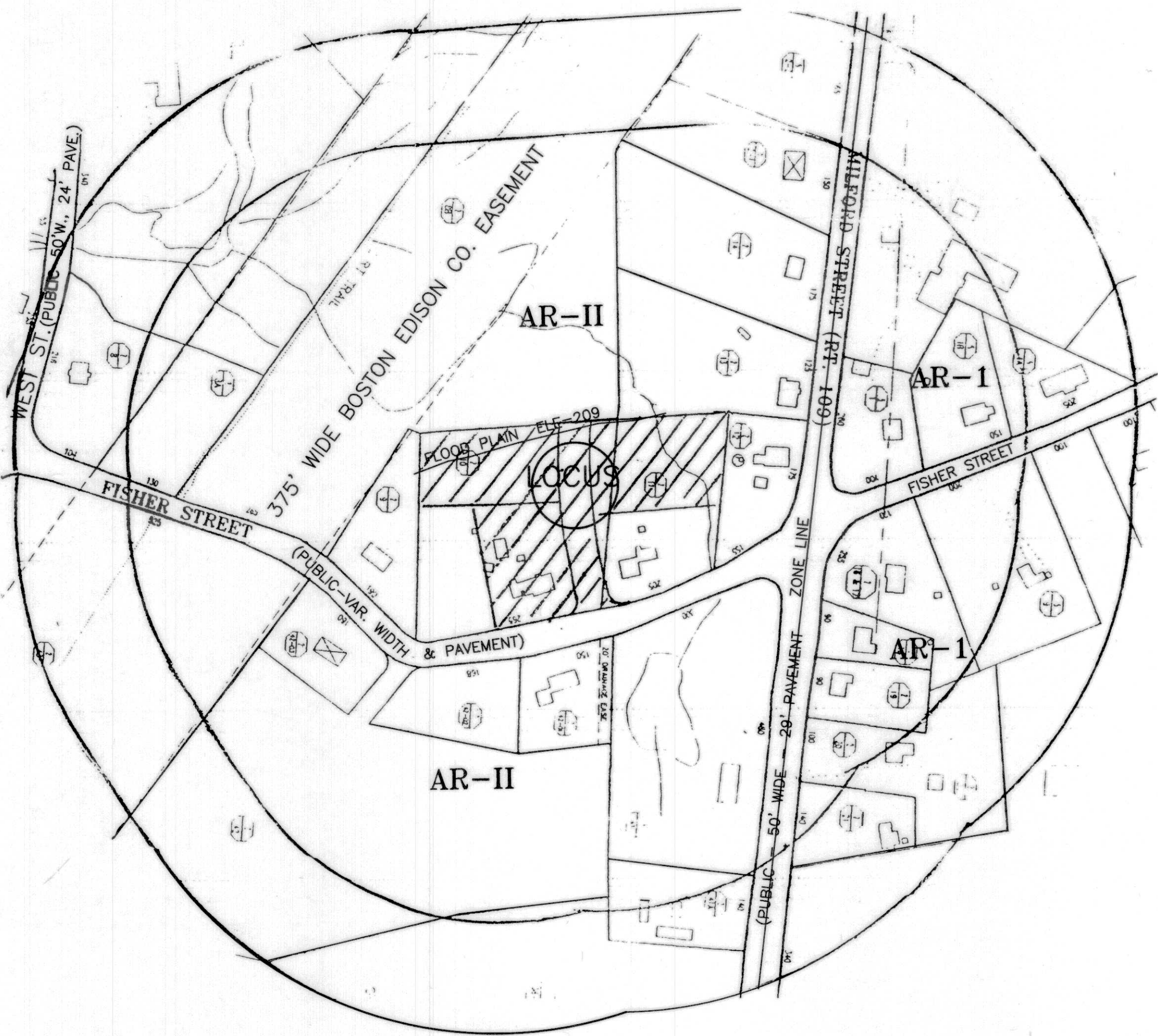
1. COVER SHEET
2. LEGEND
3. LAYOUT SHEET
4. EXISTING CONDITIONS SHEET
5. GRADING SHEET
6. EROSION & SEDIMENTATION PLAN
7. PROFILE SHEET
8. DETAIL SHEET
9. DETAIL SHEET
10. DETAIL SHEET

WAIVERS:

1. SECTION 5.6.3 - TO ALLOW USE OF NGVD 29 ELEVATION BASE IN LIEU OF NAVD 88.
2. SECTION 7.7.2.E - TO ALLOW REDUCED HOUSE FOOTPRINT SIZE IN DRAINAGE ANALYSIS AS NECESSARY.
3. SECTION 7.9.5 - TO ALLOW ROADWAY GRADE REDUCED TO 1% INSTEAD OF REQUIRED 2%.
4. SECTION 7.10.1 - TO ALLOW NO CURB OR BERM AT THE ROADWAY ENTRANCE AND THE CUL-DE-SAC ENTRANCE.
5. SECTION 7.10.2 - TO ALLOW NO CAPE COD BERM (EXCEPT WHERE NOTED) ALONG THE PERMANENT PRIVATE WAY.
6. SECTION 7.21 - TO ALLOW EXCLUSION OF STREET LIGHTING FROM PROPOSED DESIGN.

NOTE:

REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.



SCALE: 1" = 200'

PREPARED BY:
COLONIAL ENGINEERING
11 AWL STREET
MEDWAY, MA

MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054

PREPARED FOR:
LOUIS J. CHESCHI, JR.
9 HILLSIDE AVE.
MILFORD, MA 01757

For Registry Use

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheschi, Jr.
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheschi, Jr.
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II
ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

■ INDICATES BOUND TO BE SET
APPROVED AUGUST 25TH, 2015, WITH A CERTIFICATE OF ACTION, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY LOUIS J. CHESCHI, JR., TRUSTEE OF THE L & L REALTY TRUST, AND TO BE RECORDED HEREWITH.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: *Nov 7 2016*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015
DATE ENDORSED: *11-8-2016*

Paul J. Cheschi, Jr.
Paul J. Cheschi, Jr.
REGISTERED LAND SURVEYOR

PLANNING BOARD - TOWN OF MEDWAY

	EXISTING	PROPOSED
CONTOUR	---	---
DRAIN PIPE	---	---
CATCH BASIN	□	□
DRAIN MANHOLE	○	DMH ○
DRAIN FES	△	FES △
SEWER PIPE	---	---
SEWER MANHOLE	○	SMH ○
SEWER CLEANOUT	o	CO o
WATER PIPE	---	---
GATE VALVE	⊗	GV ⊗
HYDRANT	⊗	HYD ⊗
WATER CAP	⊗	⊗
GAS PIPE	---	---
GAS CAP	⊗	⊗
ELEC, TEL, CBL	---	---
UP	⊗	UP ⊗
LP	⊗	LP ⊗

AREA CALCULATIONS:

1. TOTAL AREA	107,345 S.F.
2. NUMBER OF LOTS	3
3. TOTAL AREA OF LOTS	86,425 S.F.
4. TOTAL ROAD AREA	19,620 S.F.
5. TOTAL AREA, PARCEL A	1,300 S.F.
6. TOTAL OF LINES 2-5	107,345 S.F.

PLAN REFERENCES:

1. PLAN OF LAND IN MEDWAY, MA DATED NOV. 6, 2002 BY DESIMONE & ASSOCIATES.
2. PLAN OF LAND IN MEDWAY, MA DATED JULY 1, 2002 BY DESIMONE & ASSOCIATES.

PARCEL A NOTE:

1. PARCEL A TO BE DEEDED TO WILLIAM T. MASTERSON WHEN THE SUBDIVISION PLAN IS APPROVED AND RECORDED. AN ACCESS AND UTILITY EASEMENT SHALL ALSO BE GRANTED TO WILLIAM T. MATERSON OVER THE PERMANENT PRIVATE WAY.

NOTE:

REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.

ZONING TABLE

1. ZONING DISTRICT	AR DISTRICT II
2. AREA REQUIREMENT	22,500 S.F. (SINGLE FAMILY) 30,000 S.F. (2 FAMILY)
3. STREET FRONTAGE	150'
4. FRONT SETBACK	35' FROM STREET
5. SIDE SETBACK	15' FROM SIDE LOT LINE
6. REAR SETBACK	15' FROM REAR LOT LINE

OPERATION & MAINTENANCE PLAN:

IN ORDER TO MAXIMIZE THE CONTINUED EFFECTIVENESS OF THE STORMWATER MANAGEMENT BMPs PROPOSED FOR THIS PROJECT, THE FOLLOWING OPERATION AND MAINTENANCE PLAN IS PROPOSED. THE OWNER OF THE SITE SHALL BE RESPONSIBLE FOR FOLLOWING THE OPERATION AND MAINTENANCE PLAN AND PERFORMING THE WORK.

DEEP SUMP CATCH BASINS:

1. DEEP SUMP CATCH BASINS SHALL BE INSPECTED, AND ALL SEDIMENTS AND DEBRIS REMOVED, FOUR TIMES PER YEAR UNLESS THE OWNER CAN DETERMINE THROUGH RECORDED OBSERVATIONS THAT SEDIMENT ACCUMULATION DOES NOT WARRANT SUCH FREQUENT CLEANINGS. IF DEEP SUMP CATCH BASIN CLEANING OCCURS LESS THAN FOUR TIMES PER YEAR, CLEANING SHALL OCCUR WHEN TWO FEET OF SEDIMENTS HAVE ACCUMULATED IN THE SUMP AND AT LEAST ONCE PER YEAR.
2. ALL SEDIMENTS AND HYDROCARBONS SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

STORMWATER PIPES, INLETS AND OUTFALLS:

1. ALL STORMWATER INLETS AND OUTFALLS SHALL BE INSPECTED TWICE PER YEAR.
2. TRASH, LEAVES, DEBRIS AND SEDIMENT SHALL BE REMOVED FROM INLETS AND OUTFALLS AS NEEDED TO KEEP THEM FREE FLOWING.
3. IF INSPECTIONS INDICATE THAT STORMWATER PIPELINES HAVE BECOME PARTIALLY OBSTRUCTED WITH TRASH, LEAVES, DEBRIS OR SEDIMENT, THE PIPELINES SHALL BE CLEANED BY WATER JET TRUCK AND THE OBSTRUCTIONS REMOVED AND DISPOSED OF.

DOWNSTREAM DEFENDER™

1. DOWNSTREAM DEFENDER™ UNITS SHALL BE INSPECTED TWICE PER YEAR. SEDIMENTS AND FLOATING DEBRIS AND PETROLEUM PRODUCTS SHALL BE REMOVED WITH A VACUUM TRUCK WHEN EITHER THE SEDIMENT DEPTH REACHES 8 INCHES OR THE FLOATING DEPTH OF PETROLEUM PRODUCTS AND DEBRIS REACHES 3 INCHES. SEDIMENT AND FLOATING DEBRIS REMOVAL SHALL OCCUR AT LEAST ONCE PER YEAR UNLESS THE OWNER CAN DEMONSTRATE THAT SEDIMENT/FLOATING DEBRIS ACCUMULATION DOES NOT ACHIEVE THE THRESHOLDS NOTED ABOVE WITHIN A TYPICAL YEAR.
2. ALL SEDIMENTS AND HYDROCARBONS SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

INFILTRATION TRENCH

1. PERFORM ALL PRETREATMENT BMP MAINTENANCE, STRUCTURAL AND NON-STRUCTURAL, AS REQUIRED HEREIN.
2. INSPECT BOTH THE INLET AND OUTLET MANHOLES TO THE INFILTRATION TRENCH AS WELL AS THE 8 INSPECTION PORTS AT LEAST TWICE PER YEAR APPROXIMATELY 2-4 DAYS AFTER A RAINFALL EVENT TO ENSURE THAT WATER IS NOT STILL IN THE TRENCH (AS IT SHOULD HAVE INFILTRATED INTO UNDERLYING SOILS BY THEN).
3. SHOULD THE INFILTRATION TRENCH ACCUMULATE SEDIMENTS AND FAIL TO INFILTRATE WATER SUFFICIENTLY, THE TRENCH SYSTEM SHALL BE EXCAVATED AND REPLACED IN ACCORDANCE WITH THE ORIGINAL DESIGN.

ROOF RUNOFF INFILTRATION SYSTEMS

1. EVERY LOT WITHIN THE ASSOCIATION IS REQUIRED TO HAVE AND MAINTAIN AN INDIVIDUAL ROOF RUNOFF SYSTEM ("ROOF SYSTEM").
2. ROOF SYSTEMS SHALL BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES BY EACH LOT OWNER.
3. GUTTERS AND DOWNSPOUTS SHALL BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES.
4. THE OPERATOR SHALL INSPECT THE ROOF SYSTEMS ONCE PER CALENDAR YEAR SHORTLY AFTER A SMALL RAINSTORM EVENT TO ENSURE PROPER OPERATION AND TO ENSURE THAT RUNOFF FROM THE ENTIRE ROOF AREA OF THE HOUSE IS DRAINING INTO THE ROOF SYSTEM.
5. ROOF SYSTEMS SHALL BE REPLACED/REPAIRED BY INDIVIDUAL LOT OWNERS AS NEEDED TO ENSURE THEIR CONTINUED OPERATION IN ACCORDANCE WITH THE SUBDIVISION PLAN AND STORMWATER REPORT.

GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION BY COLONIAL ENGINEERING.
2. PERIMETER SURVEY BY COLONIAL ENGINEERING.
3. WETLAND FLAGS BY MUNICIPAL ENGINEERING SERVICES, INC.
4. WETLAND FLAGS LOCATED BY COLONIAL ENGINEERING.
5. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS FROM THE TOWN OF MEDWAY AND OTHER SOURCES AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES, HYDRANTS, VALVE BOXES, ETC. EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE DEVELOPER SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
6. THE DEVELOPER SHALL RETAIN FEE INTEREST IN THE WORK WITHIN THE ROADWAY RIGHT-OF-WAY.
7. BOUNDARY MONUMENTS SHALL BE A STANDARD GRANITE OR REINFORCED CONCRETE MARKER OF NOT LESS THAN 3" IN LENGTH AND NOT LESS THAN 5" IN WIDTH AND BREADTH AND SHALL HAVE A 3/8" DRILL HOLE IN THE CENTER OF THE TOP SURFACE. IN ADDITION TO THE STANDARD PERMANENT ROADWAY MONUMENTS, EACH POINT WHERE THE LOT LINES INTERSECT THE STREET RIGHT OF WAY SHALL HAVE A 1" DIAMETER STEEL ROD 3' IN LENGTH INSTALLED WITH THE TOP FLUSH WITH THE FINAL GRADED SURFACE.

CONSTRUCTION NOTES:

1. THE DEVELOPER SHALL CONTACT DIGSAFE AT 1-800-322-4844 PRIOR TO ANY EXCAVATION ACTIVITIES.
2. THE DEVELOPER SHALL OBTAIN A STREET OPENING PERMIT PERMIT FROM THE TOWN OF MEDWAY, IF REQUIRED, PRIOR TO THE CONSTRUCTION OF THE STREET OPENING ON FISHER STREET.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED STREET NAME SIGNS AND STOP SIGNS IN ACCORDANCE WITH MEDWAY DPS STANDARD REQUIREMENTS.
4. DETAILS HAVE BEEN PROVIDED ON THE LAST SHEETS OF THIS PLAN SETS. MOST OF THE DETAILS INCLUDED THEREIN ARE INTENDED TO MATCH THE TOWN OF MEDWAY DEPARTMENT OF PUBLIC WORKS TYPICAL DETAILS FOR ROADWAY, DRAINAGE, WATER MAIN, AND SEWERAGE CONSTRUCTION. WHERE THE STANDARD DETAILS INCLUDED HEREIN DIFFER FROM THE TOWN OF MEDWAY'S STANDARD DETAILS, THE TOWN OF MEDWAY'S STANDARD DETAILS SHALL PREVAIL UNLESS OTHERWISE AGREED BY THE ENGINEERING DEPARTMENT.
5. WHERE SPECIFIED, CURBS SHALL BE BITUMINOUS CONCRETE MODIFIED CAPE COD BERMS IN CONFORMANCE WITH TOWN OF MEDWAY STANDARDS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL UNDERGROUND ELECTRICAL, TELEPHONE, AND CABLE DISTRIBUTION SYSTEMS WITHIN THE ROADWAY RIGHT-OF-WAY. DESIGN SHALL INCLUDE THE APPROPRIATE CONDUIT RUNS AND JUNCTION BOX LOCATIONS.
7. ELEVATION DATUM IS NGVD 1929.
8. DECIDUOUS STREET TREES SHALL BE PLANTED AS SHOWN ON THE PROFILE SHEET. STREET TREES SHALL BE LOCATED ON THE LOTS AT LEAST SIX FEET (6') FROM THE ROADWAY LAYOUT. AT LEAST THREE (3) TREES ARE TO BE LOCATED ON EACH LOT AT APPROX. 40' INTERVALS AND SHALL BE PLANTED NO MORE THAN 20' FROM THE RIGHT OF WAY LINE.
9. TREES SHALL BE AT LEAST 12' IN HEIGHT, 2.5" IN CALIPER MEASURED 4' ABOVE THE APPROVED GRADE AND SHALL BE PLANTED IN AT LEAST ONE CUBIC YARD OF TOPSOIL. TREES SHALL BE AN ALTERNATING MIX OF THE FOLLOWING SPECIES: SHADEMASTER; HONEY AND SKYLINE LOCUST; SUGAR MAPLE; WHITE, SCARLET, PIN AND NORTHERN RED OAK; BRADFORD AND ARISTOCRAT PEARS; LONDON PLANETREE; OR OTHER SPECIES APPROVED IN ADVANCE BY THE TREE WARDEN.
10. NATIVE PLANT SPECIES SHALL BE PLANTED WITHIN THE 100' WETLAND BUFFER ZONE, WHERE GRASS IS NOT PROPOSED.
11. THE CONTRACTOR MUST FIELD LOCATE ALL UTILITIES PRIOR TO BACKFILLING IN ORDER THAT UNDERGROUND UTILITIES MAY BE ACCURATELY REPRESENTED ON AS-BUILT PLANS.
12. NO DWELLING WILL BE CONSTRUCTED ON ANY LOT WITHOUT FIRST SECURING FROM THE BOARD OF HEALTH THE DISPOSAL WORKS CONSTRUCTION PERMIT REQUIRED BY TITLE V OF THE STATE ENVIRONMENTAL CODE.
13. SUBDIVISION CONSTRUCTION SHALL COMPLY WITH ADA/AAB HANDICAPPED ACCESSIBILITY STANDARDS.
14. PLUMBERS AND DRAIN LAYERS OF ESTABLISHED REPUTATION AND EXPERIENCE WILL BE LICENSED BY THE BOARD AS DRAIN LAYERS AUTHORIZED TO PERFORM WORK.
15. THE WATER INSTALLER SHALL COORDINATE WITH THE MEDWAY DEPARTMENT OF PUBLIC SERVICES PRIOR TO START OF WORK. TRENCHING UNDER EXISTING ASPHALT IN THE RIGHT-OF-WAY WILL REQUIRE CONTROLLED DENSITY FILL AS BACKFILL MATERIAL.

For Registry Use

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Desimone
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Desimone
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041
AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

■ INDICATES BOUND TO BE SET

APPROVED AUGUST 25TH, 2015, WITH A CERTIFICATE OF ACTION, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY LOUIS J. CHESCHI JR., TRUSTEE OF THE L & L REALTY TRUST, AND TO BE RECORDED HEREMITH.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: *Nov 7 2016*
Mary Sorbuto
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11-8-2016*

Paul J. Desimone
William J. Desimone

PLANNING BOARD - TOWN OF MEDWAY

LEGEND
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA
MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054

DATE: NOV. 4, 2003

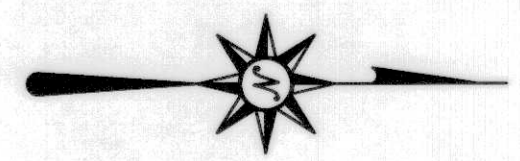
REVISION	DATE	BY
PLANNING BOARD COMMENTS	11/29/04	R.F.M.
PLANNING BOARD COMMENTS	12/23/04	R.F.M.
PLANNING BOARD COMMENTS	1/21/05	R.F.M.
PLANNING BOARD DECISION	10/7/05	R.F.M.
2015 RESUBMISSION	3/25/15	D.J.M.
REVISIONS PER TOWN COMMENTS	7/8/15	D.J.M.
WETLAND FLAGS TO SHEETS 5 & 6	7/23/15	D.J.M.
REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.M.



Scale 1" = 40 ft

560-01

SHEET 2 OF 10



NOTES:

1. REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.

For Registry Use



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Desjardins
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Desjardins
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
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MILFORD, MA

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I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

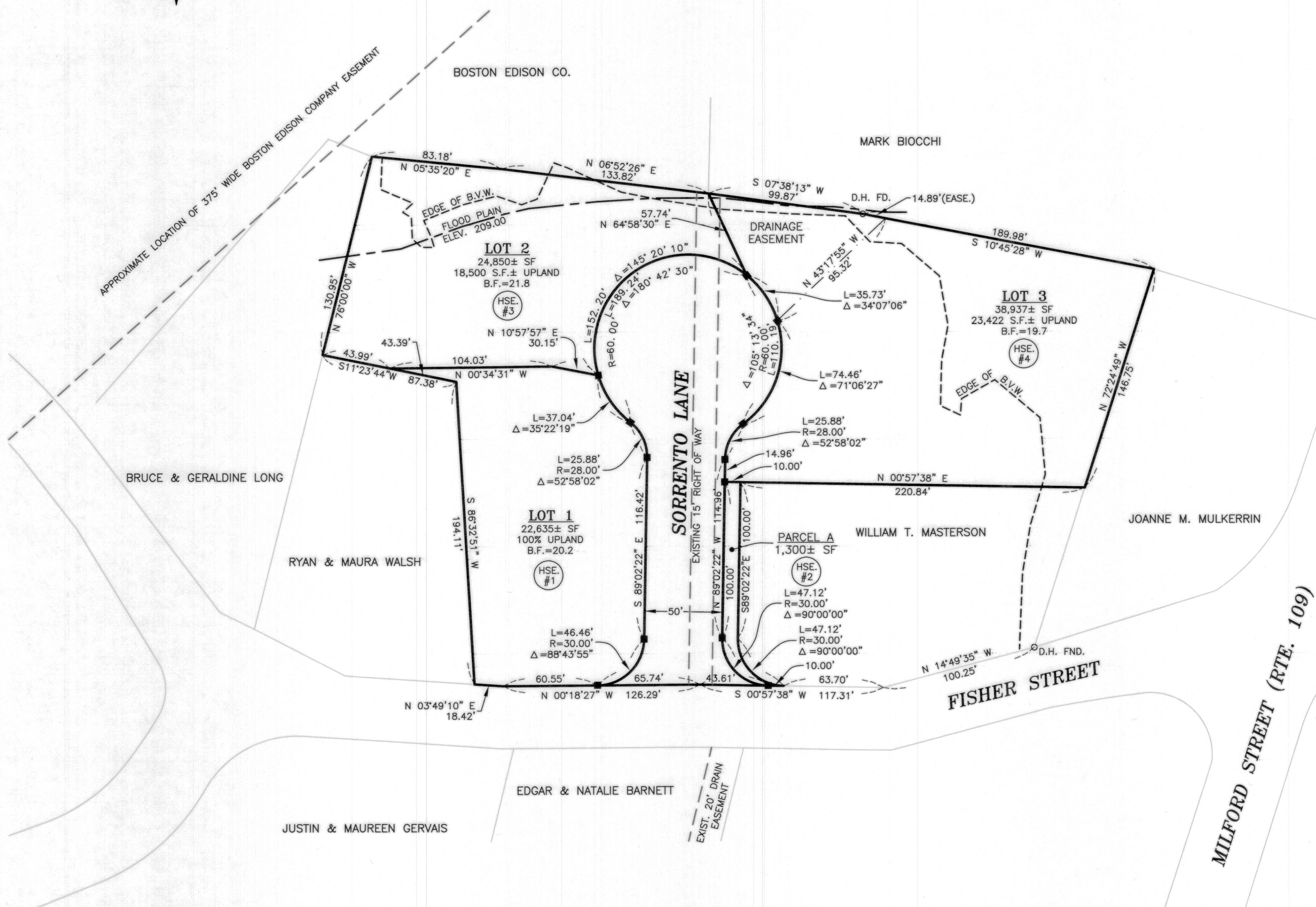
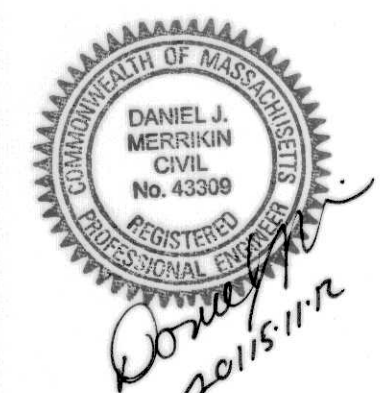
DATE: *Nov 7, 2016*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENFORCED: *11-8-2016*

D. J. Merrigan
William J. Distefano

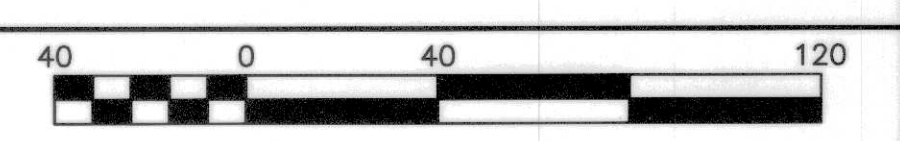
PLANNING BOARD - TOWN OF MEDWAY



LAYOUT
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA
MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054

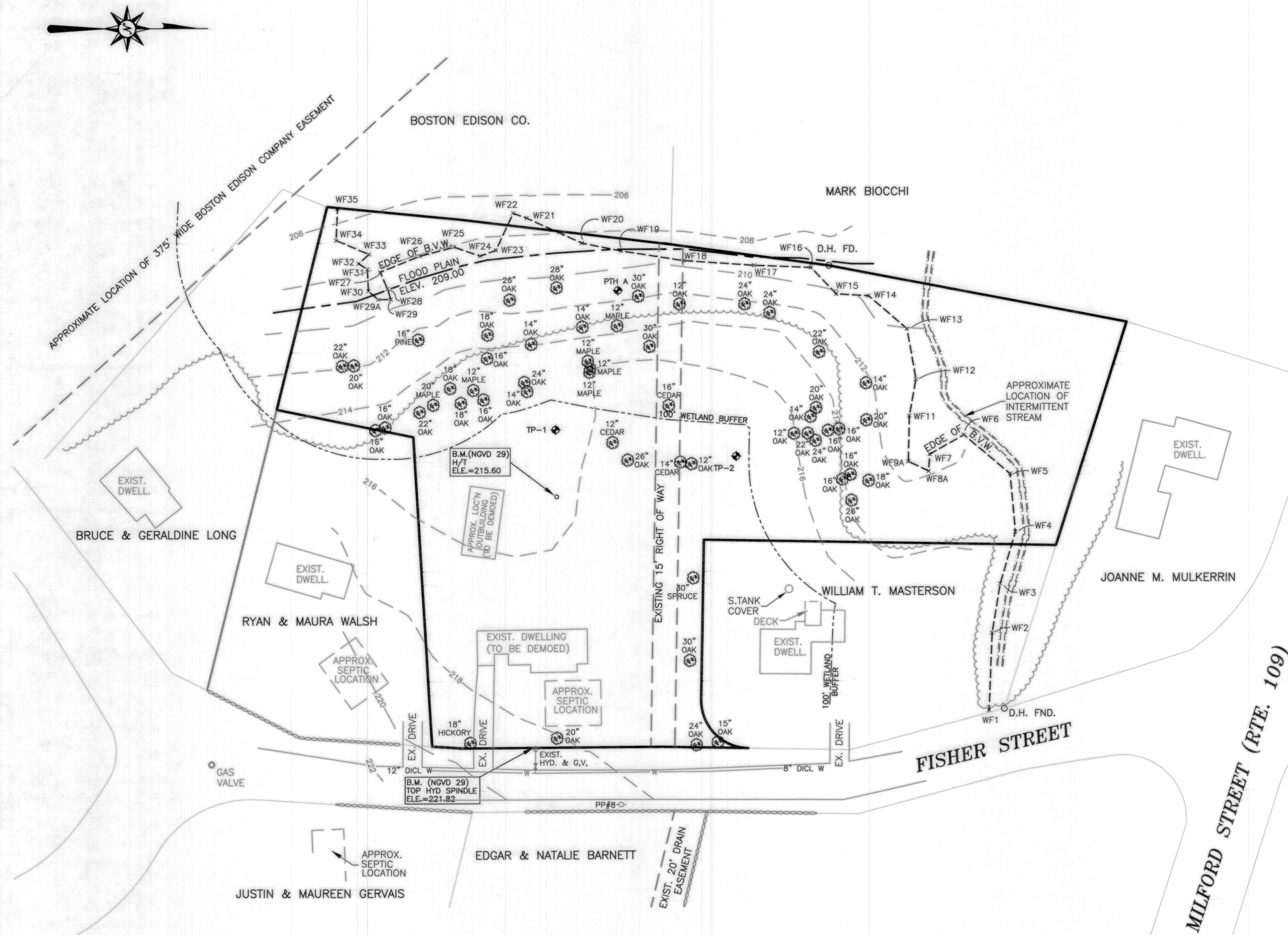
DATE: NOV. 4, 2003

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Scale 1" = 40 ft

560-01 SHEET 3 OF 10



- NOTE:
1. REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.
 2. NGVD29 DATUM



For Registry Use

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheshire
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheshire
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

INDICATES BOUND TO BE SET

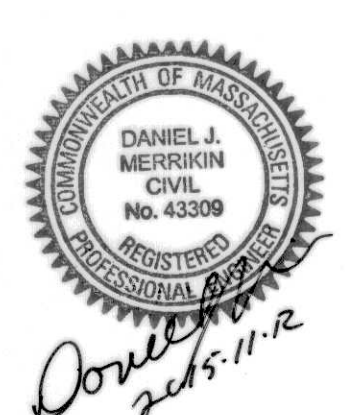
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I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: *Nov 9, 2016*
Mayor White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

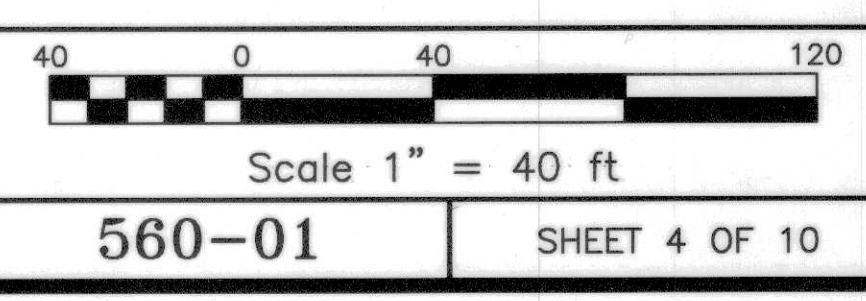
DATE ENFORCED: *11-18-2016*
Robert J. Desantis
PLANNING BOARD - TOWN OF MEDWAY

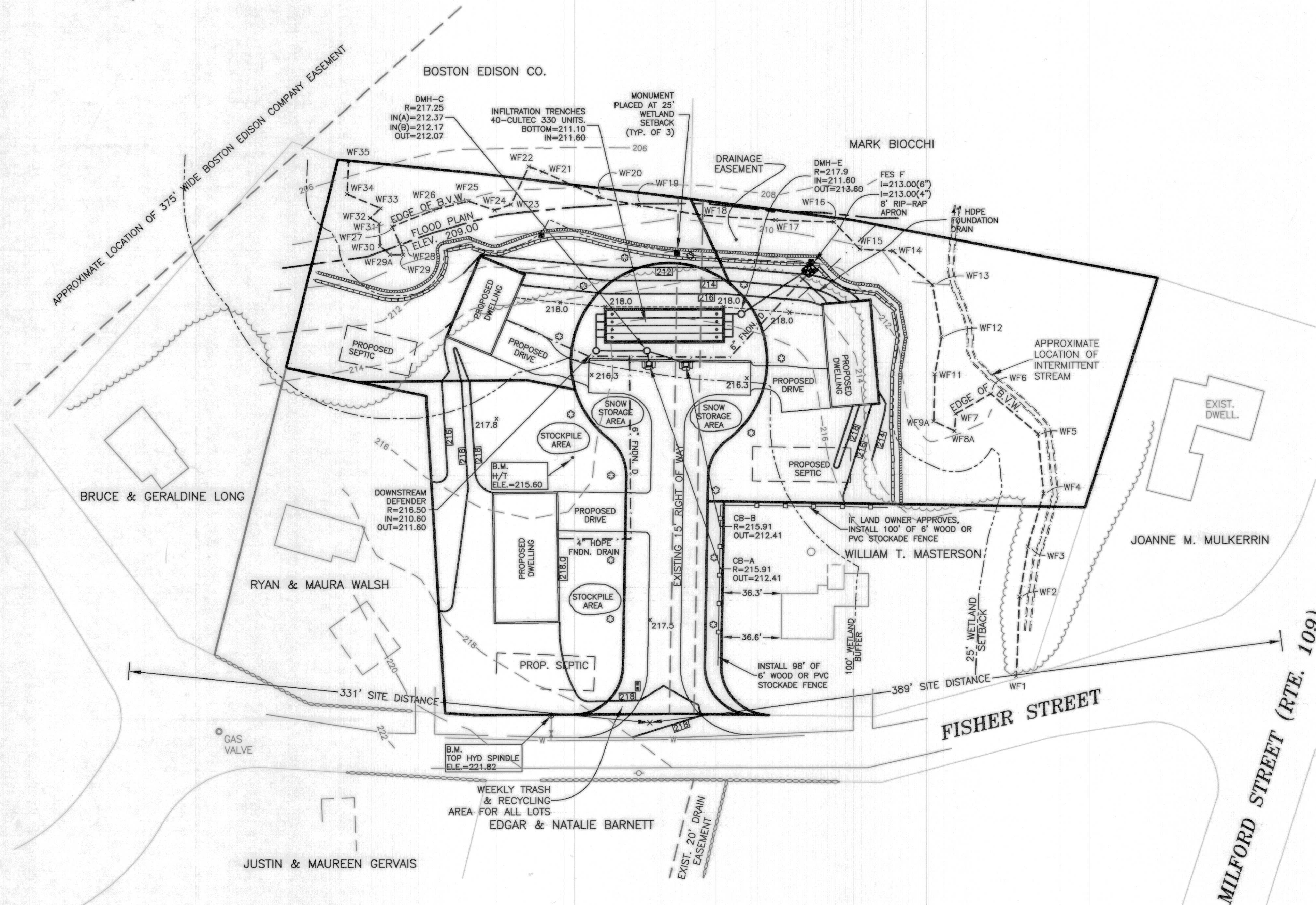


**EXISTING CONDITIONS
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA
MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054**

DATE: NOV. 4, 2003

REVISION	DATE	BY
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PLANNING BOARD COMMENTS	12/23/04	R.F.M.
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REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.M.





NOTES:

1. REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.
2. REFER TO PROFILE SHEET FOR PROPOSED PLANTINGS IN CUL-DE-SAC LAYOUT.
3. CONTRACTOR SHALL COORDINATE WITH THE MEDWAY DPS PRIOR TO SIGNAGE INSTALLATION TO ENSURE CONFORMANCE WITH POST AND SIGN STYLE REQUIREMENTS.
4. SNOW SHALL BE STOCKPILED OUTSIDE THE BUFFER ZONE WHERE SHOWN. DO NOT STOCKPILE SNOW OVER STORMWATER SYSTEMS.
5. NGVD 29 DATUM

DRAINAGE NOTES

1. FOUNDATION DRAINS SHALL BE 6" HDPE, AND SHALL HAVE A SLOPE OF AT LEAST 1% AT ELEVATIONS SUITABLE TO DRAIN HOUSE FOUNDATION DRAINS.
2. ALL PIPING FROM CATCH BASINS TO DMH-C SHALL BE 12" RCP CLASS IV.
3. PIPING FROM DMH-C TO DOWNSTREAM DEFENDER SHALL BE 12" RCP CLASS IV.
4. PIPING FROM DOWNSTREAM DEFENDER TO INFILTRATION TRENCH SHALL BE 12" HDPE AT S=0.00.
5. PIPING FROM INFILTRATION TRENCH TO DMH-E SHALL BE 12" HDPE AT S=0.00.
6. PIPING FROM DMH-E TO HW-F SHALL BE 6" HDPE.
7. ASSUMED IMPERVIOUS AREA PER LOT (SUBJECT TO CHANGE ONCE INDIVIDUAL LOT DEVELOPMENT AND BUILDING CONSTRUCTION PLANS ARE PREPARED):
 - 7.1. LOT 1 - 4,200 SF
 - 7.2. LOT 2 - 3,600 SF
 - 7.3. LOT 3 - 3,600 SF

GRADING NOTES:

1. LIMIT OF CLEARING SHALL BE THE PROPOSED STRAWBALE LINE.
2. EQUIPMENT AND MATERIAL STOCKPILE AREAS SHALL BE LIMITED TO LOT 1, OUTSIDE THE 100' WETLAND BUFFER ZONE.

For Registry Use

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Delmonico
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Delmonico
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

■ INDICATES BOUND TO BE SET

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I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: *Nov 7 2015*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11-8-2015*

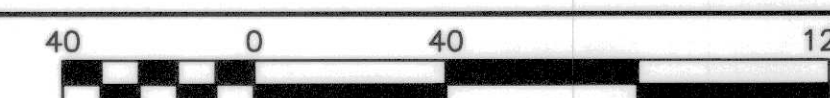
Paul J. Delmonico
Paul J. Delmonico
2015-11-2

PLANNING BOARD - TOWN OF MEDWAY

**GRADING SHEET
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA
MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054**

DATE: NOV. 4, 2003

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PLANNING BOARD COMMENTS	12/23/04	R.F.M.
PLANNING BOARD COMMENTS	1/21/05	R.F.M.
PLANNING BOARD DECISION	10/7/05	R.F.M.
2015 RESUBMISSION	3/25/15	D.J.M.
REVISIONS PER TOWN COMMENTS	7/8/15	D.J.M.
WETLAND FLAGS TO SHEETS 5 & 6	7/23/15	D.J.M.
REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.M.



Scale 1" = 40 ft

560-01

SHEET 5 OF 10

NOTES:

1. REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.
2. LIMIT OF CLEARING SHALL BE THE PROPOSED STRAWBALE LINE.
3. NGVD29 DATUM

EROSION CONTROL NOTES:

1. EROSION CONTROLS SHALL BE INSTALLED PRIOR TO ANY EARTHWORK ON THE SITE.
2. EROSION CONTROLS (INCLUDING SILT SACS) SHALL BE INSPECTED DAILY BY THE SITE CONTRACTOR AND MAINTAINED/REPLACED AS NEEDED.
3. SOIL STOCKPILES LEFT FOR MORE THAN ONE DAY SHALL BE SURROUNDED WITH SILT FENCE AND COVERED.
4. EXISTING AND NEWLY CONSTRUCTED STORMWATER SYSTEMS SHALL BE PROTECTED THROUGHOUT CONSTRUCTION. CATCH BASINS SHALL BE PROTECTED IN ACCORDANCE WITH THE DETAILS ON THIS PLAN. RUNOFF SHALL NOT BE ALLOWED TO PASS INTO THE STORMWATER INFILTRATION SYSTEM UNTIL THE PRETREATMENT DEVICES ARE CONSTRUCTED AND FULLY OPERATIONAL.

For Registry Use

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Delmonico
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Delmonico
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
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DATE: *Nov 7, 2016*
Maya White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11-8-2016*

Paul J. Delmonico
Ronald J. DiStasio

PLANNING BOARD - TOWN OF MEDWAY

EROSION CONTROL THE HAVEN

DEFINITIVE SUBDIVISION PLAN OF LAND IN MEDWAY, MA

COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA

MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054

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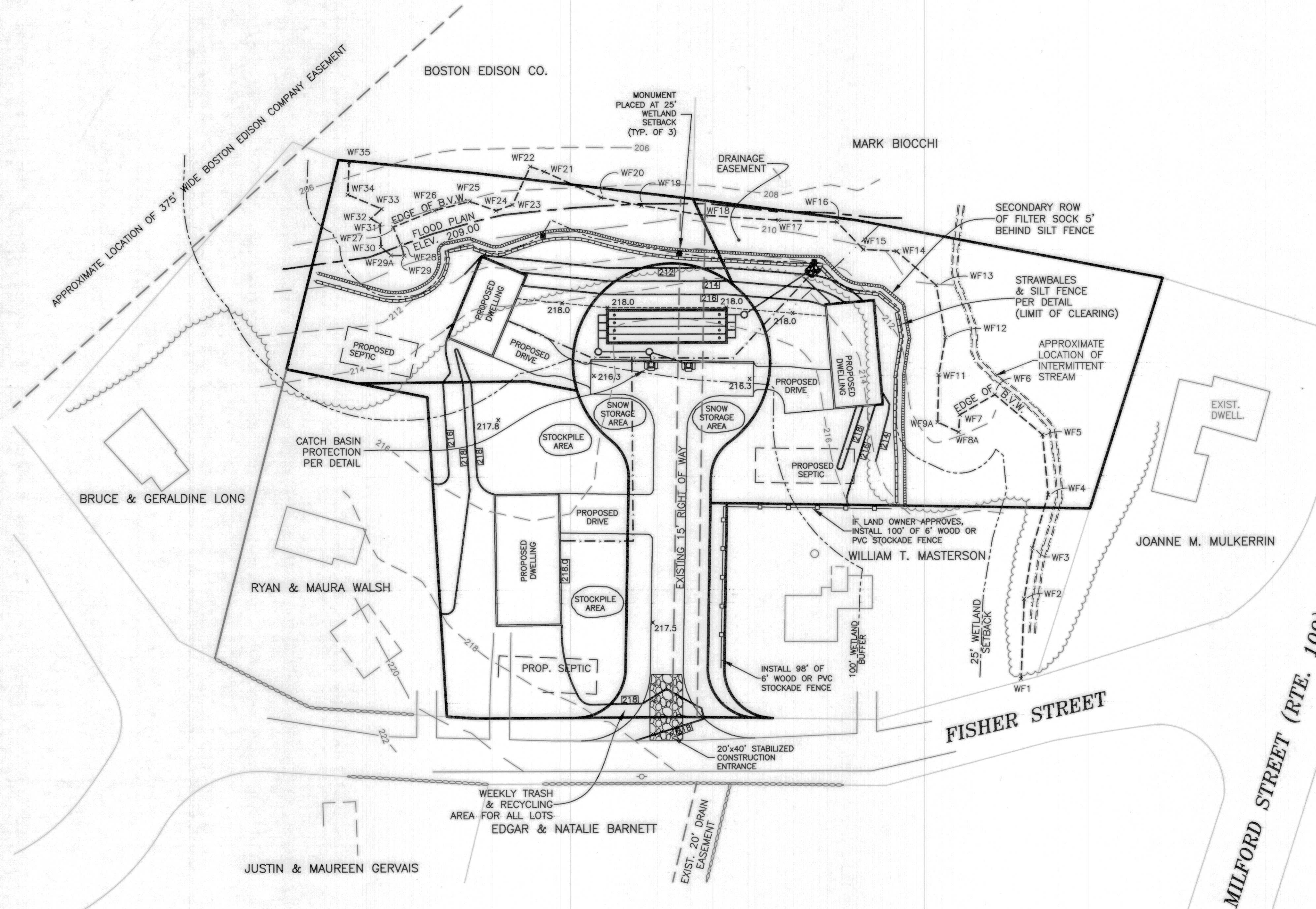
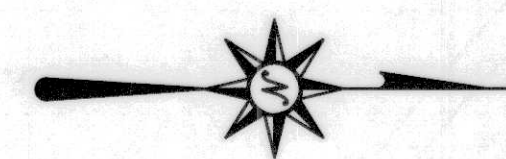
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REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.M.

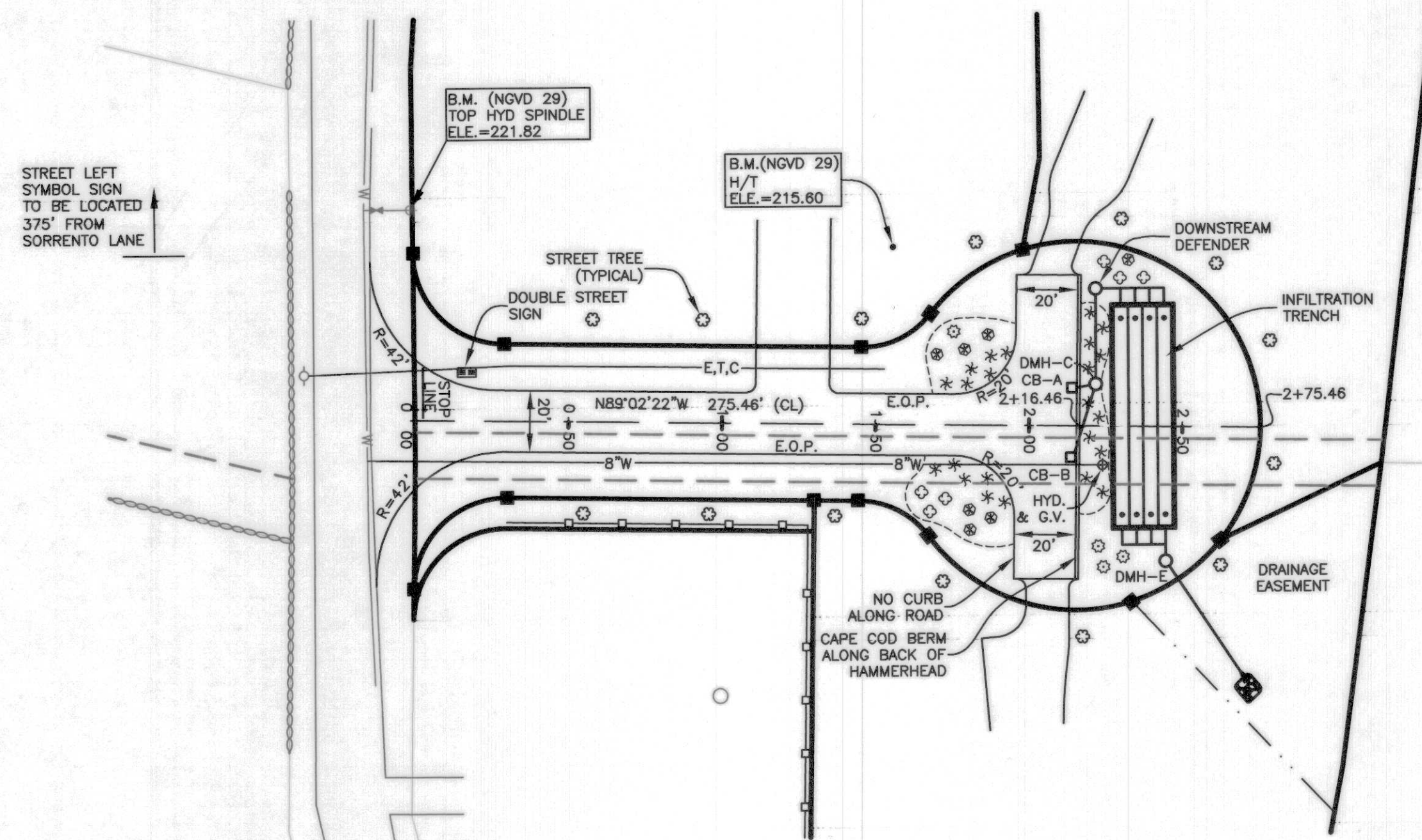


Scale 1" = 40 ft

560-01

SHEET 6 OF 10

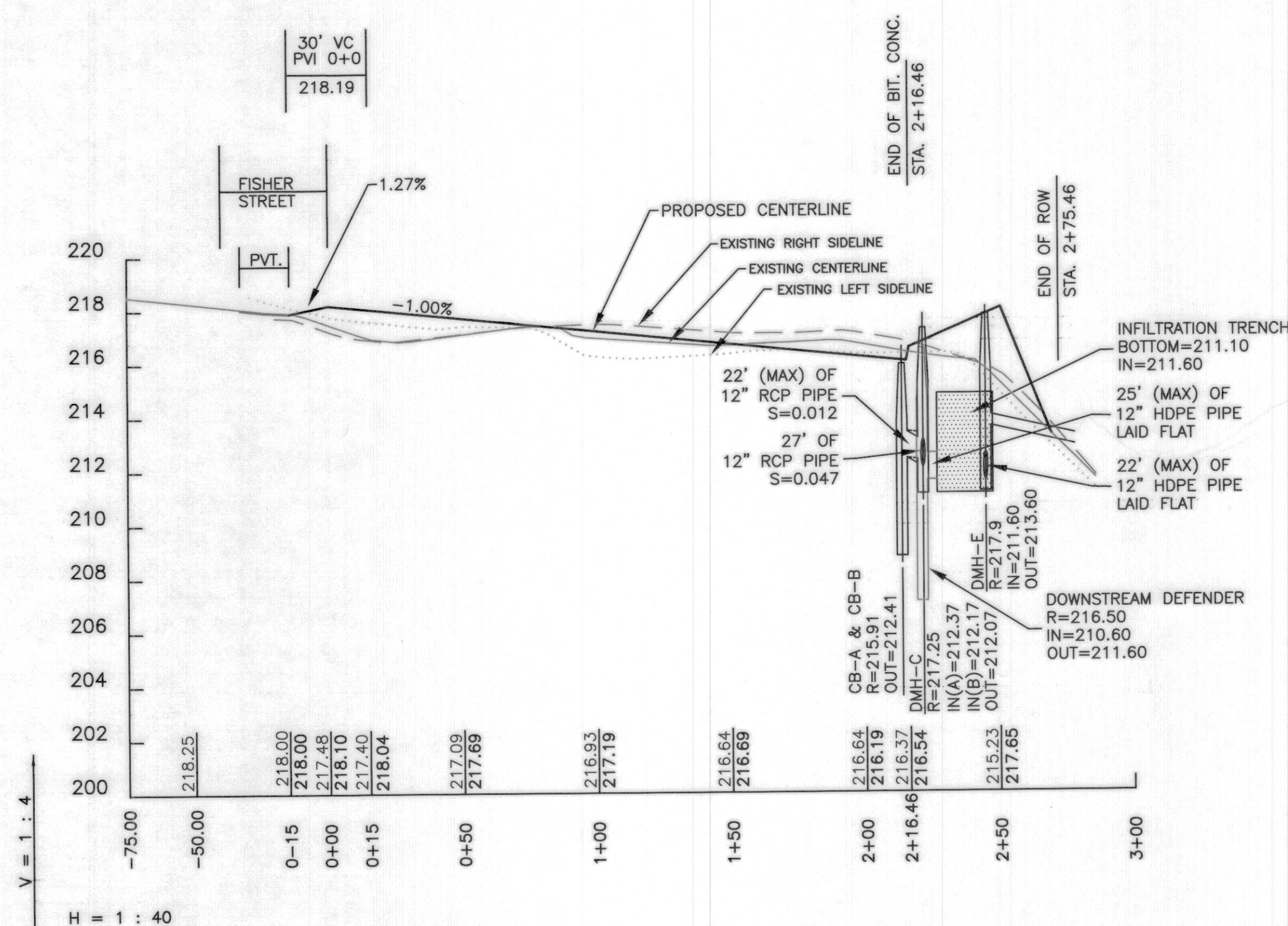




SORRENTO LANE — PLAN VIEW
SCALE" 1" = 40'

NOTE:

1. CONTRACTOR SHALL INSTALL ONE (1) ADDITIONAL 4-INCH CONDUIT IN THE SAME TRENCH AS TELEPHONE, ELECTRIC AND CABLE CONDUIT FOR FUTURE USE BY TOWN OF MEDWAY.



SORRENTO LANE — PROFILE
SCALE: 1" = 40' HORIZ.
1" = 4' VERT.

LANDSCAPING LEGEND:

- ⊙ LITTLE PRINCESS SPIREA, 18"-24"
- * SOLOMON'S SEAL (POLYGONATUM PUBESCENS) 1 GAL.
- ⊗ PJM RHODODENDRON, 18"-24"
- ⊙ BLUE MAID HOLLY (ILEX M. BLUE MAID) 2.5-3.5'

PLANTING NOTE:

SHRUBS SHALL BE INSTALLED IN AT LEAST THE SAME QUANTITIES AS SHOWN. SHRUB SPECIES SUBSTITUTION IS ALLOWED, DEPENDING ON NURSERY AVAILABILITY.

STREET TREES:

STREET TREES SHALL MEET THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS AND SHALL BE A MINIMUM OF 12' IN HEIGHT AND 2.5" CALIPER AT TIME OF INSTALLATION. SPECIES SHALL BE A COMBINATION OF AT LEAST THREE OF THE SPECIES PERMITTED IN THE SUBDIVISION REGULATIONS.

NOTE:

REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.

For Registry Use



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheschi
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Paul J. Cheschi
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

■ INDICATES BOUND TO BE SET

APPROVED AUGUST 25TH, 2015, WITH A CERTIFICATE OF ACTION, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY LOUIS J. CHESCHI JR., TRUSTEE OF THE L & L REALTY TRUST, AND TO BE RECORDED HEREWITH.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: *Nov 7 2015*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11-8-2016*



Daniel J. Merrikin
REGISTERED PROFESSIONAL ENGINEER

PLANNING BOARD — TOWN OF MEDWAY

**PROFILE
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA
MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054**

DATE: NOV. 4, 2003

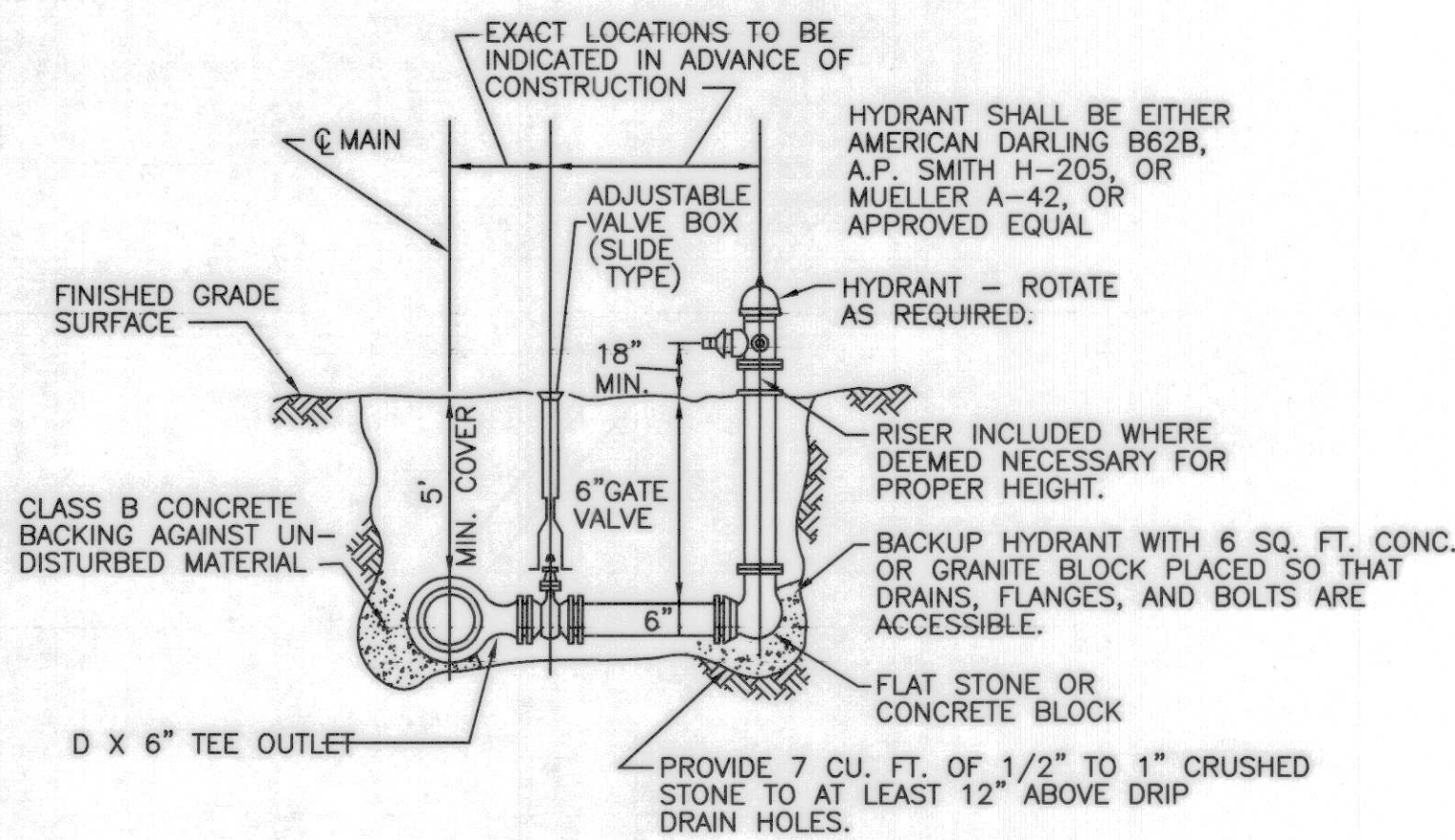
REVISION	DATE	BY
PLANNING BOARD COMMENTS	11/29/04	R.F.M.
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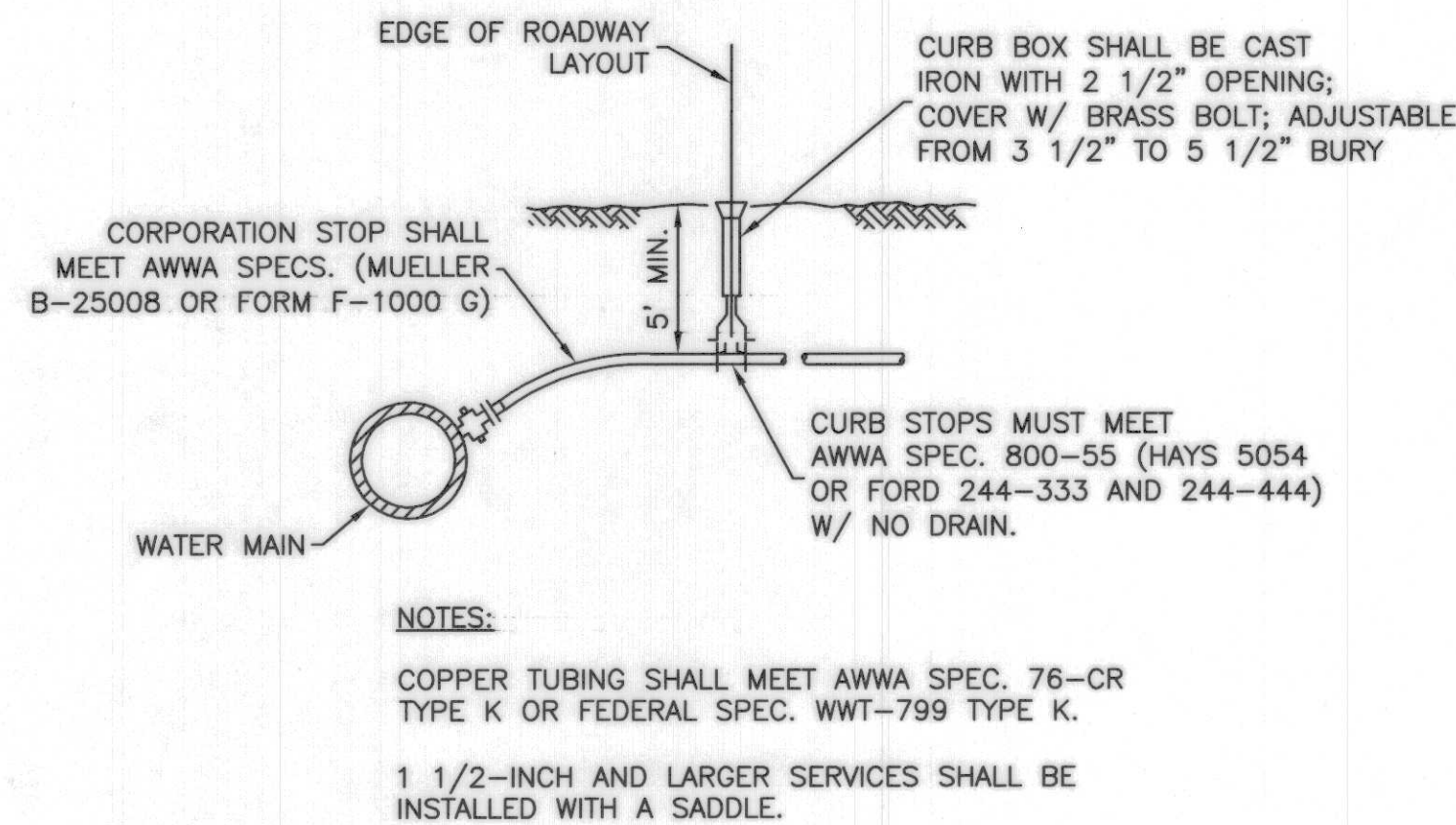
Scale 1" = 40 ft

560-01

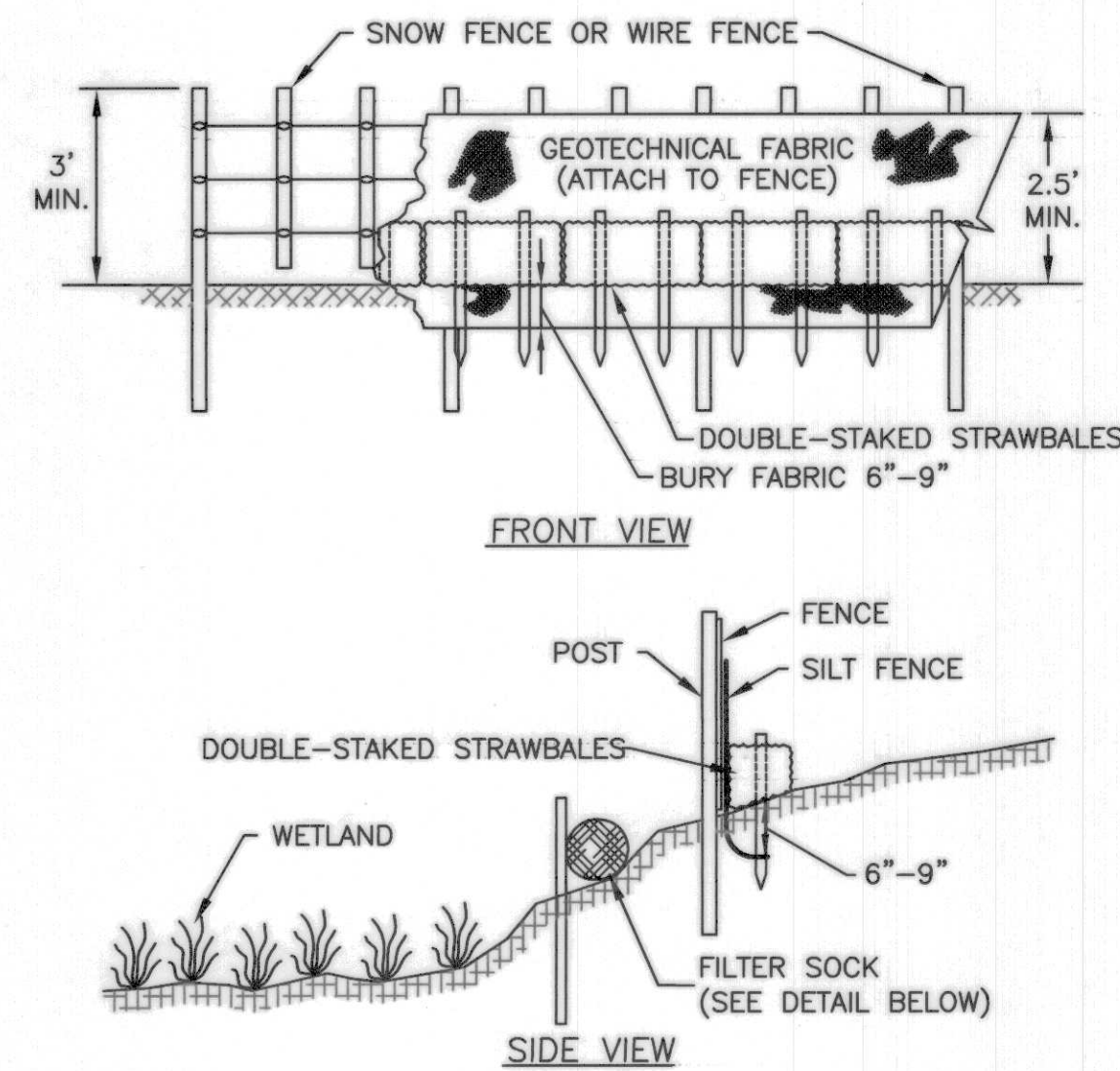
SHEET 7 OF 10



TYPICAL HYDRANT ASSEMBLY DETAIL
NOT TO SCALE

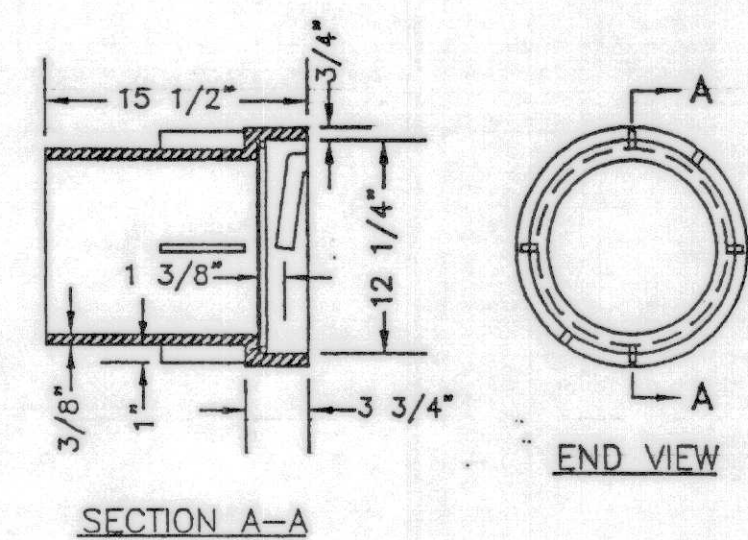


TYPICAL SERVICE CONNECTION
NOT TO SCALE

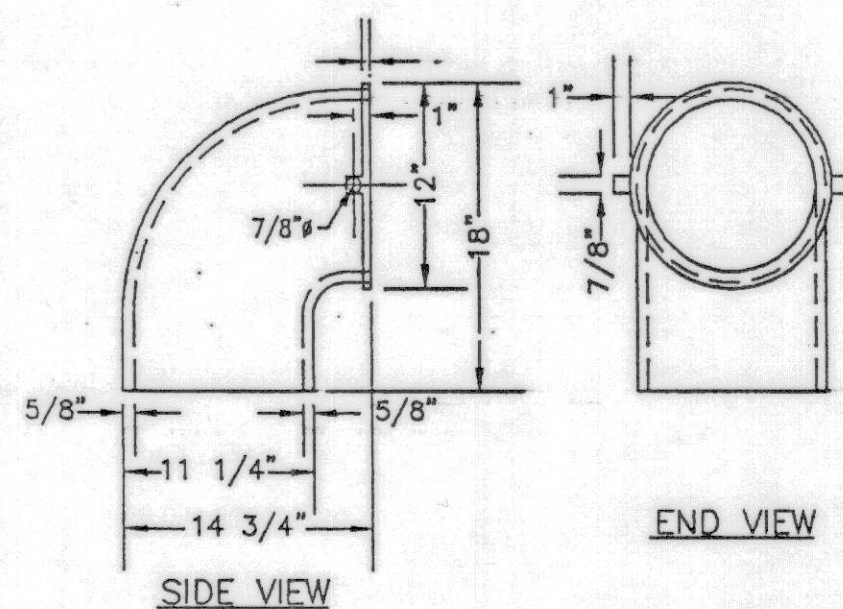


NOTE: FILTER SOCK TO BE CONSTRUCTED OF A NON-BIODEGRADABLE SOCK SHELL FILLED WITH FILTER MEDIA (BIODEGRADABLE OR OTHERWISE). FILTER SOCKS CAN BE FILLED ON-SITE OR PRE-FILLED. IF PRE-FILLED, JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET.

SILT FENCE & STRAWBALES DETAIL
NOT TO SCALE

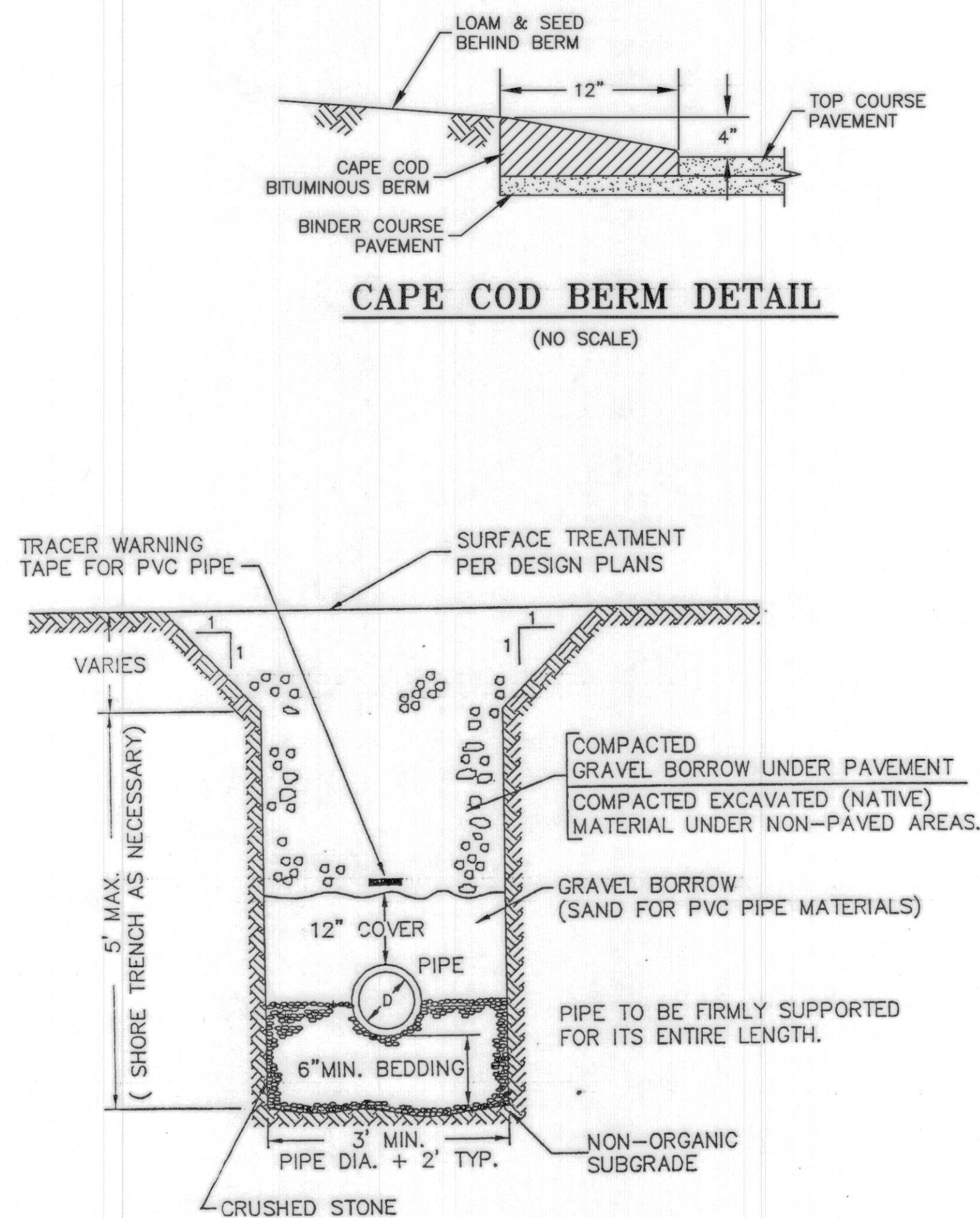


COLLAR

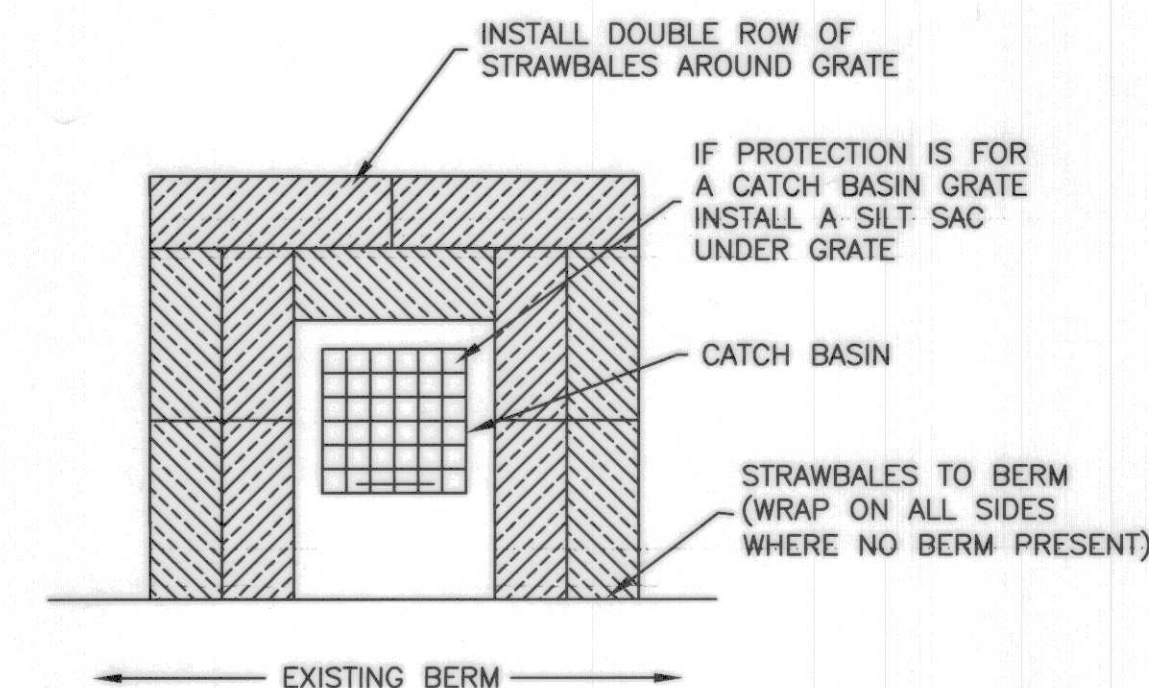


ELBOW

OIL & GREASE TRAP DETAIL (typ.)
E.L. LEBARON OR EQUAL
NOT TO SCALE



UTILITY TRENCH DETAIL (typ.)
NOT TO SCALE



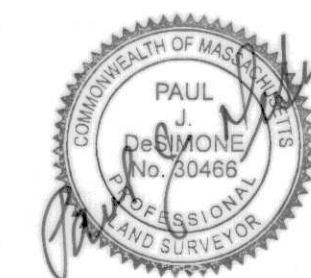
CATCH BASIN PROTECTION DETAIL
NOT TO SCALE

NOTE:

REFERENCE IS MADE TO THE "DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS AND PRIVATE ROADWAY MAINTENANCE AGREEMENT GOVERNING THE HAVEN" WHICH IS PART OF THE APPROVAL OF THIS SUBDIVISION.

DATE: NOV. 4, 2003

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For Registry Use
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Paul J. Delmonico
REGISTERED LAND SURVEYOR

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.
Paul J. Delmonico
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II
ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

OWNER: LOUIS J. CHESCHI, JR.
L & L REALTY TRUST
9 HILLSIDE AVE.
MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
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DATE: *Nov 7 2016*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11/28-2016*

Anthony J. DiStefano
2015-11-28

PLANNING BOARD - TOWN OF MEDWAY

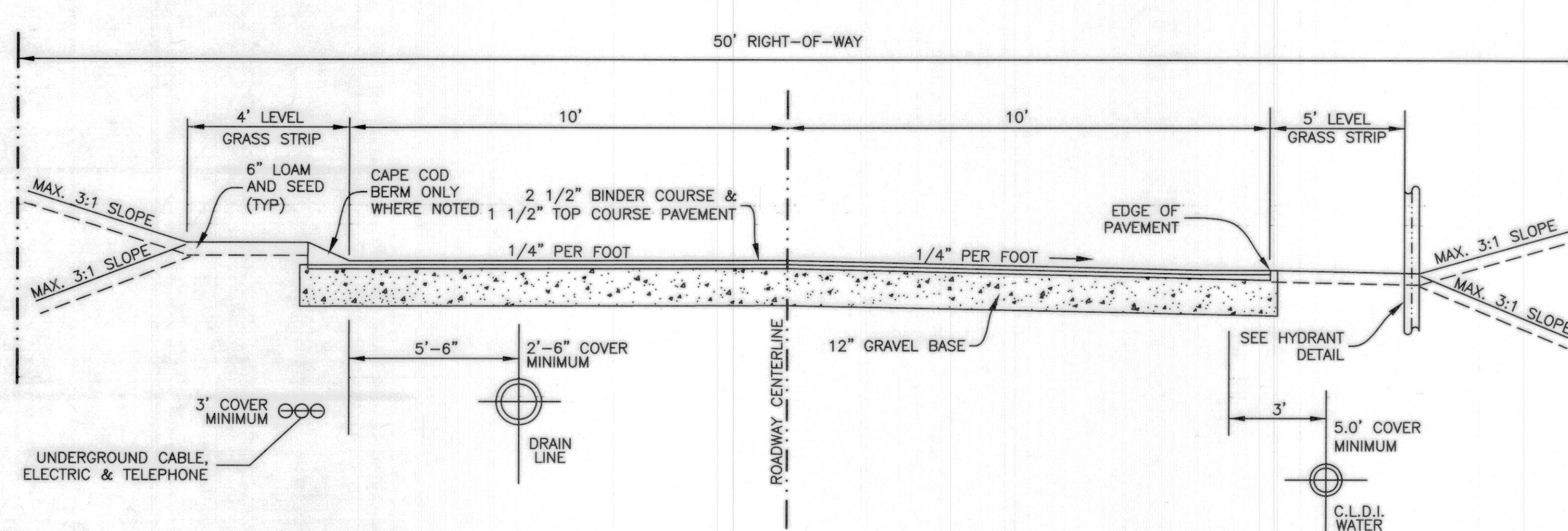
**DETAILS
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CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054**



Not to Scale

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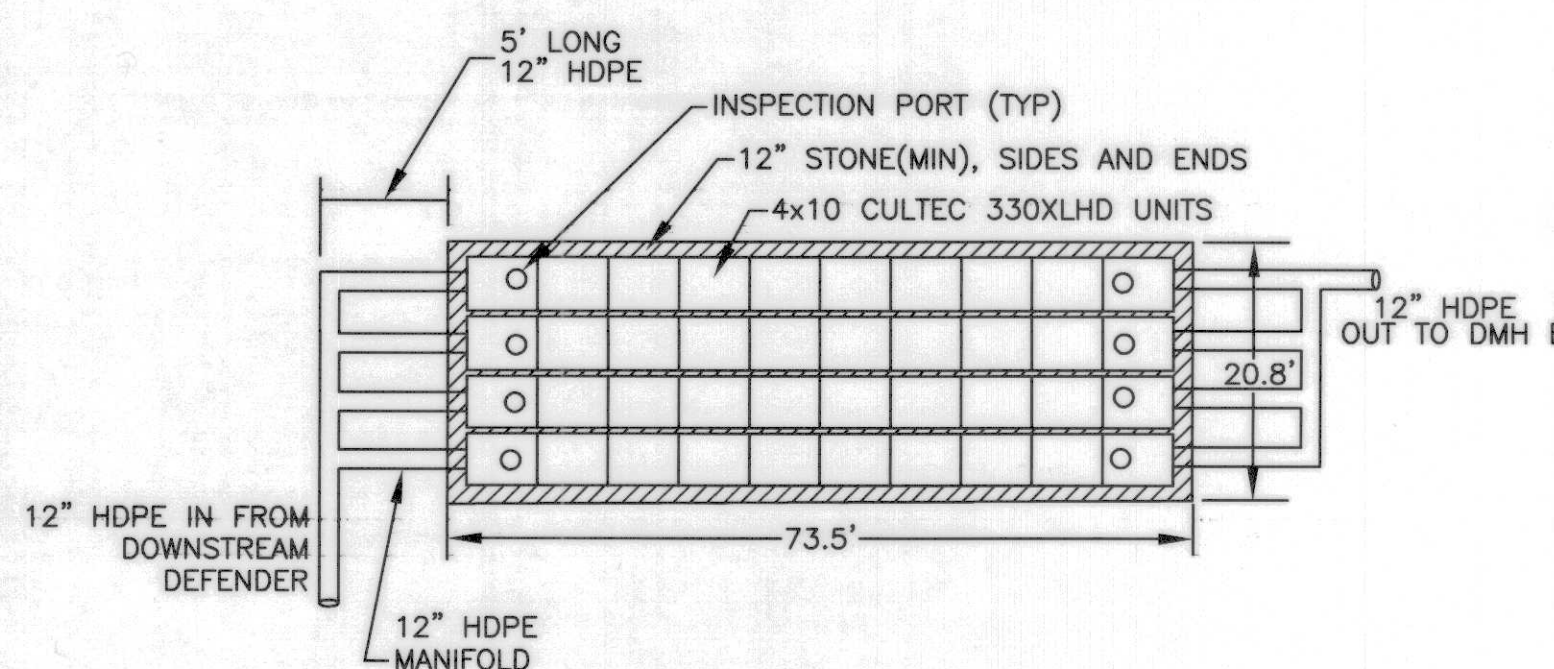
SHEET 8 OF 10



NOTE:
1. UTILITY LOCATIONS WILL VARY ACCORDING TO LAYOUT. THIS DETAIL PRESENTS STANDARD DEPTHS AND SEPARATIONS.
2. SIDESLOPE SPECIFICATIONS ARE TYPICAL AND WILL VARY IF OTHERWISE NOTED ON THESE PLANS.

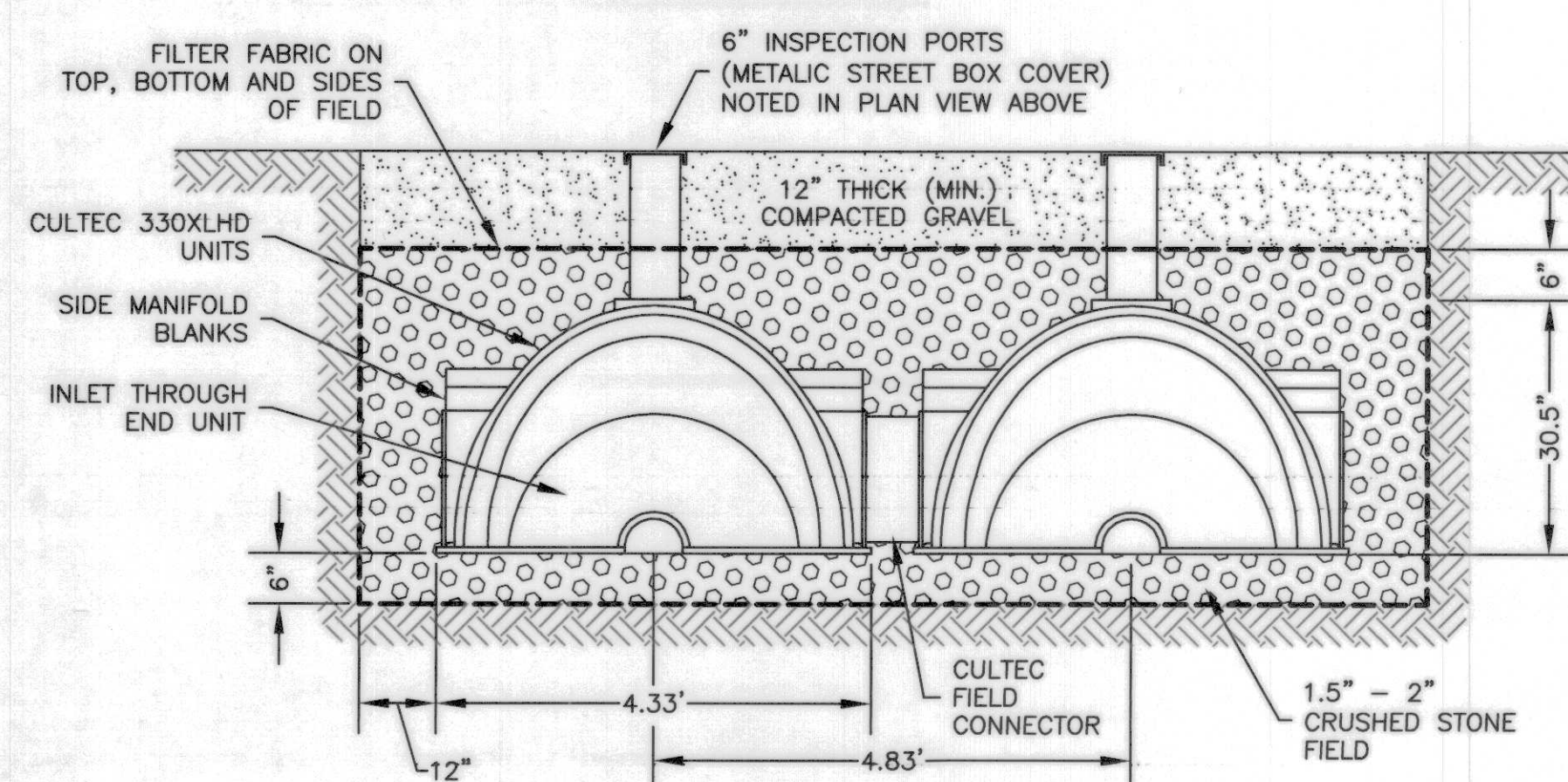
ROADWAY CROSS SECTION (PRIVATE WAY)

NOT TO SCALE



INFILTRATION TRENCH - PLAN VIEW

NOT TO SCALE



SECTION THROUGH TYPICAL LEACHING FIELD

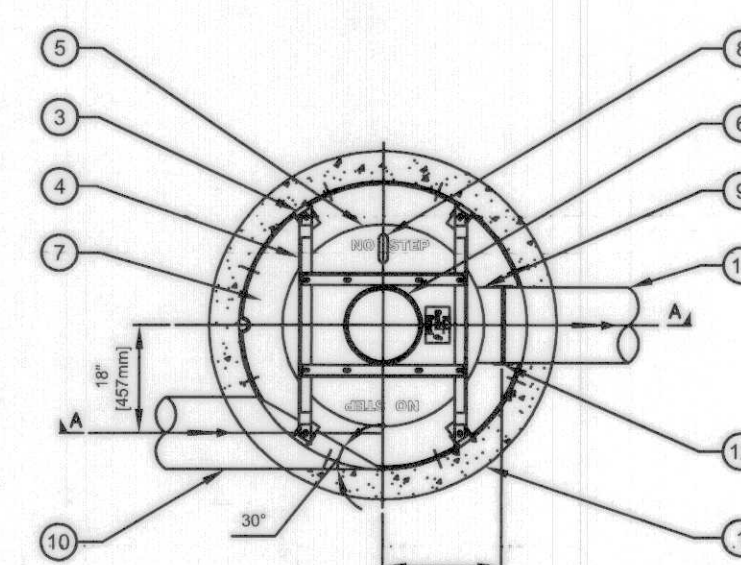
NOTES:

- INFILTRATION TRENCH UNITS TO BE RECHARGER 330XLHD AS MANUFACTURED BY CULTEC, INC., 878 FEDERAL ROAD, BROOKFIELD, CT 06804, OR APPROVED EQUAL. APPROVED EQUALS MUST CONTAIN AT LEAST THE SAME TOTAL SYSTEM STORAGE VOLUME AND BOTTOM AREA.
- INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
- TWO-TRENCH SYSTEM CROSS-SECTION SHOWN. MULTIPLE TRENCHES WOULD USE THE SAME EXTERIOR STONE THICKNESS AND INTERIOR CHAMBER SEPARATION VALUES.
- INFILTRATION TRENCH UNITS SHALL BE ABLE TO WITHSTAND H-20 LOADINGS.

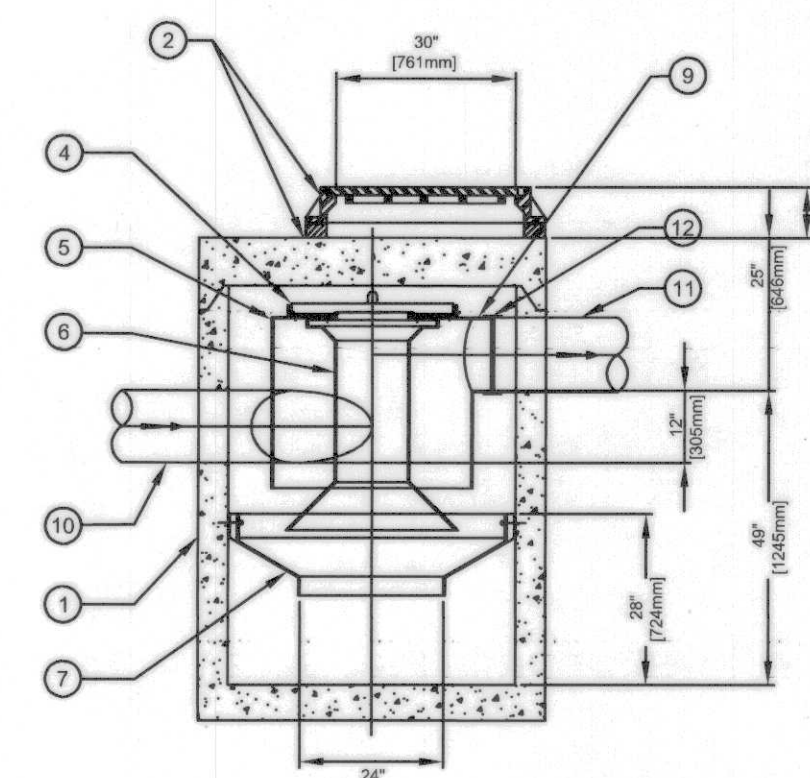
INFILTRATION TRENCH/FIELD DETAIL

NOT TO SCALE

ITEM	SIZE	DESCRIPTION
1	48 in. 1219 mm	L.D. CONCRETE MANHOLE
2	30 in. 761 mm	MANHOLE LID, FRAME & COVER
3		LEDGER ANGLE (TYP.)
4		SUPPORT FRAME
5		DIP PLATE
6		CENTER SHAFT & CONE
7		BENCHING SKIRT
8		FLOATABLES LID W/ VENT
9	12 in. 305 mm	OVERFLOW PIPE STUB
10	12 in. 305 mm	TANGENTIAL INLET PIPE (BY OTHERS)
11	12 in. 305 mm	OVERFLOW PIPE (BY OTHERS)
12		PIPE COUPLING (BY OTHERS)



PLAN VIEW



SECTION A-A

DOWNSTREAM DEFENDER (4' DIA. MODEL)

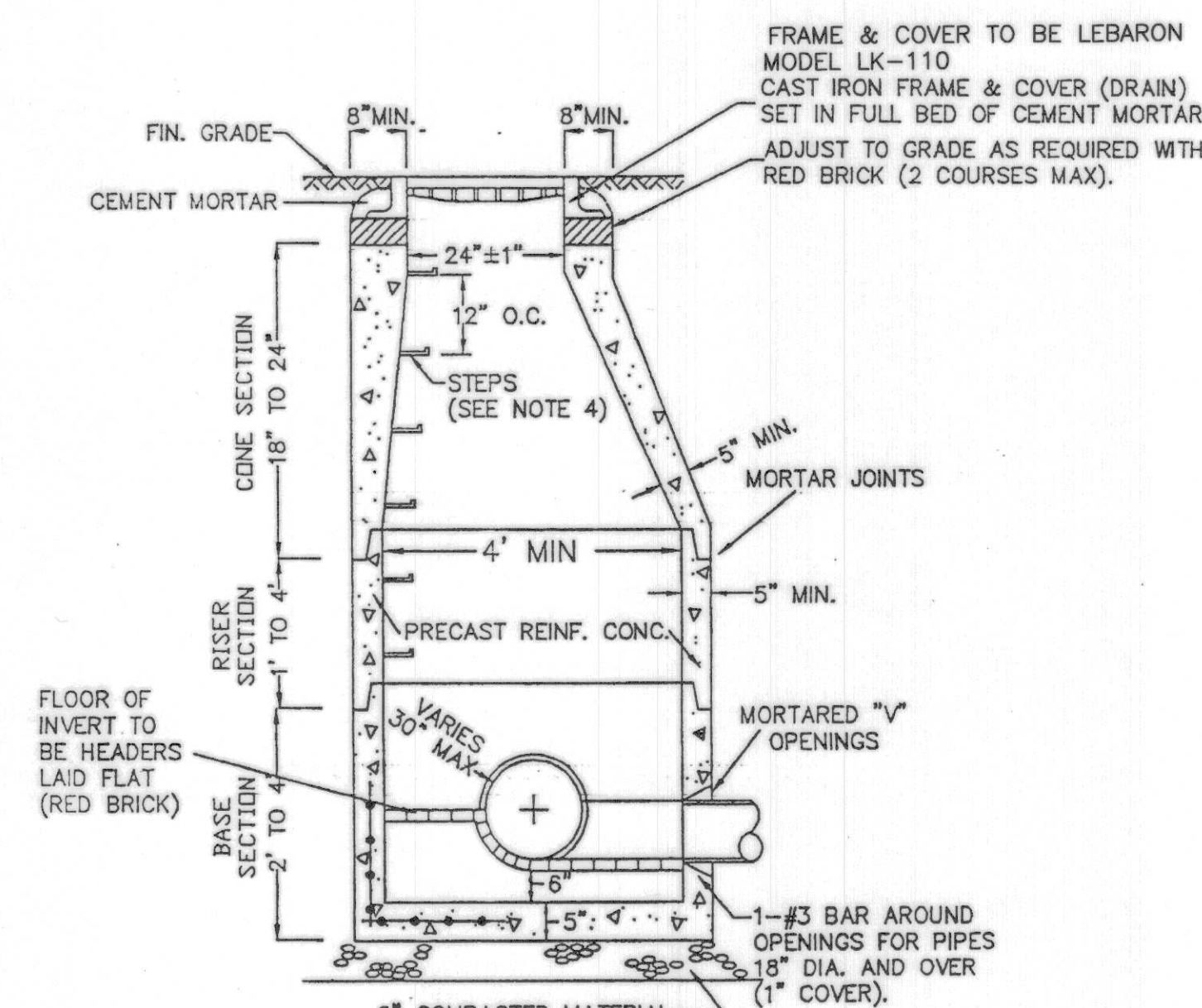
NOT TO SCALE

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- GENERAL NOTES:
- REINFORCED STEEL CONFORMS TO LATEST A185 SPEC. 0.12 SQ. IN./LINEAL FT. AND 0.12 SQ. IN.(BOTH WAYS) BASE BOTTOM. LEBARON LK110
 - CONCRETE COMPRESSIVE STRENGTH-4000 PSI MIN.
 - MANHOLE DESIGN-SPECS. CONFORMS TO LATEST ASTM C478 SPEC. FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".

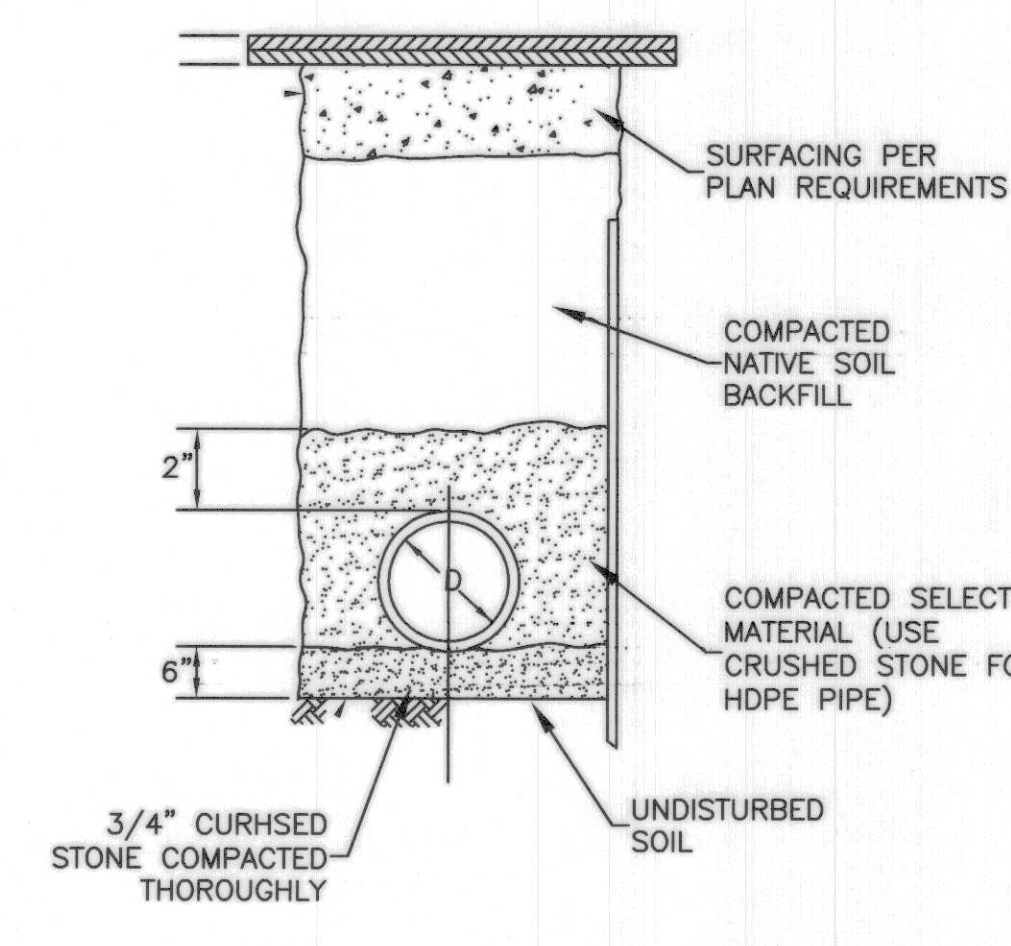
- STEPS SHALL BE SAFETY TYPE CAST IN PLACE, MADE OF ALUMINUM ALLOY 6061, T-6 SPACED 12" O.C.
- "V" PIPE OPENINGS W/ 2" MAX. OUTSIDE PIPE CLEARANCE TO BE CAST AS REQUIRED.
- MORTAR ALL JOINTS
- FOR DESCRIPTIONS, MATERIALS AND CONSTRUCTION METHODS, SEE MEDWAY PLANNING BOARD SPECIFICATIONS.



SECTION

PRECAST DRAIN MANHOLE DETAIL (typ.)

NOT TO SCALE



TYPICAL DRAIN TRENCH

NOT TO SCALE



For Registry Use

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Paul J. Schlesinger
REGISTERED LAND SURVEYOR

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Paul J. Schlesinger
REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

ASSESSORS: PARCELS 45-039 & 45-041 AND PORTION OF 55-014

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MILFORD, MA

APPLICANT: LOUIS J. CHESCHI, JR.
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DATE: *Nov 7 2016*
Mary White
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *11-8-2016*

Chy Rod
Paul J. Merrikin
Paul J. Merrikin

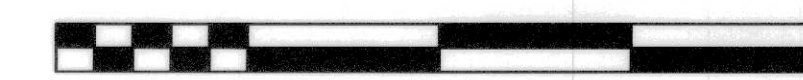
PLANNING BOARD - TOWN OF MEDWAY

LEGEND
THE HAVEN
DEFINITIVE SUBDIVISION
PLAN OF LAND IN
MEDWAY, MA
COLONIAL ENGINEERING, INC.
11 AWL ST., MEDWAY, MA

MERRIKIN ENGINEERING, LLP
CONSULTING ENGINEERS
730 MAIN STREET, SUITE 2C
MILLIS, MA 02054

DATE: NOV. 4, 2003

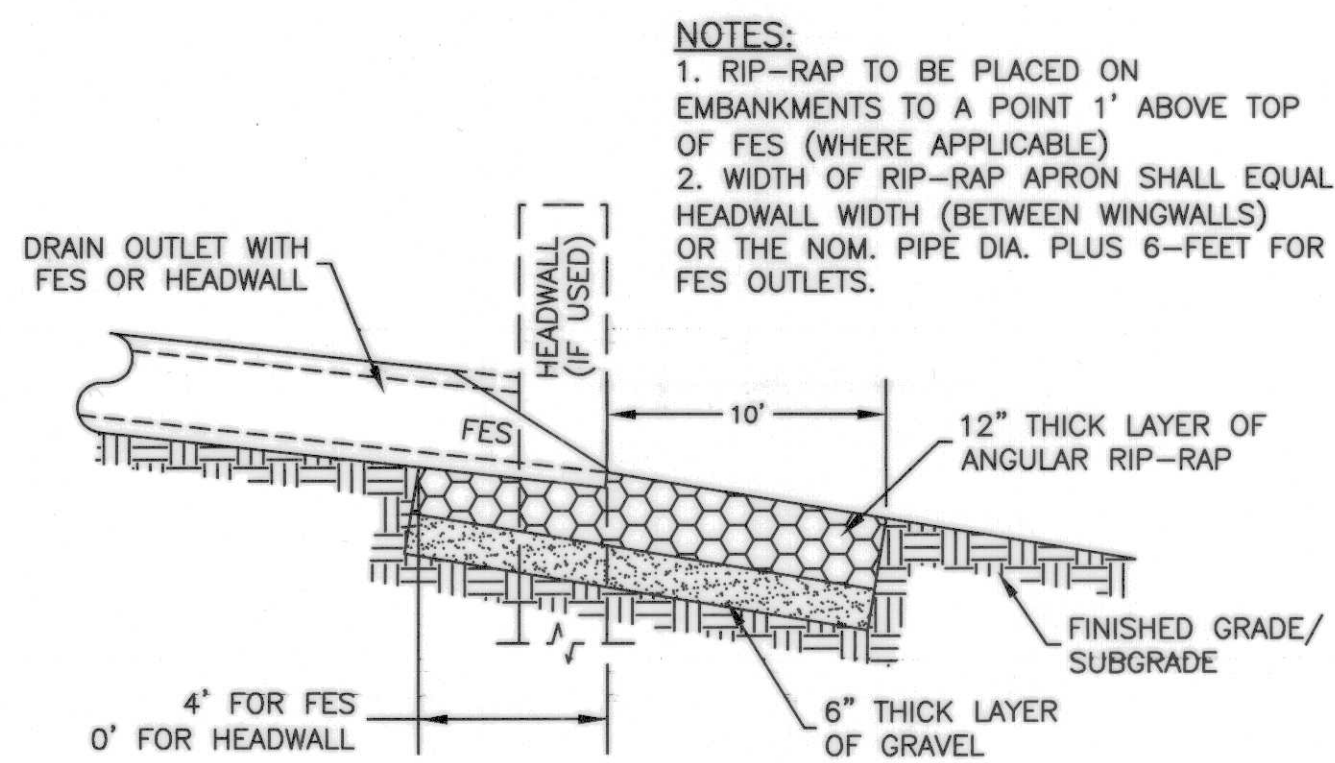
REVISION	DATE	BY
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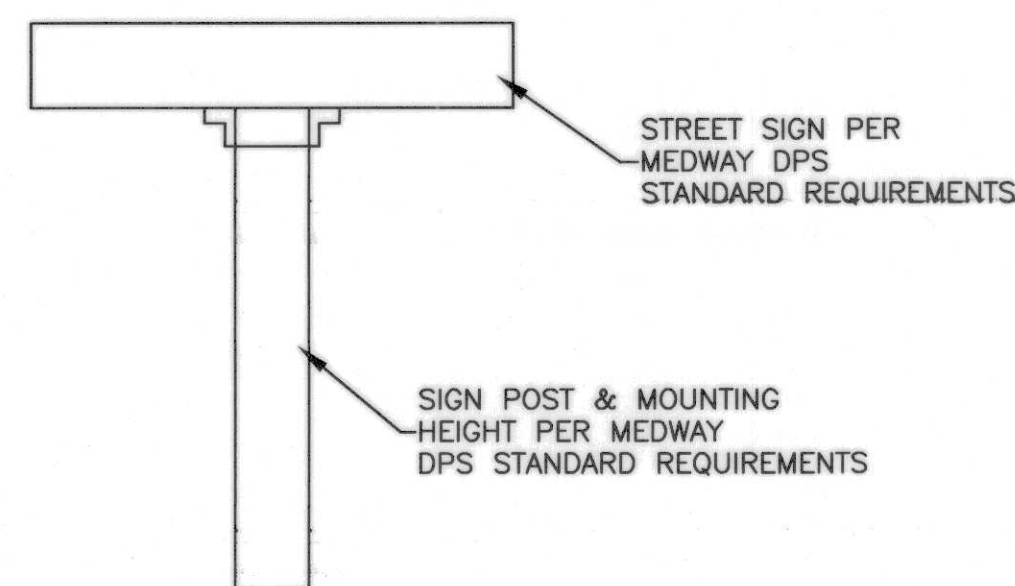
Not to Scale

560-01

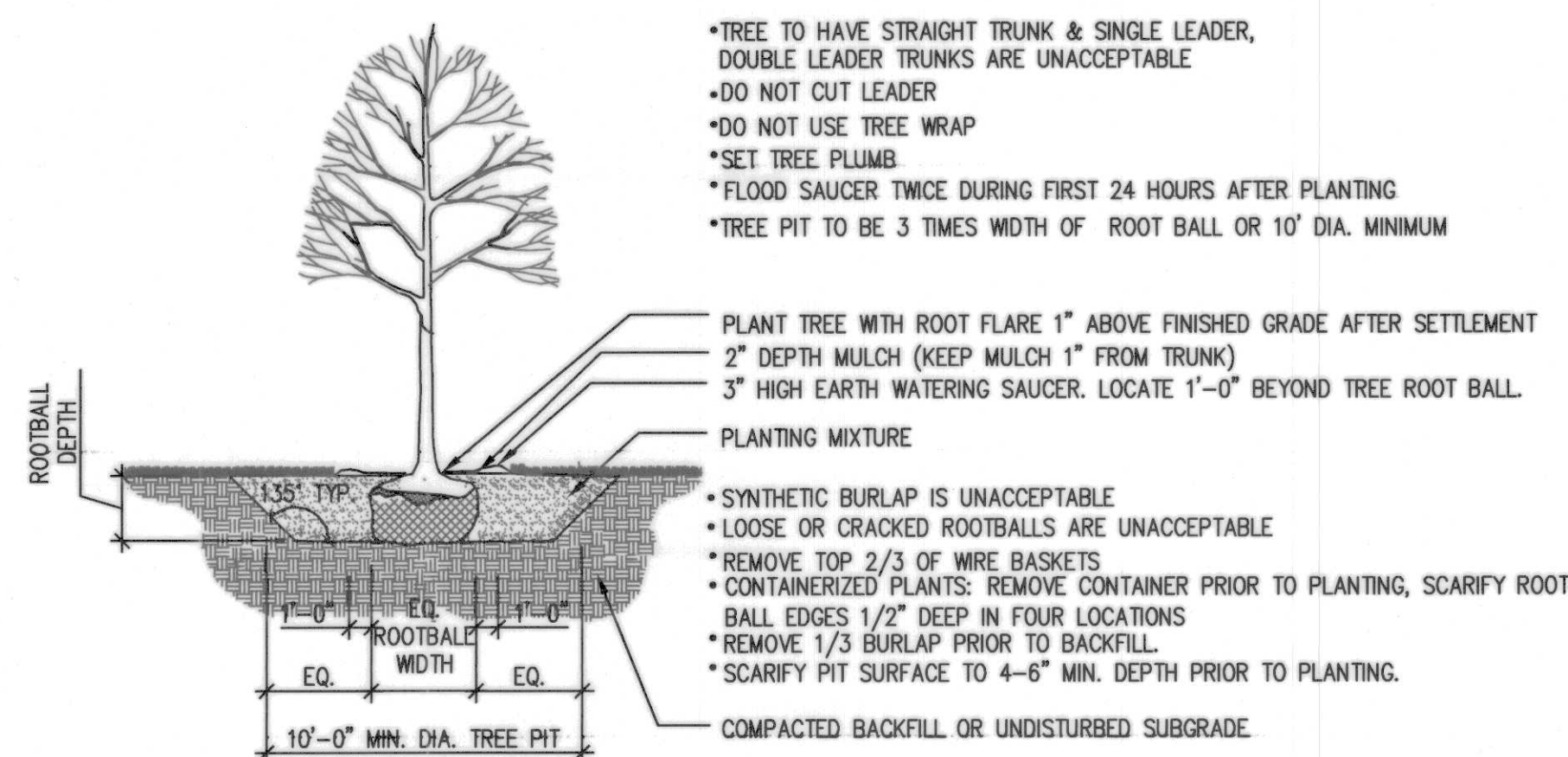
SHEET 9 OF 10



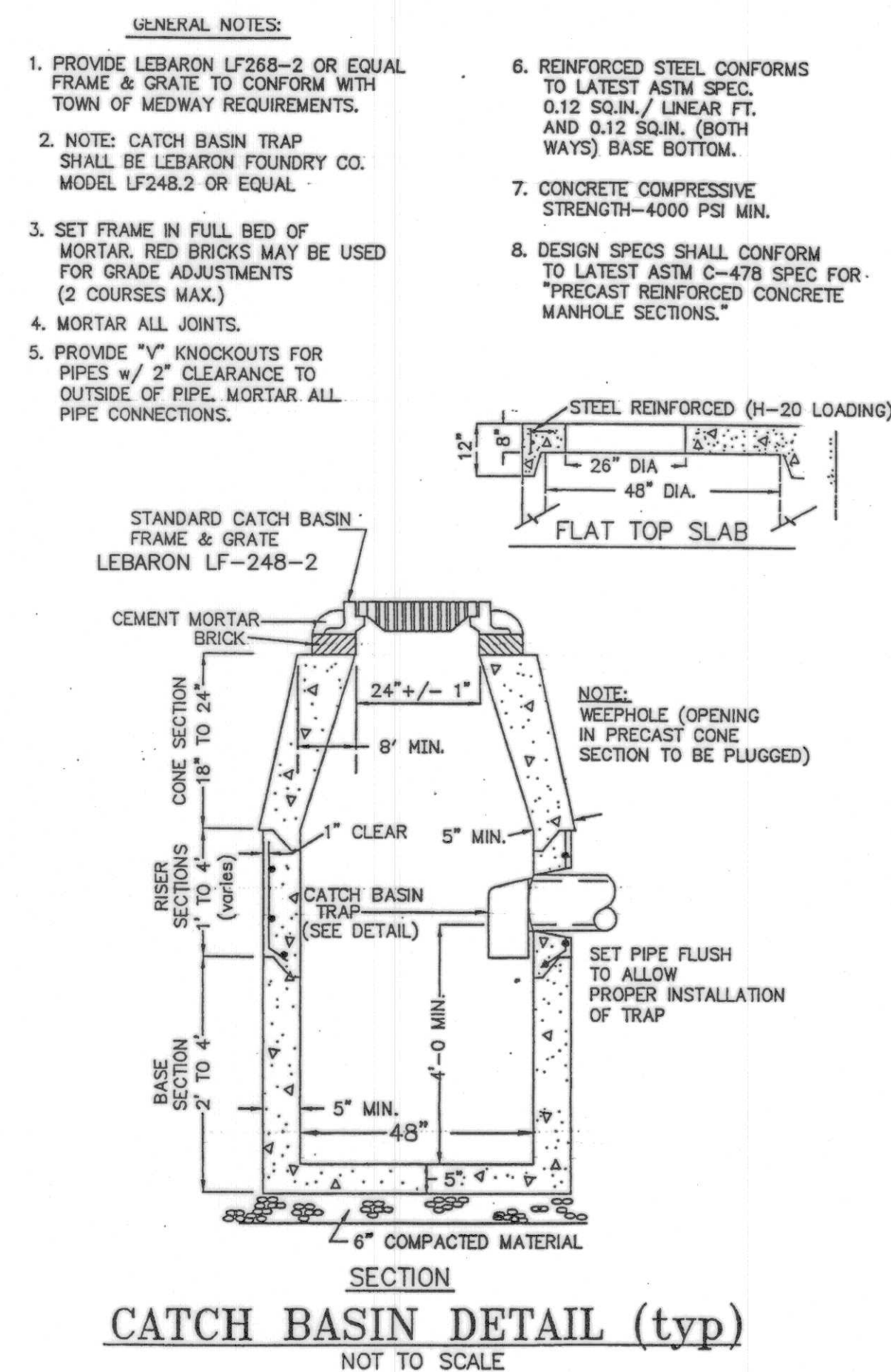
TYPICAL RIP-RAP APRON DETAIL
NOT TO SCALE



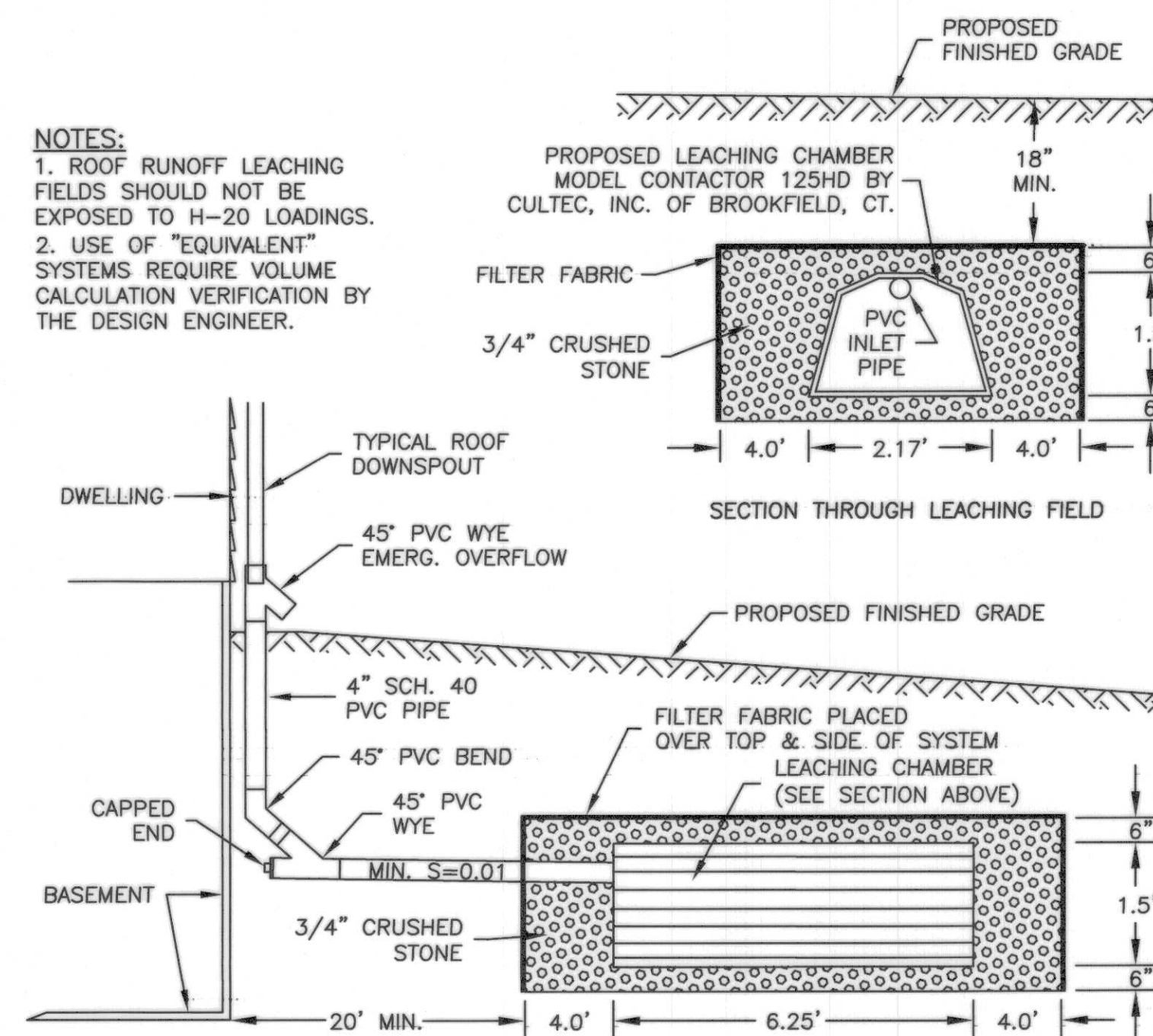
STANDARD STREET SIGN DETAIL
(NO SCALE)



DECIDUOUS TREE PLANTING
NOT TO SCALE



CATCH BASIN DETAIL (typ)
NOT TO SCALE



- DESIGN NOTES:**
1. EACH HOUSE WITHIN THE SUBDIVISION SHALL HAVE ONE ROOF RUNOFF LEACHING FIELD.
 2. THIS ROOF RUNOFF LEACHING SYSTEM WAS DESIGNED TO CAPTURE 1-INCH OF RUNOFF FROM A 2,500 SF ROOF.
 3. THE COMPLETED ROOF RUNOFF COLLECTION SYSTEM MUST COLLECT RUNOFF FROM THE ENTIRE PROPOSED ROOF AREA.

ROOF RUNOFF LEACHING FIELD
NOT TO SCALE

NOTE:

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DATE: *May 2, 2015*
TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: *10/8-2016*

Paul J. Delmonico
REGISTERED LAND SURVEYOR

PLANNING BOARD - TOWN OF MEDWAY

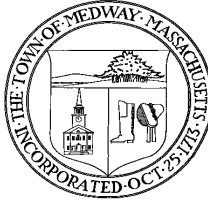
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730 MAIN STREET, SUITE 2C
MILLIS, MA 02054



NOT TO SCALE

560-01

SHEET 10 OF 10



December 12, 2017
Medway Planning & Economic Development Board
Meeting

Merrimack Building Supply
Plan Endorsement

- Pre-Endorsement Checklist dated 7-24-17
- Site Plan/Special Permit Decision dated 7-11-2017
- Verification of Taxes Paid dated 12-5-17
- Certificate of No Appeal from Town Clerk dated 12-7-17
- Revised site plan presented for endorsement dated 10-5-2017
- Tetra Tech review memo dated 11-27-17
- SAC email memo dated 12-6-17 to Guerriere & Halnon re: plan changes.

Merrimack Building Supply has decided to proceed. A pre-construction meeting was held this week.

The Board needs to endorse the plan. I am hopeful that we will have a further updated plan set available for endorsement Tuesday night.

Merrimack Expansion Site Plan

Site Plan Pre-Endorsement Checklist – TO DO

NOTE – Plan must be endorsed by the Board within 60 days after the Decision is filed with the Town Clerk.

However the plan cannot be endorsed until at least 20 days after the Decision is filed with the Town Clerk and the appeal period had concluded.

Therefore, the soonest date for the Board to endorse the plan is August 8, 2017.

Endorsement Deadline is September 9, 2017

Applicant's Responsibility:

- _____ 1. Guerriere Halnon to revise plans per Conditions B & C of site plan decision and submit electronically to PED office.
- _____ 2. Secure a Certification of *No Appeal* from Town Clerk and provide to the PED office after the 20 day appeal period has concluded.
- _____ 3. Pay Construction Services invoice. This was emailed to you on July 14, 2017.
- _____ 4. Pay balance of any outstanding Plan Review fees if needed.

PEDB Office's Responsibility

- _____ 5. Receive revised plans from Guerriere and Halnon and forward to Tetra Tech for review. Secure sign-off memo from Tetra Tech verifying that plan revisions specified in the site plan decision have been made.
- _____ 6. Secure copy of CONCOM Order of Conditions. Susy will ask for copy from Conservation Agent Bridget Graziano.
- _____ 7. Contact Treasurer/Collector's office to secure proof that real estate taxes are current and any other liens are resolved. Susy will communicate with Treasurer/Collector's office.



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.
Richard Di Iulio

July 11, 2017

Major Site Plan Review and Groundwater Protection District
Special Permit Decision
Merrimack Building Supply – 20 Trotter Drive Ellen Realty
APPROVED with Waivers and Conditions

Decision Date: July 11, 2017

Name/Address of Applicant: Merrimack Building Supply
20 Trotter Drive
Medway, MA 02053

Name/Address of Property Owner: Medway Trotter LLC
20 Trotter Drive
Medway, MA 02053

Engineer: Guerriere & Halnon, Inc.
P.O. Box 235
Milford, MA 01757

Site Plan: *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive*
Dated March 14, 2017, last revised June 15, 2017 by Guerriere and
Halnon of Milford, MA and Cubic Architects, Inc. of Plymouth,
MA

Location: 20 Trotter Drive

Assessors' Reference: 64-002

Zoning District: Industrial III and Groundwater Protection District

I. PROJECT DESCRIPTION – The proposed project includes construction of a 19,500 sq. ft. addition to the existing 10,000 sq. ft. structure, a new customer entrance, expanded parking for a total of 40 parking spaces, construction a new loading dock and paved area for truck access to the loading area, installation or relocation of utilities to accommodate the building addition, abandonment of the existing septic system and connection to Town sewer, installation of a stormwater drainage system where none presently exists, and installation of site lighting and landscaping. Site access from Trotter Drive remains the same.

The site includes wetland resources, a small portion of Stall Brook, and is located within Medway's Groundwater Protection District.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on July 11, 2017, on a motion made by Robert Tucker and seconded by Rich Di Iulio, **voted to GRANT with CONDITIONS a groundwater protection special permit and to APPROVE with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 19,500 sq. ft. building addition and site improvements at 20 Trotter Drive as shown on Merrimack Building Supply Site Plan of Land for 20 Trotter Drive, prepared by Guerriere and Halnon of Milford, MA dated March 14, 2017, last revised June 6, 2017, to be further revised as specified herein.

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

Planning & Economic Development Board Member	Vote
Richard Di Iulio	YES
Matthew Hayes	YES
Thomas A. Gay	YES
Andy Rodenhiser	YES
Robert Tucker	YES

III. PROCEDURAL HISTORY

- A. March 13, 2017 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. March 21, 2017 – Groundwater protection district special permit application filed.
- C. March 22, 2017 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. March 23, 2017 - Public hearing notice mailed to abutters by certified sent mail.
- E. March 23, 2017 – Site plan information distributed to Town boards, committees and departments for review and comment.
- F. March 28 and April 3, 2017 - Public hearing notice advertised in *Milford Daily News*.
- G. April 11, 2017 - Public hearing commenced. The public hearing was continued to April 25, May 23, June 13 and 27, and July 11, 2017 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed Merrimack Building Supply expansion project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the applications were filed:
1. Site Plan Application and Special Permit Application dated March 14, 2017 with Project Description, property ownership documentation, certified abutters' list, and requests for waivers.
 2. *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive* dated March 14, 2017, prepared by Guerriere and Halnon, Milford, MA
 3. Building Floor Plans and Elevations dated November 10, 2016, prepared by Cubic Architects, Plymouth, MA
 4. *Hydrologic & Hydraulic Report*, 20 Trotter Drive in Medway, MA dated March 10, 2017, prepared by Guerriere and Halnon, Milford, MA
 5. *Requests for Waivers* from the *Medway Site Plan Rules and Regulations*, dated March 14, 2017 prepared by Guerrier and Halnon
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
1. *Merrimack Building Supply Site Plan of Land for 20 Trotter Drive* dated March 14, 2017, revised April 25, 2017, revised May 31, 2017, revised June 6, 2017, last revised June 15, 2017, prepared by Guerriere and Halnon, Milford, MA
 2. Building Floor Plans and Elevations dated November 10, 2016, revised April 24 and May 11, 2017 prepared by Cubic Architects, Plymouth, MA
 3. *Hydrologic & Hydraulic Report*, 20 Trotter Drive in Medway, MA dated March 10, 2017, revised April 25, 2017, revised May 25, 2017, revised June 19, 2017 prepared by Guerriere and Halnon, Milford, MA
 4. Letter dated May 2, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's April 20, 2017 review comments.
 5. Letter dated May 18, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to PGC's April 5, 2017 review comments.
 6. Letter dated May 31, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's May 18, 2017 review comments.
 7. Letter dated May 31, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to PGC's May 18, 2017 review comments.
 8. Letter dated June 19, 2017 from Peter Lavoie, P.E. of Guerriere and Halnon in response to Tetra Tech's June 12, 2017 review comments.

V. TESTIMONY - In addition to the site plan and special permit application materials as submitted and provided during the course of the Board's review, the Board also received verbal or written testimony from:

- Sean Reardon, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated April 20, May 18, June 12, and June 21, 2017 and commentary throughout the public hearing process.

- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated April 5 and May 18, 2017 and commentary throughout the public hearing process.
- Bill Donegan, Merrimack Building Supply, applicant
- Peter LaVoie, P.E. of Guerriere and Halnon, engineering consultant
- Review letter from the Medway Design Review Committee dated May 24, 2017
- Email note from Fire Chief Jeff Lynch dated April 24, 2017
- Letter dated June 19, 2017 from Fire Chief Jeff Lynch.
- Memorandum from Police Sergeant/Safety Officer Jeff Watson dated April 23, 2017
- Email communications dated April 10 and, 2017 from Kelly Rice of 1 Lost Hill Drive

VI. FINDINGS – The Planning and Economic Development Board must determine whether the proposed project constitutes a suitable development based on conformance with the various site development standards and criteria set forth in the *Site Plan Rules and Regulations*.

The Planning and Economic Development Board, at its meeting on July 11, 2017, on a motion made by Robert Tucker and seconded by Matthew Hayes voted to approve the following **FINDINGS** regarding the site plan and special permit applications for 20 Trotter Drive. The motion was unanimously approved by a vote of five in favor and none opposed.

SITE PLAN RULES AND REGULATIONS FINDINGS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

- (1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

Ingress and egress is off a cul-de-sac and does not present a safety issue. The driveway provides access to 2 separate off-street parking lots so there is no backing onto a public way. The only queuing issue is delivery trucks parked in the cul-de-sac awaiting opening of the business. A gate is being located well into the driveway in order to allow waiting trucks to pull into the driveway rather than park in the cul-de-sac. Access via the residential portion of Alder Street is minimized through signage and instructions to employees and delivery personnel.

- (2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The proposed building addition and site are in an industrial style, scale and materials similar to other buildings within the industrial park. Existing vegetation at the front of the site and within the street right-of-way is being retained to help screen the building addition and parking lot. The design has been reviewed by the Design Review Committee and is acceptable for its location.

- (3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

The site is off the end of a cul-de-sac and the project is an addition to an existing building so building location was already fixed. As stated above, vegetation at the front of the site will remain to reduce visual intrusion. A rain garden is planned in front of the smaller parking lot and the building and the vegetation on the remainder of the site will help screen the larger parking lot and outdoor storage areas from public view and nearby residential properties.

- (4) Is adequate access to each structure for fire and service equipment provided?

Access for fire and service equipment is provided on three sides of the combined original building and addition. The Fire Chief has reviewed the plan and has found the site design to be acceptable for safety access purposes.

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill;
- b) the number of trees to be removed with particular care taken with mature trees and root systems;
- c) the visual prominence of man-made elements not necessary for safety;
- d) the removal of existing stone walls;
- e) the visibility of building sites from existing streets;
- f) the impacts on waterways and environmental resource areas;
- g) soil pollution and erosion;
- h) noise.

As a previously-developed site, the volume of new cut and fill is minimal. The only trees to be cut are those that are necessary to accommodate the building addition, expanded parking and new drainage system. The trees to the front of the site and within the right-of-way will be left intact. The trees left will also screen the visual prominence of the building and parking lots and reduce their visibility from Trotter Drive and Alder Street. The drainage system has been reviewed by the Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Since the site is located within a Groundwater Protection District, this approval also includes a special permit that ensures it will not adversely affect groundwater. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the operation of the building supply business.

- (6) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

The entrance and egress to the site and its parking and loading facilities have been designed for safe operation and to minimize conflict. Walkways are provided from Trotter Drive to the site and from the parking lots to building entrances.

- (7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

There are no visually prominent natural or historic features on site.

- (8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

The lighting plan was reviewed by the Board's engineer. The planned site lighting does not produce glare to adjoining properties and minimizes light pollution by using cut off lenses.

- (9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

The limit of work is reasonable and it protects sensitive environmental resources since it avoids the wetlands buffer zone and extends just beyond the existing disturbed area on the site.

Groundwater Protection District Findings

- (10) New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (11) Storage of hazardous materials is prohibited unless in a free-standing container within a building. As conditioned, any hazardous materials that will be used at the facility will be identified and a list provided to the Board (**See Condition #F**). All storage and use of hazardous materials will be contained within the building. Any accidental spillage will also be contained within the building and any that enters the sewer system will be treated prior to being discharged to the municipal sewer system.
- (12) Fertilizers will be used on landscape material but will be the minimum necessary (**See Condition #F**). All storage will be contained within the building.
- (13) Any use of hazardous materials will occur within the building.
- (14) There will be no earth removal within six feet of the historical high groundwater level.
- (15) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (16) The Town's Consulting Engineer has reviewed the planned stormwater management facilities to ensure that groundwater recharge that does not degrade groundwater quality.

- (17) As required by Section 5.6.F. of the Zoning Bylaw, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services to ensure that no adverse impacts on the quality or quantity of water available within the Groundwater Protection District, and that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized. The proposed facility will reduce impacts on the quality of water available within the Groundwater Protection District.

Special Permit Findings - Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- (18) The proposed site is an appropriate location for the proposed use.

The site is an appropriate location for the proposed use since it is an expansion of an existing building and is located within the Industrial III zoning district that specifically allows such industrial uses.

- (19) Adequate and appropriate facilities will be provided for the operation of the proposed use.

As documented above in the Findings pursuant to the Site Plan Rules and Regulations, adequate and appropriate facilities have been provided for the operation of the facility. Its internal roadway and parking system and stormwater management system have been reviewed by the Town's Public Safety staff and the Board's Consulting Engineer and found to be adequate. Furthermore, the septic system serving the existing building will be abandoned and the building will be connected to the municipal sewer system, thus removing a source of potential contamination from the Groundwater Protection District.

- (20) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.

*As conditioned, the proposed facility will remove an existing hazard to abutters by providing an area within its entrance driveway for freight trucks to park when they arrive during the facility's off hours. The industrial park road system is adequate to handle the minimal increase in traffic. While pedestrian access is expected to be minimal, a sidewalk will be provided from Trotter Drive to the building entrance as well as between the parking areas and the entrances. Primary access is from Route 109 and Trotter Drive and **Condition #G** requires the business owners to take steps to discourage use of Alder Street by its employees, suppliers and customers.*

- (21) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

The industrial park roadway system is adequate to handle the small increase in traffic resulting from this expansion.

- (22) The proposed use will not be detrimental to the adjoining properties due to lighting, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.

The Board considered the comments of abutters in the adjoining residential neighborhood and has ensured that there will be no light trespass, and that existing vegetation in the front of the site and within the right-of-way will remain to reduce visual impacts. A dumpster is provided for refuse and it is located on the opposite side of the building considerably away from the residential area. No extraordinary noise, vibration dust or other operational attributes are expected from the proposed expanded use and no evidence of such impacts from the existing operation has been suggested.

- (23) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

As conditioned, the proposed expanded use on the site will not adversely affect the surrounding neighborhood or change the character of the zoning district. The use is allowed by right in the district, and the building addition is in character with other industrial buildings in the area. Adequate measures have been taken to reduce the impacts on the residential neighbors.

- (24) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

The proposed use is an expansion of an existing use which is allowed by right in the Industrial III district and therefore is in harmony with the Zoning Bylaw.

- (25) The proposed use is consistent with the goals of the Medway Master Plan.

The proposed facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives as follows: Goal 1: Maximize the area's economic resources and Goal 6: Attract new (and retain existing) businesses and increase the industrial/ manufacturing base.

- (26) The proposed use will not be detrimental to the public good.

The proposed use helps achieve the goals the Medway Master Plan by providing an expanded tax base and preserving and increasing jobs while incorporating measures to protect the environment and neighboring residences so it is not detrimental to the public good.

VII. WAIVERS – At its July 11, 2017 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Rich Di Iulio, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for granting each waiver request are listed

below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

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

1. **Section 204 – 3. A. Development Impact Statement** – The applicant shall provide a written *Development Impact Statement* which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. A *Development Impact Statement* shall address traffic, environmental, community and parking impacts.

At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the *Development Impact Statement*.

The Board APPROVES the applicant's request to waive the requirement for submission of a Development Impact Statement due to the existing use of the property for industrial uses and the nature of the planned development for additional storage/warehouse space.

2. **Section 204 – 3.A.7.a. Traffic Impact Assessment** – A traffic impact report is required if a development project involves the addition of 30 or more parking spaces.

The applicant has proposed 40 parking spaces for the site and has requested that the requirement for a traffic impact assessment be waived as the project's scope will generate only employee and delivery traffic. The preparation of a traffic impact assessment is not expected to reveal any useful information related to the site or the project's impacts. Therefore, the Board APPROVES this waiver request.

3. **Section 204-5 C. 3. Existing Landscape Inventory** - An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

The applicant has requested a waiver from this requirement as the site has been used for many years for Merrimack Building Supply and is already disturbed. There are no trees or landscaping in the proposed work area. There is no value in preparing an inventory of the existing landscape given the existing condition of the already cleared site. Therefore, the Board APPROVES this waiver request.

4. **Section 205-6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The applicant has requested a waiver from this requirement and proposes the use of Cape Cod berm instead where no curbing presently exists. The applicant believes the proposed alternative curbing material is an appropriate method to delineate the boundary of the proposed parking lot, is consistent with the general industrial park area and will appropriately improve the site. The Board concurs with this assessment and APPROVES this waiver request.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered

SPECIFIC CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan for the Merrimack Building Supply expansion project at 20 Trotter Drive dated March 10, 2017 last revised June 15, 2017 prepared by Guerriere and Halnon of Milford, Ma and Cubic Architects of Plymouth, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for its signature/endorsement. All Plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the June 15, 2017 site plan set shall be revised to remove the reference to waiver requests from Section 205-3 D and Section 205-9 F of the *Site Plan Rules and Regulations* and to identify that the other waiver requests were approved.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 15, 2017 Site Plan set.
 - 1. Per the Design Review Committee's review letter dated May 24, 2017, the plan should be revised to include a detail of the planned continuation of an existing stone wall along the building façade. The Applicant shall provide information to the DRC regarding the material selected for the stone wall for its approval prior to plan endorsement.
 - 2. Per the Design Review Committee's review letter dated May 24, 2017, the plan should be revised to include a detail for an opaque enclosure around the outside dumpster. The enclosure shall fully screen the height of the dumpster.
 - 3. Per the Medway Police Department's review letter dated April 23, 2017, the plan shall be revised to indicate that the No Parking Signs to be installed on Trotter Drive shall also state No Idling.
 - 4. The building elevation plan by Cubic Architects shall be revised as follows and added to the plan set:

- a) specify materials, etc. finishes, etc. of the building facades
- 5. The photometric plan (Sheet 6) shall be revised to show no light spillage off the property.
- D. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- E. ***Use Limitations*** – Parking or use of the parking area at 20 Trotter Drive shall be limited only to vehicles for Merrimack Building Supply employees, deliveries and customers. The parking area may not be leased or made available to any other businesses for any purposes.
- F. ***Conditions Pertaining to Groundwater Protection District Special Permit***
 - 1. Storage of hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. All use of hazardous materials shall be contained within the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.
 - 2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers shall be contained within the building.
 - 3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
 - 4. There shall be no use of pesticides, herbicides, fungicides or insecticides anywhere on the site.
 - 5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Services.
 - 6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin or rain garden.
 - 7. The rain garden shall be maintained in accordance with the stormwater operations and maintenance plan.
 - 8. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
 - 9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

- G. **Site Access** – Access to the site is provided from Route 109 and Trotter Drive. The applicant shall instruct employees, delivery companies and customers to use Trotter Drive and not Alder Street to access the property. Any printed or electronic company materials that provide directions to the site shall indicate the

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee that may be required by the Planning and Economic Development Board; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

- B. **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.
- C. **Document/Plan Recording** - Within thirty (30) days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the 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.
- D. **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.
1. **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.
 2. **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.

3. 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.
4. 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.
5. 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.
6. 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.
7. *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.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. 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.

F. *Snow Storage and Removal*

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

G. *Construction Oversight*

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
 - b) Prior to plan endorsement, the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.
2. 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, for compliance with the endorsed site plan and the provisions of this Decision.
 3. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 4. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the

construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

H. ***Modification of Plan and/or Decision***

1. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site 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 site plan modifications.
2. Any work that deviates from the approved site plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site 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.

I. ***Compliance with Plan and Decision***

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and this Decision any modifications thereto.
2. 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 the foregoing Conditions of Approval.
3. 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.

J. ***Performance Security***

1. No occupancy permit for the planned addition shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to

the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.

2. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. 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 services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
5. Final release of performance security is contingent on project completion.

K. *Project Completion*

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

L. ***Construction Standards*** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

M. ***Conflicts*** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply.

IX. APPEAL – Appeals if any, from this Decision shall be made to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

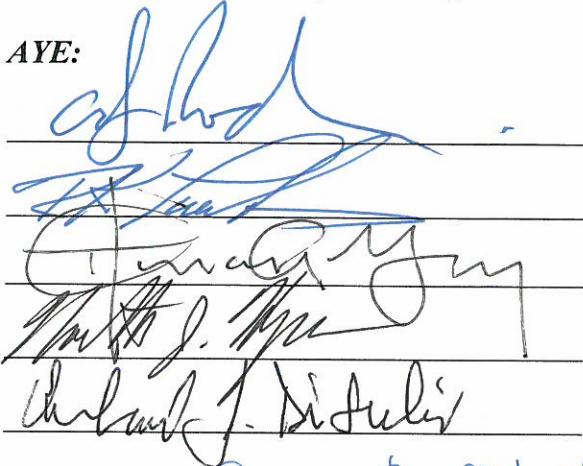
After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.

###

**Medway Planning and Economic Development Board
SITE PLAN and SPECIAL PERMIT DECISION
Merrimack Building Supply, 20 Trotter Drive**

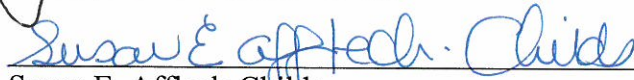
Approved by the Medway Planning & Economic Development Board: 7-11-2017

AYE:



NAY:

ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

7-11-2017
Date

COPIES TO: Michael Boynton, Town Administrator
David D'Amico, DPS Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department Safety Officer
Bill Donegan, Merrimack Building Supply
Peter Lavoie, Guerriere and Halnon
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates



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
Cranston (Chan) Rogers, P.E.
Karyl Spiller Walsh

**Request for Medway Treasurer/Collector's
Verification of Status of Paid Taxes**

Date: December 5, 2017

Applicant's Name: Medway Trotter LLC

Subject Property Address: 20 Trotter Drive

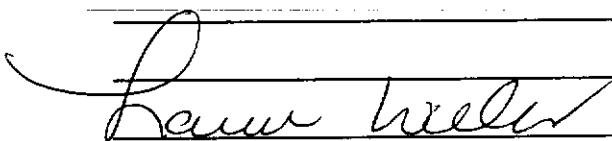
Map/Parcel Number(s): 64-002

Project Name: Merrimack Building Supply

Type of Permit: Major Site Plan & Groundwater Protection Special Permit
Plan Endorsement

Please indicate the status of taxes/fees owed to the Town:

- ☒ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for the subject property(s) noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for other properties owned by the applicant noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that the **Town is owed taxes** on properties owned by the above noted applicant. Briefly explain on the lines below. Please attach a report that indicates the property address, what taxes are owed, and the respective amounts.



Signature

12-5-17

Date

Please complete and return to the Planning and Economic Development office.

MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

CERTIFICATE

I, Town Clerk of the Town of Medway, hereby certify that the notice of the decision of the Medway Planning and Economic Development Board, Major Site Plan and groundwater protection district has been received in the matter of

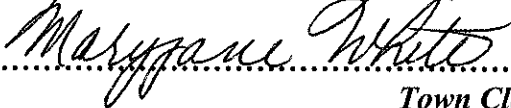
**MERRIMACK BUILDING SUPPLY
20 TROTTER DRIVE**

It was received and filed in this office on the following:

July 13, 2017

And no appeal was received during the next twenty days after such receipt and recording of said decision.

Dated at Medway, MA Dec. 7, 2017

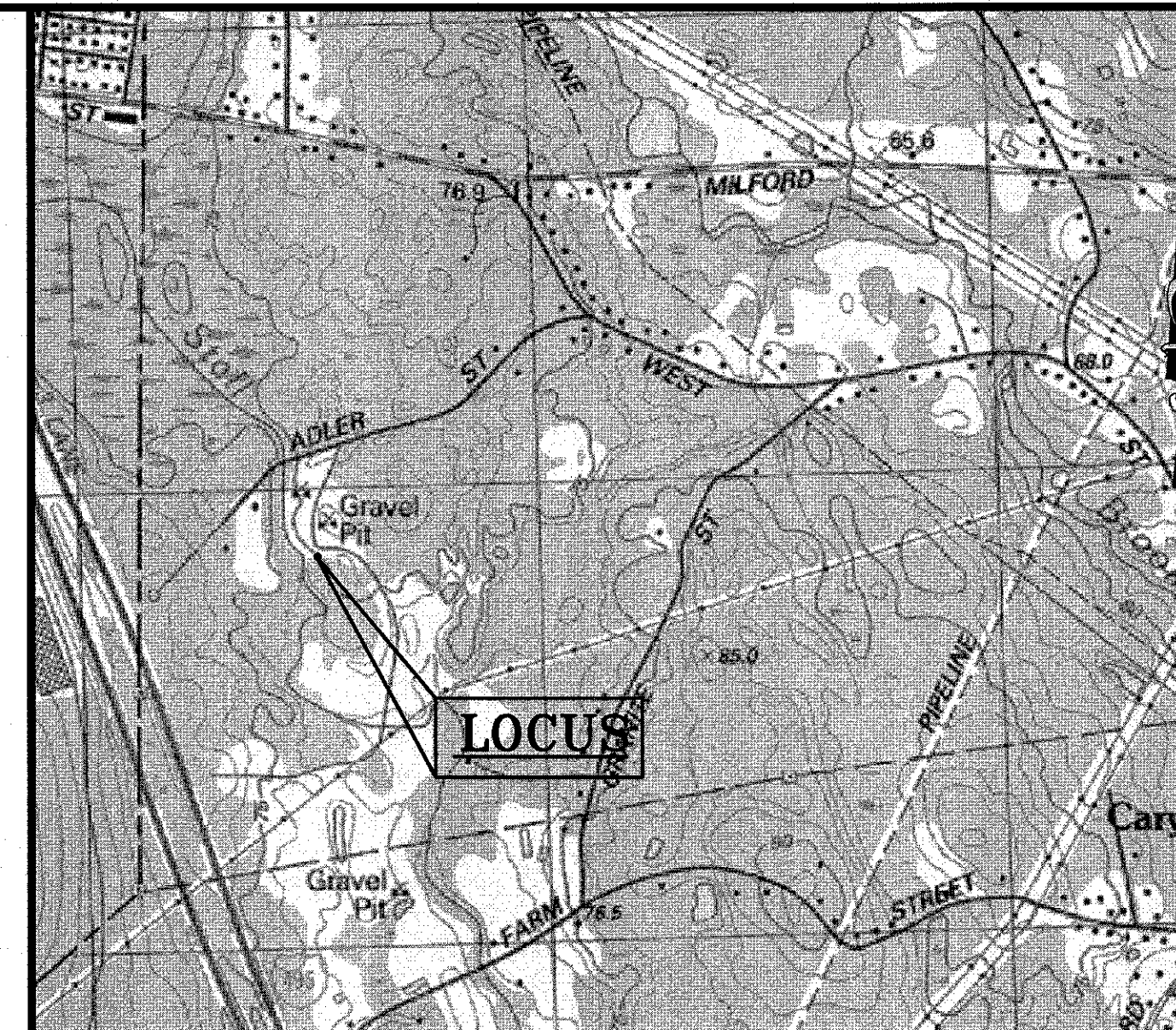
A true copy
ATTEST.....
Town Clerk

- WAIVER REQUESTS:
- 1) WAIVER REQUESTING NOT REQUIRING THE WRITTEN DEVELOPMENT IMPACT STATEMENT, FROM SECTION 204-3 PLANNING BOARD SUBMITTALS SUBSECTION A. 7) A WRITTEN DEVELOPMENT IMPACT STATEMENT.
 - 2) WAIVER REQUESTING THE USE OF MODIFIED CAPE COD BERM THROUGHOUT THE SITE EXCEPT AT THE ENTRANCE, FROM SECTION 205-6(H) VERTICAL GRANITE CURB.
 - 3) WAIVER NOT REQUIRING AN INVENTORY OF THE EXISTING LANDSCAPING AT THE SITE, SECTION 204-5(C)(3) EXISTING LANDSCAPE INVENTORY.

- NOTES:
1. SEE DEED BOOK 12567 PAGE 424 AND PLAN 233 OF 1998 IN PLAN BOOK 455 AT THE NORFOLK REGISTRY OF DEEDS.
 2. ALL ELEVATIONS ARE BASED OFF OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
 3. ZONING DISTRICT INDUSTRIAL III
MIN. AREA = 40,000 S.F.
MAX. COVERAGE = 40%
MIN. WIDTH = 100 FT.
MIN. FRONT, REAR SETBACK = 30 FT
MIN. SIDE SETBACK = 20 FT

MERRIMACK BUILDING SUPPLY SITE PLAN FOR 20 TROTTER DRIVE IN MEDWAY, MASSACHUSETTS

OWNER/APPLICANT:
MERRIMACK BUILDING SUPPLY
20 TROTTER DRIVE
MEDWAY MA
DATE MARCH 10, 2017
REVISED: OCTOBER 5, 2017



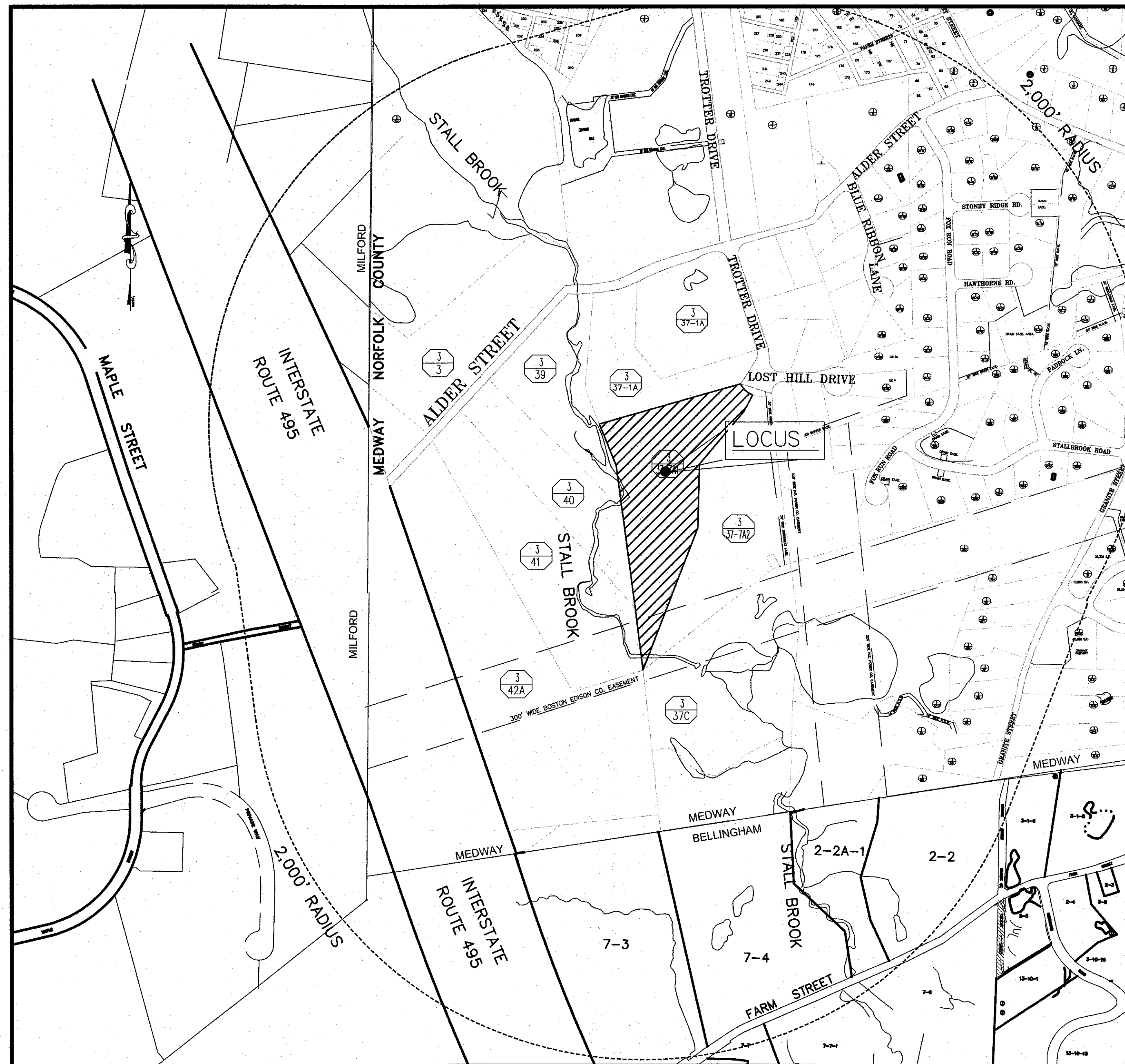
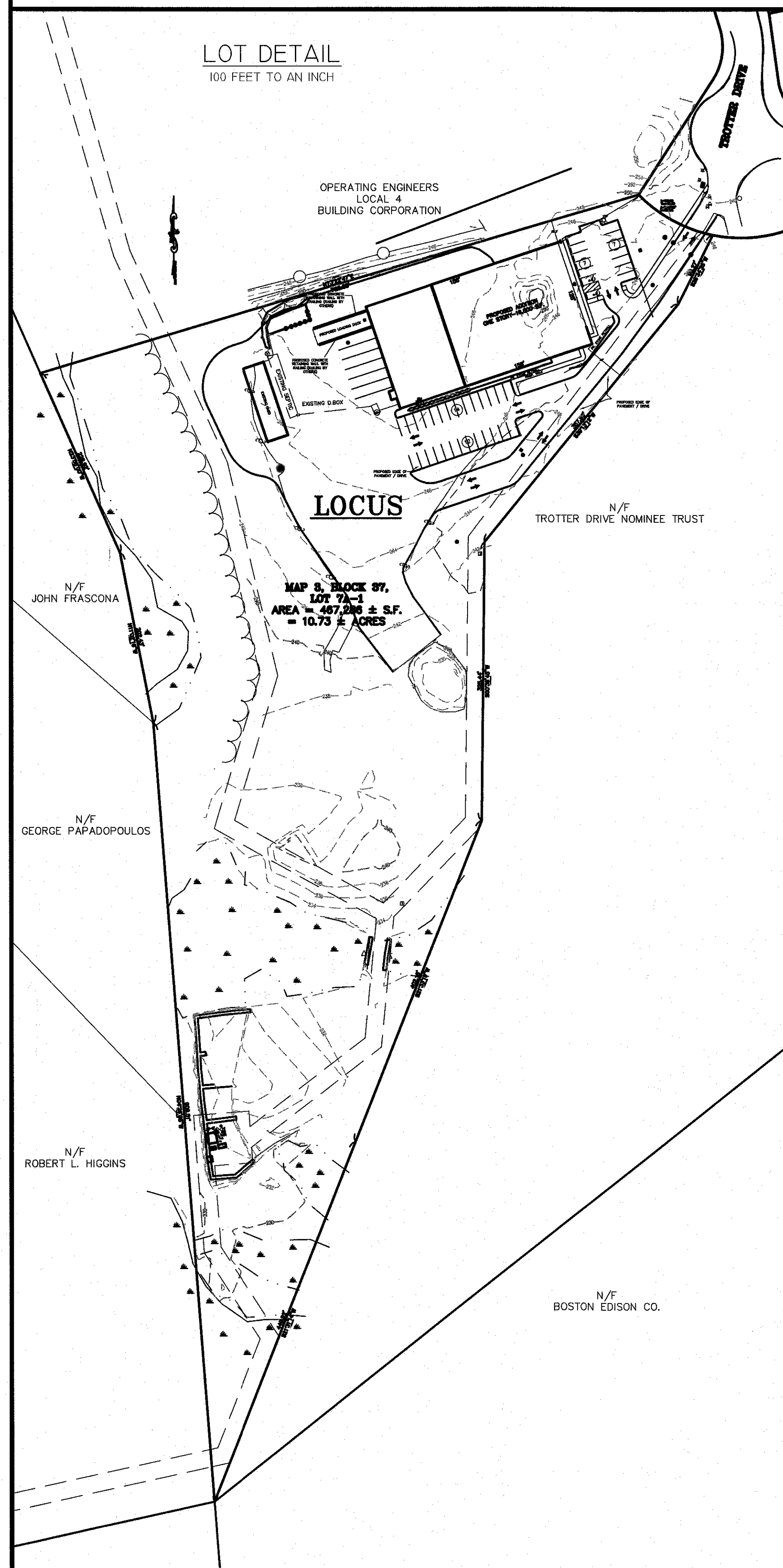
LOCUS MAP USGS
1,000 FEET TO AN INCH

COMMONWEALTH OF MASSACHUSETTS
JEFFREY J. STEFANK
No. 53070
PLANNING BOARD
DATE: OCT. 5, 2017

COMMONWEALTH OF MASSACHUSETTS
ELIZABETH A. MAHINI
No. 48006
PLANNING BOARD
DATE: 10/5/17

MEDWAY PLANNING AND ECONOMIC
DEVELOPMENT BOARD APPROVAL
DATE: _____

SIGNATURE DATE: _____
BEING A MAJORITY



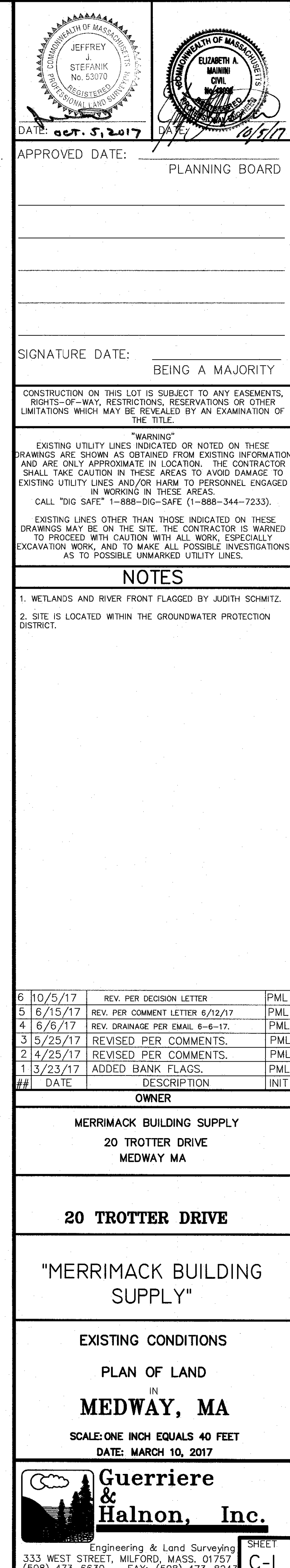
ZONE DESCRIPTION:	MIN. REQ'D/ MAX. ALLOWED	EXISTING	PROPOSED
ZONE - INDUSTRIAL III	INDUSTRIAL III		
LOT REQUIREMENTS:			
MIN. AREA (S.F.)	40,000 S.F.	10,73± ACRES	10,73± ACRES
MIN. WIDTH (FT.)	100'	100'	100'
MIN. FRONTAGE (FT.)	100'	100'	100'
YARD REQUIREMENTS:			
MIN. FRONT SETBACK (FT.)	30'	109'	109'
MIN. SIDE SETBACK (FT.)	20'	26.6'	26.6'
MIN. REAR SETBACK (FT.)	30'	380'	380'
BUILDING			
MAX % COVERAGE	40%	10%	27%
OPEN SPACE			
MIN % OF LOT AREA	-	78%	73%
BUILDING HEIGHT (FT.)			
MAX. HEIGHT (FT.)	60'	30'	30'
PARKING			
MIN. NUMBER OF SPACES	**40	**53	**40
MIN. HANDICAPPED SPACES	1	1	2
PARKING REQUIREMENT:	** INCLUDES NUMBER OF HANDICAP SPACES.		
OFFICE/WAREHOUSE FACILITY:	1 SPACE PER EACH 2 PERSONS EMPLOYED ON LARGEST SHIFT		
	20 EMPLOYEES ON LARGEST SHIFT = 10 SPACES		
	1 SPACE PER 1,000 S.F. OF FLOOR SPACE.		
	29,610 S.F./1,000 S.F. = 29.61 SPACES		
	TOTAL SPACES REQUIRED= 40 SPACES		

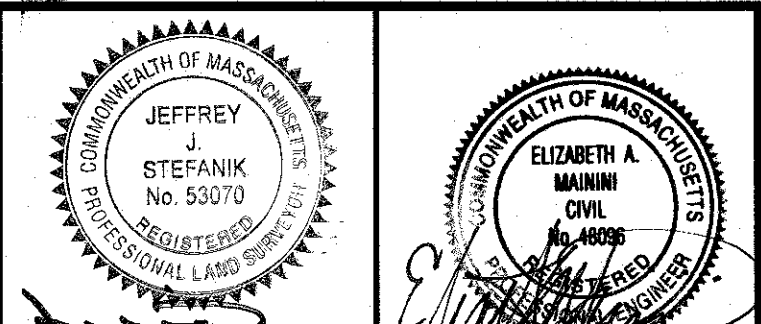
INDEX

- COVER SHEET
- 1. EXISTING CONDITIONS
- 2. DEMOLITION PLAN
- 3. SITE PLAN
- 4. GRADING & UTILITY PLAN
- 5. EROSION CONTROL
- 6. LIGHTING PLAN
- 7. DETAIL SHEET#1
- 8. DETAIL SHEET#2
- 9. L1.1 PLANTING PLAN
- 10. A2.02 FIRST FLOOR PLAN
- 11. A2.03 MEZZANINE FLOOR PLAN
- 12. A3.01 BUILDING ELEVATION
- 13. A3.02 BUILDING ELEVATION

**Guerriere
&
Halon, Inc.**
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

cubic architects, inc.
33 BOWSPRITT LANE
PLYMOUTH, MA 02360
PHONE 617-314-7330, FAX 781-658-2381





SIGNATURE DATE: _____
BEING A MAJORITY

CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

"WARNING"

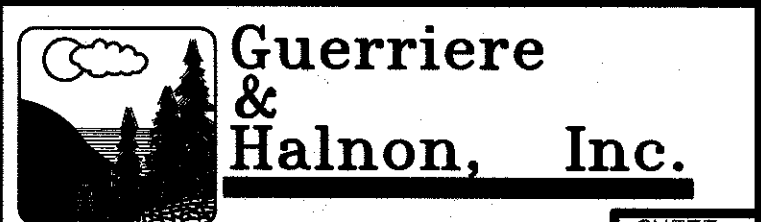
EXISTING UTILITY LINES INDICATED OR NOTED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE CAUTION TO AVOID ANY DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS.

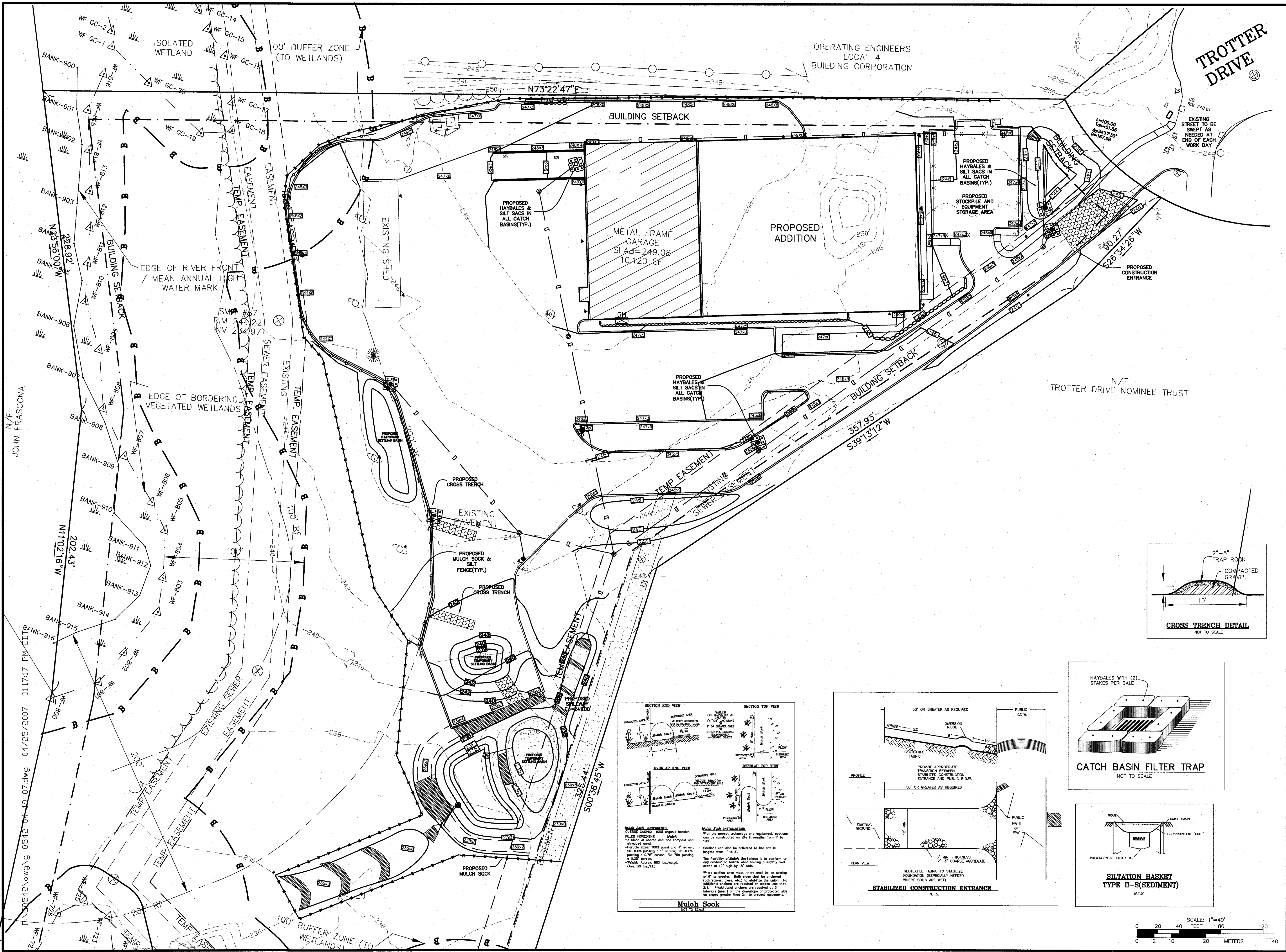
CALL "DIG SAFE" 1-888-DIG-SAFE (1-888-344-7233).

EXISTING LINES OTHER THAN THOSE INDICATED ON THESE DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR IS WARNED TO PROCEED WITH CAUTION WITH ALL WORK, ESPECIALLY EXCAVATION AND/OR DRILLING, TO AVOID ANY OBSTRUCTIONS AS TO POSSIBLE UNMARKED UTILITY LINES.

6	10/5/17	REV. PER DECISION LETTER	PML
5	6/15/17	REV. PER COMMENT LETTER 6/12/17	PML
4	6/6/17	REV. DRAINAGE PER EMAIL 6-6-17.	PML
3	5/25/17	REVISED PER COMMENTS.	PML
2	4/25/17	REVISED PER COMMENTS.	PML
1	3/23/17	ADDED BANK FLAGS.	PML
##	DATE	DESCRIPTION	INIT
OWNER			

SCALE: ONE INCH EQUALS 30 FEET
DATE MARCH 10, 2017





JEFFREY STEFANI
No. 53070
REGISTERED PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS

ELIZABETH A. MANNINI
No. 48296
REGISTERED PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS

DATE: 03/15/17

DATE: 03/15/17

APPROVED DATE: _____
PLANNING BOARD

SIGNATURE DATE: _____
BEING A MAJORITY

CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

"WARNING"
EXISTING UTILITY LINES INDICATED OR NOTED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE CAUTION IN THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS.
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1	3/23/17	ADDED BANK FLAGS.	PML

OWNER
MERRIMACK BUILDING SUPPLY
20 TROTTER DRIVE
MEDWAY MA

20 TROTTER DRIVE

"MERRIMACK BUILDING
SUPPLY"

EROSION CONTROL
SITE
PLAN OF LAND
IN
MEDWAY, MA
SCALE: ONE INCH EQUALS 30 FEET
DATE MARCH 10, 2017

Gueriere
& Halnon, Inc.

Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET
C-5
PML

DATE: OCT. 5, 2017

APPROVED DATE: 1/1/2000
PLANNING BOARD

SIGNATURE DATE: _____
BEING A MAJORITY

CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY EASEMENT
RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER
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3	5/25/17	REVISED PER COMMENTS.	P
2	4/25/17	REVISED PER COMMENTS.	P
1	3/23/17	ADDED BANK FLAGS.	P
##	DATE	DESCRIPTION	IN

OWNER

MERRIMACK BUILDING SUPPLY
20 TROTTER DRIVE
MEDWAY MA

20 TROTTER DRIVE

"MERRIMACK BUILDING
SUPPLY"

LIGHTING
PLAN OF LAND

IN
MEDWAY, MA

SCALE: ONE INCH EQUALS 40 FEET
DATE: MARCH 10, 2017

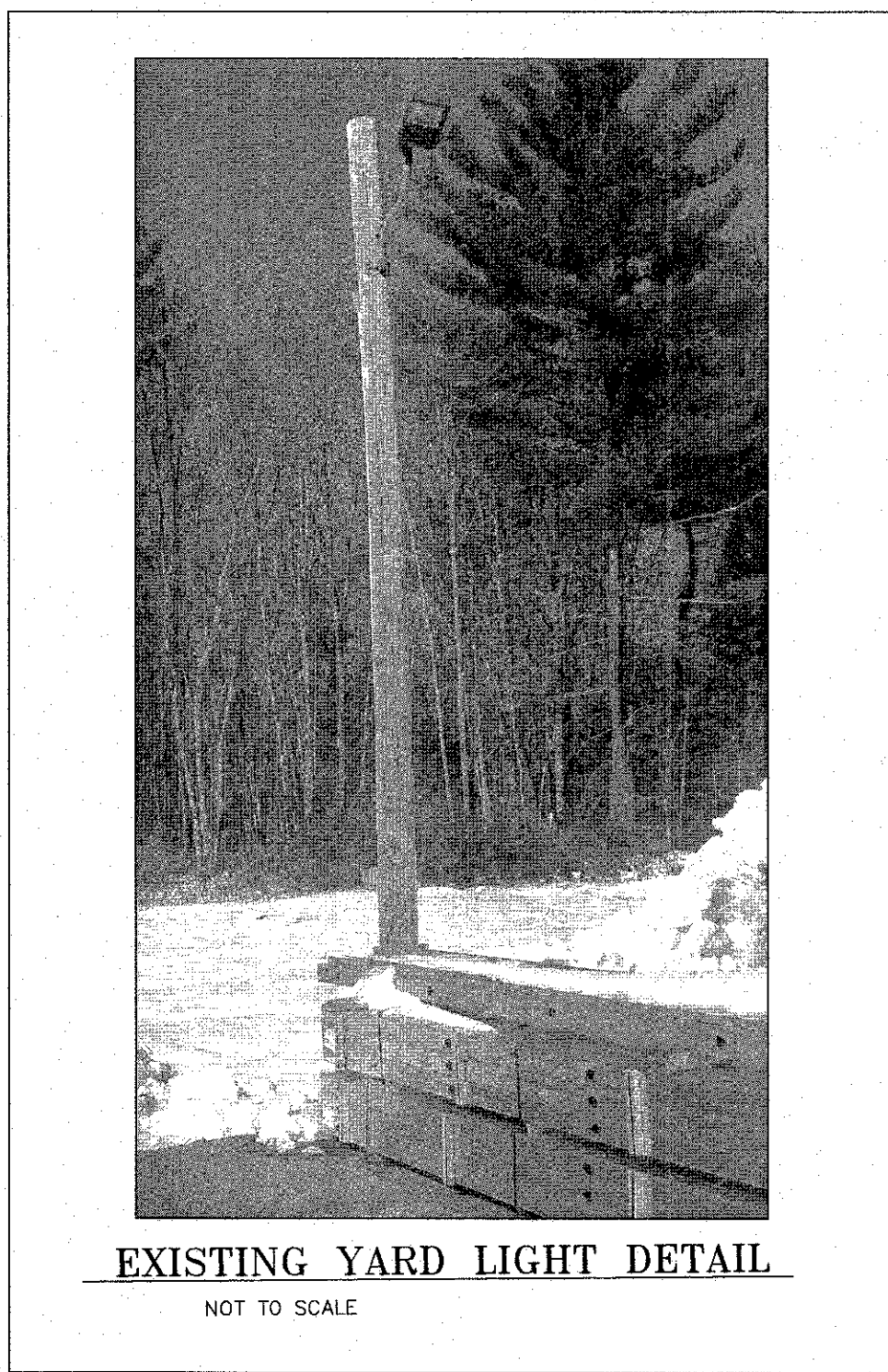


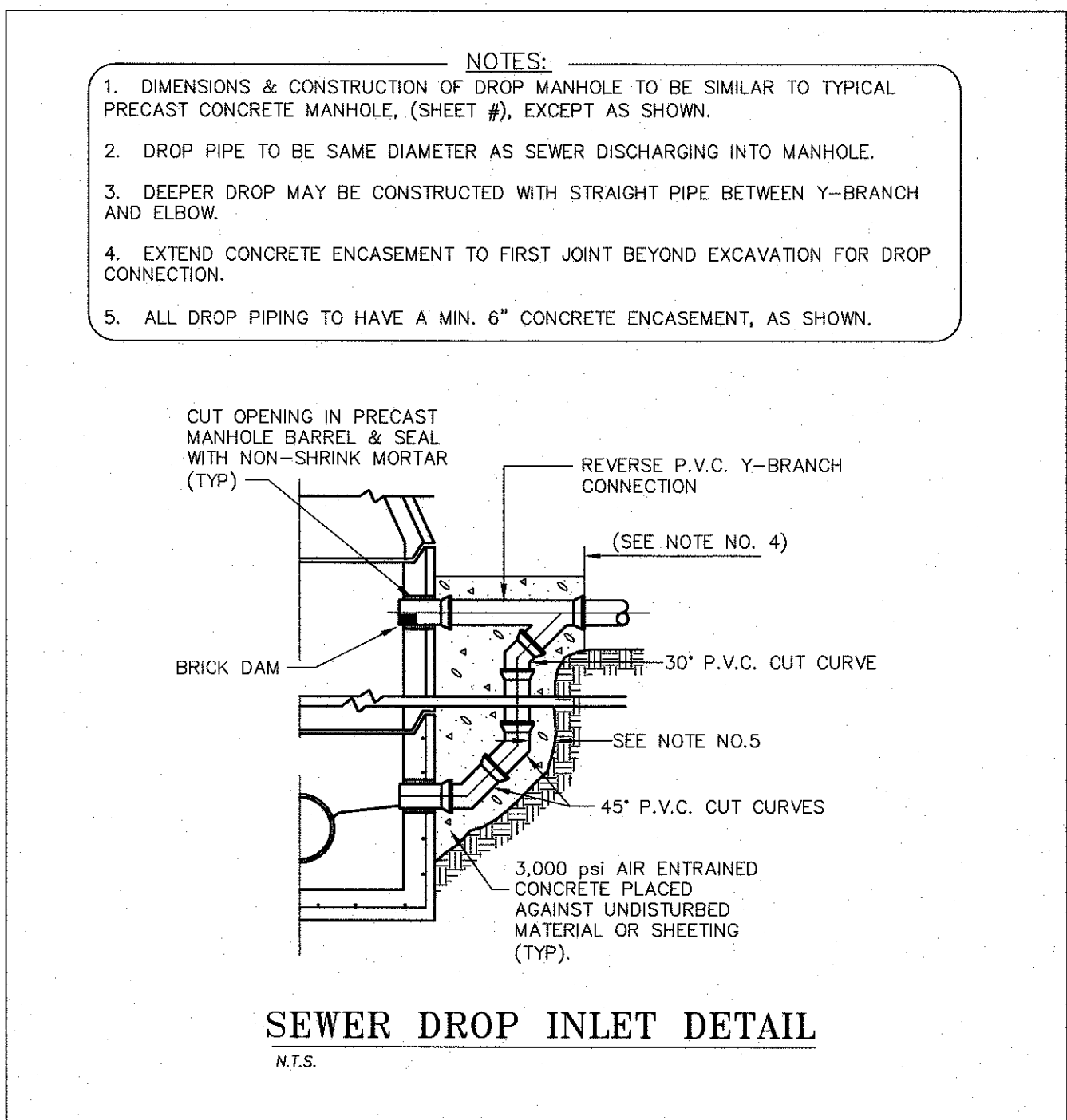
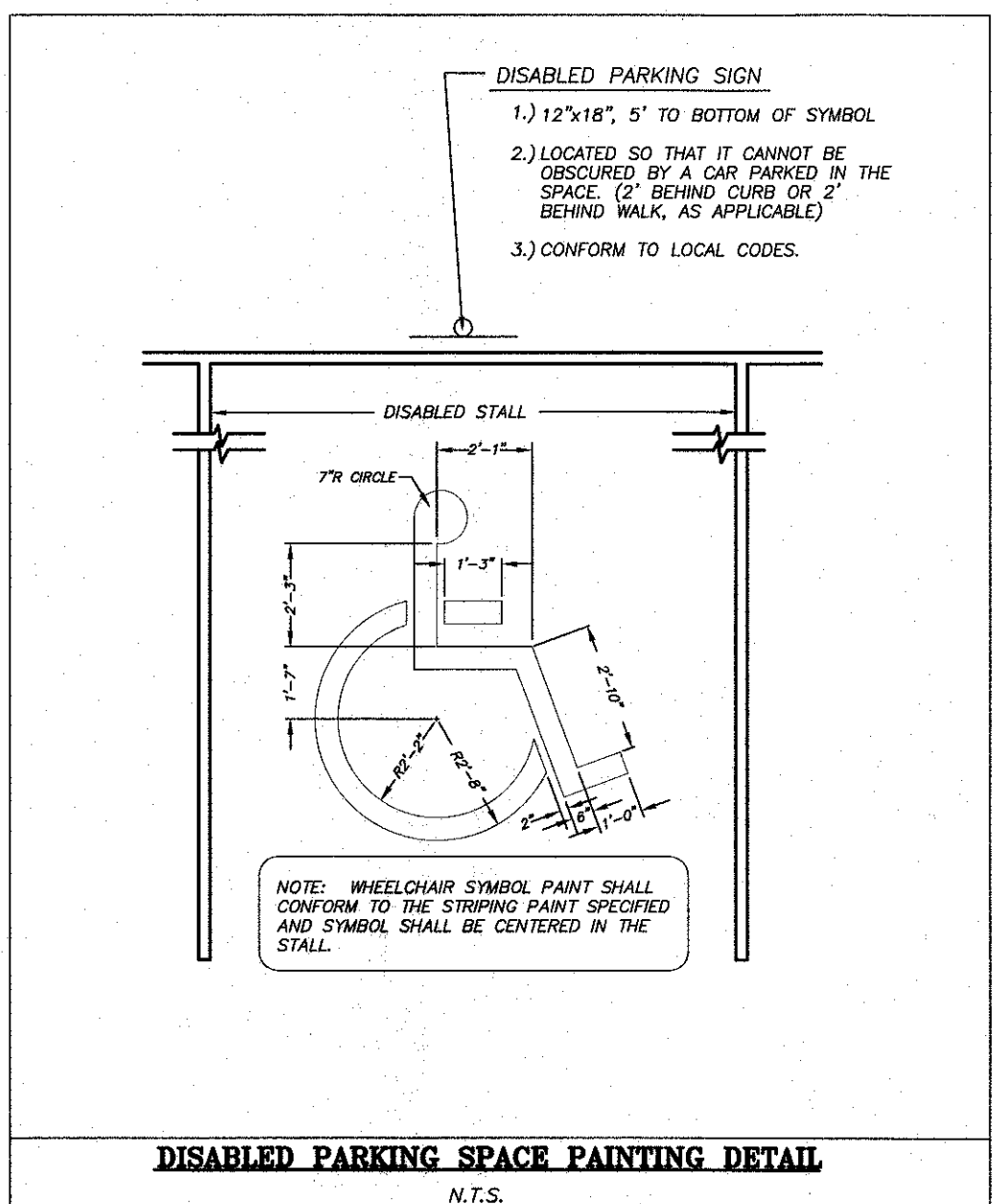
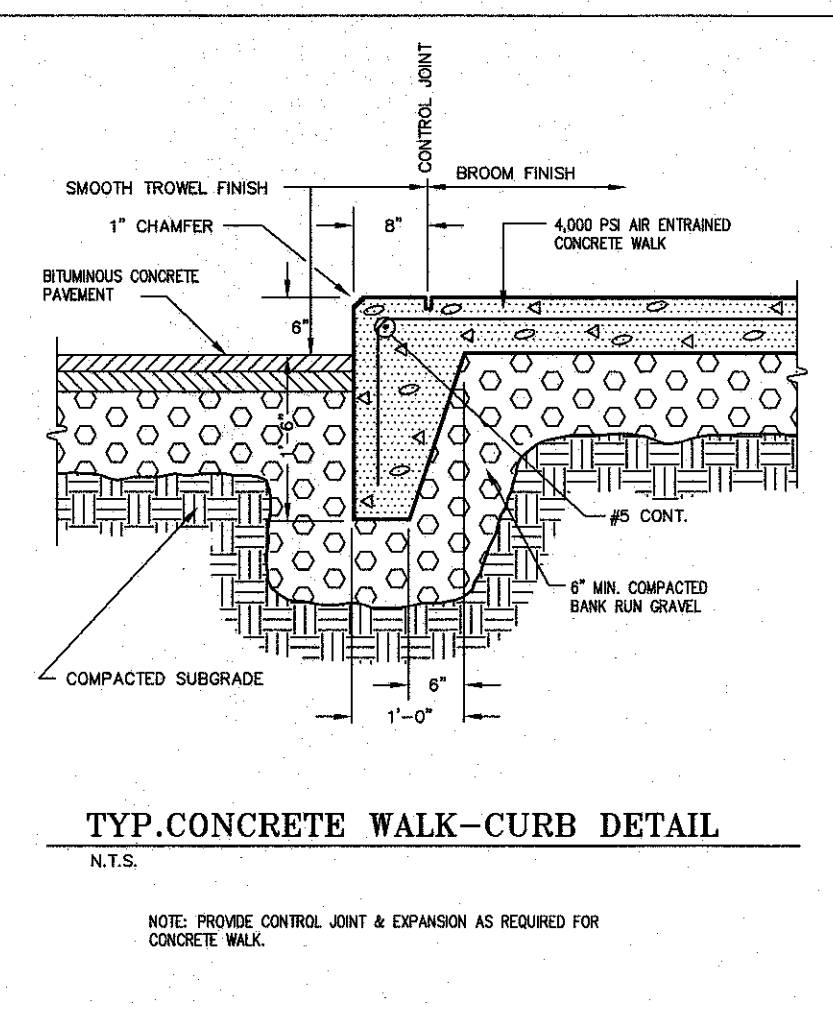
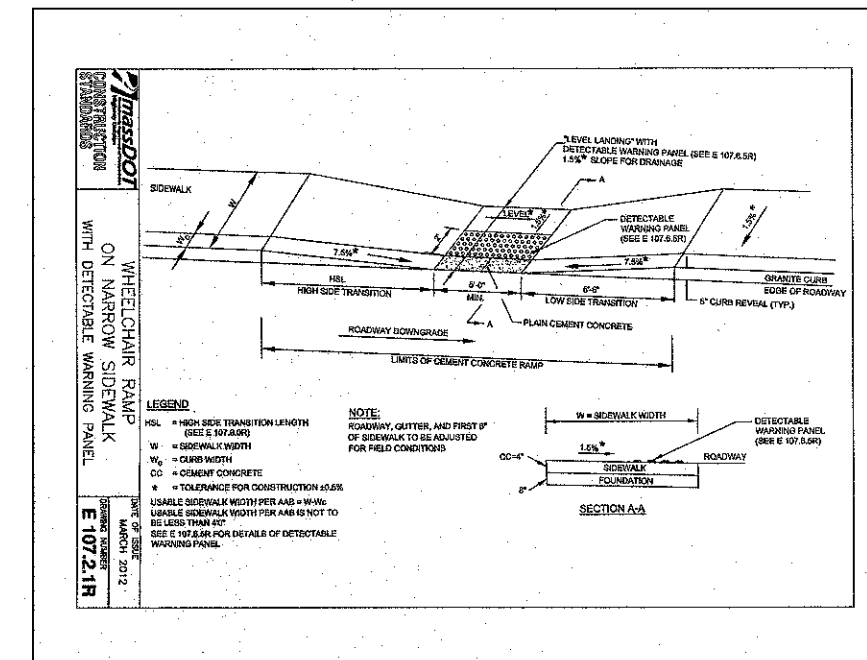
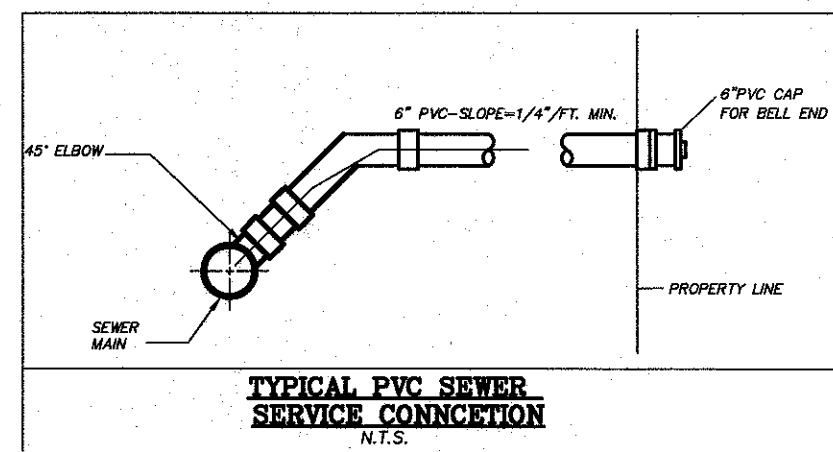
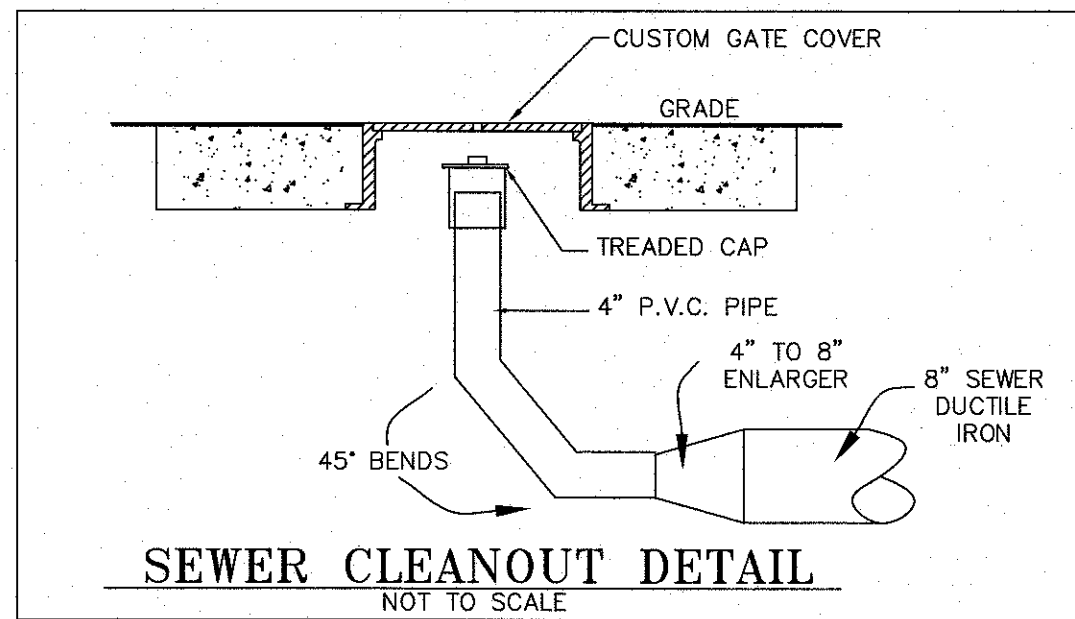
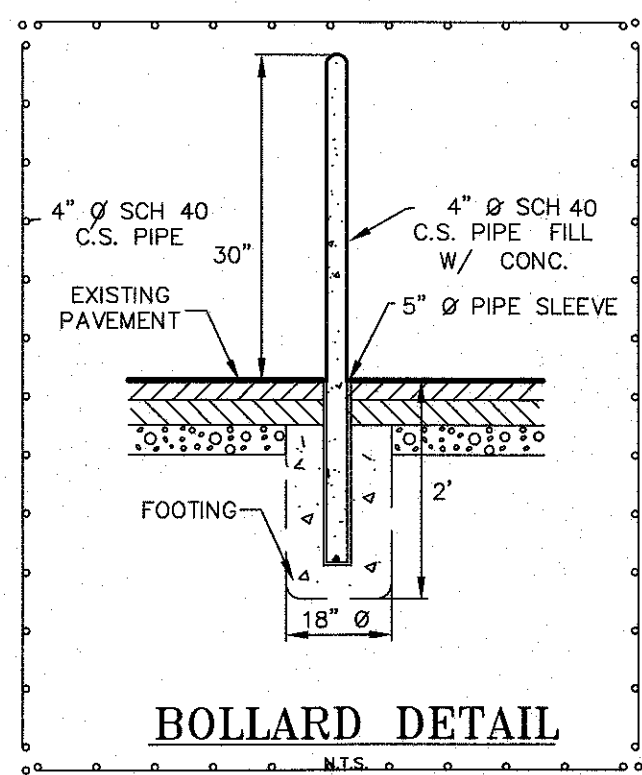
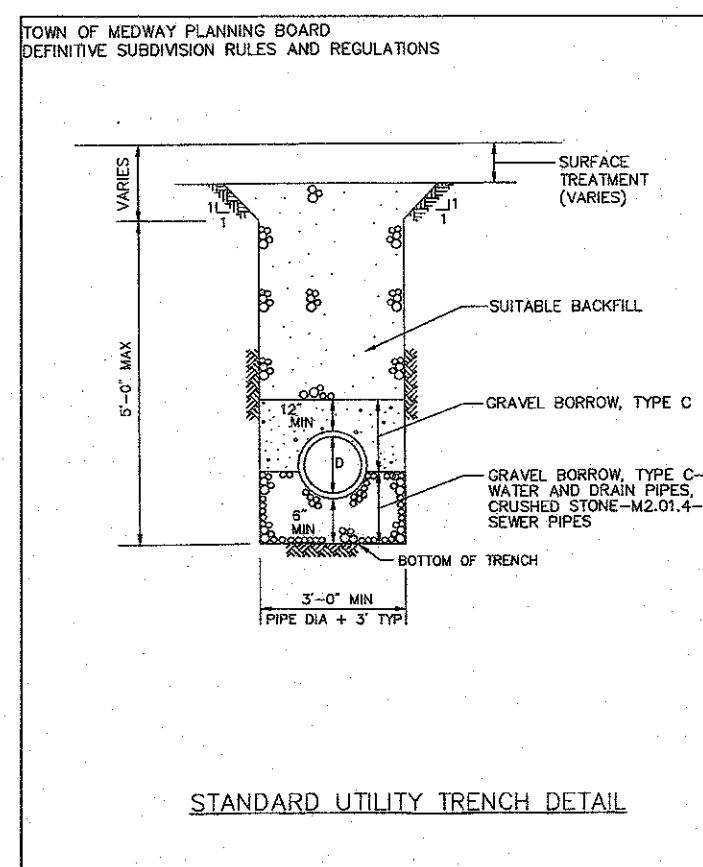
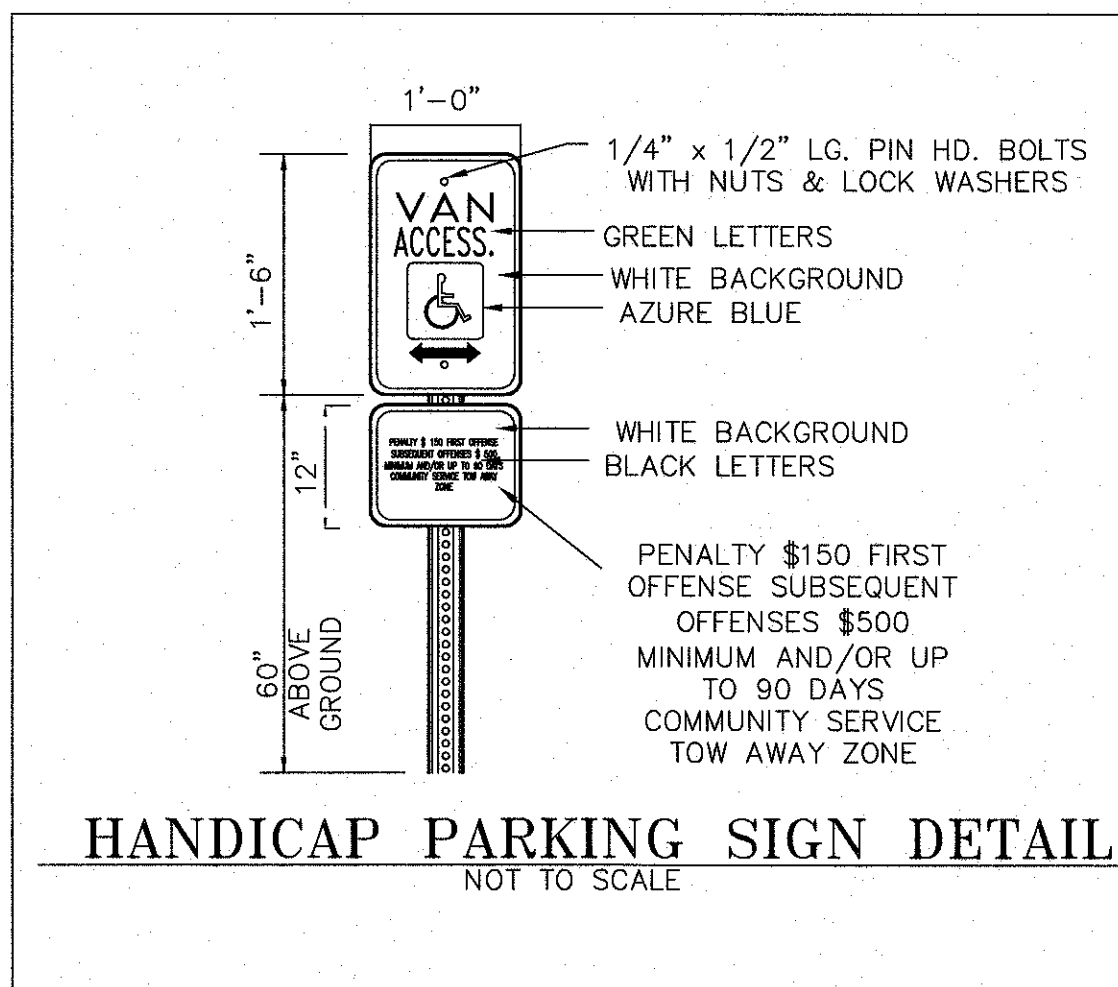
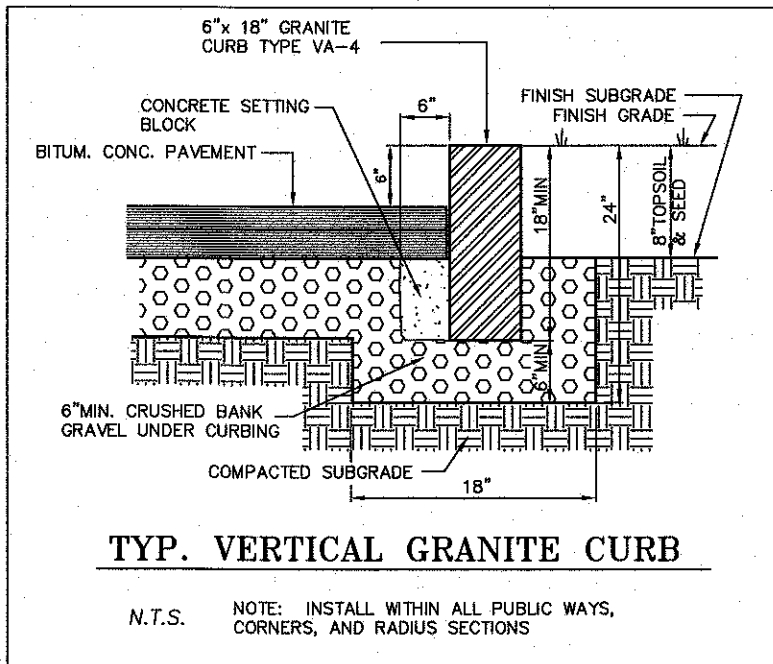
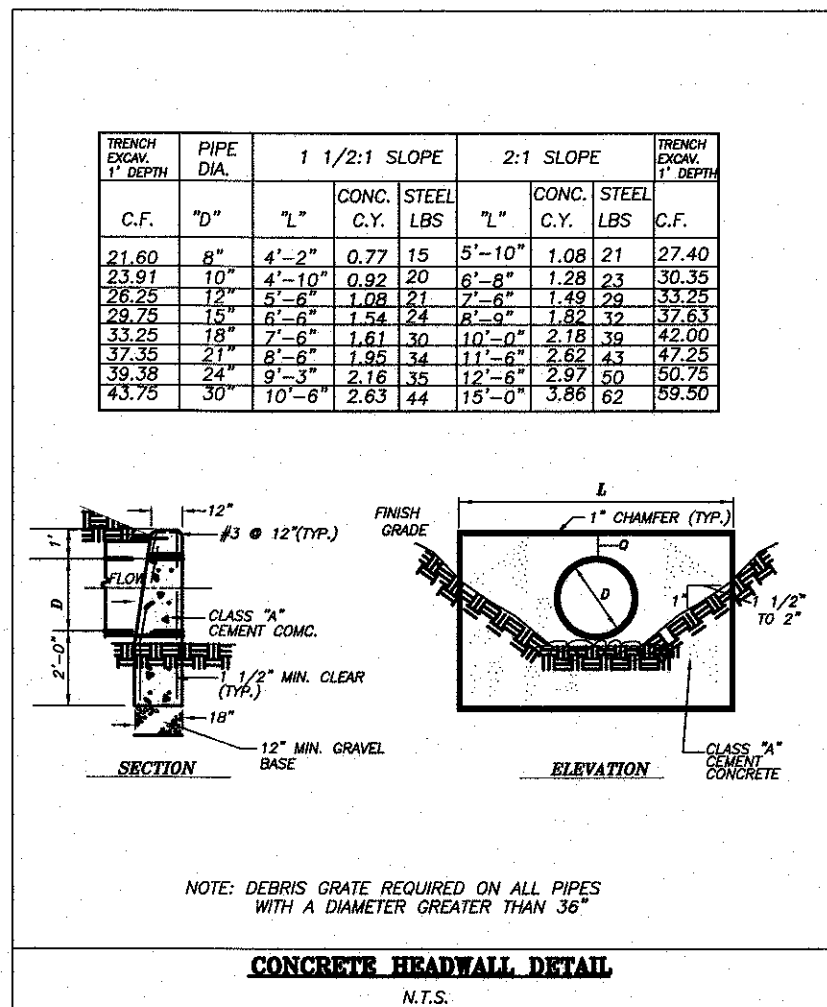
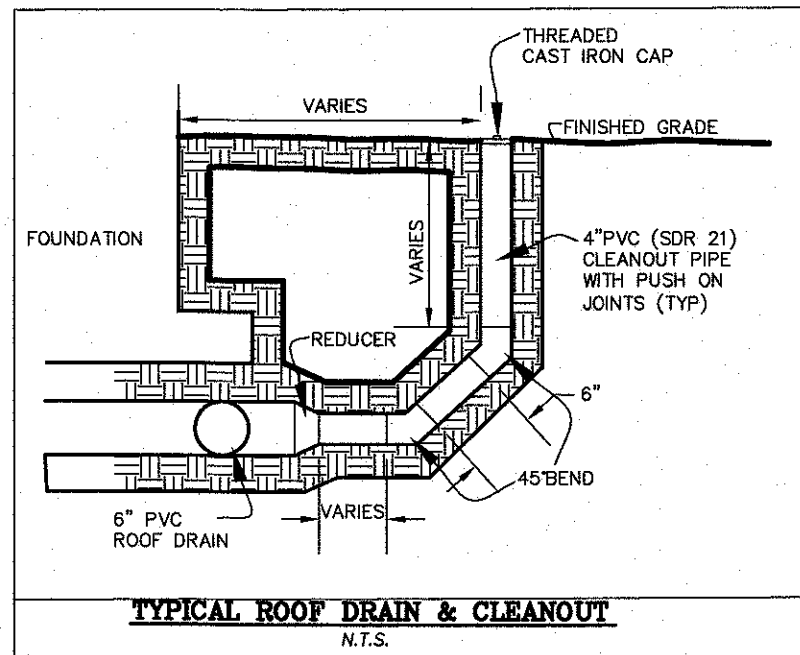
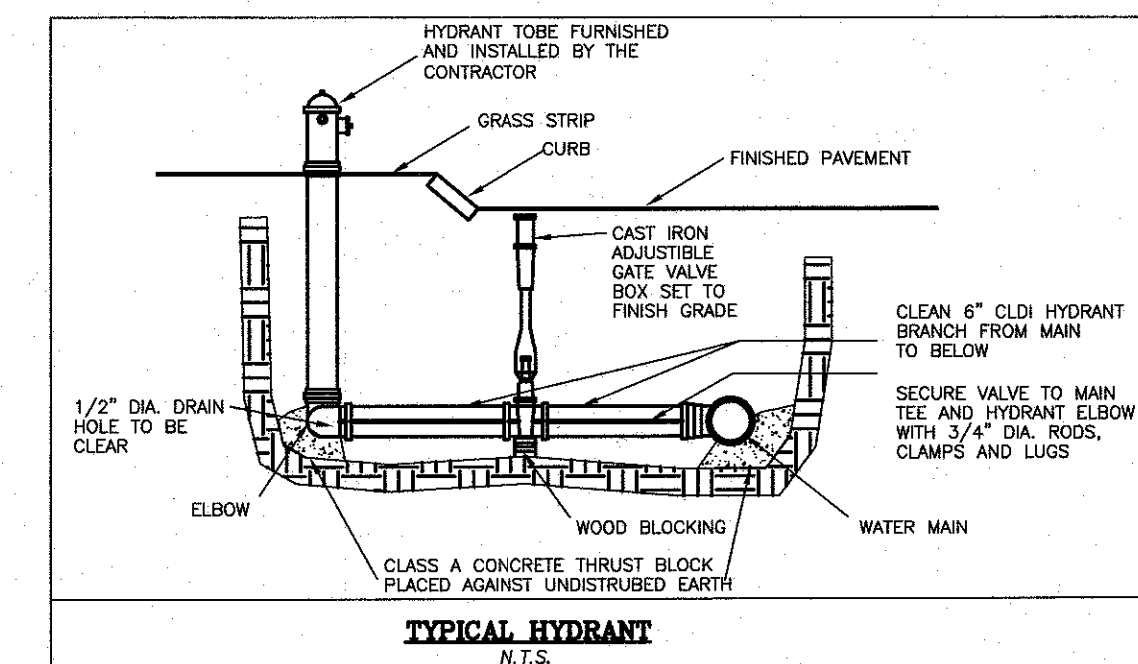
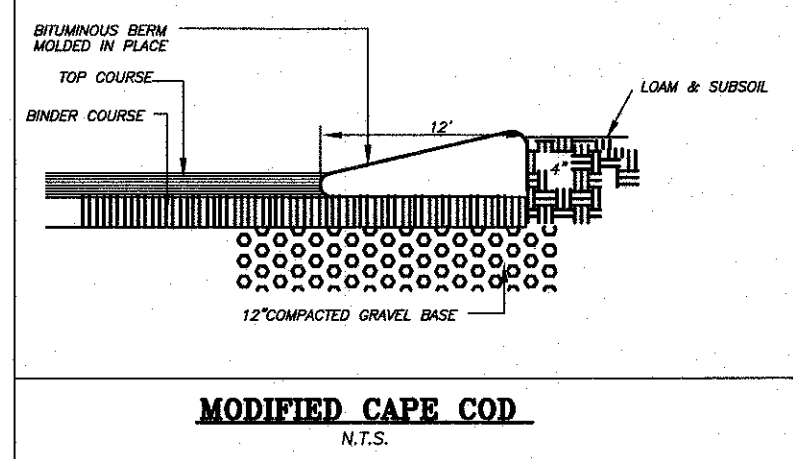
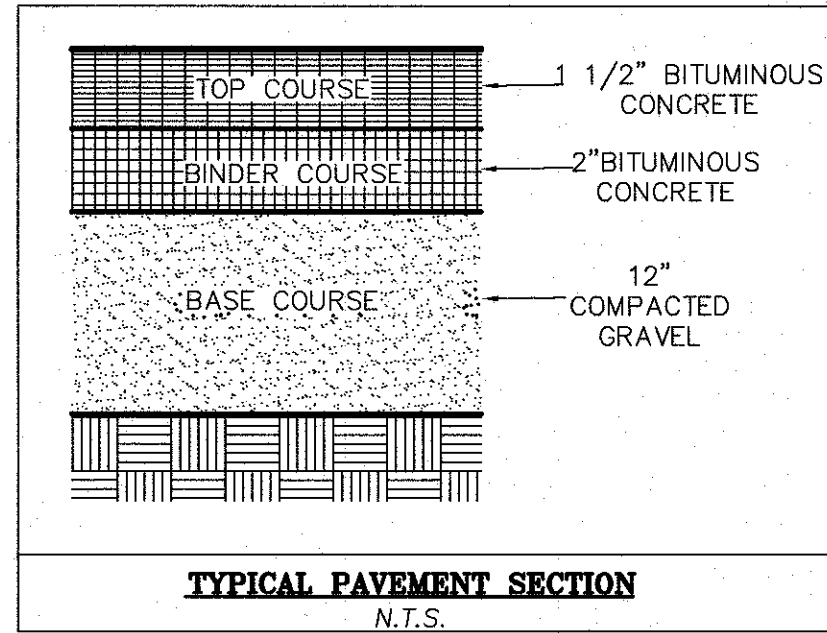
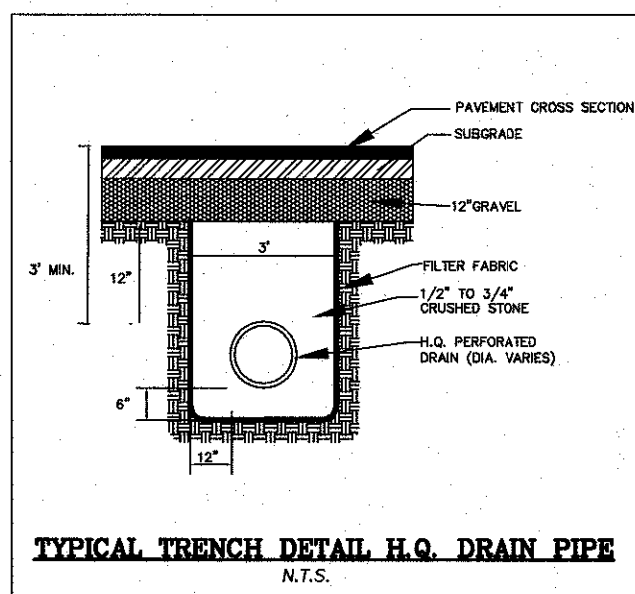
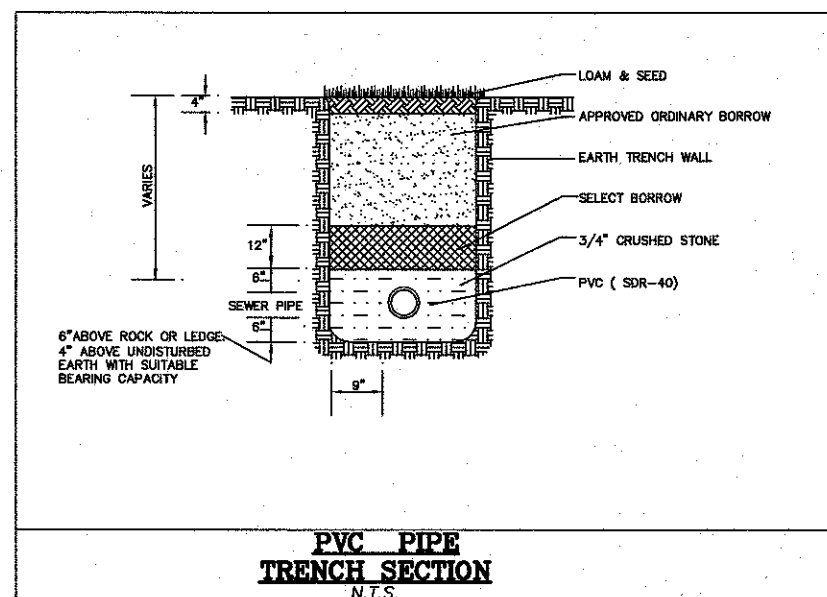
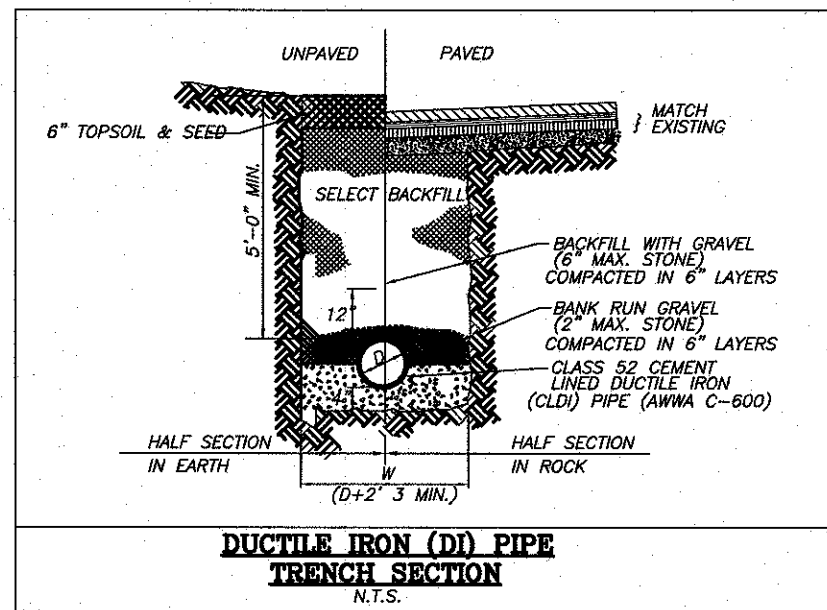
**Guerriere
&
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Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET

G-8542





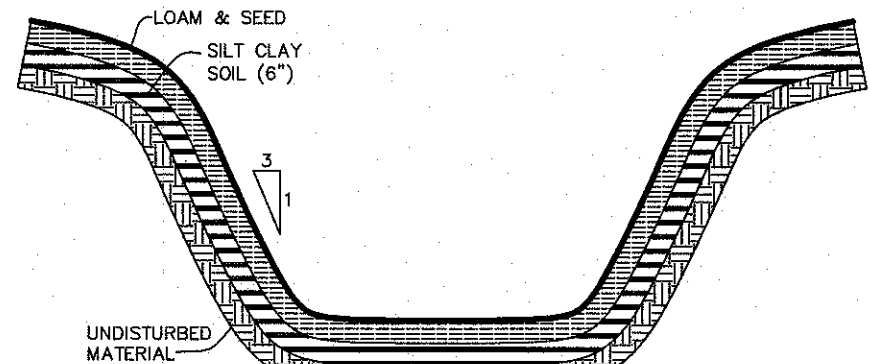
LEGEND		
---	WET	EDGE OF WETLANDS
---	256	EXISTING TREELINE
---	256	EXISTING CONTOUR
---	OH	OVERHEAD WIRE
---	D	DRAIN LINE
---	S	SEWER LINE
---	W	WATER LINE
---	UE	UNDERGROUND ELECTRIC
---	RD	ROOF DRAIN
---	X	PROPOSED FENCE
---	B	100' BUFFER ZONE
---	⊗	EXISTING SEWER MANHOLE
---	⊗	EXISTING DRAIN MANHOLE
---	⊗	EXISTING CATCH BASIN
---	⊗	EXISTING UTILITY POLE
---	⊗	PROPOSED DRAINAGE MANHOLE
---	⊗	PROPOSED UTILITY POLE
---	⊗	PROPOSED CATCH BASIN
---	⊗	WETLANDS
---	⊗	HANDICAP SPACE
---	⊗	TRAFFIC FLOW
---	⊗	PROPOSED BUILDINGS
---	⊗	MOUNTED LIGHT

DATE	REV.	PER	DESCRIPTION	INITIALS
6/10/5/17	REV.	PER	DECISION LETTER	PML
5/6/15/17	REV.	PER	COMMENT LETTER	PML
4/6/6/17	REV.	PER	DRAINAGE PER EMAIL	PML
3/5/25/17	REVISED	PER	COMMENTS.	PML
2/4/25/17	REVISED	PER	COMMENTS.	PML
1/3/23/17	ADDED	BANK	FLAGS.	PML
##	DATE		DESCRIPTION	INITIALS

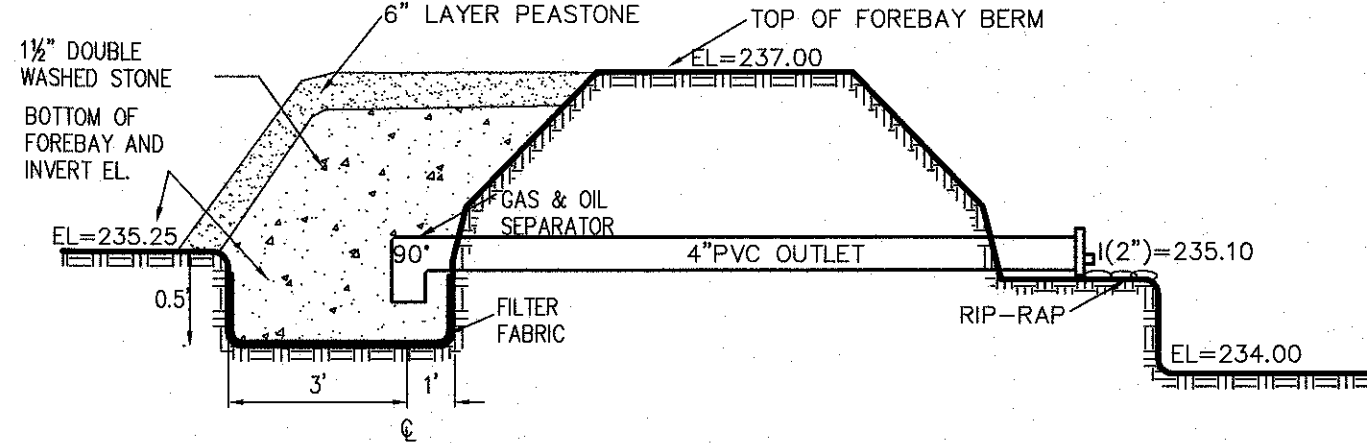
MEDWAY PLANNING AND ECONOMIC
 DEVELOPMENT BOARD APPROVAL
 DATE: _____
 SIGNATURE DATE: _____
 BEING A MAJORITY

- NOTES**
- THIS PLAN REFERS TO THE MEDWAY ASSESSORS ATLAS SHEET 64 LOT 2.
 - ALL UTILITIES, STRUCTURES AND SITE FEATURES SHOWN ARE PROPOSED UNLESS NOTED OR OTHERWISE INDICATED AS EXISTING.
 - ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - TRAFFIC GENERATION IS 600 VEHICLES PER DAY.
 - SEWAGE FLOW: 75 GPD/1,000 S.F. WAREHOUSE/OFFICE SPACE=30*75=2,250 GPD
 - TOPOGRAPHIC INFORMATION COLLECTED ON THE GROUND BY GUERRIERE AND HALNON, INC.
 - FIRE LANES SHALL BE BUILT TO ACCOMMODATE 20 TON FIRE APPARATUS DURING CONSTRUCTION.
 - FIRE LANES TO BE POSTED AND APPROVED BY THE MEDWAY FIRE AND POLICE DEPARTMENTS.
 - EXTERIOR LIGHTS SHALL BE 200 WATT METAL HALIDE BULBS AND SHALL BE ORIENTED SO AS NOT TO GLARE ONTO ADJOINING PROPERTIES.
 - SILTATION BARRIERS AND DEVICES TO BE IN PRIOR TO ALL CONSTRUCTION.
 - NO EQUIPMENT SHALL BE STORED IN THE FIRE LANES. ALL FIRE LANES SHALL BE KEPT CLEAR AND PASSABLE AT ALL TIMES.
 - NO COMBUSTIBLES CONSTRUCTION SHALL BE ALLOWED UNTIL ALL HYDRANTS ARE INSTALLED TO GRADE, TESTED AND IN SERVICE.
 - ALL DUMPSTERS TO BE ON CONCRETE PADS AND TO BE PROPERLY SCREENED.
 - KNOX BOXES TO BE REQUIRED ON ALL BUILDINGS.
 - ALL DRAINAGE PIPE TO BE SMOOTH BORE CORRUGATED POLYETHYLENE SIMILAR TO HIO PIPE AND FITTINGS AS MANUFACTURED BY HANCO FUNDLAY, OHIO, OR EQUIVALENT UNLESS OTHERWISE NOTED.
 - ALL SEWER PIPE TO BE SDR 35 POLYVINYL CHLORIDE (PVC), UNLESS NOTED.
 - ALL WATER PIPE TO BE 8" DUCTILE IRON(CLDI)CLASS 52 UNLESS NOTED.
 - DOMESTIC WATER SERVICE TO BE 2" COPPER TYPE K.
 - ALL MATERIAL AND INSTALLATION SHALL FOLLOW MEDWAY WATER SPECIFICATIONS.
 - ALL WATER LINE TO BE INSTALLED MINIMUM OF 4.5' BELOW EXISTING ROAD GRADE.
 - GAS LINE SPECIFICATIONS BY UTILITY PROVIDER.
 - PROPOSED FREE STANDING SIGNS TO COMPLY WITH THE TOWN OF MEDWAY ZONING BYLAW SECTION.
 - ALL ENTRANCES TO BE HANDICAPPED ACCESSIBLE.

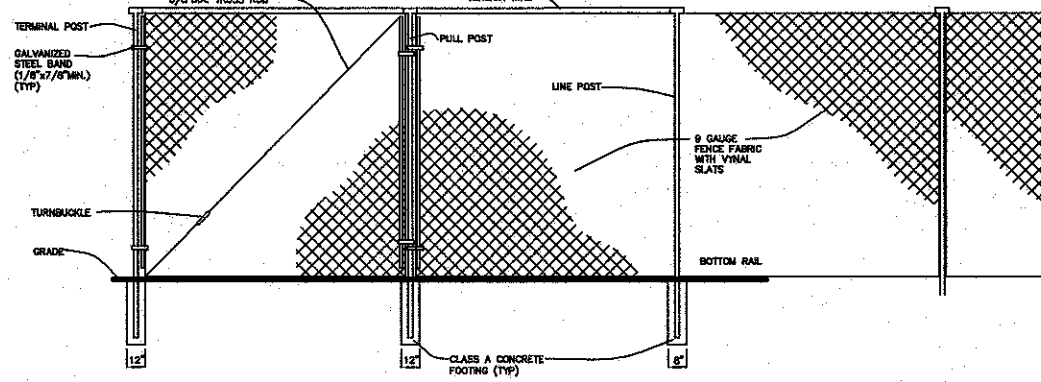
OWNER / APPLICANT
 MERRIMACK BUILDING SUPPLY
 20 TROTTER DRIVE
 MEDWAY MA
 20 TROTTER DRIVE
 "DETAIL SHEET #1"
 PLAN OF LAND
 IN
 MEDWAY, MA
 SCALE: NOT TO SCALE
 DATE: MARCH 10, 2017
 Guerriere & Halnon, Inc.
 Engineering & Land Surveying
 333 WEST STREET, MILFORD, MASS. 01757
 (508) 473-6630 FAX: (508) 473-6243
 SHEET C-7



CROSS SECTION FOREBAY

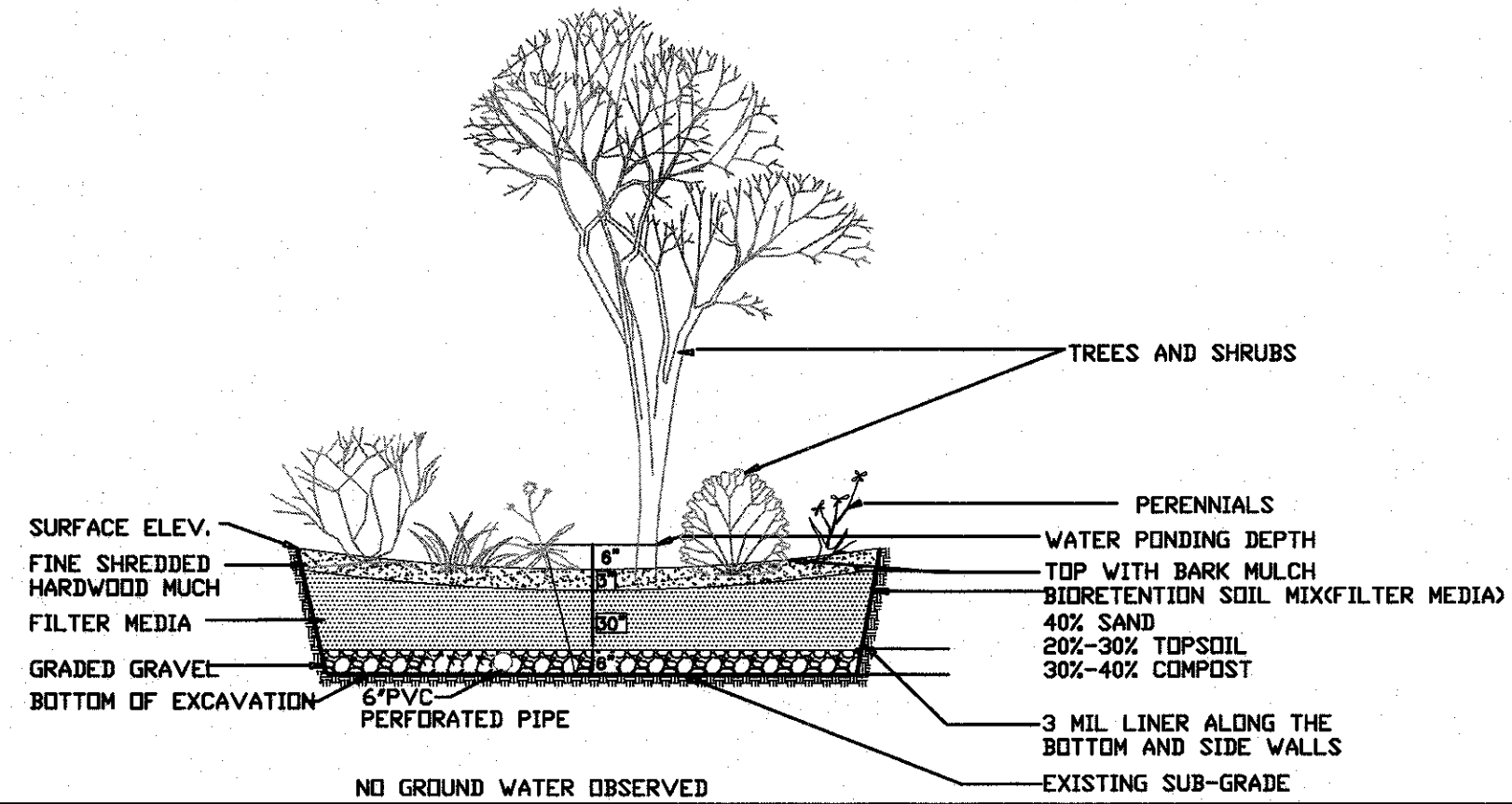


SLOW DRAIN OUTLET



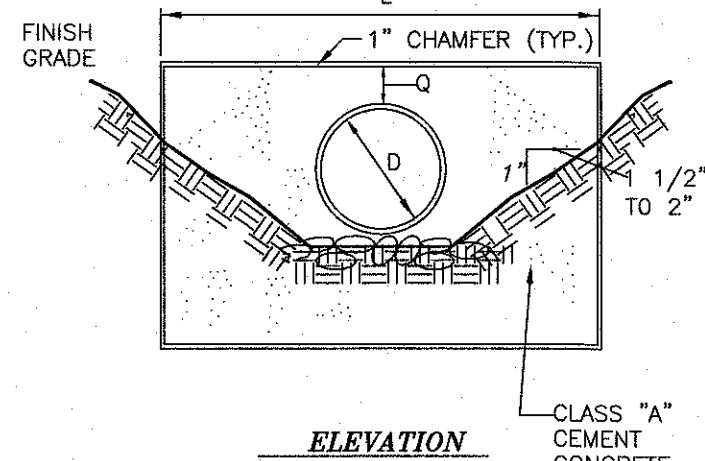
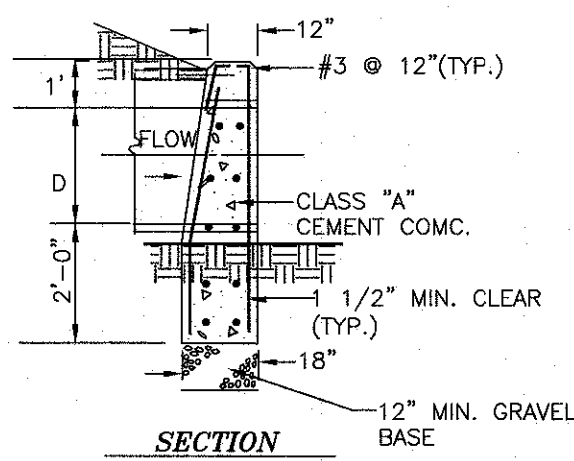
- NOTES:
1. TOP TENSION WIRE SHALL BE 7 GAUGE ATTACHED WITH 12.5 GAUGE HOG RINGS, 12" O.C.
 2. TOP RAIL WIRE TIES SHALL BE SPACED AT 24" MAX.
 3. FENCE FABRIC TO BE LOCATED ON OUTSIDE OF FENCE POSTS.
 4. FENCE TO BE USED FOR SCREENING AROUND TRASH ENCLOSURE.

CHAIN LINK FENCE
N.T.S.



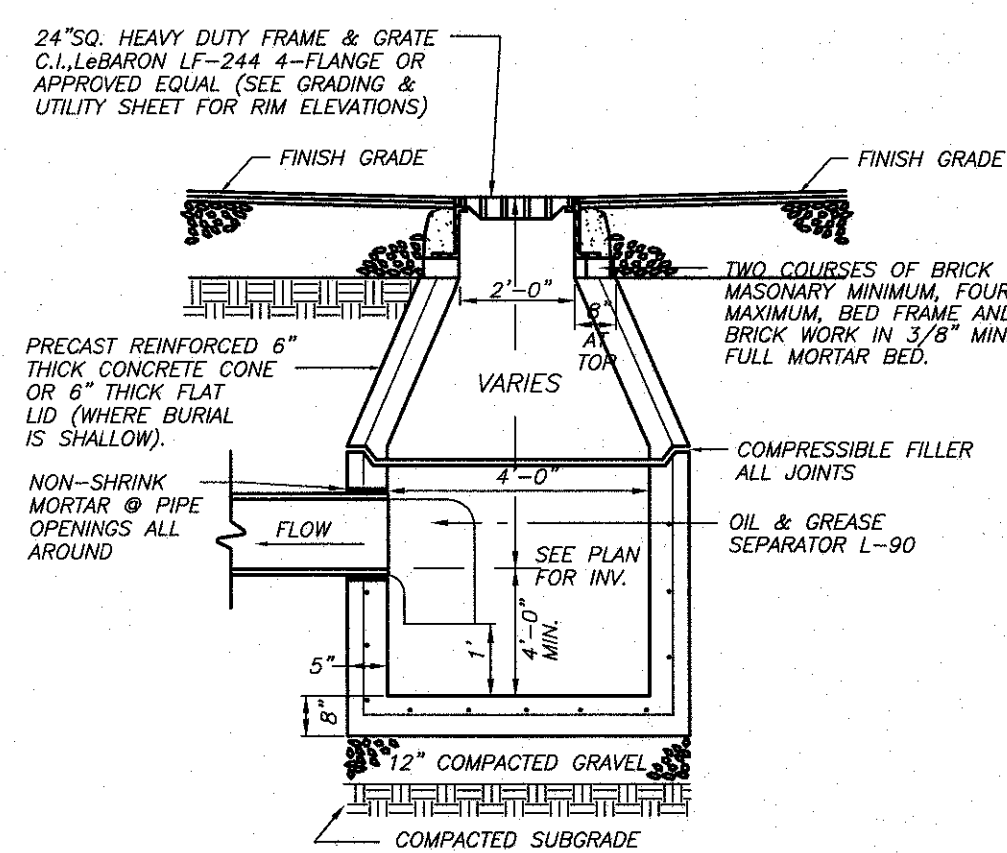
RAIN GARDEN

TRENCH EXCAV. 1' DEPTH	PIPE DIA.	1 1/2:1 SLOPE	2:1 SLOPE	TRENCH EXCAV. 1' DEPTH
C.F.	"D"	"L"	C.Y.	C.F.
21.60	8"	4'-2"	0.77	15
23.91	10"	4'-10"	0.92	20
26.25	12"	5'-6"	1.08	21
29.75	15"	6'-9"	1.34	24
33.25	18"	7'-6"	1.61	30
37.35	21"	8'-6"	1.95	34
39.38	24"	9'-3"	2.16	35
43.75	30"	10'-6"	2.63	44

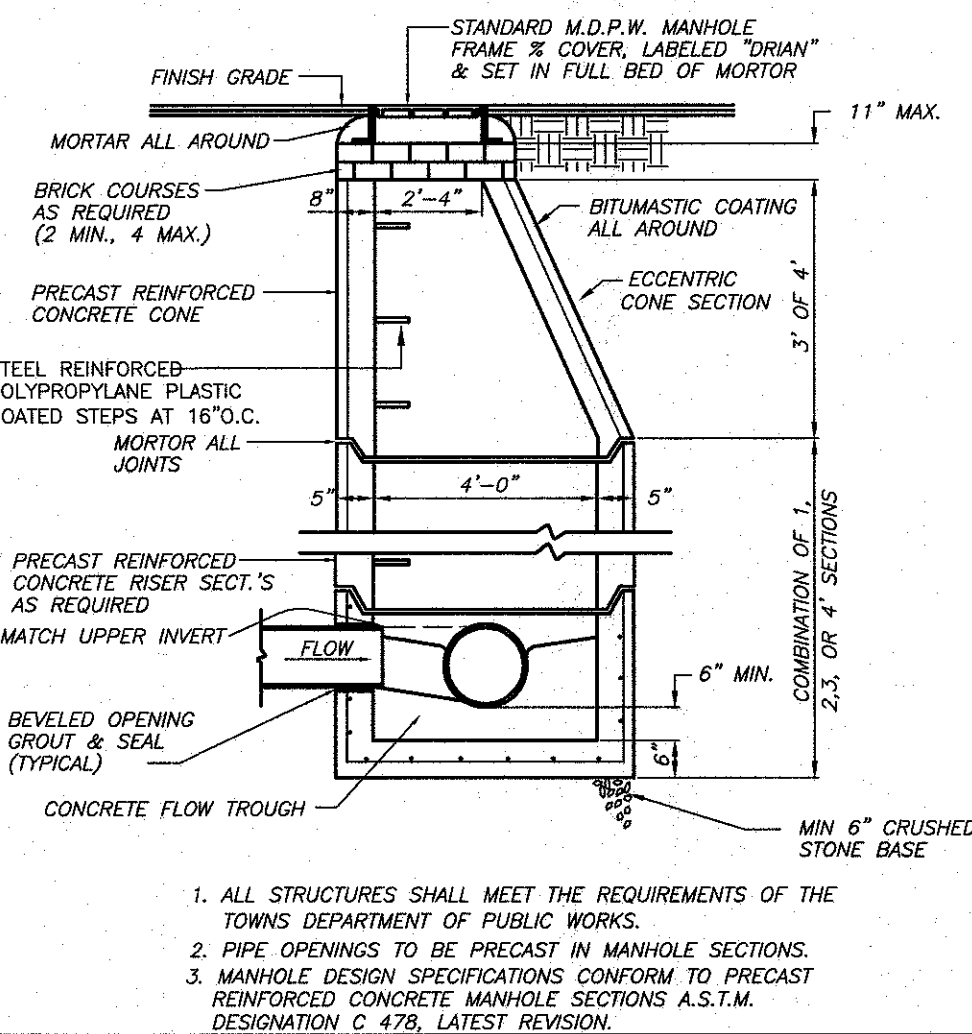


NOTE: DEBRIS GRATE REQUIRED ON ALL PIPES WITH A DIAMETER GREATER THAN 36"

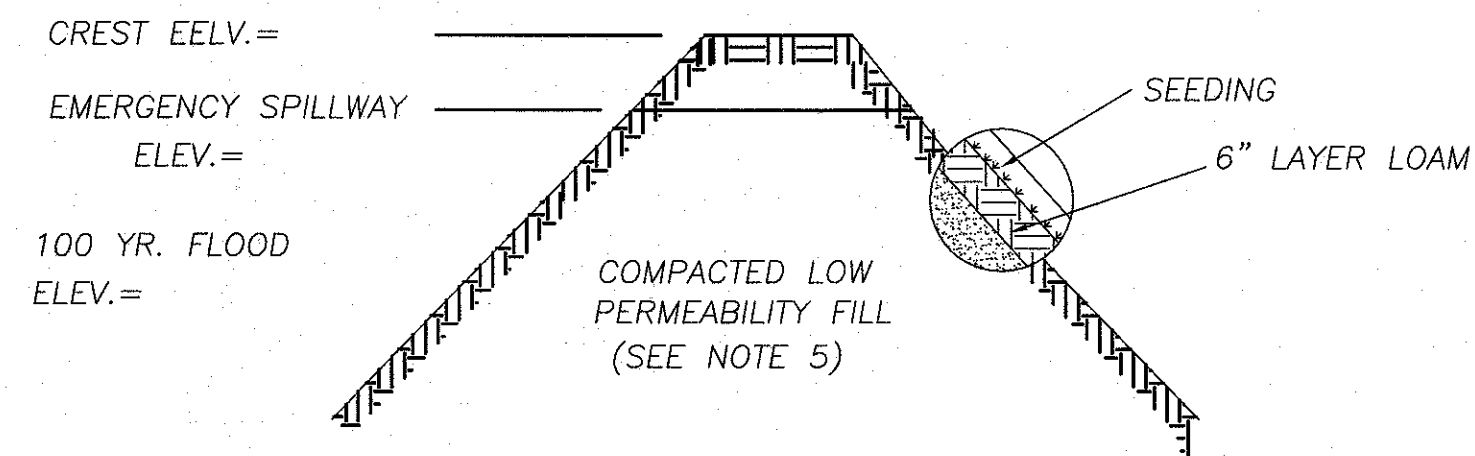
TYP. CONCRETE HEADWALL DETAIL



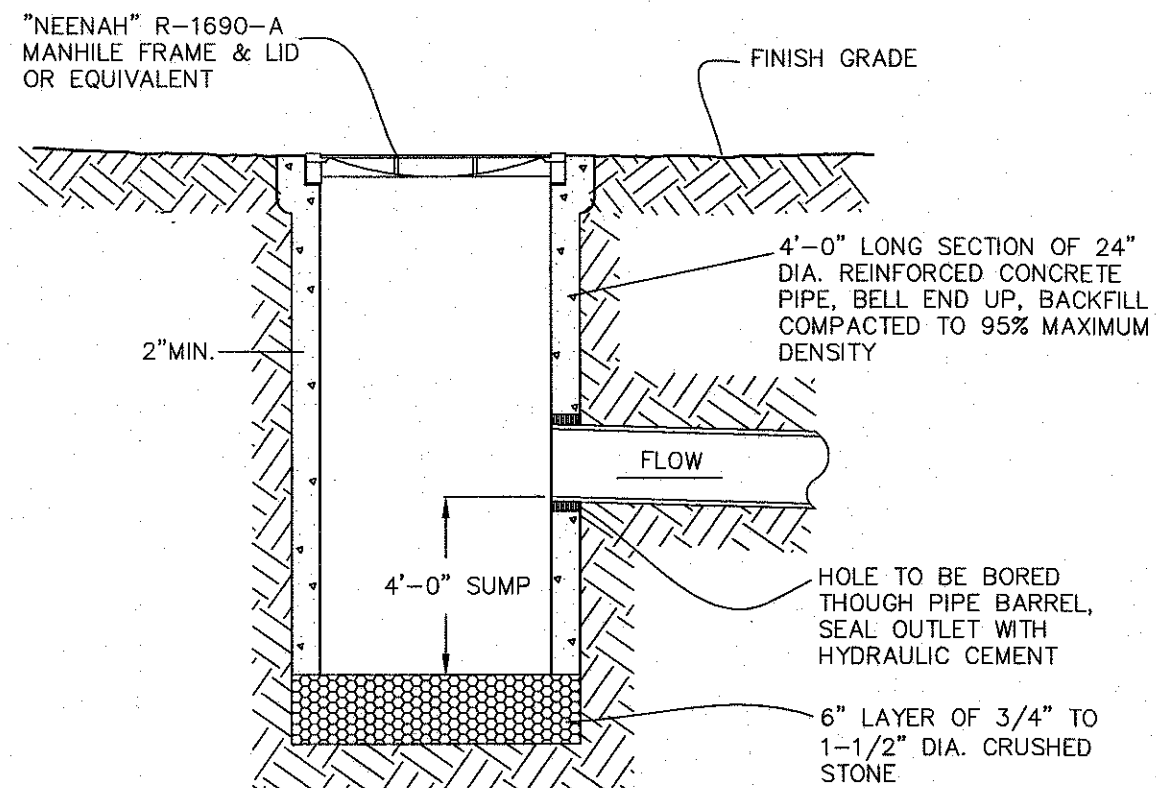
CATCH BASIN DETAIL



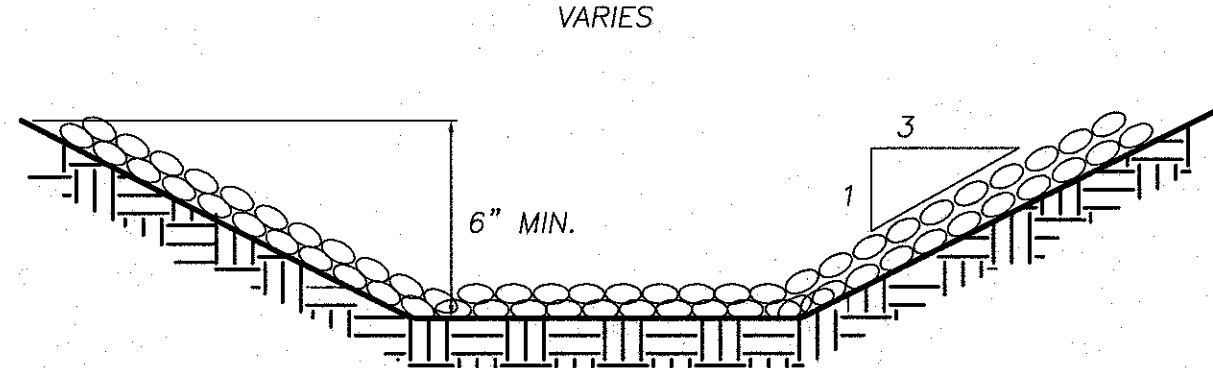
PRECAST CONCRETE DRAIN MANHOLE



- NOTES:
1. ALL WORK IS TO BE STAKED AND INSPECTED BY THE DESIGN ENGINEER.
 2. AREAS UNDER THE EMBANKMENT AND ANY STRUCTURAL WORKS SHALL BE CLEARED.
 3. NO PIPE SHALL BE LAID ON ROCK. ALL ROCK SHALL BE OVEREXCAVATED TO A MINIMUM OF 18" BELOW THE PROPOSED INVERT AND BE REPLACED BY COMPACTED LOW PERMEABILITY FILL.
 4. ALL STRUCTURES TO MEET A.S.T.M.D. C 478 LATEST REVISION.
 5. COMPACTED LOW PERMEABILITY FILL MATERIAL SHALL BE WELL GRADED, SILTY, GRAVELLY SAND WITH A MINIMUM OF 15% PASSING SIEVE #200, AND SHALL BE FREE OF STONES GREATER THAN 6" IN DIA., ORGANIC MATTER CONSTRUCTION DEBRIS, SNOW.
- OR FROZEN SOIL MATERIAL SHALL BE REPLACED IN LAYERS NOT EXCEEDING 8" IN THICKNESS, AND SHALL BE COMPACTED BY CONTINUOUS PASSES WITH COMPACTORS. MINIMUM DEGREE OF COMPACTION SHALL BE 95% OF MAXIMUM DRY DENSITY AS SPECIFIED BY A.S.T.M. D1557C.
6. 10 FOOT WIDE EMERGENCY SPILLWAY TO BE RIP-RAPPED WITH 24 SIDE SLOPES.
 7. THE EMBANKMENT WILL BE CONSTRUCTED TO THE DESIGN ELEVATION PLUS 0.5 FEET TO ALLOW FOR SETTLEMENT.
 8. A MINIMUM OF 2 FEET OF COMPACTED BACKFILL SHALL BE PLACED OVER THE CONDUIT BEFORE CROSSING IT WITH CONSTRUCTION EQUIPMENT.
 9. S.C.S. APPROVED SEED MIX TO BE SPREAD AS SOON AS PRACTICAL TO MINIMIZE EROSION.

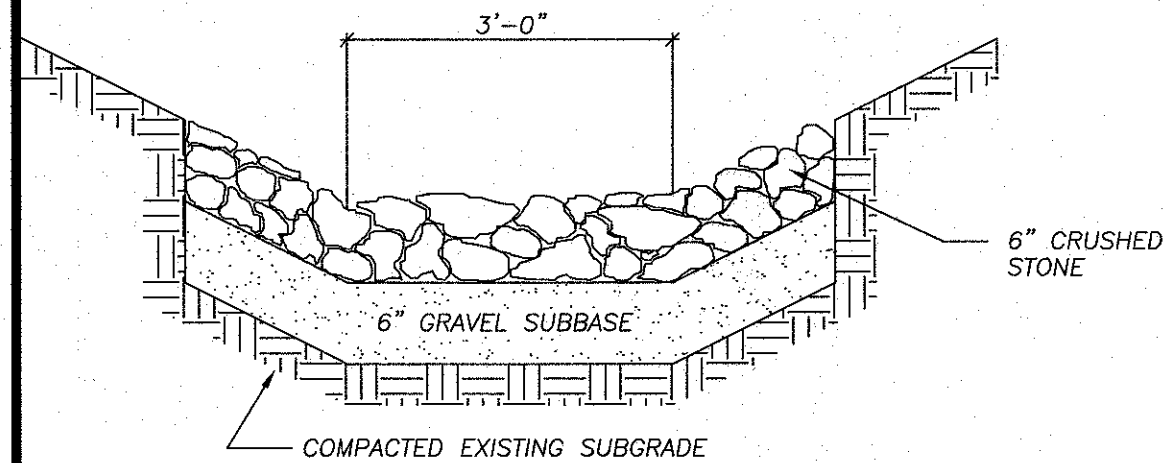


AREA DRAIN MANHOLE



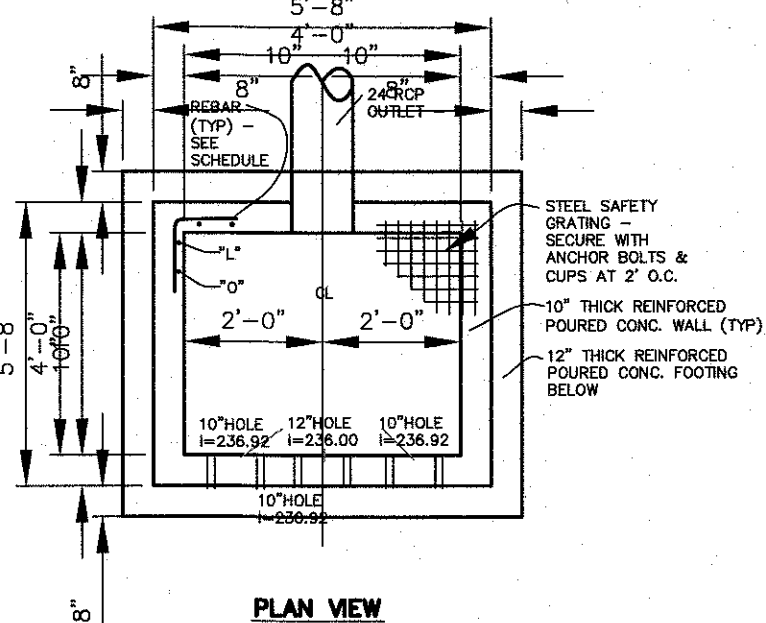
- NOTES:
1. FILTER MATERIAL BENEATH RIP-RAP UNLESS BANK IS OF GRAVEL & COARSE SAND MIX. (5" MIN. THICKNESS)
 2. MINIMUM WEIGHT OF STONE = 50 LBS.; MAXIMUM WEIGHT = 125 LBS.
 3. 75% OF TOTAL STONE VOLUME TO BE MIN. 750. STONES.
 4. MINIMUM DEPTH OF RIP-RAP = 18"

EMERGENCY SPILLWAY DETAIL

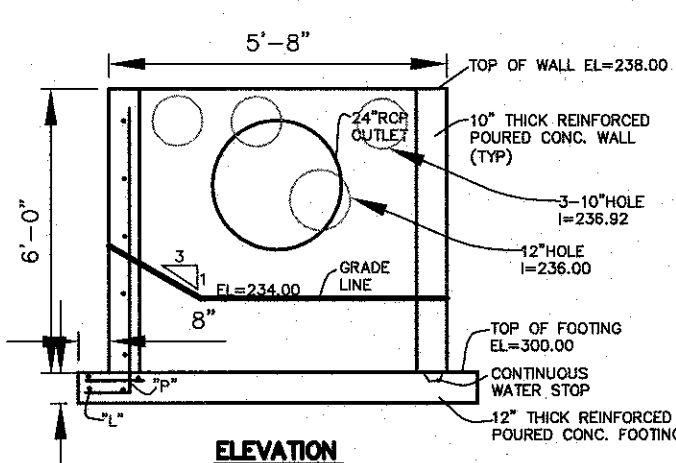


CRUSHED STONE SWALE DETAIL

OUTLET STRUCTURE TABLE	WATER QUALITY BASIN	RIM. ELEV.	INLET ELEV.	INVERT ELEV.
BASIN#1	236.00	236.00 (12")	236.00 (10")	235.90 (24")

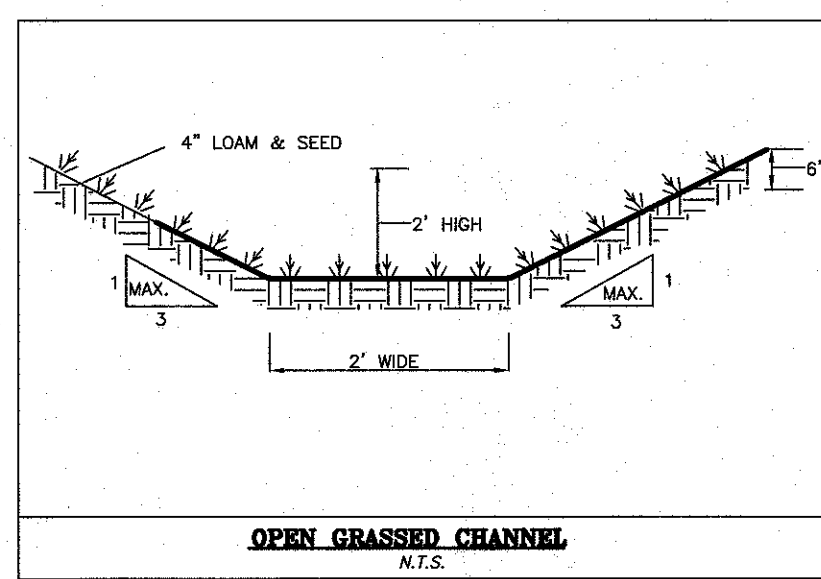


PLAN VIEW

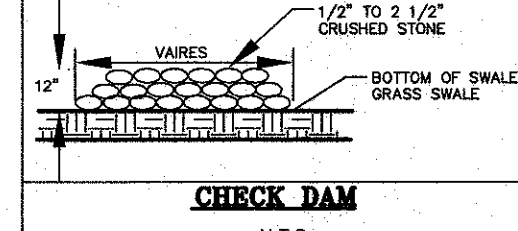


ELEVATION

REINFORCEMENT SCHEDULE	BAR NO.	SPACING (IN)
1"	4	10" O.C.
10"	3	12" O.C.
12"	3	18" O.C.

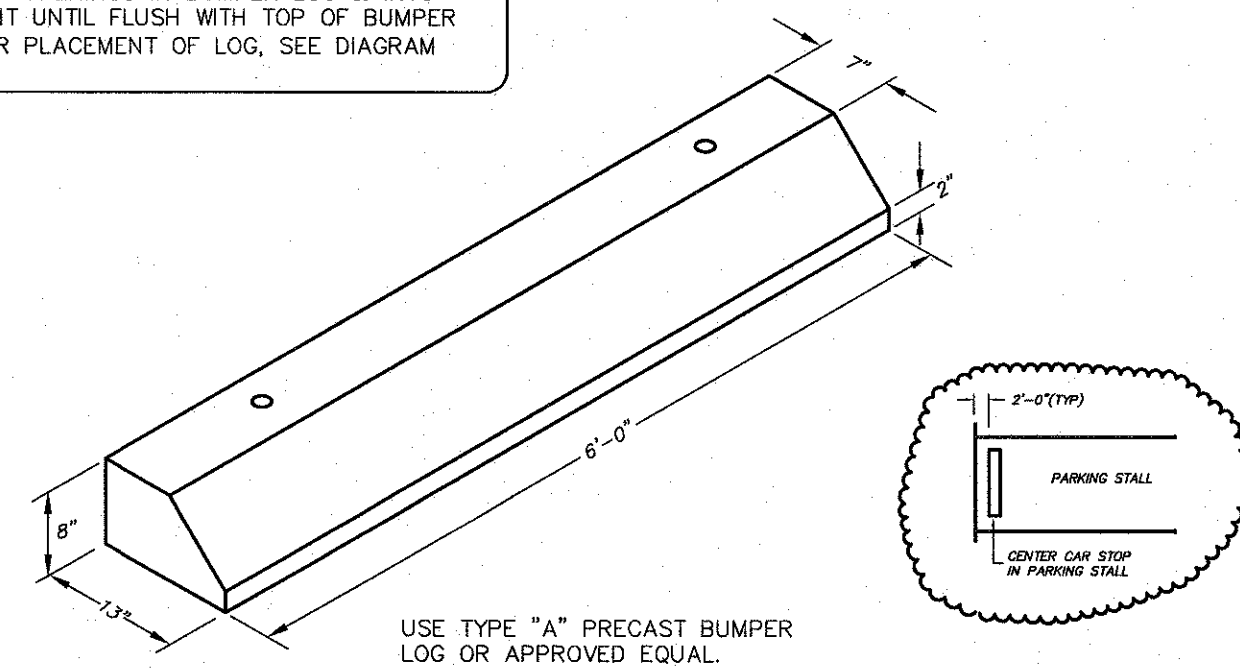


OPEN GRASSED CHANNEL
N.T.S.

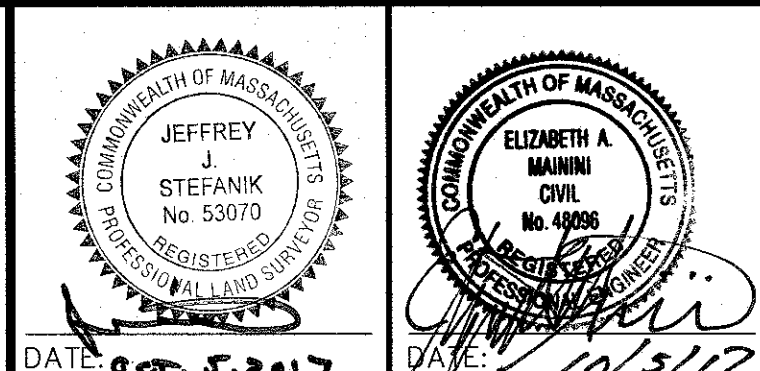


CHECK DAM
N.T.S.

NOTE:
FOR INSTALLATION OF EACH CAR STOP, DRIVE (2) 5/8" DIA. x 15" LONG STEEL RODS THROUGH PROVIDED OPENINGS IN BUMPER LOG & INTO PAVEMENT UNTIL FLUSH WITH TOP OF BUMPER LOG (FOR PLACEMENT OF LOG, SEE DIAGRAM BELOW).



PRECAST CONCRETE CAR STOP DETAIL
N.T.S.



APPROVED DATE: 06/15/17
PLANNING BOARD

SIGNATURE DATE: 06/15/17
BEING A MAJORITY

CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

EXISTING UTILITY LINES INDICATED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE CAUTION IN THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS.

CALL "DIG SAFE" 1-888-DIG-SAFE (1-888-344-7233).

EXISTING LINES OTHER THAN THOSE INDICATED ON THESE DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR IS WARNED TO PROCEED WITH CAUTION WITH ALL WORK, ESPECIALLY EXCAVATION WORK, AND TO MAKE ALL POSSIBLE INVESTIGATIONS AS TO POSSIBLE UNMARKED UTILITY LINES.

NOTES

#	DATE	DESCRIPTION	INIT
6	10/5/17	REV. PER DECISION LETTER	PML
5	6/15/17	REV. PER COMMENT LETTER 6/12/17	PML
4	6/6/17	REV. DRAINAGE PER EMAIL 6-6-17.	PML
3	5/25/17	REVISED PER COMMENTS.	PML
2	4/25/17	REVISED PER COMMENTS.	PML
1	3/23/17	ADDED BANK FLAGS.	PML

OWNER
MERRIMACK BUILDING SUPPLY
20 TROTTER DRIVE
MEDWAY MA

20 TROTTER DRIVE

"MERRIMACK BUILDING SUPPLY"

DETAIL SHEET #2
SITE
PLAN OF LAND
IN
MEDWAY, MA
SCALE: NOT TO SCALE
DATE: MARCH 10, 2017

Guerriere & Halnon, Inc.
Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243

SHEET
C-8
PML

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, December 07, 2017 11:37 AM
To: 'Bob Poxon'
Cc: Steve Bouley
Subject: Merrimack Plans for endorsement
Attachments: Merrimack Building Supply - Site Plan Approval and Groundwater Protection Special Permit (7-11-17).pdf

Hi Bob,

We have reviewed the revised Merrimack site plan dated October 5, 2017 against the decision dated July 11, 2017. I have attached a copy of that decision for your reference.

On the cover sheet, it notes Waiver Requests. That should be changed to "Approved Waivers". See Condition B.

Condition C 1 (page 10) specifies that the plan should include a detail of the continuation of the stone wall along the building façade and that information should be provided about the selected material. Is that detail included in the plan set? Perhaps I missed it. What material is planned? Please send me some information asap and include a detail.

Condition C2 specifies that there shall be an opaque enclosure around the outside dumpster. The detail provided on Sheet C8 indicates a chain link fence with vinyl strips. I am checking with the chairman of our Design Review Committee to determine if this is acceptable.

Condition C4 indicates that the elevation plan from Cubic Architects should be revised to specify materials, finishes, etc. for the building facades and then added to the plan set. Those sheets have not been provided. Please contact Walter Fuller at Cubic Architects to make those arrangements.

ALSO, the plan set doesn't include Sheet L1.1 Planting Plan and that sheet is referenced in the index on the cover sheet.

I am hoping you can address these matters quickly so the Board can endorse the full plan set at its meeting on December 12th.

Thanks for your help.

Susy

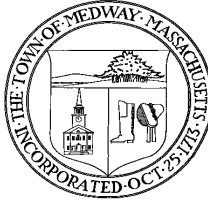
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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December 12, 2017
Medway Planning & Economic Development Board
Meeting

Wingate Farm Subdivision

- Updated Tetra Tech inspection report dated 12-7-2017
- Updated bond estimate by Tetra Tech dated 12-7-2017
- Subdivision Modification Decision dated 4-28-2005
- Endorsed MODIFIED subdivision plan dated 11-8-2005
- Notes of the chronology of Wingate Farm
- CONFIDENTIAL email from Town Counsel dated 10-2-2017
- Email from Steve Bouley dated 12-7-17 re: minimum required items needed for lot releases/bonding.

Without success, I have tried to email you a video, taken from the dashboard of Steve Bouley's car, looking northbound and southbound on Holliston Street from the bottom of Wingate Farm Road. I hope to be able to show this to you Tuesday night. In the meantime, please try to visit the site (167 Holliston Street) before Tuesday so you can experience the sight line issues yourself.

OPTIONS for next steps:

1. Rescind the subdivision approval due to lack of performance.
2. Modify the subdivision decision dated 4-28-2005 to extend the time for completion to???? AND have them complete the minimum required items for lot releases/bonding AND provide the specified performance security. This would allow them to sell off one or two of the house lots.
3. Require a new filing with an updated plan to reflect actual as-built conditions, etc. with a new public hearing, plan review, waivers, findings, decision, appeal, etc.

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Tuesday, December 05, 2017 3:56 PM
To: Susan Affleck-Childs
Cc: Reardon, Sean
Subject: RE: Wingate Farm

Hi Susy,

I can meet them this week to go over the site items.

Regarding the sight distance, I have already taken video from my truck for sight distances and I do not believe the left turn movement from the site to be sufficient as you will see in the video. I will post it on my one drive for you to see as it is quite large. If the applicant so wishes, a plan and profile will be required for review proving that they meet the standards since there are many factors (road slope, vertical geometry, speed, etc.) that go into making a proper assessment for sight distance, one that is too close to call by eye on this site.

Also, just as a reference and explained in prior messages, the Timbercrest evaluation of their proposed site driveway (approx. 160 feet south of Wingate's driveway on Holliston Street, away from the crest) required 335' of stopping sight distance (SSD) AFTER their proposed roadway mitigation. Wingate is located closer to the existing crest and a larger SSD would be required since no mitigation is proposed as part of their project.

We are not trying to be a stickler on this item but we simply cannot give our blessing on something that could potentially cause an accident in the future.

I will send you a link to the video once I have it uploaded, thanks.

Steve

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Friday, December 01, 2017 9:29 AM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: Wingate Farm

Hi Steve,

I am writing to ask if you can fit in a visit to Wingate Farm next week to meet with Karyl and Paul for a site walk. This is in order to refine/revise your punch list and bond estimate.

Also, while you are there, I would ask that you sit in vehicle at the driveway and try to determine the actual sight distances north and south.

Please let me know when you will going out.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway

155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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To: Susan Affleck-Childs – Medway Planning and Economic Development Board Coordinator

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech
Frank Guthman III – Tetra Tech



Date: October 20, 2017 (Revised December 7, 2017)

Subject: Wingate Farms Punch List

On August 25, 2017 and October 19, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Wingate Farms private subdivision in Medway, MA. The site was inspected and a punch list and bond estimate generated of outstanding items which have not yet been completed by the Applicant. This punch list shall supersede previous punch lists conducted for the site.

TT 12/7/17 Update

On December 7, 2017 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) met with the property owners/applicants regarding outstanding items remaining on previous punch lists. This punch list shall supersede previous punch lists conducted for the site. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan", dated August 20, 2004, revised September 16, 2005, prepared by Consolidated Design Group, Inc. (CDG)
- A Certificate of Action titled "Certificate of Action, Wingate Farm Definitive Subdivision Plan – Modification" dated April 28, 2005, PEDB endorsement on April 28, 2005.
- VHB Inspection Reports dated December 12, 2006, December 15, 2006, December 19, 2006 and December 27, 2006.

Punch List

1. The existing roadway gravel requires replacement. We recommend removing four inches (or as necessary to remove all organic matter) of material over the entire square footage of the roadway and replacing with clean gravel material as specified in the Plans. Final depth of "T-Base" recycled asphalt material shall be 10" as shown on the Plans. (See Photo 1-4)
 - **TT 12/7/17 Update:** TT and the applicant agreed that removal of approximately 2" of existing material will be necessary to remove all organic matter and groundcover root systems.

2. The applicant has not installed the detention basin overflow weir. Additionally, the basin and outlet pipe rip-rap is overgrown and requires maintenance. (See Photo 5-7)
 - TT 12/7/17 Update: TT misread the approved plan, existing overflow weir meets the approved plan. The applicant has planted trees on the overflow weir but it does not appear they will affect the performance of the basin. This item has been addressed to our satisfaction.
3. The applicant has not installed proposed basin landscaping. (See Photo 5)
 - TT 12/7/17 Update: Although trees have been planted throughout the basin area, landscaping as shown on the approved plan has not been planted.
4. The applicant has not installed proposed swale along each side of the proposed roadway. (See Photo 8)
 - TT 12/7/17 Update: This item remains outstanding
5. It is unclear if proposed "Rip-Rap Sump" and appurtenant 8" ductile iron pipe has been installed.
 - TT 12/7/17 Update: This item remains outstanding
6. The existing drainage system requires cleaning prior to release.
 - TT 12/7/17 Update: This item remains outstanding
7. We recommend the applicant resurvey the roadway layout prior to construction to determine proposed limits of work. It appears a tree and possible boulders remain within the layout at approximate STA 5+50. Additionally, survey will be required for final as-built of the property.
 - TT 12/7/17 Update: This item remains outstanding
8. It is unclear if proposed Elec/Tel/Cable service has been installed.
 - TT 12/7/17 Update: TT has confirmed that elec/tel/cable has not been installed. This item has been added to the bond estimate.
9. The applicant has not installed the proposed street sign and stop sign. (See Photo 9)
 - TT 12/7/17 Update: This item remains outstanding
10. The applicant has not installed proposed intersection warning signage on Holliston Street and it does not appear a sufficient sight line exists for vehicles exiting the proposed driveway taking a left onto Holliston Street. A crest in Holliston Street exists approximately 200 feet north of the site driveway limiting sight lines. (See Photo 10-12)
 - TT 12/7/17 Update: This item remains outstanding

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\CONSTRUCTION\PUNCH LIST\MEMO_WINGATE FARMS PUNCH LIST_2017-12-07.DOC

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



**TETRA TECH**

**Bond Estimate
Wingate Farms
Medway, Massachusetts
December 7, 2017**

Marlborough Technology Park
100 Nickerson Road
Marlborough, MA 01752
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Remove Existing Gravel (2")	61	CY	\$35.00	\$2,135
Additional Clearing & Grubbing	0.10	AC	\$20,000.00	\$2,000
Roadway Gravel (Reclaimed Asphalt)	1,555	SY	\$6.00	\$9,330
Fine Grading & Compacting	1,104	SY	\$4.00	\$4,416
Maintenance - Detention Basin	1	LS	\$1,000.00	\$1,000
Landscaping - Detention Basin	1	LS	\$3,000.00	\$3,000
Earthwork - Swales	82	CY	\$28.00	\$2,296
Loam Borrow - Swales	98	CY	\$48.00	\$4,704
Seeding - Swales	491	SY	\$2.00	\$982
Rip-Rap Sump	1	LS	\$500.00	\$500
8" Ductile Iron Culverts	100	FT	\$60.00	\$6,000
Clean Drainage System	1	LS	\$2,500.00	\$2,500
Elec/Tel/Data Ductbank	1	LS	\$16,500.00	\$16,500
Traffic Signage	3	EA	\$200.00	\$600
Bounds-Stone	6	EA	\$450.00	\$2,700
Bounds-Iron Rod	23	EA	\$100.00	\$2,300
SWPPP/Stormwater Inspections	1	LS	\$1,500.00	\$1,500
As-Built Plans	552	LF	\$5.00	\$2,760
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$68,223
25% Contingency				\$17,056
Total				\$85,279

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website and have been updated since our previous bond estimate submission. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 12/2016 - 12/2017. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

Original Wingate Farm Definitive Subdivision Plan

Certificate of Action (5-23-2000)

Plan Date (11-20-1997, last revised 5-25-2000) – Prepared by Consolidated Design Group

Plan endorsed (8-22-2000)

Plan recorded (11-16-2002 in Plan Book 501, pages 653 – 661)

Plan Modification

Certificate of Action (4-28-2005; recorded 11-9-2007, Book 25288, pages 100 – 123).
Project to be completed within 3 years of plan endorsement date

Plan date (8-20-2004, last revised 9-16-2005)

Plan endorsed (11-8-2005).

Plan recorded (10-11-2007 in Plan Book 574, Page 64) – Sheet #3

Plan recorded (11-9-2007 in Plan book 575, Page 78) – Sheet #1

Covenant (10-20-2007; recorded 11-9-2007, Book 25288, pages 94-99)

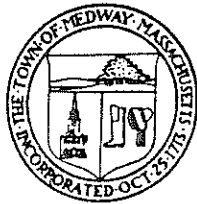
Project Completion

Modified Plan Endorsement Date (11-8-2005) plus 3 years per decision → 11-8-2008 deadline

MA Permit Extension Act (+ 4 years)

11-8-2008 completion deadline plus 4 years → 11-8-2012 deadline for completion

Updated 12-6-17/sac



*Wingate Farm
Definitive Plan
Modification*

TOWN OF MEDWAY

APR 29 2005

TOWN CLERK

TOWN OF MEDWAY

Planning Board

155 Village Street
Medway, Massachusetts 02053

Daniel J. Hooper, Chairman
Matthew J. Hayes, P.E., Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Eric Alexander

April 28, 2005

CERTIFICATE OF ACTION **WINGATE FARM DEFINITIVE SUBDIVISION PLAN - MODIFICATION** *(Approved with Waivers and Conditions)*

- I. APPLICANT:** Eugene and Karyl Walsh
Medway, MA
- II. LOCATION:** The 5-acre parcel is located at 168 Holliston Street in the ARI zoning district.
- III. PROJECT HISTORY:** On May 23, 2000, the Medway Planning Board approved with waivers and conditions, the original Wingate Farm Definitive Subdivision Plan. It was endorsed on August 22, 2000. That plan provided for the subdivision of an approximately 5 acre parcel into 4 lots to be serviced by a 530 foot, single-access public road with a 60' cul-de-sac radius, 22' paved width within a 45' right of way, with a 5.5' sidewalk on one side of Wingate Farm Road. The plan, originally dated November 20, 1997 and last revised May 25, 2000, was prepared by DeSimone Survey Service, Inc. of Medway, MA.
- IV. DISCLOSURE:** Karyl Walsh is a member of the Medway Planning Board. During the Planning Board's review of this application, she recused herself, as a Planning Board member, from the public hearings and Board deliberations on this project. Eugene Walsh and their daughter Rachel Walsh represented the application and plan before the Planning Board. On occasion, Ms. Walsh would answer questions regarding the proposed modification.
- V. DESCRIPTION OF PROPOSED MODIFICATION:** The proposed modification to the Wingate Farm Definitive Subdivision Plan includes changes in the design and construction of the subdivision's roadway and drainage system. The road is to become an 18-foot T-Base fabricated permanent private way without curbing or sidewalks. The detention pond design has been modified to include a more naturalized shape. No change is proposed in the number or configuration of the previously approved lots. However, the Applicant plans to construct a 12,000 sq. foot horseback-riding arena on Lot #3 instead of using that lot for a single family home.

VI. PROCEDURAL SUMMARY: With respect to the proposed modification to the *Wingate Farm Definitive Subdivision Plan*, the Planning Board hereby certifies that:

- A. on August 27, 2004, it received an application from Eugene and Karyl Walsh of Medway, MA to modify the previously approved, endorsed and recorded Wingate Farm Definitive Subdivision Plan;
- B. the proposed modification to the Wingate Farm Definitive Subdivision Plan, originally dated August 20, 2004 and last revised April 22, 2005, and the drainage study dated September 1, 2004 were prepared by the Consolidated Design Group of Hudson, MA;
- C. on September 15, 2004, the Planning Board submitted a copy of the proposed modification to the Wingate Farm Definitive Subdivision Plan to the Medway Board of Health, which has not provided a written report on the plan. This is deemed as approval as more than forty-five (45) days have elapsed since the date the plan was distributed to the Board of Health;
- D. on September 15, 2004, the Planning Board circulated a copy of the proposed plan modification to the Board of Selectmen, Board of Assessors, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Police Department, Tree Warden and the Water/Sewer Department and requested their review and comments;
- E. on October 12, 2004, the Planning Board commenced a public hearing on this plan. The public hearing was duly noticed in the *Milford Daily News* on September 27 and October 4, 2004. Abutter notice was sent by certified mail on September 24, 2004. The Planning Board continued the public hearing to October 26, November 23, and December 14, 2004, and to January 11, February 8 & 22, March 22, April 12 and 26, 2005 when it was closed at the applicant's request;
- F. on November 23, 2004, the Planning Board approved the Applicant's request to extend the deadline for Planning Board action from November 25, 2004 to January 14, 2005. On October 26, 2004, the deadline was further extended to January 15, 2005. On January 11, 2005, the deadline was extended to February 28, 2005. On February 22, 2005, the deadline was extended to April 30, 2005. In each case, the Applicant requested the deadline extension.

VII. PUBLIC HEARING SUMMARY: The Planning Board conducted the public hearing over the course of ten (10) meetings during which the application and all related materials were presented and reviewed. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning Board and is available for public review.

Modification to Wingate Farm Definitive Subdivision Plan – Consolidated Design Group.

Original Date – August 20, 2004
Revised – November 8, 2004
Revised – December 28, 2004
Revised – February 7, 2005
Revised – March 7, 2005
Revised – March 30, 2005
Revised – April 22, 2005

Wingate Farm Drainage Study – Prepared by Consolidated Design Group

Original Date - April 2, 2004

Revised – October 6, 2004

Revised – November 10, 2004

Revised - January 3, 2005

Operation and Maintenance Plan – Stormwater Management Facilities – Wingate Farm

Original Date – October 6, 2004

Revised - November 10, 2004

Revised – January 3, 2005

Revised – February 8, 2005

Citizen Comment Letters – None

Citizen/Resident Testimony – None

Medway Departmental/Board Review Comments

Fire Chief Wayne Vinton – February 20, 2005 memo

Fire Chief Wayne Vinton – March 7, 2005 memo

Fire Chief Wayne Vinton – April 12, 2005 memo

Fire Chief Wayne Vinton – April 25, 2005 memo

Police Safety Officer Jeffrey Watson – March 22, 2005 memo

Engineering Review Letters – VHB, Inc.

Mark Louro, P.E. – September 30, 2004 re: 8-20-04 plans & 4-2-04 drainage study

Mark Louro, P.E. – November 19, 2004 re: 11-8-04 revised plans

Mark Louro, P.E. – January 19, 2005 re: 12-28-04 revised plans

Mark Louro, P.E. – February 17, 2005 re: 2-7-05 revised plans

Mark Louro, P.E. – March 17, 2005 re: 3-7-05 revised plans

Mark Louro, P.E. – April 10, 2005 re: 3-30-05 revised plans

Plan Review Letters – PGC Associates

Gino Carlucci, Jr. October 12, 2004 re: August 20, 2004 plans

Gino Carlucci, Jr. April 25, 2005

Notes of VHB meetings with Applicant - None

Supplemental Applicant Submittals

Letter from Steve Poole, Consolidated Design Group – November 22, 2004 requesting a series of waivers from the *Subdivision Rules and Regulations*

Letter from the Walsh family – November 23, 2004 in support of waiver requests

Letter from the Walsh family – April 26, 2005 re: sidewalk construction waiver

Information from Aggregate Industries – March 22, 2005 re: T-Base product

Other Information

ZBA Opinion – October 20, 2004 re: Applicant's request for special permit and variance

Responses to VHB Engineering Review Letters

Steve Poole, Consolidated Design Group, Inc. - February 14, 2005 letter in response to VHB's plan review letter of January 19, 2005

Steve Poole, Consolidated Design Group, Inc. - April 1, 2005 letter in response to VHB's plan review letter of March 17, 2005.

Steve Poole, Consolidated Design Group, Inc. - April 22, 2005 letter in response to VHB's plan review letter of April 10, 2005.

VIII. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS

– The proposed modification to the Wingate Farm Definitive Subdivision Plan necessitates waivers from the following sections of the *Medway Planning Board Subdivision Rules and Regulations*, as revised October 1999 and further amended in April 2000.

Section 4.1.2 – “Unless otherwise specified, all work and materials used in the work to be done shall conform with the Commonwealth of Massachusetts, 1988 edition and of the Massachusetts Highway Department Standard Specifications for Highway and Bridges, hereinafter referred to as the Standard Specifications, as amended and included hereinafter.”

Description – The roadway authorized in 2000 by the original subdivision plan was intended to be a public way. With this plan modification, the Applicant requests permanent private way designation for Wingate Farm Road. The applicant seeks private way status because they plan to construct the roadway using considerably reduced roadway standards in an effort to develop a rural, agricultural enclave vs. a typical suburban subdivision. Private way status requires the property owner, not the Town, to maintain the road, drainage system and all related infrastructure.

Finding re: Waiver from Section 4.1.2: At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.2. of the *Subdivision Rules and Regulations* pertaining to conformance with the Mass Highway Department Standard Specifications.

The Planning Board finds that permanent private way designation is appropriate for Wingate Farm Road considering its intended use as access for a 4-lot rural residential horse farm compound. This subdivision is an expansion of an existing farm use. At this time, only two of the lots are planned for residential development; one lot will be used for the owner's existing residence and another lot will be available for new residential construction. A third lot will be used for the existing paddock/outdoor riding ring area, although it may be used in the future for residential development. The fourth lot will be used for the proposed indoor riding arena facility with 8 horse stalls. The Applicant understands that they, not the Town of Medway, are responsible for all roadway and infrastructure maintenance and that future street acceptance by the Town will not occur. Such shall be specified in a required *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* to be recorded and referenced in all property deeds for the subdivision's 4 lots. The Planning Board finds that private way status is not detrimental to the Town of Medway as a private way reduces the financial burden on the Town for routine maintenance and long-term upkeep. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.1.2 - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.1.2. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.2 was approved.

Section 4.1.8 - Requires that " at the time the street or portion thereof is ready for acceptance and to facilitate acceptance by the Town of Medway, the applicant shall have prepared and certified by a Registered Land Surveyor a "Plan of Acceptance"

Description – With a private way, the Town does not accept the road, thus eliminating the need for an official "Street Acceptance Plan." Instead, the Applicant will provide an "As-Built Plan" which will certify that the construction work was done in accordance with the approved modified definitive subdivision plan.

Finding re: Waiver from Section 4.1.8 – At a duly called and properly posted meeting held on January 11, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.1.8 of the Subdivision Rules and Regulations pertaining to the preparation of a Street Acceptance Plan..

The Planning Board finds that its allowance of a private way makes a Street Acceptance plan unnecessary. An As-Built Plan prepared pursuant to the Rules and Regulations is sufficient. As the Town will not be accepting Wingate Farm Road as a public way, there is no need to prepare the legal street acceptance plan. Instead, the applicant will provide an as-built plan to certify to the Planning Board that the subdivision infrastructure (roadway, drainage system, etc.) was constructed in accordance with the approved modified definitive subdivision plan. (Finding approved by a vote of 4 in favor – 0 opposed.)

Action on Waiver Request re: Section 4.1.8 - At a duly called and properly posted meeting held on January 11, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.1.8. of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.1.8 was approved.

Section 4.2 - DESIGN AND CONSTRUCTION STANDARDS – Streets and Roadways
To waive all construction standards for a typical roadway and allow the proposed way to be constructed as shown on the drawing included in the approved modified definitive subdivision plan.

Section 4.2.2.2 – Alignment - The minimum horizontal centerline radii of a minor street shall be one-hundred fifty feet (150').

Description – The plan modification shows one horizontal curve with a 141' radius. Use of this radius at this particular curve is to maximize preservation of existing mature trees on the parcel.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations* pertaining to roadway alignment.

The Planning Board finds that the preservation of existing trees is in the best interest of the Town. The Applicant has adjusted the plan to align the radii elsewhere on the site to comply. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.2.2 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.2.2 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.2.2 was approved

Section 4.2.3.1 – Width - *The minimum width of any minor or secondary street right-of-way, including dead-end streets, will be fifty feet (50'), except for streets in non-residential zoned areas where the minimum right-of-way will be sixty feet".*

Description – The roadway created by the original definitive subdivision plan in 2000 was approved with a 45' right of way. The Applicant seeks to maintain the same forty-five foot (45') right-of-way and eliminate the unusual bulge in the ROW at the Holliston Street entrance to the subdivision.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations* pertaining to width of the street right-of-way.

The Planning Board finds that a 45' right of way for Wingate Farm Road is sufficient for the scale of the neighborhood and suitable for the road's use as a private way providing access only to the existing house at 168 Holliston Street and the 3 new lots. There appears to be no possibility for further roadway extension and consequently, the volume of expected use would be low. The 45' right of way provides for the same site distance as was previously approved in 2000. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.3.1 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Eric Alexander to approve the Applicant's request for a waiver from Section 4.2.3.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.3.1 was approved.

4.2.4.3 - Grade – *"... At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area of at least one hundred feet (100') with a maximum grade of one percent (1%) ..."*

Description – The Applicant proposes a vertical curve on Wingate Farm Road that transitions from 2% to 4% within the first 100 feet of Holliston Street.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Finding regarding the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations* pertaining to the grade of the fixed slope area.

The Planning Board finds that this change conforms more closely to the existing grade and allows for a flatter grade along the remainder of the roadway length. The 2% grade slightly reduces the sight lines along Holliston Street. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.4.3 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Alan DeToma and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.4.3 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.4.3 was approved.

4.2.6.7 – “Roadway Construction - Pavement Width - “... The minimum width of a minor street and dead end street shall be twenty-six feet (26').”

Description – The previously approved definitive subdivision plan was authorized for a 22-foot wide asphalt paved roadway. The Applicant now proposes an 18-foot T-Base fabricated roadway with a 4-foot grass swale on each side of the roadway.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations* pertaining to pavement width.

The Planning Board finds that the reduced roadway width from the standard 26 feet to 18 feet is adequate to serve the riding arena, stable and single family homes and will provide for acceptable emergency vehicle access when needed. A 4-foot grass swale on each side of the roadway provides for an additional eight (8) feet of width in emergency situations. The reduced width is reasonable considering the expected low volume of use. Fire Chief Wayne Vinton has determined that the roadway plan meets all requirements for emergency vehicle access. With the reduced roadway width, the development will appear to be more farm related as compared to a typical subdivision. The reduced width allows the roadway to be somewhat flexible in its alignment to minimize tree loss during construction and maintain the rural character of the area. The equestrian compound would help to preserve Medway's agricultural tradition. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.2.6.7 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Matthew Hayes to approve the Applicant's request for a waiver from Section 4.2.6.7 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.6.7 was approved.

4.2.6.8 – “Roadway Construction - Paving Material - “ Pavement for roadways in subdivisions shall be Class I bituminous Concrete Pavement Type I-1.”

Description – The Applicant wishes to use T-Base, a recycled asphalt material for the roadway construction in lieu of bituminous concrete pavement.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.6.8 of the *Subdivision Rules and Regulations* pertaining to pavement construction materials.

- A. The Planning Board finds that this surface is suitable to the subdivision’s planned horse related environment. The T-Base material will provide a surface that is compatible with the riding of horses. It is very similar in appearance to a typical farm road, which is the atmosphere the applicant seeks to achieve. *(Finding approved by a vote of 4 in favor – 0 opposed.)*
- B. The Planning Board finds that the information and testimonial provided by the Applicant regarding the T-Base material, its use and maintenance is inconclusive given the potential long-term use of the roadway for a 4 lot residential subdivision. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.6.8 - At a duly called and properly posted meeting held on April 26, 2005, *a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.2.6.8 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper).* The waiver request re: Section 4.2.6.8 was approved.

SECTION 4.2.7 – CURBS and BERMS – *“Vertical granite curbing shall be installed at intersection roundings, cul-de-sac entrances, catch basins (including transitions) and curb/driveway openings. The curb shall be installed with concrete block on both sides. Bituminous concrete Cape Cod style berms of six inches (6”) in height having a four inch (4”) reveal and twelve inches (12”) in width shall be provided along each side of the roadway where vertical granite curbing is not required.”*

Description - The original subdivision approved in 2000 authorized the use of Cape Cod berm curbing. The applicant now seeks approval of a roadway design with no curbing along the edge of the roadway.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.2.7 of the *Subdivision Rules and Regulations* pertaining to curbs and berms.

The Planning Board finds that with proper maintenance of the roadway and drainage systems, the absence of curbing is not detrimental to the subdivision’s stormwater management design. With the

use of grass swales and T-Base as the roadway materials, curbing is not needed. The alternative use of swales will channel the water to the catch basins. The sides of the swales will be bermed to prevent water from overtopping the swales. *(Finding approved by a vote of 3 in favor – 1 opposed (Hooper).)*

Action on Waiver Request re: Section 4.2.7 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.7 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.7 was approved.

4.2.8 – "CURB CUTS – " Driveways shall be at least ten (10) feet wide and have a vertical granite curb return at the roadway of three feet (3') in radius. The maximum residential curb cut shall be 20 feet, measured at the gutter line from start of radius to end of radius and commercial curb cut 32 ft."

Description – The Applicant requests a waiver from all requirements regarding the construction of driveway curb cuts for each lot.

Findings - At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations pertaining to curb cuts.

The Planning Board finds that granite curb returns at the driveways are unnecessary as the roadway is to be constructed without curbing. The roadway is continuous through the riding arena/stable area. The driveways serving each lot conform to the 20' width requirement. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.8 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.2.8 of the Subdivision Rules and Regulations. The motion was approved by a vote of 3 in favor and 1 opposed (Hooper). The waiver request re: Section 4.2.8 was approved.

4.2.9.1 – "SIDEWALKS - Sidewalks shall be constructed within the subdivision, and shall have pedestrian ramps to conform to the latest regulations of the Americans with Disabilities Act and State Building Code. "

4.2.9.2 – "SIDEWALKS - The sidewalks shall extend the full length of the street and around the entire perimeter of the cul-de-sac, with curb cuts at both sides of the cul-de-sac entry, and shall be five feet – six inches (5'6") on one side along a minor street. They shall also be provided along any Town street for the entire length of frontage of the applicant on said street including any lots separated from the subdivision within five (5) years prior to the submission of the Subdivision Plan.

Description – The original definitive subdivision plan was approved with a waiver to provide a 5.5 foot sidewalk on only one side of Wingate Farm Road. The Applicant now seeks a waiver from all sidewalk requirements.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations* pertaining to sidewalks.

The Planning Board finds that minimal expected use of Wingate Farm Road by vehicular traffic and with only one additional residence proposed for construction at this time, the need for sidewalks is reduced. Given the alignment and cross section of the proposed roadway, sidewalk construction on Wingate Farm Road is not feasible. Wingate Farm Road will adequately serve pedestrian and horse traffic. This shared use of roads by vehicles, horses and pedestrians is typical in a rural area. Sidewalk construction along the parcel's frontage on the east side of Holliston Street is not feasible at this time. In lieu of the required sidewalk construction, the Applicant will provide a payment to the Town of Medway of \$5,500 in lieu of sidewalk construction along the 550 foot length of Wingate Farm Road. *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.2.9.1 and 4.2.9.2 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant's request for a waiver from Sections 4.2.9.1 and 4.2.9.2 of the *Subdivision Rules and Regulations*, conditioned on a \$5,500 payment in lieu of sidewalk construction. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.2.9.1 and 4.2.9.2 was approved.

Section 4.9.1 – "STREET LIGHTS - High efficiency street lights shall conform to the type and style in general use in the Town of Medway . . ."

Description - The Applicant requests a waiver from all street light regulations and proposes use of residential style post lights on each lot.

Findings – At a duly called and properly posted meeting held on April 26, 2005, the Medway Planning Board made the following Findings regarding the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations* pertaining to street lights.

The Planning Board finds that street lighting in conformance with the *Rules and Regulations* is not necessary due to the low volume of residential use during the evening and the primarily daytime use of the riding arena. The applicant proposes use of residential style post lights on each lot. This will be included in the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* *(Finding approved by a vote of 4 in favor – 0 opposed.)*

Action on Waiver Request re: Section 4.9.1 - At a duly called and properly posted meeting held on April 26, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the Applicant's request for a waiver from Section 4.9.1 of the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor and 0 opposed. The waiver request re: Section 4.9.1 was approved.

Section 4.11.1 – “Street Trees – *Deciduous street trees shall be planted on each side of each street in the subdivision, except in those locations where the Board has approved certain trees to be retained which are healthy and are of adequate size and species. Such trees shall be located outside of the right-of-way at approximately sixty foot (60') intervals. Trees shall be at least twelve feet (12') in height, two inches (2") in caliper measured four feet (4') above the approved grade.”*

Description - The Applicant requests a waiver from all street planting requirements as the parcel is heavily wooded.

Findings – At a duly called and properly posted meeting held on April 28, 2005, the Medway Planning Board made the following Findings regarding the Applicant’s request for a waiver from Section 4.11.1 of the *Subdivision Rules and Regulations* pertaining to street trees.

The Planning Board finds that street tree planting in conformance with the *Rules and Regulations* is not necessary due to the existing highly wooded nature of the lot. The applicant has made a concerted effort to preserve trees wherever possible on the site. The plan includes extensive landscaping around the detention pond on Lot #4. To protect the existing wooded areas, a 30’ selective cutting zone will be added to the perimeter of Lots 2, 3 and 4 and shown on the plan. (*Finding approved by a vote of 4 in favor – 0 opposed.*)

Action on Waiver Request re: Section 4.11.1 - At a duly called and properly posted meeting held on April 28, 2005, *a motion was made by Matthew Hayes and seconded by Eric Alexander to approve the Applicant’s request for a waiver from Section 4.11.1 of the Subdivision Rules and Regulations. The motion was approved by a vote of 4 in favor and 0 opposed.* The waiver Request re: Section 4.11.1 was approved.

IX. GENERAL FINDINGS & MITIGATION PLAN

Compared to the original Wingate Farm Definitive Subdivision Plan approved in 2000, the proposed modified subdivision plan has less impact on the parcel and surrounding properties. The revised subdivision design reflects the rural, agricultural character that the Applicant seeks to achieve and which the Town of Medway wishes to encourage. With substantial tree preservation, there is less clearing and less visual impact on abutting neighbors. The redesign of the stormwater detention pond results in a more naturalized appearance that complements the site’s topography. The pond will also provide an attractive wetland area and enhance the natural beauty of the highly wooded land. The use of lower impact construction standards for the road and stormwater infrastructure in creating this residential/equestrian compound will help preserve and enhance an existing horse farming area, maintain rural character, and promote stormwater infiltration. The status of Wingate Farm Road as a private way reduces the financial burden on the Town of Medway for maintenance and upkeep. The Applicant’s intended use of two lots for horse farming activities instead of for single-family house development, lessens the immediate fiscal burden on the Town.

Mitigation Plan

1. In lieu of constructing a sidewalk on Wingate Farm Road, the Applicant shall provide \$5,500 to the Town of Medway for sidewalk construction in the community.
2. The Applicant shall fund the preparation of a professional independent review/analysis of the roadway construction and drainage system maintenance one year after completion as determined by the Town's Consulting Engineer.

At a duly called and properly posted meeting held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the above described General Findings and Mitigation Plan regarding the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004, and last revised April 22, 2005. The motion was approved by a vote of 4 in favor and 0 opposed.

X. DECISION – At a duly called and properly posted meeting of the Medway Planning Board held on April 28, 2005, a motion was made by Eric Alexander and seconded by Alan DeToma to approve the proposed modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 with Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations: 4.1.2, 4.1.8, 4.2.2.2, 4.2.3.1, 4.2.4.3, 4.2.6.7, 4.2.6.8, 4.2.7, 4.2.8, 4.2.9.1, 4.2.9.2, 4.9.1, and 4.11.1. The motion was approved by a vote of 3 in favor (Alexander, DeToma, & Hayes) and 1 opposed (Hooper). The modification to the Wingate Farm Definitive Subdivision Plan, dated August 20, 2004 and last revised April 22, 2005 is hereby approved.

XI. CONDITIONS

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 4 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install municipal services as shown on the definitive subdivision plan, to the satisfaction of the Planning Board within three (3) years of the date of endorsement of the plan.
3. Plan Revisions - Prior to endorsement, ALL plan sheets shall be revised to include the following references:
 - a. *Modification to Wingate Farm – Private Way Definitive Subdivision Plan*
 - b. Present and future owners are subject to the *Declaration of Protective Covenants & Restrictions Governing Wingate Farm*, to be recorded with the definitive subdivision plan.
 - c. Plan Book, Page and Date of recording of the original Wingate Farm Definitive Subdivision Plan at the Norfolk County Registry of Deeds

The plan shall be also revised to address all Conditions as specified in this Certificate and in the following documents attached hereto and made a part hereof:

- d. VHB's letter dated April 10, 2005;
- e. Memorandum dated March 22, 2005 from Safety Officer Jeffrey Watson regarding required signage.

The Applicant shall provide such revised plan to the Planning Board and the Town's Consulting Engineer for review and approval. All comments and conditions must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning Board before the Board will endorse the plans.

- 4. *Selective Cutting Zone* – The plan shall be revised to show a thirty-foot (30') Selective Cutting Zone on the perimeter of lots 2, 3 and 4. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system and underground utilities. In addition, living and growing vegetation shall be retained and may not be removed except for the installation of the approved drainage system and underground utilities. Dead or damaged vegetation may be removed from the Selective Cutting Zone.
- 5. *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* - Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions Governing Wingate Farm* (which shall apply to all present and future owners of the property included on this subdivision plan) to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, such *Declaration* shall:
 - a. include a requirement for the installation of light posts on each lot and may include other requirements as deemed appropriate by the Applicant;
 - b. state that the Applicant shall retain ownership of Wingate Farm Road and shall be responsible for the upkeep and maintenance of the roadway and stormwater management system;
 - c. state that upon conveyance by the Applicant of Lot 1, the ownership and responsibility for the maintenance of Wingate Farm Road and the stormwater management system shall be transferred to a Wingate Farm Homeowners Association to consist of the owners of Lots 1, 2, 3 and 4. The lot owners' rights to enforce maintenance under Chapter 84, Section 12 of MGL shall not be abrogated;
 - d. include the minimum maintenance responsibilities as specified in the Operations and Maintenance Plan for the roadway and stormwater management system as indicated on Sheet 8 of 8.
- 6. *Status and Ownership of Wingate Farm Road* – It is understood that Wingate Farm Road shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept Wingate Farm Road as constructed pursuant to this modified definitive subdivision plan. It is further understood that the applicant, Eugene and Karyl Walsh, shall have exclusive ownership of the 45' right-of-way of Wingate Farm Road in its entirety. The road shall be established as a separate parcel. The deed for the road shall clearly state that adjacent property to the south of 168 Holliston Street shall not have any use or frontage rights to Wingate Farm Road unless a new definitive subdivision plan is submitted to the Planning Board for approval under the Subdivision Control Law.

7. *Lot Deeds* – Prior to endorsement, the Applicant shall provide copies of the proposed lots deeds to the Planning Board for its review, comment, amendment and approval. The deeds shall indicate the Applicant's initial ownership of the roadway and all easements shown on the subdivision plan. The deeds conveying lots 2, 3 and 4 shall be clear that the owners have the right to use and pass on Wingate Farm Road, but do not have any ownership interest in or maintenance responsibility for the road or the stormwater management system. However, the deeds shall specify that a Homeowners Association is to be created to own and maintain the road and drainage system upon conveyance of Lot 1. Each deed shall refer to and be accompanied by a Lot Plan to be recorded with each deed. The Lot Plan shall depict all easements and the Selective Cutting zone. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall refer to the *Declaration of Protective Covenants and Restrictions Governing Wingate Farm*.
8. *Easements* – Prior to endorsement, the Applicant shall provide the Planning Board with a copy of the document pertaining to each easement shown on the definitive subdivision plan.
9. *Maintenance of Roadway and Stormwater Management System* – The use of T-Base product for the roadway surface and the absence of any curbing on the roadway necessitate more frequent maintenance and upkeep of the road and stormwater management system. The Applicant's compliance with the Operations and Maintenance Plan shall be monitored during construction observation/inspections by the Town's Consulting Engineer.

The Applicant shall contract for a professional, independent review/analysis of the roadway construction and drainage system to be conducted after one year of use (*as determined by the Town's Consulting Engineer*) to demonstrate to the Town the merits and pitfalls of the alternative construction method. The cost for such study shall not exceed \$1,200. The Applicant will deposit the funds to an escrow account established with the Town of Medway prior to the Board's approval of any Release of Covenant for building permit purposes.

The Applicant shall provide for snow plowing, sanding and full maintenance of Wingate Farm Road and all related stormwater management infrastructure throughout the entire construction process and in perpetuity thereafter until Lot 1 is conveyed, at which time a Homeowner's Association shall be established and become responsible. The rights of lot owners to enforce maintenance under Chapter 84, Section 12 shall not be abrogated

10. *Lot Development* – Prior to the issuance of any building permits for lots 2, 3 and 4, all subdivision construction work as specified in the plan shall be completed, or the Applicant shall provide sufficient security to ensure its completion in the form of a deposit of money in a bank account with the Town of Medway. The amount of said deposit shall be established by the Planning Board and shall be based on an estimate provided by the Town's Consulting Engineer of the amount that would be required for the Town of Medway to complete the work if the Applicant failed to do so.
11. *Sidewalk Construction* – In lieu of constructing approximately 550 feet of sidewalk along Wingate Farm Road, the Applicant shall contribute to the Town of Medway, within one year of the date of plan endorsement, an amount equal to \$5,500 as estimated by VHB, Inc., the Town's Consulting Engineer, based on the most recent average statewide price published by the Massachusetts Highway Department for sidewalk construction, said funds to be used by the Town of Medway for sidewalk construction in the community.

12. *T-Base Specifications* – Prior to plan endorsement, the plan shall be revised to include a detailed T-Base specification as provided by the manufacturer.

General Conditions

13. *Expiration of Appeal Period* - Prior to endorsement, the Planning Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
14. *Payment of Balance of Fees* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
15. *Establishment of Security Account* - Prior to endorsement, the Applicant shall establish a passbook savings account (*with the Town of Medway*) at an area financial institution into which the Applicant shall place a deposit of money and shall provide the Medway Treasurer with a signed withdrawal slip from said account. The passbook and withdrawal slip shall be retained by the Medway Treasurer.
16. The Applicant shall specifically reserve to itself/himself/herself ownership of the fee in Wingate Farm Road and all easements shown on the definitive subdivision plan in any deeds or other conveyances or transfers pertaining to Lots 2, 3 and 4. At such time as Lot 1 is conveyed, the fee in Wingate Farm Road and all easement shall then be conveyed to a Wingate Farm Home Owners Association.
17. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of municipal services as specified in the approved definitive subdivision plan. Reference to the *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 municipal services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement.
18. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning 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 Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Planning 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 Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

19. *Construction Observation* - The Applicant agrees to construction observation inspections by the Town's Consulting Engineer and shall pay construction observation fees to the Town of Medway for such inspections. The amount shall be determined by the Planning Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning 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 to the Planning Board.
20. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the easements, the *Subdivision Covenant, and Declaration of Protective Covenants and Restrictions Governing Wingate Farm* with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning 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. The Planning Board shall not authorize any Lot Releases to allow the issuance of building permits until the Applicant has provided proof or verification of recording with the Norfolk County Registry of Deeds.
21. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" 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 (archinfoshape 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.
22. *Security Payments* - Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established passbook account in an amount equal to 100% of the bond amount approved by the Medway Planning Board to cover the cost of all uncompleted construction improvements and infrastructure maintenance.
23. *Proof of Taxes Paid* - Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current to that date for all property included in this subdivision.
24. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. 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 (archinfoshape 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.

41. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan 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 (DEP) 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.

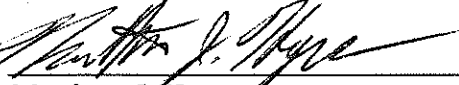
This decision is subject to appeal in accordance with M.G.L. ch. 41, section 81BB within 20 days after his decision is filed with the Town Clerk.

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MEDWAY PLANNING BOARD

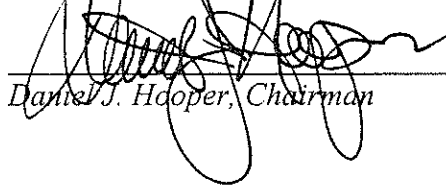
Approved April 28, 2005

AYE



Matthew J. Hayes

NAY:



Daniel J. Hooper, Chairman

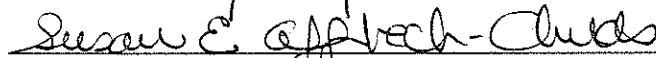




Date Signed:

4/28/2005

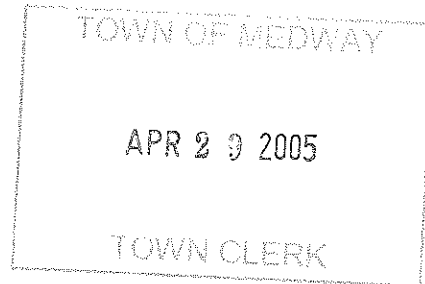
Attest:


Susan E. Affleck-Childs, Planning Board Assistant

4-28-05

Date

Date Filed with the Town Clerk:



Certified Mail Copy to: Eugene and Karyl Walsh
168 Holliston Street

Date: 4-29-05

Certified Mail #: 7004 1350 0004 9766 0040

Copies To: Greg Balukonis, Town Administrator
Susan Bouchard, Disability Commission
David D'Amico, Public Services
Ron Dolloff, Tree Warden
Bill Fisher, Board of Health
Mark Flaherty, Water/Sewer Board
Britt Hall, Assessors
Gary Jacob, Design Review Committee
Al Pater, Treasurer/Collector
Robert Speroni, Inspector of Buildings/Zoning Enforcement Officer
David Travalini, Conservation Commission
Wayne Vinton, Fire Chief
Jeffrey Watson, Police Safety Officer
Gino Carlucci, PGC Associates
Mark Louro, VHB Engineering
Steve Poole, Consolidated Design Group

SUBDIVISION MODIFICATION PLAN WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

FOR REGISTRY USE ONLY

LIST OF WAIVERS

- SECTION 3.3.2.16- TO ALLOW THE USE OF THE 1929 NGVD DATUM IN LIEU OF THE NAVD 88 DATUM AS THE 1929 DATUM WAS USED PREVIOUSLY.
- SECTION 4.1.2- TO ALLOW FOR A MODIFICATION OF THE STANDARD ROADWAY CROSS-SECTION & MASS. HIGHWAY STANDARDS, AS ON THE APPROVED DRAWINGS, AND TO ALLOW FOR A PRIVATE WAY DESIGNATION OF THE MINOR ROADWAY.
- SECTION 4.1.8- TO ALLOW FOR AN AS-BUILT PLAN IN LIEU OF A STREET ACCEPTANCE PLAN AND ALLOW FOR THE ROADWAY TO BE MAINTAINED AS A PRIVATE WAY BY THE ABUTTERS.
- SECTION 4.2- TO WAIVE ALL CONSTRUCTION STANDARDS FOR A TYPICAL ROADWAY AND ALLOW THE PROPOSED WAY TO BE CONSTRUCTED AS SHOWN ON THE APPROVED DRAWING. SPECIFIC EXCLUSIONS ARE:
- 4.2.2.2-ELIMINATE THE MINIMUM CENTERLINE RADIUS OF THE ROADWAY AND ALLOW THE ROAD LAYOUT AS SHOWN.
 - 4.2.3.1-REDUCE THE ROADWAY RIGHT OF WAY FROM FIFTY (50) FEET TO FORTY FIVE (45) FEET THROUGHOUT THE ROADWAY.
 - 4.2.4.3-ELIMINATE THE REQUIREMENT FOR A SEPARATE LEVELING AREA AND ALLOW IT TO BE INCORPORATED IN THE VERTICAL CURVE.
 - 4.2.6.7-REDUCE THE ROADWAY WIDTH FROM 26'-0" TO 18'-0" WITH TWO (2) 4'-0" GRASS SWALES.
 - 4.2.6.8-ALLOW THE USE OF A RECYCLED ASPHALT MATERIAL FOR THE ROADWAY SURFACE IN LIEU OF FULL BITUMINOUS PAVEMENT.
 - 4.2.7 - ELIMINATE THE REQUIREMENT FOR CURBING ALONG THE EDGE OF THE ROAD.
 - 4.2.8 - ELIMINATE THE CURB CUT REQUIREMENTS.
 - 4.2.9.1 & 2 - ELIMINATE THE REQUIREMENT FOR SIDEWALKS.
- SECTION 4.9.1 - TO ALLOW FOR NO STREET LIGHTING.
- SECTION 4.11.1 - WAIVE THE REQUIREMENT FOR STREET TREES AS THE SITE HAS MANY MATURE TREES THAT WILL REMAIN AFTER CONSTRUCTION.

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653 OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

INDEX TO DRAWINGS:

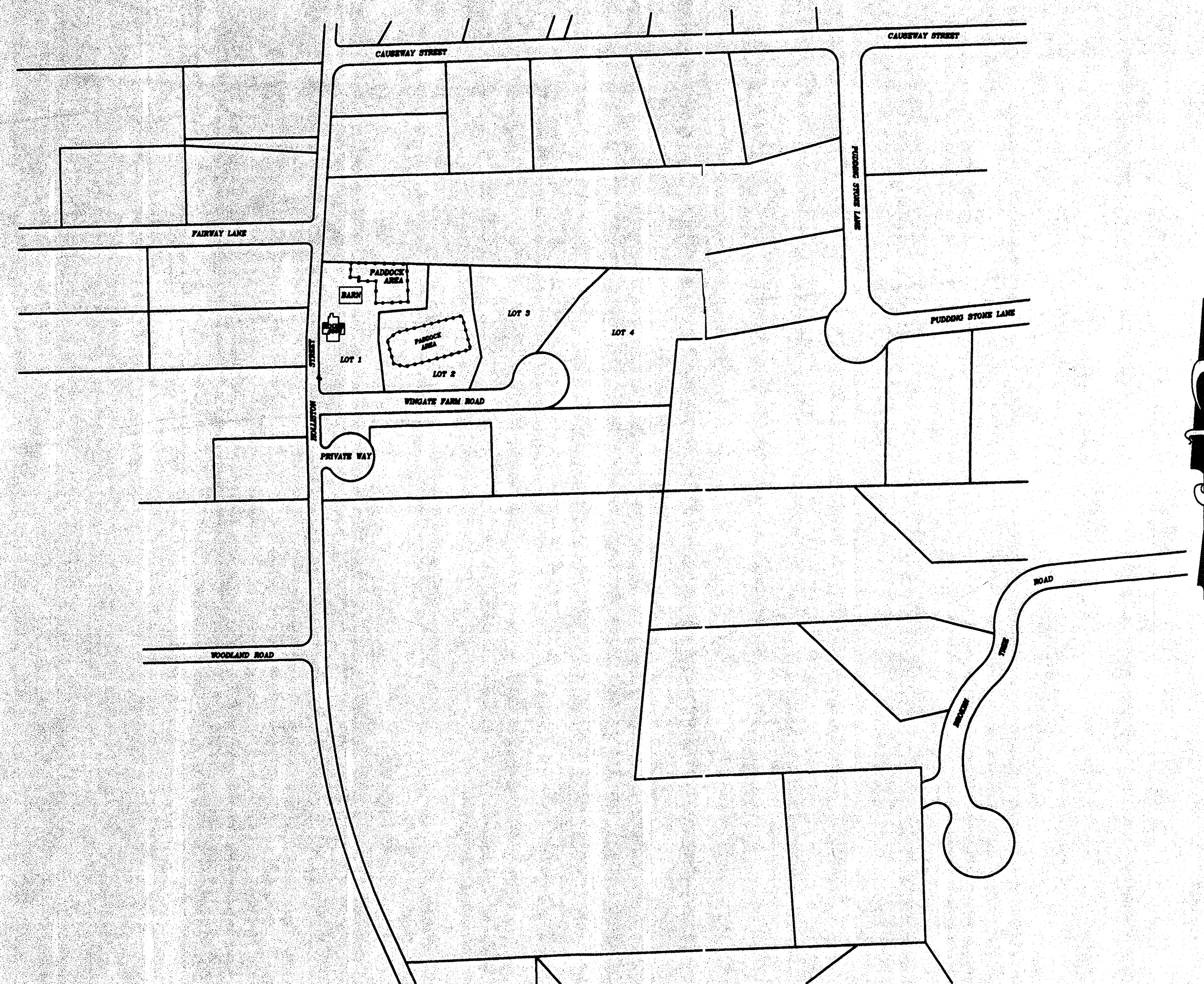
- SHEET 1 OF 8 - COVER SHEET
- SHEET 2 OF 8 - EXISTING CONDITIONS PLAN
- SHEET 3 OF 8 - PROPERTY PLAN
- SHEET 4 OF 8 - TOPOGRAPHIC PLAN
- SHEET 5 OF 8 - ROAD PROFILE
- SHEET 6 OF 8 - CONSTRUCTION DETAILS
- SHEET 7 OF 8 - CONSTRUCTION DETAILS
- SHEET 8 OF 8 - CONSTRUCTION DETAILS

LOCATED IN
MEDWAY, MASSACHUSETTS

OWNERS: EUGENE AND KARYL WALSH
168 HOLLISTON STREET MEDWAY, MA
(508)-533-8440

PREPARED BY:
CONSOLIDATED DESIGN GROUP, INC.
21 MAIN STREET SUITE 9 HUDSON, MA
(978) 562-5581

AUGUST 20, 2004
REVISED: NOVEMBER 8, 2004
DECEMBER 28, 2004
FEBRUARY 7, 2005
MARCH 7, 2005
MARCH 30, 2005
APRIL 22, 2005
SEPTEMBER 16, 2005



LOCUS MAP
1" = 200'

APPROVED BY:
MEDWAY PLANNING BOARD

[Signature]
[Signature]
[Signature]

APPROVAL DATE:

APRIL 28, 2005

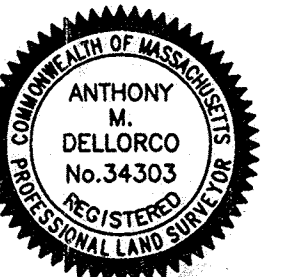
ENDORSEMENT DATE:

APR 28 '05

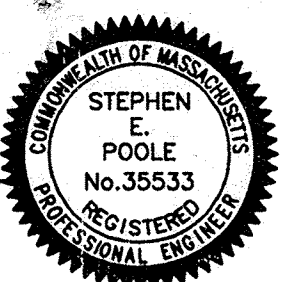
NOTE: I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

[Signature]
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



[Signature]
STEPHEN E. POOLE ~ P.E.



I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON _____ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED _____ AND TO BE RECORDED HERewith.

ZONING REFERENCE

ASSESSORS MAP 7-4, PARCELS 7-31
7/31-2, 7/31-3, 7/31-2B
ZONING DISTRICT: AR-1

ZONING DISTRICT - MINIMUM REQUIREMENTS

MINIMUM AREA REQUIREMENT-44,000 S.F.
MINIMUM FRONTAGE REQUIREMENT-180 FEET
MINIMUM FRONT YARD SETBACK-35 FEET
MINIMUM SIDE YARD SETBACK-15 FEET
MINIMUM REAR YARD SETBACK-15 FEET
STREET DESIGNATION-MINOR

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.
[Signature]
[Signature]

APPROVAL DATE:
APRIL 28, 2005

ENDORSEMENT DATE:
Nov 9 05

RESERVED FOR REGISTRY USE

N/F MCKENSIE

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F MANSKE

FAIRWAY LANE
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

N/F CHOATE

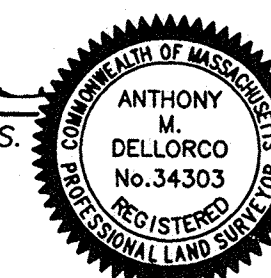
N/F DEGEORGE

N/F ANDERSON
LOT AREA = 162,455.5 SqFt±

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HERewith.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

[Signature]
ANTHONY M. DELLORCO ~ P.L.S.
DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

ZONING
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

EXISTING CONDITIONS PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

*PREPARED BY:
Consolidated Design Group Inc.

CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 2 OF 8

I TOWN CLERK OF THE TOWN OF MEDWAY
RECEIVED AND RECORDED FROM THE PLANNING
BOARD APPROVAL OF THIS PLAN AND NO APPEAL
HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT
AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	TOWN COMMENTS	SEP

N/F MCKENSIE

N/F MANSKE

FAIRWAY LANE
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

N/F LOBISSER

N/F RHODES

N/F DOWDEL

N/F PIANTEDOSI

N/F ANDERSON

N/F GUILMARTIN

N/F MCNULTY

N/F MASSE

N/F CHOATE

N/F DEGEORGE

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.

[Signature]
[Signature]
[Signature]

APPROVAL DATE:

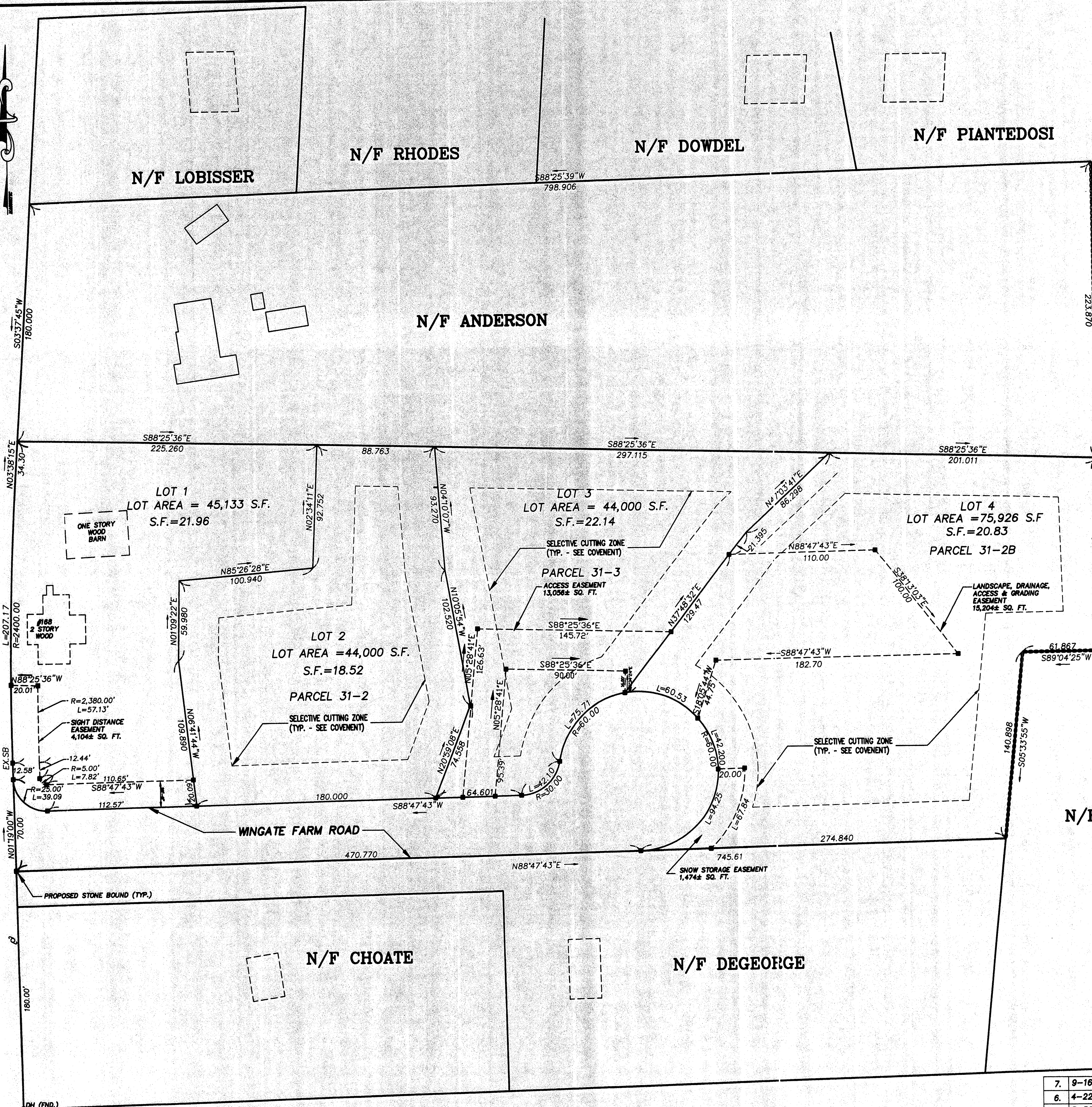
APRIL 28, 2005

ENDORSEMENT DATE:

Nov 8 '05

RESERVED FOR REGISTRY USE

HOLLISTON STREET
(COUNTY LAYOUT - 1962)
60' WIDE



PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HERewith.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

Anthony M. Dellorco
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



ZONING DISTRICT
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

PROPERTY PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

MEDWAY, MA

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group Inc.

CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 3 OF 8

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED
SUBDIVISION RECORDED IN THE NORFOLK COUNTY REGISTRY
OF DEEDS IN BOOK 17,559 / PAGE 147 AND PLAN NO. 653
OF 2002 RECORDED IN PLAN BOOK 501 APPROVAL DATED 5/23/2000.

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	ADDED BOUNDS AND EASEMENT	SEP
4.	3-7-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.
[Signature]
[Signature]
[Signature]

APPROVAL DATE:
APRIL 28, 2005

ENDORSEMENT DATE:
Nov 8 '05

RESERVED FOR REGISTRY USE

ZONING DISTRICT
AR-1

LOT REQUIREMENTS
AREA=44,000 S.F.
FRONTAGE=180'
FRONT SETBACK=35'
SIDE SETBACK=15'
REAR SETBACK=15'
SHAPE FACTOR=22.0

N/F GUILMARTIN

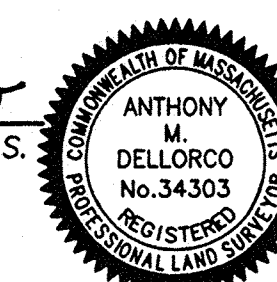
N/F MCNULTY

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____
AND TO BE RECORDED HEREWITH.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

Anthony M. Dellorco
ANTHONY M. DELLORCO ~ P.L.S.

DATE: 9-30-05



TOPOGRAPHIC PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

IN
MEDWAY, MASS.

SCALE: 1"= 40' DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group Inc.
CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
8.	9-16-05	TOWN COMMENTS	SEP
7.	4-22-05	TOWN COMMENTS	SEP
6.	3-30-05	TOWN COMMENTS	SEP
5.	3-7-05	TOWN COMMENTS	SEP
4.	2-7-05	TOWN COMMENTS	SEP
3.	12-28-04	TOWN COMMENTS	SEP
2.	12-3-04	REVISED SITE GRADING	SEP
1.	11-08-04	REVISED RIGHT OF WAY	SEP
NO.	DATE	DESCRIPTION	BY

SHEET NO. 4 OF 8

N/F PIANTEDOSI

N/F DOWDEL

N/F RHODES

N/F LOBISSER

N/F MCKENSIE

N/F MANSKE

FAIRWAY LANE
(PUBLIC-50' WIDE)

N/F HOWLETT

N/F MARTINO

N/F RICHARDS

N/F BLAISDELL

LEGEND

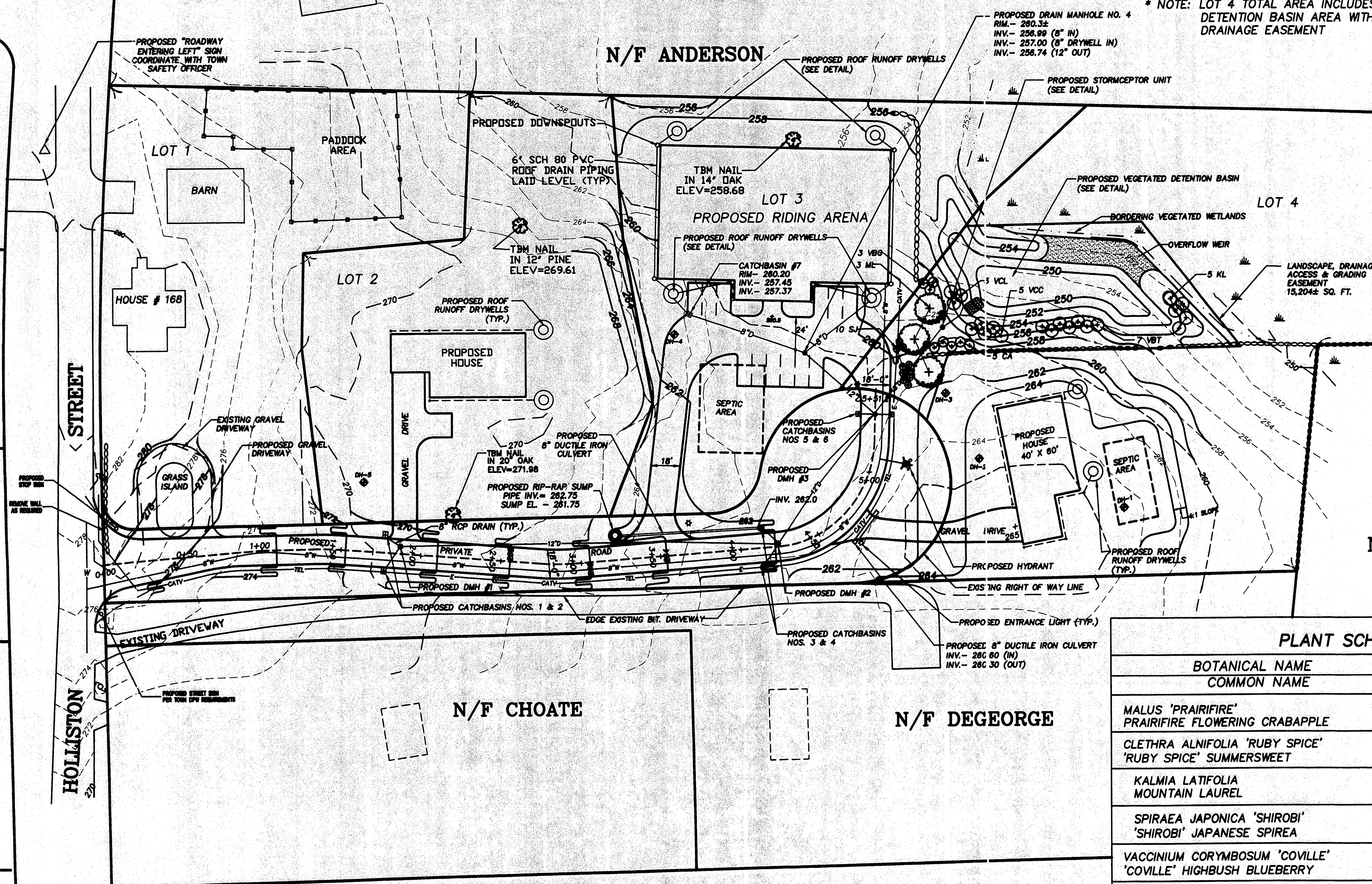
- DH-1 DEEP TEST HOLE
- PROPOSED CATCH BASIN
- PROPOSED DMH
- UTILITY POLE
- HYDRANT
- WATER SERVICE
- PROPOSED DOWNSPOUT WITH ROOF DRAIN PIPING
- WETLAND AREA
- EDGE OF WETLAND
- PROPERTY LINE
- EX. EDGE OF PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED WALL

AREA SUMMARY

LOT 1- TOTAL AREA- 45,133 SQ.FT.
(EASEMENT AREA - 4,104 SQ.FT.)
LOT 2- TOTAL AREA- 44,000 SQ.FT.
LOT 3- TOTAL AREA- 44,000 SQ.FT.
(EASEMENT AREA - 13,056 SQ.FT.)
LOT 4- TOTAL AREA- 75,926 SQ.FT.*
(EASEMENT AREA- 16,678 SQ.FT.)
(WETLAND AREA- 31,344 SQ.FT.)
ROADWAY- TOTAL AREA- 30,894 SQ.FT.
TOTAL PROJECT AREA= 239,953± SQ.FT.

* NOTE: LOT 4 TOTAL AREA INCLUDES
DETENTION BASIN AREA WITHIN
DRAINAGE EASEMENT

N/F ANDERSON



N/F CHOATE

N/F DEGEORGE

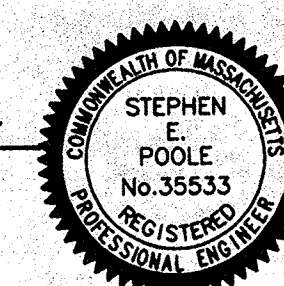
N/F MASSE

PLANT SCHEDULE

BOTANICAL NAME COMMON NAME	SYM.	SIZE	QUAN.
MALUS 'PRAIRIFIRE' PRAIRIFIRE FLOWERING CRABAPPLE	ML	1½-2" CAL	3
CLETHRA ALNIFOLIA 'RUBY SPICE' 'RUBY SPICE' SUMMERSWEET	CA	#2 POT	5
KALMIA LATIFOLIA MOUNTAIN LAUREL	KL	2-2½' B&B	5
SPIRAEA JAPONICA 'SHIROBI' 'SHIROBI' JAPANESE SPIREA	SJ	#3 POT	10
VACCINIUM CORYMBOSUM 'COVILLE' 'COVILLE' Highbush BLUEBERRY	VCC	#3 POT	5
VACCINIUM CORYMBOSUM 'LATE BLUE' 'LATE BLUE' Highbush BLUEBERRY	VCL	#3 POT	3
VIBURNUM CARLESII KOREANSPICE VIBURNUM	VBC	18-24" B&B	3
VIBURNUM TRILOBUM (AMERICANUM) WENTWORTH 'WENTWORTH' AMERICAN CRANBERRY BUSH	VBT	2-3' B&B	7

NOTE: OWNER TO PROVIDE EIGHT (8)
STREET TREES TO BE SITED IN
FIELD WITH PLANNING BOARD AGENT.
TREES TO BE RED OAK, NORWAY
MAPLE OR SUGAR MAPLE WITH A
MINIMUM TWO (2) INCH CALIPER.

Stephen E. Poole
STEPHEN E. POOLE ~ P.E.
DATE: 9-30-05



I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN _____ ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

OWNER/ APPLICANT
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW, REQUIRED.

[Signature]
[Signature]
[Signature]

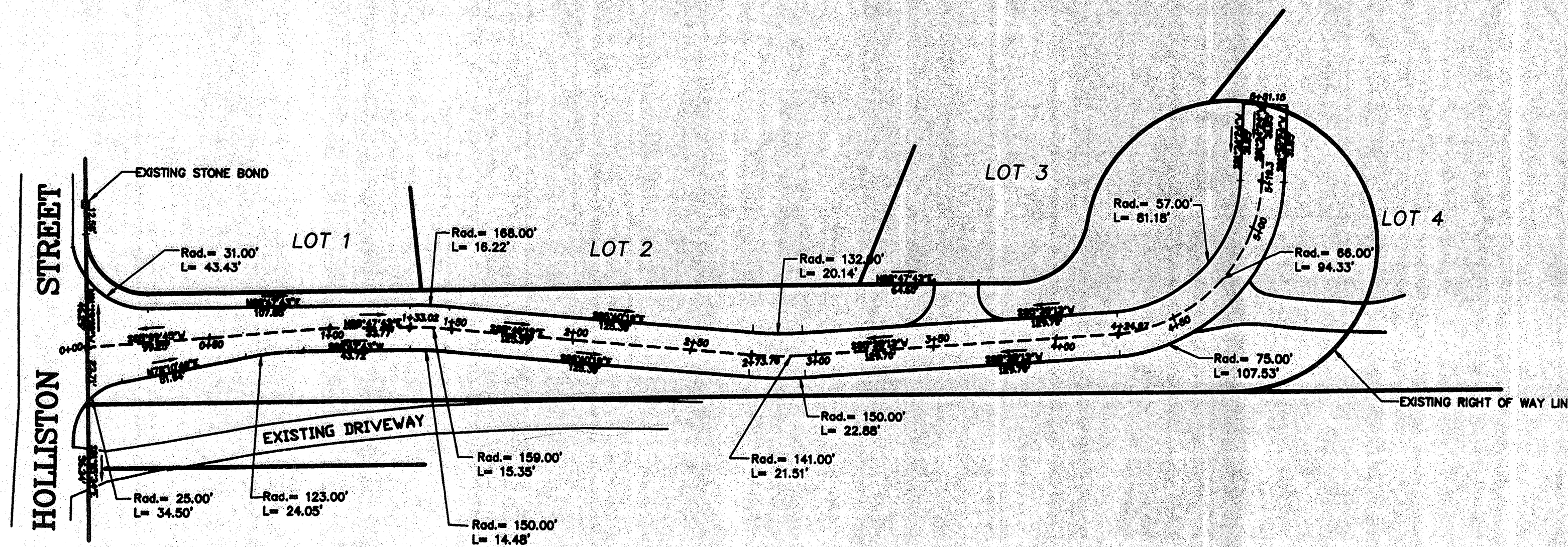
APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8 2005

RESERVED FOR REGISTRY USE



WINGATE ROAD LAYOUT

SCALE 1"=40'

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____,
AND TO BE RECORDED HERewith.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

[Signature]
ANTHONY J. DELLORCO ~ P.L.S.

DATE: 9-30-05



[Signature]
STEPHEN E. POOLE ~ P.E.

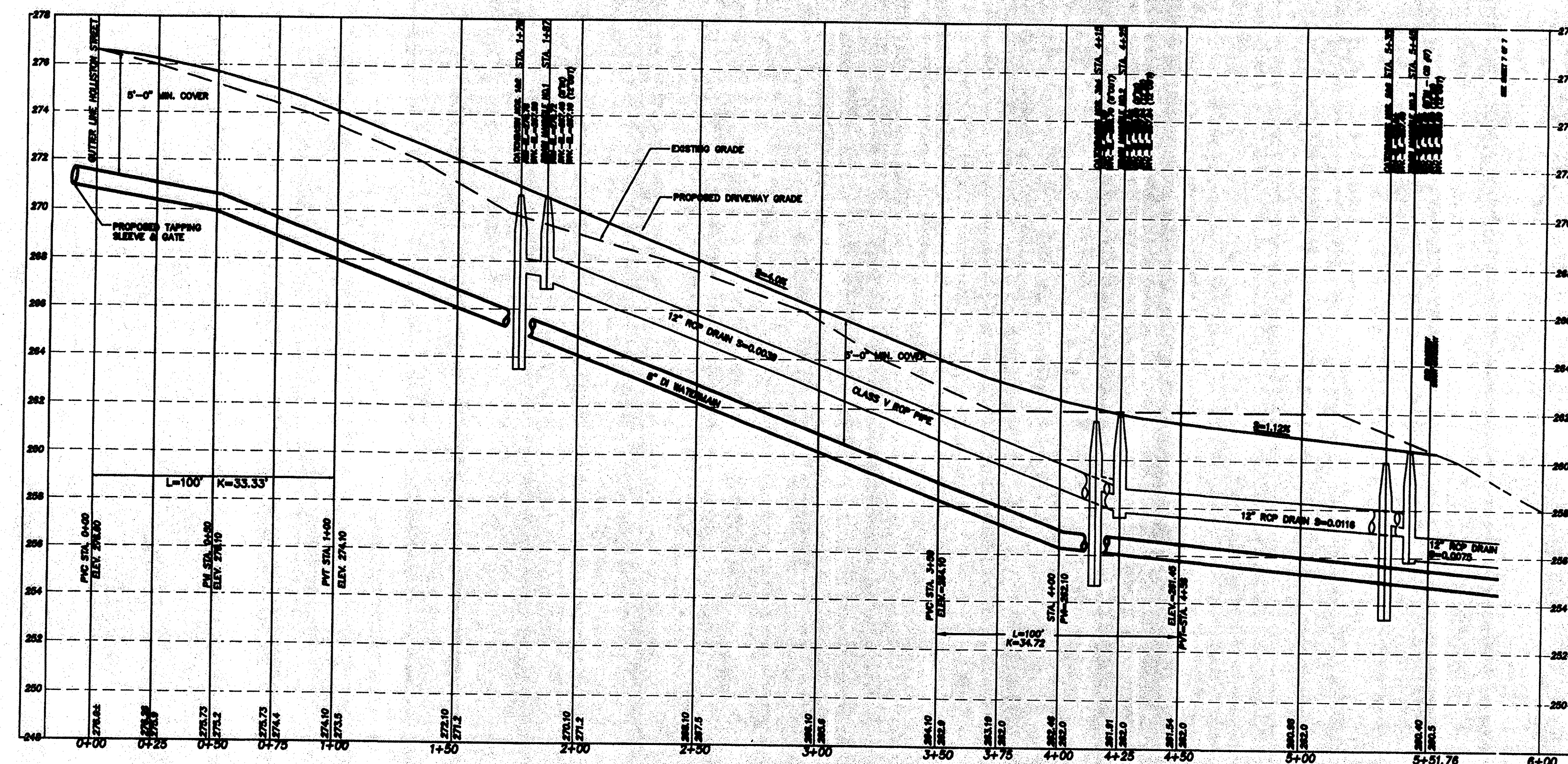
DATE: 9-30-05



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BOARD, APPROVAL OF THIS PLAN ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE



ROADWAY PROFILE PLAN

SCALE: HORIZ. 1"=40'
VERT. 1"=4'

OWNER/ APPLICANT
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

NO.	DATE	DESCRIPTION	BY
7.	9-16-05	TOWN COMMENTS	SEP
6.	4-22-05	TOWN COMMENTS	SEP
5.	3-30-05	REVISED PROFILE & LAYOUT	SEP
4.	3-1-05	TOWN COMMENTS	SEP
3.	2-7-05	TOWN COMMENTS	SEP
2.	12-28-04	TOWN COMMENTS	SEP
1.	11-8-04	REVISED GRADING	SEP

ROADWAY PROFILE PLAN
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN

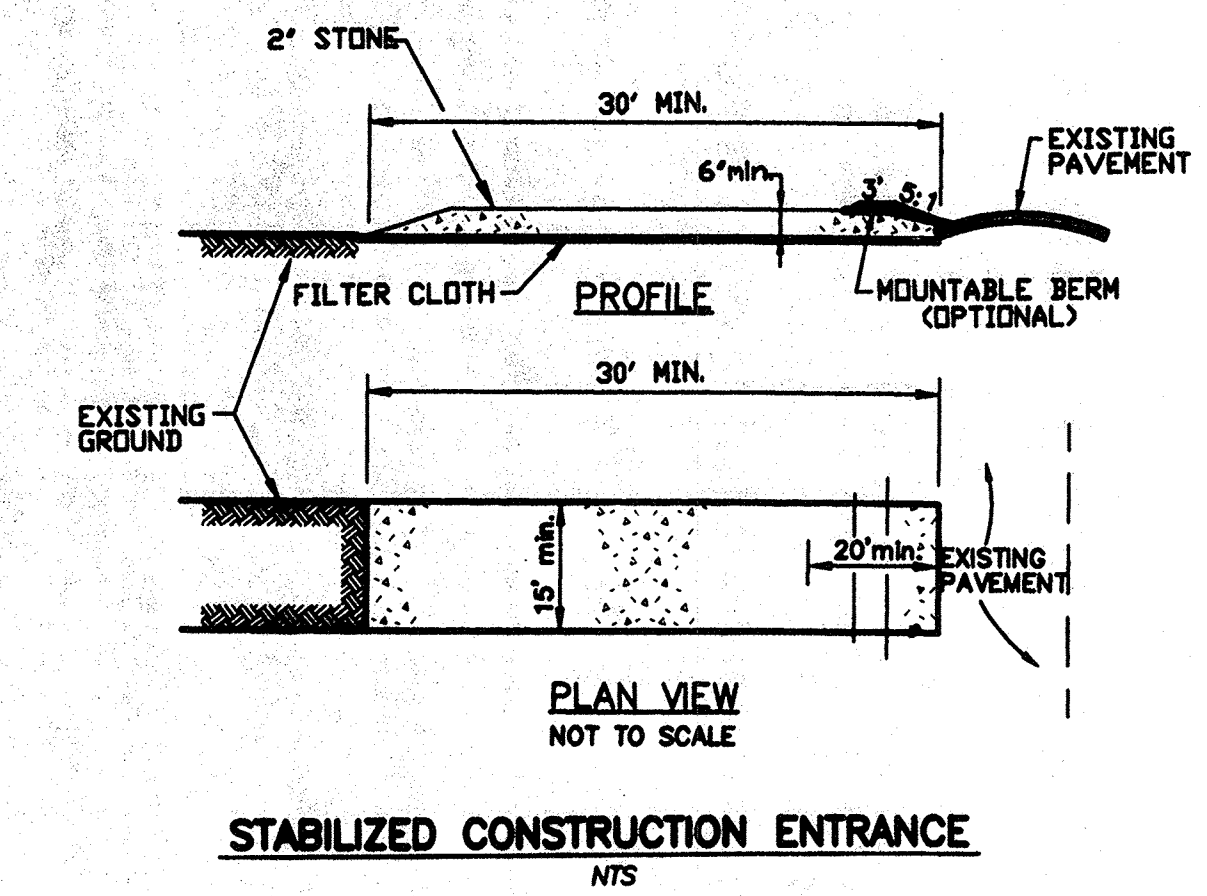
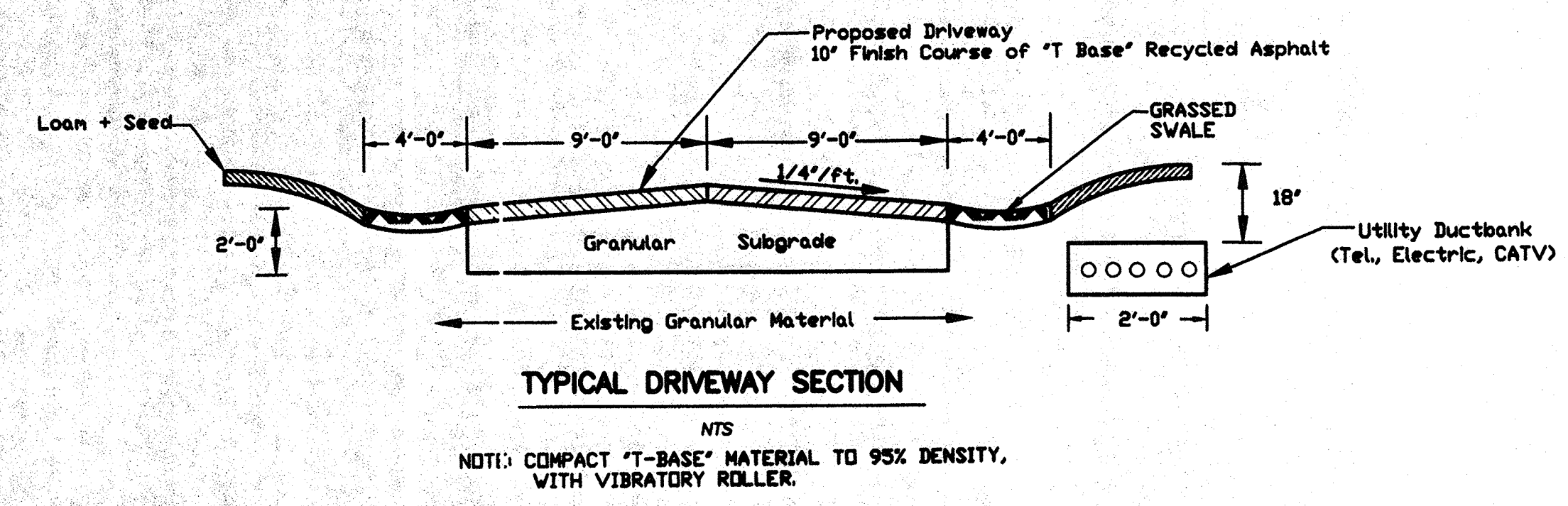
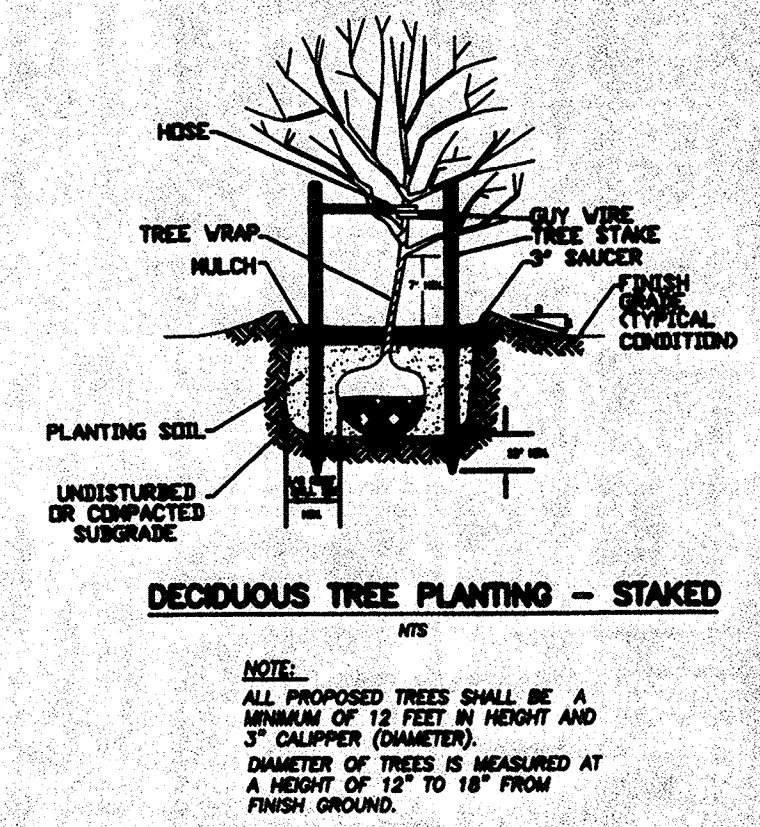
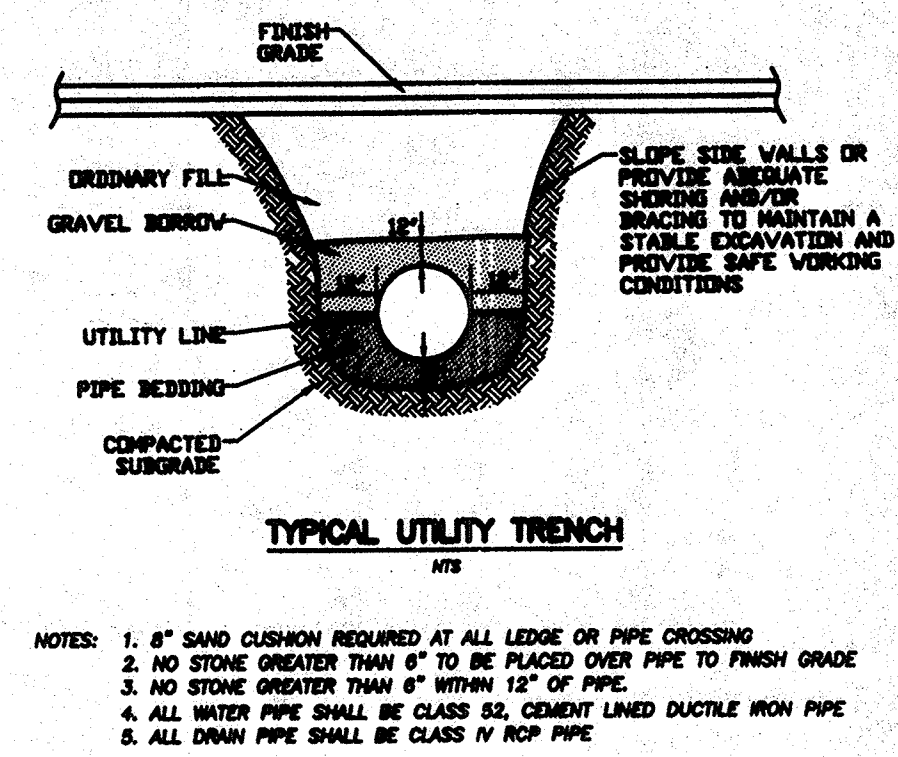
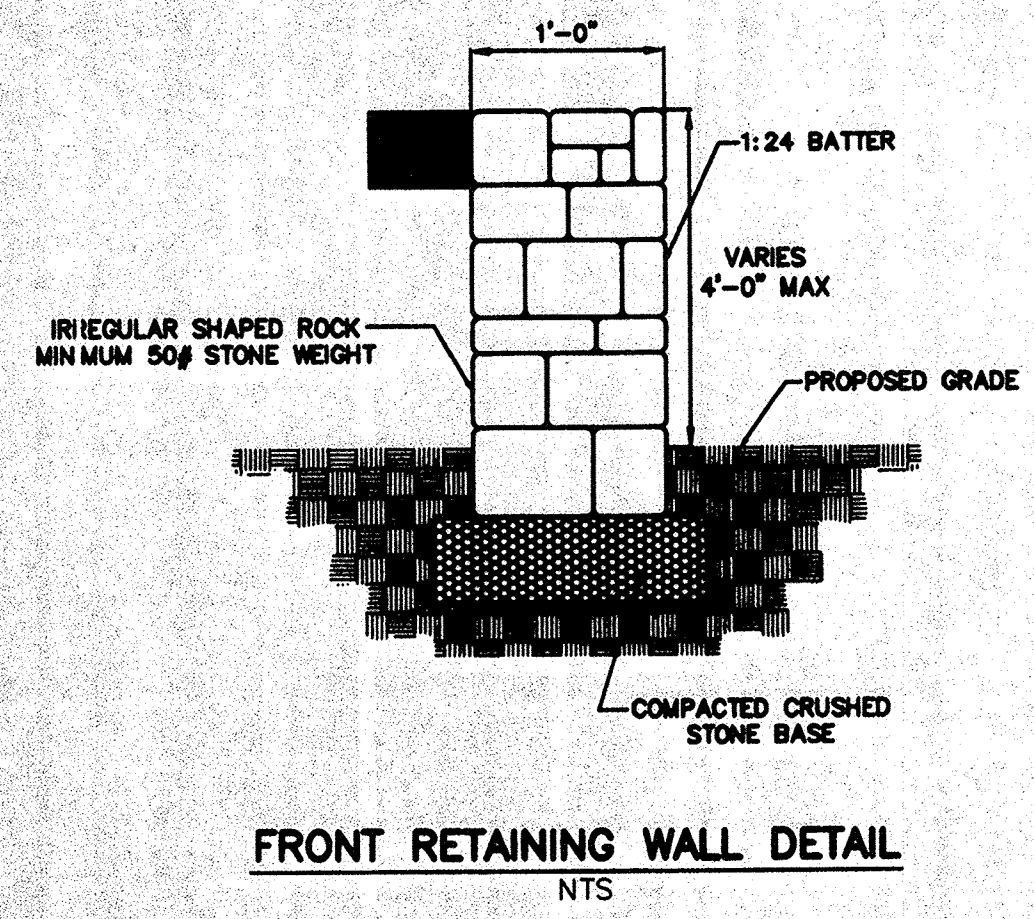
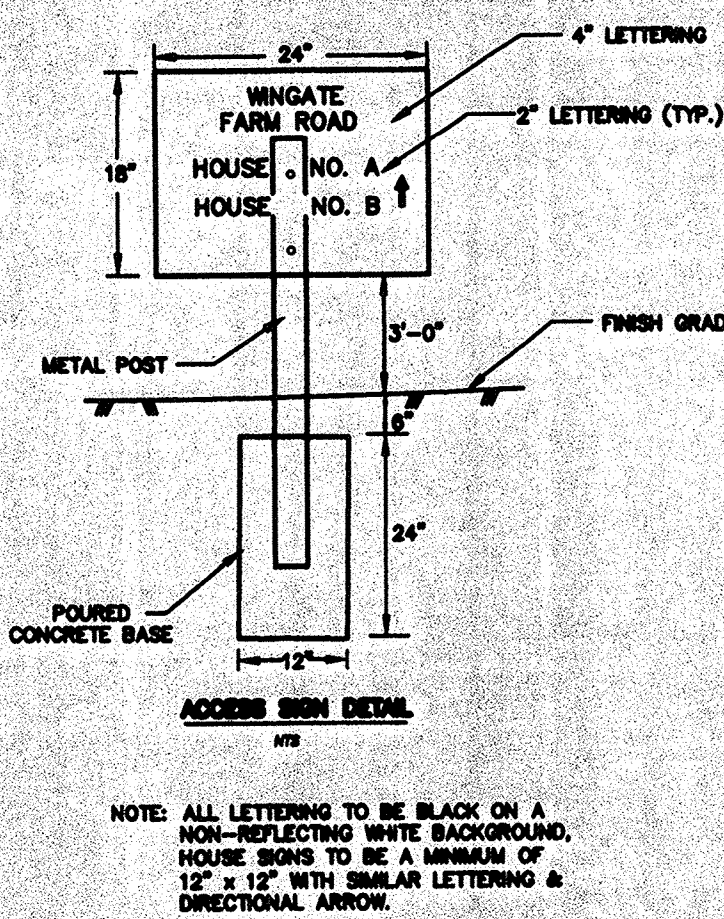
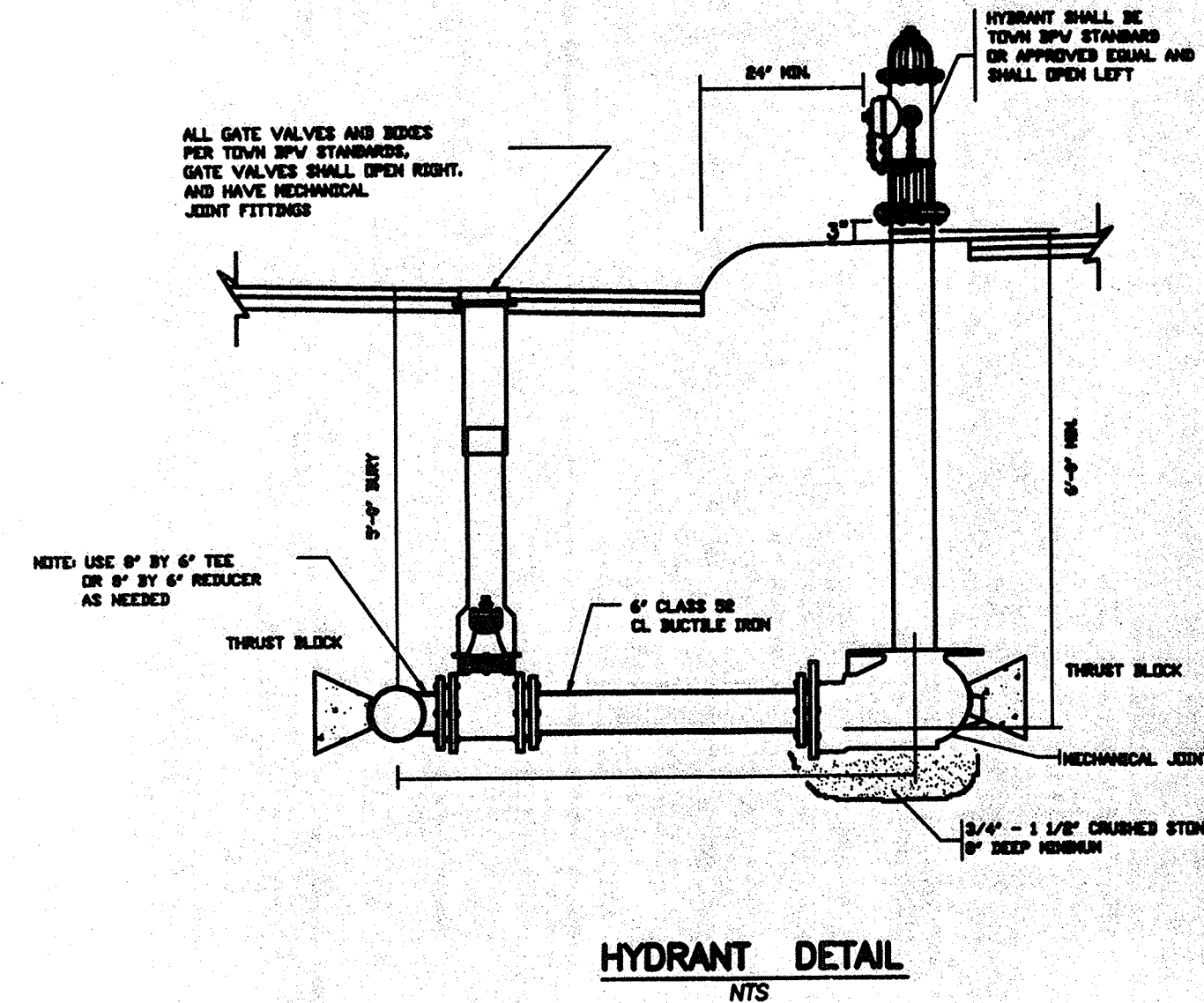
MEDWAY, MASS.

SCALE: AS NOTED DATE: AUGUST 20, 2004

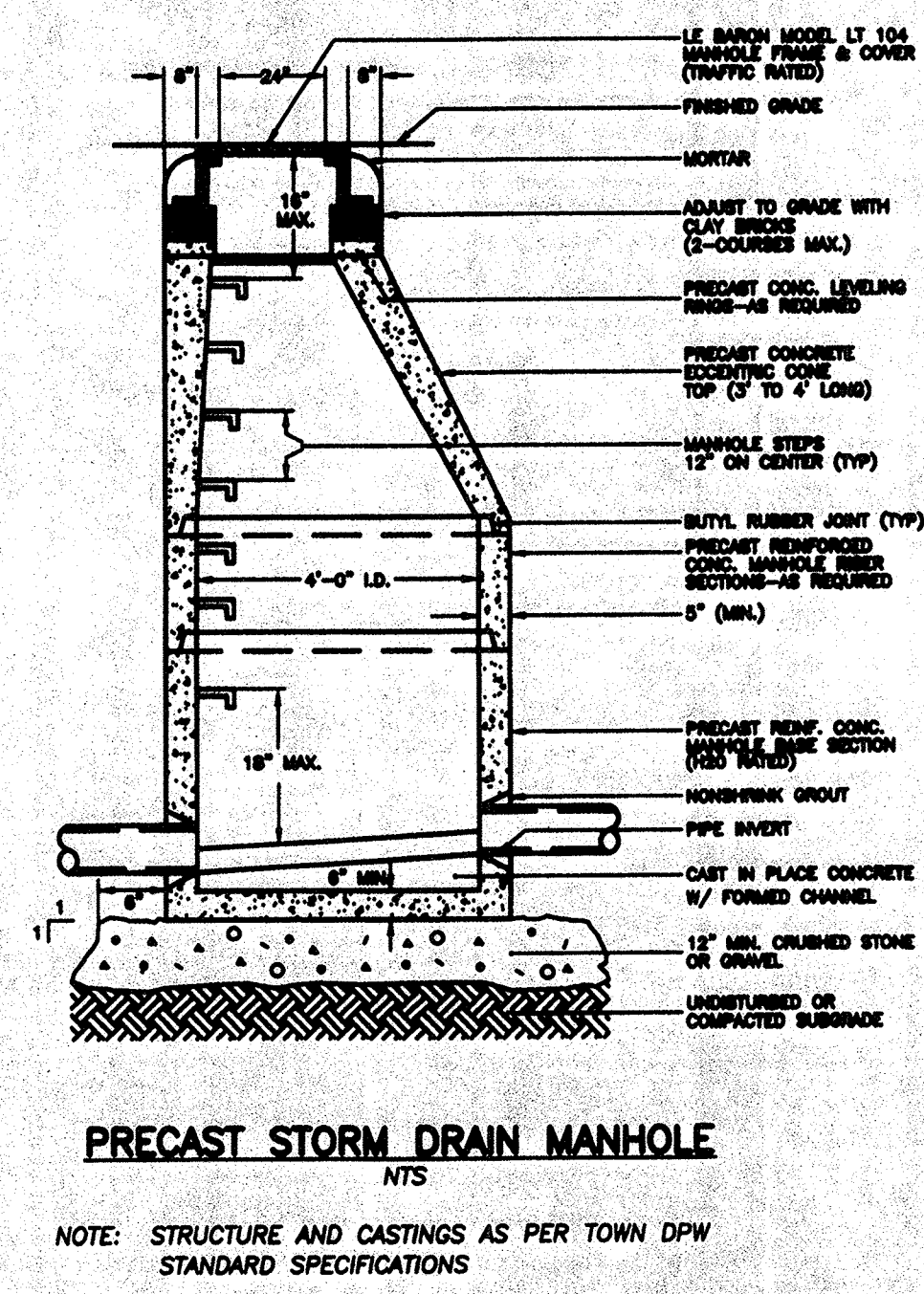
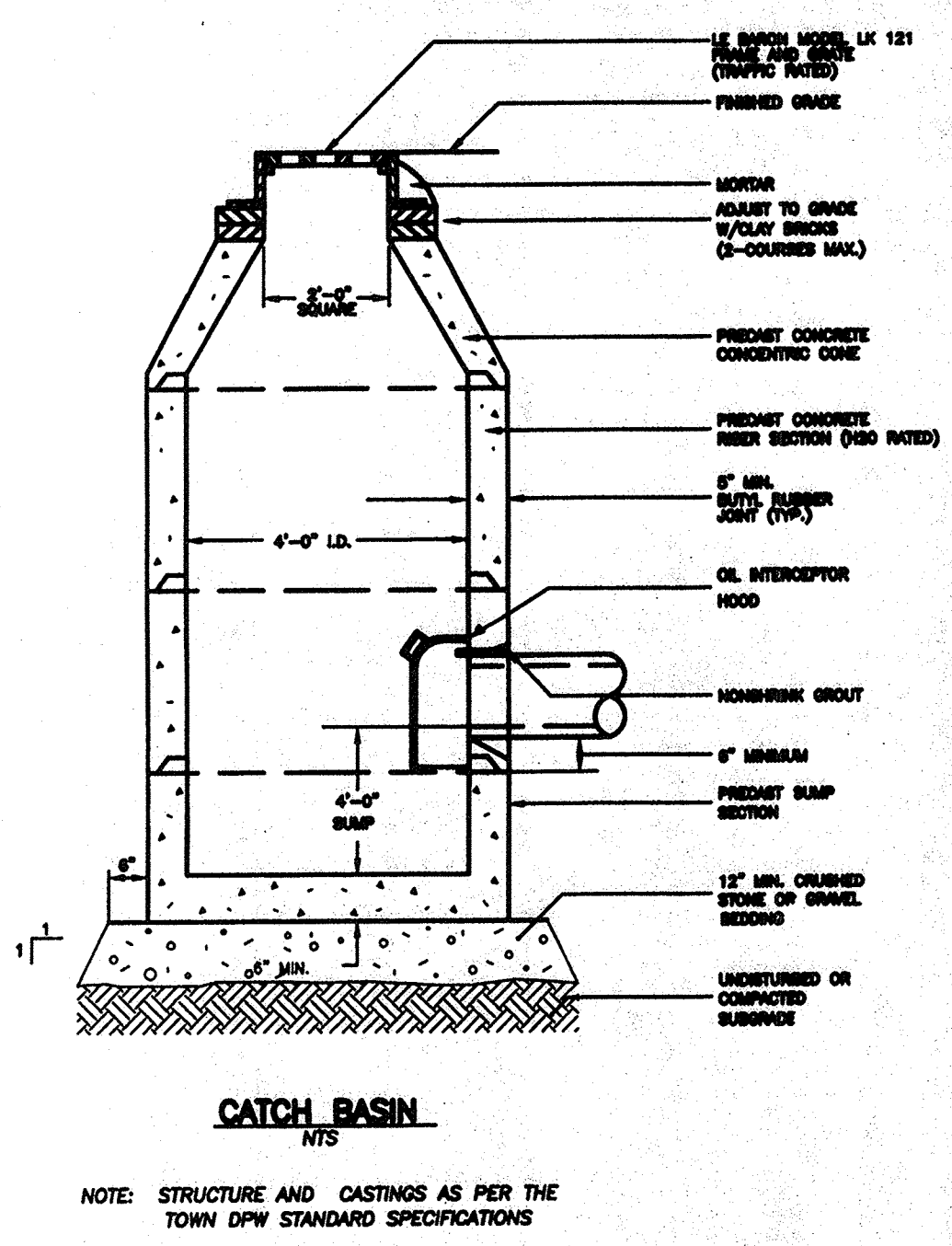
PREPARED BY:
Consolidated Design Group Inc.

CIVIL ENGINEERS
21 Main St. Hudson, MA. 01749
(978) 562-5581

SHEET NO. 5 OF 8



- CONSTRUCTION SPECIFICATIONS:**
- 1) STONE SIZE: USE 2" DIAMETER STONE OR RECLAIMED/RECYCLED CONCRETE EQUIVALENT.
 - 2) LENGTH: RECOMMEND GREATER THAN 30 FEET WHERE PRACTICAL.
 - 3) THICKNESS: NOT LESS THAN 6 INCHES.
 - 4) WIDTH: 15 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR.
 - 5) FILTER CLOTH: SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
 - 6) SURFACE WATER: ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WILL BE PERMITTED.
 - 7) MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
 - 8) PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED.
 - 9) REMOVE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO PLACEMENT OF BITUMINOUS BASE COURSE



MEDWAY PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED.

APPROVAL DATE:
APRIL 28, 2005
ENDORSEMENT DATE:
NOV 8 2005

I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON _____ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK _____ DATE _____

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

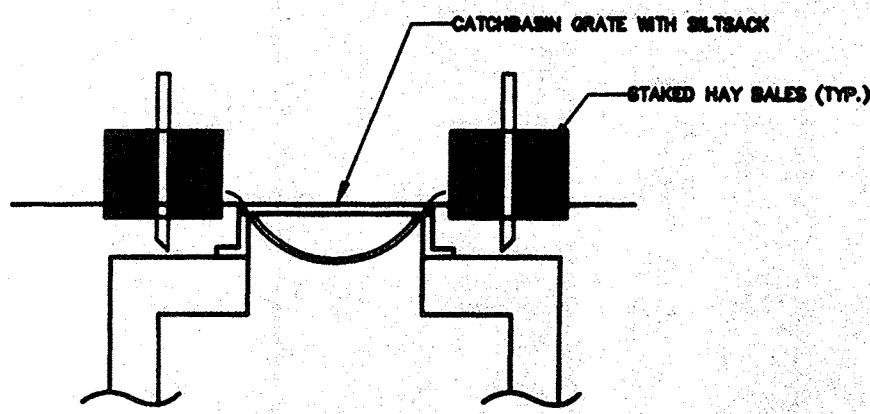
 STEPHEN E. POOLE ~ P.E.
 REGISTERED PROFESSIONAL ENGINEER
 COMMONWEALTH OF MASSACHUSETTS
 No. 35533

DATE: 9-30-05

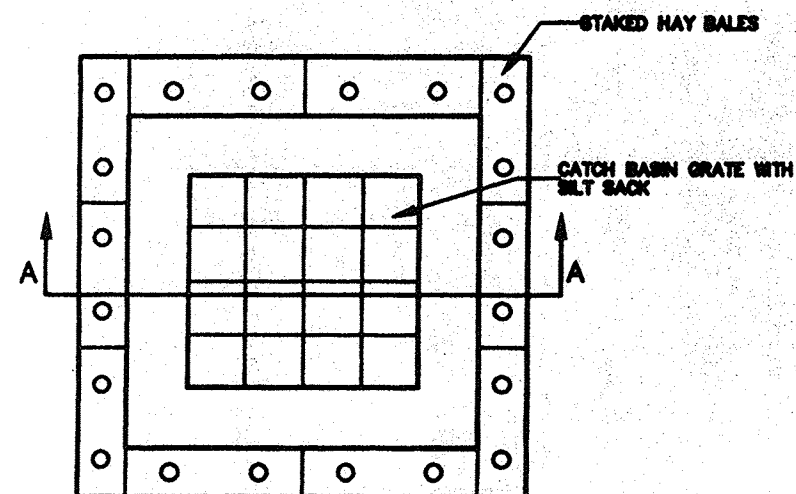
PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED _____ AND TO BE RECORDED HERewith.

OWNER/ APPLICANT
 EUGENE AND KARYL WALSH
 168 HOLLISTON STREET
 MEDWAY, MA 02053

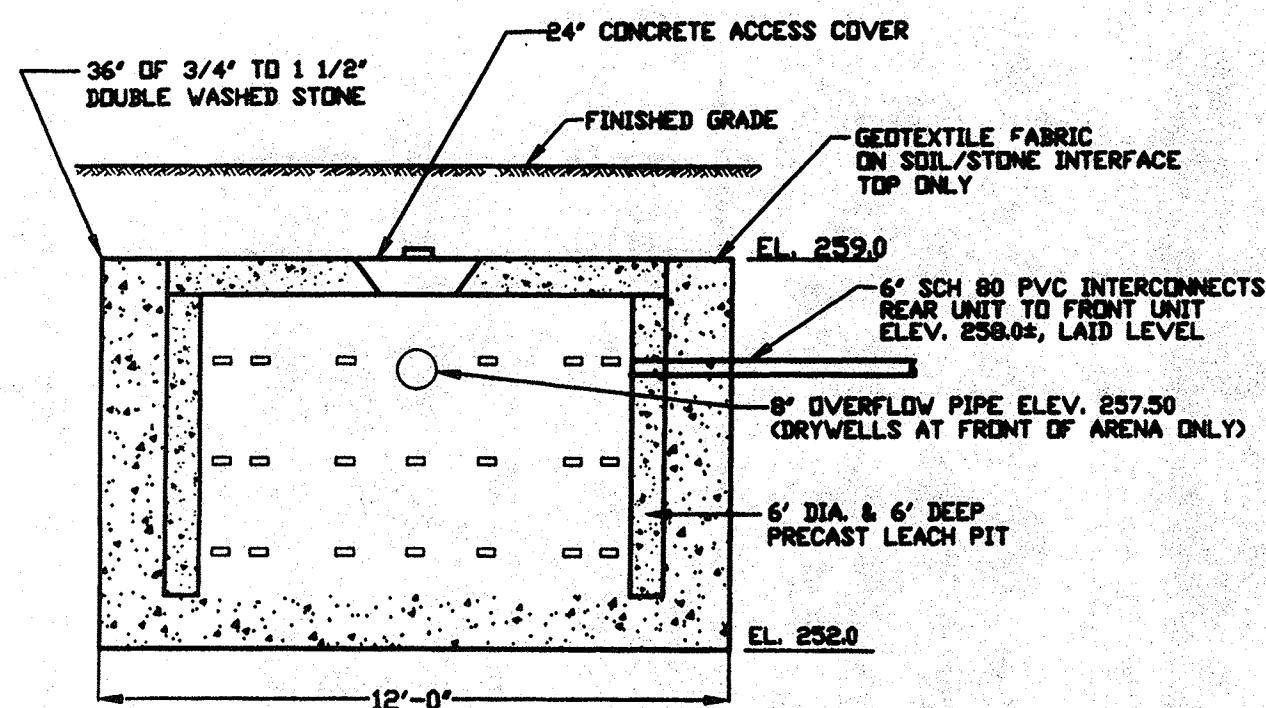
CONSTRUCTION DETAILS MODIFICATION TO WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASS.			
SCALE: AS NOTED DATE: AUGUST 20, 2004			
PREPARED BY: Consolidated Design Group, Inc.			
CIVIL ENGINEERS 21 MAIN STREET HUDSON, MA 01749 (978) 562-5581			
8.	9-16-05	TOWN COMMENTS	SEP
7.	4-22-05	TOWN COMMENTS	SEP
6.	3-30-05	REVISED DETAIL	SEP
5.	3-7-05	TOWN COMMENTS	SEP
4.	2-7-05	REVISED DETAIL	SEP
3.	12-28-04	TOWN COMMENTS	SEP
2.	12-3-04	REVISED DETAIL	SEP
1.	11-8-04	REVISED DETAIL	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #6 SHEET NO. 6 OF 8			



SECTION A-A

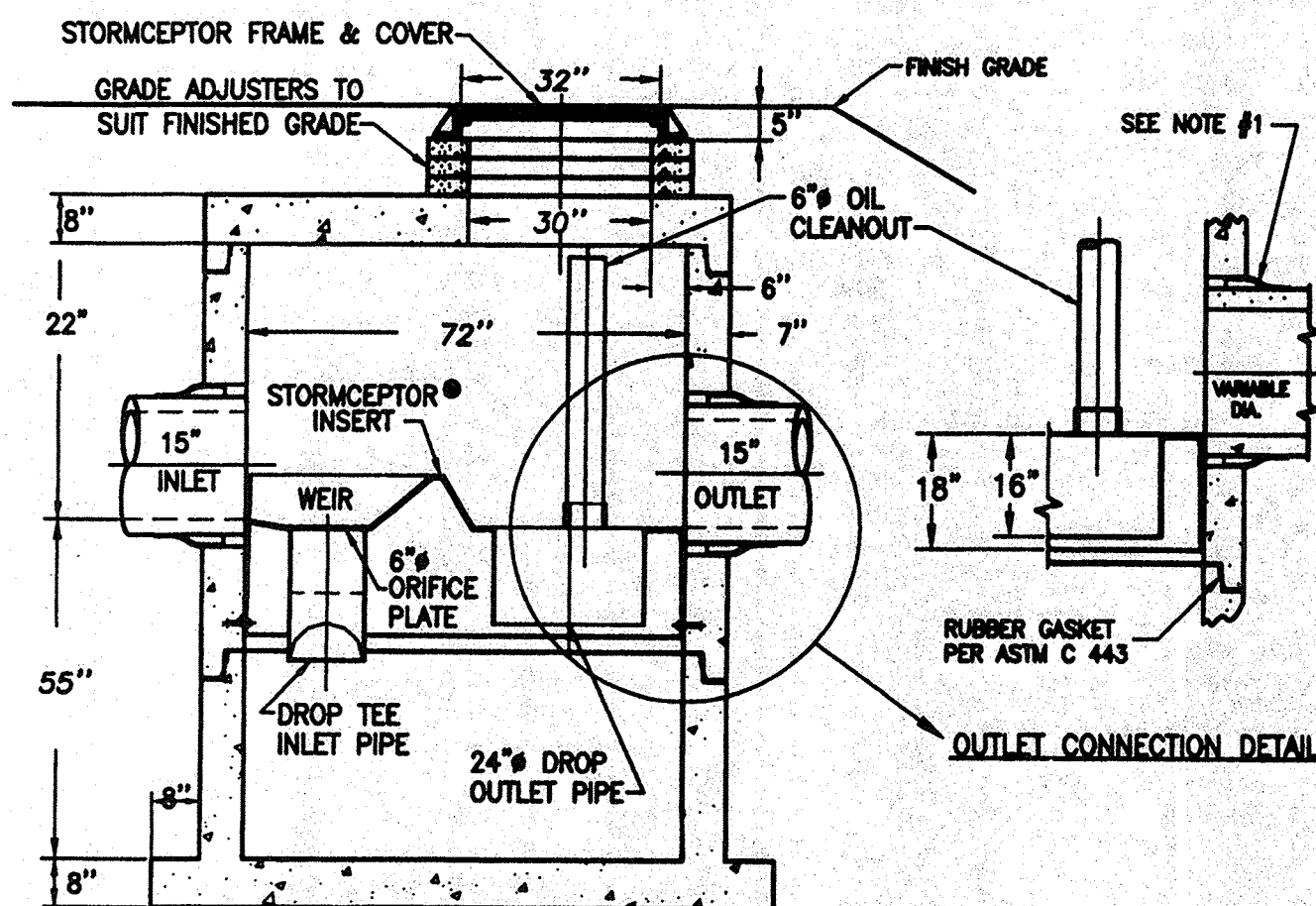


TEMPORARY EROSION CONTROL AT CATCHBASINS
NTS



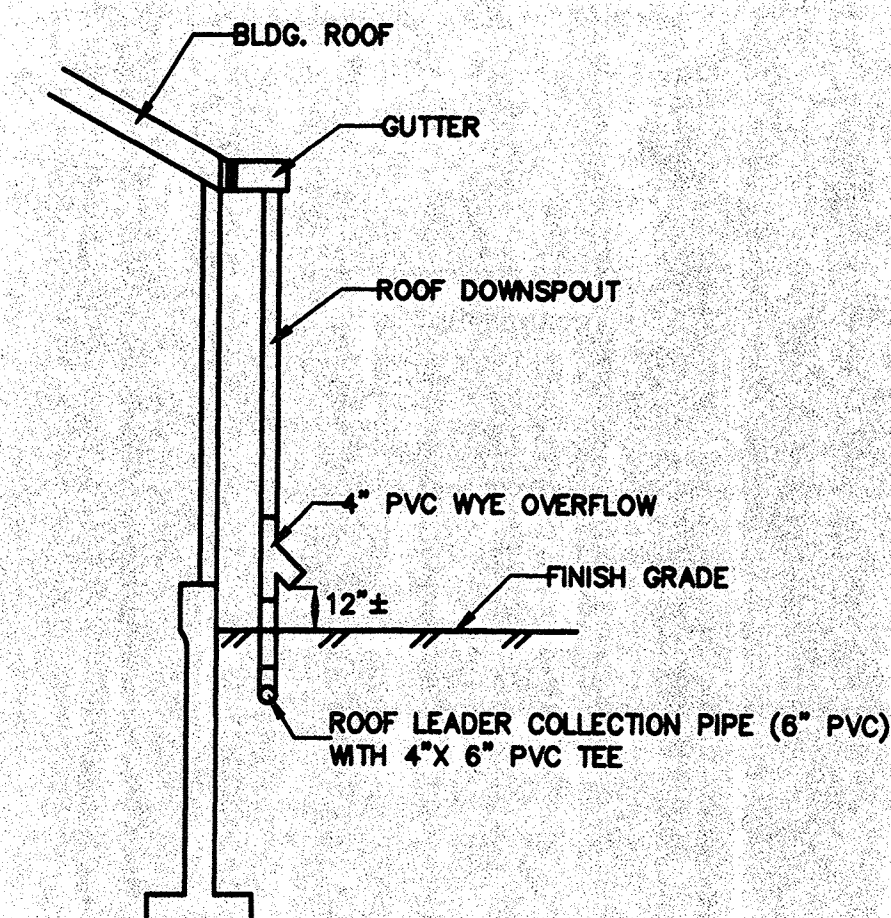
ROOF RUNOFF DRYWELL
NTS

NOTE: EXCAVATE 12'-0" X 12'-0" HOLE TO ELEV. 252.0±
SCARIFY BOTTOM & PLACE 1'-0" OF STONE PRIOR
TO PLACING PRECAST LEACH PIT.



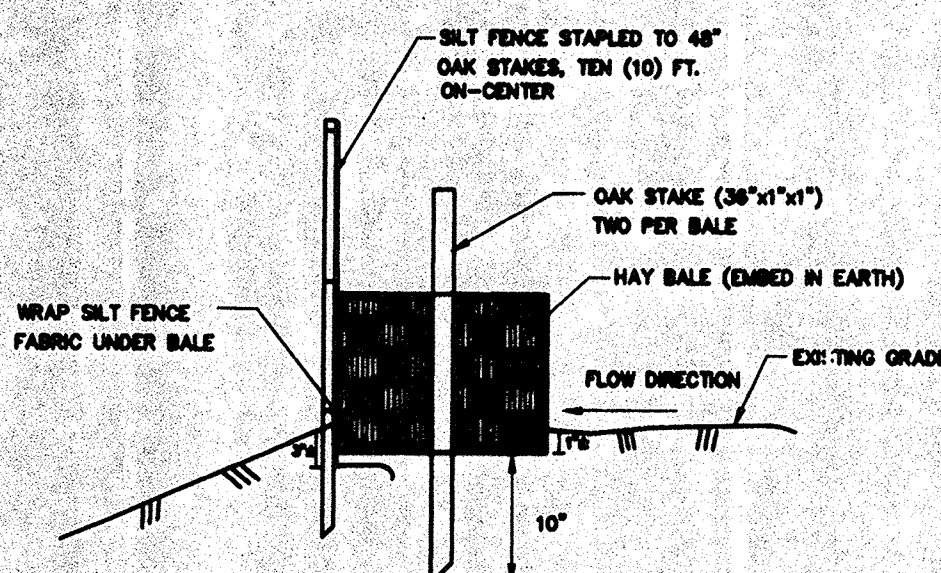
STORMCEPTOR DETAIL
MODEL-STC900

- NOTE:
1. THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
 2. THE COVER SHOULD BE POSITIONED OVER THE OUTLET DROP PIPE AND THE OIL CLEANOUT PIPE.

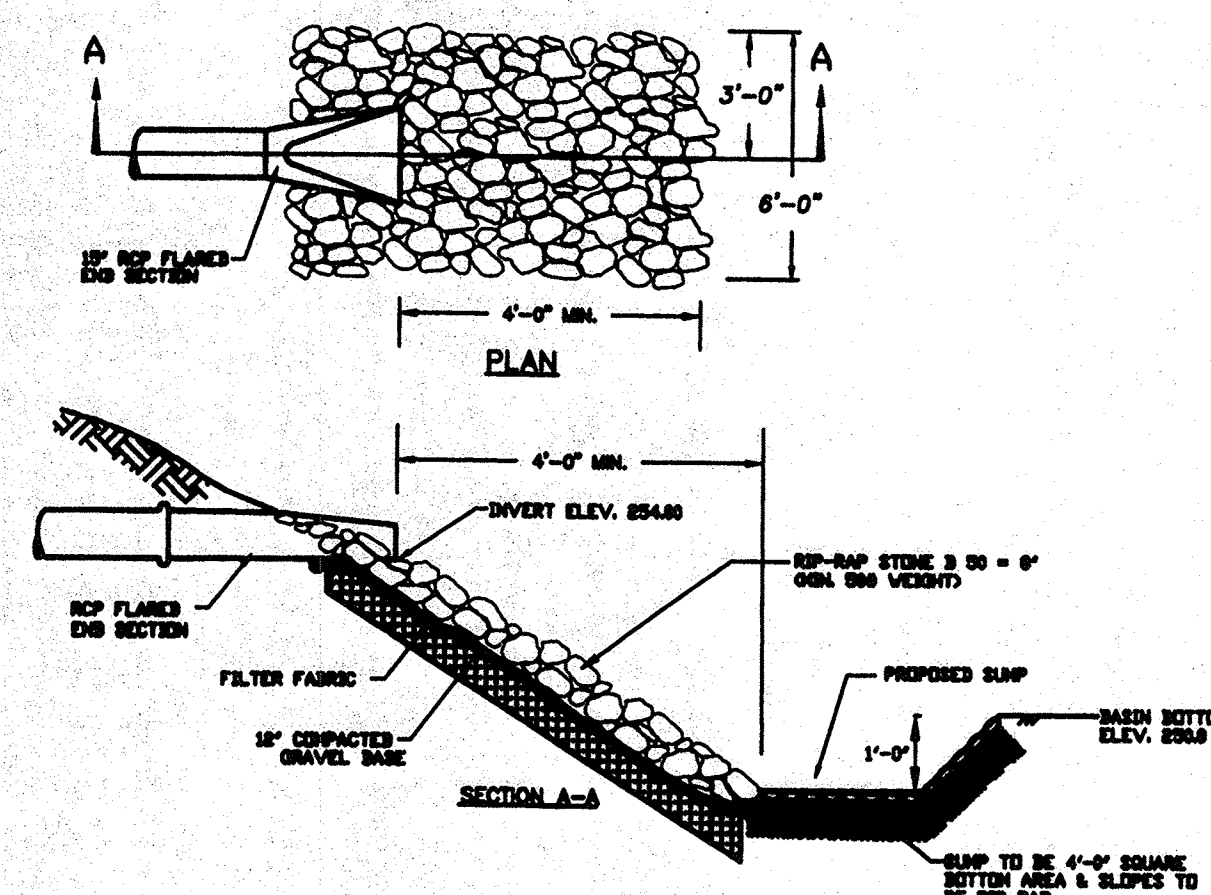


DOWNSPOUT DETAIL

NOTE: ROOF LEADER OVERFLOW TO BE PROVIDED FOR RESIDENTIAL HOUSES ONLY. COLLECTION PIPE (6" PVC) WITH 4" X 6" PVC TEE AT EACH DOWNSPOUT TO BE PROVIDED TO DIRECT FLOW TO DRYWELLS.



HAYBALE/SILT FENCE DETAIL



FLARED END OUTLET
NTS

STORMWATER MANAGEMENT REPORT WINGATE FARMS 168 HOLLISTON STREET MEDWAY, MASSACHUSETTS

INSPECTION REPORT

Inspection Firm: _____

Inspector Name: _____ Date: _____

Components Inspected: _____

Signed: _____

SYSTEM MAINTENANCE

Maintenance Firm: _____ Date: _____

Catchbasins Cleaned: Yes _____ No _____ Comments: _____

Drain Manholes Cleaned: Yes _____ No _____ Comments: _____

Drainlines Inspected: Yes _____ No _____ Comments: _____

Stormceptor Cleaned: Yes _____ No _____ Comments: _____

Leach Pits Cleaned: Yes _____ No _____ Comments: _____

Roadway Cleaned: Yes _____ No _____ Comments: _____

Estimate of Material Removed: _____

Other Comments: _____

Signed: _____

OPERATION & MAINTENANCE PLAN STORMWATER MANAGEMENT FACILITIES 168 HOLLISTON STREET MEDWAY, MASSACHUSETTS

The proposed project includes stormwater runoff controls associated with a proposed two family house and commercial use building that will require continued maintenance by the property owner. The major components associated with maintenance needs are the stormceptor unit, the infiltration system and the leach pit. These will need to be cleaned periodically as noted below. Cleaning of these structures shall be done by the property owner via a specialty contractor with hydraulic cleaning ability. In addition to the facilities noted below, the property owner should maintain any roof gutters/drains on a regular basis to prevent clogging and carry over of debris into the parking lot / drainage system. The following outlines the major maintenance issues associated with the project:

Catchbasin Cleaning:

The catchbasins should be cleaned with a hydraulic vacuum system twice per year to remove accumulated solids and debris. At the same time, the drain manholes and drainlines should be opened, inspected and cleaned if needed. Assuming the catchbasins, drain manholes and the drainlines are maintained and cleaning is in accordance with normal standards, the solids removal efficiency should be as required to prevent carry over of solids to the stormceptor and wet detention basin.

Sediment Trap (Stormceptor):

Maintenance of this system is subject to on-site evaluation and catchbasin type maintenance. Initially, this system should be inspected on a monthly / storm event schedule to note any solids carry over. After the first year of operation, the system should receive quarterly inspections. It is recommended that the stormceptor tank should be cleaned at least twice yearly (Spring & Fall) in conjunction with cleaning of the catchbasins. Assuming that the catchbasins are cleaned as noted, the sediment load to the stormceptor should be minimal. The methodology for inspection should be as per typical catchbasin maintenance and cleaning should consist of hydraulic vacuuming to ensure maximum sediment removal and accurate measurement of solids removed. Oil / Grease removal from the system should be minimal and should also be done in conjunction with solids removal.

Wet Detention Basin

The stormwater detention basin should be inspected over the first year of operation on a quarterly basis to determine the level of required maintenance. This inspection should be performed by the Owner's Engineer and a report issued to the Town as to any cleaning / maintenance needs of that system. At the same time, the inspection of the other structures should determine any flushing / cleaning needs. This review should also include a review of system maintenance records. As a preliminary schedule, the bottom area should be cleaned once a year to remove accumulated sediments in the sump, or when they reach three (3) inches in depth.

Leach Pits

The proposed leaching pits are intended to collect roof runoff to provide storage and infiltration for this runoff. As part of this process, some sand and debris will also be collected in this basin. This should be removed periodically, during spring and fall cleanup to maximize infiltration and storage capabilities. The debris / sand can be removed by hand or by means of hydraulic vacuuming by a contractor, at the Owner's option. After cleanup, a clean layer of 3/4" choke stone should be placed on the bottom of the pits to prevent scouring of the bottom and to trap debris above the soil infiltration surface.

Roadway Maintenance

As the proposed roadway surface is not paved, there will be maintenance required to ensure that the drainage system is not impacted. Primarily, this will require re-grading and compaction of the roadway to prevent ponding, ruts or eroded surfaces. Initially, this is recommended to be done once per year in the spring, after snow melt. The frequency of this work can be increased or decreased based on actual need and experience with the roadway. Interim work between re-grading may include filling, rolling and compaction of depressions to prevent excessive silty runoff.

In addition to the road surface, the grass areas will need to be mowed at least monthly. When cutting the grass, mowers should be set to leave at least 2" of grass in the areas to reduce water velocity and increase settling of solids. Any solids accumulation will have to be rolled and removed manually to maintain effective use of the swales. Swales should be inspected after all heavy rainfalls to determine the need for this work.

Maintenance Responsibilities

The maintenance of the Drainage System is the responsibility of the Owners (Homeowner Association). The actual work should be subcontracted to a company that specializes in the cleaning of storm drainage facilities. Inspections should be performed by independent individual such as the design engineer or other experienced individual in the field.

MEDWAY PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED.

Stephen E. Poole
Karyl Walsh
City Clerk

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY,
RECEIVED AND RECORDED, FROM THE PLANNING
BOARD, APPROVAL OF THIS PLAN ON _____
AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20)
DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

DATE

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

Stephen E. Poole
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE
DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS
GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT
EXECUTED BY EUGENE AND KARYL WALSH DATED _____,
AND TO BE RECORDED HEREWITH.

OWNER/ APPLICANT

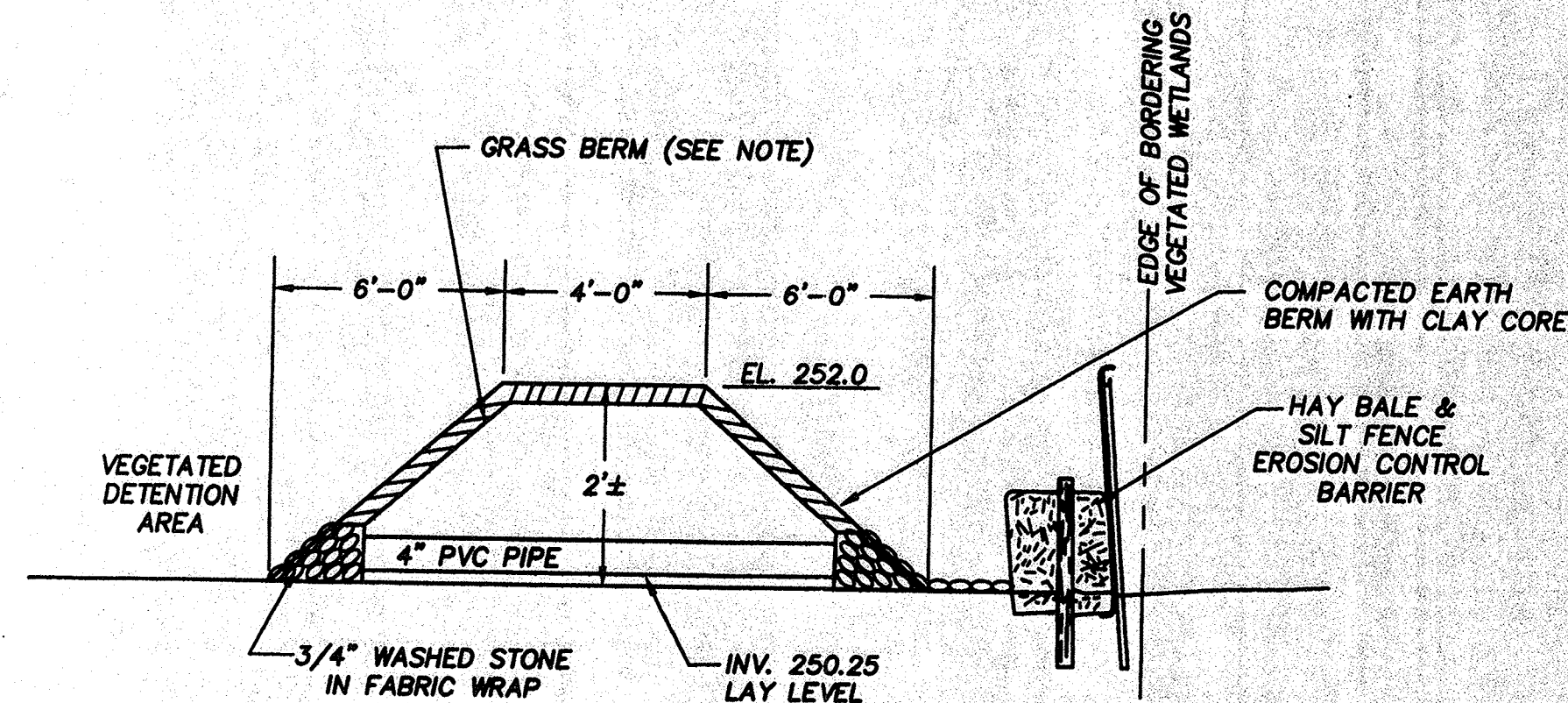
EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

CONSTRUCTION DETAILS MODIFICATION TO WINGATE FARM A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN IN MEDWAY, MASS.

SCALE: AS NOTED DATE: MARCH 7, 2005

PREPARED BY:
Consolidated Design Group, Inc.
CIVIL ENGINEERS
21 MAIN STREET HUDSON, MA 01749
(978) 562-5581

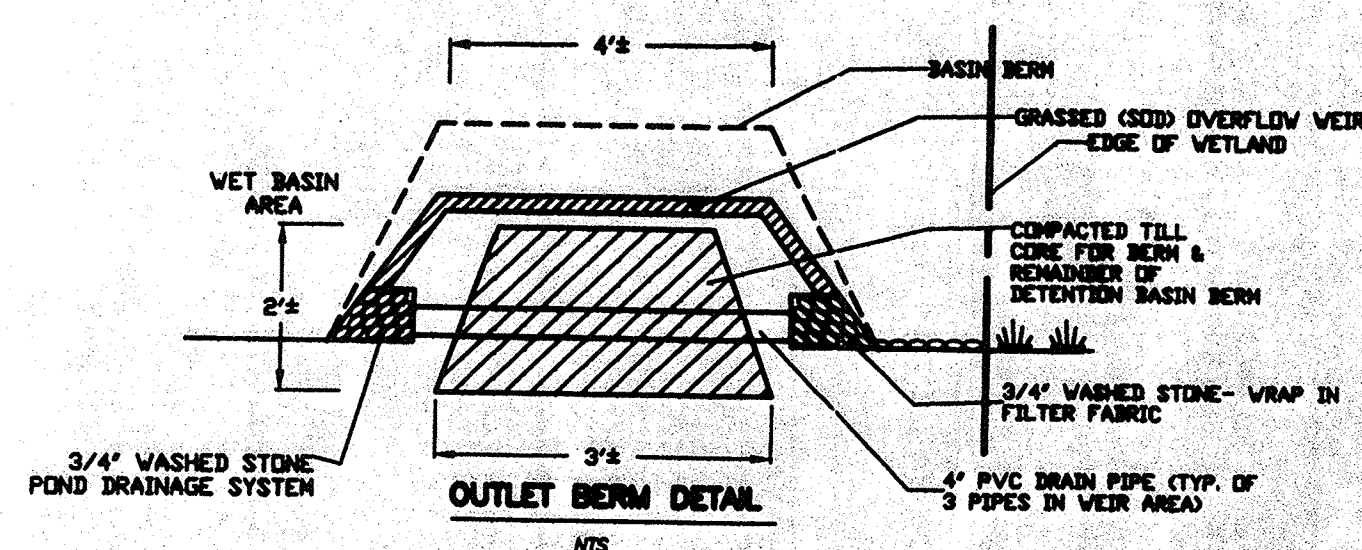
NO.	DATE	DESCRIPTION	BY
3.	9-16-05	TOWN COMMENTS	SEP
2.	4-22-05	REVISED NOTES	SEP
1.	3-30-05	ADDED NOTES	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			
SHEET NO. 7 OF 8			



OVERFLOW WEIR DETAIL

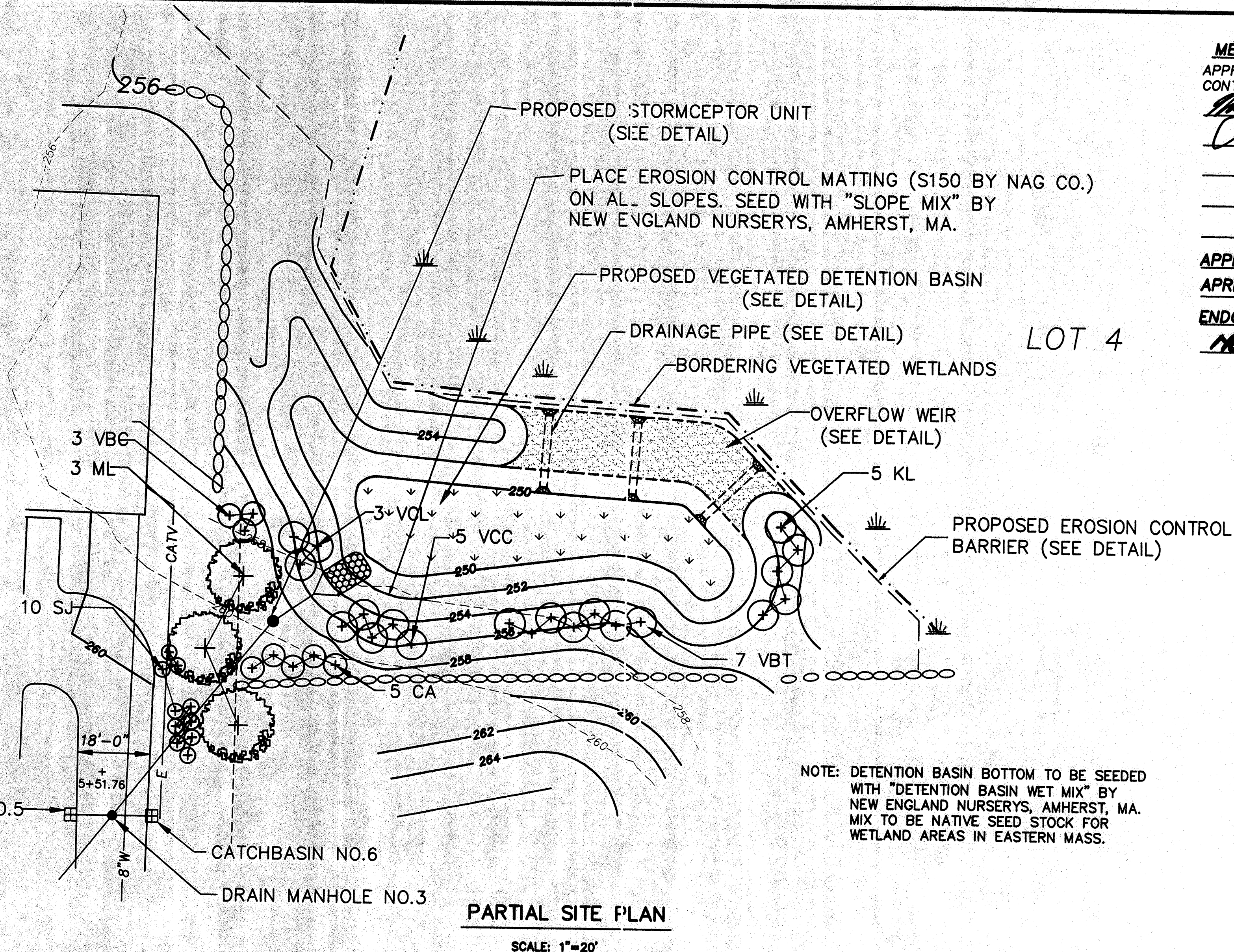
NTS

NOTE: CONTRACTOR TO GRADE BERM 2" BELOW GRADE AND PLACE SOD OVER ALL SIDES.



OUTLET BERM DETAIL

NTS



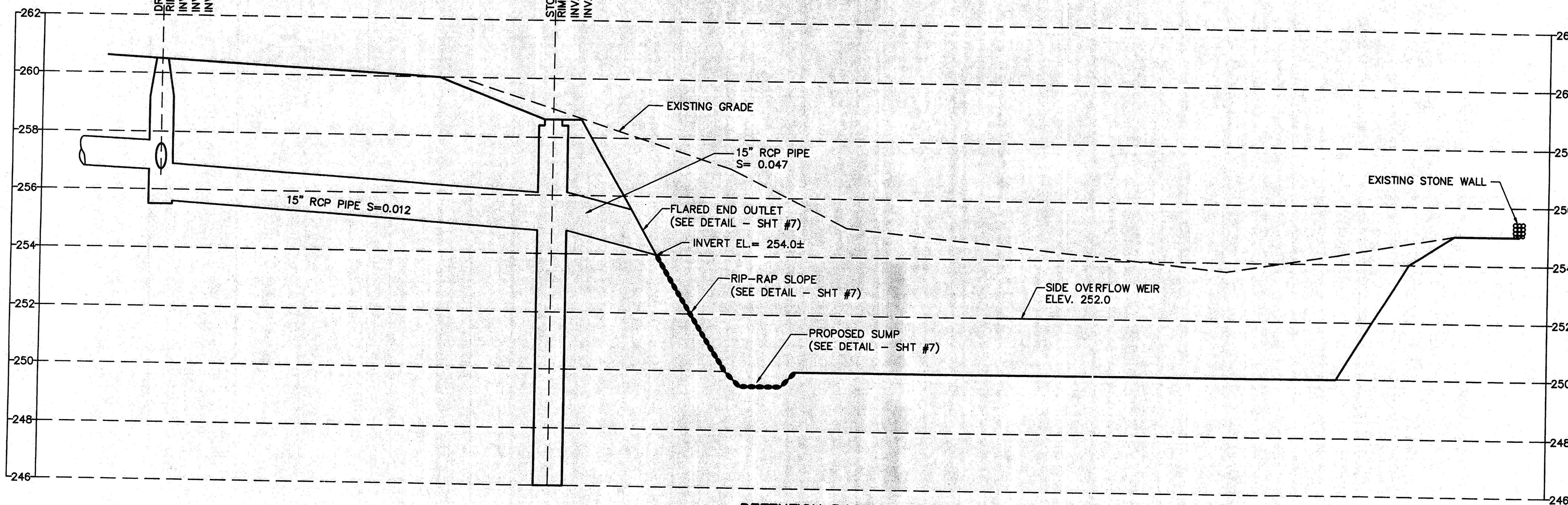
PARTIAL SITE PLAN

SCALE: 1"=20'

NOTE: DETENTION BASIN BOTTOM TO BE SEED WITH "DETENTION BASIN WET MIX" BY NEW ENGLAND NURSERY, AMHERST, MA. MIX TO BE NATIVE SEED STOCK FOR WETLAND AREAS IN EASTERN MASS.

DRAIN MANHOLE NO.3
RIM-EL.260.5±
INV-EL.256.45 (12"IN- DMH #4)
INV-EL.256.60 (12"IN)
INV-EL.255.80 (15"OUT)

STORMCEPTOR UNIT
RIM-EL.258.8±
INV-EL.254.80 (12"IN)
INV-EL.254.70 (12"OUT)



DETENTION BASIN SECTION

SCALE: HOR 1"=10'
VERT 1"=2'

MEDWAY PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED.

Stephen E. Poole
City Clerk

APPROVAL DATE:

APRIL 28, 2005

ENDORSEMENT DATE:

NOV 8, 2005

FOR REGISTRY USE ONLY

I, TOWN CLERK OF THE TOWN OF MEDWAY, RECEIVED AND RECORDED, FROM THE PLANNING BOARD, APPROVAL OF THIS PLAN ON _____ AND NO APPEAL HAS BEEN TAKEN FOR TWENTY (20) DAYS NEXT AFTER RECEIPT AND RECORDING.

TOWN CLERK

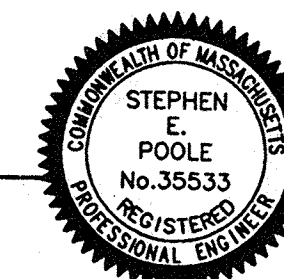
DATE

PRESENT AND FUTURE OWNERS ARE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS & RESTRICTIONS GOVERNING WINGATE FARM, AS SET FORTH IN A COVENANT EXECUTED BY EUGENE AND KARYL WALSH DATED _____ AND TO BE RECORDED HERewith.

NOTE: I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Stephen E. Poole
STEPHEN E. POOLE ~ P.E.

DATE: 9-30-05



OWNER/ APPLICANT

EUGENE AND KARYL WALSH
168 HOLLISTON STREET
MEDWAY, MA 02053

CONSTRUCTION DETAILS
MODIFICATION TO WINGATE FARM
A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
IN
MEDWAY, MASS.

SCALE: AS NOTED DATE: AUGUST 20, 2004

PREPARED BY:
Consolidated Design Group, Inc.
CIVIL ENGINEERS
21 MAIN STREET HUDSON, MA 01749
(978) 562-5581

NO.	DATE	DESCRIPTION	BY
6.	9-16-05	TOWN COMMENTS	SEP
5.	4-22-05	TOWN COMMENTS	SEP
4.	3-30-05	TOWN COMMENTS	SEP
3.	3-7-05	TOWN COMMENTS	SEP
2.	2-7-05	TOWN COMMENTS	SEP
1.	12-28-04	TOWN COMMENTS	SEP
NO.	DATE	DESCRIPTION	BY
JOB NO. WINGATE/DWG/DETAIL #7			

SHEET NO. 8 OF 8

Susan Affleck-Childs

From: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>
Sent: Monday, October 02, 2017 12:11 PM
To: Susan Affleck-Childs
Cc: Michael Boynton; Andy Rodenhiser ; Stephanie Mercandetti
Subject: RE: Request for Town Counsel's help with the Wingate Farm subdivision

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE

Susy, you have requested advice with respect to the Wingate Subdivision, which was approved in 2000 and contains four lots and a road. One of the lots contains a pre-existing single family home. In 2005 the Planning Board approved a modification of the subdivision that included, among other things, that the subdivision would be a private way subdivision, and that the road and municipal services be installed within three years of plan endorsement. I am informed that the plan was endorsed November 8, 2005. The Permit Extension Act extended the time period for completion another four years, so that the deadline for completion of the road and municipal services under the Subdivision approval was November 8, 2012, but this was extended by the covenant.

Although some work has been done in the subdivision, the road and municipal services have not been completed. An inspection by the Town's consulting engineer concludes that the cost for completion is approximately \$59,000. There is an existing covenant on the three vacant lots in the subdivision, and I am informed that no other surety is presently held by the Town. The Planning Board decision does not provide for automatic rescission of the subdivision approval if not completed on time.

The covenant, recorded at book 25288 page 94, provides that the Planning Board may rescind approval of the subdivision for any breach of the covenant. It further provides that the installation of ways and municipal services must be completed within three years of the date of the covenant. The date of the covenant is November 5, 2007. In my opinion, this means that the time for completion was extended by the covenant to November 5, 2014. The covenant further provides that failure to complete the installation of ways and municipal services will result in automatic rescission of approval of the subdivision by the Planning Board, and that the Planning Board shall forthwith carry out the rescission as provided in G.L. c. 41, §81W. The covenant also has a provision allowing for amendment of the covenant.

In my opinion, one option would be to rescind the subdivision approval pursuant to G.L. c. 41, §81W due to the failure to complete it in a timely fashion. As you know, no rescission shall affect the lots in the subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan. Although the covenant provides that failure to complete in a timely fashion will result in automatic rescission, it also states that the Planning Board will forthwith carry out the rescission. The courts have ruled in a number of cases that a condition in a covenant providing for automatic rescission is a valid provision. E.g. Costanza & Bertolino, Inc. v. Planning Board of North Reading, 360 Mass. 677 (1971). In this case, the language of the covenant seems to contemplate that the Planning Board will take affirmative action to carry out the automatic rescission. Accordingly, in my opinion, one option is to go forward with the automatic rescission. Another option would be to modify the approval by modifying the condition requiring that the road and municipal services be completed in three years and grant additional time for completion. See my email of September 13, 2012 for details on the §81W process.

You have asked the procedure if the owner wants to sell off the three vacant lots. If the subdivision is rescinded, of course, then the three lots are no longer in existence. If the lots are still in existence, pursuant to G.L. c. 41, §81U, one of the means of surety is:

By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; ...and provided, further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the planning board.

This provision is also set forth in the covenant. Only the three vacant lots are subject to the covenant, and therefore in my opinion, the three vacant lots constitute "all lots not previously released by the planning board." If the subdivision is not rescinded, the three lots in my opinion can be conveyed but will still be subject to the covenant. Any further release of a lot to allow sale or building of a home would require either that the way and municipal services to the lot be completed, or that alternative surety be provided.

With respect to unpaid taxes, in my opinion, the approval of a modification or of a new subdivision, or approval of building permits, is subject to Section XVI of the General Bylaws.

If you have further questions in this regard, do not hesitate to contact me.

Barbara J. Saint Andre, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

bsaintandre@k-plaw.com

www.k-plaw.com

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From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]

Sent: Monday, September 18, 2017 8:28 AM

To: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>

Cc: Michael Boynton <mboynton@townofmedway.org>; Andy Rodenhiser <andy@rodenhiser.com>; Stephanie Mercandetti <smercandetti@townofmedway.org>

Subject: FW: Request for Town Counsel's help with the Wingate Farm subdivision

Good morning,

Michael has approved my request to ask for your assistance with the Wingate Farm Subdivision. See lengthy note below and attachments.

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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From: Susan Affleck-Childs
Sent: Friday, September 15, 2017 1:27 PM
To: Michael Boynton
Cc: Stephanie Mercandetti; Andy Rodenhiser
Subject: Request for Town Counsel's help with the Wingate Farm subdivision

Hi Michael,

The PEDB would like to seek legal guidance from Town Counsel pertaining to the Wingate Farm subdivision. See description below that I would like to send to Barbara.

The PEDB has been contacted by the owners of the unfinished Wingate Farm subdivision. This is a small, 4 lot, subdivision off of the east side of Holliston Street. Former PB member Karyl Spiller-Walsh and her husband, Gene Walsh, are the owners. One of the 4 lots includes the house in which Karyl and Gene have resided for many years - 168 Holliston Street. The other lots are known as 1, 3 and 5 Wingate Farm Road.

The subdivision was originally permitted in 2000 with a definitive subdivision plan. That plan was modified in 2005 to become a private roadway development with a low impact stormwater design. See attached subdivision decisions from 2000 and 2005. The modified plan was endorsed in 2005. Selected sheets of that modified plan and the subdivision covenant were recorded at Norfolk County Registry of Deeds in October and November of 2007. I do not believe the Covenant included an expiration date. The Covenant covered only the Wingate Farm Road lots and not the 168 Holliston Street lot.

The 2000 plan and its modification in 2005 were reviewed in the context of the Medway's Subdivision Rules and Regulations from 2000.

We have a copy of the endorsed 2000 plan. However, it is too large to send you via regular email. I can upload it to DROPBOX and send you an email with a link to it.

Unfortunately, we not have a copy of the endorsed 2005 modified plan despite our best efforts to locate it.

I have attached some notes I prepared in November 2016 with a chronology of the Wingate Farm plan and recording information.

We have a series of Wingate Farm subdivision construction inspection reports by VHB from December 2006. However, the infrastructure work was never completed. The owner never requested lot releases nor was the Covenant ever renewed or replaced by a bond.

The 2005 modified Certificate of Action does specify a 3 year date after plan endorsement for the subdivision to be completed. See below. With the additional 4 years provided by the Massachusetts Permit Extension Act, the completion date for the project was November 2012.

2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install municipal services as shown on the definitive subdivision plan, to the satisfaction of the Planning Board within three (3) years of the date of endorsement of the plan.

We are not sure if the owners now want to finish the development themselves or y sell the subdivision as is, minus their home at 168 Holliston Street. The owners are being represented by Paul Yorkis.

ALSO, the owners are delinquent in the taxes owed the Town for 1, 3 and 5 Wingate Farm Road . . about \$42,000 going back to 2009.

The Board asked Tetra Tech to complete an inspection report/punch list/bond estimate (\$59,094). That report, dated 9-6-2017, is attached.

So . . . at this point, we are trying to get a handle on next steps. Certainly the 2005 subdivision plan has expired. A key question is whether the PEDB has to require the owners to go through the subdivision plan process again. The Board adopted new Subdivision Rules and Regulations in April 2005.

Can the Board even entertain a new subdivision application if they owe taxes?

If they wanted to sell off the 3 house lots, we would need them to provide \$59,094 in performance security before we could release those lots, correct?

My head is spinning!!

Your guidance is most welcome.

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Thursday, December 07, 2017 4:25 PM
To: Susan Affleck-Childs
Subject: RE: Wingate Farm

The following have not been completed per minimum requirements:

1. Clearing of existing driveway gravel so access drive is obvious if emergency vehicles need to drive back there. Gravel appears to be sufficient for emergency access but edges are difficult to decipher particularly for a fire truck at night if required. (6.6.3.a)
2. Swales are part of the drainage system and would be required. Catch basin castings are also set to finish grade and not current grade but it does not appear there are any current drainage issues on-site. (6.6.3.c)
3. As-builts of drainage facilities (6.6.3.d)
4. Street name signage (6.6.3.e)
5. Confirmation that hydrant is operational. (6.6.3.h)

Let me know if you need anything else, thanks.

Steve

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Thursday, December 07, 2017 4:07 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: RE: Wingate Farm

Hi,

Have they completed the minimum items required for us to consider lot releases/bond?

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – *A Massachusetts Green Community*

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From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Thursday, December 07, 2017 3:28 PM
To: Susan Affleck-Childs
Cc: Karyl Walsh; Paul Yorkis
Subject: RE: Wingate Farm

Hi Susy,

I visited with Karyl and her husband this morning. I revised the punch list and bond estimate per our phone conversation on October 26 and today's site meeting, please see attached.

Karyl, my apologies regarding the outlet weir from the basin, I was reading the plan wrong as I had never seen an overflow weir proposed as grass before. What you have installed meets the plan and I removed it from the punch list/bond estimate.

Please let me know if you need anything else, thanks.

Steve

From: Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]
Sent: Friday, December 01, 2017 9:29 AM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: Wingate Farm

Hi Steve,

I am writing to ask if you can fit in a visit to Wingate Farm next week to meet with Karyl and Paul for a site walk. This is in order to refine/revise your punch list and bond estimate.

Also, while you are there, I would ask that you sit in vehicle at the driveway and try to determine the actual sight distances north and south.

Please let me know when you will going out.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

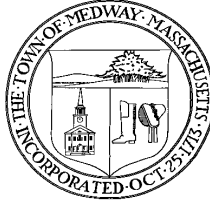
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

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December 12, 2017
Medway Planning & Economic Development Board
Meeting

Salmon/Willows ARCPUD – Plan
Endorsement
UPDATED

- **Pre-Endorsement Checklist**
- **ARCPUD Special Permit Decision**
- **Certificate of No Appeal from Town Clerk**
- **Certification of Paid Taxes**
- **Covenant**

NOTE – The full plan set is 116 pages. It is not attached. They are providing a number of sheets in MYLAR form. Those will be recorded at the Registry of Deeds. The rest will be provided in paper form.

TO DO

- 1. Vote to endorse the plan.**
- 2. Endorse the plan. I would like all of you to sign the cover sheet. Please vote to authorize one individual (Andy or Tom) to sign the rest of the sheets on behalf of the Board.**
- 3. Sign the Covenant**

**Salmon Willows ARCPUD
Medway, MA
Pre-Endorsement Checklist – TO DO**

The following items are required before the Medway PEDB will endorse the final Salmon ARCPUD plan.

APPLICANT:

- _____ 1. Revise ARCPUD plans and submit in electronic format to PED office. *See ARCPUD special permit decision – Plan Modifications – (pages 16 & 17).* **12-8-17 NOTE – I have received the cover sheet for the 7-20-2017 plan set which references the 7 sheet Open Space Registry plan. Need the complete set.**
- _____ 2. Pay balance of any outstanding Plan Review fees per invoice from Planning and Economic Development Board. *See ARCPUD special permit decision - Condition #4 (page 18).* **12-8-2017 NOTE – There is only \$201 remaining in the account. We may need to invoice you for some more funds to take us thru plan endorsement.**
- _____ 3. Establish Construction Account per invoice from Planning and Economic Development Board. *See ARCPUD special permit decision – Condition #28 (page 27).* **12-8-2017 NOTE – Invoice dated April 2016 for \$ 31,345. \$5,000 was paid on 8/1/2017. Balance to be paid before the pre-construction meeting occurs or any site work is begun, whichever occurs first.**
- _____ 4. Prepare a performance security covenant and submit to PED office for legal counsel review. *See ARCPUD special permit decision – Condition #30 (pages 27 & 28).* **DONE. 12-8-17 NOTE – There is no mortgage on the property.**
- _____ 5. Secure a *Certificate of No Appeal* from the Town Clerk after April 25, 2016 and provide to PED office. **12-8-17 NOTE. Did you get this? If not, we can request this from the Town Clerk and she can readily provide it.**

PLANNING AND ECONOMIC DEVELOPMENT OFFICE

- _____ 6. Provide revised plans to Tetra Tech for review and approval that plan revisions/modifications as specified in the Decision have been made. **12-8-17 NOTE – Susy to submit updated plan set (July 2017) to Tetra Tech for review upon receipt from Dario Designs.**
- _____ 7. Verify that real estate taxes are current and any other liens on the subject property are resolved. *See Special Permit Decision – General Condition #4 (page 18)* **12-7-17 NOTE – On 12-7-17, Susy requested an update from the Treasurer/Collector's office.**
- _____ 8. Provide template for performance security covenant. **NOTE – Done.**

TETRA TECH

- ____ 9. Review revised plans and provide sign off letter. **7-14-17 NOTE – We have a review memo from Tetra Tech dated 5-27-16 for plans last revised 5-23-16. 8-8-17 NOTE - Upon receipt, Susy will send the July 2017 plan set to Tetra Tech for review.**

OTHER THINGS FOR APPLICANT TO WORK ON – Not required for endorsement but soon thereafter!

- ____ 11. Prepare draft Conservation Restriction – Submit to PEDB/Conservation/Town Counsel for review. *See ARCPUD special permit decision #6 c.* **NOTE – Almost complete. I understood you had informally submitted it to the Mass Executive Office of Energy and Environmental Affairs. What is status? Did you receive any approval or feedback?**
- ____ 12. Prepare Baseline Inventory of Open Space Area as part of the Conservation Restriction. *See ARCPUD special permit decision Condition #6 g.* **12-8-2017 NOTE – I believe this is not yet complete. Please check with Conservation Agent Bridget Graziano. See 7-18-17 email from Bridget Graziano to you.**
- ____ 13. Record plan, permit and covenant. *See ARCPUD special permit decision Condition #7.*
- ____ 14. Prior to site construction, post a tree bond - \$169,500. *See ARCPUD special permit decision Condition #12c.*
- ____ 15. Neighborhood Relations. *See ARCPUD special permit decision Condition #18.*
- ____ 16. Pre-Construction Conference. *See ARCPUD special permit decision Condition #29.*

Prepared by sac – 12-8-17

MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • Fax: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

CERTIFICATE

I, Town Clerk of the Town of Medway, hereby certify that the notice of the decision of the Medway Planning and Economic Development Board has been received in the matter of

***SALMON HEALTH AND RETIREMENT COMMUNITY ARCPUD
SPECIAL PERMIT SITE PLAN***

It was received and filed in this office on the following:

APRIL 5, 2016

And no appeal was received during the next twenty days after such receipt and recording of said decision.

Dated at Medway, MA April 26, 2016

A true copy

ATTEST.....

Mary Jane White
.....
Town Clerk



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.
Richard Di Iulio

**Request for Medway Treasurer/Collector's
Verification of Status of Paid Taxes**

Date: December 7, 2017

Applicant's Name: Continuing Care Management LLC of
Westborough, MA

Former Property Owner's Name: Charlotte Realty LLC, Sharon, MA

New Property Owner's Name: Medway Land Venture LLC, Delaware
(Note – Deed conveying the property was recorded 11-30-2016; Book 34715,
Pages 538-541)

Subject Property Address: 259, 261, 261R and 263 Village Street

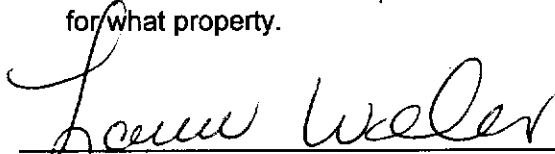
Map/Parcel Number(s): Map 69 – Parcels 13-1, 14, 15-1, and 21

Project Name: Salmon Senior Living Community

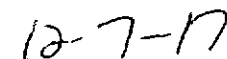
Type of Permit: PLAN ENDORSEMENT - Adult Retirement
Community Planned Unit Development
(ARCPUD) Special Permit Plan

Please indicate the status of taxes/fees owed to the Town:

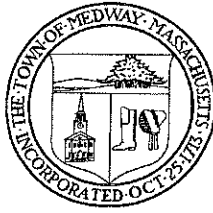
- ☒ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for the subject property(s) noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for other properties owned by the applicant noted above are **paid in full** as of this date.
- ☐ By checking this box and with my signature below, I verify that the applicant owes taxes to the **Town**. Please attach a report that indicates what taxes are owed, the respective amounts, and for what property.



Signature



Date

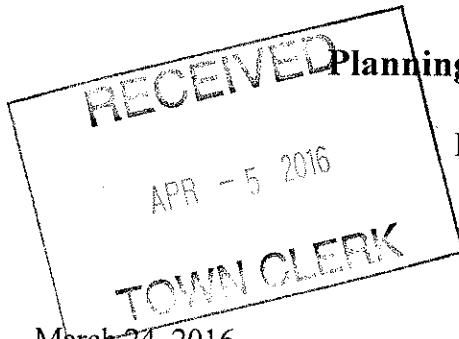


TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street

Medway, Massachusetts 02053



March 24, 2016

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

Adult Retirement Community Planned Unit Development (ARCPUD) SPECIAL PERMIT DECISION

Applicant: Continuing Care Management, LLC of Westborough, MA
Property Owner: Charlotte Realty LLC of Sharon, MA
Location: 259, 261, 261R and 263 Village Street
Assessor's Reference: Medway Assessors Map 69 – Parcels 13-1, 14, 15-1 & 21
Zoning District: Agricultural Residential II
Engineer/Surveyor: Coneco Engineers and Scientists, Bridgewater, MA
Architect: Dario Designs Inc. of Northborough, MA
Landscape Architect: CHA Companies, Keene, NH
Plan: *Salmon Health and Retirement Community ARCPUD
Special Permit Site Plan, Village Street, Medway, MA,
dated 6-12-15, last revised 2-18-16*

PROJECT DESCRIPTION

The application was filed under the Adult Retirement Community Planned Unit Development section of the Medway Zoning Bylaw (SECTION 8.5). The 56.9 acre site is located at 259, 261, 261R and 263 Village Street in the ARII zoning district. The site is presently owned by Charlotte Realty LLC of Sharon, MA.

Telephone: 508-533-3291 Fax: 508-321-4987
Email: planningboard@townofmedway.org

Continuing Care Management, LLC of Westborough, MA (hereinafter referred to as "Applicant" and includes the Applicant's successors and assigns) proposes to construct an age-restricted, active adult/senior residential living community on the site to be known as The Willows at Medway and Whitney Place. The proposed development consists of 54 cottage style independent living homes located in 29 buildings, a main building to include 15 cottage style independent living homes, 40 memory care apartments, 60 assisted living apartments and 56 independent living apartments, a 3,522 sq. ft. community center pavilion and a 11,475 sq. ft. medical office building. Planned improvements include 5,498 linear feet of privately owned roadway (*Willow Pond Circle, Waterside Drive, Lilac Path, and Walnut Grove*), sewage and water service; drainage/stormwater management facilities; 37.4 acres of dedicated open space open to the public; paved sidewalks; walking trails/paths; and associated parking and landscaping. Site access and egress will be from Village Street, a Medway Scenic Road.

The open space land will be owned by the applicant and will be protected through a Conservation Restriction and Easement granted to the Town of Medway, acting through its Conservation Commission, for conservation and passive recreation purposes and to permit public access to the open space land, trails/pathways and parking area.

PROCEDURAL BACKGROUND

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 June 12, 2015. The application package consisted of the following documents:

- Site Plan Application dated June 12, 2015
- Project Narrative
- Site Plan, Building Elevations and Landscape plans dated June 12, 2015
- Development Impact Report
- Parking Impact Report
- Community Impact Report
- Stormwater Management Report, June 12, 2015, prepared by Coneco Engineers and Scientists, Bridgewater, MA
- Traffic Impact Study, April 2015, prepared by McMahon Associates, Inc. of Boston, MA
- Requests for Waivers from the ARCPUD Rules and Regulations
- Filing Fee and Advance on Plan Review Fee
- Abutters List
- Order of Resource Area Delineation dated May 21, 2015 – Medway Conservation Commission
- Purchase and Sale Agreement dated September 14, 2014

A public hearing was scheduled for July 14, 2015. Notice of the public hearing was filed with the Town Clerk on June 22, 2015 and was posted to the Town's web site. A legal advertisement for the public hearing was published in the *Milford Daily News* on June 29, 2015 and July 6, 2015. Notices were sent by certified sent mail to abutters, parties of interest and the Planning Boards of all adjacent towns on June 24, 2015.

On June 22, 2015, an email communication from the Planning and Economic Development Board 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 July 14, 2015 and requested plan review comments.

The Board convened the public hearing on July 14, 2015. The public hearing was continued to 7/28/15, 8/11/15, 8/25/15, 10/13/15, 10/27/15, 11/10/15, 12/8/15, 12/29/15, 1/12/16, 1/26/16, 2/9/16, 2/23/16, 3/8/16, 3/22/16 and 3/24/16 when the public hearing was closed. On each occasion when the public hearing was continued, the Town Clerk was so notified. 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 at all times relevant thereto.

EXHIBITS/PLANS/DOCUMENTS

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

- Requests for Waivers dated 8-8-15
- Affordable Housing Narrative provided by the applicant
- Sheet with definitions of congregate housing
- Schedule of fees for health care services
- Open Space Map dated 7-31-15 prepared by Coneco Engineers & Scientists
- Architectural plans updated 7-27-15
- Email memo dated 8-20-15 from Gary Buono of Dario Designs re: changes in landscape plan
- Landscape plan updated 8-18-15.
- Lighting report with supplemental Arts and Crafts lighting fixtures
- Signage Plan
- A letter from Dave Thompson of CHA dated 8-24-15
- Architectural Drawings – Revised 10-13-15
- Landscape Drawings – Revised 10-13-15
- Site Plan/Civil Drawings – Revised 10-13-15
- Letter dated 10-13-15 from Dario Designs in response to the previous plan review comments/letters from: PGC Associates, Fire Chief, Department of Public Services, Design Review Committee, Open Space Committee and Tetra Tech re: traffic study
- Letter dated 10-13-15 from Coneco Engineering Inc. in response to Tetra Tech 8-5-15 plan review letter
- Site Plan/Civil Drawings – Revised 10-20-15
- Email dated 10-21-15 from Coneco Engineering Inc.
- Revised Stormwater Reports – October 13, 2015; October 20, 2015; December 11, 2015 and February 18, 2016
- Letter and documents from McMahon Associates dated 9/24/15.
- Letter dated 11/5/15 from Dario Designs and CHA Landscaping in response to questions from 10/27/15 hearing.
- Revised site plan dated December 11, 2015

- Memo dated 1-20-16 from applicant's attorney Paul Kenney
- Revised civil/site plan, landscape plan and architectural plans dated February 18, 2016 prepared by Coneco Engineers and Scientists
- Revised construction phasing plan dated 3/10/16 and overall schedule
- Photograph of proposed gazebo
- Detail sheet on proposed bike racks
- Supplemental landscape plantings drawing for eastern boundary area received 3/17/16 from CHA Landscaping

PUBLIC HEARING TESTIMONY

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

- Application Completeness Review letter from Gino Carlucci/PGC Associates dated June 18, 2015
- Plan Review letter from Gino Carlucci/PGC Associates dated July 9, 2015
- Review letter dated 8-4-15 from Gino Carlucci/PGC Associates re: open space map and calculations
- Review comments from DPS Director Tom Holder dated June 22, 2015
- Plan Review letter from Sean Reardon/Tetra Tech dated August 6, 2015
- Public Hearing Schedule prepared by Susy Affleck-Childs
- Design Review Committee (DRC) review letters dated July 13, 2015 and August 10, 2015
- Police Department Review letter from Sergeant Jeff Watson dated July 14, 2015.
- Traffic study review letter prepared by Mike Hall/Tetra Tech, dated July 22, 2015
- Affordable Housing memorandum from Susy Affleck-Childs dated July 24, 2015, revised July 28, 2015
- Review letters from Fire Chief Jeff Lynch dated July 8, 2015 and August 5, 2015
- CONFIDENTIAL email from Town Counsel Barbara Saint Andre dated July 24, 2015
- Charlie Ross, Medway Open Space Committee
- Sean Reardon, Tetra Tech
- Comment letter from Open Space Committee dated August 5, 2015
- Email dated August 7, 2015 from DPS Director Tom Holder re: construction dates of water and sewer infrastructure that will serve The Willows
- Email letter dated August 10, 2015 from Charles River Pollution Control District re: sewage treatment capacity plus February 17, 2015 letter
- Preliminary review comments from Conservation Agent Bridget Graziano dated August 11, 2015
- David D'Amico, Deputy Director, Medway Department of Public Services
- Review letter dated November 2, 2015 from Tetra Tech/Mike Hall in response to McMahon response letter dated September 24, 2015
- Review letter dated November 4, 2015 from Gino Carlucci/PGC Associates in response to revised plans
- Email communication dated 10/27/15 from Chief Jeff Lynch

- Plan Review letter dated 11/6/15 from Sean Reardon/Tetra Tech regarding revised plans
- Plan Review letter from Gino Carlucci/PGC Associates dated January 6, 2016
- Plan Review letter from Sean Reardon/Tetra Tech dated January 7, 2016
- Comments from the Design Review Committee dated January 12, 2016
- Conservation Commission status memo dated January 22, 2016 from Conservation Agent Bridget Graziano
- Letter dated January 6, 2016 from Fire Chief Jeff Lynch re: provisions of radio fire alarm box receivers
- Letter dated January 22, 2016 from Gino Carlucci/PGC Associates
- Confidential email from Town Counsel Barbara Saint Andre dated 1-25-16
- Review letter dated February 9, 2016 from the Design Review Committee
- Plan Review letter dated March 3, 2016 from Gino Carlucci/PGC Associates
- Email communication dated March 8, 2016 from Conservation Agent Bridget Graziano re: acceptance of a Conservation Restriction
- Review letter dated March 22, 2016 from the Design Review Committee
- Memorandum dated March 21, 2016 from Police Sergeant Jeff Watson

Testimony during the Public Hearings on behalf of applicant

- Jeff Robinson, Continuing Care Management, LLC
- Attorney Paul Kenney
- Dario DiMare from Dario Designs
- David Thompson, CHA Company
- Jon Novak, Coneco Engineers & Scientists
- Erin Fredette, P.E. of McMahon Associates
- Shane Oates, Coneco Engineers & Scientists

Citizen/Abutter Comments

- Patricia Brenneman, 7 Naumkeag Street
- Tim Choate, 7 Iroquois Street
- William Goodwin, 5 Brookside Rd
- Kathleen Choate, 5 Iroquois Street
- Loretta Wilhelm, 255 Village Street
- Email dated 7-21-15 from Christine Kersnason, 2 Charles River Road
- Jeremy Barstow, 4 Narragansett Street
- Email letter dated 8-4-15 from abutter Tim Choate, 7 Iroquois Street
- Kathleen Hickey, 3 Narragansett Street
- Dan Hooper, 6 Naumkeag
- Kelly Sheba, 5 Nipmuc Street
- Anne Bradford, 3 Mishawaum Street
- David MacMillan, 5 Nipmuc Street
- Sue Rorke. 34 Ellis Street
- Karyl Spiller Walsh, 168 Holliston Street
- Dave Kaeli, 7 Puddingstone Lane
- Jim Wieler, 62 Adams Street

- Email letter dated January 26, 2016 from Dan and Kathy Hooper, 7 Naumkeag Street
- Email letter dated February 4, 2016 from residents Dan and Kathy Hooper, 7 Naumkeag Street
- Letter dated February 9, 2016 from resident Tim Choate, 7 Iroquois Street
- Email letter dated February 9, 2016 (9:55 pm) from resident Tim Choate, 7 Iroquois Street
- Kathy Hooper, 7 Naumkeag Street
- Handout provided by Kathy Hooper, 7 Naumkeag Street February 9, 2016
- Email letter dated February 22, 2016 from Jeremy Barstow, 4 Narragansett Street
- Email letter dated February 26, 2016 from Dan and Kathy Hooper, 7 Naumkeag Street
- Citizens petition in opposition to the development received March 4, 2016

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, the goals and objectives of the Medway Master Plan, as well as the requirements of G.L. c. 40A Section 9 and Section 3.4 of the Medway Zoning Bylaw relating to special permits.

On March 24, 2016, on a motion made by Robert Tucker and seconded by Richard Di Iulio, the Board voted to make the following **FINDINGS** regarding this application in accordance with the Medway Zoning Bylaw, SECTION 8.5. 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 proposed Salmon Health and Retirement Community complies with the ARCPUD Applicability requirements (Section 8.5. – B.) as the subject site consists of multiple, contiguous lots that in aggregate total 56.9 acres. The site exceeds the 10-acre minimum.
2. The Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Use Regulations (Section 8.5. – D.) as follows:
 - a. The project is a master planned residential community providing 225 senior living dwelling units to help accommodate the housing needs of Medway's growing active adult (+55) and senior citizen population.
 - b. The development will provide a range of housing types including 54 independent living townhouse type cottages constructed primarily as duplexes, 15 independent living cottages attached to the main building, and a combination of 56 congregate apartment units, 60 assisted living apartment units, and 40 memory care apartment units located in the main campus building. None of the above noted types of residential uses are allowed by right in the underlying ARII zoning district but are authorized under the ARCPUD special permit bylaw. This additional supply of housing options will help meet the needs of Medway's senior citizen population by offering a greater variety of housing types than the conventional single family detached subdivision home that is customarily provided in the ARII zoning district.

- c. The development will include an 11,475 sq. ft. medical office building catering primarily but not exclusively to the medical service needs of the senior population. This is one of the allowed accessory uses. The medical office building will provide convenient access to medical services for both the residents of the development and for other area residents. It is anticipated that the medical office building may include an adult day care facility which will provide another option to accommodate and support the long-term social and care needs of Medway seniors and their families. The medical office building will be owned and operated by the applicant/project developer Continuing Care Management, LLC.
 - d. The project includes a series of community center type facilities:
 - 1) A variety of facilities and services will be located within the main campus building for use by all of the residents of the senior living community including but not limited to dining, bank, 200 sq. ft. convenience store, spa, salon/barber shop, fitness center, indoor pool, general store, library, billiards lounge, workshop, creative arts studio, greenhouse, and a great room with bar.
 - 2) A 3,522 sq. ft. pavilion building including an outdoor patio area, referred to on the plans as a pavilion (the "pavilion") will provide additional opportunities for social and family interaction for residents of the development.
 - e. The project uses creative and innovative site planning to preserve Medway's limited land resources. It has integrated a variety of housing types and accessory uses within a bend of the Charles River in a manner that protects the River, 2 vernal pools, a grove of specimen black walnut trees, and wetlands while also maximizing access to the resources that both residents of the development and members of the general public may view and otherwise enjoy. Wetland resource areas will be protected via an Order of Conditions issued by the Conservation Commission. The development establishes an area of preserved open space, includes an efficient vehicular access and circulation system, and establishes a network of pedestrian pathways within the site. The design of buildings and site amenities suitably reflect the *Medway Design Review Guidelines*.
3. Subject to any conditions specified below, the Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Density and Dimensional Regulations (Section 8.5. – E.) as follows:
- a. *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).* Considering the entire 56.9 acre site, 171 units would be the maximum possible number of dwelling units allowed at 3 units per acre. The proposal is for 225 dwelling units which equates to 147 dwelling units calculated per the housing unit equivalency formula specified in Section 8.5. E. 2. as follows:

54 detached cottages	@ 1:1 = 54
15 independent living cottages attached to main building	@ 1:1 = 15
56 congregate apartments	@ 2:1 = 28
60 traditional assisted living apartments	@ 2:1 = 30
40 memory impaired assisted living apartments	@ 2:1 = <u>20</u>
Total	147

- b. *Each tract of land proposed for an ARCPUD shall have a minimum of 250 linear feet of frontage on an existing public way.* The proposed Salmon Health and Retirement Community has four contiguous lots with a total of 314 linear feet of frontage on Village Street, a Medway public way.
- c. *Each building in the ARCPUD shall have a minimum front yard of no less than 20 feet and a side yard of not less than 10 feet, both measured from the edge of the paved way to the closest point of the structure.* As shown on the 2/18/16 site plan, all Salmon Health and Retirement Community buildings have at least a 20-foot front yard setback and at least a 10-foot side yard setback from the edge of the paved way to the closest point of the structure. Final house locations shall be shown on the as-built plans.
- d. *No buildings shall be constructed within 50 feet from the right-of-way line of a public way or within 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space.*

As shown on the 2/18/16 site plan, all buildings in the Salmon Health and Retirement Community (cottages, main building, medical office building and pavilion) are located more than 50' from Village Street and more than 50' from the site's perimeter property line.

Within the 50-foot area along the site's eastern property line, the applicant plans to construct 776 linear feet of roadway (18,380 sq. ft.), 614 linear feet of guard rails, 17,295 square feet of stormwater drainage swales, 386 linear feet of sidewalks (1,930 sq. ft.), and 1,041 linear feet of privacy fencing and landscaping to screen the development from adjacent property owners.

The ARCPUD provisions do not specify any items other than buildings which cannot be constructed or installed in the 50' area from the perimeter lot line. The language does state that the 50-foot buffer area shall be maintained in its natural state or as landscaped open space. However, no definition of "*natural state or a landscaped open space*" is included in the ARCPUD bylaw. Accordingly, the Board must use its best judgment to determine what constitutes "*natural state or a landscaped open space*".

The Board has consulted with both its Planning Consultant and Town Counsel, listened to the verbal testimony and reviewed the written testimony presented during the public hearing. The ARCPUD portion of the Zoning Bylaw (Section 8.5.H. 2.) specifically references the definition of open space in the Open Space Residential Development section of the Zoning Bylaw (Section 8.4. F). That language provides that up to 10% of a development's open space may be covered by gravel roadways and pavement. The proposed 776 linear feet of roadway (Waterside Run) equals 18,380 sq. ft. of surface area which is .42 of an acre. The proposed 386 linear feet of sidewalks is 1,930 sq. ft. which is .0443 of an acre. Combined, the roadway and sidewalk equal .466 of an acre which is considerably less than 3.74 acres (10% of the 37.4 acres of open space for the site).

Therefore, the Board finds that this standard is met.

4. Subject to Condition #2 specified below, the Board finds that the development will comply with the ARCPUD Age Restriction (Section 8.5. F.).
5. Subject to any conditions specified below, the Board finds that the Salmon Health and Retirement Community complies with the ARCPUD Open Space Requirements (Section 8.5. H.) as follows:
 - a. *At least 40 percent of the total land area of the ARCPUD shall be set aside and maintained as open space.* The ARCPUD bylaw requires that 22.8 acres (40%) of the 56.9 acre site be designated as open space. Sheet C2 *Proposed Open Space and Trails* dated 6/12/15, last revised 2/17/16, displays the open space area. The plan and additional information provided during the course of the public hearing indicate that 37.4 acres of the 56.9 acre site are designated as open space. This land area constitutes 66% of the total site. Therefore the 40% requirement is fully met. The open space area is available for the recreation and enjoyment of both the ARCPUD residents and the general public.
 - b. *A minimum of 40 percent (of the required open space) shall be suitable and designed for recreational purposes.* As noted in item 5. a. above, 22.8 acres of the site are required to be open space. 40% of that 22.8 acres is 9.102 acres that must be designed for recreational purposes. Sheet C2 notes that 27.5 acres of the open space area is *useable* (suitable for recreational purposes). Thus, the requirement of open space area for recreational purposes is met under Section 8.5. - H. The plan shows a total of 9,857 linear feet of trails throughout the open space area and a public canoe launch will be provided.
 - c. *A minimum of 50 percent of the (required open) space in an ARCPUD shall be Common Open Space as described in Section 5.5.3(F) and subject to the requirements and specifications provided therein unless modified or waived by the Planning and Economic Development Board.*

The above reference to Common Open Space as described in Section 5.5.3 (F) refers to an early draft of the recodified Zoning Bylaw, the final version of which was approved by Town Meeting on May 11, 2015. The correct reference to the actual Common Open Space language in the approved recodified Zoning Bylaw is to Section 8.4 F. OSRD Common Open Space. The language is the same. The section title/numbering is what differs.

As noted in item 5. - a. above, 22.8 acres of the site are required to be open space. 50% of that 22.8 acres is 11.4 acres that must be Common Open Space. The Common Open Space requirements were reviewed by the Board's Planning Consultant Gino Carlucci, of PGC Associates who determined in a letter dated August 4, 2015, that all of the Common Open Space requirements were fulfilled.

- d. *Wetland resources as defined in Medway Wetlands Protection Bylaw shall comprise not more than 50 percent of the required ARCPUD open space unless waived by the Planning and Economic Development Board.*

With this standard, the open space area shall not include more than 11.4 acres of wetlands. Sheet C2 shows notes that 27.5 acres of the total 37.4 acres of open space area are

“useable” meaning they are uplands. The remaining 9.9 acres are wetlands so this requirement is met.

- e. *Drainage facilities shall not be located in the ARCPUD open space, but land within the open space may be utilized as natural courses for disposal of stormwater runoff. Other than minor berming and riprap at pipe outflows, no significant disruption of the open space land for drainage shall be permitted.*

According to the Board’s Planning Consultant, Gino Carlucci of PGC Associates, there are no drainage facilities located within the designated open space area. Planning Consultant Gino Carlucci’s review letter on this matter is dated August 4, 2015. In subsequent revisions, drainage swales with minor berming were located within open space areas so this requirement remains in compliance.

- 6. The Board finds that the Salmon Health and Retirement Community has complied with the required Pre-Application process outlined in Section 8.4 of the Zoning Bylaw. The applicant and their consultants met with the Board for an informal, pre-application discussion during the Board’s regular meeting on February 10, 2015.
- 7. The Board finds that the Salmon Health and Retirement Community has complied with the Four-Step design process outlined in Section 8.4 of the Zoning Bylaw. During the pre-application meeting held with the Board on February 10, 2015, David Thompson of CHA Associates reviewed the four step design process (as required by the ARCPUD bylaw).
- 8. The Board finds that the proposed Salmon Health and Retirement Community has complied with the ARCPUD application requirements as specified in the Board’s *ARCPUD Rules and Regulations* (Section 303). The Board’s Planning Consultant, Gino Carlucci of PGC Associates, reviewed the application materials for completeness. As documented in the PGC Associates completeness review letter dated June 18, 2015, the application package was found to be substantially complete.
- 9. The Board finds that the proposed Salmon Health and Retirement Community meets the purposes, requirements and design standards of Section 8.5 of the Zoning Bylaw.
 - a. It provides a variety of housing types and amenities for senior citizens to accommodate their long-term social, cultural, recreational and continuing care needs.
 - b. The project site exceeds 10 acres and is located within the AR-II zoning district.
 - c. The project provides three (congregate housing, assisted living, and independent living) of the six types of allowed housing exceeding the required minimum of one. It also includes two (detached cottage and multifamily dwelling) of the three housing styles allowed, along with conservation and recreation uses and three (medical offices, adult day care and community center) of the four types of accessory uses. The accessory uses do not occupy more than 5% of the aggregate floor area of the entire ARCPUD.
 - d. The maximum number of units allowed is 171 and 147 are being provided.

- e. As documented above, the dimensional requirements for area, frontage, lot size and setback are met.
 - f. As conditioned below, the occupancy of the units will be limited to residents 55 years of age and older.
 - g. As documented by the Board's Consultants and Town staff, the ARCPUD Rules and Regulations are met, except where specifically waived herein.
 - h. As documented above, the Open Space requirements are met.
 - i. The procedural requirements, including a pre-application meeting and Four-Step design process have been met.
 - j. This Decision includes sufficient conditions, safeguards and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with Section 3.4 and 8.5.
 - k. The development is consistent with the goals of the Medway Master Plan.
 - l. The total number of approved ARCPUD units (including this project) remains under the maximum of 10% of the Town's detached single-family dwellings.
10. As required by Section 3.4 of the Zoning Bylaw, the Board must find that the adverse effects of the proposed Salmon Health and Retirement Community ARCPUD will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

a. General Findings

- 1) The proposed Salmon Health and Retirement Community ARCPUD is a sizeable development. Spread out over 56.9 acres, it includes 54 cottage style homes in 29 buildings, an 11,475 sq. ft. medical office building, a 3,522 sq. ft. community center/pavilion and a 305,457 sq. ft. main building on four floors including ground level parking. The main building stands 71' feet high at its highest point (55' high to the eave), extends 616 ft. from east to west at its longest, and is 500 ft. wide from north to south at its widest. The ground floor footprint of the main building including the garage and attached cottages consumes 127,023 sq. ft. of the site's 56.9 acres. This constitutes 5.12% of the site's surface area. The main building is set back 1028 ft. into the site from Village Street. The main building's position on the site is 338' ft. from the closest point of the eastern boundary. The closest cottage style dwelling unit is located 50 ft. from the eastern boundary. The pavilion is located 51+ ft. from the property's eastern boundary.
- 2) Due to the age restricted nature of this development, the economic impact of an active adult/senior living community to the Town of Medway is far more beneficial than that of a conventional, family oriented subdivision development which places costly demands on the Medway Public School system.

- 3) The development will provide enhanced quality of life offerings for the wider Medway community – the possibility of an adult day care program, medical services, public walking trails and ice skating, and job opportunities. Located within a bend of the Charles River, the development will also provide public access to the Charles River to both the residents of the Salmon Health and Retirement Community and to the community at large.
- 4) Medway has a need for senior housing and is especially underserved by apartments and smaller homes/condos for older residents wishing to downsize. The Medway Housing Authority manages three buildings with 164 senior living apartments. According to Medway's recently updated *Housing Production Plan* and based on population projections provided by the Metropolitan Area Planning Council, it is estimated that Medway, in the year 2020, will have 4,373 residents aged 55 years of age and older constituting 35% of the community's population.
- 5) Public comments have been offered that the 71' height of the main building is too tall. The dimensional regulations included in the *Zoning Bylaw* for the underlying Agricultural Residential II zoning district do not include any height limitations, nor does the ARCPUD section of the *Zoning Bylaw* prescribe any maximum building height for an ARCPUD buildings. The height of the development's main building is 55' to the eave. The additional 16' of height to the rooftop was incorporated to provide architectural interest and appeal in accordance with the *Medway Design Review Guidelines* and will offer a much preferred appearance than a flat roof, institutional type structure.

b. The Board makes the following specific findings related to the Section 3.4 criteria.

- 1) *The use is in harmony with the general purpose and intent of this Zoning Bylaw.*

The Adult Retirement Community Planned Unit Development section of the *Zoning Bylaw* was first adopted by the Town in 2000 with the specific intent of encouraging this type of residential development in Medway. The stated purpose of Section 8.5 is "*to develop a variety of housing for senior citizens and accommodate their long-term social, cultural, recreational and continuing care needs.*" The proposed Salmon Health and Retirement Community includes both cottage and apartment-style independent living units, assisted living apartment units, memory care apartment units, medical offices, and a variety of facilities to meet the recreational, social and cultural needs of its residents. Therefore, it meets the purpose of the *Zoning Bylaw*.

- 2) *The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.*

The development's location off of the south side of Village Street is a sound location for a senior living community. Village Street is a major east/west street within Medway and ultimately connects to Routes 109 and 126. The proposed use is compatible with the mixed use nature of Medway's ARII zoning district in which this property is located. The ARII district includes older, historic sections of Medway with a much wider variety of land uses than the conventional half acre lot subdivision zoning prescribed for new home construction. The ARII district contains residential neighborhoods off of Village Street that have some of the densest housing in Medway, including both rental and condominium

multi-family housing. The zoning district also includes a variety of non-residential uses - two school complexes, Town Hall, churches, a redeveloped mill building, and small, independent professional businesses. The proposed medical office building is compatible with the existing professional businesses located along Village Street.

The site plan and building elevations show both the establishment of a new neighborhood and a high quality design aesthetic. A variety of housing types will be available offering a continuum of options to allow residents to age in place within the development as their physical, medical and social needs change. Walking paths interconnect throughout the development site. Opportunities abound for social interaction. Building architecture for the cottages, main building, medical office building and community center/pavilion have been reviewed by the Design Review Committee and found to be consistent with Medway's *Design Review Guidelines*. Although the main campus building is sizeable, it has been designed in part to reflect an older hotel of which there were several in Medway on Village Street and further east in Millis as well.

Owners of residential properties to the east of the subject site have expressed concerns about the negative impact on their quality of life of developing the subject site in accordance with the proposed Salmon Health and Retirement Community ARCPUD site plan. The neighbors have identified the following issues:

- a) Increased stormwater runoff on adjacent east/west roads and on their property.
- b) Visual dominance of the large and tall main building.
- c) Disturbance from traffic using Waterside Run, the development's easterly roadway that is close to the site's easterly property line.
- d) Noise disturbance from use of the nearby community center/pavilion building.
- e) Loss of adjacent undeveloped land to which the neighbors are accustomed.

The Applicant and the Board have endeavored to address these concerns. Over the course of the public hearing, the applicant has revised the plan in an effort to reduce a number of the identified impacts. The stormwater management plan was substantially redesigned to address existing stormwater conditions on the adjacent east/west side streets and properties caused by older, inadequate stormwater management facilities at those locations. Other plan changes have included moving Waterside Run westerly from the eastern boundary, relocating the sidewalk to the west side of Waterside Run, reducing the number of parking spaces at the community center/pavilion, and including privacy fencing and supplemental landscaping along much of the eastern boundary. The parking layout at the community center/pavilion was reoriented so that vehicle headlights would face away from the Charles River Road neighborhood. Limitations have been established on the use of Waterside Run to not allow its use for employees and deliveries. Additional measures, conditions, safeguards and limitations to address noise and traffic volume on Waterside Run are specified in the Conditions section of this decision to further protect the neighboring properties.

The applicant's traffic study was reviewed by the Town's traffic engineering consultant. The results of the analysis presented in the study indicate that the project will have a minimal impact on traffic operations at the intersections along Village Street and that the additional traffic from the proposed project will not change the existing level of service (LOS) at the majority of the nearby intersections.

In summary, the Board finds that the site is appropriate for the proposed senior living community use, the use does not significantly alter the existing mixed-use character of the ARII zoning district, and the adverse effects of the development have been suitably addressed to reduce their impacts on the adjacent neighborhood to the east.

3) *Adequate and appropriate facilities will be provided for the operation of the proposed use.*

The Salmon Health and Retirement Community will connect to Town water and sewer. It will provide for its own trash removal, and offer its own transportation service for residents. It will maintain its roadways, utilities and stormwater management facilities. In addition, the facility will offer a variety of social and recreational amenities and services for its residents' personal needs including both indoor facilities (banking, barber and beauty services, a pavilion for social events, etc.) and outdoor facilities (walking trails, canoe launch, benches, etc.). Its internal roadway system and stormwater management system have been reviewed by the Town's Public Safety and Public Services staff and the Board's Consulting Engineer and found to be adequate.

4) *The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual or other nuisances.*

The proposed use is primarily residential in nature with a medical office building. No inordinate odors or smoke will be generated. Lighting will be in conformance with the Town's lighting bylaw, thereby preventing light trespass onto neighboring properties. Further, pursuant to Condition #22, the lighting installation shall be evaluated to determine if refinements are needed to meet the Zoning Bylaw requirements. Refuse will be contained within a building on the west side of the main building far away from abutting residents before being properly transported to an authorized disposal facility. The Design Review Committee has reviewed the proposed buildings and landscaping and many of its recommendations have been incorporated into the design. 1,041 linear feet of privacy fencing will be installed along the eastern edge of the site to reduce the visual impacts of the development on the immediate abutters and to block vehicular lights from intruding on the butters. Concerns about noise are addressed in Conditions # 17, 19 and 21. Further landscaping along the eastern boundary area is noted in Condition #13. No other nuisances have been identified or anticipated.

5) *The proposed use will not cause undue traffic congestion in the immediate area.*

The facility will have a major entrance/egress (Willow Pond Circle) and a secondary entrance/egress (Waterside Run). A traffic study has been conducted by the applicant's engineer and peer reviewed by the Town's Consulting Traffic Engineer. No undue

vehicular traffic congestion is anticipated. Pedestrian and bicycle traffic is expected to be enhanced with the addition of two lighted crosswalks on Village Street and bicycle racks to be installed at two locations on the property to accommodate employees and visitors.

6) *The proposed use is consistent with the Medway Master Plan.*

The development of the Salmon Health and Retirement ARCPUD helps Medway work toward achieving both Housing and Open Space goals of the 2009 Medway Master Plan. Housing Goal #5 is: Explore and Utilize Creative Development Opportunities. Objective #4 of this goal is: Encourage use of ARCPUD and OSRD development options. For open space, this development meets Open Space Goal #2: Provide and maintain a diversity of conservation and recreation land with opportunities for both passive and active recreation; Goal #3: Promote the development of trails and access to open spaces; and Goal 6: Encourage compact development. Therefore, the Board finds the project is specifically consistent with the Medway Master Plan.

11. The Board finds that the proposed Salmon Health and Retirement Community does not exceed the ARCPUD Development Limitation requirement of Section 8.5 of the Zoning Bylaw whereby the maximum number of housing units in all permitted ARCPUD developments in Medway cannot exceed 10 percent of the existing detached single-family dwellings (excluding ARCPUD units) located in the Town of Medway, as determined by the Board of Assessors.

Per the Medway Board of Assessors, there were 3,663 detached single-family residential housing units in the Town of Medway on January 1, 2015. With the maximum 10% rule, no more than a total of 366 ARCPUD units are to be permitted in Medway. The only other ARCPUD project is the 80 unit Millstone ARCPUD development that is presently under construction. When the Millstone unit count is combined with the proposed equivalent of 149 ARCPUD dwelling units for Salmon/Willows, the total of ARCPUD dwelling units in Medway will be 219, which is well under Medway's maximum 10% threshold of 366 units.

12. Subject to Condition #3 specified herein, the Board finds that the applicant will comply with Section 8.6 of the Zoning Bylaw regarding affordable housing. The applicant has agreed to make a payment of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven, cottage type affordable dwelling units on site (10% of the 69 cottage units).
13. The Board finds that the applicant will comply with Section 7.1.1. of the Zoning Bylaw regarding parking. The required parking is 2 spaces per dwelling unit. Based on the equivalent of 149 dwelling units, a total of 298 parking spaces are needed. The Bylaw also requires 1 parking space per 300 square feet of net usable area for other uses. The medical office building requires 32 spaces based on a size of 9,584 sq. ft. of net useable area. The pavilion needs 10 parking spaces based on a size of 2,988 sq. ft. of net useable area. The total number of required parking spaces is 336 spaces.

The table below shows that adequate parking will be provided.

	# Required	# Provided
Parking spaces provided at 54 independent cottages (2 per unit) plus driveway space (1 space for 7 cottages with 1 car garages and 2 spaces for 47 cottages with 2 car garages)	108	108 111
Parking spaces provided at 15 attached cottages (2 per unit)	30	32
Parking spaces provided at main building (1 per unit)	156	164
Parking spaces provided at medical office building (1 space per 300 sq. ft. of useable area) NOTE – 9,584 sq. ft. of useable area	32	32
Parking spaces provided at pavilion (1 space per 300 sq. ft. of useable area) NOTE – 2,988 sq. ft. of useable area	10	15
	336	452

14. Subject to Condition #22 specified herein, the Board finds that the applicant will comply with Section 7.1.2 of the Zoning Bylaw regarding exterior lighting.

Concern about lighting impacts were expressed at the public hearing. A photometric plan has been provided indicating compliance with the Section 7.1.2.

DECISION

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 Tuesday, March 24, 2016, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve an ARCPUD special permit to Continuing Care Management, LLC of Westborough, MA and to approve the *Salmon Health and Retirement Community ARCPUD Special Permit Site Plan*, Village Street, Medway, MA, prepared by Coneco Engineers and Scientists, Dario Designs, Inc. and CHA Companies, dated June 12, 2015, last revised February 18, 2016 to develop an Adult Retirement Community Planned Unit Development (ARCPUD) subject to the PLAN MODIFICATIONS, CONDITIONS, AND LIMITATIONS listed below and certain WAIVERS from the *ARCPUD and Subdivision Rules and Regulations*. This special permit 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

Richard Di Iulio
Thomas A. Gay
Matthew J. Hayes
Andy Rodenhiser
Robert K. Tucker

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

1. The plan shall be revised to include the following information:
 - a. Detail on Versa-lok retaining wall pursuant to the Design Review Committee review letter dated February 9, 2016
 - b. Detail on fencing above retaining wall pursuant to DRC review letter dated February 9, 2016

- c. Detail on wetlands crossing bridges pursuant to DRC review letter dated February 9, 2016
- d. Revised detail on privacy fence to specify it will be CertainTeed Bufftech, CertaGrain Texture (color Timber Blend), or equivalent.
- e. Detail on gazebo
- f. Detail on bike rack and note to indicate the additional bike rack location at the public parking area in the northern portion of the site off of Willow Pond Circle near the gazebo.
- g. Notes on trail construction per the Conservation Commission's Order of Conditions
- h. Separate sheet to show off-site mitigation (Condition #10)
- i. Reference to a Covenant on the cover sheet
- j. Updated Construction Sequence Plan, Sheet C62, dated March 10, 2016
- k. Signage to limit use of Waterside Run as follows:
 - Place a sign stating "Residents Only" at the entrance of Waterside Run off of Village Street.
 - Place an exit arrow/sign pointing down (northerly) to Willow Pond Circle at the intersection of Willow Pond Circle and Waterside Run to direct traffic to exit via Willow Pond Circle.
 - Place an exit arrow/sign directing vehicles from the community center/pavilion to exit via Willow Pond Circle.
- l. A sheet clearly delineating the designated 37.4 acre open space area sufficient for recording with the Norfolk County Registry of Deeds.
- m. Supplemental landscape plantings along eastern boundary area as depicted in the supplemental landscape design and associated notes prepared by CHA Associates and submitted on 3/17/16

CONDITIONS/LIMITATIONS/SAFEGUARDS

1. Notwithstanding any future amendment of the Medway Zoning Bylaw, 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 225 (54 independent living cottages, 15 independent living cottages attached to the main building, and a combination of 56 independent living apartments, 60 assisted living apartments and 40 memory care apartments in the main building). In addition to the dwelling units there shall be one medical office building and one community center/pavilion, 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) as shown on the plan entitled Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated 6-12-15, last revised 2-18-16 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 the Salmon Health and Retirement Community shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided except as may be required for open space conservation restriction purposes.

2. Age Restrictions

- a. All dwelling units in this development are subject to a permanent age restriction to limit occupancy of the dwelling unit to people age fifty-five or older and their spouses (if applicable) of any age except that a person of any age may occupy a dwelling unit as a personal care assistant for an age restricted resident senior with disabilities.
- b. Guests aged younger than 55 years are permitted for a period of time not to exceed ninety days.
- 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, c. 1, section 100.300 et seq. and 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.

3. **Affordable Housing Payment in Lieu of Construction** – To fulfill its affordable housing responsibilities pursuant to Section 8.6 of the Bylaw, the applicant shall pay a total of \$259,995 to the Medway Affordable Housing Trust in lieu of constructing seven affordable cottage style dwelling units on site. 1/7 of this amount (\$37,142.15) shall be paid upon occupancy of the 10th, 20th, 30th, 40th, and 50th cottage unit, and 2/7 of this amount (\$74,284.30) shall be paid upon occupancy of the 60th cottage unit.

4. **Payment of Balance of Fees/Taxes** - Prior to plan endorsement, the Applicant shall pay the balance of any fees for outstanding plan review services provided by any outside consultants retained by the Board which assisted in the review of this project. 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, betterments, charges, obligations, fees and any penalties and back charges resulting from the non-payment of taxes for all property included in this development.

5. Construction Phasing

- a. The applicant plans to build out the infrastructure of this project in accordance with the Construction Sequence Plan, Sheet C62 of the Site Plan set, dated 12/11/15, last revised 3/10/16.
- b. Any adjustments to the phasing plan require approval of the Board. Such approval may be granted by the Board at a scheduled meeting without a public hearing.

6. Open Space – Conservation Restriction and Public Access Easement

- a. The designated 37.4 acre Open Space portion of the site shall be as shown on the revised plan to be presented to the Board endorsement.
- b. The designated Open Space portion of the site shall be subject to a Conservation Restriction and Easement granted by the Applicant to the Town of Medway in perpetuity, acting through its Conservation Commission, for conservation and passive recreation purposes and shall permit public access to the open space area and the pathways and parking area to be constructed thereon. The Conservation Restriction and Easement shall include language specifying the Applicant's ongoing responsibility to retain and maintain the trail system.
- c. Within ninety days of plan endorsement, the aforementioned Conservation Restriction and Easement shall be submitted for review and approval by the Medway Board of Selectmen and the Medway Conservation Commission, and for subsequent submittal to 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 and Easement with the Secretary of Energy and Environmental Affairs within 30 days after preliminary approval of the proposed Conservation Restriction and Easement by the Medway Board of Selectmen and Medway Conservation Commission. The Applicant shall diligently pursue final approval of the Conservation Restriction and Easement by EEOA within two years of plan endorsement.
- d. Within the open space area, the applicant shall construct a public parking area which shall be gravel and contain sufficient area for six parking spaces and shall be accessible from Village Street via Willow Pond Circle to provide public access to the Open Space area and trails.
- e. The applicant's improvements to the Open Space area including the trails, canoe launch, gazebo and parking area shall be completed before the Certificate of Occupancy is issued for the main building.
- f. The Applicant and assigns shall be subject to the provisions included in the Conservation Restriction and Easement approved by the Secretary of Energy and Environmental Affairs for maintenance of the open space parcel, trails and parking area.
- g. The applicant will prepare a baseline inventory of the open space area subject to the Conservation Restriction and Easement and provide such to the Conservation Commission for its approval and subsequent use for its annual property inspection. The inventory shall be prepared in accordance with the standards provided by the Medway Conservation Commission and be provided to the Commission at the time the Conservation Restriction and Easement is submitted.

7. Recording of Plans/Documents

- a. The Plan of Record associated with this special permit includes the following:
 - 1) Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated 6-12-15, last revised 2-18-16 to be further revised and added to as specified herein, prepared by Coneco Engineers and Scientists of Bridgewater, MA;
 - 2) Architectural Plans and Elevations by Dario Designs Inc. of Northborough, MA as last revised; and
 - 3) Landscaping Plan by CHA Companies of Keene, NH, as may be updated.
- b. No land clearance or 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 including the Plan of Record endorsed by the Planning and Economic Development Board
 - 2) Restrictive Covenant with the Town of Medway (adapted from FORM G — *Medway Subdivision Rules and Regulations*).
- c. 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.
- d. The previously noted Conservation Restriction and Easement as approved and executed in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds within two years of plan endorsement.

8. Drainage/Stormwater Management

- a. The Applicant and operator 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 and operator 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 — *Salmon Health and Retirement Community Stormwater Report*, 6/12/15, last revised 2/18/16, prepared by Coneco Engineers and Scientists.

- d. In the event a separate management company is engaged, the stormwater operation and maintenance guidelines shall be incorporated by reference in the management contract.
 - e. 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 to secure such payment.
9. **Scenic Road** – Pursuant to the *Scenic Road Work Permit* approved by the Planning and Economic Development Board on August 25, 2015 on file with the Medway Town Clerk, the applicant shall make a payment of \$600 to the Medway Tree Fund as mitigation for removing one 30” diameter ash tree in the Town’s right of way on Village Street adjacent to this project. Such payment shall be made within six months after site construction commences.
10. **Off-Site Mitigation/Pedestrian Access Improvements on Village Street** – The applicant shall install the following:
- a. advance warning crosswalk signs on east and westbound Village Streets
 - b. two enhanced crosswalks across Village Street to connect with existing sidewalks on the north side of Village Street with associated rectangular rapid flash beacons (RRFB). One crosswalk will be at the main entrance driveway (Willow Pond Circle) and one will be at the eastern entrance driveway (Waterside Run). Both crosswalks will be fully ADA/AAB compliant. The RRFB fixtures shall be in a style comparable to the fixtures being installed on Main Street as part of the Route 109 reconstruction project.
11. **Fire Notification Systems:** The applicant shall install a radio master box system to service the Main Residence/Campus Building and the Medical Office Building for fire alarm notifications to the Town. The system is to be specified and designed by the Town under the direction of the Fire Chief. The applicant has agreed to make a voluntary contribution in the amount of \$59,500 to be used to purchase said system receivers, with said contribution to occur prior to the issuance of the first occupancy permit.
12. **Tree Preservation**
- a) A tree preservation plan shall be prepared by a Massachusetts Certified Arborist (MCA) for the grove of 26 black walnut trees of varying sizes and all other non-pine trees with a diameter of 24” and more as indicated on the Existing Conditions Sheets C4 – C9 as last revised. The applicant shall make the fullest possible effort to preserve/retain these trees and prevent their removal, demise or damage during construction. The tree preservation plan shall be submitted to the Board for review and approval before the applicant’s pre-construction conference with Town officials.

- b) At a minimum the following trees shall be preserved:
 - 26" diameter oak adjacent to the Brenneman property at 4 Mishawaum Street
 - 24" diameter oak and a 30" diameter oak adjacent to the Brenneman property at 7 Naumkeag Street
 - 28" diameter ash adjacent to the Hickey property at 3 Narragansett Street
 - 15 of the 26 black walnut trees ranging in size from 8" to 20" diameter as shown in green on the Black Walnut Preservation Plan prepared by Coneco Engineering.
 - c) Prior to site construction, the applicant shall post a bond with the Town in the amount of \$169,500 which is equal to the estimated replacement cost (\$250 per 3" caliper tree) of all of the above specified oak, ash and black walnut trees. The bond shall be in a form acceptable to the Board and the Medway Treasurer and may include a cash deposit, a tri-party agreement, or an insurance bond. Letters of credit are not permitted.
 - d) 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. ft. The location of the replacement trees shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden and may be located off site of the subject premises including on adjacent properties. 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)*.
 - e) In lieu of tree planting, the applicant may make a contribution to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden and based on wholesale pricing for 3 inch caliper trees from a reputable area landscape supplier.
13. **Landscape Buffer Area** – Pursuant to Condition #1 regarding plan revisions, the landscaping plan for the buffer area along the eastern boundary of the site shall include the plantings depicted in the supplemental landscape design and notes prepared by CHA Associates submitted on 3/17/16. Within two years after the landscape installation in this area, the Board or its agents shall review and determine if the landscape plantings provide suitable buffering for the adjacent neighbors. At the Board's initiation, the Board may act to reasonably amend the special permit to require the applicant to install further landscaping in this area to the Board's satisfaction.

14. Energy and Resource Conservation

- a. 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. To conserve water, at a minimum, the Applicant shall incorporate the following water conservation measures throughout the development: well water for landscape irrigation, rain-gauge controlled irrigation systems, and low flow household fixtures.
- b. All residential appliances throughout the development shall be Energy Star rated.
- c. The indoor parking area shall be equipped with at least four electric vehicle charging stations for use by residents and employees.

15. Coordination with Medway Conservation Commission – The applicant shall provide any future plans approved by the Medway Conservation Commission pursuant to an Order of Conditions for this site to the Planning and Economic Development Board. If there is any inconsistency between the endorsed Salmon Health and Retirement ARCPUD Site Plan and any plans approved by the Conservation Commission, the Applicant shall submit an amended plan to the Planning and Economic Development Board for review and approval. Said amended plan shall be accompanied by a letter setting forth a description of any and all changes from the Salmon Health and Retirement ARCPUD Site Plan as approved herein.

16. Open Space Signage – The applicant shall install signage guiding the public to the open space areas and trails upon consultation with the Medway Open Space Committee. Signage design shall be compatible with the Open Space Committee's standard open space signage.

17. 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 possible to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on outside construction activity shall apply:

- a. *Construction Time* – Outdoor construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and cease no later than 6 p.m. Monday – Friday and shall commence no earlier than 8 a.m. and cease no later than 4 p.m. on Saturday. No indoor or outdoor construction shall take place on Sundays or federal and state legal holidays without the advance approval of the Inspector of Buildings.
- b. All erosion and siltation control measures shall be installed by the contractor prior to the start of any site preparation/clearing and construction and shall be observed by the Planning and Economic Development Board's consulting engineer. The erosion and siltation control measures shall be maintained in good repair throughout the construction period.
- c. The privacy fencing along the eastern boundary of the site shall be installed prior to the issuance of building permits for any of the cottages, main building, and community center/pavilion.

- d. 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. The applicant may be required to power wash/clean adjacent properties after the accumulation of dust on driveways, vehicles and houses as deemed necessary by the Building Inspector.
- e. There shall be no tracking of construction materials onto any public way or adjacent private property. 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.
- f. 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.
- 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 *Medway Zoning Bylaw*, Section 8.3. C. 2.
- i. *Blasting*
 - 1) The applicant shall follow all procedures as specified by the Massachusetts Department of Fire Services regarding site blasting.
 - 2) The applicant shall provide at least 24 hours written notice of the scheduling blasting to all property owners and residents within 500 feet of the subject parcels.
 - 3) Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting to occur on Saturdays, Sundays or legal holidays.
- j. *Use of Waterside Run*
 - 1) Except for the houses to be built on Waterside Run, it shall not be used as a route into or out of the site for contractors and product deliveries during construction unless Willow Pond Circle is blocked for construction.
 - 2) Prior to any site clearance/preparation, the applicant shall install a sign indicating “Not a Construction Entrance” at the entrance to Waterside Run off of Village Street.

18. Neighborhood Relations

- a. The Applicant shall regularly inform the residents of Village Street and the adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*) of the construction schedule.
- b. The Applicant shall inform all abutters (*as listed in the certified list of abutters accompanying the application*) of a phone number and email contact to use for questions, concerns and complaints. The applicant shall reply to such inquiries within 24 hours.

19. Deliveries

- a. Deliveries to the main building shall occur no earlier than 7 am and no later than 5 pm
- b. Delivery trucks shall access and egress the site only from Willow Pond Circle.
- c. Dumpsters shall be emptied only between the hours of 8 am and 5 pm.
- d. Deliveries to the community center/pavilion shall take place only between 8 am & 5 pm.

- 20. Restrictions/Limitations on the Ongoing Use of Waterside Run** - The Applicant shall take all possible measures to ensure that employees, deliveries, service vehicles, visitors, and residents of dwelling units located on Willow Pond Circle, Walnut Grove and Lilac Path will access and egress the site via Willow Pond Circle and not use Waterside Run. These measures include but are not limited to signage, employment policies, contracts with vendors and promotional materials. At a minimum, there shall be signage as described in Condition #1. k.

- 21. Limitations on Use of Pavilion Space** - The hours of operation for the outdoor use of the community center/pavilion patio shall be limited to 8 am to 10 pm. Such hours shall be posted at the pavilion.

22. Exterior Lighting

- a. Lighting shall not exceed the maximum allowed as specified in Section 7.1.2 Exterior Lighting of the *Medway Zoning Bylaw*.
- b. The applicant shall notify the Board upon completion of the site lighting installation and prior to the first occupancy. After said notification, the Board shall review the site illumination to determine whether light spill-over onto adjacent properties is occurring. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if needed and to require installation of suitable shielding.

- 23. Utilities** – All utilities in the development will be private. The roadway and sidewalk including plowing as well as private trash and recycling collection will be the responsibility of the owner as will the upkeep of the stormwater management system, water and sewer lines, etc.

24. Landscape Maintenance

- a. The site's landscaping shall be maintained in good condition throughout the life of facility and to the same extent as shown on the endorsed Plan. 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 one year after the occupancy permit is issued for the main building, the Town's Consulting Engineer 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. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.
- c. At any time subsequent to this initial inspection, the Town's Consulting Engineer may conduct further inspections of the landscaping along the eastern boundary area to determine whether and which landscaping items need replacement or removal and provide a report to the Board which may require that suitable landscaping be installed.

25. Snow Storage/Removal

- a. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
- b. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within four days after the conclusion of the storm event.

26. Other Town 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, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

27. Amendments/Modifications to Decision and/or Plan

- a. This Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the Plan that may be required by the decisions of other boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as plan modifications pursuant to Section 8.5 of the *Medway Zoning Bylaw*.
- b. Any work that deviates from the approved Plan and Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan or decision modification pursuant to Section 8.5 of the *Medway Zoning Bylaw* and such approval is provided in writing to 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 modifications to the site plan and/or decision, 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.

28. Construction Observation/Inspection

- a. Inspection by the Town's Consulting Engineer of the construction of the roadways, infrastructure, stormwater management facilities, water and sewer facilities, site amenities including landscaping, and other utilities 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 Board will use the funds at its discretion to retain professional outside consultants. In addition to inspections, the funds may be used to pay professional outside consultants to review legal documents, prepare bond estimates, and review as-built plans. The amount 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. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction services, upon invoice from the Board until the road construction and stormwater drainage system are completed, utilities and site amenities are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
- b. Planning and Economic Development Board members, its staff, consultants or other duly authorized agents of the Town of Medway shall have the right to enter upon the property to inspect the site at any time, for compliance with the endorsed site plan and the terms, provisions and conditions of this special permit.
- c. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.

29. **Pre-Construction Conference** - 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.

30. Performance Security 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, landscaping, fencing, 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. The Restrictive covenant shall be recorded at the Norfolk County Registry of Deeds.

- b. *Performance Guarantee* – The Restrictive Covenant may be replaced by one of the types of performance guarantees set forth in G.L. c. 41, Section 81U, the Subdivision Control Law, at such time as the Applicant wishes to obtain a building permit for any Phase IV building and after the Applicant has completed the minimum infrastructure construction as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the Phase II area as shown on Sheet 62 Construction Sequence Plan, last revised March 10, 2016. The form or combination of performance security measures shall be selected and from time to time may be 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 the Applicant's completion of the construction of the remaining roadways and installation of the remaining stormwater management facilities, utilities, services, pedestrian facilities/ trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting, landscaping (except for individual cottage landscaping), and fencing and any off-site improvements all as shown on the Plan of Record and the maintenance thereof. 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.

The applicant shall be current with the Town of Medway for any taxes/fees associated with the subject property before the Board may enter into a performance security agreement.

- 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, landscaping (except for individual cottage landscaping), and fencing 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 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 G.L. c. 41, § 81U.

31. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

32. **Timetable for Project Completion**

- a. 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 three years of the date of endorsement of the plan, unless extended as provided in subparagraph b. below.
- b. The Applicant shall construct all site amenities as shown on the Record Plan, to the satisfaction of the Board, within six years of the date of endorsement of the plan, unless extended as provided in subparagraph c. below.

- c. A request to extend the completion time limit 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.
33. **Project Completion** – Upon completion of all work, and prior to the issuance of the final certificate of occupancy and 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 an as-built plan 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, for review by the Town’s Consulting Engineer and Board approval. The as-built plan shall be prepared by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts.
 - b. *Engineer’s Certification* – The Applicant shall provide a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all buildings, site work, infrastructure and site amenities have been constructed and completed in substantial compliance with the Plan of Record as may be amended by the Board.
 - c. *Certificate of Site Plan Completion* - The Board shall prepare a Certificate of Site Plan Completion which serves as the Planning and Economic Development Board’s confirmation that the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.
 - d. The applicant shall be current with the Town of Medway for any taxes/fees associated with the subject parcels.
34. **Enforcement** - The Planning and Economic Development Board or its agent(s) may use all legal options available to it, including referring any violation to the Inspector of Buildings/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Special Permit and Conditions of Approval.

WAIVERS – The Applicant has requested a series of waivers from the *Site Plan Rules and Regulations* which were reviewed by the Planning and Economic Development Board during the course of the public hearing. At a duly called and properly posted public hearing on March 24, 2016, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the Applicant’s *Requests for Waivers*. The motion was approved by a vote of 5 in favor and 0 opposed. Waivers from the following sections of the *Site Plan Rules and Regulations* were approved:

Section 204-5 C. 3 - Existing Conditions Sheets – An Existing Landscape Inventory shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a mapped overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

Explanation – The applicant has requested relief from this regulation due to the size of the subject parcel (56.9 acres). It is heavily wooded and could include hundreds, if not thousands of trees matching this size requirement. The task to undertake such a tree survey would be expensive and time consuming.

Findings – The Board finds this is a reasonable request and is amenable to a middle ground whereby the applicant will conduct an inventory of trees which are 24 inches in diameter and larger and present that to the Board.

Section 204-5 D.7 – Proposed Site Information Sheets (Landscape Architectural Plan) – Plan graphics on the Landscape Architectural Plan shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

Explanation – The applicant has requested relief from showing the graphics for tree canopy size at the time of planting. Instead, they will show tree canopy size at approximately 10 years after planting. Due to the extent of the landscaping plan, eliminating the additional graphic showing the tree size at planting will make the plans easier to read during the review process.

Findings - The Board finds this is a reasonable request in light of the extent of the landscaping plan and the intricacy of the various plan sheets.

Section 205-9 B. – Landscape Buffers – Planting of new or replacement trees shall be native, deciduous hardwoods from the following list (red oak, pin oak, scarlet oak, red maple, silver maple, sugar maple, thornless honey locust, green ash).

Explanation - The applicant has requested that they be allowed to plant species not included on the Town’s current tree list. The applicant wants to use trees which are indigenous and native to the area but not be limited to the tree list. They wish to provide for a greater plant diversity on site which will contribute to a more varied collection of trees to promote seasonal interest, and provide protection against possible future disease.

*Salmon Health and Retirement Community ARCPUD Special Permit
March 24, 2016*

Findings – The Board finds that this is a reasonable request as long as the selected trees are native and indigenous to this area.

Section 205-9 F. – Tree Replacement – The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees.

Explanation – The applicant has requested relief from strict interpretation of this requirement. Instead the applicant has presented a landscaping plan for the planting of 440 trees, 836 shrubs, and miscellaneous perennials and ground cover materials.

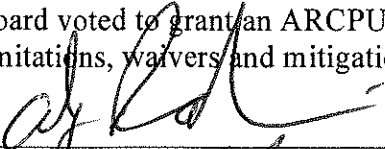
Findings – In light of the size of the site, the Board finds this to be a reasonable request subject to the provisions of Condition #13 re: Tree Preservation.

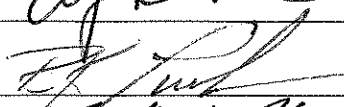
APPEAL - Appeals, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this Decision in the Office of the Town Clerk.

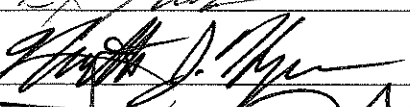
After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this special permit and the endorsed ARCPUD plan. A copy of said recording must be returned to the Town Clerk to complete the file.


MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

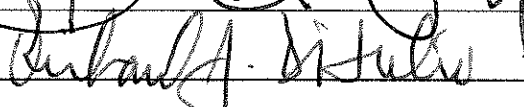
On March 24, 2016, the following members of the Medway Planning and Economic Development Board voted to grant an ARCPUD Special Permit subject to the above-stated conditions, limitations, waivers and mitigation measures.

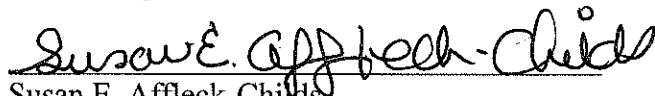










Attest: 
Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

**Adult Retirement Community Planned Unit
Development Covenant
Planning and Economic Development Board
Town of Medway, MA**

This restrictive Covenant (the "Covenant"), is entered into this ____ day of December, 2017 by and between the Town of Medway, a Massachusetts municipal corporation, acting by and through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053, (*hereinafter referred to as the "Board"*) and Medway Land Venture, LLC with an address of 2051 Greenhouse Road, suite 300, Houston, TX 77084 (*hereinafter referred to as the "Owner"*.)

Whereas, on March 24, 2016, based on the application of Continuing Care Management, LLC dated June 12, 2015, and after a duly noticed public hearing(s), the Board approved a special permit authorizing an Adult Retirement Community Planned Unit Development ("ARCPUD") containing 225 senior living dwelling units all as set forth in the Special Permit Decision of the Town of Medway Planning and Economic Development Board filed with the Town Clerk of the Town of Medway on April 5, 2016 (the "Decision") to be recorded herewith at the Norfolk County Registry of Deeds; and

Whereas, the approved ARCPUD is shown on a plan entitled Salmon Health and Retirement Community ARCPUD Special Permit Site Plan, Village Street, Medway, MA, dated June 12, 2015, last revised December 11, 2017, to be recorded herewith (the "ARCPUD Plan"); and

WHEREAS, the approved ARCPUD Plan shows a parcel of land located at 259, 261, 261R, and 263 Village Street (*hereinafter referred to as the "Locus"*) and further described in a deed dated November 30, 2016 from Charlotte Realty, LLC recorded with Norfolk Deeds Book 34715, Page 538; and

WHEREAS, Condition 30 of the Decision requires the Owner to secure the construction of the roadways, installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all site amenities including but not limited to lighting, landscaping, fencing, and any off-site improvements all as shown on the Plan of Record (*hereinafter, collectively, "the Improvements"*) before endorsement of the ARCPUD Plan by the Board; and

WHEREAS, the Owner has elected to secure the construction of the Improvements in the ARCPUD by means of a Covenant; and

WHEREAS, the Board has determined that this form of Covenant is sufficient to secure the construction of ways and installation of the Improvements in the ARCPUD; and

WHEREAS, the Owner's construction of the Improvements are subject to the requirements of the Decision, the Board's ARCPUD Rules and Regulations applicable to this ARCPUD, and all conditions of approval of this ARCPUD are made an enforceable part of this Covenant, the approved ARCPUD Plan, and all of the provisions set forth in this Covenant (hereinafter collectively referred to as the "Approval Instruments");

NOW THEREFORE, for and in consideration of the mutual promises set forth below, and for other good and valuable consideration, the parties agree as follows:

SECTION 1. INCORPORATION OF PREAMBLE

The Preamble is incorporated into and is an enforceable part of this Covenant.

SECTION 2. EFFECTIVE DATE

This Covenant shall be effective upon its execution by both the Owner and the Board, subject to endorsement of approval of the ARCPUD Plan of Record by the Board and the recording or registering of the ARCPUD Plan of Record and this Covenant by the Owner.

SECTION 3. RUNS WITH THE LAND

This Covenant shall run with the land and shall be binding on all subsequent parties who have any title, interest, or rights in and to the Locus, or any portion thereof. This Covenant shall operate as a restriction upon the land until released as set forth herein.

SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE PLANNING AND ECONOMIC DEVELOPMENT BOARD

A. Upon construction of a portion of the Improvements in accordance with the Approval Instruments, but subject to Section 5 below, the Board may partially release the Owner from this Covenant as to those portions of the ARCPUD that are adequately

serviced by the Improvements so constructed, so long as the construction of the Improvements are, in the opinion of the Board, sufficiently secured by another type of performance guarantee by any of the methods provided in M.G.L., c. 41, Section 81U. A *Certificate of Partial Release* shall be executed by a majority of the members of the Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner at its sole cost and expense.

B. Upon completion of all the Improvements in accordance with the Approval Instruments, or the substitution of an alternate form of performance guarantee approved by the Board, the Board shall release the Owner from this Covenant and shall issue a *Certificate of Release* that shall be executed by a majority of the members of the Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner at its sole cost and expense.

SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

A. As set forth in Condition 30(b) of the Decision, the Restrictive Covenant may be replaced by one of the types of performance guarantees set forth in G.L. c. 41, Section 81U, the subdivision control law, at such time as the Owner wishes to obtain a building permit for any Phase IV building, and after the Owner has completed the minimum infrastructure construction as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the Phase II area as shown on Sheet 62 Construction Sequence Plan, last revised March 10, 2016, of the ARCPUD Plan.

The form or combination of such performance guarantees as permitted under G.L. c. 41, Section 81U shall at all times be in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector of the Town, and Town Counsel. Any such form of guarantee shall secure the Owner's completion of the remaining Improvements as shown on the ARCPUD Plan of Record and the maintenance thereof and shall:

1. define the obligations of the Owner and the guarantor;
2. specify a scheduled date by which the Owner shall complete construction in accordance with the ARCPUD Plan of Record;
3. state that it does not expire until released in full by the Board; and
4. include procedures for collection upon default.

The face amount of any such performance guarantee (or multiple performance guarantees) shall be the amount that would be required for the Town of Medway to complete the Improvements that remain uncompleted at the time the estimate of the performance guarantee(s) is prepared. The estimate shall be computed and subject to adjustment as is set forth in Section 30(c) and Section 30(d) of the Decision.

B. The Owner shall complete construction of the roadways and all related infrastructure including the stormwater management system and install all utilities as shown on the Plan of Record, to the satisfaction of the Board, within three years from the date of endorsement of the ARCPUD Plan of Record or such further time as permitted by the Board.

C. The Owner shall complete construction of all site amenities as shown on the ARCPUD Plan of Record to the satisfaction of the Board within six years from the date of endorsement of the ARCPUD Plan of Record or such further time as permitted by the Board.

D. The Owner agrees and understands that the Board will not release this Covenant in full, unless another method of security is provided, or until the Improvements have been deemed by the Board to be constructed and installed in accordance with the Approval Instruments.

E. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of the current owner or owners of the Locus or portions thereof and the address of such owner or owners, except that portions of the ARCPUD released from the provisions of this Covenant are exempt from this requirement.

F. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of any mortgagee or mortgagees of this ARCPUD or portions thereof and the address of such mortgagee or mortgages, except that portions of the ARCPUD released from the provisions of this Covenant are exempt.

At its sole cost and expense, the Owner shall record the Decision, the approved and endorsed ARCPUD Plan; this Covenant, upon its execution; and any certificates of release of this Covenant, or portions thereof, at the Norfolk County Registry of Deeds and for with provide the Board with written evidence thereof.

SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Owner from mortgaging the Locus, or a portion thereof, which constitutes this ARCPUD. If the mortgagee acquires title to the entire Locus, or a portion thereof, shown on the approved ARCPUD Plan of Record, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding owner of the land transferred by the mortgagee may sell any portion of the ARCPUD, subject to that portion of this Covenant which provides that no portion of the ARCPUD shall be conveyed until the Improvements are installed to serve such portion. Said mortgagee and any succeeding Owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

SECTION 7. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT

Nothing in this Covenant shall preclude the Owner from conveying by a single deed, the entire Locus or all any portion thereof not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this covenant, and any amendments thereto are recorded or registered at the Norfolk County Registry of Deeds.

SECTION 8. BINDING EFFECT

This Covenant, and any amendments thereto, shall be binding on the Owner, the Owner's agents and representatives, and any successors to the Owner's title interest, and rights in the Locus, including executors, administrators, devisees, heirs, successors, and assigns of the Owner.

In the event that any terms of this Covenant conflict with the terms of the Decision, the terms of the Decision shall control.

SECTION 9. USE OF TERMINOLOGY

Use of the term "Owner" in this Covenant is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereon. Use of the term "Planning and Economic Development Board" or "Board" in this Covenant is for convenience only and may include agents or representatives of the Medway Planning and Economic Development Board.

SECTION 10. APPOINTMENT OF AN AGENT

If someone other than the Owner will represent the Owner, the Owner must designate each representative below.

Name of representative: Jeffrey Robinson

Address of representative: 1 Lyman Street, Westborough, MA 01581

Telephone #: Days:508-898-3416
 Evenings:508-254-2745

Relationship of representative of Owner: Manager

In executing this Covenant, I hereby authorize the person or persons named above to represent my interest before the Board with respect to the ARCPUD that is subject to this Covenant.

SECTION 11. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all the parties to this Covenant and any such amendment shall be recorded in the Norfolk Registry of Deeds.

SECTION 12. GOVERNING LAW

This Covenant, and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

SECTION 13 SEVERABILITY

If a court of competent jurisdiction determines that any provision of this Covenant is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

[Signature pages follow.]

IN WITNESS WHEREOF, Matthew Salmon, the owner/member
_____ of Medway Land Ventures, Inc. signed
this Covenant on the date written herein below.

OWNER

[Signature]
Signature of Owner

8/28/17
Date

By: Matthew Salmon

Its: owner/member
Duly authorized

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this 28 day of August, 2017, before me, the
undersigned Notary Public, personally appeared

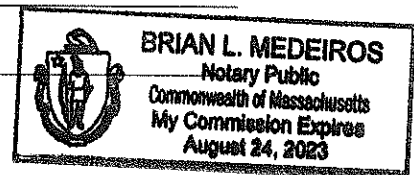
MATTHEW SALMON, owner/member of

Medway Land Ventures, Inc. and proved to me through satisfactory
evidence of identification, which was Massachusetts License,
to be the person whose name is signed on the preceding document,
and acknowledged to me that he/she signed it voluntarily for its
stated purpose on behalf of said entity.

Brian L. Medeiros

Notary Public:

My Commission Expires: _____



IN WITNESS WHEREOF, the Planning and Economic Board of the Town of Medway signed this Covenant on the date written herein below.

MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD

_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date

COMMONWEALTH OF MASSACHUSETTS

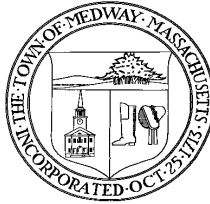
Norfolk County, ss

On this ____ day of _____, 2017, before me, the undersigned Notary Public, personally appeared _____

members of the Medway Planning and Economic Development Board, and proved to me through satisfactory evidence of identification,

which was _____, to be the persons whose names are signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of said Board.

Notary Public
My Commission Expires: _____



December 12, 2017
Medway Planning & Economic Development Board
Meeting

Medway Gardens Site Plan
Project Completion Status Report

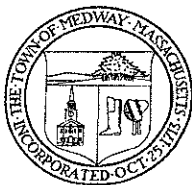
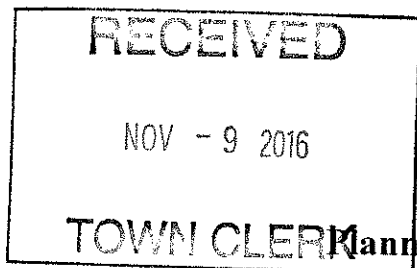
- Site Plan Modification decision dated 11-8-2016
- Modified Site Plan endorsed dated 12-13-2016
- 11-15-17 email from Susy to Joe Avellino re: the Board's decision to not require installation of railroad ties per the approved modified plan.
- Tetra Tech email dated 12-7-17 with photos
- Collection of Photos from Joe Avellino

NOTE – The decision specifies that all work is to be completed by December 31, 2017.

Joe Avellino has been in regular communication with the PEDB office providing photographic documentation as various site improvements have been completed. A collection of photos is provided.

Steve Bouley conducted an inspection on Thursday, December 7, 2017. His report with photos is attached.

The site plan modification decision requires the owner to provide the Board with a certification of project completion from a licensed professional engineer. That certification has not yet been supplied. Mr. Avellino's engineer, Phil Henry, is scheduled to conduct his site inspection on December 18th. His certification should be forthcoming shortly thereafter.



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.
Richard Di Iulio*

November 8, 2016

SITE PLAN DECISION **Medway Gardens Site Plan Modification** **34 Summer Street**

You are hereby notified that on November 8, 2016 at a duly called and properly posted meeting, the Medway Planning and Economic Development Board, after reviewing the application and information compiled during the public review process, voted on a motion made by Matthew Hayes and seconded by Richard Di Iulio, by a three (3) in favor and zero (0) opposed vote, to approve with conditions as specified herein, the application of Onilleva Realty, LLC of Medway, MA to modify the previously approved site plan for Medway Gardens from August 2014.

I. PROJECT LOCATION - Medway Gardens is located on a 2.27 acre portion of the 3.6 acre property at 34 Summer Street (Parcel 56-039) in the Commercial V zoning district. The property is owned by Onilleva Realty, LLC of Medway, MA. The site is bounded on the west by Summer Street, on the north by Milford Street, on the east by property owned by Jesse and Teigan Bain at 37 Milford Street and by Madelyn Rivera and Pamela Bellino at 2 Knollwood Road, and on the south by property owned by Richard and Helen Barry at 32 Summer Street. The parcel also includes a Cumberland Farms convenience store/vehicle fuel station constructed in 2014 (41 Milford Street). The Medway Gardens portion of the site also includes a detached single family home constructed in 1985.

II. BACKGROUND - The site plan decision for improvements at Medway Gardens was previously approved by the Medway Planning and Economic Development Board on August 12, 2014. Those improvements were shown on a plan dated August 21, 2014 which the Board endorsed on September 16, 2014. The approved scope of work included:

- construction of a new greenhouse and a wooden pergola; and
- various site improvements including a reorganized and striped parking arrangement, perimeter landscaping/buffering, outside merchandise display, and improved access/egress to the site

all of which were a result of a consolidation of the Medway Gardens operation on the southern portion of the parcel subsequent to the construction of the Cumberland Farms convenience store and vehicle fuel station facility on the northern portion of the property.

The site plan decision specified that work was to be completed within a two (2) year period after plan endorsement. Based on a June 1, 2016 inspection of the site by Tetra Tech Engineering, the Board's consulting engineer, and the resultant punch list dated June 8, 2016, the Board determined that the applicant had not fully completed the approved scope of work. The owner now wishes to modify/reduce the scope of site plan improvements.

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

After the public briefing process had commenced, the owner asserted that the use of the property by Medway Gardens is an agricultural use under G.L. c. 40A, §3, and therefore is not subject to site plan review. The applicant, acting through his attorney Marshall Newman in a letter dated and provided to the Board on September 13, 2016, challenged the Board's authority to conduct site plan review of the Medway Gardens project and further that the conditions being imposed by the Board were unreasonable regulations. However, the applicant did not appeal the original site plan approval issued by the Board, and the matter currently before the Board is the owner's own request to modify the existing site plan approval. The Board disputes that the primary use of this property is agricultural as defined in G.L. c. 40A, §3, or that the property is exempt from site plan review. In order to address the pending application, however, the owner worked with the Board to agree upon the conditions listed in this decision, while both parties reserve their positions with respect to whether the primary use of the property is agricultural as defined in G.L. c. 40A, §3.

III. PROJECT DESCRIPTION/PROPOSED MODIFICATION - *The primary purpose of this application for site plan modification is to update the plan to depict the revised scope of improvements the applicant will implement. Pursuant to the application, the applicant proposed a revised scope of work as reflected on the updated site plan dated July 22, 2016.*

Previously approved work to NOT be carried out includes paving 7 parking spaces in the parking area south of the wooden pergola. The owner wishes to be relieved of undertaking this particular site improvement and proposes to provide gravel parking spaces instead.

The previously approved work which the applicant has agreed to install includes the following items as shown on the plan:

- Installation of a bituminous concrete apron and the appurtenant railroad ties at the Summer Street entrance
- Installation of 30 concrete wheel stops in the parking area to clearly designate the parking space locations
- Installation of directional and accessible parking signs
- Installation of a stockade fence and shrubs to enclose the existing dumpster
- Installation of a free-standing sign at the entrance driveway to the site from Summer Street
- Installation of landscaping along the southern and eastern perimeter of the site as a buffer to the adjacent parcels.

IV. PROCEDURAL HISTORY

- A. August 8, 2016 – Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. August 9, 2016 – Public briefing notice was filed with the Town Clerk, posted to the Town of Medway web site and mailed to abutters via first class mail.
- C. August 23, 2016 – Public briefing commenced. The public briefing was continued to September 13, 27, October 4, and November 8, 2016 when it was concluded and the Board voted its decision.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The application package submitted on August 8, 2016 to modify the previously approved Medway Gardens site plan included the following documents:
 - Application to Modify a Previously Approved Site Plan dated August 8, 2016
 - Project description dated July 12, 2016, received August 4, 2016
 - *Medway Gardens Site Plan*, dated July 22 2014, last revised July 22, 2016 prepared by Civil Design Group, LLC of North Andover, MA.

- Certified abutters list
- B. During the course of the public briefing, the applicant provided the following additional documents to the Board:
- A collection of site photos provided by the applicant during the August 23, 2016 meeting to document completed work.
 - An information sheet regarding a parking lot striping machine Mr. Avellino intends to purchase as provided during the August 23, 2016 meeting
 - A letter dated and provided to the Board on September 13, 2016 from Attorney Marshall Newman representing Onilleva Realty LLC and Medway Gardens, Inc. challenging the Board's site plan review of the property due to the premise that the property is exempt from site plan review due to its use for horticultural purposes and that the conditions being imposed were unreasonable regulations. The letter also alleged that Planning and Economic Development Board Chairman Andy Rodenhiser was biased against Mr. Avellino due to the chairman's involvement with the Medway Lions Club which is a principal competitor to Medway Gardens in the sale of Christmas trees in the Medway area.
 - A written communication to the Board provided by Mr. Avellino at the September 27, 2016 meeting.
- C. Previous minor site plan decision dated August 12, 2014 and the previously approved site plan endorsed by the Board on September 16, 2014.

VI. TESTIMONY - In addition to the site plan application materials submitted and provided by the applicant during the course of its review, the Planning & Economic Development Board received written or verbal testimony as follows:

Written Documents

- Inspection report/punch list dated June 8, 2016 from Steve Bouley, Tetra Tech Engineering
- Site plan modification review letter dated August 16, 2016 from Gino Carlucci, the Town's consulting planner.
- Email communication dated August 21, 2016 from abutter Teigan Bain, 37 Milford Street including site photos
- Email communication dated August 23, 2016 from abutter Pamela Bellino-Rivera of 2 Knollwood Drive
- Confidential email communication dated September 23, 2016 from Town Counsel Barbara Saint Andre to address issues raised by the applicant's attorney Marshall Newman.
- Disclosure of Appearance of Conflict of Interest form prepared by Andy Rodenhiser and filed with the Town Clerk and Board on September 26, 2016
- Summary of property value and land area information for 34 Summer/41 Milford Streets compiled September 26, 2016 by Susan Affleck-Childs, Planning and Economic Development Coordinator
- Summary information about the definition of agriculture and its exempt status under G.L., c. 40A, §3.

Verbal Testimony

- Joe Avellino, owner and applicant
- Gino Carlucci, consulting planner
- Pamela Bellino-Rivera, 2 Knollwood Drive
- Teigan and Jesse Bain, 37 Milford Street

VII. SPECIFIC CONDITIONS OF APPROVAL – The Board's approval of this site plan modification is subject to the following specific conditions which the Board determines are reasonable to protect adjacent property owners.

A. **Plan Revisions** - Prior to endorsement, the site plan titled *Medway Gardens Site Plan*, dated June 22, 2014, last revised July 22, 2016 prepared by Civil Design Group of North Andover, MA shall be further revised to include the following:

1. the location and description/specifications including height and materials for sixteen (16) linear feet of fencing to be installed along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road as requested as specified in Condition C.
2. the notes regarding perimeter landscaping shall be revised to specify that the evergreen trees to be planted every twenty (20) feet shall be a minimum of four (4) feet in height above finished grade at the time of planting, and the shrubs to be planted in between the trees shall be a minimum of two (2) feet in height above finished grade at the time of planting; the species of evergreen trees and shrubs shall be varied.
3. the location for the outdoor storage area as specified in Condition F.
4. the free-standing sign to be located at the entrance driveway from Summer Street shall be noted as being a "new" sign instead of a "relocated" sign.
5. details for the modification of the swing gate per Condition G.
6. the final plan revision date.

B. **Landscape Installation and Maintenance**

1. All trees and shrubs to be planted on the site shall be species that are certified by a horticulturist as native, drought-resistant and deer proof. Such certification shall be provided to the PEDB prior to endorsement of the site plan.
2. The owner shall regularly water the landscape plantings to be installed on the perimeter of the site as shown on the plan so that they will be maintained and thrive. To accomplish this, the owner has agreed to install soaker hoses for irrigating the plants.
3. The site's landscaping shall be maintained in good condition to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced during the next planting season.

C. The owner shall install sixteen (16) linear feet of fencing along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road as requested. The fencing shall be white vinyl, six (6) feet tall, comparable to the fencing at the adjacent Cumberland Farms development.

D. The owner will arrange for the regular spray painting of striping to outline the 9' x 18' parking spaces on the gravel parking areas where no wheel stops are installed. Such spray painting shall be performed as often as needed to provide for clearly demarcated parking locations.

- E. A new free-standing, two sided Medway Garden Center sign shall be installed near the entrance driveway from Summer Street in conformance with the Zoning Bylaw.
- F. A specific, organized outdoor storage area shall be established and maintained north of the house on the premises and west of the access road for the purpose of storing vehicles, equipment, unused shipping materials, the Conex type container/trailer and any other such items on the premises. Plant materials need not be stored within the designated outdoor storage area.
- G. The owner shall modify the existing swing barrier gate at the northern edge of the internal driveway to Milford Street by attaching six (6) foot high white vinyl panels to screen the back of the Medway Gardens site from the Cumberland Farms development and Route 109/Milford Street.
- H. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all four (4) sides of the dumpster.
- I. **Schedule for Project Completion** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after June 30, 2017 of the grant thereof if substantial work has not commenced except for good cause. All site improvements shown on the endorsed plan shall be completed by the applicant or its assignees by December 31, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing and public briefing have been held by the Board.

VIII. GENERAL CONDITIONS OF APPROVAL

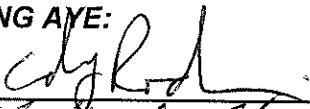
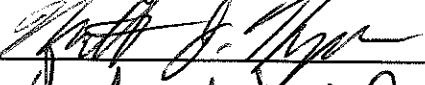

- A. **Appeal** – Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. **Plan Endorsement** - Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement.
- C. **Fees/Taxes** - Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, including real estate and personal property taxes and business licenses. The Applicant's failure to pay these fees in their entirety shall be reason for the Planning & Economic Development Board to withhold plan endorsement.
- D. **Construction Standards** - All construction shall be in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

- E. **Plan Revisions** – Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to Section 3.5 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & Economic Development Board, its staff or consultants are necessary due to proposed site 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 if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Project Completion** – At the conclusion of the installation/construction of the site plan improvements, the applicant shall provide the Board with a written certification of a professional engineer registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the decision and the endorsed site plan.

Approved by the Medway Planning & Economic Development Board: November 8, 2016

BOARD MEMBERS:

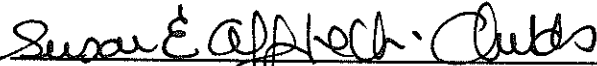
VOTING AYE:

VOTING NAY:

VOTING TO ABSTAIN:

ATTEST:

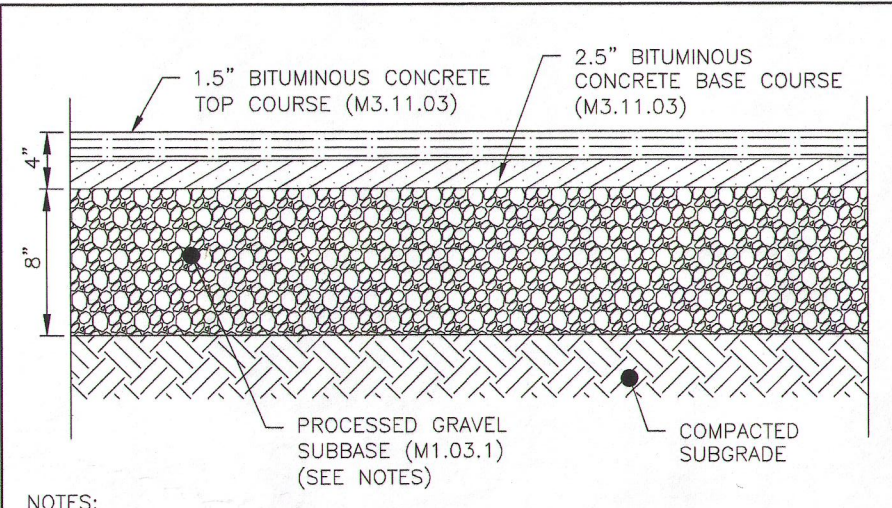


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

11-8-16

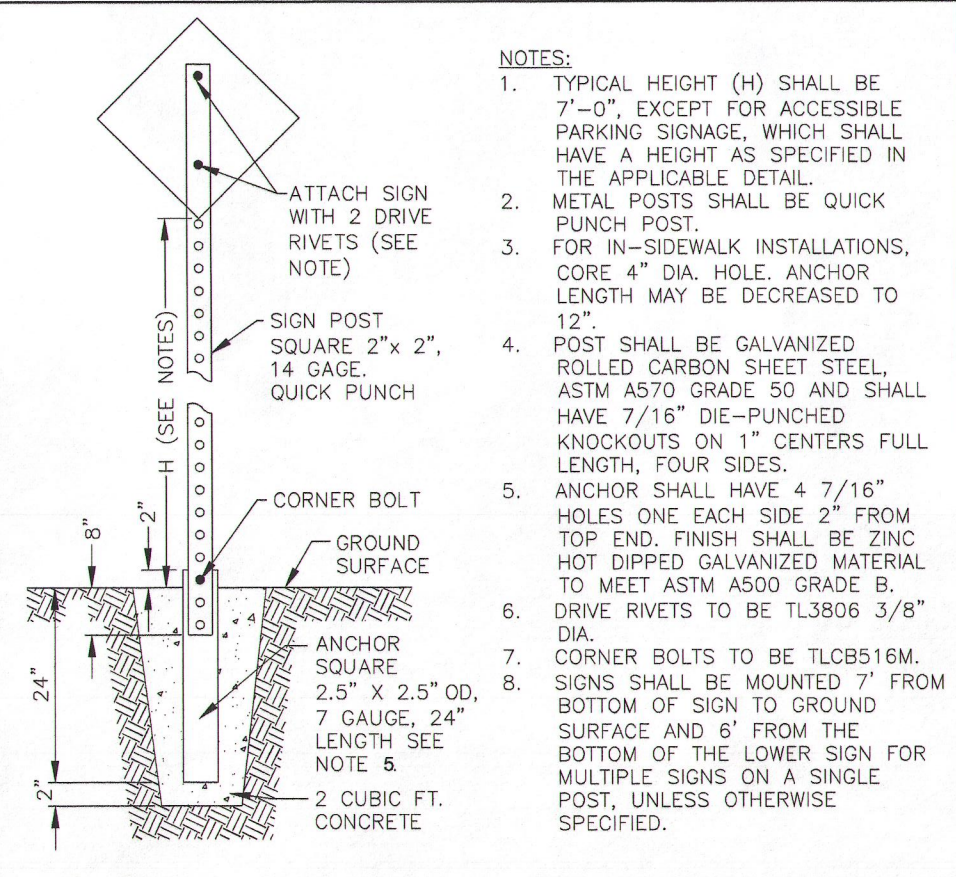
Date

COPIES TO: Michael Boynton, Town Administrator
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Thomas Holder, DPS Director
Jeff Lynch, Fire Department
Jack Mee, Building Commissioner/Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department
Steve Bouley, Tetra Tech
Gino Carlucci, PGC Associates
Joe Avellino

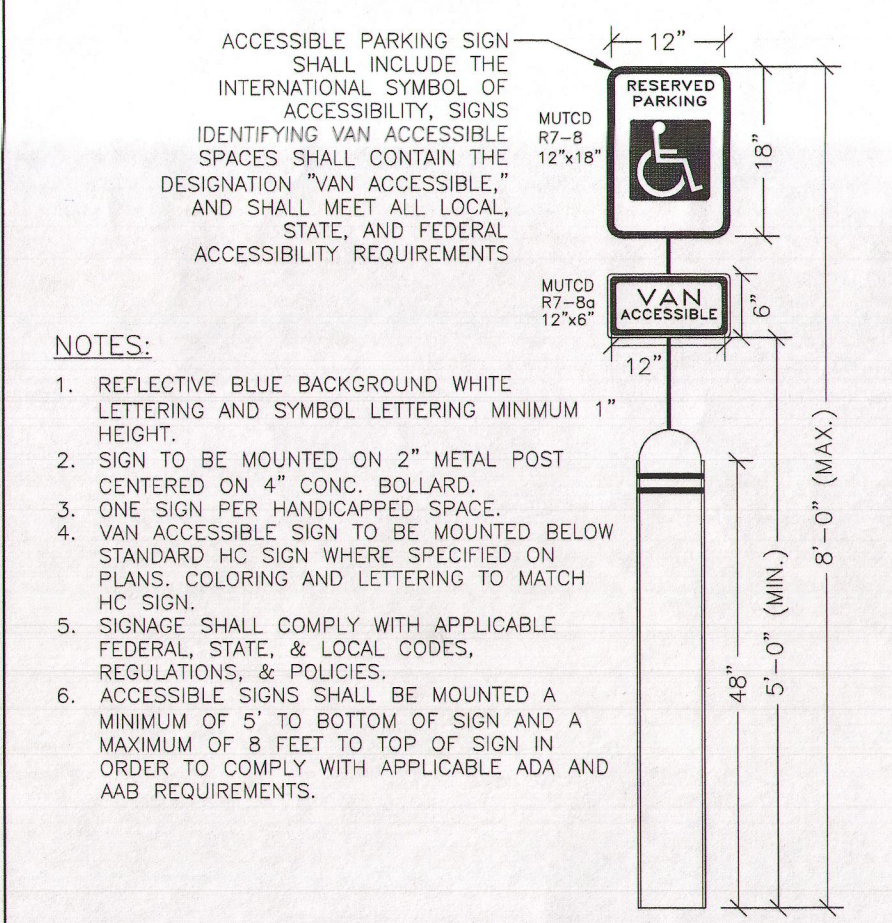


- NOTES:
- HIGH EARLY STRENGTH CEMENT CONCRETE SUB-BASE SHALL BE USED WITHIN THE RIGHT OF WAY IN LIEU OF PROCESSED GRAVEL SUBBASE WHERE SAWCUT WIDTHS ARE LESS THAN 4 FEET.
 - THIS DETAIL PROVIDES A MINIMUM STANDARD FOR PAVEMENT CONSTRUCTION BASED ON THE ASHTO GUIDE FOR DESIGN OF PAVEMENT STRUCTURES (1993). THE FINAL PAVEMENT SECTION SHALL BE DESIGNED BY A GEOTECHNICAL ENGINEER AND SHALL BE UTILIZED IF MORE STRINGENT THAN THIS DETAIL.
 - MATERIALS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MASSDOT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

TYPICAL BITUMINOUS PAVEMENT DETAIL
NOT TO SCALE



TYPICAL SIGN POST DETAIL
NOT TO SCALE

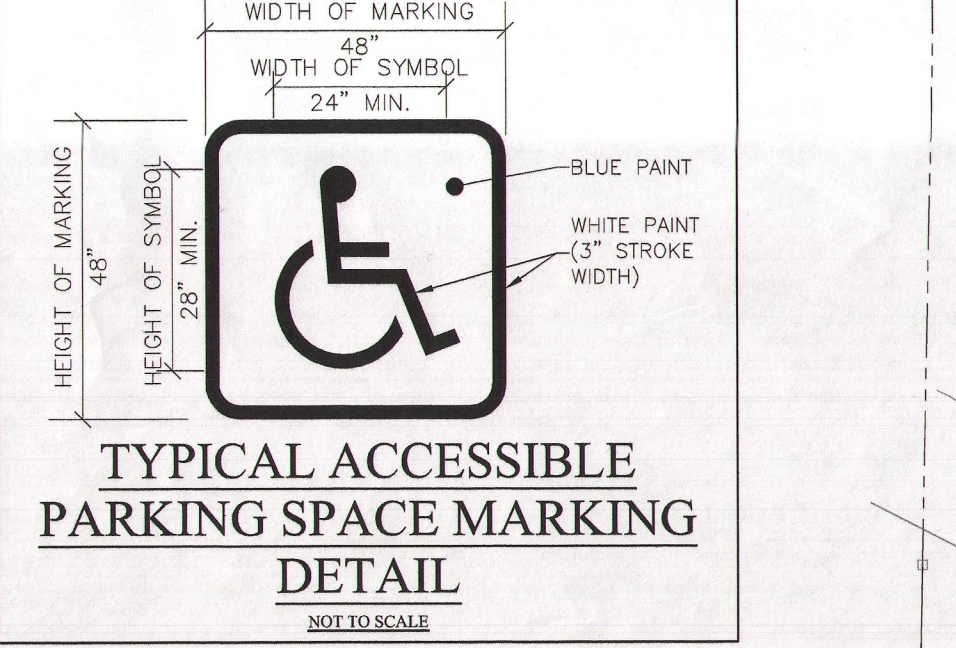


ACCESSIBLE PARKING SIGNAGE DETAIL
NOT TO SCALE

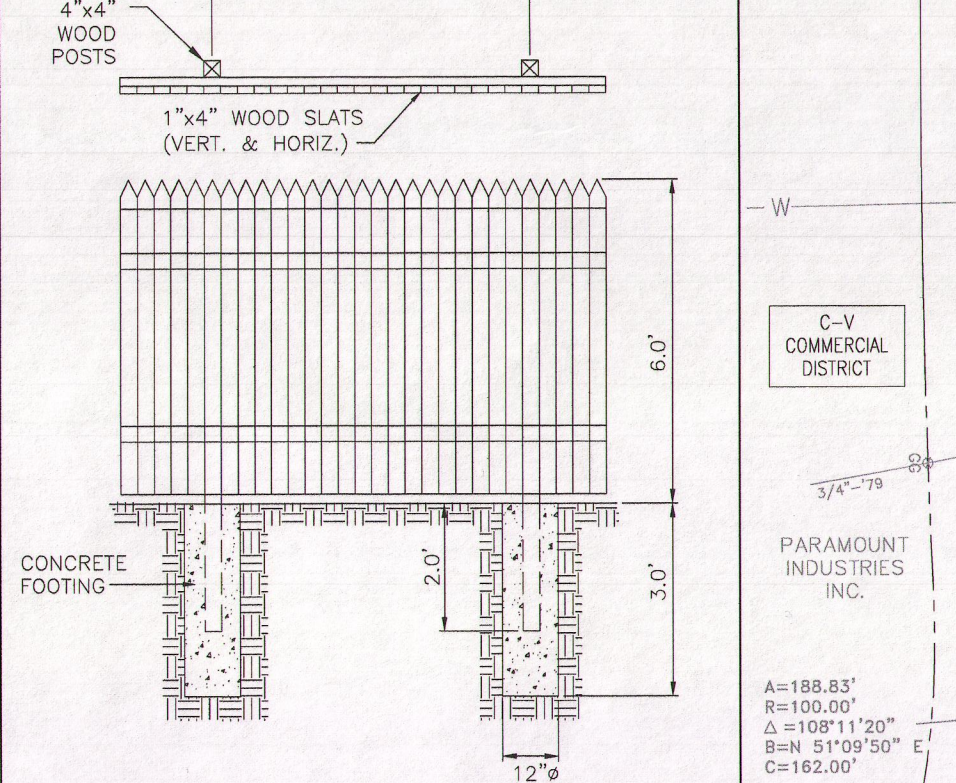
PARKING INFORMATION		
USE	REQUIRED	PROVIDED
RETAIL: 1 SPACE / 300 S.F. SALES AREA	52 SPACES	52 SPACES
8,558 S.F. / 300 S.F. = 29 SPACES	29 SPACES	(3 ACCESSIBLE SPACES)

GENERAL & SITE LAYOUT NOTES

- ZONING DISTRICT INFORMATION OBTAINED FROM TOWN OF MEDWAY ZONING MAP, DATED APRIL 17, 2012, AND THE TOWN OF MEDWAY ZONING BYLAWS, DATED APRIL 17, 2012.
- THE PROJECT INCLUDES THE CONSTRUCTION OF A 3,742 SQUARE FOOT GREENHOUSE, AN OUTDOOR WOODEN PERGOLA AND THE STRIPING OF 52 PARKING SPACES.
- THE PROJECT LIES WITHIN COMMERCIAL V (C-V) DISTRICT.
- MODIFICATIONS TO THIS PLAN MAY OCCUR AS UNFORESEEN CONDITIONS ARISE. ALL CHANGES SHALL BE APPROVED BY THE ENGINEER.
- THIS SITE LIES ENTIRELY WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD RATE INSURANCE MAP (FIRM), NORFOLK COUNTY, COMMUNITY PANEL 139 OF 430 (MAP #25021C0139E), WITH AN EFFECTIVE DATE OF JULY 7, 2012.
- ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED BY THE OWNER, SITE ENGINEER, AND APPROPRIATE REGULATORY AGENCY PRIOR TO INSTALLATION.
- PAVEMENT MARKINGS AND STRIPING SHALL PAINTED WITH 2 COATS OF PAINT (WHITE OR YELLOW) PER FEDERAL SPECIFICATION T1-P-115 TYPE 1; ALKYO (TO BE RESTRIPTED FOUR (4) TIMES PER YEAR).
- PAVEMENT LETTERS SHALL BE 2" WIDE X 8" LONG.
- STOP BARS SHALL BE 8" WIDE AND SOLID LINES SHALL BE 4" IN WIDTH (SEE SITE PLAN FOR LENGTH).
- ACCESSIBLE PARKING SPACES SHALL CONFORM TO THE LATEST EDITION OF THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AS SHOWN ON THE SITE LAYOUT PLAN.
- DIRECTIONAL AND ACCESSIBLE SIGNS SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR COLOR AND SIZE.
- ALL FLAT WORK WITHIN THE RIGHT OF WAY SHALL CONFORM TO TOWN/STATE STANDARDS.
- SNOW PILES SHALL NOT EXCEED 6 FEET IN HEIGHT WITHIN THE DESIGNATED SNOW STORAGE AREAS. EXCESS SNOW SHALL BE REMOVED OFFSITE IN ACCORDANCE WITH TOWN REGULATIONS.
- THE VERTICAL DATUM OF THIS PLAN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). THE BENCHMARK UTILIZED TO ESTABLISH THE DATUM ON THE SITE IN MASS DOT BENCHMARK 88 E31.8. IT IS A MONUMENT RIVET SET IN LEDE OFF HIGHLAND STREET IN MEDWAY, MA. THE PUBLISHED NAVD88 ELEVATION OF 281.72 WAS CONVERTED TO NAVD88 ELEVATION OF 277.56 UTILIZING CORPSCON SOFTWARE.



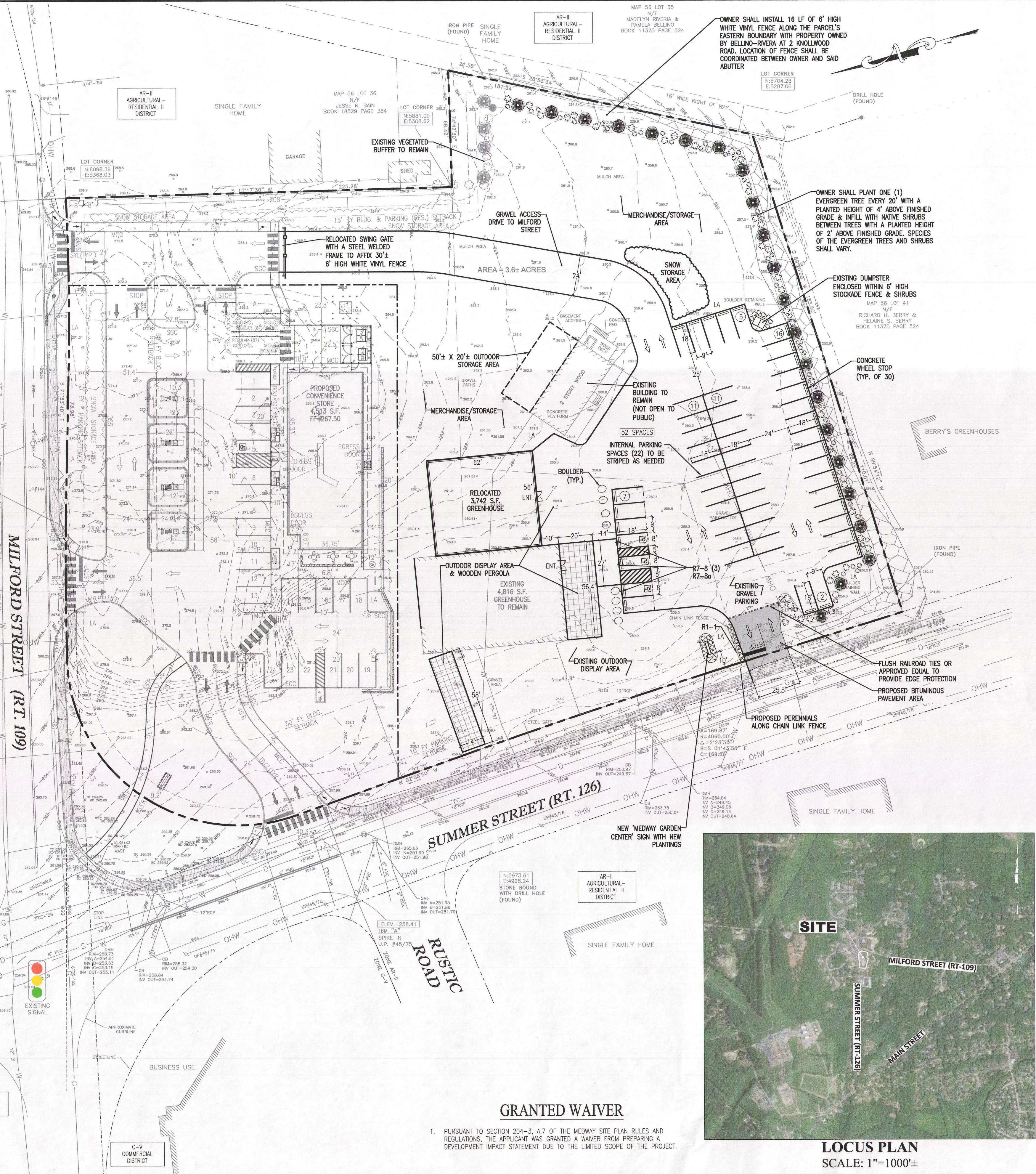
TYPICAL ACCESSIBLE PARKING SPACE MARKING DETAIL
NOT TO SCALE



TYPICAL CEDAR FENCE DETAIL
NOT TO SCALE

MUTCD REFERENCE	SIGN
R1-1	STOP
R7-8	RESERVED PARKING
R7-8a	VAN ACCESSIBLE

ZONING INFORMATION		
ZONING DISTRICT: COMMERCIAL DISTRICT V (C-V)		
SITE AREA: 2.23 ACRES		
REGULATION	REQUIRED	PROPOSED
MIN. LOT AREA	20,000 S.F.	155,156 S.F.
MIN. LOT FRONTAGE	100 L.F.	833.4 L.F.
MIN. FRONT YARD SETBACK	50'	43.9'
MIN. SIDE YARD SETBACK	15'	116.6'
MIN. REAR YARD SETBACK	15'	N/A
MAX. BUILDING HEIGHT	40'	<40'
MAX. LOT COVERAGE	0.30	0.10



GRANTED WAIVER

- PURSUANT TO SECTION 204-3, A.7 OF THE MEDWAY SITE PLAN RULES AND REGULATIONS, THE APPLICANT WAS GRANTED A WAIVER FROM PREPARING A DEVELOPMENT IMPACT STATEMENT DUE TO THE LIMITED SCOPE OF THE PROJECT.

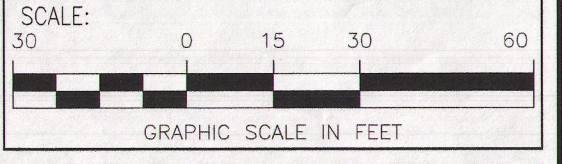


LOCUS PLAN
SCALE: 1"=1000±

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD:

December 13, 2016

REVISIONS:		
REV	DATE	COMMENT
1	07/23/14	REV. PER PEDB COMMENTS
2	07/22/16	REV. PER CLIENT COMMENTS
3	11/11/16	REV. PER PB CONDITIONS
4	11/30/16	REV. PER PB CONDITIONS



DESIGNED BY: MAL
CHECKED BY: PRH

SEAL:

PHILIP R. HENRY, P.E.

PROJECT:

MEDWAY GARDENS
38 SUMMER STREET (ROUTE-126)
MEDWAY, MA 02053

PREPARED BY:

Civil Design Group, LLC

21 HIGH STREET, SUITE 300A
NORTH ANDOVER, MA 01845
www.cdengineering.com
p: 978-794-5400 f: 978-914-6161

SHEET:

SITE PLAN

1

CDG PROJECT #: 14048
DATE: 07/22/2014

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, November 15, 2017 4:26 PM
To: 'Joe Avellino'
Cc: Steve Bouley
Subject: RE: Site plan

Hi Joe,

At last night's meeting, the Planning and Economic Development Board discussed the issue of installing flush railroad ties to provide edge protection to the driveway apron at the Medway Gardens driveway off of Summer Street. You had inquired whether this particular task could be removed from the punch list of items to still be completed.

After discussion with engineer Steve Bouley, the Board agreed that proceeding with the installation of the railroad ties would compromise the already completed paving of the driveway apron. The Board determined that this work is no longer required.

Please let me know if you have any questions.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway – A Massachusetts Green Community

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

-----Original Message-----

From: Joe Avellino [mailto:joe.medwaygardens@gmail.com]
Sent: Tuesday, November 14, 2017 2:57 PM
To: Susan Affleck-Childs
Subject: Site plan

Hi Suzy

I haven't heard from you about the railroad ties at the end of the asphalt a pretty.

Thank you

Joe

Sent from my iPhone

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Thursday, December 07, 2017 3:38 PM
To: Susan Affleck-Childs
Subject: RE: Medway Gardens

Hi Susy,

I met with Joe this morning and all items have been addressed at this site. The only borderline item was the handicapped signage wasn't placed in a bollard as shown on the detail but large boulders have been placed along the outdoor display area to protect from runaway vehicles (which is why the signs are placed in bollards).

Please let me know if you need anything else for this, thanks.

Steve

-----Original Message-----

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Friday, December 01, 2017 9:53 AM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: FW: Medway Gardens

Hi,

See attached photos from Joe Avellino at Medway Gardens. He says he is done!

Can you stop by next time you are out in Medway and do a final inspection? Please ask for Joe when you are there and let him know when you are coming.

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

Town of Medway - A Massachusetts Green Community

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copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

-----Original Message-----

From: Joe Avellino [mailto:joe.medwaygardens@gmail.com]

Sent: Friday, December 01, 2017 9:37 AM

To: Susan Affleck-Childs

Subject: Medway Gardens

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



























MEDWAY GARDEN CENTER







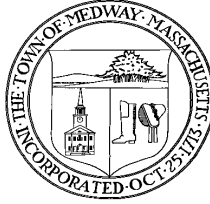
PARKING

VAN
ACCESSIBLE









December 12, 2017
Medway Planning & Economic Development Board
Meeting

ANR – 11 Ohlson Circle

- ANR Application dated 10-16-2017
- ANR Plan by Colonial Engineering dated 9-20-2017

This ANR application was submitted on December 11th. I have forwarded to Gino Carlucci for review and hope to have a review letter for you for Tuesday night's meeting.

LAND SUBDIVISION – FORM A

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR)

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

*This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations.
Please complete this entire Application.*

*Submit two (2) signed originals of this Application, one copy of the ANR Plan, and one Project Explanation
to the Town Clerk who will date stamp both Applications.*

*Provide one original ANR Application date stamped by the Town Clerk, one Project Explanation, eight
copies of the ANR Plan, an electronic version of the ANR plan and the appropriate ANR Filing Fee
to the Medway Planning & Economic Development office.*

*The Applicant certifies that the information included in this Application is a true, complete and accurate
representation of the facts regarding the property under consideration.*

*In submitting this application, the Applicant and Property Owner authorize the Planning & Economic
Development Board and its agents to access the site during the plan review process.*

*The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and
provide a recommendation to the Planning & Economic Development Board. A copy of that letter
will be provided to you.*

***You or your duly authorized agent is expected to attend the Board meeting
when the ANR Plan will be considered to answer any questions and/or submit such
additional information as the Board may request.
Your absence may result in a delay in its review.***

OCT 16, 2017

TO: The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: Plan of Land
Prepared by: Colonial Eng. Inc Paul J. DeSimone
P.E. or P.L.S registration #: 30466 Plan Date: Sept. 20, 2017

PROPERTY INFORMATION

ANR Location Address: 11 Ohlson Circle
The land shown on the plan is shown on Medway Assessor's Map # 14 Parcel # 21
Total Acreage of Land to be Divided: 60,461 S.F.
Subdivision Name (if applicable): N/A

Medway Zoning District Classification: ARI

Frontage Requirement: 180' Area Requirement: 44,000 S.F.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: John & Kathleen Simcox to _____ dated Jan. 18 2012 and recorded in Norfolk County Registry of Deeds, Book 29614 Page 283 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: Timber Creek LLC

Applicant's Signature: MT Tanager

Address: 135 MAIN Street Suite 5
MEDWAY MA 01053

Telephone: 508 381 0086 Email: mtanager@grandishomelife.com

The Applicant hereby appoints _____ to act as its Agent/ Official Representative for purposes of submitting this application for endorsement of this ANR Plan.

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: John & Kathleen Simcox Trustees of the Simcox Family Trust

Owner's Signature: Kathleen R Simcox John C. Simcox

Address: 11 Olson Circle
Medway, MA 02053

Telephone: _____ Email: _____

ENGINEER or SURVEYOR INFORMATION

Name: Paul J. DeSimone

Address: 11 Aul St.
Medway, MA 02053

Telephone: 508-533-1644 Email: Colonial.Esg. @ verizon.net

ATTORNEY INFORMATION

Name: _____

Address: _____

Telephone: _____ Email: _____

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- _____ 1. The accompanying plan does not show a division of land.
- _____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ *(name of way(s), which is:*
- _____ a. A public way. Date of street acceptance: _____
- _____ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- _____ c. A way shown on a definitive subdivision plan entitled _____
that was previously endorsed by the Planning and Economic Development Board on _____ and recorded at the Norfolk County Registry of Deeds on _____
Provide detailed recording information: _____
- _____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ✓ _____ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: _____

No New Ways or Streets

ANR PLAN FILING FEE

**\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.**

**Please prepare two checks: one for \$95 and one for the balance.
Each check should be made payable to: Town of Medway**

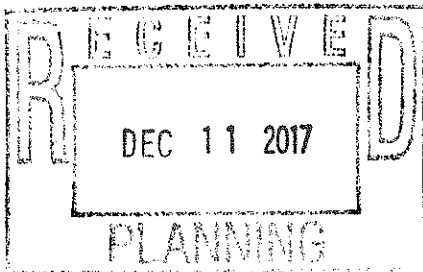
Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

- _____ 2 signed original ANR applications (FORM A)
- _____ 8 prints of ANR plan – 1 for Town Clerk and 7 for Planning
- _____ Electronic version of ANR plan for Planning
- _____ Project Explanation - 1 for Town Clerk and 1 for Planning
- _____ Application/Filing Fee (2 checks)

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: 12-11-2017

ANR Application/Filing Fee Paid: Amount: \$250- Check # 6817 \$155-
Check # 6797 \$95-



CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

QUITCLAIM DEED

We, John C. Simcox and Kathleen R. Simcox of Medway, Norfolk County as husband and wife and tenants by the entirety, for consideration paid of One dollar (\$1.00) and other valuable consideration grant to John C. Simcox and Kathleen R. Simcox, Trustees of the Simcox Family Trust with **QUITCLAIM COVENANTS**, all of the interest in the property described below:

* a certificate under M.G.L. 184 sec 34 recorded herewith.

Property Address: 11 Ohlson Circle, Medway, Norfolk County, MA

Exhibit:

The land in Medway, County of Norfolk, Massachusetts, with all of the buildings, structures and improvements now or hereafter standing or placed thereon, shown as Lot numbered 213 on a Plan entitled "SECT II LOVERING FARMS AT MEDWAY", Sundivision Plan of Land, Medway, Mass., Owned by Natick ZFive Cents Savings Bank, April 6, 1972, Guerriere & Hamlon, Inc., Engineering and Land Surveying" recorded with Norfolk Registry of Deeds as Filed Plan No. 666-A of 9, 1972, Plan Book 232 (consisting of sheets 1 through 9 inclusive), being more particularly bound and described as follows:

SOUTHWESTERLY: by the northeasterly curving line of Ohlson Circle, as shown on said Plan, on two courses, measuring 160 feet and 20.00 feet;

**NORTHWESTERLY
& NORTHERLY:** by Lot numbered 212 on said Plan, 436 feet;

EASTERLY: by land now or formerly of Rachel C. Capone, as shown on said Plan, 91.45 feet;

SOUTHERLY: by said land of Capone on said Plan, on three courses, measuring respectively 90.37 feet, 76.08 feet and 100 feet; and

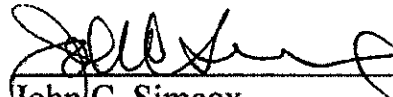
SOUTHEASTERLY: by Lot numbered 214 on said Plan, 510.54 feet.


Containing, according to said plan, 60,464 square feet.

Said conveyance is made subject to easements, restrictions and encumbrances of record if any there be in force and effect.

For grantor's title see deed recorded with Norfolk County Registry of Deeds in Book 5527, Page 533.

Witness my hand and seal on this 18 day of JANUARY, 2012.

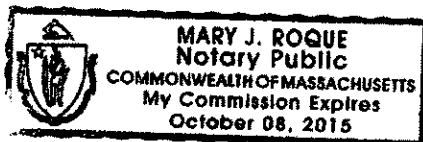

John C. Simcox



Kathleen R. Simcox

COMMONWEALTH OF MASSACHUSETTS

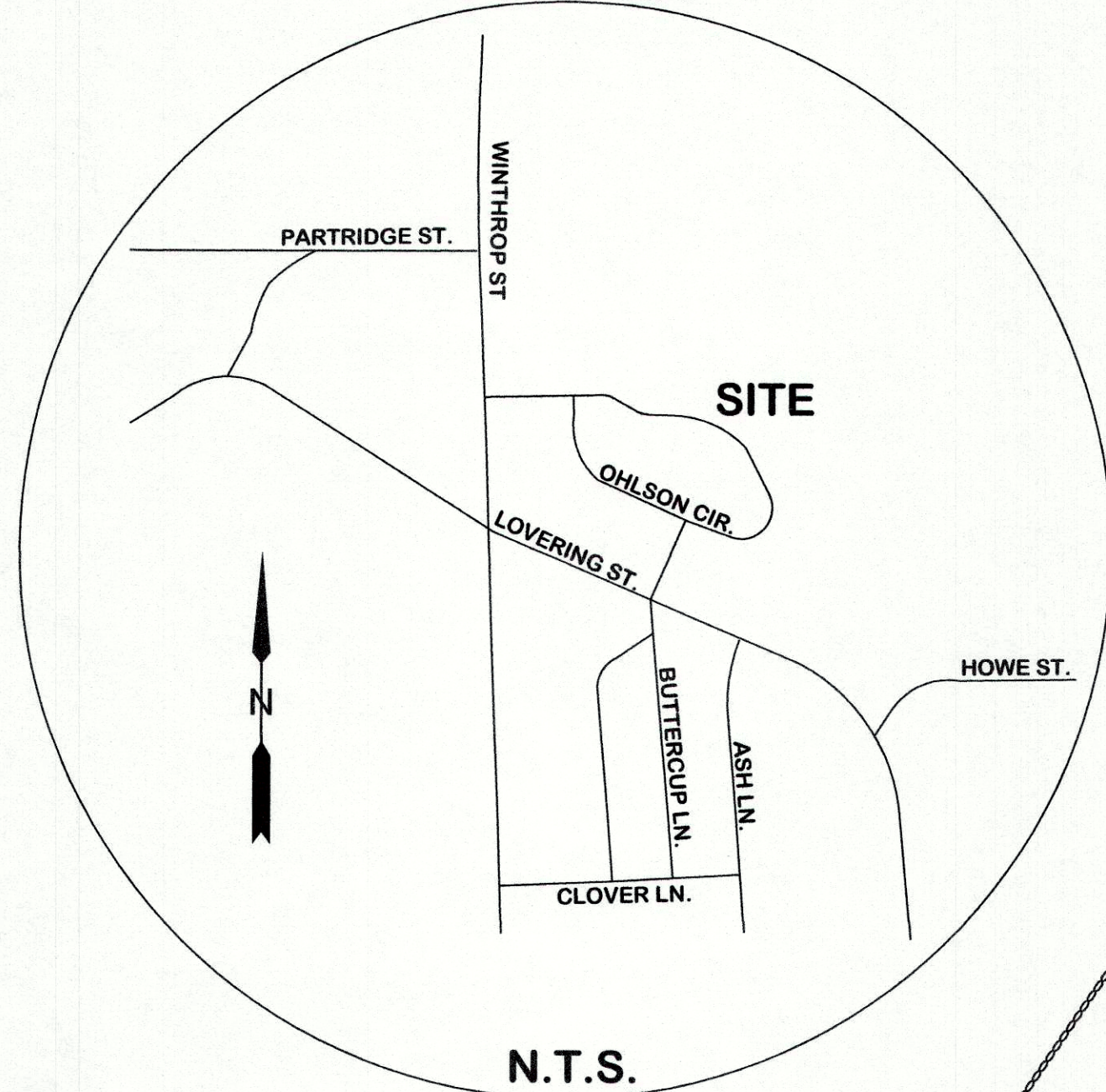
Norfolk, ss

On this 18 day of January, 2012, before me personally appeared Kathleen Simcox and John Simcox, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on this document and acknowledged to me that he signed it voluntarily and for its stated purposes.

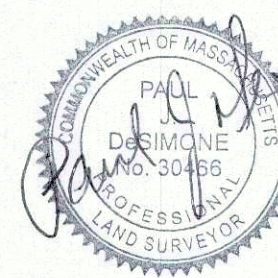
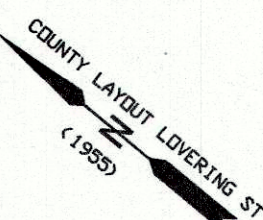



, Notary Public
My commission expires

LOCUS MAP



N/F
HENRY L. & HENRY L. JR.
WICKETT



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

PAUL J. DESIMONE

DATE: **SEPTEMBER 20, 2017**

APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.
DATE APPROVED: _____

TOWN OF MEDWAY PLANNING BOARD

DATE ENDORSED: _____

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

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

PLAN OF LAND IN MEDWAY, MA

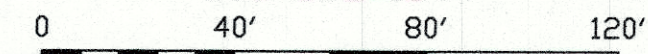
OWNER: JOHN C. & KATHLEEN
SIMCOX FAMILY TRUST
11 OHLSON CIRCLE
MEDWAY, MA 02053

DATE: SEPTEMBER 20, 2017

SCALE 1" = 40'

COLONIAL ENGINEERING, INC.

P.O. BOX 95
MEDWAY, MA 02053
508-533-1644



COLONIAL.ENG@VERIZON.NET

PARCEL "A" TO BE DEEDED TO THE ABUTTER

PROPOSED LOT COVERAGE = 3.4%
PROPOSED IMPERVIOUS COVERAGE = 10.6%

ZONING REQUIREMENTS

ZONED AR-1

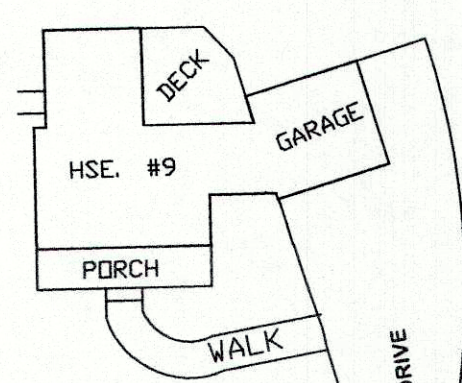
MIN. LOT AREA = 44,000 SF.
MIN. FRONTAGE 180'
MAX. LOT COVERAGE = 25%
MAX. IMPERVIOUS COVERAGE = 35%
MAX. BLDG. HEIGHT = 35 FT.
NOT WITHIN THE WATER PROTECTION DISTRICT

MIN. SETBACKS

FRONT = 35 FT.
SIDE = 15 FT.
REAR = 15 FT.

PLAN & DEED REFERENCE'S

DEED BK. 29614 PAGE 283
DEED BK. 32449 PAGE 424
PL. BK. 252 PL. # 666- (C OF 9) 1972



N/F
RODICA NEAMTU

LOT 212

CONCRETE DRIVEWAY

LOT 213 A
56,260 S.F.±
MAP 14-021
L.S.F. = 21.17
UPLAND = 98.88%

FLAG POLE

OHLSON CIRCLE
(50 FT. WIDE PUBLIC WAY)

N/F
GARY & MARY LOU
WHITAKER

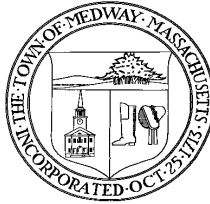
N/F
STEVEN & SUZANNE V.
BURKE

N/F
NOVUS HOMES LLC



LOT 214

HSE. #13



December 12, 2017
Medway Planning & Economic Development Board
Meeting

Progress on 2010 Open Space and
Recreation Plan (OSRP)

- Action Plan from 2010 OSRP

One of the activities involved in the process to update Medway's Open Space and Recreation Plan is to review the community's progress in carrying out the action plan included in the 2010 OSRP. The Open Space Committee has already done so. The OSRP Update Task Force has asked both the PEDB and the Conservation Commission to review the action plan and provide notes on the relevant activities each has been involved with since 2010.

As Matt is chair of the OSRP Task Force, he will facilitate the Board's discussion.

ACTION PLAN SUMMARY

GOALS/OBJECTIVES	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
GOAL 1: Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways.					
Identify key parcels most important for protecting natural resources and wildlife corridors	Open Space Committee	Conservation Commission, Planning Board, Selectmen, Community Preservation Committee	Appoint special committee; Develop ranking system	2010-2011	NA
Identify key parcels of land which are most important for protecting historic landscapes and/or community character	Open Space Committee	Conservation Commission, Planning Board, Selectmen, Historical Commission, Community Preservation Committee	Develop ranking system Flexible zoning	2010-2011	NA
Develop/implement a system of prioritizing parcels for potential acquisition/protection	Open Space Committee	Conservation Commission, Planning Board, Selectmen,	Use models from other towns Use survey results, develop evaluation guidelines	2010-2011	NA
Encourage/promote the incorporation of open space into new development plans, especially by the use of OSRD and ARCPUD to establish eco-corridors or greenbelts	Open Space Committee	Planning Board	Flexibility in Rules and Regulations Consider density bonus	2010-2017	NA
Acquire additional conservation and open space lands. Encourage donations of open space by landowners	Open Space Committee	Community Preservation Committee	Provide information about tax benefits	2010-2017	CPA LAND

(Continued) NA= Not applicable CPA= Community Preservation Act LAND= Local Acquisitions for Natural Diversity (State grant)

ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
GOAL 1: Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways. (Continued)					
Support Open Space Committee to coordinate among Town Boards and Commissions, and contact land owners	Selectmen	Conservation Commission, Planning Board, Community Preservation Committee	Boards/Commissions Appoint Representatives	2010-2017	NA
Increase public awareness of the value of open space, and encourage citizen input	Open Space Committee		Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage, Special events	2010-2017	General Fund Cable Access
GOAL 2: Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation.					
Acquire/protect additional water resources for recreation and protection of municipal water supply sources	Open Space Committee	Community Preservation Committee Conservation Commission, Planning Board, Water/Sewer Commission, Parks Commissioners	Groundwater Protection Districts, Phase II Stormwater rules, Purchase, Open Space Subdivisions, Transfer of Development Rights	2010-2017	CPA LAND
Help develop management plans for each conservation and recreation parcel	Open Space Committee	Selectmen, Community Preservation Committee, Conservation Commission, Planning Board, Park and Recreation Commission	Use models from elsewhere, Adopt guidelines/policies/bylaws as needed	2011	CPA Donations

(Continued) NA= Not applicable CPA= Community Preservation Act LAND= Local Acquisitions for Natural Diversity (State grant)

FIVE-YEAR ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
GOAL 2: Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation. (Continued)					
Increase visibility and public access to conservation lands as appropriate	Open Space Committee	Selectmen, Conservation Commission, Parks Commissioners, Community Preservation Committee	Signage, parking	2010-2014	General Fund, Donations
Establish/expand greenbelts along the Charles River and other water bodies as well as other corridors as appropriate.	Open Space Committee	Conservation Commission, Planning Board	Open Space Residential Development bylaw, ARCPUD	2011-2013	CPA
GOAL 3: Promote the development and maintenance of trails and trail linkages					
Identify potential trail networks and pursue development of them	Open Space Committee	Open Space Committee, Community Preservation Committee	Open Space Residential Development bylaw, Create Trail Committee	2010-2014	CPA
Establish/expand greenbelts along the Charles River and other water bodies as well as other corridors as appropriate	Open Space Committee	Conservation Commission, Planning Board, Community Preservation Committee	Open Space Residential Development bylaw, ARCPUD	2011-2017	CPA

(Continued)

CPA= Community Preservation Act

ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
GOAL 3: Promote the development and maintenance of trails and trail linkages (Continued)					
Develop and maintain communication with neighboring towns to identify potential trails which could cross town borders	Open Space Committee	Conservation Commission, Planning Board, Selectmen	Open Space Residential Development bylaw, ARCPUD,	2010-2013	CPA DCR Recreation Trail Grants
Increase visibility and public access to conservation lands as appropriate	Open Space Committee	Selectmen, Conservation Commission	Signage, other communication tools	2010-2012	General Fund, Donations
GOAL 4: Provide outreach to increase awareness among residents of the range of Medway's open space and recreational assets.					
Increase public awareness of important habitat areas	Open Space Committee	Conservation Commission	Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage	2010-2017	Cable access, Donations
Encourage environmental education for all ages on Town-owned lands	Open Space Committee	Conservation Commission	Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage	2010-2014	Cable access, Donations
Increase visibility and public access to conservation lands as appropriate through signage	Open Space Committee	Conservation Commission	Signage for land identification and parking areas, web site information, other communication tools	2010-2014	General Fund, Donations
Develop a communications plan to increase public awareness of open space and recreation facilities, issues and potential actions	Open Space Committee	Recreation Commission Conservation Commission, Parks Commissioners	Web site Slide show/video, Maps, Cable TV, Brochure, newsletter	2010-2014	General Fund, Donations
Use surveys, public meetings and other means to encourage input from residents	Open Space Committee	Selectmen, Planning Board, Conservation Commission	Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage, Public Meetings	2010-2017	General Fund, Donations

(Continued) CPA= Community Preservation Act

DCR= Massachusetts Department of Conservation and Recreation

ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
GOAL 5: Develop and maintain an active community culture of open space acquisition and habitat preservation.					
Encourage environmental education for all ages on Town-owned lands	Open Space Committee		Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage	2010-2014	General Fund, Donations
Increase public awareness of important habitat areas	Open Space Committee	Conservation Commission	Survey, Web site Slide show/video, Maps, Cable TV, Brochure, Signage	2010-2014	General Fund, Donations
Increase visibility and public access to conservation lands as appropriate	Open Space Committee	Conservation Commission	General Fund, donations, other communications tools	2010-2012	General Fund, Donations
Encourage donations of open space by landowners	Open Space Committee	Conservation Commission, Planning Board		2010-2014	Donations, Tax benefits
Encourage and strengthen, where necessary, protective measures for wetlands and floodplains and other water resources	Open Space Committee	Conservation Commission, Board of Health, Planning Board	Low Impact Development Measures	2010-2011	General Fund

(Continued)

ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
Goal 6: Encourage compact development to reduce sprawl					
Review land use controls to identify and discourage sprawl	Planning Board	Open Space Committee,	Evaluate impacts of regulations	2010-2011	General Fund, State grants
Formulate and adopt revisions that encourage compact development	Planning Board		Zoning Bylaw amendments, Town Center and mixed use zoning, Transfer of development rights	2010-2013	General Fund, State grants
Target infrastructure improvements to promote compact development	Selectmen	Department of Public Services, Water/Sewer Commission, Planning Board	Establish evaluation criteria for capital projects that include sprawl impacts	2010-2014	Capital budget
Goal 7: Facilitate the stewardship of open spaces					
Develop management plans for conservation and recreation parcels	Open Space Committee	Conservation Commission, Planning Board, Park and Recreation Commission	Use models from elsewhere, Adopt guidelines/policies/bylaws as needed	2010-2011	General Fund, State grants
Inventory and evaluate available conservation and recreation funding programs and apply as appropriate	Open Space Committee	Conservation Commission, Planning Board, Park and Recreation Commission	State funding sources, especially LAND and PARK programs (formerly Self-help and Urban Self-help)	2010-2013	NA
Investigate further use of Town property for passive and/or active recreation	Open Space Committee	Conservation Commission, Planning Board, Park and Recreation Commission		2009-2013	NA

(Continued) NA= Not applicable

ACTION PLAN SUMMARY (Continued)

RECOMMENDATION	LEAD AGENCY	OTHER AGENCIES	IMPLEMENTATION MECHANISMS	SCHEDULE	POSSIBLE FUNDING
Goal 7: Facilitate the stewardship of open spaces.					
Provide all neighborhoods with appropriate recreation, park and/or playground facilities, including incorporating recreation areas in new subdivisions	Park Commission	Planning Board	Community Preservation Funds	2010-2017	CPA PARC
Establish a cost-effective maintenance schedule for municipal recreation and conservation facilities	Park Commission	Department of Public Works	Annual budget and work plan	2010-2013	NA
Use reliable and durable equipment when developing or redeveloping parks and playgrounds.	Park Commission	Department of Public Works		2010-2017	Capital budget, CPA

NA= Not applicable CPA= Community Preservation Act PARC= Parkland Acquisitions and Renovations for Communities (State)