

Tuesday September 25, 2018
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Old School Football Club Site Plan – Informal, Pre-application Discussion

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

- Concept sketch dated August 31, 2018 by McClure Engineering (Dave Faist, P.E.).

Engineer David Faist and Attorney Paul Kenney were present to speak with the Board.

Mr. Faist explained to the Board was that buyers Stu and Ian McRury along with Glen Jusczyk are the founders of the Old School Football Club and would like to use the property located at 274 Village Street as a training facility for their school/club soccer program. The subject site is 3.59 acres. There is currently a Nautilus Fitness Center on this site. The existing house on site will be retained and rented out. The plan is to renovate and convert the health club building into an indoor practice field along with a total of 75 parking spaces. There will be privacy fencing with nets on top along with the construction of a 90' by 140' artificial turf field.

It was noted that there was a Town interdepartmental review meeting on Thursday, September 6, 2018. The applicant was made aware that a site plan along with a stormwater management/land disturbance permit will need to be discussed. The Conservation Commission will be handling the wetlands issues on site.

The property has existing variances for uses which were submitted to the office. Susy Affleck-Childs noted that the project may also need a special use permit for a recreational facility in a residential zone since this project is for a use more intense than current use in terms of health club facility. The Board asked Susy to consult with Town Counsel for input on whether a special permit needs to be secured.

The applicant indicated that the field will have some lighting which will be shielded for the neighbors. It was also communicated that the applicant has started to reach out to the abutters

about this project. Ideally, the hours of operation would be until 10:00 pm. The septic will need to be upgraded but there is no plan for showers, only bathrooms on site. The preferred option is to leave the existing driveway and discuss a permanent easement with the abutting property to the west. There was also discussion about the adjacent railroad right of way and claims of those residents to the center line. This will need to be worked out by all parties. Member Hayes suggested the possibility of the applicant providing an easement to the Town for a possible future trail within the railroad right of way.

The members were provided with an email from Consultant Steve Bouley dated September 25, 2018. He posed the following questions:

- Should a traffic plan be completed?
- Does it require a variance?
- Is there permission to use driveway at 276 Village Street to access site.

Medway Community Church, 9 and 11 Public Slocumb Place – Construction Services Estimate

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

- Tetra Tech Estimate dated 9-12-18 for \$8,185.00

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the estimate for Tetra Tech dated 9-12-18 for \$8,185.00.

The Chairman stepped down at 7:28 pm from the table while the Applegate Subdivision was discussed. Clerk Gay will continue the proceedings.

Applegate Subdivision:

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

- Revised draft amendment to the Applegate tri-partite agreement (version #4 dated 9-21-18)
- PEDB priorities for completion of Applegate subdivision work.

The Board was informed that since the prior meeting, the draft amendment was further revised to include a way for the PEDB to monitor expenditures against the \$290,969 which is available to complete Applegate. A copy of this amendment has been provided to Needham Bank for review. The priority list will be attached with no dollar amounts specified. The new signature page was provided to be signed by members.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to approve the proposed amendment to the Applegate Tri-Partite Agreement as presented (version #4).

Chairman Rodenhiser returned to the table at 7:36 pm.

2019 PEDB MEETING SCHEDULE:

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

- Draft schedule for 2019 PEDB meetings.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the 2019 PEDB meeting schedule as presented.

OTHER BUSINESS/REPORTS

- A second preconstruction meeting was held for the Milway Auto construction project at 50 Alder Street. There is a new contractor who was hired by the owner Phil Anza after the first contractor damaged the wetlands during the installation of the erosion control measures on the site. NOTE – The new contractor is Rodenhiser Building and Excavation; its principal, Bill Rodenhiser, is the brother of PEDB Chairman Andy Rodenhiser. Andy Rodenhiser stated that he had no financial interest in his brother's company. He asked if there would be a conflict of interest. Susy Affleck-Childs advised that there could be at such time as the Board considers bonds, etc.
- Interviews were completed for Administrative Assistant in the CED office and hopefully the selected applicant will start in a few weeks.
- It was requested that the site plan decision from The Learning Tree Center be looked at in regards to the language about the traffic pattern.
- The Community Preservation Committee had a meeting and will be putting together a process in relation to soliciting and reviewing applications for CPA funds.
- There was a 495 Partnership meeting and there are a variety of economic incentives for downtown areas to rejuvenate vacant building fronts and buildings.
- The Chairman provided clarity in relation to PJ's that this business went through the administrative site plan process to enclose the outdoor smoker. The administrative team did meet with the owner several times. There was a building permit issued but there is no active enforcement order and a fine was never issued. There has been considerable social media comments about this matter.

FALL TOWN MEETING:

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

- Notice for 10-9-18 PEDB public hearing on proposed amendments to the ZBL.
- Article re: amendments to multifamily housing section of the ZBL.

The members were presented with the proposed amendments to the multifamily housing section of the Zoning Bylaw. It was previously decided to adjust the density so that it would be calculated on whole acres. Susy expressed concerns that the language is not clear on how to handle properties under 1 acre in size. To date there have been two multifamily special permits which have been issued for properties less than one acre. There were two prospective residents which came into the planning office inquiring about multifamily projects on sites less than one acre. It was recommended that Consultant Carlucci work with Susy to review this language and provide possible revised language at the next meeting.

ZONING BOARD OF APPEALS APPLICATIONS:

123 Main Street:

The Board was in receipt of a petition to the Medway Zoning Board of Appeals regarding 123 Main Street. The petition is for variances and a special permit for two duplexes and a driveway across commercially zoned property. The members are in receipt of a draft letter **(See Attached)**

from the PEDB to the Chairman of the Zoning Board of Appeals. The Board reviewed the draft and concurred.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to support the Chairman signing the letter to the Zoning Board of Appeals in opposition to the petitions for 123 Main Street.

DRAFT PROPOSED REVISED SITE PLAN RULES & REGULATIONS:

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

- 8/21/18 draft revisions.
- 8/28/18 list of decisions needed for sections 202, 204, 205 and 206.
- 8/13/18 SAC notes on changes that may also be needed to the site plan section of the Zoning Bylaw.

The following recommendations were discussed:

202.3 Issuance of Building Permit – remain as is.

203.5 Check with State law about use of outside consultants.

204.3 Abutter keep this at 300 ft.

204.5 Landscape inventory (the board was ok not to require a professional landscape architect)

204.5 Regarding the inventory of tree include language of 18 inches.

204.5 Page 14 work with Consultant Bouley about language for Stormwater

204-6 Page 15 (8a) Recommend leaving the Registered Professional Landscape Architect for major site plan and a waiver could be sought.

204-8 Page 19 (e) The board wants these to be considered together recommend doing two voted and should be one vote with special permit requiring 4/5 vote.

204-10 Page 22 In regards to requiring GIS put language about asking for a compatible file.

204-11 Recording of paperwork. It was recommended to just record decision.

205-8 Page 26 – recommend changing decision for minor to 90 days and major 120 days.

206.2 Page 27- Check with town counsel about who can be designated for project review team.

206.7 It was discussed that the decision should be provided within 14 days.

206.8 The appeal time is currently 20 days, it was suggested 30 days.

The rest of the document will be reviewed at a later date.

PEDB MEETING MINUTES:

September 11, 2018:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to approve the minutes from September 11, 2018 as amended.

Executive Session:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to enter into executive session to comply with or act under the authority of, any general or special law, i.e. the Open Meeting General law Section 30 A, 22 (f)(g), to review executive session minutes to determine if the minutes warrant continued non-closure., and

will adjourn from the executive session.

Roll Call Vote:

Tom Gay	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

FUTURE MEETING:

- Tuesday, October 9, 2018.

ADJOURN:

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

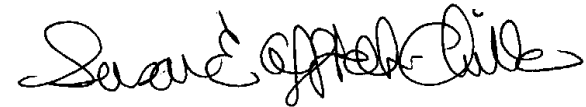
The meeting was adjourned at 9:22 pm.

Prepared by,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



September 25, 2018
Medway Planning & Economic Development Board
Meeting

Old School Football Club Site Plan
274 Village Street
Informal, Pre-Application Discussion

- Concept Sketch dated August 31, 2018 by McClure Engineering (Dave Faist, P.E.)

The subject site (3.59 acres) is where the Nautilus Fitness Center has been located for many years (A-frame style building constructed in 1940). At the back of the property is a single family residential house constructed in 1987. The dual uses were authorized via a series of variances over the years from the ZBA.

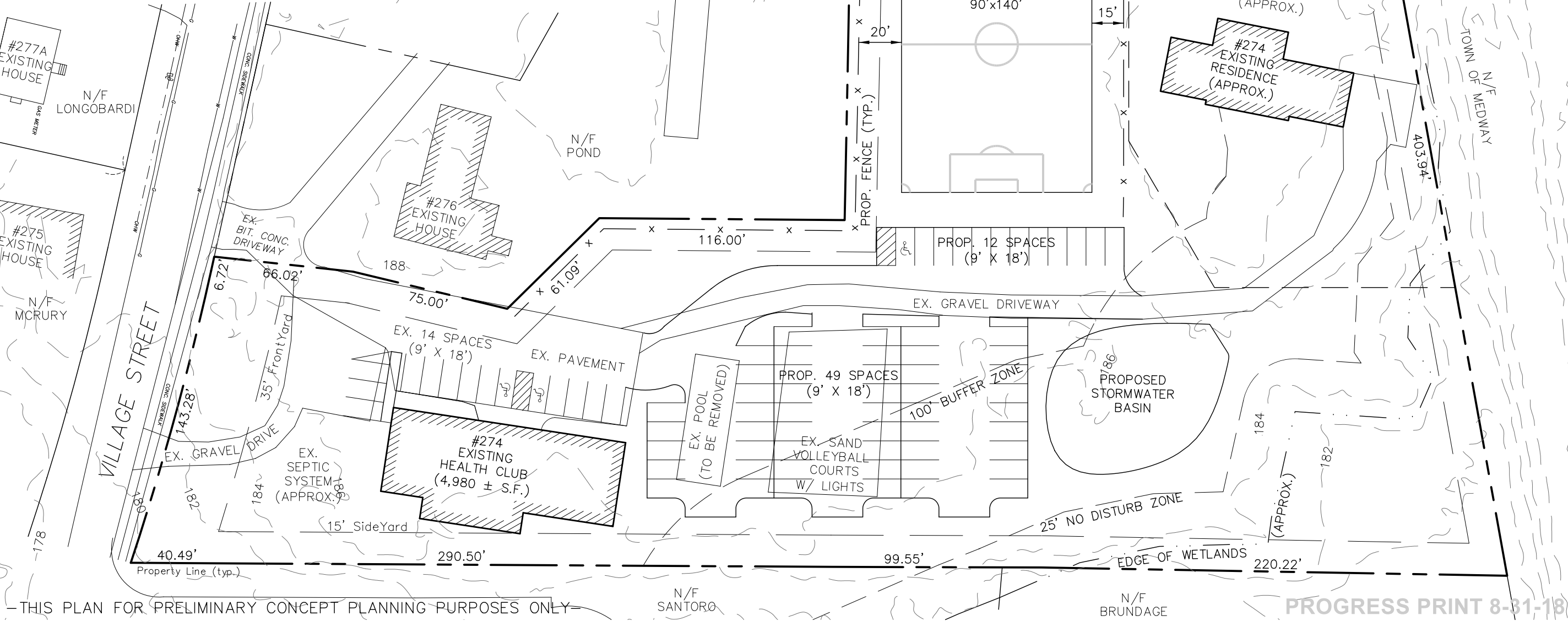
The buyers are Stu and Ian McRury who grew up in Medway. They, along with Glen Jusczyk, founded the Old School Football Club. <https://www.oldschoolgear.com/>. They want to use this property as a training facility for their school/club soccer program. The existing house would be retained and rented out.

They plan to renovate and convert the health club building into an indoor practice field that can also be used for futsal and pickle ball, develop 75 parking spaces, construct stormwater management facilities, install privacy fencing with nets on top and construct a 90' by 140' artificial turf field (no crumb rubber!!).

They met with the Town's inter-departmental review team on September 6th.

This will be a site plan with the PEDB. Pursuant to the new Stormwater Management/Land Disturbance Permit Bylaw, I believe the stormwater review will be handled by the Conservation Commission as there are wetlands resources on the property that will need an Order of Conditions.

ZONING INFORMATION TABLE – MEDWAY, MA			
<u>274 VILLAGE STREET</u>			
OWNER: N/F GEORGE DOWLEY		APPLICANT: OLD SCHOOL FOOTBALL CLUB, INC.	
ASSESSOR'S MAP ID: 59-055			
EXISTING LOT AREA = 3.59 ± Ac			
ZONING: AGRICULTURAL / RESIDENTIAL II (AR-II)			
EXISTING USE: RESIDENTIAL / COMMERCIAL W/ EXISTING HEALTH CLUB & SINGLE FAMILY HOME			
PROPOSED USE: "OLD SCHOOL FOOTBALL CLUB" SOCCER CLUB FACILITY & SINGLE FAMILY HOME			
<u>ZONING</u>	<u>AR-II</u>	<u>EXISTING</u>	<u>PROPOSED</u>
LOT AREA	22,500 S.F.	156,140 S.F.	156,140 S.F.±
LOT FRONTAGE	150 FT.	150.00 FT.	150.00 FT.
FRONT YARD	35 FT.	100 FT.±	100 FT.±
SIDE YARD	15 FT.	15 FT.±	15 FT.±
REAR YARD	15 FT.	30 FT.±	30 FT.±
BUILDING HEIGHT	35 FT.	SEE ARCHITECT PLAN	SEE ARCHITECT PLAN
BUILDING COVERAGE	30 %	4.9% (7,790 S.F.)	4.9% (7,790 S.F.)
IMPERVIOUS COVERAGE	40 %	14.5% (22,768 S.F.)	26.7% (41,725 S.F.)
MINIMUM OPEN SPACE	N/A	N/A	N/A
<u>PARKING:</u>		<u>REQUIRED</u>	<u>PROPOSED</u>
Other Use: 1 Space Per 300 s.f. x 4,980 s.f. (Similar to Martial Arts/ Exercise Studio)		17 Spaces	75 Spaces
Total Spaces =		17 Spaces	75 Spaces
Handicap Accessible Spaces (51-75 Spaces)		3 HC Spaces	3 HC Spaces



100 50 0 25 HOR. SCALE IN FEET; 1"=50'		REV. DATE		MADE APVD	
		REVISIONS			
		DESCRIPTION			

McCLURE
ENGINEERING, INC.
Tel: (508) 248-2005
Fax (508) 248-4887
1119 Worcester Road
Charlton, MA 01507
Email: dfais@mcclureengineers.com

CONCEPT SKETCH
OLD SCHOOL FOOTBALL CLUB, INC.
LOT 1 & 2 TROTTER DRIVE MEDWAY, MA
PREPARED FOR
OLD SCHOOL FOOTBALL CLUB, INC.
MEDWAY, MA, 02053

DRAWN BY: RL
DATE: 8/31/18
CHK BY: DF
SCALE: 1"=50'
PROJ. NO. 177-1810-J
CONCEPT SKETCH
SHEET **1** OF **1**



September 25, 2018
Medway Planning & Economic Development Board
Meeting

Medway Community Church
Construction Services Estimate

- Tetra Tech estimate dated 9-12-18 for \$8,185



**Medway Community Church
Construction Administration Budget
September 12, 2018**

Item No. ¹	Inspection	Site Visits	Hrs/Inspection ²	Rate	Total
1	Erosion Control Inspections	10	1	\$95	\$950
2	Clearing & Grubbing/Demolition	1	3	\$95	\$285
3	Subgrade/Staking	1	3	\$95	\$285
4	Drainage: Test Pitting	1	3	\$95	\$285
5	Drainage: Sub. Infil. Basins	2	4	\$140	\$1,120
6	Drainage: Piped Infrastructure	2	3	\$95	\$570
7	Site Subbase Gravel/Fine Grading	1	3	\$95	\$285
8	Binder Course Paving	1	4	\$95	\$380
9	Curb/Berm	1	3	\$95	\$285
10	Top Course Paving	1	4	\$95	\$380
11	Landscape/Plantings/Fence	1	3	\$95	\$285
12	Punch List Inspections ³	2	4	\$140	\$1,120
13	Bond Estimate	1	6	\$95	\$570
14	As-Built Review ⁴	1	4	\$95	\$380
15	Meetings	6	0.5	\$140	\$420
16	Admin	3	1	\$65	\$195
	Subtotal				\$7,795
	Expenses			5.0%	\$390
	TOTAL				\$8,185

Notes:

¹ Each item includes site visit, inspection and written report. If construction extends beyond June 30, 2019, this estimate will be revised to utilize updated TT/Town of Medway contract hourly rates.

² If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

³ Punch List Inspections include a substantial completion inspection and Punch List memo provided to the town. It also includes one final inspection to verify that comments from the list have been addressed and one revision to the list if required.

⁴ This item includes review of As-Built Plans, review letter and coordination with the applicant to address any issues on the plans.

Date Approved by Medway Planning and Economic Development Board _____

Certified by: _____ **Date** _____

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator



September 25, 2018
Medway Planning & Economic Development Board
Meeting

Applegate Subdivision – Amendment to
Tri Partite Agreement

- Revised draft amendment to the Applegate tri-partite agreement (version #4 dated 9-21-18)
- PEDB priorities for completion of Applegate subdivision work

Based on the discussion at the 9-11-18 PEDB meeting, I asked KP Law to revise the draft amendment to establish a way for the PEDB to monitor expenditures against the \$290,969 in available funding to complete the Applegate subdivision. See attached revised draft for your review. KP Law is forwarding this version to Needham Bank for its review.

**FIRST AMENDMENT TO TRI-PARTITE AGREEMENT TO SECURE
CONSTRUCTION OF WAYS AND INSTALLATION OF MUNICIPAL SERVICES FOR
APPELEGATE FARM SUBDIVISION**

THIS FIRST AMENDMENT TO TRI-PARTITE AGREEMENT (“First Amendment”) is entered into as of September ___, 2018, by and between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, Massachusetts 02053 (hereinafter referred to as the “Board”), Ralph M. Costello, Trustee of Cedar Trail Trust u/d/t October 15, 1992, and recorded with the Norfolk Registry of Deeds in Book 9591, Page 536 (“Developer”) and Needham Bank, with an address of 1063 Great Plain Avenue, Needham, Massachusetts 02492 (the “Bank”), collectively referred to as the “Parties.”

WHEREAS, the Parties entered into a tri-partite agreement entitled “Land Subdivision – Form O, Performance Secured by Lender’s Agreement” on February 10, 2016 (the “Tri-Partite Agreement”) to secure the construction of ways and installation of municipal services in accordance with G.L. c. 41, §81U, and all other applicable rules and regulations, in the Applegate Subdivision shown on a subdivision plan entitled “Amended Definitive Subdivision ‘Applegate Farm’ Medway, Massachusetts” prepared by GLM Engineering Consultants, Inc., dated February 20, 2013 and recorded with the Norfolk County Registry of Deeds in Plan Book 635 Page 26 (the “Subdivision”), whereby Developer and Bank bound and obligated themselves, jointly and severally, to the Town in the amount of Two Hundred Ninety Thousand Nine Hundred Sixty-Nine Dollars (\$290,969.00) (“Available Funds”) to insure the completion by the Developer of the construction of ways and installation of municipal services;

WHEREAS, pursuant to Section 2 of the Tri-Partite Agreement the Developer was required to complete the construction of ways and the installation of municipal services in the Subdivision by October 22, 2017;

WHEREAS, the construction of ways and the installation of municipal services in the Subdivision was not completed by October 22, 2017;

WHEREAS, the Bank has agreed to arrange for and fund the completion of the required construction of ways and the installation of municipal services in the Subdivision by a third party general contractor selected by the Bank (the “Contractor”) provided that such funding shall be limited to the extent of the Available Funds;

WHEREAS, the Developer agrees to allow the Bank to arrange for the completion of the required construction of ways and the installation of municipal services in the Subdivision by a third party and to take any action necessary to cooperate with the Bank to facilitate such undertaking;

NOW THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the Parties hereby agree to amend the 2016 Tri-Partite Agreement as follows:

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1. The scope of work to complete the construction of ways and installation of municipal services in the Subdivision as prioritized by the Board is attached hereto as Exhibit A (“Scope of Work”). The Bank shall retain the Contractor to perform the Scope of Work provided that the payments by the Bank to the Contractor for the Scope of Work shall be limited to the extent of the Available Funds. The Bank shall ensure that the work listed in the Scope of Work shall be completed in the order or priority and shall not be modified, unless the Parties agree to such modification in writing.

2. The Bank shall use reasonable efforts to complete as much of the Scope of Work as possible to the extent of the Available Funds and to avoid waste of the Available Funds. - The Bank shall direct its ~~Contractor~~ selected Contractor(s) to perform the work items listed on of the Scope of Work in the order of priority as established by the Board in Exhibit A. No physical work shall be performed by the Contractor until Prior to the commencement of work, the Bank shall submit to the Board a copy of the cost estimate(s) for the Scope of Work (or items within the Scope of Work) from the Contractor(s) to whom the Bank intends to select to perform the work. Thereafter, the Bank shall submit on a monthly basis copies of all invoices with an itemization of the work performed pursuant to said invoices.

3. The work undertaken by the Contractor shall be inspected by the Board’s engineering consultant, Tetra Tech. The Developer or the Bank shall fund the services of Tetra Tech in the amount of \$10,194.00 (the “Tetra Tech Costs”) pursuant to G.L. c. 44, §53G, and such funds shall be received by the Board no later than two weeks after the commencement of work by the Bank’s selected Contractor(s) (or insert date) _____. The Tetra Tech Costs, once paid for by the Bank, shall reduce the amount of Available Funds.

4. A consulting engineer, registered in the Commonwealth of Massachusetts (the “Consulting Engineer”), shall be retained and paid for by the Bank (the “Consulting Engineer’s Costs”) to certify as to the completion of the Scope of Work which shall be subject to approval by the Board in consultation with Tetra Tech. Any payment by the Bank of the Consulting Engineer’s Costs shall reduce the amount of Available Funds.

5. The Bank shall receive a “credit” which reduces its obligations under the Tri-Partite Agreement for every dollar that it applies from the Available Funds to the Scope of Work, the Tetra Tech Payment, the Consulting Engineer’s Costs or any other costs which may arise in connection with the Scope of Work (provided that such costs have been approved by the Board in writing which writing may be in email format from an authorized member of the Board). The Bank shall provide copies of paid invoices to the Board on at least a monthly basis.

6. The Bank shall assume responsibility for the on-going maintenance and upkeep of the Subdivision’s roadway and infrastructure, including the stormwater management facilities, in

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accordance with the Subdivision's Operation and Maintenance Plan until such time as the roads are accepted as Town ways by Town Meeting.

7. The Bank shall provide the Town with street acceptance plans in accordance with the Medway Subdivision Rules and Regulations.

8. Upon substantial completion of the Scope of Work as certified by the Consulting Engineer and upon confirmation by Tetra Tech, the Board and the Bank may agree that any remaining Available Funds may be advanced to the Town in lieu of completion of additional work that may be required for the construction of ways and the installation of municipal services in the Subdivision beyond the Scope of Work. Upon such occurrence, the Bank shall be deemed relieved and released from any further obligations under the Tripartite Agreement.

9. The Developer will provide the necessary deeds and easements documents to convey the street, associated utility and access easements, and drainage parcel, known as Parcel A as shown on the Subdivision Plan, also identified as Assessors Map 32, Parcel 016 and known as 0 Applegate Road to the Town of Medway.

10. Upon the earlier of the completion of the Scope of Work or the advance of all remaining Available Funds by the Bank (subject to the Board's agreement that the Scope of Work has been completed or upon acknowledging receipt of the advance of the balance of Available Funds), the Bank shall be deemed relieved and released from any further obligations under the Tripartite Agreement. Upon the recording execution of the deeds and easement documents set forth in paragraph 9, and upon the payment of outstanding taxes owed by the Developer with respect to said parcels through the date of recording, the Developer shall have no further responsibility for the completion of the Scope of Work, and the Developer shall be released from the Tri-Partite Agreement. Upon the execution of this First Amendment, Developer shall deposit an amount of \$ _____ with the Board in escrow for anticipated taxes.

11. The time for the completion of the construction of ways and installation of municipal services under the Tri-Partite Agreement shall be extended to one year from the date of this Agreement.

12. Ralph M. Costello, Trustee of the Cedar Trail Trust u/d/t October 15, 1992, and recorded with the Norfolk Registry of Deeds in Book 9591, Page 536 (the "Trust") hereby certifies as follows: (a) that he is the sole Trustee of the Trust; (b) that the Trust is in full force and effect as of the date hereof and has not been altered, amended, revoked or terminated except as

appears of record; (c) the Trustee of the Trust has the authority to act and have full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust, and to subject the Trust property to the covenants set forth herein, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof; (d) that the Trustee has been duly authorized and directed by all beneficiaries of the Trust to make and convey the above described covenants to the Town of Medway and to take any action, execute and deliver any instrument, certificate of other documents, necessary to consummate the foregoing on behalf of the Trust; (e) that there are no facts which constitute conditions precedent to acts by the Trustee or which are in any other manner germane to the affairs of the Trust; and (f) that no beneficiary is a corporation selling all or substantially all of its Massachusetts assets, or personal representative of an estate subject to estate tax liens, or is now deceased, and all the beneficiaries of said Trust who are natural persons, if any, are of full age.

13. In all other respects, the Tri-Partite Agreement remains in full force and effect.

[Signature Pages Follow]

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IN WITNESS WHEREOF we have hereunto set our hands and seals as of the date first written above.

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

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared the following Members of the Town of Medway Planning & Economic Development Board _____

_____ proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

DEVELOPER

Ralph M. Costello, Trustee of Cedar Trail Trust

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared Ralph M. Costello, in his capacity as Trustee of Cedar Trail Trust proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

NEEDHAM BANK

By: _____
Joseph Campanelli
Its: President

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of _____, 2018, before me, the undersigned notary public, personally appeared Joseph Campanelli, President of Needham Bank, proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

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EXHIBIT A – SCOPE OF WORK
TRI-PARTITE AGREEMENT FOR APLEGATE FARM SUBDIVISION

Medway Planning and Economic Development Priorities for Completion of Applegate Subdivision Work

TOP PRIORITY - Subdivision Infrastructure Work

Engineering - Tetra Tech Inspection Services

Crack Filling (1500 linear feet)

HMA Top Course - Roadway (442 tons)

HMA Top Course - Sidewalk (72 tons)

Repair Damaged Sidewalk Binder

Vertical Granite Curbing (275 feet)

Cape Cod Berm (500 feet)

Adjust 32 Castings

Catch Basin Hoods (12)

Rehandled Topsoil (683 cubic yards)

Seed (2050 square yards)

Street Trees (84)

Drainage Basin Landscaping (36 shrubs)

Extend Stone Walls per Scenic Road Work Permit (152 linear feet)

Line Striping

Repair Electrical Box

Ongoing Maintenance of Drainage System (1747 linear feet)

Snowplowing (1747 linear feet)

Clean drainage system one final time before street acceptance

Install bounds (34)

Prepare as-built and street acceptance plans

NEXT PRIORITY - Off-Site Mitigation - Coffee Street Sidewalk (from Ellis to Holliston)

Erosion Controls

Sawcutting (900 ft.)

Tree Removal (2)

Excavation (180 cubic yards)

Gravel Borrow (140 cubic yards)

HC Ramp

Drainage

HMA Binder Course (68 tons)

Type 3 Bituminous Curb (575 feet)

HMA Top Course (45 tons)

Sign/Mailbox Relocation

Rehandled Topsoil (20 cubic yards)

Seed (70 square yards)

LOWEST PRIORITY - Other Work

Removal of Erosion Controls (subdivision and sidewalk)

Legal Services for subdivision and Coffee Street sidewalk

Roadway Maintenance (1747 linear feet)

Sidewalk As-Built Plan

Tree pruning per Scenic Road Work Permit

Approved 9-11-18



September 25, 2018
Medway Planning & Economic Development Board
Meeting

PEDB – 2019 Meeting Schedule

- Draft schedule for 2019 PEDB meetings



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 – September 4, 2018

PLANNING & ECONOMIC DEVELOPMENT BOARD
2019 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 2019 are as follows:

January 8 and 22, 2019
February 12 and 26, 2019
March 12 and 26, 2019
April 9 and 23, 2019
May 14 and 28, 2019
June 11 and 25, 2019
July 9 and 23, 2019
August 13 and 27, 2019
September 10 and 24, 2019
October 8 and 22, 2019
November 12 and 26, 2019
December 10, 2019

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.



September 25, 2018
Medway Planning & Economic Development Board
Meeting

Fall Town Meeting

- Notice for 10-9-18 PEDB public hearing on proposed amendments to the ZBL
- Article re: amendments to multifamily housing section of the ZBL

In developing this proposed amendment, the Board decided to adjust the density so that it would be calculated on whole acres only, not portions thereof. See the opening sentence of D. Density Regulations in the multifamily amendments.

I am concerned about this because the language is not clear about how to handle properties that are under 1 acre in size. The 2 multifamily special permits which you have issued so far have been for properties less than one acre.

- 143 Village Street (.135 acres) - 3 units
- Medway Green/Main and Mechanic Streets (.66 acres) - 8 units

This week alone I have talked with owners about 2 prospective multifamily projects which are under 1 acre in size:

- 16 Holliston Street (.88 acres) – existing house plus 3 new units
- 141 Main Street (.49 acres) – conversion of a 2 family to a 3 family

We do not want to exclude these smaller projects. This language needs to be revised.



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

September 18, 2018

NOTICE OF PUBLIC HEARING
Proposed Amendments to Medway Zoning Bylaw
Tuesday, October 9, 2018

Pursuant to the *Medway Zoning Bylaw* and G.L. ch. 40A, §5, ***the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, October 9, 2018 at 7:15 p.m.*** to receive comments on proposed amendments to the *Medway Zoning Bylaw*, last published May 30, 2018. The hearing will occur in Sanford Hall at Medway Town Hall, 155 Village ST, Medway, MA. The meeting room is accessible for individuals with physical disabilities.

The articles have been prepared and submitted for inclusion on the warrant for consideration at the November 19, 2018 Fall Town Meeting. The subject matter of the proposed amendments is summarized below. The specific article references will be revised as the Board of Selectmen finalizes the warrant and assigns warrant article numbers.

ARTICLE A - Adaptive Use Overlay District. To amend Section 5.6.2.D.2. by adding a new item i. Museum to the “Uses Allowed by Special Permit” in paragraph D. 2. and by relabeling existing item i. to become item j.

ARTICLE B – Multifamily Housing Overlay District. To amend Section by 5.6.4 by:

- adding the preservation of older and architecturally significant properties as a purpose in paragraph A.
- modifying the applicability details in paragraph B.
- adjusting the maximum building height for properties in historic districts in paragraph C.3.
- removing the option for density bonuses and adjusting overall density in paragraph D.
- clarifying the maximum number of multifamily dwelling units per building in paragraph E. 5.
- adding a new item 7. Historic Properties in paragraph E., and by
- adding a decision criteria regarding compatibility of the proposed development with the surrounding neighborhood in paragraph I.

The complete texts of the proposed amendments are on file with the Town Clerk and the Planning offices at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The proposed amendments will be posted online at the Planning and Economic Development Board's web page at the Town's web site – <https://www.townofmedway.org/planning-economic-development-board>. For further information or questions, please contact the Medway Planning office at 508-533-3291.

Interested persons or parties are invited to review the drafts of the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. All written comments will be entered into the record during the hearing.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the Milford Daily News

Monday September 24 and Tuesday October 2, 2018

MULTIFAMILY HOUSING AMENDMENTS – ZONING

Revised Draft – September 13, 2018

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by revising certain portions of Section 5.6.4 Multifamily Housing as follows. Added text is indicated in **bold**. Deleted text is shown with ~~strikethroughs~~.

5.6.4 Multifamily Housing

A. **Purpose:** The purpose of this sub-section is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types, to promote pedestrian oriented development, **to encourage the preservation of older and architecturally significant properties**, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of Multifamily Dwellings or Apartment Houses, and Multifamily Developments within the capacities of existing Town utilities and services.

B. Applicability:

1. The Planning and Economic Development Board may grant a Multifamily Housing special permit for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development on a tract of land within the AR-I, AR-II, Village Residential, **or** Village Commercial zoning districts whether on one parcel or a set of contiguous parcels, with a minimum of fifty feet of frontage on an existing street located within the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk. The street **that provides frontage** shall, in the opinion of the Planning and Economic Development Board, have sufficient capacity to accommodate the projected additional traffic flow from the development.

(Amended 11-14-16)

2. Tracts of land within residential subdivisions approved and constructed under the Subdivision Control Law since September 29, 1952 or granted a special permit under the Medway Zoning Bylaw shall not be eligible for a special permit under this ~~Sub-Section~~.

~~3. Multifamily Dwellings or Apartment Houses and Multifamily Developments within the Adaptive Use Overlay District must comply with the Medway Zoning Bylaw, Adaptive Use Special Permit Site Development Standards.~~

- ~~4.~~**3.** These provisions apply to the following:

- a. The alteration, ~~rehabilitation, and~~ conversion, **or** ~~adaptive reuse~~ of existing buildings
- b. Construction of new buildings or additions to existing buildings.

C. Dimensional Regulations:

1. The minimum dimensional requirements **as specified in Table 2** ~~for area and setbacks~~ shall be the same as for the underlying zoning district in which the parcel is located. However, the Planning and Economic Development Board may adjust these dimensional requirements by a four-fifths vote if, in its opinion, such adjustment will result in a more desirable design of the development or provide enhanced buffering for adjacent residential properties.

2. Legally pre-existing nonconforming buildings shall be eligible for a Multifamily Housing special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and open space requirements of this **sub-section**.
3. Maximum building height: 40' **except that the maximum building height for a property located within the Medway Village or Rabbit Hill Historic Districts shall not exceed 35'.**

D. **Density Regulations:** The density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed twelve dwelling units per **whole** acre ~~or portions thereof, except that the Planning and Economic Development Board may grant a density bonus for one or more of the following:~~

- ~~1. + one unit when the project involves the rehabilitation/adaptive reuse of an existing structure at least seventy-five years of age and is completed in a manner that preserves and/or enhances the exterior architectural features of the building;~~
- ~~2. + one unit for each three thousand sq. ft. of existing interior finished space that is substantially rehabilitated in accordance with the Board's *Multifamily Housing Rules and Regulations*;~~
- ~~3. + two units when twenty-five percent of the dwelling units are designated as affordable independent of the provisions of the Section 8.6 Affordable Housing.~~

~~In no case shall total density, including bonus units, exceed twenty dwelling units per acres.~~

E. **Special Regulations:**

1. Affordable Housing Requirement: Projects approved pursuant to this ~~S~~sub-Ssection shall comply with:
 - ~~a. The Town's Affordable Housing requirements as specified in Section 8.6 Affordable Housing;~~
 - ~~b. the Massachusetts Department of Housing and Community Development (DHCD)'s Local Initiative Program (LIP) Guidelines, July 1996, as may be amended; and~~
2. Open Space: There shall be an open space or yard area equal to at least fifteen percent of the parcel's ~~(s)~~ total area. This area shall be unpaved and may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area shall not be built upon but may include a play area.
3. Parking: At least one and one-half off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units.
4. There shall be Town water and sewer available in the street on which the Multifamily Dwelling or Apartment House or Multifamily Development has its frontage and said water and sewer lines shall have sufficient capacity to accommodate the project.
5. A Multifamily Dwelling or Apartment House shall not contain more than twelve dwelling units **per building.**
6. Any Multifamily Development shall not exceed forty dwelling units.

7. **Historic Properties:** Any property proposed for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development pursuant to this sub-section which includes a building that is 75 years of age or older shall be reviewed by the Medway Historical Commission to determine if it is an “historically significant building” in accordance with the criteria specified in Medway General Bylaws Article 17 Historical Properties. If so determined, the property shall comply with the following additional requirements:

- a. A historically significant building shall not be demolished unless:
 - 1) The Inspector of Buildings has determined that it is unused, uninhabited or abandoned, and open to the weather; or
 - 2) The Board of Selectmen or the Board of Health has determined it to be a nuisance or dangerous pursuant to applicable state laws and/or the State Building Code;
- b. Renovation of a historically significant building shall be completed in a manner that preserves and/or enhances the building’s historic exterior architecture and features;
- c. The project may include new construction which shall be designed to be consistent with the historic nature of the property, its primary building, and the surrounding neighborhood including buildings which characterize historic homes, carriage houses, barns, sheds, garages, agricultural buildings, other similar out buildings, and historic forms of house additions traditionally undertaken in the neighborhood;

F. **Rules and Regulations:** The Planning and Economic Development Board ~~shall~~**may** adopt *Multifamily Housing Rules and Regulations* which shall include application submittal requirements, public hearing and review procedures, and site development and design standards including but not limited to landscaping, buffering, lighting, building style, pedestrian access, off-street parking, utilities, and waste disposal.

G. **Development Limitation:** The maximum number of Multifamily Dwelling units authorized pursuant to this sub-section shall not exceed five percent of the number of detached single-family dwellings located in the Town of Medway, as determined by the Board of Assessors.

H. **Special Permit Procedures:**

- 1. The special permit application, public hearing, and decision procedures shall be in accordance with this ~~S~~sub-Ssection, the Planning and Economic Development Board’s *Multifamily Housing Rules and Regulations*, and Section 3.5 Site Plan Review and Approval.
- 2. Application Requirements. The Applicant shall submit a Multifamily Housing special permit application together with the size, form, number, and contents of the required plans and any supplemental information as ~~required~~**specified** in the Planning and Economic Development Board’s *Multifamily Housing Rules and Regulations*.
- 3. The special permit review of Multifamily Dwelling or Apartment Houses, and Multifamily Developments shall incorporate site plan review pursuant to Section 3.5 Site Plan Review and Approval.

I. **Decision:** The Planning and Economic Development Board may grant a Multifamily Housing special permit with any conditions, safeguards, and limitations necessary to mitigate

the project's impact on the surrounding area and to ensure compliance with this ~~S~~sub-~~S~~ection and Section 3.5 Site Plan Review and Approval, upon finding that the Multifamily Dwelling or Apartment House, or the Multifamily Development will:

1. meet the purposes and requirements of this ~~S~~sub-~~S~~ection, and the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations* and *Site Plan Rules and Regulations*;
2. is consistent with the goals of the Medway Master Plan and the Medway Housing Production Plan;
3. not have a detrimental impact on abutting properties and adjacent neighborhoods or such impacts are adequately mitigated;
4. provide for greater variety and type of housing stock.
5. **be designed in a manner that is reflective of or compatible with the character of the surrounding neighborhood.**



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September 25, 2018

Mr. Rori Stumpf
Medway Zoning Board of Appeals
155 Village Street
Medway, MA 02053

RE: 123 Main Street

Dear Rori and Members of the Zoning Board of Appeals,

At its meeting on September 11, 2018, the Planning and Economic Development Board discussed the petition of Maritime Housing Fund, LLC of Millis, MA to the ZBA for a special permit to construct two duplex structures on two of the four lots comprising 123 Main Street and for a use variance to cross over property in the CB District with one or two separate driveways or a common driveway to service the two duplex lots. The application is accompanied by a *Proposed Structure Location Plan of Land* dated 5-23-18 by Colonial Engineering.

The subject property is 6.3 acres in size. It is a vacant property. 46% of the site is delineated wetlands approved by the Conservation Commission. The property is owned by Thomas Steeves of Bellingham, MA. According to the Medway Assessor's office, the 4 properties are now known as 123 Main Street, 121 Main Street, 1 Elm Street, and 3 Elm Street.

ZONING – The property is an L shaped parcel at the southeast corner of Main and Elm Streets; it has had split lot zoning for many years. The long leg of the parcel had been zoned ARII until May 8, 2017 when town meeting approved rezoning it to Central Business as recommended by the Planning and Economic Development Board. The short leg of the parcel with Main Street frontage had been zoned Commercial II, then Commercial I, then Central Business District.

The application materials submitted to the ZBA with this petition indicate that the properties proposed for the two duplexes are located in the ARII zoning district. That is not an accurate statement; the property is actually located in the Central Business zoning district. As previously noted, the back portion of the property (long leg) was rezoned from ARII to CB at the May 8, 2017 town meeting.

However, an ANR application and plan to divide the entire 6.3 acre parcel into two lots was submitted to the PEDB on March 20, 2017. That plan met the technical requirements for ANR endorsement and the PEDB was obligated to endorse the land division plan. The two new lots perfectly matched the respective portions of the property in the CB zone and the ARII zone. Because the ANR filing occurred before the May 8, 2017 town meeting vote, the uses allowed under the previous ARII zoning for that portion of the property are frozen and protected and may occur. This is what allows the applicant to apply for the duplex special permit.

On March 8, 2018, the PEDB received another ANR application and plan to re-divide the two previously created lots into four unusually shaped lots. That plan also met the technical requirements for ANR endorsement and thus the PEDB was again obligated to endorse the further land division; that occurred on March 27, 2018. It is on Lot 1 (121 Main Street) and 2 (123 Main Street) of that plan that the applicant plans to construct the two proposed duplexes.

CONCERNS

Highest and best use – The subject property is on the western edge of the Central Business zoning district and serves as the gateway to the Central Business district for eastbound drivers on Route 109/Main Street. The PEDB believes that commercial or mixed (commercial & residential) use is the highest and best use for the 123 Main Street site. Using this key property for 2 single family homes and 2 duplexes is not consistent with the Master Plan goals for Medway's primary business district.

Appearance of Proposed Duplexes – Table 1 of the *Zoning Bylaw* (C. Residential Uses) specifies that the exterior of a two-family house/duplex is to have the appearance of a single family house. The 3D concept drawing of the proposed duplexes included with the ZBA application shows two houses, attached in the middle, each with its entrance facing forward. The building as a whole does not have the appearance of a single family house. This should be remedied.

Common Driveway - The applicant has requested a use variance to allow for the construction of a common driveway or multiple driveways across CB zoned property to provide access from Main Street to the two proposed duplex structures on Lots 1 and 2. The applicant requests a variance citing the irregular shape of the lots as justification. However, the unusual lot shapes are of his own making as a result of the ANR process from March 2018. Also, there are no provisions or criteria in the *Zoning Bylaw* to consider common driveways except as specifically authorized through special permits under Section 8.4 Open Space Residential Development and Section 8.5 Adult Retirement Community Planned Unit Development.

RECOMMENDATION – For the above noted reasons, the PEDB recommends that the ZBA not approve special permits to allow for the construction of two duplexes on Lots 1 and 2 and not grant the requested use variance for the proposed driveway(s).

However, if the ZBA decides to grant the special permits and variances, it is requested that:

- a. the applicant be required to submit a revised building elevation plan that will meet the requirements of the *Zoning Bylaw* specifying that a duplex structure have the appearance of a single family house; and

- b. the applicant be informed that the extent of land disturbance to be generated by the proposed project including driveway construction may trigger the applicability of *Medway General Bylaws*, Section 26, Stormwater Management and Land Disturbance, as adopted at the May 8, 2017 town meeting. The applicant is advised to discuss this permit with his engineering consultant.

Thank you for considering our comments.

Best regards,

Andy Rodenhiser, Chairman

DRAFT



September 25, 2018

**Medway Planning & Economic Development Board
Meeting**

**Proposed Amendments to Site Plan
Rules and Regulations**

- 8/21/18 DRAFT
- 8/28/18 List of decisions needed for Sections 202, 204, 205 and 206
- 8/13/18 SAC notes on changes that may also be needed to the Site Plan section of the Zoning Bylaw

Possible Changes Needed to Site Plan Section of ZBL

8-13-18

1. Add requirement that ____ % of site has to be Open Space (default to OS definition in ZBL)
2. Add requirement that site plan review is also an opportunity for the Inspector of Buildings to identify existing zoning violations and provide a report. Then those deficiencies have to be remedied as part of the project.
3. Stronger language re: mitigation measures
4. Requirement for sidewalks along frontage of property on existing street.
5. Check triggering requirements for new stormwater bylaw and include in site plan bylaw
6. Allowing for 2 year extension of completion deadlines
7. Administrative site plan review – specify that appeal to PEDB has to occur within ____ amount of time (20 days). Section 3.5.6. B
8. Extend length of time for PEDB to issue a decision – right now it is 90 days for major and 60 days for minor
10. Specify who an “Applicant” may be . . .

8-1-18

Decision Points for Proposed Revised Site Plan Rules and Regs

APPLICATION AND DECISION PROCESS

202-3	Include requirement in SP Rules and Regs for site plan approval before Issuance of Building Permit (even though it is clearly stated in the site plan section of the ZBL)	
204-3, E.	Abutters list - How large an area do you want to require for the abutters list for a major site plan project? State law specifies 300'.	
204-3, O.	Submittal of deposit toward cost of outside consultants for major site plan review	
204-5, C, 3)	Requirement for a landscape architect to prepare the existing landscape inventory of all trees on the site with a diameter of one foot or greater at four feet above grade.	
204-5, D, 5) & 6)	Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan - add additional references to NPDES and MS4 requirements	
204-5, D, 8)	Requirement for a landscape architect to prepare a landscape plan. Is there another level of landscape design certification? MA Certified Landscape Professional (MCLP)	
204-6 C.	Have the Inspector of Buildings review sites before site plan applications are submitted to identify zoning violations that need attention.	
204-8 E.	Voting requirements when both site plan and special permit are handled concurrently	
204-11	Recording of SP Decision and Plan	
205-3, 5	Abutters list - How large an area do you want to require for the abutters list for minor site plan project? State specifies 300'.	
205-6, B	Have the Inspector of Buildings review sites before site plan applications are submitted to identify zoning violations that need attention.	

205-8	Minor Site Plan Decision - how much time? May need to change ZBL??	
206-3	Adm Site Plan Review Team - may need to put this in ZBL and/or have TA appoint	
206-6	Adm Site Plan - How soon for the Review Team to meet after submittal?	
206-10	Adm Site Plan - Should we have a deadline for submittal of revised site plan to Team for endorsement after the decision is made?	
8/28/2018		