

November 8, 2016
Medway Planning and Economic Development Board Meeting
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

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

Chairman Rodenhiser opened the meeting.

Medway Garden Site Plan:

The Board is in receipt of the following: **(See Attached)**

- Revised draft decision dated 11/2/16.
- Notes dated 9/26/16 re: land area and values

The members are in receipt of a revised draft decision dated November 2, 2016. This has been reviewed by Town Counsel and is based on discussions with Joe Avellino’s attorney. Mr. Avellino was present for the discussion. He had been provided a copy of the draft decision.

Suggested changes:

- Designating storage area behind the house and screening.
- Item F. inclusion of a fence from the Milford side to Bain property.
- Propose revised language about unused shipping material.
- Designate the storage area on the on plan
- Item D on page 5 should be struck.
- Page 4 Item A fencing will be white vinyl
- All work completed by December 31, 2017.
- Write out the numerical numbers.
- Provide language about replacement plants.

Mr. Avellino indicated he will still be seeking an agricultural exemption.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the site plan modification decision with the noted conditions for Medway Garden.

Susy noted that she would file the decision on Wednesday with the Town Clerk which would begin the 20 day appeal period.

The Haven Definitive Subdivision Plan:

The Board is in receipt of the following: **(See Attached)**

- Certificate of Action dated August 25, 2015
- Final Definitive Plan dated October 10, 2015
- Tetra Tech sign off dated October 14, 2015
- Subdivision Covenant signed by Louis Cheschi dated September 19, 2016
- Certificate of No Appeal from the Town Clerk dated October 31, 2016
- Pre-Endorsement Checklist

The Haven, a 3 lot, private way subdivision, was approved by the Board via a Certificate of Action in August 2015. The delay between then and now was a result of back taxes owed on the property. The owner entered into a payment plan with the Town for back taxes. He is current with this plan. The construction services check was dropped off last Friday.

Susy Affleck-Childs recommended the Board endorse the plan and sign the subdivision covenant.

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

Meeting Schedule:

The Board is in receipt of the 2017 Planning and Economic Development Board meeting schedule. **(See Attached)**. It was decided to wait until the full board is present to finalize.

PEDB Meeting Minutes:

October 25, 2016 Meeting

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to accept the minutes from October 25, 2016.

Appointments:

On a motion made by Andy Rodenhiser and seconded by Matt Hayes, the Board voted unanimously to appoint Rich Di Iulio as its alternate to the Design Review Committee.

Correspondence/Updates:

- The members are in receipt of a LAW Update dated 11/2/2016 from KP Law about recent amendments to the Massachusetts Zoning Act. **(See Attached)** These are items that will need to be addressed with future amendments to the Medway Zoning bylaw.
- The next SWAP meeting will be Tuesday, December 13, 2016.

Adjourn:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 8:02 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary

Reviewed and edited,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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*

DRAFT – November 2, 2016

SITE PLAN DECISION
Medway Gardens Site Plan Modification
34 Summer Street

You are hereby notified that on ~~October 4, 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 _____ and seconded by _____ 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 site 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 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 hearing 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 Board disputed that the primary use of this property is agricultural as defined in G.L. c. 40A, §3. The owner worked with the Board to agree upon the conditions listed in this decision while reserving its position with respect to the agricultural use of the property.

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 following revised scope of work is proposed 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, ~~and~~ October 4, and November 8, 2016 when it was closed 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 by him 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.

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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 M.G.L., ch. 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 ~~25'~~ 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; NOTE – More detail needed here on type of fencing
2. ~~the establishment of a landscaped berm or a series of berms that do not disrupt the existing vegetation along the approximately 68 feet of the parcel's northern boundary with property owned by Bain at 37 Milford Street. The berm shall be 3'–4' high and shall be planted with a variety of native evergreen tree species a minimum of 6' in height above finished grade (top of berm) at the time of planting, and they shall be planted 6' on center;~~
- ~~3.~~ 2. the notes regarding perimeter landscaping shall be revised to specify that the evergreen trees to be planted every 20' shall be a minimum of 6' 4" feet in height above finished grade at the time of planting, and the shrubs to be planted in between shall be a minimum of 3' 2" in height above finished grade at the time of planting; the species of evergreen trees and shrubs shall be varied.
4. ~~that portion of the landscaping plan along the eastern boundary line with the Bains at 37 Milford Street south of the swing gate as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014;~~
5. ~~the location and screening details for the outdoor storage area as specified in Condition F;~~
6. 3. 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.
7. ~~the location of the pergola to be repositioned per Condition H~~
- ~~9 4.~~ Detail for the 6' high replacement gate/fence per Condition F.
- ~~8-5~~ 5. 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 by the following spring.

~~4. The applicant shall be responsible for maintaining the landscaping along the property's eastern boundary line with the Bains at 37 Milford Street, south of the swing gate, as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014, in good condition, including watering and trimming.~~

C. The owner will arrange for the regular spray painting of lines outlining the 9' x 18' parking spaces on the gravel parking areas where there are no installed wheel stops. Such striping shall be performed as often as needed to provide for clearly demarcated parking locations.

~~D. The owner shall continuously maintain the gravel access driveway to Milford Street such that weeds are regularly removed and the driveway appears neat and tidy and functions as a distinct driveway.~~

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 Medway Zoning Bylaw.

~~F. A specific, organized outdoor storage area shall be established and maintained for vehicles, equipment, materials, the Conex type container/trailer and any other such items on the premises. Plant materials need not be stored within the specified outdoor storage area. Fencing and/or plantings shall be installed to fully screen the outdoor storage area from direct abutters as well as abutters across Milford and Summer Streets.~~

~~F. The owner shall replace the existing swing barrier gate at the northern edge of the internal driveway to Milford Street with a 6' high swing gate and fence with a wood appearance to screen the back of the Medway Gardens site from the Cumberland Farms development and Route 109.~~

G. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all 4 sides of the dumpster.

~~H. The positioning of the existing 14' x 58' pergola when it was installed in 2014 did not comply with the setback requirements of the Medway Zoning Bylaw for the Commercial V-zoning district. The pergola shall be repositioned to be compliant with the Bylaw.~~

I. H. **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 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 hearing have been held.

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 V. C. 8 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 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: _____

BOARD MEMBERS:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

Medway Planning & Economic Development Board
Medway Gardens
Site Plan Modification Decision – November 1, 2016

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

DRAFT

Medway Gardens property – 34 Summer Street and 41 Milford Street

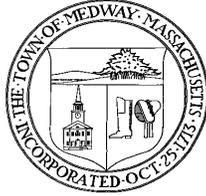
Land Area

Overall Site	3.5 to 3.6 acres	one parcel, map/parcel #56-039
Cumberland Farms portion	1.33 acres	from CF site plan
Medway Gardens portion	2.23 acres	from MG site plan

Property Value (per Medway Assessors' records)

Land	\$ 463,800	entire parcel
Medway Gardens bldgs.	\$ 40,800	
Cumberland Farms bldgs.	\$ 682,200	
House	<u>\$ 161,900</u>	
TOTAL ASSESSED VALUE	\$1,348,700	

Data compiled 9/26/16 – sac



November 8, 2016

**Medway Planning & Economic Development Board
Meeting**

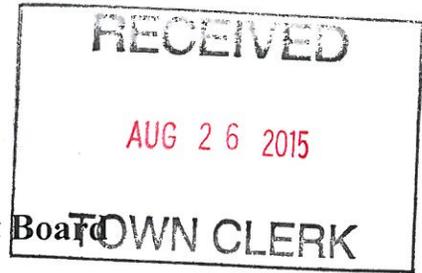
The Haven Subdivision – Plan Endorsement

- Certificate of Action dated August 25, 2015
- Final Definitive Plan dated October 10, 2015
- Tetra Tech sign off dated October 14, 2015
- Subdivision Covenant signed by Louis Cheschi
September 19, 2016
- Certificate of No Appeal from Town Clerk dated
October 31, 2016
- Pre-Endorsement Checklist

At long last, you are now able to endorse the definitive subdivision plan for The Haven, a 3 lot, private-way subdivision off of Fisher Street, for which you approved a Certificate of Action in August 2015. The delay is a result of back taxes owed on the property. Property owner Louis Cheschi entered into a payment plan with the Town of Medway on 9/19/16 and is current with that plan. The last remaining item before endorsement is for Mr. Cheschi to pay the construction services invoice. He plans to drop off a check to me on Friday morning.



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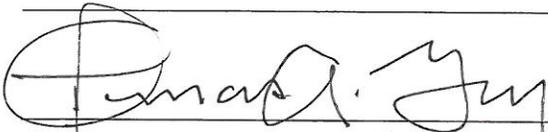
**THE HAVEN DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

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

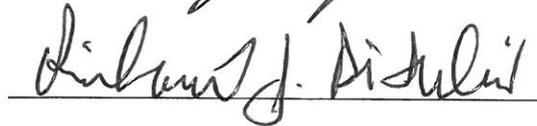
AYE:



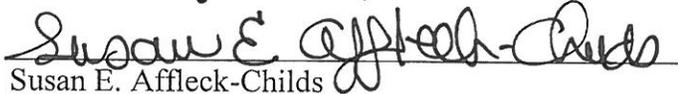
NAY:







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

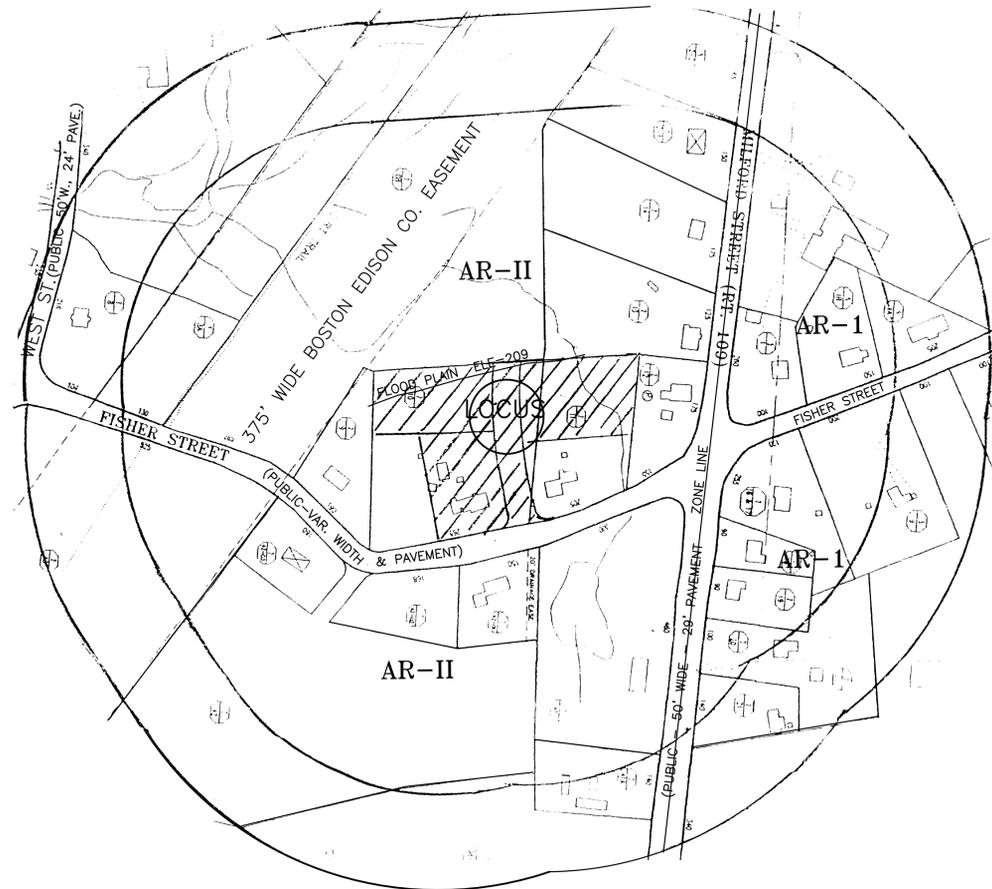
THE HAVEN A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN

NOV. 4, 2003

LATEST REVISION: October 10, 2015

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1. COVER SHEET
2. LEGEND
3. LAYOUT SHEET
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6. EROSION & SEDIMENTATION PLAN
7. PROFILE SHEET
8. DETAIL SHEET
9. DETAIL SHEET
10. DETAIL SHEET



SCALE: 1" = 200'

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.

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.

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.

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: _____

TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

PLANNING BOARD – TOWN OF MEDWAY

LEGEND

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

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.

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.

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 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.

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.

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: _____

TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

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.W.
REVISIONS PER TOWN COMMENTS	7/8/15	D.J.W.
WETLAND FLAGS TO SHEETS 5 & 6	7/23/15	D.J.W.
REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.W.

40 0 40 120



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

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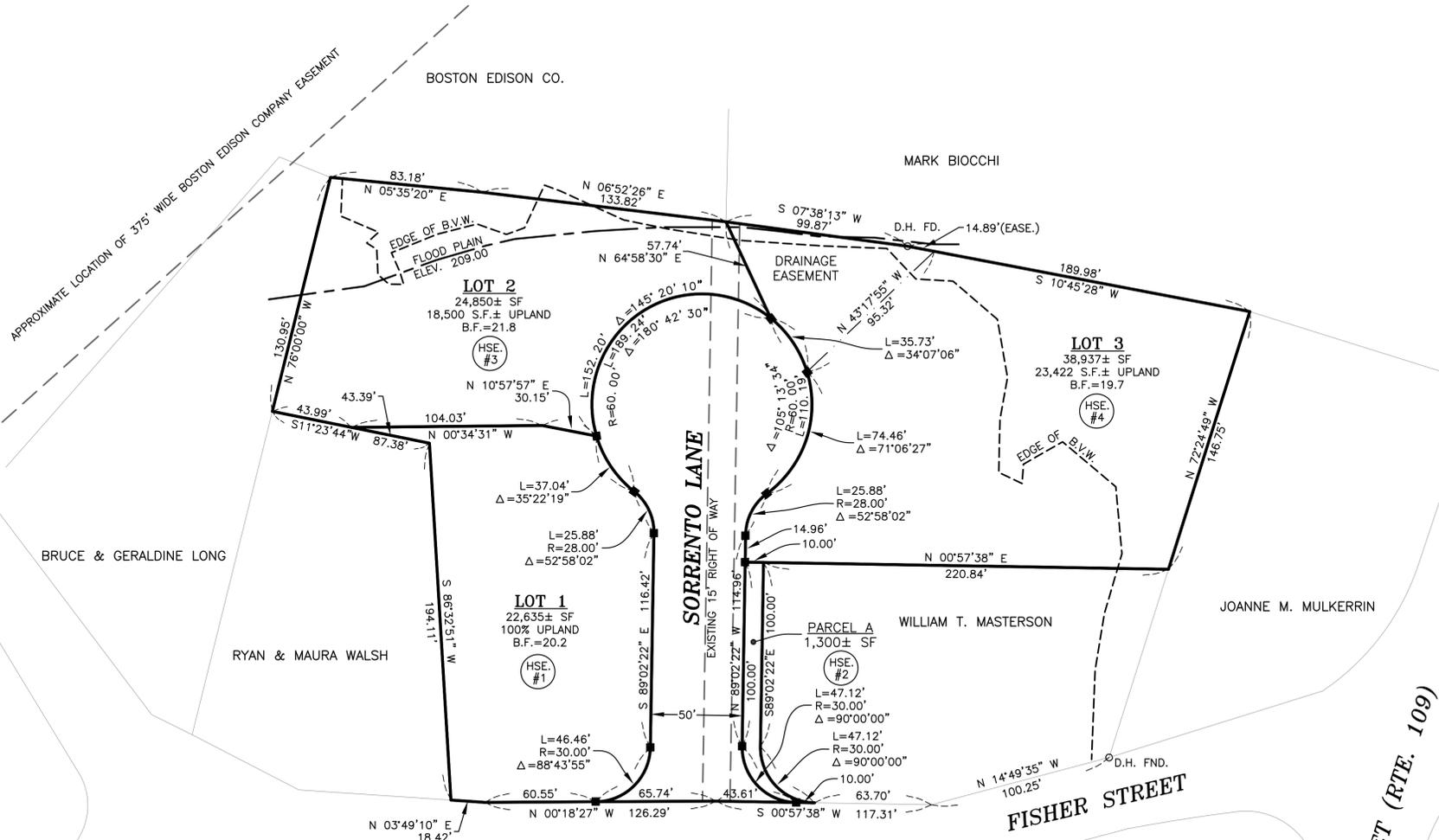
DATE: _____

TOWN CLERK _____

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

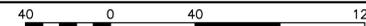
PLANNING BOARD - TOWN OF MEDWAY



**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**

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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 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

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REGISTERED LAND SURVEYOR

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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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INDICATES BOUND TO BE SET

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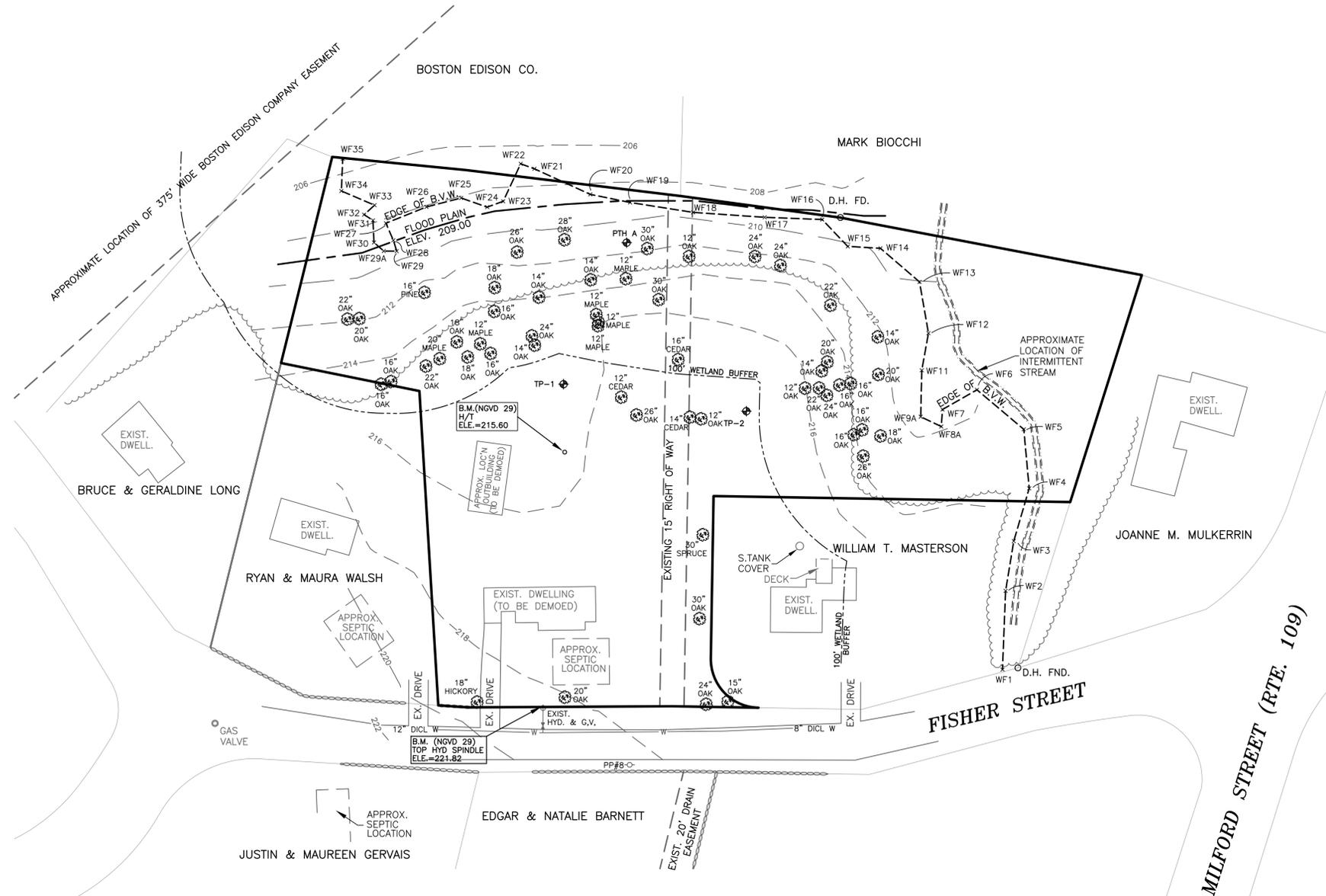
DATE: _____

TOWN CLERK _____

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

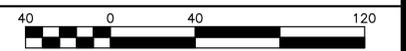
PLANNING BOARD - TOWN OF MEDWAY



**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

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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 4 OF 10



NOTES:

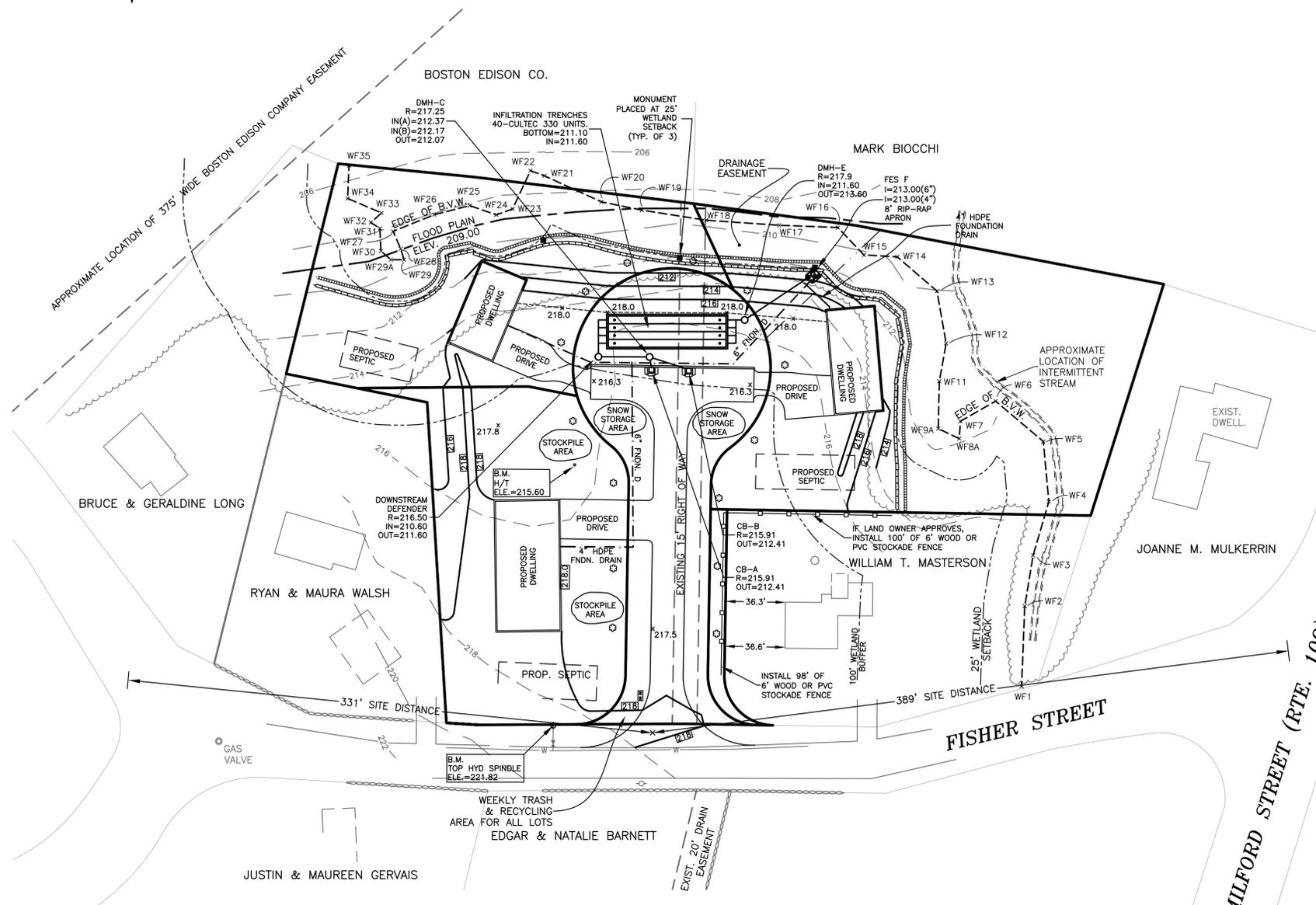
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2. REFER TO PROFILE SHEET FOR PROPOSED PLANTINGS IN CUL-DE-SAC LAYOUT.
3. CONTRACTOR SHALL COORDINATE WITH THE MEDWAY DPS PRIOR TO SIGNAGE INSTALLATION TO ENSURE CONFORMANCE WITH POST AND SIGN STYLE REQUIREMENTS.
4. SNOW SHALL BE STOCKPILED OUTSIDE 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.



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REGISTERED LAND SURVEYOR

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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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■ INDICATES BOUND TO BE SET

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DATE: _____

TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

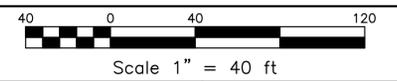
DATE ENDORSED: _____

PLANNING BOARD - TOWN OF MEDWAY

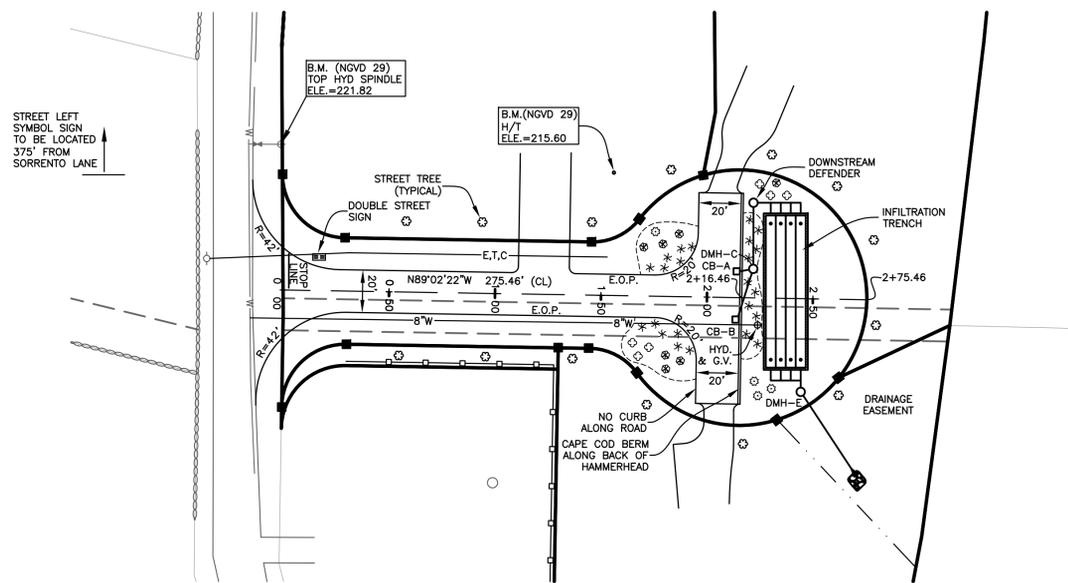
GRADING SHEET
THE HAVEN
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PLAN OF LAND IN
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560-01 SHEET 5 OF 10



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

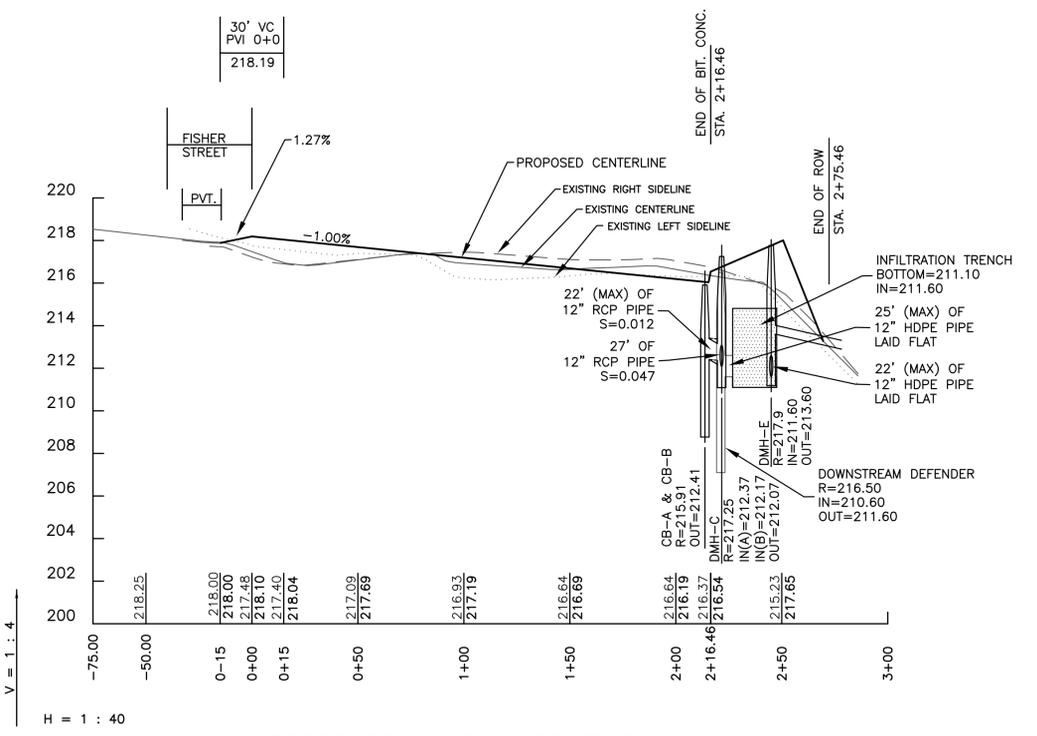
NOTE:
1. CONTRACTOR SHALL INSTALL ONE (1) ADDITIONAL 4-INCH CONDUIT IN THE SAME TRENCH AS TELEPHONE, ELECTRIC AND CABLE CONDUIT FOR FUTURE USE BY TOWN OF MEDWAY.

- LANDSCAPING LEGEND:**
- ⊕ LITTLE PRINCESS SPIREA, 18"-24"
 - * SOLOMON'S SEAL (POLYGONATUM PUBESCENS) 1 GAL.
 - ⊗ P.J.M 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.

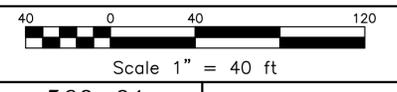


SORRENTO LANE – PROFILE
SCALE: 1" = 40' HORIZ.
1" = 4' VERT.

**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
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For Registry Use

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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.

REGISTERED LAND SURVEYOR

ZONING DISTRICT: AR DISTRICT II

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

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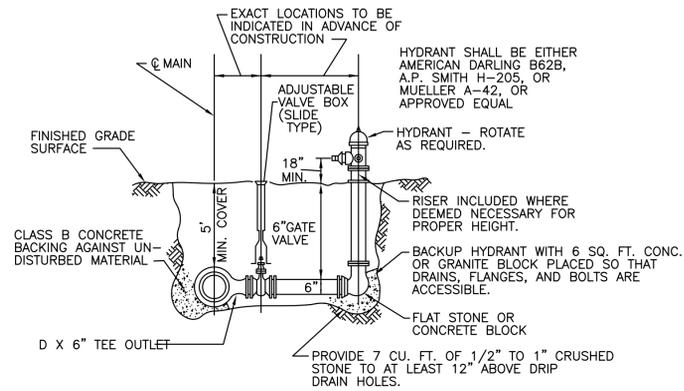
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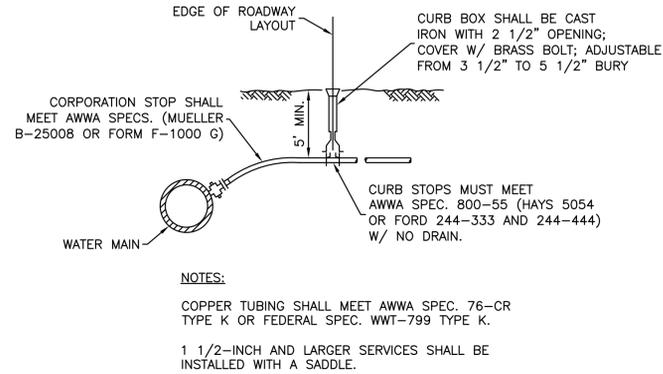
DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

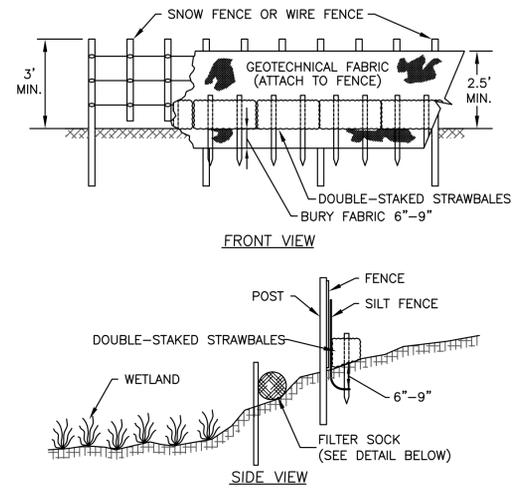
PLANNING BOARD – TOWN OF MEDWAY



TYPICAL HYDRANT ASSEMBLY DETAIL
NOT TO SCALE

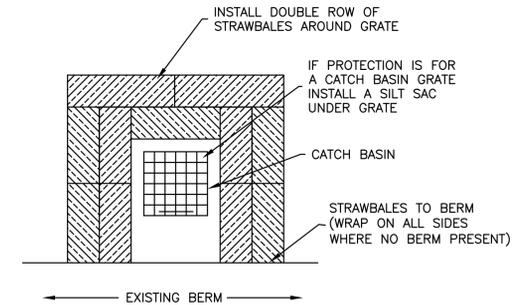
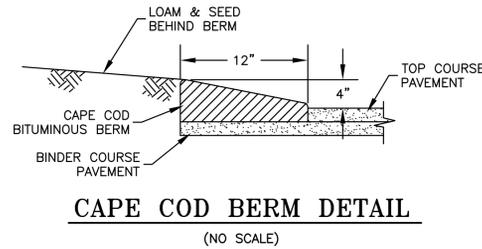


TYPICAL SERVICE CONNECTION
NOT TO SCALE

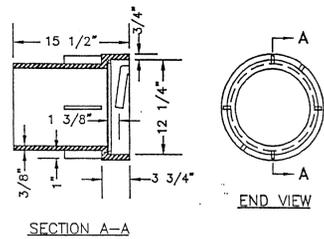


NOTE: FILTER SOCK TO BE CONSTRUCTED OF A NON-BIODEGRADABLE SOCK SHELL FILLED WITH FILTER MEDIA (BIODEGRADABLE OR OTHERWISE). FILTER SOCKS CAN BE FILLED ON-SITE OR PRE-FILLED. IF PRE-FILLED, JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET.

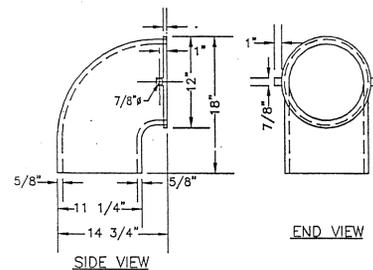
SILT FENCE & STRAWBALES DETAIL
NOT TO SCALE



CATCH BASIN PROTECTION DETAIL
NOT TO SCALE

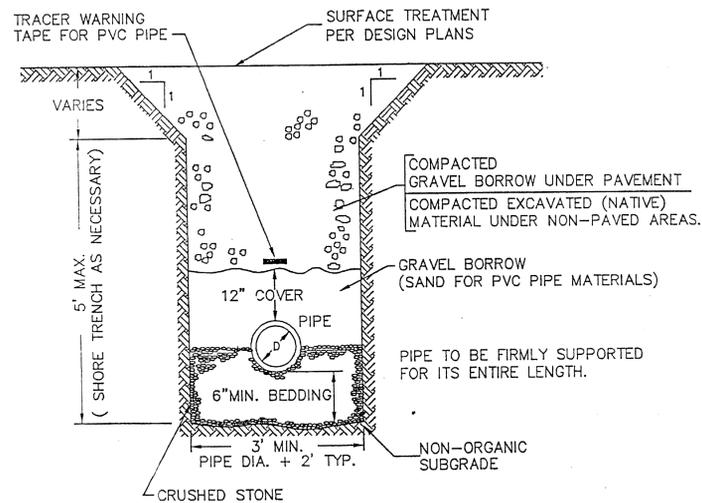


COLLAR



ELBOW

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



UTILITY TRENCH DETAIL (typ.)
NOT TO SCALE

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.

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.

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: _____

TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

PLANNING BOARD - TOWN OF MEDWAY

DETAILS
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

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

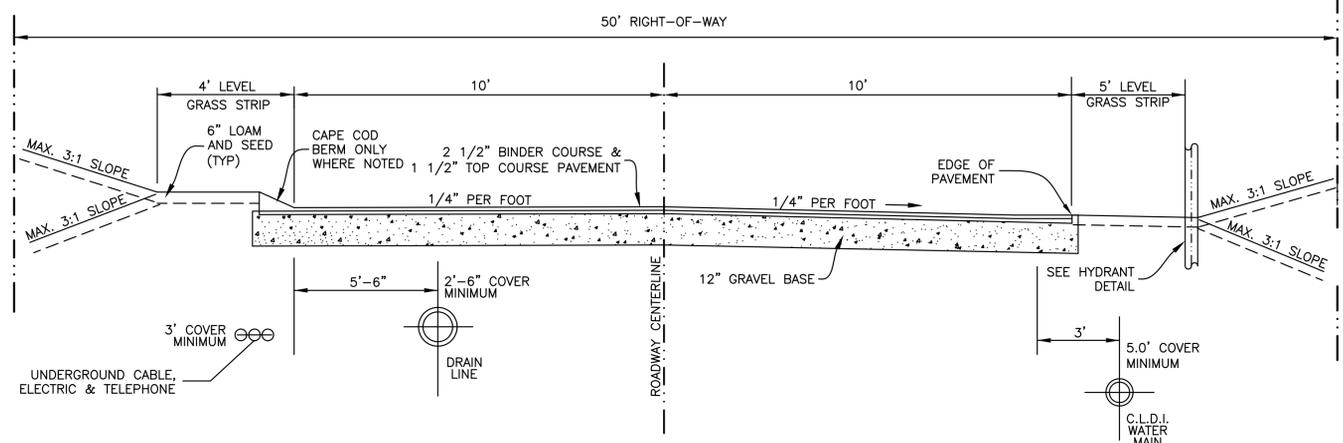
REVISION	DATE	BY
PLANNING BOARD COMMENTS	11/29/04	R.F.M.
PLANNING BOARD COMMENTS	12/23/04	R.F.M.
PLANNING BOARD COMMENTS	1/21/05	R.F.M.
PLANNING BOARD DECISION	10/7/05	R.F.M.
2015 RESUBMISSION	3/25/15	D.J.M.
REVISIONS PER TOWN COMMENTS	7/8/15	D.J.M.
WETLAND FLAGS TO SHEETS 5 & 6	7/23/15	D.J.M.
REVISIONS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



Not to Scale

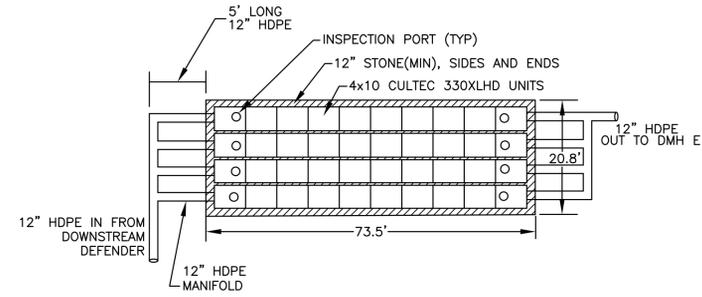
560-01

SHEET 8 OF 10

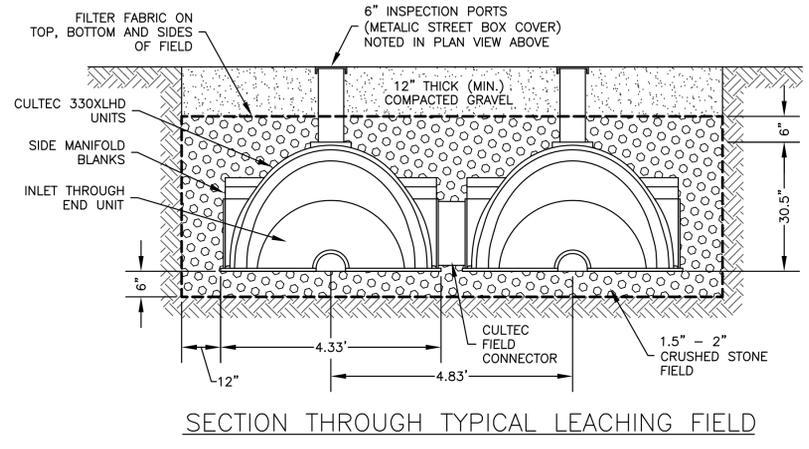


NOTE:
 1. UTILITY LOCATIONS WILL VARY ACCORDING TO LAYOUT. THIS DETAIL PRESENTS STANDARD DEPTHS AND SEPARATIONS.
 2. SIDESLOPE SPECIFICATIONS ARE TYPICAL AND WILL VARY IF OTHERWISE NOTED ON THESE PLANS.

ROADWAY CROSS SECTION (PRIVATE WAY)
 NOT TO SCALE



INFILTRATION TRENCH - PLAN VIEW
 NOT TO SCALE

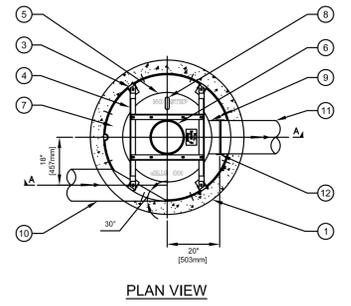


SECTION THROUGH TYPICAL LEACHING FIELD

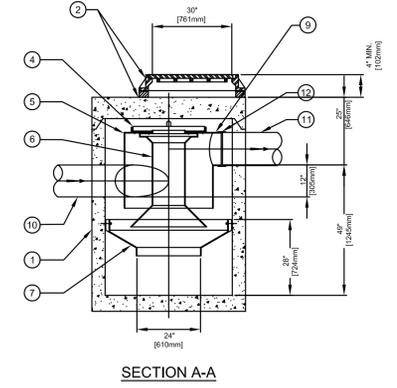
NOTES:
 1. INFILTRATION TRENCH UNITS TO BE RECHARGER 330XLHD AS MANUFACTURED BY CULTEC, INC., 878 FEDERAL ROAD, BROOKFIELD, CT 06804, OR APPROVED EQUAL. APPROVED EQUALS MUST CONTAIN AT LEAST THE SAME TOTAL SYSTEM STORAGE VOLUME AND BOTTOM AREA.
 2. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER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

INFILTRATION TRENCH/FIELD DETAIL
 NOT TO SCALE

PARTS LIST		
ITEM	SIZE	DESCRIPTION
1	48 in. 1219 mm	I.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)



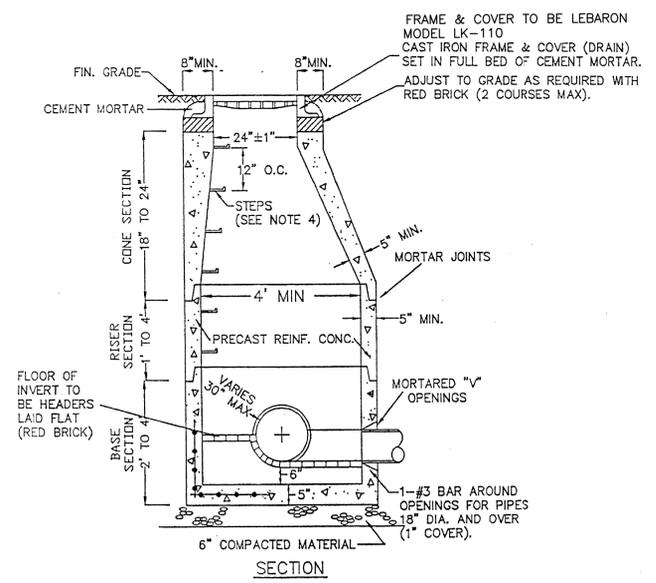
DOWNSTREAM DEFENDER (4' DIA. MODEL)
 NOT TO SCALE



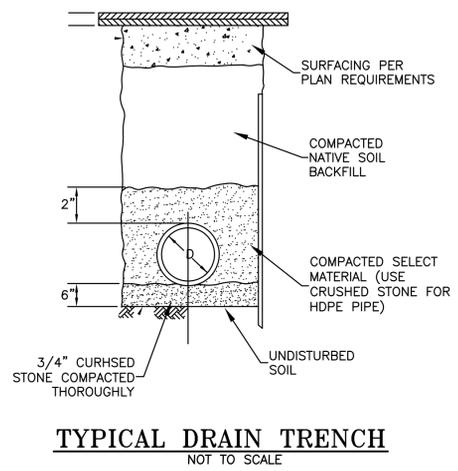
SECTION A-A

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.

- GENERAL NOTES:
1. REINFORCED STEEL CONFORMS TO LATEST A185 SPEC. 0.12 SQ. IN./LINEAL FT. AND 0.12 SQ. IN.(BOTH WAYS) BASE BOTTOM. LEBARON LK110
 2. CONCRETE COMPRESSIVE STRENGTH-4000 PSI MIN.
 3. MANHOLE DESIGN-SPECS. CONFORMS TO LATEST ASTM C478 SPEC. FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".
 4. STEPS SHALL BE SAFETY TYPE CAST IN PLACE, MADE OF ALUMINUM ALLOY 6061, T-6 SPACED 12" O.C.
 5. "V" PIPE OPENINGS w/ 2" MAX. OUTSIDE PIPE CLEARANCE TO BE CAST AS REQUIRED.
 6. MORTAR ALL JOINTS
 7. FOR DESCRIPTIONS, MATERIALS AND CONSTRUCTION METHODS, SEE MEDWAY PLANNING BOARD SPECIFICATIONS.



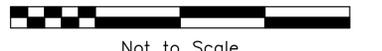
PRECAST DRAIN MANHOLE DETAIL (typ.)
 NOT TO SCALE



TYPICAL DRAIN TRENCH
 NOT TO SCALE

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

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	10/17/05	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.



Not to Scale
 560-01 SHEET 9 OF 10

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.

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.

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: _____

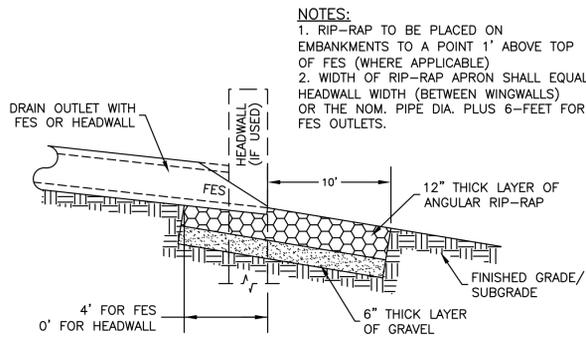
 TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

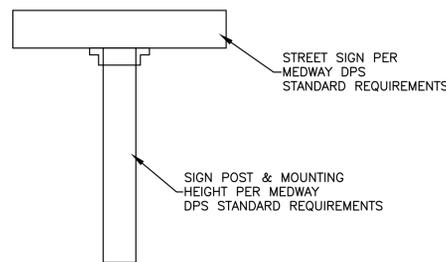
 PLANNING BOARD - TOWN OF MEDWAY

DATE: NOV. 4, 2003



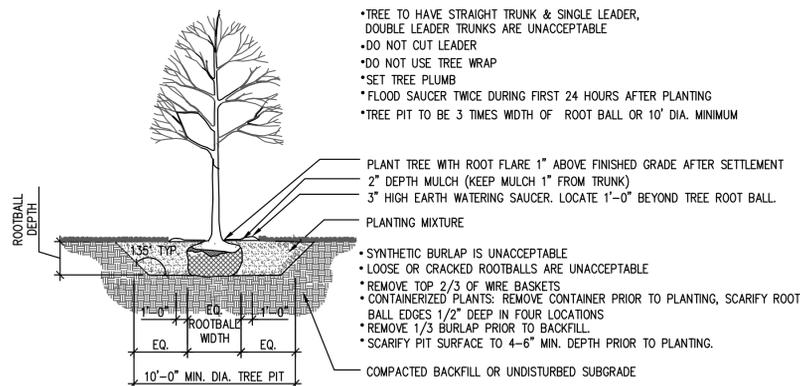
- NOTES:**
1. RIP-RAP TO BE PLACED ON EMBANKMENTS TO A POINT 1' ABOVE TOP OF FES (WHERE APPLICABLE)
 2. WIDTH OF RIP-RAP APRON SHALL EQUAL HEADWALL WIDTH (BETWEEN WINGWALLS) OR THE NOM. PIPE DIA. PLUS 6'-FEET FOR FES OUTLETS.

TYPICAL RIP-RAP APRON DETAIL
NOT TO SCALE



NOTE: COORDINATE WITH MEDWAY DPS FOR STREET SIGN CONSTRUCTION AND INSTALLATION REQUIREMENTS.

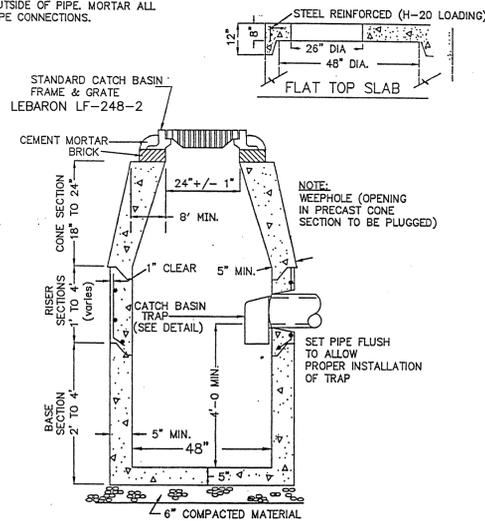
STANDARD STREET SIGN DETAIL
(NO SCALE)



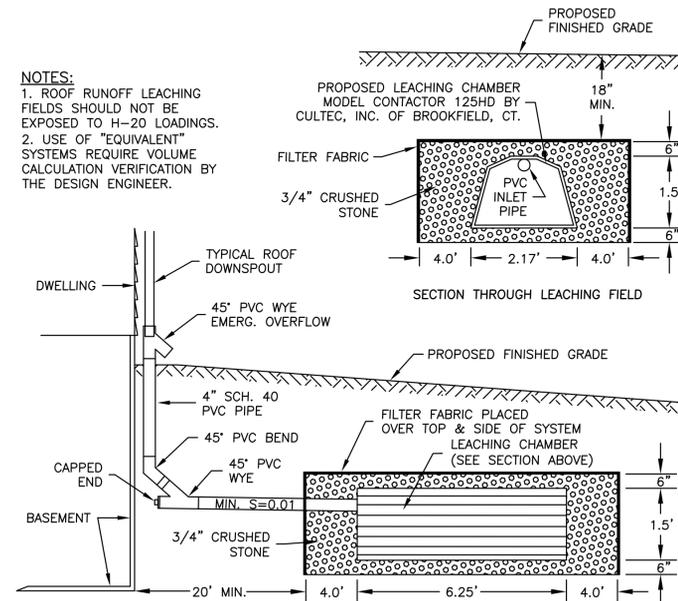
- *TREE TO HAVE STRAIGHT TRUNK & SINGLE LEADER, DOUBLE LEADER TRUNKS ARE UNACCEPTABLE
- *DO NOT CUT LEADER
- *DO NOT USE TREE WRAP
- *SET TREE PLUMB
- *FLOOD SAUCER TWICE DURING FIRST 24 HOURS AFTER PLANTING
- *TREE PIT TO BE 3 TIMES WIDTH OF ROOT BALL OR 10' DIA. MINIMUM
- PLANT TREE WITH ROOT FLARE 1" ABOVE FINISHED GRADE AFTER SETTLEMENT
- 2" DEPTH MULCH (KEEP MULCH 1" FROM TRUNK)
- 3" HIGH EARTH WATERING SAUCER. LOCATE 1'-0" BEYOND TREE ROOT BALL.
- PLANTING MIXTURE
- *SYNTHETIC BURLAP IS UNACCEPTABLE
- *LOOSE OR CRACKED ROOTBALLS ARE UNACCEPTABLE
- *REMOVE TOP 2/3 OF WIRE BASKETS
- *CONTAINERIZED PLANTS: REMOVE CONTAINER PRIOR TO PLANTING, SCARIFY ROOT BALL EDGES 1/2" DEEP IN FOUR LOCATIONS
- *REMOVE 1/3 BURLAP PRIOR TO BACKFILL
- *SCARIFY PIT SURFACE TO 4-6" MIN. DEPTH PRIOR TO PLANTING.
- COMPACTED BACKFILL OR UNDISTURBED SUBGRADE

DECIDUOUS TREE PLANTING
NOT TO SCALE

- GENERAL NOTES:**
1. PROVIDE LEBARON LF268-2 OR EQUAL FRAME & GRATE TO CONFORM WITH TOWN OF MEDWAY REQUIREMENTS.
 2. NOTE: CATCH BASIN TRAP SHALL BE LEBARON FOUNDRY CO. MODEL LF248.2 OR EQUAL
 3. SET FRAME IN FULL BED OF MORTAR. RED BRICKS MAY BE USED FOR GRADE ADJUSTMENTS (2 COURSES MAX.)
 4. MORTAR ALL JOINTS.
 5. PROVIDE "V" KNOCKOUTS FOR PIPES w/ 2" CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
 6. REINFORCED STEEL CONFORMS TO LATEST ASTM SPEC. 0.12 SQ.IN. / LINEAR FT. AND 0.12 SQ.IN. (BOTH WAYS) BASE BOTTOM.
 7. CONCRETE COMPRESSIVE STRENGTH-4000 PSI MIN.
 8. DESIGN SPECS SHALL CONFORM TO LATEST ASTM C-478 SPEC FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS."



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: 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.
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WETLAND FLAGS TO SHEETS 5 & 6	7/23/15	D.J.M.
REVISIONS FOR ENDORSEMENT PER CERT.	10/9/15	D.J.M.



NOT TO SCALE

560-01

SHEET 10 OF 10

For Registry Use

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REGISTERED LAND SURVEYOR

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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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■ 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: _____

TOWN CLERK

DATE APPROVED: AUGUST 25, 2015

DATE ENDORSED: _____

PLANNING BOARD - TOWN OF MEDWAY

DETAILS
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

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, October 14, 2015 12:01 PM
To: Susan Affleck-Childs
Subject: RE: The Haven Endorsement Set

Hi Susy,

All items have been addressed on the latest plans entitled "The Haven, A Private Way Definitive Subdivision Plan" dated November 4, 2003 and revised October 10, 2015. Please let me know if you need anything else, thanks.

Steve

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Wednesday, October 14, 2015 8:45 AM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: FW: The Haven Endorsement Set

Hi Steve,

Please review the final plan for The Haven subdivision as presented for plan endorsement. I have also attached the decision so you can check the plan against the specified plan revisions that were required.

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*

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: Daniel Merrikin [mailto:dan@merrikinengineering.com]
Sent: Wednesday, October 14, 2015 6:59 AM

To: Susan Affleck-Childs

Subject: The Haven Endorsement Set

Hi Susy,

Attached is the final plan set for endorsement for your review. We added the fence along the Masterson property and updated the decision and covenant information in the notes on the right side of each sheet.

Let me know if these are ok and I will have the mylars prepared.

Thanks

Dan

Yours Truly,

Daniel J. Merrikin, P.E.

Partner

Merrikin Engineering LLP

730 Main Street

Suite 2C

Millis, MA 02054

Office: 508-376-8883

Mobile: 508-868-8353

Subdivision Covenant

Planning and Economic Development Board – Town of Medway, MA

_____, 2016

This Covenant is entered into this _____ day of _____, 2016 by and between the Town of Medway, a Massachusetts municipal corporation, 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 Louis J. Cheschi, Jr., as Trustee of L & L Realty Trust u/d/t dated September 23, 1997, as identified by the Certificate of Trust recorded herewith, (*record owner of the parcel of land shown on an approved definitive subdivision plan and including an equitable owner or purchaser on a purchase and sales agreement for the entire parcel or portion of the parcel of land shown on the approved subdivision plan*), with an address of 9 Hillside Avenue, Milford, MA 01757 (*hereinafter referred to as the "Owner"*.)

PREAMBLE

WHEREAS, on August 25, 2015, based on the owner's application dated March 31, 2015, and after a duly noticed public hearing(s), the Board issued a Certificate of Action dated August 25, 2015 approving the development of a three lot, private way subdivision to be known as "The Haven, A Private Way Definitive Subdivision Plan", prepared by Merrikin Engineering, LLP, to be recorded herewith at the Norfolk County Registry of Deeds.

WHEREAS, on _____, the Board endorsed its approval on the "The Haven, A Private Way Definitive Subdivision Plan, dated November 4, 2003, last revised 10/09/2015, prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP", to be recorded herewith at the Norfolk County Registry of Deeds.

WHEREAS, the approved definitive subdivision plan shows the division of a parcel of land located off Fisher Street, Medway, MA, (*hereinafter referred to as the "subdivision"*) and further described in a deed dated July 31, 2002 from Christine Pilla, Individually and as Administratrix of the Estate of Celio A. Sherillo, et al, to Louis J. Cheschi, Jr., Trustee of L&L Realty Trust, recorded with the Norfolk Registry of Deeds in Book 17320, Page 188, and in deed dated June 17, 2003 from William T. Masterson to Louis J. Cheschi, Jr., Trustee of L &L Realty Trust, recorded with said Registry of Deeds in Book 19181, Page 536.

WHEREAS M.G.L., ch. 41, section 81U requires the Board to secure the construction of ways and the installation of municipal services in an approved subdivision before endorsing its approval on the approved definitive subdivision plan;

WHEREAS, the owner has decided to secure all of the construction of ways and installation of municipal services in the subdivision by means of a Covenant;

WHEREAS, the Board has determined that the form of Covenant is sufficient to secure the construction of ways and installation of municipal services in the subdivision;

WHEREAS, the owner's construction of ways and installation of municipal services within

the subdivision are subject to the requirements of M.G.L., ch. 41, sections 81K – 81GG (*the Subdivision Control Law*); the Planning Board's *Subdivision Rules and Regulations* applicable to this subdivision, the application submitted for approval of this subdivision, the Certificate of Approval and all conditions of approval of this subdivision as set forth in the Appendix attached to and made an enforceable part of this Covenant; the recommendations, if any, of the Board of Health, the approved definitive subdivision plan, all conditions subsequent to approval of this subdivision due to any amendment, modification, or rescission of the approval of the definitive subdivision plan, all of the provisions set forth in this Covenant and any amendments thereto; and the following additional documents; Town of Medway, Certificate of Action, The Haven – A Private Way Definitive Subdivision Plan (*hereinafter referred to as "approval instruments"*);

NOW, THEREFORE, for and in consideration of the mutual promises set forth below, and for 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, subject to endorsement of approval of the definitive subdivision plan by the Board and the recording or registering of the plan 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 parcel of land subdivided, or a portion thereof. This Covenant shall operate as a restriction upon the land until release.

SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE PLANNING and ECONOMIC DEVELOPMENT BOARD

A. Upon construction of a portion of the ways and installation of a portion of the municipal services in accordance with the approval instruments, the Board may release the Owner from this Covenant as to those lots that are adequately serviced by the ways and municipal services so constructed, so long as the construction of ways and municipal services are, in the opinion of the Board, sufficiently secured by another method of performance guarantee as provided in M.G.L., ch. 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.

B. Upon completion of ways and installation of municipal services in accordance with the approved instruments, the Board shall release the owner from this Covenant and shall issue a *Certificate of Completion and 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.

C. The Board may rescind approval of the definitive subdivision plan for breach of any provision of this Covenant or any amendments thereto. Said rescission shall be in accordance with M.G.L., ch. 41, section 81W.

SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

A. The Owner covenants that he is the Owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land. The Owner shall not convey or transfer title to any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the Owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

B. The Owner shall not build upon any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

C. The Owner shall complete construction of the ways and installation of the municipal services for this subdivision no later than three years from this date.

D. The Owner agrees and understands that failure to complete construction of the ways and installation of the municipal services by the agreed-upon date shall result in automatic rescission of approval of the definitive subdivision plan by the Board. The Board shall forthwith carry out the rescission as provided in M.G.L., ch. 41, section 81W.

E. 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 ways and municipal services have been deemed by the Board to be constructed and installed in accordance with the approval instruments, which shall include demonstration of adequate construction and installation for six months prior to said release.

F. No provision of this Covenant shall prevent the Owner from varying the method of securing the construction of ways and the installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods as provided in M.G.L., ch. 41, sections 81U, as long as the Board deems the method or methods chosen for securing the construction of ways and the installation of municipal services as sufficient.

G. 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 this subdivision or portions thereof and the address of such owner or owners, except that lots released from the provisions of this Covenant are exempt. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

H. 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 subdivision or portions thereof and the address of such mortgagee or mortgages, except that lots released from the provisions of this Covenant are exempt. At the time of executing this

Covenant, the mortgagee(s) of this subdivision is/are: none. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

I. The Owner shall record or register the approved and endorsed definitive subdivision 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 forthwith provide the Board with written evidence thereof. The Owner further agrees to pay the costs of such recordings.

SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Owner from mortgaging the entire parcel of land, or a portion thereof, which constitutes this subdivision. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the approved definitive subdivision plan, 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 lot, subject to that portion of this Covenant which provides that no lot shall be built upon until the ways are constructed and the municipal services are installed to serve such lot. 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 parcel of land shown on the approved definitive subdivision plan, or all lots 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. A deed of any part of the subdivision in violation of this Covenant, or any amendments thereto, shall be voidable by the grantee prior to the release of this Covenant no later than three years from the date of such deed.

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 parcel of land constituting this subdivision, including executors, administrators, devisees, heirs, successors and assigns of the owner.

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 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

There is no agent or official representative.

SECTION 11. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all of the parties to this Covenant.

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.

IN WITNESS WHEREOF, I, the Owner, hereby certify under the pains and penalties of perjury that the information contained in this Covenant is true and complete; and we, the parties to this Covenant, set our hands and seals to this Covenant on the date(s) written below.

I, the Owner, as far as necessary, hereby release all rights of dower, curtesy, or homestead, or any other interests that we may have in the parcel of land that constitutes the subdivision.

I, the Owner hereby certify that there are no mortgages on this property.

{the remainder of this page has been intentionally left blank}

Witness my hand and seal this 19th day of Sept., 2016.

OWNER: L & L Realty Trust

Louis J. Cheschi, Jr. Trustee
By: Louis J. Cheschi, Jr.
Its: Trustee

9/19/2016
Date

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

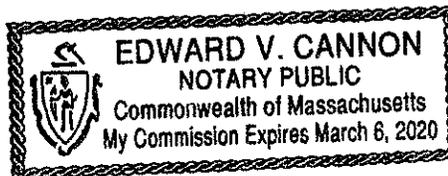
Sept. 19, 2016

On this 19th day of Sept., 2016, before me, the undersigned notary public, personally appeared Louis J. Cheschi, Jr., Trustee of L & L Realty Trust proved to me through satisfactory evidence of identification, which was

driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily and for its stated purpose as Trustee of L & L Realty Trust.

[Signature]
Notary Public

My commission expires:



Witness our hands and seals this _____ day of _____, 2016.

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, SS.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named

_____ proved to me through satisfactory evidence of identification, which was

_____ to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily as members of the Medway Planning and Economic Development Board and for its stated purpose.

Notary Public
My commission expires:

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

The Haven-Permanet Private Way

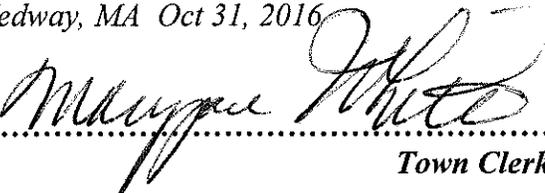
It was received and filed in this office on the following:

August 26, 2016

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

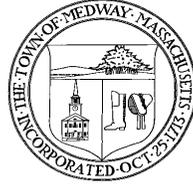
Dated at Medway, MA Oct 31, 2016

A true copy
ATTEST.....


Town Clerk

The Haven Subdivision - 2015 Plan Endorsement Checklist - TO DO

- ✓ 1. Revise plans and submit to PED office for engineer's review. *See Certificate of Action Specific Conditions #3 & 4. 10-14-15*
- ✓ 2. Tetra Tech to provide a sign off letter verifying that the plan revisions specified in the Certificate of Action have been made. *See Certificate of Action - Specific Condition #8. 10-14-15 email from Steve Bouley*
- ✓ 3. *4-6-16 BSA* Prepare a draft *Declaration of Protective Covenants & Restrictions Governing The Haven* and submit to the PED office for Town Counsel's review. *See Certificate of Action - Specific Condition #9. 3-10-16*
- ✓ 4. *4-29-16 BSA* Prepare a draft Articles of Association or Incorporation for The Haven Homeowners Association and submit to the PED office for Town Counsel's review. *See Certificate of Action - Specific Condition #6. 3-10-16*
5. Prepare proposed deeds to convey the house lots and submit to PED office for Town Counsel's review. Deeds shall specifically refer to any easements on the individual lot and the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision*. Deed shall state that the subdivision owner/developer will reserve the fee in roadway and easements when conveying each house lot. Deed shall clearly state that Sorrento Lane is a permanent private way. *See Certificate of Action - Specific Condition #10. 3-10-16*
- ✓ 6. Prepare proposed road deed and easements and submit to PED office for Town Counsel's review. Deed(s) and easement(s) are to be conveyed by the developer/owner to The Haven Homeowners Association. *See Certificate of Action - Specific Condition #11. 3-10-16*
7. Prepare deed to convey Parcel A to owner of 15 Fisher Street and submit to PED office for Town Counsel's review. *See Certificate of Action - Specific Condition #12. 3-10-16*
- ✓ 8. *10-31-16* Secure Certification of *No Appeal* from Town Clerk and provide to PED office. *See Certificate of Action - General Condition #1.*
- ✓ 9. *10-29-16* Pay balance of any outstanding Plan Review fees. *See Certificate of Action - General Condition #2.* You will be invoiced for this if any funds are due. *Balance = \$631.72 as of 5-3-16*
- ✓ 10. *11-16-16 BSA* Prepare a Subdivision Covenant and submit to PED office for Town Counsel's review. 3 years. *See Certificate of Action - General Condition #3. 3-10-16*
- ✓ 11. Submit a copy of CONCOM Order of Conditions for the subdivision to the PED office. *See Certificate of Action - General Condition #5.*
12. ✗ Establish Construction Observation Account - Pay Tetra Tech Fee Estimate. *See Certificate of Action - General Condition #6.*
- ✓ 13. *Status on taxes - Tax Forbearance Plan w/ Tom 10/14/15*
- ✓ 14. *Order of Conditions*



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 T. Hayes, P.E.
Richard Di Iulio

DRAFT – November 1, 2016

PLANNING & ECONOMIC DEVELOPMENT BOARD
2017 MEETING SCHEDULE

The Medway Planning & Economic Development Board (PEDB) generally meets on the second & fourth Tuesday evening of each month at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. Schedule may be adjusted for holidays.

The dates for the regular meetings of the PEDB for 2017 are as follows:

January 10 and 24, 2017
February 14 and 28, 2017
March 14 and 28, 2017
April 11 and 25, 2017
May 9 and 23, 2017
June 13 and 27, 2017
July 11 and 25, 2017
August 8 and 22, 2017
September 12 and 26, 2017
October 10 and 24, 2017
November 14 and 28, 2017
December 12 and 26, 2017

Special meetings and site visits will be scheduled as needed.
Some meetings may be rescheduled due to summer vacations and holidays.

Meeting agendas are posted outside the office of the
Town Clerk on the Friday morning before the following Tuesday night's meeting.

The agendas are also posted online at www.townofmedway.org
Most meetings are televised live and rebroadcast on Medway Cable Access

Susan Affleck-Childs

From: Barbara J. Saint Andre <BSaintAndre@k-plaw.com>
Sent: Wednesday, November 02, 2016 3:33 PM
To: Susan Affleck-Childs; Stephanie Mercandetti; Jack Mee
Subject: FW: KP Law, P.C. eUpdate: Recent Amendments to Chapter 40A

FYI, feel free to forward to board members or others who may be interested.

Kopelman and Paige is now KP | LAW

Barbara J. Saint Andre, Esq.
KP | LAW
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Boston, MA 02110
O: (617) 556 0007
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bsaintandre@k-plaw.com
www.k-plaw.com

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From: KP Law, P.C.
Sent: Wednesday, November 02, 2016 3:27 PM
To: KP Law, P.C.
Subject: KP Law, P.C. eUpdate: Recent Amendments to Chapter 40A



Recent Amendments to Chapter 40A

The Legislature enacted three amendments to Chapter 40A, the Zoning Act, in 2016. These amendments, which are explained in more detail below, amended G.L. c. 40A, §§6, 7, and 9.

Chapter 219 of the Acts of 2016

Chapter 219 of the Acts of 2016 (“Chapter 219”) made two distinct amendments to Chapter 40A. Both of these changes became effective upon the enactment of Chapter 219 on August 10, 2016.

The first, found in Section 29 of Chapter 219 of the Acts of 2016, amends General Laws c.40A, §6, by extending the time period for commencing construction or operations under a building or special permit from six months to twelve months. The second paragraph of Chapter 40A, §6 now provides:

A zoning ordinance or by-law shall provide that construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. (emphasis added).

Note that this paragraph states that “a zoning ordinance or by-law shall provide....” Accordingly, municipalities should review their zoning ordinances and by-laws and propose amendments to ensure that the zoning requirements are brought into compliance with the amended law.

The second amendment, Section 30 of Chapter 219 of the Acts of 2016, amends General Laws c.40A, §9, by extending the time within which a special permit may lapse from two years to three years:

Zoning ordinances or by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than three years, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. (emphasis added).

This provision of §9 requires a municipality to provide a lapse provision in its zoning by-law or ordinance for special permits. While the amendment extends from two to three years the time which a zoning by-law or ordinance may allow prior to a special permit lapsing, the

statute does not require that a city or town extend the time limit for lapse of special permits to three years, it merely permits a municipality to do so. Accordingly, you may wish to propose an amendment to your zoning ordinance or by-law to extend the lapse provision to up to three years, although the statute does not require that a change be made.

Chapter 184 of the Acts of 2016

Chapter 184 of the Acts of 2016 (“Chapter 184”) provides that certain zoning violations, after the statutory time limit for enforcement action has elapsed, will be treated as prior nonconformities subject to the provisions of Chapter 40A, §6. Chapter 184 becomes effective on November 2, 2016. The second paragraph of Section 7 was deleted, and the following three paragraphs were inserted. Note that the first and third of the paragraphs below are a re-write of the current provisions, with little or no substantive change. The second paragraph sets forth the new provisions:

No local zoning by-law or ordinance shall assess a penalty of more than \$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in a court, nor an administrative action or other action taken to recover a fine or damages or to compel the administrative action or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of a structure or part of a structure because of a violation of a zoning by-law or ordinance except in accordance with this section and sections 8 and 17. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration or relocation of a structure erected in reliance upon the permit by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 6 years of the commencement of the alleged violation. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years of the commencement of the alleged violation.

If real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to section 6 and any local ordinance or by-law relating to non-conforming structures.

Notice of an action, suit or proceeding shall include the name of not less than 1 of the owners of record, the name of the person initiating the action and adequate identification of the structure and the alleged violation. (emphasis added).

Chapter 184 also provides that the first paragraph above shall apply regardless of whether the structure was erected prior to or after the effective date of Chapter 184. Finally, Chapter 184 provides that “for any structure erected or altered not more than 10 and not less than 9 years before the effective date of this act, no criminal or civil action intended to compel the removal, alteration or relocation of a structure by reason of an alleged [zoning] violation... shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded... within 10 years and 6 months after the erection or alteration of the structure.” This final provision allows a municipality an additional six months to bring an enforcement action and record the notice at the appropriate Registry of Deeds or Registry District for structures that were erected or altered not less than 9 nor more than 10 years prior to the effective date of Chapter 184.

Should you have any questions concerning these amendments or Chapter 40A generally, we encourage you to contact Barbara J. Saint André at bsaintandre@k-plaw.com or any member of the firm’s Land Use Practice Group at 617.556.0007.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.