

Tuesday, September 8, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

REMOTE MEETING

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

Pursuant to Governor Baker’s Orders imposing strict limitations on the number of people that may gather inside in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will participate remotely via ZOOM. Meeting access via ZOOM is provided for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda.

NOTE – This meeting was recorded for future broadcast on Medway Cable Access.

PRESENT VIA ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary (Zoom Participation)
- Steve Bouley, Tetra Tech (Zoom Participation)
- Gino Carlucci, PGC Associates
- Barbara Saint Andre, Director of Community and Economic Development

The Chairman opened the meeting at 6:30 pm. He read a statement about the meeting being held both LIVE and remote via ZOOM.

DISCUSSION REGARDING IDEAS FOR CENTRAL BUSINESS DISTRICT ZONING BYLAW AMENDMENTS:

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

- Discussion questions to review
- Table 1 – Schedule of Uses from the Medway ZBL
- Section 5.4.1 Mixed Use Special Permits in Central Business District from the Medway ZBL

The Board was informed that Barbara Saint Andre, Susy Affleck-Childs and zoning consultant Ted Brovitz have created a list of questions for the Board to discuss regarding possible zoning amendments to the Central Business District. The Economic Development Committee along with the Design Review Committee will also be discussing this. Consultant Brovitz will also be interviewing some of the property owners in this area.

There was discussion about how to leverage the business owners to provide new street scape improvements to gain investment in area. There will need to be maintenance of this area but who will be responsible, the business owner or Town. Since the developments are currently pre-existing it is difficult to require compliance with a maintenance plan but if there are new owners which occupy the space, there may be language which could make them responsible for the beautification of their area. The Town could require landscape regulations and new setbacks for any new business. The Board was reminded that the Town did vote down at Town Meeting a few years back regulations regarding property maintenance but that pertained primarily to residential property. It would be great if the parking in this area could be in the back instead of visible from the front. All agree that the parking supply in this area is overkill. Some traffic patterns appear to be variable depending on the business.

The following were recommendations from discussion:

- Revisit outdoor dining (concern is the challenge with winter months) A question was asked if outdoor propane heating units would be allowed.
- Recommendation to suspend parking and outdoor dining regulations on a seasonal basis.
- Hotels/Motels are allowed “By Right” but this does not seem like right location. The Oak Grove Area would be a better location.
- Further discuss indoor sales of motor vehicles allowed “By Right”.
- Change commercial indoor amusement which is currently by Special Permit to “By Right”. Ex. Tumble Beans.
- There was a suggestion to remove movie theater.
- The Board would like to discuss further institutional uses
- There may need to be a new use which could include CBD sales, smoke shops, pawn shops.

These suggestions will be part of a bigger discussion at a future date.

PUBLIC HEARING – ADULT RETIREMENT COMMUNITY PLANNED UNIT RULES AND REGULATIONS:

The Chairman opened the public hearing at 7:00 pm.

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

- 8-31-20 Public Hearing Notice
- 8-31-20 DRAFT Proposed Amendments with track changes
- 9-2-20 Clean version after accepting TRACK changes with additional comments and recommended edits from Barbara Saint Andre

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to waive the reading of the public hearing notice.

Roll Call Vote:

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

These updated regulations are basically housekeeping items which have not been done in several years. The Board is supplied with the old copy and the recommended cleaned up version.

The following are recommendations:

- Section 303-3: ARCPUD Site Plan – two sets of the ARCPUD Site Plan (24 x 36) and one set of site plan (11 x 17) fine with what is recommended.
- Item #4: Abutter notices. It is recommended 300 ft. stay consistent with State law.
- Section 303-4: Submission Processing: Recommends that the completeness of application would be done by a designee in the Planning and Economic Development Office. This would include a checklist for completion. This checklist would not be included in the Rules and Regulation document. The Board should not do the completion review process.
- Section 304-6: Performance Guarantee: The Board has no authority to declare a deed voidable. It was recommended to remove this language.
- Section on Fees: Recommended language Construction Administration Fee.

This document will be revised and presented to the Board at the next meeting with the noted revisions.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to continue the hearing for the proposed amendments to the Adult Retirement Community Planned Unit Development Rules and Regulations to September 22, 2020 at 8:00 pm.

Roll Call Vote:

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

MEDWAY PLACE SITE PLAN PUBLIC HEARING:

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

- Public Hearing Continuation Notice filed with the Town Clerk to continue the hearing to 9-8-20.
- Request dated 9-1-20 from Attorney Gareth Orsmond to continue the hearing to 9-22-20.
- 9-2-20 email from DPW Compliance Officer on status of DPW's review for MS4 compliance.

On a motion made by Rich Di Iulio, and seconded by Matthew Hayes, the Board voted by Roll Call vote to continue the hearing for Medway Place Site Plan to September 22, 2020 at 8:00 pm.

Roll Call Vote:

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

SALMON FIELD CHANGE – VILLAGE STREET:

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

- 9-3-20 Field Change request letter

Developer Jeff Robinson called in to the meeting. The Board was informed that there was a field change request letter dated 9-3-20. This field change drawing was prepared by Jon Novak, Coneco Engineering. The developer wishes to change from using Cape Cod berm to cast in place concrete curbing for the entire development except for Waterside Run where the Cape Cod berm is already installed. Granite curbing would be retained in all locations where noted on the approved plan. Consultant Bouley noted that salt does destroy concrete curbs and is a maintenance concern. He did communicate that there is an additive which can be added to the mixture to help it stand up better during the cold months. It was noted that the streets in this area are going to be private.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call vote to approve the field change for use of cast in place concrete curbing with a condition for additive in the concrete.

Roll Call Vote:

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

Susy Affleck-Childs will prepare the field change authorization paperwork.

The Board was updated that there are changes taking place on the entry way with landscaping and fencing. Next week the traffic will be diverted from the main entrance since construction of the bridge on Willow Pond Circle will be started. The new bridge will take about two months to complete and the goal is to be finished by Thanksgiving. The main entrance for traffic will be Waterside Run during this period.

CONSTRUCTION REPORTS:

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

- Salmon Report #47 for August 18, 2020
- Salmon Report #48 for August 24, 2020
- Salmon Report #47 for August 26, 2020
- Salmon Report #47 for August 28, 2020
- 50 Alder Street (Milway Auto) Punch List
- The Medway Community Church needs a field change authorization for landscape and final as-built. This will be on the next meeting agenda.

APPLEGATE SUBDIVISION:

The Chairman recused himself from this discussion and Member Gay ran the proceedings for this agenda item.

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

- Price quote from GLM Engineering dated August 31, 2020 for preparation of as-built and street acceptance plans and to install property monuments and boundary markers.

The Board was informed that a price quote has been received from GLM Engineering dated August 31, 2020 for \$26,000. This price quote includes producing the as built and street acceptance plans (and associated survey work) and installation of bounds and monuments for the right of way and the drainage parcel that will be conveyed to the Town. Funding for these services would come from the performance security funds being provided to the Town by Needham Bank pursuant to the Board's vote at the August 25, 2020 PEDB meeting. The intent is to have this work completed so that Town Meeting can consider a vote for street acceptance this November.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted to accept the quote for \$26,000 and will proceed to move forward with contract details.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	abstain due to recusal
Tom Gay	aye

Chairman Rodenhiser rejoined the meeting.

Applegate Farms resident Jennifer Lydon asked about next steps. It was explained that the current vote will be forwarded to the Board of Selectmen who will need to execute the contract for services with GLM Engineering.

PEDB MEETING MINUTES:

August 25, 2020:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the PEDB meeting minutes of August 25, 2020 with revisions.

Roll Call Vote:

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

REDGATE SUBDIVISION BOND RELEASE:

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

- Red Gate Subdivision Map
- Letter dated June 15, 2020 from Michael Bruce
- Follow-up emails between Susy Affleck-Childs with Michael and Jonathan Bruce
- DPW punch list dated July 14, 2020
- Email note from Dave D'Amico dated August 25, 2020 providing cost estimates

Susy Affleck-Childs informed the Board that the office had been contacted by developer of the Red Gate subdivision, which is a longstanding 30 lot subdivision off the west side of Holliston Street. This development dates back to 1987. The streets included are Redgate Drive and Briar Lane and portions of Field Road, Fern Path and Bramble Road which have never been accepted by the town. This has been part of an unresolved lawsuit and former Town Counsel had advised that the Town not take any steps toward street acceptance as long as the lawsuit remained pending. This lawsuit was dismissed in Fall of 2019. The original developer (Jonathan Bruce) is now being represented by his son (Michael Bruce). They want to close out the subdivision and have the Town return the bond funds and accept the streets. It appears that the developer retained the fee in the roadway when the house lots were conveyed. As of July 1, 2020, there is \$13,053 in the bond account. The DPW looked at the site and prepared a punch list. There appears to be a drainage problem at the end of Bramble Road. The cost to fix is estimated to be \$30,000 to \$100,000 per DPW Dave D'Amico. The Board would like this information to be provided to the Board of Selectmen who can look to using the same approach which was taken on Forest Road.

On a motion made by Tom Gay, seconded by Rich Di Iulio, the Board voted by roll call to provide the information about the drainage issue and the cost estimate to repair to the holder of the bond and figure out what next steps will need to be taken.

Roll Call Vote:

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

ZBA PETITION 110 HOLLISTON STREET:

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

- Application from David and Denise Palmieri.

The applicant is requesting a setback dimensional variance for a shed at 110 Holliston Street (corner lot with Virginia Road). It was explained that the sheds are internally independent with separate entrances but which are externally connected making them one structure which combines the square footages. The other issue is that any structure more than 200 square feet needs to be at least 15 ft. from the property line. The property was surveyed and neither shed nor addition comply. The Board is not in support of granting relief for the variance and would like the shed located inside the setback. The setbacks should be respected.

On a motion made by Tom Gay, seconded by Matt Hayes, the Board voted by roll call to not support the variance for 110 Holliston Street and to provide a letter to the ZBA.

Roll Call Vote:

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

ZONING BYLAW AMENDMENTS - FALL TOWN MEETING:

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

- NEW – Limit on “by-right” size of business and industrial buildings
- NEW – Refinements on allowable energy uses
- Additional refinements to previous draft of Use Table amendments
- Revised draft of Environmental Standards
- 9-8-20 Email from John Lally with additional recommended edits on Environmental Standards
- Proposed General Bylaw Amendments – Coordinated Permitting Compliance
- Street Acceptance for Applegate Road

The Board took the articles out of order to speak with John Lally about the environmental standards.

Environmental Standards:

John Lally was present and suggested that an “objectionable” odor be defined as anything at or above the detection threshold. This detection threshold has been defined as the lowest concentration or intensity of noise, odor vibration etc. that is noticeable to a reasonable person with normal sensory sensitivities. He also recommends that there needs to be a reliable standard which would assist the Building Inspector. Without this standard, it makes it difficult for the Building Inspector to enforce. Include the American Industrial /Hygiene Association as a reference to identify the objectionable odor level specified in the Medway’s existing odor bylaw as the detection threshold.

The Board does not think it will hurt to include the sensorial and standard measurements. The Board would like the Building Inspector to be part of this conversation since he will be the one going to the site to enforce this and asked Susy to meet with Jack Mee to review. The issue still seems to be what is considered offensive since the range of offensive is variable. (ex. manure, compost pile).

The second item that Mr. Lally wanted to discuss was the fact that it is not uncommon for a resident to not know the source of an odor and its location to trigger the investigation prerequisites as written in the more recent updates. It was suggested to include another section which could include dangerous odors such as fuel leak or spill, improperly stored chemicals, natural gas leak. It was recommended that these complaints should be investigated when the complaint is made.

There has been language added to include the ability for the Building Inspector to utilize a consultant to investigate complaints.

Limit on Size of Industrial and Commercial Buildings:

- The recommendation is to amend the bylaw so that commercial and industrial buildings larger than 100,000 sq. of gross floor area require a special permit from the Planning and Economic Development Board. The Board is support of this article.

Energy:

- This article is to simplify the requirements. The definition of alternative energy is the same as renewable energy. The Board is in support of this article.

Special Permits in the Central Business Districts:

The following was added:

- Language to encourage greater diversity of housing to meet the needs of a diverse population with respect to income, ability, housing types and stage of life.
- To improve walkability within the district and provide better access between housing, shops, services and employment.
- In regard to the Mixed-Use Development, a building comprised of only multi-family dwelling units may be allowed as part of a mixed-use development if setback a minimum of 100 ft. from the Main Street right-of-way.

The Board is in support of this Article but wanted language to ensure that the overall amount of required commercial or business use is incorporated into a mixed-use development when there is a residential only building included. Staff will work on revisions to share with the Board at the next meeting.

Street Acceptance:

Chairman Rodenhiser recused himself and Member Gay chaired the meeting.

The article is for the Town to vote to accept Applegate as a public way. The Board is in support of this article.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted by roll call vote to proceed with street acceptance for Applegate.

Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	abstain due to recusal
Tom Gay	aye

The Chairman returned to the meeting.

Permitting Compliance:

The article is a new idea proposed by Susy Affleck-Childs. It would amend the Medway General By-Laws by allowing the land use permitting authorities (Board of Health, Building Department, Conservation Commission, Department of Public Works, Historical Commission, Planning and Economic Development Board and the Zoning Board of Appeals) to deny, revoke, or suspend action on a land use permit application before it if the subject property of the application is out of compliance with the land use permit previously issued for it by any of the above noted land use permitting authorities. This article has not been reviewed by Town Counsel to see if this allowed. Barbara Saint Andre indicated that she has not yet been able to review this article.

It was recommended to hold off on submitting this article and to seek further review.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted to accept the articles as presented for the Fall Town Meeting.

Roll Call Vote:

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

FUTURE MEETING:

- Tuesday, September 22, 2020

ADJOURN:

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

Roll Call Vote:

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

The meeting was adjourned at 9:47 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator



September 8, 2020
Medway Planning & Economic Development Board
Meeting

Central Business District Zoning
Discussion

- Discussion Questions - Please review and think about them!
- Table 1 – Table of Uses from the Medway ZBL
- Section 5.4.1 Mixed Use Special Permits in Central Business District from the Medway ZBL

As part of this project to develop amendments to the CBD zoning provisions for consideration at the May 2021 Town Meeting, several Town boards and committees (PEDB, EDC, ZBA, DRC and possibly the BOS) will be having discussions to generate ideas about possible revisions. The attached Discussion Questions will be provided to each group. The attached excerpts from the Zoning Bylaw are referenced in the questions. Once all of the noted boards and committees have had their discussion, consultant Ted Brovitz will hold a group ZOOM meeting with the chairs of the noted boards and committees, or their representatives, to share their committee's perspectives and ideas for bylaw changes.

NOTE - Ted Brovitz may ZOOM in to listen to your discussion.

Ted will also be conducting individual interviews with 6-7 major CBD property owners, using the same list of questions.

Central Business District Zoning Project

Discussion Questions

- Review the Table of Uses and make recommendations for changes as to what should be allowed, prohibited, or special permit uses.
- How can we leverage the new streetscape improvements on Main Street to create reinvestment in the properties?
- How can we revise landscaping standards to extend the streetscape improvements onto the properties to improve walkability?
- In expanding opportunities for mixed use (Section 5.4.1) (commercial/residential) how should we change the dimensional and other standards to reflect a more pedestrian oriented pattern and form of development?
- How do we determine an appropriate density for residential/mixed use that will be economically feasible but not tip the scales to residential in an important business district?
- How do we facilitate shared access and efficient parking to reserve land for higher value uses?

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
A. Agriculture, Conservation, Recreation Uses													
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock on less than 44,000 sq. ft. of land.	Y	Y	N	N	N	N	N	N	N	N	N	N	Y
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations.	Y	Y	Y	N	N	N	N	N	N	N	N	N	Y
Commercial Greenhouse	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N
Nursery	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N
Recreational facility	SP	SP	N	N	N	N	Y	Y	N	N	Y	Y	PB
Ski Area	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Golf course	SP	SP	N	N	N	N	N	N	N	N	N	N	N
Livery riding stable	Y	Y	N	N	N	N	N	N	N	N	N	PB	PB
B. PUBLIC SERVICE													
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	N	N	N
C.RESIDENTIAL USES													
Detached single-family house <i>(Amended 5-7-17)</i>	Y	Y	Y	N	Y	N	N	N	N	N	N	N	Y ¹
Two-family house/duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling. <i>(Amended 5-7-17)</i>	N	SP	SP	N	N	N	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	PB	PB	N	N	N	N	N	N	N	N	N	N
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Assisted living residence facility	PB	PB	N	N	N	N	N	N	N	N	PB	N	N
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Multi-Family Building, Apartment Building, and Multi-Family Developments <i>(Amended 11-18-19)</i>	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E).										Y ²	N	Y

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Multi-Family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1.	N	N	N	PB	N	N	N	N	N	N	Y	N	N
Long-term care facility	SP	SP	N	N	N	N	N	N	N	N	PB	N	PB
Accessory Uses													
Accessory family dwelling unit, subject to Section 8.2	SP	SP	SP	N	SP	N	N	N	N	N	N	N	N
Home-based business, subject to Section 8.3	Y	Y	Y	N	Y	N	N	N	N	N	Y	N	Y
Boathouse	Y	Y	N	N	N	N	N	N	N	N	N	N	N
Greenhouse	Y	Y	Y	N	N	N	N	N	N	N	Y	N	Y
D. BUSINESS USES													
Retail Trade													
Retail bakery <i>(Added 11-16-15)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail sales	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail store larger than 20,000 sq. ft.	N	N	N	SP	N	N	SP	N	N	N	PB	PB	N
Retail sales, outdoors	N	N	N	N	N	N	Y	N	N	N	N	PB	N
Shopping center/multi-tenant development	N	N	N	SP	N	SP	SP	N	N	N	PB	PB	N
Auto parts	N	N	N	N	N	N	Y	N	N	N	N	N	N
Florist	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	Y	N	N	N	N	N	N	N	PB	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Hospitality and Food Services													

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Restaurant providing live entertainment within a building, subject to license from the Board of Selectmen	N	N	N	Y	SP	SP	N	N	N	N	Y	Y	N
Brew pub	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Motel or hotel	N	N	N	SP	N	N	N	N	N	Y			
Bed and breakfast	SP	N	N	N	N	N	N	N	N	N	Y	N	PB
Inn	SP	SP	SP	SP	SP	N	N	N	N	N	Y	N	N
Cultural and Entertainment Uses													
Studio	N	N	SP	Y	Y	Y	N	N	N	N	Y	Y	N
Museum	N	N	N	Y	SP	SP	N	N	N	N	Y	PB	N
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N	Y	PB	N
Gallery	N	N	N	Y	Y	Y	N	N	N	N	Y	PB	N
Commercial indoor amusement	N	N	N	SP	N	N	Y	Y	Y	Y	Y	Y	N
Professional Uses and Financial Services													
Financial institution	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Services													
Personal care service establishments	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Service establishment <i>(Amended 11-13-17)</i>	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Doggie day care	N	N	N	N	N	N	SP	N	N	N	N	Y	N
Repair shop	N	N	N	N	Y	Y	Y	SP	N	N	Y	Y	N
Furniture Repair	N	N	N	N	Y	Y	Y	SP	N	N	N	Y	N
Educational/instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N	Y	PB	N
Funeral home	SP	SP	N	SP	Y	Y	Y	N	N	N	N	N	N
Veterinary hospital	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Kennel	SP	SP	SP	N	SP	N	SP	SP	N	N	N	PB	N
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Adult day care facility, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Automotive Uses													
Vehicle fuel station with repair services	N	N	N	N	N	N	PB	N	N	N	N	N	N
Vehicle fuel station with car wash	N	N	N	N	N	N	PB	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	PB	N	N	N	N	PB	N
Vehicle fuel station with convenience store	N	N	N	N	N	N	PB	N	N	N	PB	N	N
Vehicle repair	N	N	N	N	PB	N	PB	Y	N	N	N	Y	N
Auto body shop	N	N	N	N	N	N	PB	Y	N	N	N	Y	N
Other Business Uses: Unclassified													
Adult uses	N	N	N	N	N	N	N	Y	N	N	N	N	N
Accessory Uses													
Drive-through facility	N	N	N	N	N	PB	PB	N	N	N			
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N	Y	Y	N
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw. <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	PB	N
E. INDUSTRIAL AND RELATED USES													
Warehouse/distribution facility	N	N	N	N	N	Y	N	Y	Y	Y	N	PB	N
Wholesale bakery <i>(Added 11-16-15)</i>	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N
Wholesale showroom or office, including warehouse	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Manufacturing <i>(Amended 5-8-17)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Light Manufacturing <i>(Added 5-8-17)</i>	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	N
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N	N	PB	N
Research and development	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN
Brewery	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Bulk Storage <i>(Added 11-18-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Electric power generation including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more	N	N	N	N	N	N	N	N	Y	N	N	N	N
Gravel/loam/sand or stone removal, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Registered Medical Marijuana Facility (non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Accessory Uses													
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	Y	Y	N	PB	N
F. INSTITUTIONAL USES													
Community center	SP	SP	SP	SP	SP	SP	SP	N	N	N	Y	PB	PB
Lodge or club	SP	SP	SP	N	N	N	N	N	N	N	Y	Y	N

Footnotes:

1. In the OGN District, detached single family homes are permitted if they meet the design standards for cottages under Section 9.4
2. In the OGVC District, multi-family dwellings and developments include rowhouses (attached single family units) which are subject to the design standards under Section 9.4

NOTE – TABLE 1 was substantially amended at the 11-14-16 Town Meeting.
The Oak Grove uses were added at the 11-18-19 Town Meeting.

5.4.1 Special Permits in the Central Business District

In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available to applicants for uses permitted by right in order to propose a flexible site design.

A. Dimensional Requirements.

1. Minimum lot size: 10,000 sq. ft.
2. Minimum continuous frontage: 50 ft.
3. Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
5. Maximum building height: 60 ft.

B. Residential Uses in a Mixed Use Development.

1. Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted.
2. In a three-story building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. In a two-story building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units.
3. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
 - b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
4. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.

- C. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

D. Special Permit Review Criteria:

1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a special permit use or flexible site design of a permitted use in the Central Business district, the special permit granting authority shall find that all of the following criteria are met:
 - a. The proposed use represents the qualities of a traditional New England town center;
 - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
 - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
 - d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;
 - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
 - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
 - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

E. Design Requirements. The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1, including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

1. Façade design for buildings visible from public ways;
2. Vehicular or pedestrian connections to abutting commercial or residential areas;
3. Provision of pedestrian amenities; and
4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

(Amended 11-14-16 – Renamed Commercial I to Central Business)



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

**Public Hearing - Proposed Amendments
to the Adult Retirement Community
Planned Unit Development (ARCPUD)
Rules and Regulations**

- 8-31-2020 Public Hearing Notice
- 8-31-20 DRAFT Proposed Amendments with TRACK CHANGES
- 9-2-20 CLEAN version after accepting TRACK CHANGES with additional comments and recommended edits from Barbara Saint Andre

Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Thomas Gay, Clerk
Matthew Hayes, P.E.,
Member
Richard Di Iulio, Member
Jessica Chabot, Associate
Member



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

August 31, 2020

NOTICE OF PUBLIC HEARING

Proposed Amendments to Medway Adult Retirement Community Planned Unit Development (ARPUD) Rules and Regulations Tuesday, September 8, 2020

The Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, September 8, 2020 at 7:00 p.m. to receive comments on proposed amendments to the *Medway Adult Retirement Community Planned Unit Development (ARPUD) Rules and Regulations*. The hearing will occur during a ZOOM meeting of the Planning and Economic Development Board. Instructions to access the meeting via ZOOM will be included at the end of the agenda for the September 8th meeting and will be posted on the Events Calendar at <https://www.townofmedway.org>.

The complete text of the proposed amended *ARPUD Rules and Regulations* dated August 31, 2020 are on file with the Town Clerk and the Planning offices at Medway Town Hall, 155 Village Street, Medway, MA. The proposed amendments are 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 draft proposed amendments, participate in the public hearing, and express their views at the designated time. 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



TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations
Chapter 300
ADULT RETIREMENT COMMUNITY
PLANNED UNIT DEVELOPMENT (ARCPUD)

Rules & Regulations for the Review and Approval of ARCPUD Plans
and Issuance of ARCPUD Special Permits

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Tom Gay, Clerk

Matthew J. Hayes, P.E.

Richard Di Iulio

Jessica Chabot, Associate Member

Adopted: July 17, 2001
Amended: _____

TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations
Chapter 300
**ADULT RETIREMENT COMMUNITY PLANNED
UNIT DEVELOPMENT (ARCPUD)**

Rules & Regulations for the Review and Approval of ARCPUD Plans
and Issuance of ARCPUD Special Permits

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REVISED – August 31, 2020 (sac)

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DRAFT

Chapter 300

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT (ARCPUD)

Rules and Regulations for Review and Approval of ARCPUD Plans and Issuance of ARCPUD Special Permits

Adopted by the Medway Planning and Economic Development Board: ~~July 17, 2001~~

ARTICLE I AUTHORITY

s. **301 - 1 ADOPTION** - The Planning and Economic Development Board ~~(the "Board")~~ hereby adopts these Rules and Regulations governing the review and approval of plans and the issuance of Special Permits for Adult Retirement Community Planned Unit Developments (ARCPUD) in Adult Retirement Community Overlay Districts (ARCOD) pursuant to Section 8.5 of the Medway Zoning ~~By-Law~~ Bylaw, ~~approved as Article 11 at the October 16, 2000 Special Town Meeting.~~

s. **301 - 2 PURPOSE** – These regulations provide for the procedural and substantive requirements of the Section ~~8.5 V(T)~~ of the ~~Medway Zoning By-Law~~ Bylaw including the process for submission, review and processing of ARCPUD Plans, issuance of ARCPUD Special Permits, applicable site, open space, design and construction standards, and the corresponding fees. The purpose of these regulations is to guide the applicant and their consultants, Town officials and Boards, and others involved in the preparation, submittal, processing and review of ARCPUD Plans.

ARTICLE II DEFINITIONS

s. **302 -1 APPLICABILITY** - In these Rules and Regulations, the terms used, ~~unless a contrary meaning is required by the context or is specifically prescribed,~~ shall have the meaning as specified in the ~~Medway Zoning By-Law~~ Bylaw, SECTION ~~2 H~~ 2 DEFINITIONS, ~~in effect at the time the ARCPUD application is submitted, and Section 8.5, C. Definitions.~~

ARTICLE III ARCPUD SPECIAL PERMIT APPLICATION

s. **303 - 1 GENERAL INFORMATION**

A. **General** – An ARCPUD development shall be permitted only upon the granting of an ARCPUD Special Permit by the ~~Planning~~ Board. An applicant shall apply for an ARCPUD Special Permit by submitting an ARCPUD Plan and all other required information in accordance with the requirements set forth in these *Rules and Regulations*. The ~~Planning~~ Board shall review an ARCPUD Special Permit Application pursuant to the submission and procedural requirements set forth in these *Rules and Regulations*, and shall review the ARCPUD Plan for conformance with all standards of Section ~~8.5 V(T)~~ of the ~~Town of Medway Zoning By-Law~~ Bylaw. The application, submission, and

procedural review process for an ARCPUD Special Permit shall adhere to all minimum requirements specified herein. The exact content of an ARCPUD Special Permit Application beyond the minimum requirements may vary depending on the exact use(s) and structure(s) proposed by an applicant.

~~B. B.~~ Coordination with Subdivision Plan Approval – It is expected that most An

ARCPUD developments ~~will~~ may involve the subdivision of land and thus be subject to an application to the ~~Planning~~ Board for subdivision plan approval as well as an application for an ARCPUD Special Permit. It is the intent of the ~~Planning~~ Board to enable simultaneous and coordinated review of both the subdivision plan and ARCPUD Special Permit ~~Applications~~. However, when application for subdivision approval is necessary for a proposed project that also is subject to obtaining an ARCPUD Special Permit, it is mandatory that all application forms, plans, and submission materials for the subdivision plan approval be submitted in full and independent of the application for the ARCPUD Special Permit. It also is mandatory that the ~~Planning~~ Board's review of the application for subdivision plan approval meet all the normal substantive, procedural, and public hearing requirements for a subdivision plan approval in accordance with its Land Subdivision Rules and Regulations and in accordance with the Massachusetts Subdivision Control Law (M.G.L. Chapter 41, Sections 81K-81GG). In turn, the review of the ARCPUD Special Permit Application shall be subject to all substantive, procedural, and public hearing requirements prescribed for a special permit review pursuant to these Rules and Regulations and in accordance with Section 9 of M.G.L. Chapter 40A. Notwithstanding these requirements, the ~~Planning~~ Board believes there is benefit to a coordinated review of the subdivision and special permit aspects of an ARCPUD project.

~~C.~~ Coordination with Site Plan Review and Approval – An ARCPUD development is subject to site plan review and approval pursuant to Section 3.5 of the Medway Zoning Bylaw. It is the intent of the Board to enable simultaneous and coordinated review of both the ARCPUD special permit and site plan applications. It is mandatory that the Board's review of the application for site plan approval meet all the normal substantive, procedural, and public hearing requirements specified in the Board's Rules and Regulations for Submission, Review and Approval of Site Plans.

~~C.D.~~ Pre-Application Meeting – The applicant shall have a Pre-Application Meeting with the ~~Planning~~ Board to provide for a preliminary review of the proposed project. This will provide the applicant with the opportunity to present preliminary concepts for its ARCPUD and gain informal feedback and input from the ~~Planning~~ Board, other Town officials, and interested citizens at an early stage of project planning. This meeting also will allow the ~~Planning~~ Board and other involved Town officials to provide guidance to the applicant on the ARCPUD Special Permit Application, waivers, and review process. The Pre-Application Meeting shall be conducted subject to the following requirements:

~~(1) – The applicant shall pay a non-refundable \$500.00 Pre-Application Meeting Fee to the Planning Board at the time the meeting occurs. This fee shall be used to cover the Planning Board's costs of staff or outside consultant advisory services associated with the Pre-Application Meeting and the subsequent evaluation of the completeness of the submittal of the ARCPUD Special Permit Application with ARCPUD Plan.~~

~~(2) The “additional information requirements” as outlined in Section 303–4 (B) of these Rules and Regulations shall be required as part of the ARCPUD Special Permit Application with ARCPUD Plan unless a specific waiver is granted by the Planning Board. The applicant should provide a list of requested waivers for discussion to the Planning Board prior to the meeting.~~

D.E **Application Forms** – The ~~Planning~~ Board ~~has prepared~~ shall devise and make available to the public an application form for “ARCPUD Special Permit Application.” which shall be used by all applicants. ~~The application form shall be designed to obtain general information about the applicant and its agents; the location, size, and nature of the proposed ARCPUD development site; and a general description of the proposed ARCPUD development program.~~

~~s. 303–2~~ **STANDARDS FOR ARCPUD PLAN PREPARATION**

- A.** The ARCPUD Plan shall be prepared by a professional engineer and registered land surveyor (or other professional as required) registered in Massachusetts and certified by same with their seal stamp and signature.
- B.** ~~The ARCPUD Plan shall be clearly and legibly presented in black ink for proper construction of the proposed project. The plans will be plotted on the standard size (24" X 36") translucent mylar (4 mil) matted on one side. The drawings shall be prepared in accordance with the Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A as amended, pertaining to plan size, materials, ink, lettering height, and related requirements.~~
- C.** ~~The ARCPUD Plans shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Planning Board may have accepted in advance to show details clearly and adequately.~~
- D.** ~~All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).~~
- E.** ~~Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a three-quarter inch (3/4") border on the top, bottom and right sides and a one and one-half inch (1 ½") border on the left side.~~

~~s. 303–32~~ **TOWN CLERK SUBMITTAL REQUIREMENTS –TOWN CLERK**

- A.** The applicant shall file by delivery in hand, or registered or certified mail, the following:
- (1)** A copy of the ARCPUD Special Permit Application filed on forms supplied by the ~~Planning~~ Board.
 - (2)** One set of the ARCPUD Plans in conformance with these *Rules and Regulations* and the requirements of the Zoning ~~By Law~~Bylaw, Section ~~8.5 V. Use Regulations, Sub-Section T, Adult Retirement Community Overlay Districts.~~
 - (3)** Project Narrative as described in s. 303-4 A. (13) of these Rules and Regulations.
 - ~~(3) A request for review of street names by the Street Naming Committee.~~

~~C.D.~~ The applicant shall secure a receipt from the Town Clerk and provide a copy of such to the ~~Planning~~ Board. Said receipt shall include the date and time the application was filed with the Town Clerk.

s. ~~303 – 43~~ **BOARD SUBMITTAL REQUIREMENTS – PLANNING BOARD**

A. **Basic Standard Information** - Any person or entity that submits an application and plans for an ARCPUD Special Permit shall file with the ~~Planning~~ Board all items required herein for the application to be “duly submitted” in accordance with these *Rules and Regulations*. Such submissions shall be made directly to the ~~Planning~~ Board. The applicant shall file by delivery in hand, or registered or certified mail, the following:

- (1) The original ARCPUD Special Permit Application, properly executed, filed on forms supplied by the ~~Planning~~ Board including the names, addresses, and telephone numbers of the applicant, land owner if other than the applicant, and all agents such as architect, engineer, and attorney;
- (2) ~~Fourteen (14) Two copies sets~~ of the ARCPUD Site Plan (24” x 36”) and one set of the site plan (11” x 17”) in conformance with these Rules and Regulations and the requirements of the Zoning By Law, Section ~~8.5V. Use Regulations, Sub-section T. Adult Retirement Community Overlay Districts and Sections 204-4 and 204-5 of the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans.~~
- (3) An ARCPUD Plan Filing Fee ~~of \$1,000 and an advance on the Plan Review Fee as established in the Board’s Fee and Bond Schedule these Rules and Regulations.~~
- (4) A list of all abutters ~~and abutters to abutters~~ within ~~five~~ hundred ~~(500)~~ feet of the site’s property lines as appearing on the most recent tax list as certified by the Board of Assessors of all applicable communities and three sets of mailing labels.
- (5) Three (3) copies of stormwater documentation as specified in Section 204-3 G of the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans the storm drainage calculations including technical supporting documents, using the Rational Method (for pipe sizing) and Soil Conservation Service Method (TR55 and/or TR 20) for Storm Water Management;
- (6) Copies of all relevant approvals received to date by the applicant from other ~~B~~boards or commissions (i.e. Determination of Applicability, Order of Conditions, zoning variance, etc.)
- ~~(7) Two (2) sets of Layout/Floor plans with the uses of areas labeled and two (2) sets of Elevation Drawings of the building(s) facades from all four directions.~~
- ~~(8) Street plans and profiles of every proposed street shall be at a scale of one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical;~~
- ~~(9) Locus Map – A locus plan of the project area showing the street configuration, major land uses, major natural features, and zoning district boundaries within two thousand (2,000) feet of the perimeter boundaries of the site, at a minimum scale of one (1) inch equals eight hundred (800) feet.~~

Commented [SA1]:

The standard distance for abutter notification is 300’. Do you want to keep the current distance of 500’ or reduce it to 300’?

- ~~(10) — Context Plan — A plan showing all property lines and buildings, as shown on the current Assessor's Maps, within five hundred (500) feet of the perimeter boundaries of the site, at a minimum scale of one (1) inch equals one hundred (100) feet.~~
- ~~(11) Plot Plan (certified by a land surveyor) indicating total land area boundaries, angles, and dimensions of the site and a north arrow;~~
- ~~(12) — Site Plan(s) or plan sets, at a minimum scale of one (1) inch equals forty (40) feet, showing the following:~~
- ~~Existing use(s) of land and existing buildings, if any;~~
- ~~Proposed use(s) of land and proposed buildings;~~
- ~~Dimensions of existing and proposed building(s) or other structures including height, setbacks from property line, and total square footage of building area;~~
- ~~For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;~~
- ~~(e) — Locations and dimensions of any easements, public or private rights of way, or other burdens (existing or proposed);~~
- ~~(f) — All parking and loading areas, including surface (at grade) parking lots and parking structures, showing the number, location, and dimension of parking and loading spaces, driveways, other access ways, sidewalks and the like.~~
- ~~(13)-(7)~~ (7) Project Narrative – A written narrative describing the proposed ARCPUD development including the following:
- (a) Intended or targeted resident or user population(s) to be served including a description of the protective covenants which shall be executed to accomplish same;
- (b) Types, number, and mixture of ARCPUD uses proposed;
- (c) Proposed construction (and/or demolition);
- (d) Type and number of buildings, dwelling units, home sites, etc. that are proposed, including the size (e.g., number of bedrooms, square footage) of all uses other than detached single family homes;
- ~~(e) — Proposed staging or phasing of construction of the ARCPUD;~~
- ~~(14)~~(e) Proposed form(s) of ownership, including the form of ownership for any common property;

~~(e)~~(f) For non-residential uses, nursing homes, medical facilities, assisted care or continuing care facilities, a description of the nature of such use(s), the expected number of employees (as applicable) broken down by each type of use or business within the ARCPUD that will have employees, and the proposed hours of operation;

~~(h)~~(g) Description of how the project will comply with each ARCPUD standard;

~~(i)~~(h) Description of proposed means of compliance with the ARCPUD open space standards, including the type of mechanism to be used for permanent protection of open space and indication as to whether any of the required open space will be deeded to the Town, any assign(s) of the Town, or association, or other mechanism for maintenance of the open space.

(8) A written Development Impact Statement as specified in Section 204-3 F. of the Board's Rules and Regulations for Submission, Review and Approval of Site Plans.

(9) Items H – M as specified in Section 204-3 of the Board's Rules and Regulations for Submission, Review and Approval of Site Plans

~~(14) Receipt from the Town Clerk acknowledging the date and time of the filing of the ARCPUD Special Permit Application with the ARCPUD Plan.~~

~~**B. Additional Information Requirements** – The Planning Board shall require the following additional information including, but not limited to the items listed below, shall also be provided to the Board, unless the applicant requests a specific waiver(s) which are agreed upon by the Planning Board at the pre-application meeting. Only that information which is applicable to a proposed use or structure will be required:~~

~~(1) The total floor area and ground coverage ratio of each proposed building and structure;~~

~~(2) front, side and rear elevations;~~

~~(3) existing and proposed contour elevations in two foot increments;~~

~~(4) provisions for vehicular and pedestrian access ways and/or trails including proposals for new or relocated curb cuts and access for emergency vehicles;~~

~~(5) color, materials, and exterior features of proposed structures;~~

~~(6) landscaping and screening, including trees, stones, walls, fences and other features to be retained and/or removed, as well as color, size, and type of landscaped surface materials;~~

~~(7) measures taken to preserve and protect natural resources;~~

~~(8) outdoor lighting, including locations and intensity of lighting facilities;~~

~~(9) locations and significance of historic structures;~~

- ~~(10) — locations and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size, material and direction of flows;~~
- ~~(11) — a traffic study including peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;~~
- ~~(12) — wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated hereunder, 310 CMR 10.00, and any other applicable local bylaws, rules or regulations; and~~
- ~~(13) — such other information as will aid the Planning Board in judging the application and in determining special conditions and safeguards, and as the Board should deem necessary, in its determination of completeness of said application.~~

~~C. — **Acknowledgement** — The Planning Board shall provide a receipt to the applicant acknowledging delivery of the application and plans.~~

~~s. — **303 — 5 — PLANNING BOARD DESIGNEE** — The Planning Board may designate a Town official, agency, or person in charge of administering the clerical and processing requirements set forth in these *Rules and Regulations* for ARCPUD Special Permit Applications and for the scheduling of meetings, public hearings, and the like.~~

~~s. — **303 — 6 — ARCPUD PLAN CONTENTS** — Said plan shall include the following:~~

- ~~A. — A title, appearing in the lower right hand corner of the plan, showing the name of the site; the date; the scale, the names and addresses of the applicant; and the names of the engineer and surveyor;~~
- ~~B. — North point, graphic scale, benchmarks (vertical and horizontal) and boundaries of the development;~~
- ~~C. — Major features that exist near or on the entire tract of land or near the site at the time of survey, such as existing waterways, swamps, all wetlands, including identification of individuals making such determinations, water bodies, natural drainage courses, walls, fences, buildings, historic markers, milestones, bridges, clearly defined trails, large trees, wooded areas, rock/ledge outcroppings, ditches and existing utilities;~~
- ~~D. — Lines of existing and proposed streets, ways, lots, lot numbers or other designations of each lot, easements and public or common areas within the development;~~
- ~~E. — The location, names and present widths of all adjacent streets bounding, approaching or within 700 feet of the development, sufficient to analyze traffic flow;~~
- ~~F. — Sufficient information to determine the location, direction and length of every street including street stationing, lot lines, easement and boundary lines, and to be able to establish these lines on the ground. It shall include the lengths and bearings of the plan and boundary lines of all lot lines including lot frontage on the streets, boundary lines of all streets and easements, the lengths, radii, tangents, and central angles of all curves in lot lines and street lines. All angle points or intersections of tangents along the street~~

~~lines shall be shown. Areas of lots with lot numbers and the area and frontage on public ways of adjoining lands of the applicant not included in the subdivision will be shown. The total length(s) of streets within the subdivision shall be provided;~~

- ~~G. The lengths, radii, tangents and central angles of all curves in lot lines;~~
- ~~H. The location of all sidewalks, driveway aprons, trees and grass plots;~~
- ~~I. North arrow and north arrow reference;~~
- ~~J. House numbers;~~
- ~~K. Assessor's Map, block and parcel numbers;~~
- ~~L. Location of all permanent monuments properly identified as to whether existing or proposed;~~
- ~~M. Location of the minimum lines of building setback (front, side and rear) required by the Zoning By Law. The calculation of the lot shape factor shall also be provided for each lot;~~
- ~~N. List of all items that shall require a waiver from the Planning Board;~~
- ~~O. If the property has been examined, approved and confirmed by the Massachusetts Land Court, such information shall be noted in the plan with case numbers.~~

s. **303 – ~~74~~ SUBMISSION PROCESSING**

- A. **Completeness Review** – To ensure the ARCPUD Special Permit Application with ARCPUD Plans contain all required information and to avoid the possibility of denial due to an incomplete application, the applicant should review the application and plan documents with the Planning Board or its designee prior to filing the application with the Town Clerk. The Planning Board or its designee will review the application to determine if it meets all submission requirements. Once this completeness review is completed, the applicant may file the ARCPUD Special Permit Application with the Town Clerk to commence the formal review.
- B. **Applications Rejected Due to Incompleteness** – The Planning Board may reject an ARCPUD Special Permit Application upon a determination that the application does not satisfy the information/submission requirements of these *Rules and Regulations*. Such determination, if made, shall be made within fourteen (~~14~~) days of the date of filing of the application with the Town Clerk, and the Planning Board shall return the application and plan documents to the applicant. The Planning Board shall provide the applicant with a written explanation as to the specific reason(s) for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* regarding the missing or incomplete information and the remedies required to make the application complete. The Planning Board shall send a notice of its determination to the Town Clerk. The ARCPUD Special Permit Filing Fee shall be retained by the Planning Board and be applied to any future resubmission of the application. When brought into conformity with the content requirements of these *Rules and Regulations*, an ARCPUD Special Permit Application may be resubmitted for consideration by the Planning Board without prejudice.

ARTICLE IV ARCPUD REVIEW AND APPROVAL PROCEDURE

s. 304 – 1 USE OF OUTSIDE CONSULTANTS

- A. After the applicant has filed an application for an ARCPUD Special Permit with Plan and it has been determined to be complete, the ~~Planning~~ Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town.
- B. In hiring outside consultants, the ~~Planning~~ Board may engage the services of engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the ~~Planning~~ Board in analyzing the application and project to ensure compliance with all relevant laws, ~~by law~~ Bylaws and regulations.
- C. **Appeal of Selection of Outside Consultant** – Any applicant may make an administrative appeal from the Board’s selection of the outside consultant (for plan review or construction observation services) to the Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty (20) days after the Board has mailed or hand-delivered notice to the applicant of the consultant’s selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for the Planning Board’s action upon an application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the consultant selection made by the Board shall stand.
- ~~C.D.~~ **Review Fees** - If the ~~Planning~~ Board determines that such outside consultant services are required, the applicant shall pay an ARCPUD Plan Review Fee prior to review by the outside ~~consultants, consultants and the opening of the public hearing. Section 310-2 of these Rules and Regulations sets forth the various review fees.~~

s. 304 – 2 REVIEW BY TOWN OFFICIALS

- A. The ~~Planning~~ Board shall not make a decision on an application for an ARCPUD Special Permit until Town ~~B~~boards, commissions and departments have been notified and have submitted reports or recommendations thereon. If reports are not received within thirty-five (35) days since receipt of the application by such ~~B~~boards or agencies, this shall be deemed lack of opposition thereto.
- B. **Circulation of ARCPUD Application** - The ~~Planning~~ Board shall circulate ~~one copy~~ each of the ARCPUD application and plan documents to the following ~~B~~boards, ~~commissions, agencies, and~~ departments for their information and to request their review and comments:
- (1) Board of Selectmen ~~Town Administrator~~
 - (2) Building ~~Commissioner~~Inspector/Zoning Enforcement Officer ~~as to general conformance with the Zoning By Law and to the general suitability of lots for building purposes.~~

- (3) Board of Assessors
- (4) Conservation Commission ~~as to the potential involvement with MGL Chapter 131, Section 40, stormwater management, and the effects of the development on streams, wildlife and similar considerations within the scope of the Conservation Commission.~~
- (5) Fire Department ~~as to street alignment, location of hydrants, installation of the alarm system and emergency access.~~
- (6) Police Department ~~as to traffic control, street safety, both vehicular and pedestrian, safe stopping site distance, access for emergency vehicles, and street light location.~~
- (7) Department of Public Works Services ~~as to the design of the street system, location of easements, monuments, streetlights, drainage systems, and curb cuts.~~
- (8) ~~Water/Sewer Department as to conformance with their regulations regarding the water and sanitary sewer systems.~~ Town Manager
- (9) Board of Health ~~as to the design of any proposed sewer or septic systems to serve the proposed ARCPUD project, or the design of any other aspects of the project (e.g., food services) that are subject to permitting through the Board of Health.~~
- (10) Tree Warden
- (11) Open Space Committee
- (12) Design Review Committee

~~C. The Town Clerk shall convene a meeting of the Street Naming Committee and report its decision to the Planning Board.~~

s. **304 – 3 PUBLIC HEARING** ~~The Board shall conduct a public hearing in accordance with G.L. c. 40A.~~

~~A. **General** Before taking any action on an ARCPUD Special Permit Application with an ARCPUD Plan, the Planning Board shall hold a public hearing. At such duly conducted public hearing, the applicant shall present the proposed ARCPUD project. Members of the public shall be provided the opportunity to offer comment in person, by agent or attorney, or in writing, on the ARCPUD Special Permit Application.~~

~~B. **ARCPUD Special Permit Application**~~

- ~~(1) **Public Hearing** Before taking any action on an ARCPUD Special Permit Application to approve, approve with conditions, or deny the granting of the ARCPUD Special Permit, the Planning Board shall hold a public hearing within sixty five (65) days after the filing and receipt of the ARCPUD Special Permit Application with the Town Clerk, in accordance with the special permit requirements set forth in Chapter 40A, Section 9, of the Massachusetts General Laws.~~

- (2) ~~Abutter Notice~~ The Planning Board shall prepare the public hearing notice and provide it to the applicant who will notify all abutters within five hundred (500) feet of the parcel, of the time, date and nature of the public hearing. Said notification shall be by certified mail, return receipt requested, at least ten (10) days prior to the hearing. The cost of certified mailing shall be borne by the applicant. The signed green certified mail return cards from all the abutters shall be submitted to the Planning Board prior to the public hearing. The Board shall provide notice in accordance with G.L. Chapter 40A.
- (3) ~~Legal Notice~~ The Planning Board shall provide notice of the public hearing by advertisement in a newspaper of general circulation in the Town not less than fourteen (14) days prior to the public hearing and again eight (8) days prior to the public hearing. The cost of the advertisement shall be borne by the applicant who shall be billed directly by the newspaper for same. The notice shall also be provided to the Town Clerk for posting in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of the hearing.
- (4) ~~Continuation~~ At its discretion, the Planning Board may continue the public hearing by providing written notice to the applicant and the Town Clerk for posting in Town Hall. Said notice shall include the date and time when the public hearing will be continued.

s. **304 – 4 ARCPUD AND SCENIC ROADS** - Any proposed ARCPUD which shall border a scenic road so designated by the Town of Medway pursuant to M.G.L. Chapter 40, Section 15C, the Scenic Roads Act, shall comply with all additional special requirements as may be in effect at the time the application is submitted.

s. **304 – 5 PROCEDURES FOR APPROVAL OR DENIAL**

A. **General Criteria**

- (1) ~~The granting of an ARCPUD Special Permit is discretionary. An applicant is not entitled to eligible for an ARCPUD Special Permit unless its ARCPUD Special Permit Application with the ARCPUD Plan is in complete conformance with all provisions pursuant to Section 8.5V.(T) of the Town of Medway Zoning By Law Bylaw governing the granting of an ARCPUD Special Permit for development within the Adult Retirement Community Overlay District; is in full compliance with the application information, submission, procedural, and substantive requirements of these Rules and Regulations; and unless the Planning Board is able to make positive findings and determinations with respect to the stated provisions. The Planning Board, at its discretion, may deny the granting of an ARCPUD Special Permit if it is unable to make a positive finding and determination.~~
- (2) The Planning Board, as a condition of granting approval of an ARCPUD Special Permit Application, may impose reasonable requirements to promote the health, convenience, safety and general welfare of the community and to benefit the Town of Medway. In such event, the Planning Board shall endorse such conditions on the ARCPUD Plan to which they relate and/or set forth a separate

instrument to be attached thereto, to which reference is made on such Plan and which shall be deemed to be a part of the Plan.

B. Decision of the ~~Planning~~ Board

- (1) The ~~Planning~~ Board may grant, grant with conditions, deny, or grant a leave to withdraw an application for an ARCPUD Special Permit within ninety ~~(90)~~ days of ~~the close of the public hearing for filing the an~~ ARCPUD Special Permit. ~~Applicant with ARCPUD Plan. A decision to grant, or grant with conditions, shall cite the specific section of the Zoning By Law or ARCPUD Rules and Regulations that refers to the granting of a special permit and shall incorporate by reference the plans that have been filed with the application. Within fourteen (14) days of its decision, the Planning Board shall set forth clearly the reasons for its decision and shall provide written notification of its action, specifying its findings and all waivers and conditions, to the applicant, the Town Clerk, to the parties in interest as specified in Section 11 of M.G.L. Chapter 40A, and to every person present at the public hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Such notice shall specify that any appeals shall be made pursuant to Section 17 of M.G.L., Chapter 40A and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.~~

- ~~(2) An ARCPUD Special Permit shall require a vote of at least four (4) members of the five (5) member Planning Board or the Planning Board associate member, if sitting, to hear and act on the special permit application in order to constitute a membership of five (5).~~

C. ~~PEDB~~Planning Board Findings – The ~~Planning~~ Board shall make findings on the ARCPUD Special Permit Applicant with ARCPUD Plan pursuant to the ~~Medway~~ Zoning ~~By Law~~ Bylaw, Section ~~8.5~~ V. Use Regulations, Sub Section T. Adult Retirement Community Overlay Districts, ~~4. f)3.4 in effect at the time the application is submitted.~~

D. Conditions for Approval of ARCPUD Special Permit – In addition to the conditions, standards and criteria set forth in the sections of the Zoning ~~By Law~~ Bylaw and these *Rules and Regulations* that authorize the granting of an ARCPUD Special Permit, the ~~Planning~~ Board may attach such conditions, safeguards, and limitations as it deems necessary to ensure that the findings and determinations it must make are complied with.

E. Time Limitations

- (1) Except as hereinafter provided, the ~~Planning~~ Board shall take final action on an ARCPUD Special Permit Application with ARCPUD Plan within ninety ~~(90)~~ days following the date close of the public hearing.
- (2) Extension of Time for Action, ~~Leave~~Leave to Withdraw - The period within which final action shall be taken by the ~~Planning~~ Board may be extended for a definite period by written mutual consent of the ~~Planning~~ Board and the applicant. In the event the ~~Planning~~ Board determines that the plans and evidence included with the ARCPUD Special Permit Application with ARCPUD Plan or presented to it at the public hearing are inadequate to permit the ~~Planning~~ Board to make a finding and determination, then in its discretion, instead of denying the application, it may:

- (a) continue the public hearing to a later date to permit the applicant to submit a revised ARCPUD Plan and further evidence, ~~provided, however, that such continuation shall not extend the ninety (90) day period within which final action shall be taken by the Planning Board, unless said period is extended to a day certain by mutual consent;~~ or
 - (b) grant a leave to withdraw the application without prejudice so that the applicant may submit a revised application, which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application. In such a case, the applicant will bear the cost of re-advertising the revised application, re-notification of the abutters and all subsequent ARCPUD fees as may be necessary.
- (3) The ~~Planning~~ Board shall file a written notification of public hearing continuation, deadline extension or application withdrawal with the Town Clerk.

~~F. PEDB Planning Board's Failure to Take Action~~

- ~~(1) In the event the Planning Board shall fail to hold a public hearing or shall fail to take action on an ARCPUD Special Permit Application with ARCPUD Plan within the times set forth in these Rules and Regulations or within such extended period as may have been mutually agreed, then upon the expiration of said times, the Planning Board shall be deemed to have approved the application.~~
- ~~(2) An applicant who seeks such approval by reason of the failure of the Planning Board to act within such time prescribed, shall notify the Town Clerk, in writing, within fourteen (14) days of the expiration of said ninety (90) days or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest. The applicant shall send such notice to parties in interest by regular mail and each such notice shall specify that appeals, if any, shall be made pursuant to M.G. L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the applicant that the Planning Board failed to act within the time prescribed. After expiration of twenty (20) days without notice of appeal pursuant to Section 17, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Planning Board failed to take final action and that the approval resulting from such failure has become final, and such ARCPUD Special Permit shall be forwarded to the applicant.~~

~~G.F. Twenty (20) Day Appeal~~ - Any person aggrieved by a decision of the ~~Planning~~ Board may file an appeal to an ~~appropriate~~ court of the Commonwealth by bringing an action within twenty ~~(20)~~ days of the date the decision was filed with the Town Clerk, as provided for in M.G.L. Chapter 40A Section 17.

s. **304 – 6 PERFORMANCE GUARANTEE** – Before the ~~Planning~~ Board endorses its approval of an ARCPUD Plan, the applicant shall agree to complete the required improvements (construction of ways and installation of municipal services) at no cost to the Town of Medway. The developer shall provide performance security by one or both of the following methods:

- A. **Covenant** – A covenant not to sell or build upon any lots until completion of the approved improvements which shall be reviewed and approved by Town Counsel. The covenant must be referred to on the plan and be recorded with it. The covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services ~~shall be~~ completed to serve any lot before such lot maybe built upon or conveyed, other than by mortgage~~d~~ deed; provided, that a mortgagee who acquires title to the mortgage~~d~~ premises by foreclosure or otherwise, and any succeeding owner of such premises or part thereof may sell any such lot subject to the covenant which provides that no lot shall be built until such ways and services have been completed to serve such lot. This section shall not prohibit a conveyance, subject to said covenant, of the entire parcel or all lots not previously released by the Planning Board. A deed ~~or to~~ any part of the project in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three ~~(3)~~ years from the date of such deed.
- B. **Bond-Surety** - The Planning Board may require a developer to post a ~~cash bond or a bond form of surety~~ that has been reviewed and approved by the Planning Board, and accepted by the Town Treasurer/Collector, for the minimum ~~bond~~ value determined by the Planning Board to ensure timely performance of the requirements imposed at the time the ARCPUD Special Permit with ARCPUD Plan is approved, particularly where actions authorized by the approval may make the enforcement of some requirements unfeasible in the absence of such security. A deposit of funds shall be made ~~in a joint passbook~~ with the Town of Medway in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the approved improvements, based on an estimate provided by the Board's consulting engineer. ~~At the time of plan endorsement, a signed withdrawal slip shall be provided to the Planning Board for said account.~~
- s. **304 – 7 PLAN ENDORSEMENT AND ISSUANCE OF ARCPUD SPECIAL PERMIT**
- A. The applicant will supply the Planning Board with the the original and fourteen (14) complete sets of the ARCPUD Plans for endorsement. Final approval, if granted, shall be endorsed on every page of the original drawings of all of the sheets of the ARCPUD Plans ~~and one complete set of copies~~, by the signature of a majority of the Planning Board on every page. The originals will be returned to the applicant to supply three copies thereof to the Board, and the copied set will be retained by the Planning Board as a permanent record. Final approval, if granted, shall be endorsed on the other thirteen (13) ~~sets of copies of the plan by the Planning and Economic Development Coordinator~~ Planning Board Clerk.
- B. Plan endorsement will not be made until the requirements as set forth herein are met and the statutory twenty ~~(20)~~ day appeal period has elapsed following the filing of the Board's action with the Town Clerk, and said Clerk has notified the Planning Board that no appeal has been filed. ~~If appeal has been made, said endorsement shall be made after the entry of a final decree of the Court sustaining the approval of such ARCPUD Special Permit with ARCPUD Plan.~~

C. At least twenty ~~(20)~~ days prior to endorsement, all required Covenants shall be provided to the ~~Planning~~ Board along with a Designer's Certification and Applicant's Sworn and Authorized Affidavit that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights of way are in the applicant's name and are free of all encumbrances or that the encumbrances set forth will not preclude any required improvements.

~~D. The Planning Board will distribute sets of the ARCPUD Plans endorsed by the Planning Board Clerk to Town officials including the Town Clerk.~~

~~E. **Validity**~~

~~(1) The ARCPUD Special Permit and the endorsement of the approved ARCPUD approved ARCPUD Plans by the Planning Board shall be valid for a period of two (2) years from the granting thereof or such shorter time as specified in said permit.~~

~~(2) The ARCPUD Special Permit and endorsed ARCPUD Plans shall be carried into effect by the commencement of construction pursuant to the ARCPUD Special Permit and the endorsed ARCPUD Plans by the applicant or its assignees by such date except for good cause. Good cause shall be determined by the Planning Board, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been a good faith effort to overcome the hardship and expedite progress.~~

~~F. **Extension of ARCPUD Special Permit**~~

~~(1) At least ninety (90) days prior to the expiration of the approval period, the applicant and/or owner may request, in writing, that the Planning Board grant an extension of time. The request for an extension shall state the reasons for the requested extension and also the length of time requested. The period of extension of the life of an ARCPUD Special Permit shall be, at minimum, the time required to pursue or await determination of an appeal, but the maximum extension shall not exceed one (1) year beyond the original permit life. Failure by the applicant to request an extension of time prior to the expiration date of the approval period will result in the Board's notifying the Building Inspector that no additional building permits shall be issued in said development.~~

~~(2) Prior to approving any extension of time, the Planning Board will review and revise the amount of the bond deposit or other surety and the applicant shall provide a new or revised instrument prior to the Planning Board's vote to approve the requested extension.~~

s. **304 – 8 RECORDING** - The applicant shall file a copy of the decision of the ~~Planning~~ Board granting an ARCPUD Special Permit, the Covenant and the originals of all approved and endorsed ARCPUD Plans, at the Registry of Deeds or where applicable, in the Land Court of the Commonwealth, and shall notify the ~~Planning~~ Board in writing, presenting evidence of the recording of the plans and the Covenant within thirty ~~(30)~~ days of such recording.

s. **304 – 9 BUILDING PERMITS**

- A. Building permits shall not be issued until the following ~~has have~~ occurred:
- (1) the ~~Planning~~ Board shall approve, or approve with conditions, or deny the ARCPUD Special Permit and Plan, or shall allow ~~one hundred thirty five (135)~~ ninety days to elapse from the ~~official~~ date of the close of the public hearing submission of the application by the Planning Board; and
 - (2) the appropriate site plan ~~and/or subdivision approvals have been granted, has been endorsed by the Board; and~~
 - (3) the applicant has presented to the Building Commissioner evidence of recording of the ARCPUD Special Permit and Plan.
~~Prior to issuance of a building permit, the applicant shall present to the Building Inspector evidence of recording the ARCPUD Special Permit and ARCPUD Plans.~~
- B. In the event that the ~~Planning~~ Board approves an ARCPUD Special Permit, any use or any construction, or any subsequent reconstruction or substantial exterior alteration shall be carried out only in conformity with all conditions and limitations included in the decision of the ~~Planning~~ Board, and only in conformity with the application and the ARCPUD Plan on the basis of which the finding and a determinations were made.

ARTICLE V GENERAL STANDARDS

- s. ~~305-1~~ The applicable ARCPUD Open Space ~~General~~ Standards shall be those specified in the Medway Zoning ~~Bylaw, By Law~~, Section ~~8.5 V. Use Regulations, Sub-section T. Adult Retirement Community Overlay Districts, part 4. e)~~ in effect at the time the application is submitted.

ARTICLE VI OPEN SPACE STANDARDS

~~The applicable ARCPUD Open Space Standards shall be those specified in the Medway Zoning By Law, Section V. Use Regulations, Sub-section T. Adult Retirement Community Overlay Districts, part 4. d) in effect at the time the application is submitted.~~

ARTICLE VII SITE DEVELOPMENT STANDARDS

~~The applicable ARCPUD Site Development Standards shall be those specified in the Medway Zoning By Law, Section V. Use Regulations, Sub-section T. Adult Retirement Community Overlay Districts, part 4. e) in effect at the time the application is submitted.~~

- s. 305 – 2 The applicable ARCPUD Development Standards shall be those specified in the Board's Rules and Regulations for the Submission, Review and Approval of Site Plans in effect at the time the application is submitted.

ARTICLE VIII — DESIGN STANDARDS

- s. **305 – 3** The applicable ARCPUD Design Standards shall be those specified in the ~~Medway Planning and Economic Development Board's Rules and Regulations for Submission, Review and Approval of Site Plans~~ Site Plan Review and Approval Rules and Regulations and the Medway Design Review ~~Regulations~~ Guidelines in effect at the time the application is submitted.

ARTICLE IX — CONSTRUCTION STANDARDS

- s. **305-4** The applicable ARCPUD Construction Standards shall be those specified in the ~~Medway Planning and Economic Development Board's~~ Land Subdivision Rules and Regulations in effect at the time the application is submitted.

ARTICLE XVI — ADMINISTRATION

- s. **310-306 – 1 VARIATION** – Strict compliance with the requirements of these ~~ARCPUD Rules and Regulations~~ may be waived when, in the judgment of the ~~Planning~~ Board, such action is in the public interest and not inconsistent with Section ~~8.5 V (T)~~ of the ~~Medway Zoning By-Law~~ Bylaw. Approved waivers shall be specified in the ARCPUD special permit decision and shown on the ARCPUD plan.

- s. **310 306 - 2 ARCPUD FEES**

~~A. Pre Application Meeting Fee~~ – A non-refundable ~~Pre Application Meeting Fee~~ of five hundred dollars (\$500) shall be remitted to the ~~Planning Board~~ at such time as the ~~Pre Application Meeting~~ takes place with the ~~Planning Board~~.

~~B.A. ARCPUD Plan Filing Fee~~ – Pursuant to G. L. Chapter 40, s. 22F, as adopted by the ~~Medway Town Meeting on October 16, 2000~~, A non-refundable ARCPUD Plan Filing Fee of ~~one thousand dollars (\$2,51,000)~~ shall be remitted to the ~~Planning Board~~ at the time the ARCPUD Special Permit Application with ARCPUD Plans are submitted to the ~~Planning Board~~ in accordance with the Board's Fee and Bond Schedule.

~~C.B. ARCPUD Plan Review Fee~~

- (1) Pursuant to G.L. ~~Chapter 44, section 53G. Chapter 40, 22F, as adopted by the Medway Town Meeting on October 16, 2000~~, an ARCPUD Plan Review Fee shall be established by the ~~Planning Board~~ for review of the ARCPUD Plan based on an itemized budget estimate prepared by an outside consultant. This fee shall be the reasonable costs to be incurred by the ~~Planning Board~~ to assist in the review of the proposed project. The ARCPUD Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (2) The applicant shall remit the ARCPUD Plan Review Fee to the ~~Planning Board~~ upon receipt of notice and invoice of the estimated ARCPUD Plan Review Fee and prior to the public hearing. Failure to pay the ARCPUD Plan Review Fee shall constitute grounds for the ~~Planning Board's~~ denial of the ARCPUD Special Permit.

- (3) Should the services of outside consultants be required after the initial ARCPUD Plan Review Fee has been expended, then the applicant shall be required to pay additional fees for the subsequent review of resubmitted and/or revised documents. A new estimate for additional review services shall be remitted to the applicant. Failure of the applicant to pay the necessary additional ARCPUD Plan Review Fees shall be grounds for the ~~Planning~~ Board to reject the plan, withhold plan approval and endorsement, and deny the ARCPUD Special Permit.

~~D-C~~ ARCPUD Construction Observation/Inspection Fee

- (1) When an ARCPUD Special Permit with ARCPUD Plan are approved by the ~~Planning~~ Board, the Board may determine that the assistance of outside consultants is warranted to observe and inspect the construction due to the size, scale or complexity of the approved plan with any terms or conditions or because of its impact on the town. In hiring outside consultants, the ~~Planning~~ Board may engage the services of engineers, planners, ~~lawyers, urban designers~~ or other appropriate professionals who can assist the ~~Planning~~ Board in the inspection of the approved plan. The assistance of these consultants shall include but not be limited to pre-construction meetings, monitoring or inspecting a project during construction or implementation, preparation of bond estimates and reductions, review of as-built plans and other related professional services.
- (2) If the Board determines that such construction observation services are required, the applicant shall pay an ARCPUD Construction Observation Fee before the ~~Board endorses the plan, pre-construction meeting and any site preparation work commences.~~
- (3) This fee shall be the reasonable costs to be incurred by the ~~Planning~~ Board to observe and inspect the construction of the proposed project and shall be based on an estimate provided by the consultant. The ARCPUD Construction Observation Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (4) Should the services of outside consultants be required after the initial ARCPUD Construction Observation Fee has been expended, then the applicant shall be required to pay an additional fee for the subsequent observation of construction. The ~~Planning~~ Board will keep the developer apprized of the status of the account and invoice as needed. Failure of the applicant to pay necessary additional ARCPUD Construction Observation Fees shall be grounds for the ~~Planning~~ Board to direct its outside consultant to halt all construction observation services.

~~E-D~~ Other Costs and Expenses – All expenses for advertising, publication of notices, ~~postage and mailings,~~ recording and filing of documents and all other expenses in connection with an ARCPUD including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant.

~~F-E~~ Payment of Fees

- (1) Fees paid by the applicant shall be by ~~certified~~ check made payable to the Town of Medway and submitted to the ~~Planning~~ Board. When the ARCPUD Plan Review Fee and the Construction Observation/Inspections Fee are received by the ~~Planning~~ Board pursuant to this section, they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures

from this special account may be made at the direction of the ~~Planning~~ Board without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific ARCPUD project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.

- (2) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

~~s. 310~~ **3** ~~APPEAL~~

~~A. **Selection of Outside Consultant**—Any applicant may make an administrative appeal from the Planning Board's selection of the outside consultant (for plan review or construction observation services) to the Medway Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty (20) days after the Planning Board has mailed or hand-delivered notice to the applicant of the consultant's selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for the Planning Board's action upon an application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the consultant selection made by the Planning Board shall stand.~~

~~B. **20 Day Appeal Period**—Any person aggrieved by a decision of the Planning Board may file an appeal to the Court of the Commonwealth by bringing an action within twenty (20) days of the date the decision was filed with the Town Clerk.~~

~~s. 310~~ **306 – 43** ~~CONSTRUCTION OBSERVATION~~ and **INSPECTION**

A. Developer Responsibilities

- (1) The developer shall notify the ~~Board's Engineer, and the Medway~~ Department of Public ~~Works Services, the Medway Water and Sewer Department, and the~~ Engineer designated by the Planning Board at least forty-eight ~~(48)~~ hours prior to the time at which each one of the required construction observations should take place.
- (2) The developer shall provide safe and convenient access to all parts of work for observation by the Department of Public ~~Works Services, the Water and Sewer~~ Department, the Board's Engineer, and the ~~Planning~~ Board or its agents.

- B. Pre-Construction Meeting** – The developer must notify the Planning and Economic Development office ~~Department of Public Works Services, the Water and Sewer Department, the Fire Department and the Engineer designated by the Board, in writing,~~ no later than seven ~~(7)~~ days prior to the start of construction in order to hold a pre-construction meeting, ~~preferably on site,~~ with the developer and contractor. The pre-construction meeting shall not be held unless the developer has paid the ARCPUD Construction Observation Fee as established by the Planning Board.
- C.** No work shall be approved that has been constructed before the required inspection/observation occurs, ~~as specified herein.~~
- D.** The developer must notify the Department of Public WorksServices, ~~the Water and Sewer Department~~ and the Engineer designated by the Board when underground infrastructure, such as but not limited to sewer, fire alarm and drainage, are installed in order for inspection of the installation by the respective department before the excavation is backfilled.
- E.** The subgrade must be approved by the Department of Public WorksServices and the Engineer designated by the Planning Board before the application of the gravel base course.
- F.** The gravel base course must be approved by the Department of Public WorksServices and the Engineer designated by the Board before the application of bituminous concrete (street or sidewalk) pavement.
- G.** The developer must notify the Department of Public WorkServices and the Engineer designated by the Board with at least forty-eight ~~(48)~~ hours written notice prior to the start of each application of bituminous concrete on the street and sidewalk and of placement of curbing for approval.
- H.** The developer must keep the Department of Public WorksServices and the Engineer designated by the Board informed when materials and other items of work are ready for inspection and approval such as the installation of bounds, loam, and seeding, and general cleanup.
- s. ~~310-306~~ – § 4 BOND SURETY REDUCTION –**
- A.** The penal sum of any ~~such bond surety or the amount of any deposit~~ held for the completion of the improvements required by the ARCPUD Special Permit as security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, may from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by the Planning Board in whole or in part, except that a minimum of ~~thirty-five-forty~~ thousand dollars ~~(\$35,000)~~ or ten percent ~~(10%)~~ of the original ~~bond surety~~ amount, whichever is more, shall be retained until all work is completed to the satisfaction of the Planning Board, the Building CommissionerInspector/Zoning Enforcement Officer and the Department of Public Services. Works. ~~If acceptance of a road as a public way is a condition of the ARCPUD Special Permit, Town Meeting acceptance of the street(s) as a public way is also required.~~

B. Partial Release of Performance Guarantee – The Board shall not grant a partial release of Covenant and Conditions until the following items have been installed, inspected and approved by the Board or its agent:

- (1) Subgrade gravel base;
- (2) Binder course;
- (3) Berm along the roadway edges as proposed;
- (4) Drainage system completed to the proposed outfall with frame and grates set to binder grade;
- (5) Street name signs, stop signs, and “Street Not Accepted by the Town” signs are installed;
- (6) Stop line/proposed pavement markings;

s. ~~310306~~ – **65 PROJECT COMPLETION** –

A. **As-Built Plan and Certificate of Project Completion** - See Section 208-6 B and C of the Board’s Rules and Regulations for the Submission, Review and Approval of Site Plans

B. As-Built Plans

- ~~(1) Prior to the final release, the developer shall file with the Planning Board an original and six prints of the “as built” plans of the completed streets and site work. Additionally, an electronic file may be required by the Planning Board in a format to be specified by the Town of Medway. The “as built” plan shall show all plans and profiles corrected and certified by the applicant’s engineer to be actual “as built” locations and profiles of all streets, ways and utilities, including those installed by others such as power, telephone, fire alarm and gas.~~
- ~~(2) The “as built” plans shall be prepared in a manner suitable for recording at the Registry of Deeds, with proper legal description for initiating an article in the Town Warrant for the acceptance of the ways by Town Meeting.~~
- ~~(3) The “as built” plans shall be drawn with a minimum lettering height of 1/8 inch (Registry of Deeds standards) and to a 1” = 40’ scale.~~
- ~~(4) The “as built” plans will contain the following:
 - ~~(a) graphical scale;~~
 - ~~(b) boundaries of the roadway layout and all easements;~~
 - ~~(c) reference to the approved ARCPUD including all plan recording data;~~
 - ~~(d) locus map;~~
 - ~~(e) curb type/limits, sidewalks, pedestrian ramps and driveways;~~
 - ~~(f) all monumentation, including vertical benchmarks;~~
 - ~~(g) all utilities (water, water services and valves, sanitary sewers, storm drains, manholes, catch basins, electric/telephone/cable TV, gas and fire alarm system) in plan view. A Symbol key shall be provided along with appropriate labels.~~
 - ~~(h) water, sanitary sewer and drainage shown on the profile, noting inverts, rims, pipe type and sizes; and~~~~

- ~~(i) centerline stationing with the starting and ending of the layout clearly noted.~~

~~B.~~ Release of Performance Guarantee – The Planning Board shall not grant a partial ~~release of Covenant and Conditions until the following items have been installed, inspected and approved by the Board or its agent:~~

- ~~(1) Subgrade gravel base;~~
- ~~(2) Binder course;~~
- ~~(3) Berm along the roadway edges as proposed;~~
- ~~(4) Drainage system completed to the proposed outfall with frame and grates set to binder grade;~~
- ~~(5) Street name signs, stop signs, and “Street Not Accepted by the Town” signs are installed;~~
- ~~(6) Stop line/proposed pavement markings;~~

~~C.B~~ Release of Bond-Surety – The ~~Planning~~ Board shall release the ~~bond-surety~~ upon written verification from its agent that the required conditions have been satisfactorily met. In the event of failure to comply with the requirements within the time period agreed upon in the ARCPUD Special Permit, the ~~bond-surety shall may~~ be used by the Town ~~of Medway~~ to correct the unsatisfactory conditions. Improvements not completed within the time required shall thereafter be completed in accordance with the current standards of the ~~Planning~~ Board.

s. ~~310 306~~ – 76 REVISIONS TO APPROVED PLANS MODIFICATION OF APPROVED ARCPUD PLANS AND DECISIONS – See Section 208-4 of the Site Plan Review and Approval Rules and Regulations, Paragraphs A., B., and E.

~~A.~~ Minor Revisions

- ~~(1) Subsequent to an ARCPUD Special Permit granted by the Planning Board, minor revisions in the ARCPUD Plan may be made from time to time in accordance with applicable law, ordinances, and regulations but the use or development approved under the ARCPUD Special Permit shall otherwise be in accordance with the plan referred to, and such conditions as may be included, in the decision of the Planning Board.~~

~~If revisions to an approved ARCPUD Plan are needed, the applicant shall provide written notification to the Planning Board in advance of such revision including an explanation as to the need thereof. Proposed revisions, which in the opinion of the Planning Board are minor and non-substantive, must be reviewed and may be approved by a majority of the Planning Board without a public hearing. Such revisions shall not be effective until approved by vote of the Planning Board.~~

- ~~(2) The Planning Board will notify the Town Clerk of any approved minor revisions.~~

~~B. Major Revisions~~

- ~~(1) The Planning Board may determine that such proposed revisions are not minor. These would include but are not limited to any significant change in the size, type, or location of buildings, access and exit curb cuts, overall parking layout, buffer strips or screening, overall appearance of the building, including building material or fenestration, or the type or intensity of use, or in the conditions specifically addressed in the decision of the Planning Board.~~
- ~~(2) The Planning Board shall order that an application for a Revised ARCPUD Special Permit and Plan be filed and that additional plan reviews and a new public hearing will be held in the same manner as set forth herein.~~
- ~~(3) The Planning Board will notify the Town Clerk of any proposed major revisions to an approved ARCPUD Plan.~~

~~C. Revision Fees~~

- ~~(1) Whenever additional reviews by the Board, its staff or consultants are necessary due to plan revisions, the applicant is responsible and shall be billed for all costs incurred including but not limited to additional ARCPUD Filing and Filing and Plan Review Fees and any other expenses including but not limited to advertising and mailing costs.~~
- ~~(2) If the revisions affect only specific limited aspects of the site, the Planning Board may reduce the scope of the required review and waive a portion of the additional ARCPUD Filing and Plan Review Fees.~~

s. ~~310-306-87~~ **PENALTIES** – Any applicant, individual, property owner or business entity that violates or permits a violation of these *Rules and Regulations* shall be subject to enforcement pursuant to SECTION 3 of the Zoning Bylaw, a fine as follows:

Maximum fine allowed:		\$3100.00
Enforcement Agent:		Building Inspector/Zoning Enforcement Officer/Commissioner
Fine Schedule:		
First Offense		Warning
Second Offense		\$ 10025.00
Third Offense		\$ 20050.00
Fourth and each subsequent offense:		\$ 1300.00
Maximum per day each day to constitute a separate violation:		

s. ~~310306 – 98~~ **AMENDMENTS TO RULES AND REGULATIONS** – These *Rules and Regulations* may be amended from time to time by the ~~Planning Board~~. A Board following a public hearing, shall be held with appropriate notice in compliance with state statute and local by laws.



TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations
Chapter 300
ADULT RETIREMENT COMMUNITY
PLANNED UNIT DEVELOPMENT (ARCPUD)

Rules & Regulations for the Review and Approval of ARCPUD Plans
and Issuance of ARCPUD Special Permits

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Tom Gay, Clerk

Matthew J. Hayes, P.E.

Richard Di Iulio

Jessica Chabot, Associate Member

Adopted: July 17, 2001
Amended: _____

TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations
Chapter 300
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DEVELOPMENT (ARCPUD)**

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and Issuance of ARCPUD Special Permits

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Chapter 300

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT (ARCPUD)

Rules and Regulations for Review and Approval of ARCPUD Plans and Issuance of ARCPUD Special Permits

Adopted by the Medway Planning and Economic Development Board: _____

ARTICLE I AUTHORITY

s. **301 - 1 ADOPTION** - The Planning and Economic Development Board (the “Board”) hereby adopts these Rules and Regulations governing the review and approval of plans and the issuance of Special Permits for Adult Retirement Community Planned Unit Developments (ARCPUD) in Adult Retirement Community Overlay Districts (ARCOD) pursuant to Section 8.5 of the Medway Zoning Bylaw.

s. **301 - 2 PURPOSE** – These regulations provide for the procedural and substantive requirements of the Section 8.5 of the Zoning Bylaw including the process for submission, review and processing of ARCPUD Plans, issuance of ARCPUD Special Permits, applicable site, open space, design and construction standards, and the corresponding fees. The purpose of these regulations is to guide the applicant and their consultants, Town officials and Boards, and others involved in the preparation, submittal, processing and review of ARCPUD Plans.

ARTICLE II DEFINITIONS

s. **302 -1 APPLICABILITY**—In these Rules and Regulations, the terms used shall have the meaning as specified in the Zoning Bylaw, SECTION 2 DEFINITIONS, and Section 8.5-C. Definitions.

ARTICLE III ARCPUD SPECIAL PERMIT APPLICATION

s. **303 - 1 GENERAL INFORMATION**

A. **General** – An ARCPUD development shall be permitted only upon the granting of an ARCPUD Special Permit by the Board. An applicant shall apply for an ARCPUD Special Permit by submitting an ARCPUD Plan and all other required information in accordance with the requirements set forth in these *Rules and Regulations*. The Board shall review an ARCPUD Special Permit Application pursuant to the submission and procedural requirements set forth in these *Rules and Regulations*, and shall review the ARCPUD Plan for conformance with all standards of Section 8.5 of the Zoning Bylaw. The application, submission, and procedural review process for an ARCPUD Special Permit shall adhere to all minimum requirements specified herein. The exact content of an ARCPUD Special Permit Application beyond the minimum requirements may vary depending on the exact use(s) and structure(s) proposed by an applicant.

Coordination with Subdivision Plan Approval – An ARCPUD development may involve the subdivision of land and thus be subject to an application to the Board for subdivision plan approval as well as an application for an ARCPUD Special Permit. It is the intent of the Board to enable simultaneous and coordinated review of both the subdivision plan and ARCPUD Special Permit applications. However, when application for subdivision approval is necessary for a proposed project that also is subject to obtaining an ARCPUD Special Permit, it is mandatory that all application forms, plans, and submission materials for the subdivision plan approval be submitted in full and independent of the application for the ARCPUD Special Permit. It also is mandatory that the Board’s review of the application for subdivision plan approval meet all the normal substantive, procedural, and public hearing requirements for a subdivision plan approval in accordance with its Land Subdivision Rules and Regulations and in accordance with the Massachusetts Subdivision Control Law (M.G.L. Chapter 41, Sections 81K-81GG). In turn, the review of the ARCPUD Special Permit Application shall be subject to all substantive, procedural, and public hearing requirements prescribed for a special permit review pursuant to these Rules and Regulations and in accordance with ~~Section 9 of~~ M.G.L. Chapter 40A. Notwithstanding these requirements, the Board believes there is benefit to a coordinated review of the subdivision and special permit aspects of an ARCPUD project.

- C. **Coordination with Site Plan Review and Approval** – An ARCPUD development is subject to site plan review and approval pursuant to Section 3.5 of the Medway Zoning Bylaw. It is the intent of the Board to enable simultaneous and coordinated review of both the ARCPUD special permit and site plan applications. It is mandatory that the Board’s review of the application for site plan approval meet all the normal substantive, procedural, and public hearing requirements specified in the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans.
- D. **Pre-Application Meeting** – The applicant shall have a Pre-Application Meeting with the Board to provide for a preliminary review of the proposed project. This will provide the applicant with the opportunity to present preliminary concepts for its ARCPUD and gain informal feedback and input from the Board, other Town officials, and interested citizens at an early stage of project planning. This meeting also will allow the Board and other involved Town officials to provide guidance to the applicant on the ARCPUD Special Permit Application, waivers, and review process.
- E. **Application Forms** – The Board has prepared an application form for “ARCPUD Special Permit Application” which shall be used by all applicants.

s. **303 – 2 TOWN CLERK SUBMITTAL REQUIREMENTS**

- A. The applicant shall file by delivery in hand, or registered or certified mail, the following:
 - (1) A copy of the ARCPUD Special Permit Application filed on forms supplied by the Board.
 - (2) One set of the ARCPUD Plan in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, Section 8.5

- (3) Project Narrative as described in s. 303-~~43~~ A. (~~437~~) of these *Rules and Regulations*.

D. The applicant shall secure a receipt from the Town Clerk and provide a copy of such to the Board. Said receipt shall include the date and time the application was filed with the Town Clerk.

s. **303 – 3 BOARD SUBMITTAL REQUIREMENTS**

A. **Standard Information** - Any person or entity that submits an application and plan for an ARCPUD Special Permit shall file with the Board all items required herein for the application to be “duly submitted” in accordance with these *Rules and Regulations*. Such submissions shall be made directly to the Board. The applicant shall file by delivery in hand, or registered or certified mail, the following:

- (1) The original ARCPUD Special Permit Application, properly executed, filed on forms supplied by the Board including the names, addresses, and telephone numbers of the applicant, land owner if other than the applicant, and all agents such as architect, engineer, and attorney;
- (2) Two sets of the ARCPUD Site Plan (24” x 36”) and one set of the site plan (11” x ~~17~~) in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, Section 8.5. and Sections 204-4 and 204-5 of the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans.
- (3) An ARCPUD Plan Filing Fee and an advance on the Plan Review Fee as established in the Board’s Fee and Bond Schedule
- (4) A list of all abutters and abutters to abutters within five hundred feet of the site’s property lines as appearing on the most recent tax list as certified by the Board of Assessors of all applicable communities and three sets of mailing labels.
- (5) Three (~~3~~) copies of stormwater documentation as specified in Section 204-3 G of the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans
- (6) Copies of all relevant approvals received to date by the applicant from other boards or commissions (i.e. Determination of Applicability, Order of Conditions, zoning variance, etc.)
- (7) Project Narrative – A written narrative describing the proposed ARCPUD development including the following:
 - (a) Intended or targeted resident or user population(s) to be served including a description of the protective covenants which shall be executed to accomplish same;
 - (b) Types, number, and mixture of ARCPUD uses proposed;
 - (c) Proposed construction (and/or demolition);

Commented [BSA1]: I am a bit unsure here, are there two different site plans?

Commented [SA2]:
The standard distance for abutter notification is 300’. Do you want to keep the current distance of 500’ or reduce it to 300’?

- (d) Type and number of buildings, dwelling units, home sites, etc. that are proposed, including the size (e.g., number of bedrooms, square footage) of all uses other than detached single family homes;
 - (e) Proposed form(s) of ownership, including the form of ownership for any common property;
 - (f) For non-residential uses, nursing homes, medical facilities, assisted care or continuing care facilities, a description of the nature of such use(s), the expected number of employees (as applicable) broken down by each type of use or business within the ARCPUD that will have employees, and the proposed hours of operation;
 - (g) Description of how the project will comply with each ARCPUD standard;
 - (h) Description of proposed means of compliance with the ARCPUD open space standards, including the type of mechanism to be used for permanent protection of open space and indication as to whether any of the required open space will be deeded to the Town, any assign(s) of the Town, or association, or other mechanism for maintenance of the open space.
- (8) A written Development Impact Statement as specified in Section 204-3 F. of the Board's Rules and Regulations for Submission, Review and Approval of Site Plans.
- (9) Items H – M as specified in Section 204-3 of the Board's Rules and Regulations for Submission, Review and Approval of Site Plans

A.

s. 303 – 4 SUBMISSION PROCESSING

A. Completeness Review – To ensure the ARCPUD Special Permit Application with ARCPUD Plans contain all required information and to avoid the possibility of denial due to an incomplete application, the applicant should review the application and plan documents with the Board or its designee prior to filing the application with the Town Clerk. The Board or its designee will review the application to determine if it meets all submission requirements. Once this completeness review is completed, the applicant may file the ARCPUD Special Permit Application with the Town Clerk to commence the formal review.

Commented [BSA3]: See next paragraph.

Commented [BSA4]: Has the PEDB designated anyone to review for completeness?

B. Applications ~~Rejected~~ Denied Due to Incompleteness – The Board may ~~deny~~ ~~reject~~ an [ARCPUD] Special Permit Application upon a determination that the application does not satisfy the information ~~or~~ submission requirements of these *Rules and Regulations*. ~~Such determination, if made, shall be made within fourteen days of the date of filing of the application with the Town Clerk, and the Board shall return the application and plan documents to the applicant.~~ The Board shall provide the applicant with a written decision setting forth explanation as to the specific reason(s) for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* regarding the missing or incomplete information and the remedies required to make the

Commented [BSA5]: If it gets to the Board, won't we be in a public hearing at that point? So is it a matter of whether to deny for incompleteness? Does the PEDB actually perform completeness reviews?

application complete. The Board shall ~~file its decision with~~~~send a notice of its determination to~~ the Town Clerk. The ARCPUD Special Permit Filing Fee shall be retained by the Board and be applied to any future resubmission of the application. When brought into conformity with the content requirements of these *Rules and Regulations*, an ARCPUD Special Permit Application may be resubmitted for consideration by the Board without prejudice.

ARTICLE IV ARCPUD REVIEW AND APPROVAL PROCEDURE

s. 304 – 1 USE OF OUTSIDE CONSULTANTS

- A. After the applicant has filed an application for an ARCPUD Special Permit with Plan and it has been determined to be complete, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town.
- B. In hiring outside consultants, the Board may engage the services of engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing the application and project to ensure compliance with all relevant laws, Bylaws and regulations.
- C. **Appeal of Selection of Outside Consultant** – Any applicant may make an administrative appeal from the Board’s selection of the outside consultant (for plan review or construction observation services) to the Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty days after the Board has ~~notified-mailed or hand-delivered notice to~~ the applicant in person or by mail, email, or hand delivery of the consultant’s selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for the ~~Planning~~ Board’s action upon an application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the consultant selection made by the Board shall stand.
- D. **Review Fees** - If the Board determines that such outside consultant services are required, the applicant shall pay an ARCPUD Plan Review Fee prior to review by the outside consultants and the opening of the public hearing.

s. 304 – 2 REVIEW BY TOWN OFFICIALS

- A. The Board shall not make a decision on an application for an ARCPUD Special Permit until Town boards, commissions and departments have been notified and have submitted reports or recommendations thereon. If reports are not received within thirty-five days since receipt of the application by such boards or agencies, this shall be deemed lack of opposition thereto.
- B. **Circulation of ARCPUD Application** - The Board shall circulate each of the ARCPUD application and plan documents to the following boards, commissions, agencies, and departments for their information and to request their review and comments:

- (1) Board of Selectmen
- (2) Building Commissioner/Zoning Enforcement Officer
- (3) Board of Assessors
- (4) Conservation Commission
- (5) Fire Department
- (6) Police Department
- (7) Department of Public Works
- (8) Town Manager
- (9) Board of Health
- (10) Tree Warden
- (11) Open Space Committee
- (12) Design Review Committee

s. **304 – 3 PUBLIC HEARING** – The Board shall conduct a public hearing in accordance with G.L. c. 40A.

s. **304 – 4 ARCPUD AND SCENIC ROADS** - Any proposed ARCPUD which shall border a scenic road so designated by the Town of Medway pursuant to M.G.L. Chapter 40, Section 15C, the Scenic Roads Act, shall comply with all additional special requirements as may be in effect at the time the application is submitted.

s. **304 – 5 PROCEDURES FOR APPROVAL OR DENIAL**

A. General Criteria

- (1) The granting of an ARCPUD Special Permit is discretionary. An applicant is not eligible for an ARCPUD Special Permit unless its ARCPUD Special Permit Application with the ARCPUD Plan is in complete conformance with all provisions pursuant to Section 8.5 of the Zoning Bylaw-; is in full compliance with the application information, submission, procedural, and substantive requirements of these *Rules and Regulations*; and unless the Board is able to make positive findings and determinations with respect to the stated provisions.
- (2) The Board, as a condition of granting approval of an ARCPUD Special Permit Application, may impose reasonable requirements to promote the health, convenience, safety and general welfare of the community and to benefit the Town of Medway. In such event, the Board shall endorse such conditions on the ARCPUD Plan to which they relate and/or set forth a separate instrument to be attached thereto, to which reference is made on such Plan and which shall be deemed to be a part of the Plan.

B. Decision of the Board

- (1) The Board may grant, grant with conditions, deny, or grant a leave to withdraw an application for an ARCPUD Special Permit ~~within ninety days of the close of the public hearing for an ARCPUD Special Permit.~~

C. **PEDB Board Findings** – The Board shall make findings on the ARCPUD Special Permit Application with ARCPUD Plan pursuant to the Zoning Bylaw, Section 8.5

Commented [BSA6]: Covered in E.(1) below, with more detail.

D. Conditions for Approval of ARCPUD Special Permit – In addition to the conditions, standards and criteria set forth in the sections of the Zoning Bylaw and these *Rules and Regulations* that authorize the granting of an ARCPUD Special Permit, the Board may attach such conditions, safeguards, and limitations as it deems necessary to ensure that the findings and determinations it must make are complied with.

E. Time Limitations

- (1) Except as hereinafter provided, the Board shall take final action on an ARCPUD Special Permit Application with ARCPUD Plan within ninety days following the close of the public hearing.
- (2) Extension of Time for Action, Leave to Withdraw - The period within which final action shall be taken by the Board may be extended for a definite period by written mutual consent of the Board and the applicant. In the event the Board determines that the plans and evidence included with the ARCPUD Special Permit Application with ARCPUD Plan or presented to it at the public hearing are inadequate to permit the Board to make a finding and determination, then in its discretion, instead of denying the application, it may:
 - (a) continue the public hearing to a later date to permit the applicant to submit a revised ARCPUD Plan and further evidence, or
 - (b) grant a leave to withdraw the application without prejudice so that the applicant may submit a revised application, which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application. In such a case, the applicant will bear the cost of re-advertising the revised application, re-notification of the abutters and all subsequent ARCPUD fees as may be necessary.
- (3) The Board shall file a written notification of public hearing continuation, deadline extension or application withdrawal with the Town Clerk.

F. ~~Twenty (20)-Day Appeal~~ - Any person aggrieved by a decision of the Board may file an appeal to an appropriate court of the Commonwealth by bringing an action within twenty days of the date the decision was filed with the Town Clerk, as provided for in M.G.L. Chapter 40A Section 17.

s. 304 – 6 PERFORMANCE GUARANTEE – Before the Board endorses its approval of an ARCPUD Plan, the applicant shall agree to complete the required improvements (construction of ways and installation of municipal services) at no cost to the Town of Medway. The developer shall provide performance security by one or both of the following methods:

A. Covenant – A covenant not to sell or build upon any lots until completion of the approved improvements which shall be reviewed and approved by Town Counsel. The covenant must be referred to on the plan and be recorded with it. The covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot maybe built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise, and any succeeding owner of such premises or part thereof may sell any such lot subject to the covenant which

provides that no lot shall be built until such ways and services have been completed to serve such lot. This section shall not prohibit a conveyance, subject to said covenant, of the entire parcel or all lots not previously released by the Board. ~~A deed to any part of the project in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed.~~

Commented [BSA7]: Not sure the PEDB has the authority to declare deeds voidable; it is in SCL for subdivisions.

- B. Surety** - The Board may require a developer to post a form of surety that has been reviewed and approved by the Board, and accepted by the Town Treasurer/Collector, for the minimum value determined by the Board to ensure timely performance of the requirements imposed at the time the ARCPUD Special Permit with ARCPUD Plan is approved, particularly where actions authorized by the approval may make the enforcement of some requirements unfeasible in the absence of such security. A deposit of funds shall be made with the Town of Medway in an amount determined by the Board to be sufficient to cover the cost of all or any part of the approved improvements, based on an estimate provided by the Board's consulting engineer

s. 304 – 7 PLAN ENDORSEMENT

- A.** The applicant will supply the Board with the ARCPUD Plans for endorsement. Final approval, if granted, shall be endorsed on every page of the original drawings of all of the sheets of the ARCPUD Plans by the signature of a majority of the Board on every page. The originals will be returned to the applicant to supply three copies thereof to the Board.
~~P~~
- B.** Plan endorsement will not be made until the requirements as set forth herein are met and the statutory twenty day appeal period has elapsed following the filing of the Board's action with the Town Clerk.
- C.** At least twenty days prior to endorsement, all required Covenants shall be provided to the Board along with a Designer's Certification and Applicant's Sworn and Authorized Affidavit that title to the premises shown on said plan and appurtenances thereto including any off-site easements and rights of way are in the applicant's name and are free of all encumbrances or that the encumbrances set forth will not preclude any required improvements.

- 6 s. 304 – 8 RECORDING** - The applicant shall file a copy of the decision of the Board granting an ARCPUD Special Permit, the Covenant and the originals of all approved and endorsed ARCPUD Plans, at the Registry of Deeds or where applicable, in the Land Court of the Commonwealth, and shall notify the Board in writing, presenting evidence of the recording of the plans and the Covenant within thirty days of such recording.

s. 304 – 9 BUILDING PERMITS

- A.** Building permits shall not be issued until the following have occurred:
- (1) the Board shall approve, or approve with conditions, ~~or deny~~ the ARCPUD Special Permit and Plan, or shall allow ninety days to elapse from the date of the close of the public hearing Board; and
 - (2) the appropriate site plan has been endorsed by the Board; and

Commented [BSA8]: ? If denied, no building permit should issue.

- (3) the applicant has presented to the Building Commissioner evidence of recording of the ARCPUD Special Permit and Plan.

B. In the event that the Board approves an ARCPUD Special Permit, any use or any construction, or any subsequent reconstruction or substantial exterior alteration shall be carried out only in conformity with all conditions and limitations included in the decision of the Board, and only in conformity with the application and the ARCPUD Plan on the basis of which the finding and a determinations were made.

ARTICLE V STANDARDS

- s. **305-1** The applicable ARCPUD Open Space Standards shall be those specified in the Medway Zoning Bylaw, Section 8.5 Adult Retirement Community Overlay Districts.
- s. **305 – 2** The applicable ARCPUD Development Standards shall be those specified in the Board’s Rules and Regulations for the Submission, Review and Approval of Site Plans in effect at the time the application is submitted.
- s. **305 – 3** The applicable ARCPUD Design Standards shall be those specified in the Board’s Rules and Regulations for Submission, Review and Approval of Site Plans and the Medway *Design Review Guidelines* in effect at the time the application is submitted.
- s. **305-4** The applicable ARCPUD Construction Standards shall be those specified in the Board’s *Land Subdivision Rules and Regulations* in effect at the time the application is submitted.

ARTICLE VI ADMINISTRATION

s. **306-1 VARIATION** – Strict compliance with the requirements of these *Rules and Regulations* may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with Section 8.5 of the Zoning Bylaw. Approved waivers shall be specified in the ARCPUD special permit decision and shown on the ARCPUD plan.

s. **306 - 2 ARCPUD FEES**

A. ARCPUD Plan Filing Fee – Pursuant to G. L. Chapter 40, ~~§~~22F, as adopted by the Medway Town Meeting on October 16, 2000, a non-refundable ARCPUD Plan Filing Fee shall be remitted to the Board at the time the ARCPUD Special Permit Application with ARCPUD Plans are submitted to the Board in accordance with the Board’s Fee and Bond Schedule.

B. ARCPUD Plan Review Fee

- (1) Pursuant to G.L. Chapter 44, section 53G, an ARCPUD Plan Review Fee shall be established by the Board for review of the ARCPUD Plan based on an itemized budget estimate prepared by an outside consultant. This fee shall be the reasonable costs to be incurred by the Board to assist in the review of the

proposed project. The ARCPUD Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Board.

- (2) The applicant shall remit the ARCPUD Plan Review Fee to the Board upon receipt of notice and invoice of the estimated ARCPUD Plan Review Fee and prior to the public hearing. Failure to pay the ARCPUD Plan Review Fee shall constitute grounds for the Board's denial of the ARCPUD Special Permit.
- (3) Should the services of outside consultants be required after the initial ARCPUD Plan Review Fee has been expended, then the applicant shall be required to pay additional fees for the subsequent review of resubmitted and/or revised documents. A new estimate for additional review services shall be remitted to the applicant. Failure of the applicant to pay the necessary additional ARCPUD Plan Review Fees shall be grounds for the Board to ~~reject the plan~~, withhold plan approval and endorsement, and deny the ARCPUD Special Permit.

C ARCPUD Construction Observation ~~Inspection~~ Fee

- (1) When an ARCPUD Special Permit with ARCPUD Plan are approved by the Board, the Board may determine that the assistance of outside consultants is warranted to observe and inspect the construction due to the size, scale or complexity of the approved plan with any terms or conditions or because of its impact on the town. In hiring outside consultants, the Board may engage the services of engineers, planners, or other appropriate professionals who can assist the Board in the inspection of the approved plan. The assistance of these consultants shall include but not be limited to pre-construction meetings, monitoring or inspecting a project during construction or implementation, preparation of ~~bonds~~ surety estimates and reductions, review of as-built plans and other related professional services.
- (2) If the Board determines that such construction observation services are required, the applicant shall pay an ARCPUD Construction Observation Fee before the Board endorses the plan.
- (3) This fee shall be the reasonable costs to be incurred by the Board to observe and inspect the construction of the proposed project and shall be based on an estimate provided by the consultant. The ARCPUD Construction Observation Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (4) Should the services of outside consultants be required after the initial ARCPUD Construction Observation Fee has been expended, then the applicant shall be required to pay an additional fee for the subsequent observation of construction. The Board will keep the developer apprised of the status of the account and invoice as needed. Failure of the applicant to pay necessary additional ARCPUD Construction Observation Fees shall be grounds for the Board to direct its outside consultant to halt all construction observation services.

Commented [BSA9]: Referred to below as Construction Observation Fee.

D. Other Costs and Expenses – All expenses for advertising, publication of notices, recording and filing of documents and all other expenses in connection with an ARCPUD including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant.

E Payment of Fees

- (1) Fees paid by the applicant shall be by check made payable to the Town of Medway and submitted to the Board. When the ARCPUD Plan Review Fee and the Construction Observation/~~Inspections~~ Fee are received by the Board pursuant to this section, they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific ARCPUD project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.
- (2) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

Commented [BSA10]: See above, it is referred to as Construction Observation Fee.

s. 306 – 3 CONSTRUCTION OBSERVATION and INSPECTION

A. Developer Responsibilities

- (1) The developer shall notify the Board's Engineer, and the Department of Public Works at least forty-eight hours prior to the time at which each one of the required construction observations should take place.
- (2) The developer shall provide safe and convenient access to all parts of work for observation by the Department of Public Works, the Board's Engineer, and the Board or its agents.

B. Pre-Construction Meeting – The developer must notify the Planning and Economic Development office no later than seven days prior to the start of construction in order to hold a pre-construction meeting, with the developer and contractor. The pre-construction meeting shall not be held unless the developer has paid the ARCPUD Construction Observation Fee as established by the Board.

C. No work shall be approved that has been constructed before the required inspection/observation occurs.

D. The developer must notify the Department of Public Works, and the Engineer designated by the Board when underground infrastructure, such as but not limited to sewer, fire alarm and drainage, are installed in order for inspection of the installation by the respective department before the excavation is backfilled.

E. The subgrade must be approved by the Department of Public Works and the Engineer designated by the Board before the application of the gravel base course.

F. The gravel base course must be approved by the Department of Public Works and the Engineer designated by the Board before the application of bituminous concrete (street or sidewalk) pavement.

G. The developer must notify the Department of Public Works and the Engineer designated by the Board with at least forty-eight hours written notice prior to the start of each application of bituminous concrete on the street and sidewalk and of placement of curbing for approval.

H. The developer must keep the Department of Public Works and the Engineer designated by the Board informed when materials and other items of work are ready for inspection and approval such as the installation of bounds, loam, and seeding, and general cleanup.

s. **306 – 4 SURETY REDUCTION –**

A. The penal sum of any surety held for the completion of the improvements required by the ARCPUD Special Permit as security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, may from time to time, be reduced by the Board and the obligations of the parties thereto released by the Board in whole or in part, except that a minimum of forty thousand dollars or ten percent of the original surety amount, whichever is more, shall be retained until all work is completed to the satisfaction of the Board, the Building Commissioner/Zoning Enforcement Officer and the Department of Public Works.

B. **Partial Release of Performance Guarantee** – The Board shall not grant a partial release of Covenant and Conditions until the following items have been installed, inspected and approved by the Board or its agent:

- (1) Subgrade gravel base;
- (2) Binder course;
- (3) Berm along the roadway edges as proposed;
- (4) Drainage system completed to the proposed outfall with frame and grates set to binder grade;
- (5) Street name signs, stop signs, and “Street Not Accepted by the Town” signs are installed;
- (6) Stop line/proposed pavement markings;

s. **306 –5 PROJECT COMPLETION –**

A. **As-Built Plan and Certificate of Project Completion** - See Section 208-6 B and C of the Board’s Rules and Regulations for the Submission, Review and Approval of Site Plans

B. **Release of Surety** – The Board shall release the surety upon written verification from its agent that the required conditions have been satisfactorily met. In the event of failure to comply with the requirements within the time period agreed upon in the ARCPUD Special Permit, the surety may be used by the Town to correct the unsatisfactory conditions. Improvements not completed within the time required shall thereafter be completed in accordance with the current standards of the Board.

s. **306 – 6** **MODIFICATION OF APPROVED ARCPUD PLANS AND DECISIONS** - See Section 208-4 of the Site Plan Review and Approval Rules and Regulations, Paragraphs A., B., and E.

s. **306-7** **PENALTIES** – Any applicant, individual, property owner or business entity that violates or permits a violation of these *Rules and Regulations* shall be subject to enforcement pursuant to SECTION 3 of the Zoning Bylaw.

s. **306 – 8** **AMENDMENTS TO RULES AND REGULATIONS** – These *Rules and Regulations* may be amended from time to time by the Board following a public hearing.

s. **306 – 9** **VALIDITY OF RULES AND REGULATIONS** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these *Rules and Regulations* shall stand.

.....
Initially Approved: February 27, 2001 by the Medway Planning Board

Revisions Approved: July 17, 2001 by the Medway Planning Board

Revisions Approved: _____ by the Medway Planning and Economic Development Board

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

s. ~~340306 – 409~~ **VALIDITY OF RULES AND REGULATIONS** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these *Rules and Regulations* shall stand.

.....
~~These ARCPUD Rules and Regulations were initially adopted by a vote of the Medway Planning Board on February 27, 2001. Revised ARCPUD Rules and Regulations were approved by a vote of the Medway Planning Board and are to be in full force and effect on and after July 17, 2001. A copy thereof has been filed with the Town Clerk and the Norfolk County Registry of Deeds.~~

Initially Approved: February 27, 2001 by the Medway Planning Board

Revisions Approved: July 17, 2001 by the Medway Planning Board

Revisions Approved: by the Medway Planning and Economic Development Board

Attest:

Susan E. Affleck-Childs

Date

Planning Board Administrative Secretary and Economic Development Coordinator



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

Medway Place Site Plan Public Hearing

- Public Hearing Continuation Notice filed with the Town Clerk to continue hearing to 9-8-20
- Request dated 9-1-20 from Attorney Gareth Orsmond to continue the hearing to 9-22-20
- 9-2-20 email from DPW Compliance Officer Stephanie Carlisle with an update on the applicant's work with them for an MS4 connection permit.

Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Thomas Gay, Clerk
Matthew Hayes, P.E.,
Member
Richard Di Iulio, Member
Jessica Chabot, Associate
Member

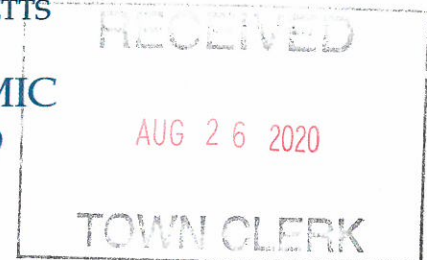


Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD



MEMORANDUM

August 26, 2020

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for Medway Place Shopping Plaza Site Plan**
98, 108 and 114 Main Street
Continuation Date – Tuesday, September 8, 2020 at 7:15 p.m.



At its August 25, 2020 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Medway Realty LLC of Boston, MA for approval of a site plan for proposed site improvements at the Medway Place shopping plaza to a ZOOM meeting to be held on Tuesday, September 8, 2020 at 7:15 p.m. The continuation was approved at the request of the applicant.

This continuation is also made pursuant to Chapter 53 of the Acts of 2020, enacted April 3, 2020, which grants authority to Massachusetts planning boards to reschedule public hearings to a date not more than 45 days after termination of the COVID-19 state of emergency. Presently, there is no conclusion date for the Covid-19 emergency.

Proposed are a series of changes in the layout of and landscaping for the 446 space Medway Place parking lot as a result of the recently completed Route 109 improvement project. The proposed parking lot work will align the plaza's parking space layout with the Mass DOT constructed boulevard style main entrance. Also proposed are new stormwater management controls to treat stormwater collected from the parking lot before it is discharged to the Town's municipal storm drain system.

The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. The information is also posted at the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan> ***Please review the plan and forward any comments to me by September 2, 2020.*** Please don't hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Gareth Orsmond <gorsmond@PierceAtwood.com>
Sent: Tuesday, September 1, 2020 8:44 AM
To: Susan Affleck-Childs
Subject: RE: Medway Place Public Hearing - September 8th?

Hi Susan. Let's please continue it to September 22nd. It may be beyond my power but I will see if we can resolve all stormwater matters so that we can move ahead. -Gareth

Gareth Orsmond

PIERCE ATWOOD LLP

PH 617.488.8181

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Monday, August 31, 2020 5:28 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: FW: Medway Place Public Hearing - September 8th?

*****This message originated outside your organization*****

Hi Gareth,

I am working on the agenda and board packet for the September 8th meeting sooner than usual due to the upcoming holiday weekend.

Do you want to keep your public hearing scheduled for 9-8-20 at 7:15 pm or continue it to September 22 or October 13th? Please advise.

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

From: Susan Affleck-Childs
Sent: Wednesday, August 19, 2020 12:22 PM
To: Gareth Orsmond <gorsmond@PierceAtwood.com>
Subject: RE: Medway Place Public Hearing

Hi Gareth,

A-OK. Will continue the hearing to September 8th. Will communicate with you again the week before and see how things are going with the stormwater issues.

Take care.

Susy

From: Gareth Orsmond [<mailto:gorsmond@PierceAtwood.com>]

Sent: Wednesday, August 19, 2020 12:03 PM

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

Subject: RE: Medway Place Public Hearing

Hi Susan. Please continue. I've reached out to see what the status of stormwater is – I've not heard anything. But after that's all set, we still want to go back to the last version of the site plan produced for the board, review notes from the last meeting, and consider additional changes.
Thx.

Gareth Orsmond	
PIERCE ATWOOD LLP	PH 617.488.8181

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

Sent: Wednesday, August 19, 2020 11:58 AM

To: Gareth Orsmond <gorsmond@PierceAtwood.com>

Subject: Medway Place Public Hearing

*****This message originated outside your organization*****

Hi Gareth,

I am finalizing the agenda for the 8-25-20 PEDB meeting.

Does Medway Place want to "attend" for its public hearing or do you want to continue it? The next date would be Tuesday, September 8th.

Please advise.

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

Susan Affleck-Childs

From: Stephanie Carlisle
Sent: Wednesday, September 2, 2020 9:30 AM
To: Susan Affleck-Childs; David Damico; Peter Pelletier
Cc: Bouley, Steven; Barbara Saint Andre
Subject: RE: Medway Place Shopping Plaza Site Plan

Good morning Susy,

A couple weeks ago, the DPW and Grady Engineering did simultaneous testing at the location where there was a dry weather E. coli hit earlier this spring. The results showed there is still E.coli present in the stormwater at levels well above acceptable surface water quality standards. Therefore, on behalf of the Plaza, Grady Engineering agreed to camera the drain lines from that point to identify the source of contamination. The camera investigation is happening on September 4. We will know more then.

Thank you,
Stephanie

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, September 2, 2020 9:10 AM
To: David Damico <ddamico@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Stephanie Carlisle <scarlisle@townofmedway.org>
Cc: Bouley, Steven <steven.bouley@tetrattech.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: Medway Place Shopping Plaza Site Plan

Good morning,

This is on our agenda, again, for the 9-8-20 PEDB meeting. The applicant's attorney, Gareth Orsmond, has asked for another continuation to the 9-22-20 PEDB meeting.

I know the Board will ask me for a status on their work with DPW for the MS4 Connection Permit. What can you tell me?

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



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

**Salmon Field Change – Change in
Curbing Type**

- 9-3-20 Field Change request letter and associated drawing dated 9-2-20 from Jon Novak, P.E., Coneco Engineering. The developer wishes to change from using Cape Cod berm to cast in place concrete curbing for the entire development except for Waterside Run where the Cape Cod berm is already installed. Granite curbing would be retained in all locations where it is presently shown on the approved plan.



ENVIRONMENTAL
ECOLOGICAL
ENERGY
SURVEY
CIVIL

September 3, 2020

Town of Medway
Planning & Economic Development Board
Attn.: Mr. Andy Rodenhiser & Members of the Planning Board
155 Village Street
Medway, Massachusetts 02053

**Subject: Salmon Health and Retirement Community – Village Street
Changes to Cape Cod Curb
259, 261, 261R and 263 Village Street, Medway, Massachusetts**

Dear Mr. Andy Rodenhiser & Members of the Planning Board:

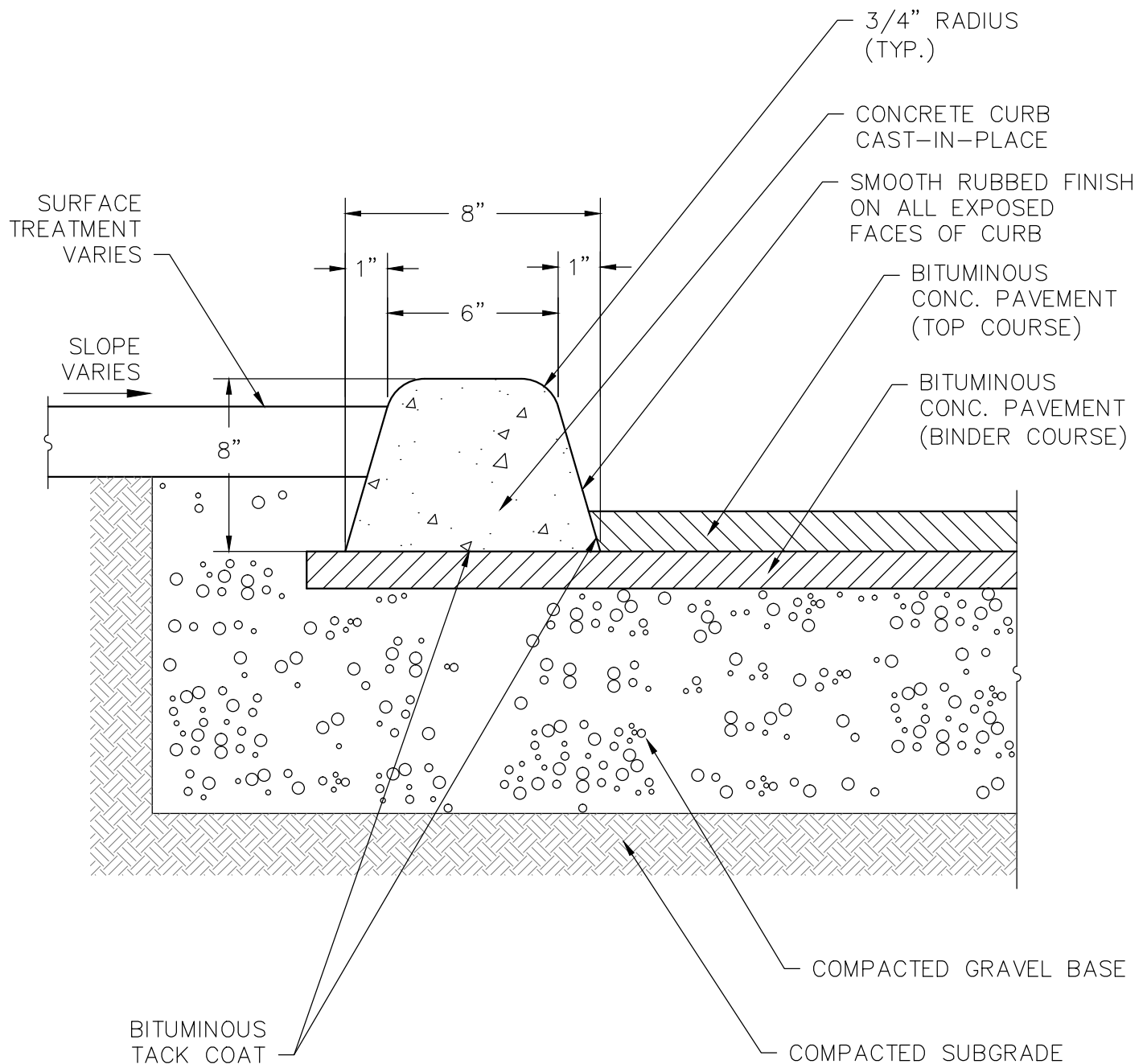
On behalf of Continuing Care Management, LLC, Coneco Engineers & Scientists, Inc. (Coneco) is pleased to submit the enclosed supporting documentation for Salmon Health and Retirement Community. These documents address plan changes to the cape cod curbing on the site.

The previously approved design consisted of cape cod curbing throughout the majority of the site with sections of granite curbing. The proposed change will maintain the locations of the granite curbing and replace the approved cape cod curbing with a cast in place concrete curb (as shown in the attached detail). The cape cod curbing has been installed along Waterside Run and this curbing will remain in place and will not be changed to the cast in place concrete curbing. This change in curb type is being proposed for aesthetic reasons and increased durability. The change in curb type will only impact construction methods and appearance. This modification should have no effect on the performance or functionality of the drainage systems or stormwater runoff from these design changes.

Please contact me at 508-697-3191 ext. 145 with any questions. Thank you for your time and consideration in this matter.

Sincerely,

Jonathan E. Novak
Principal – Engineering



6"X8" VERTICAL CURB

N.T.S.

SALMON HEALTH AND RETIREMENT COMMUNITY, MEDWAY, MASSACHUSETTS 02053



4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
 PHONE 508-697-3191 OR 800-548-3355; FAX 508-697-5996
 WEBSITE: www.coneco.com

PREPARED FOR: CONTINUING CARE
 MANAGEMENT, LLC

PLAN SET: ARCPUD SPECIAL
 PERMIT SITE PLANS

SCALE
 N.T.S.

DATE
 9/2/2020

PROJECT NO.
 8548.0

TITLE:
 VERTICAL CURB
 DETAIL



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

Tetra Tech Construction Reports

- Salmon Report #47 for August 18, 2020
- Salmon Report #48 for August 24, 2020
- Salmon Report #49 for August 26, 2020
- Salmon Report #50 for August 28, 2020
- 50 Alder Street (Milway Auto) Punch List – August 24, 2020. NOTE – Most of the identified items have been addressed.

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 8/18/2020	Report No. 47
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 75°F P.M.

FIELD OBSERVATIONS

On Tuesday, August 18, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Water truck on-site to reduce dust migration and is consistently traveling around the site. SFB throughout the site appears to be in good condition, catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 has silt sack installed and appears to be recently maintained. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, silt fence protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Timber guard rail installation is complete on Waterside Run. Timber rails have been installed on steel posts using galvanized bolts. Designer Fence on site installing posts for privacy fencing along Waterside Run. Contractor to begin installation of light posts along Waterside Run.
- C. Contractor currently screening loam at the entrance to Willow Pond Circle from Village Street. Contractor is spreading screened material along edges of Willow Pond Circle upon inspection.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Designer Fence Co.	Privacy Fence Install
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	9:30 A.M. – 11:15 A.M.

Project Salmon Health and Retirement Community	Date 8/18/2020	Report No. 47
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to install light posts along Waterside Run.
- B. Contractor to perform CCTV inspections of sewer and drainage infrastructure within Waterside Run.
- C. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- D. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

FIELD REPORT

Project	Date	Report No.
Salmon Health and Retirement Community (The Willows)	8/24/2020	48
Location	Project No.	Sheet 1 of
Village Street, Medway, MA	143-21583-15011	2
Contractor	Weather	Temperature
Rubicon Builders (General Contractor)	A.M. SUNNY	A.M. 80°F
Marois Brothers, Inc. (Site Contractor)	P.M.	P.M.

FIELD OBSERVATIONS

On Monday, August 24, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm, puddles are present throughout the site due to recent rain events. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition, catch basins within and adjacent to Waterside Run have silt sacks installed. One section of SFB adjacent to Infiltration Basin 1 have fallen off the stakes, Contractor to inspect and repair erosion controls as needed. CB-29 has silt sack installed, steel plate covering grate upon inspection due to active site work adjacent to the grate. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Contractor is currently focusing on rough grading within Willow Pond Circle in preparation for fine grading. Contractor is matching proposed subbase grades by referencing flagged stakes on the outer limits of the roadway. Slopes along the edges of the roadway have been repaired of erosion and material is compacted, Contractor is repairing slopes adjacent to CB-29 upon arrival.
- C. Privacy fence installation is ongoing along Waterside Run, Designer Fence Company on site installing plastic fence post covers.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Designer Fence Co.	Privacy Fence Install
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	10:00 A.M. – 11:30 A.M.

Project Salmon Health and Retirement Community	Date 8/24/2020	Report No. 48
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to install light posts along Waterside Run.
- B. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- C. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- D. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 8/26/2020	Report No. 49
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 70°F P.M.

FIELD OBSERVATIONS

On Wednesday, August 26, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location with Town of Medway Conservation Commission (ConCom) to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition, TT and ConCom identified areas adjacent to Infiltration Trench 18A where maintenance is required. Catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 has silt sack installed that appears to have been recently maintained. Slope adjacent to CB-29 has been reinforced with erosion control blankets to promote vegetative growth and slope stabilization. SFB installed at the top and toe of the slope, however SFB at top of the slope is not embedded upon inspection. TT will return to the site Friday (8/28) to confirm erosion control maintenance and repairs were completed. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition. Bridget Graziano of Medway ConCom determined the erosion controls located on the east side of the wetland below the bridge at Waterside Run, as well as erosion controls within the vicinity of FES-10 and FES-6, can be removed as these locations are properly stabilized. Contractor to coordinate with ConCom for further direction regarding erosion control removal efforts. Minor sediment

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Designer Fence Co.	Privacy Fence Install
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		Bridget Graziano	Medway Conservation
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	9:30 A.M. – 11:00 A.M.

Project Salmon Health and Retirement Community	Date 8/26/2020	Report No. 49
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

accumulation is present within the paved section of Waterside Run, TT recommends sweeping efforts to be increased to ensure dust is controlled. Standing water and wetland plants were identified in Infiltration Basin #3, last rain event occurred Sunday night (8/23) which exceeded one inch. TT will inspect the basin on Friday (8/28) to confirm drawdown and will coordinate with Contractor if ponding water remains.

- B. Contractor is grading slope to the east of Infiltration Trench 18A in preparation for installation of crusher run gravel canoe put-in.
- C. Damaged sections of berm were identified upon inspection, possibly from construction vehicle traffic, on Waterside Run. Damage is located at approx. STA 7+00 (Waterside Run). Light posts and landscape plantings are stockpiled in this area.
- D. Privacy fence installation is ongoing along Waterside Run, Designer Fence Company on site installing plastic fence post covers and panels.

2. SCHEDULE

- A. Contractor to install light posts along Waterside Run.
- B. Contractor to begin installation of crusher run gravel canoe put-in.
- C. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- D. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- E. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. Light Posts
- B. Plantings

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 8/28/2020	Report No. 50
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 70°F P.M. 75°F

FIELD OBSERVATIONS

On Friday, August 28, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current progress of the proposed canoe put-in. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition. Catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 and CB-30 have silt sacks installed that appear to have been recently maintained. Slope adjacent to CB-30 has been reinforced with erosion control blankets to promote vegetative growth and slope stabilization, SFB installed at the top and toe of the slope. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Contractor has cleared region for proposed canoe put-in located on the south side of the site from the southeast side of Infiltration Trench 18A to the Charles River riverfront. Proposed clearing operations and erosion control installation had been approved at a June 17 on-site preconstruction meeting with Medway Conservation Commission and TT. Slope adjacent to Infiltration Trench 18A has been regraded to establish the layout for the access road into the existing wooded area. Flagging has been installed to indicate the proposed limit of clearing into the wooded areas, and stakes were placed for the proposed canoe put-in layout once clearing was completed. Layout was slightly

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer			
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	10:30 A.M. – 1:00 P.M.

Project Salmon Health and Retirement Community	Date 8/28/2020	Report No. 50
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

modified to preserve large trees and to remove invasive species at the riverfront. Compost filter tubes are currently being installed at the clearing limits and riverfront. Contractor to notify Conservation Commission upon completion of erosion control installation for inspection prior to commencement of construction as specified under the Conservation Restriction.

- C. Contractor is rough grading Willow Pond circle in preparation for fine grading next week. Stakes are placed at the limits of roadway for operator to reference proposed subbase elevations.
- D. Privacy fence installation is ongoing along Waterside Run, Designer Fence Company on site installing plastic fence post covers and panels.

2. SCHEDULE

- A. Contractor to install binder course at Willow Pond Circle.
- B. Contractor to install light posts along Waterside Run.
- C. Contractor to begin installation of crusher run gravel canoe put-in. Contractor to contact Medway Conservation Commission prior to commencement of construction for erosion control inspection.
- D. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- E. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- F. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS


- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

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

Cc:

From: Steven M. Bouley, P.E. – Tetra Tech 
Bradley M. Picard, E.I.T. – Tetra Tech

Date: October 23, 2019
(revised August 24, 2020)

Subject: 50 Alder Street Punch List

On October 22, 2019 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the 50 Alder Street site plan project in Medway, MA. The site was inspected, and a punch list and bond estimate generated of outstanding items which have not yet been completed or are deficient in quality.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Merrimack Building Supply, Site Plan for 20 Trotter Drive in Medway, Massachusetts", dated March 10, 2017, revised December 11, 2017, prepared by Guerrier & Halnon, Inc.
- A Special Permit Decision titled "Major Site Plan Review Decision, Milway Auto – 50 Alder Street, Approved with Waivers and Conditions" dated May 8, 2018.

TT 11/7/19 Update: TT visited the site to update the Punch List and Bond Estimate. Items ~~stricken~~ have been completed to date.

TT 8/24/20 Update: TT visited the site to update the Punch List. Items ~~stricken~~ have been completed to date.

Missing Items

- ~~1. Sidewalk across site entrance. (Photo #1)~~
- ~~2. Proposed subbase shall be fine graded to proposed elevations. (Photo #2)~~
- ~~3. Binder and top course asphalt. TT Update: Binder course has been placed, top will be placed in spring 2020.~~
- ~~4. Cape cod berm.~~
- 5. Striping. TT Update: ADA parking space symbol has not yet been painted.**
- ~~6. Light fixtures on building. (Photo #3) TT Update: 3 of the 4 fixtures have been installed.~~
- ~~7. Erosion control pad. (Photo #4)~~
- 8. Landscaping. TT Update: Planter boxes have been installed but do not contain any plantings.**
- ~~9. Install roof leader overflow devices.~~
- ~~10. Install inspection port road boxes to access inspection ports from parking surface. (Photo #5)~~
- ~~11. Remove erosion controls upon final stabilization of the site.~~
- ~~12. As-built Plans.~~

Deficiencies

- ~~13. Cap to be placed on retaining wall located on the north side of site by erosion control pad. (Photo #6)~~
- 14. Point granite curb at new sidewalk/driveway apron.**

These comments are offered as guides for use during the Town's review. The Applicant shall be advised that any absence of comment shall not relieve him/her of the responsibility to comply with the Approved Plans and Decision for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

P:\21583\143-21583-18005 (MILWAY AUTO)\CONSTRUCTION\PUNCH LIST\MEMO_50 ALDER STREET PUNCH LIST_2020-08-24.DOC



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

Applegate Subdivision

- Price quote from GLM Engineering dated 8-31-20 for \$26,000 to produce as-built and street acceptance plans and to install bounds and monuments for the right of way and the drainage parcel that will be conveyed to the Town. Funding for these services would come from the performance security funds being provided to the Town by Needham Bank pursuant to your vote at the 8-25-20 PEDB meeting.



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

Applegate Subdivision

- Price quote from GLM Engineering dated 8-31-20 for \$26,000 to produce as-built and street acceptance plans and to install bounds and monuments for the right of way and the drainage parcel that will be conveyed to the Town. Funding for these services would come from the performance security funds being provided to the Town by Needham Bank pursuant to your vote at the 8-25-20 PEDB meeting.

August 31, 2020

Attn: Susan Affleck-Childs
Town of Medway
155 Village Street
Medway, MA 02053

**Re: Professional Services Proposal
Apple Gate Farm Subdivision
Applegate Road, Medway, MA**

Dear Susan,

GLM Engineering Consultants Inc., is pleased to submit this proposal for services for the above referenced property. Client endorsement of this proposal will constitute acceptance of this proposal which, once accepted will become the contract between the parties.

1.0 Scope of Services:

• **Road Asbuilt and Acceptance Plans:**

GLM will conduct a field survey for actual locations and profiles of the street and easements including sewer, drainage, water line and utilities, as may be located in the field. The data shall be shown on an As-Built Plan to be prepared in conformance with the Town of Medway Planning Board Rules and Regulations as it pertains to As-Built Plans.

GLM will prepare street acceptance plan of the roadway and easements including legal descriptions of the roadway and easements in conformance with the Town of Medway Planning Board Rules and Regulations.

All documents shall be provided to the Town of Medway in both electronic format and original mylars for recording.

Cost for Services: \$13,500.00

• **Survey Roadway Monuments & Property Markers:**

GLM will conduct a field survey to stake the concrete bound point locations, as shown on the approved definitive plans. GLM shall provide and install 3-foot concrete bounds with drill holes at the staked locations. (24 concrete bounds)

GLM shall survey and install 5/8" diameter steel rebar with plastic survey caps at the all easement, front lot corners and perimeter of Parcel A as shown on the on the approved definitive subdivision plans. (Approximately 24 steel rebars)

The placement and location of all monuments shall be certified and properly shown on the asbuilt and/or acceptance plans.

Cost for services: \$ 12,500.00

2.0 Additional Services

Any service requested of GLM Engineering Consultants Inc. beyond those indicated in the above scope will be considered additional. If requested GLM will provided additional services in accordance with the attached fee schedule.

3.0 Fees for services

The above fees exclude expenses such as filling fees, printing and binding, photocopying, delivery charges,

postage, expendable project related supplies, etc. These expenses are an additional charge.

Revisions to site plans required by approving authorities and/or their consultants during the permitting process shall be included in the above fees. Any additional work that is requested and not included in this scope of services will be billed on a time and materials basis.

All meetings with regulatory boards will be an additional charge billed at \$150.00 per hour. Additional meetings requested by the town of client will be considered an additional service and billed at the company hourly rates.

4.0 Right of Entry

The client hereby warrants, if the property is not owned by the Client, that permission has been granted for a Right of Entry by GLM, its agents and staff for the purpose of performing all services described in the scope of services. On occasion, GLM may request written right-of-entry authorization prior to commencement of services.

5.0 Payment Terms

A minimum retainer of **\$00.00** shall be payable upon execution of this agreement, to be applied against the total bill for services rendered.

Invoices for services will be billed monthly or whenever a plan or report is completed. By the signing of this proposal, it is agreed and understood that payment will be made upon receipt invoice or at time of plan pick-up or prior to mailing out. It is further understood that any balances on this account remaining unpaid for a period of 30 days will incur a service charge of 1-1/2% per month (annual rate of 18%). It is further agreed that if the account is turned over for collection, reasonable attorney's fees and cost for collection shall be added to the unpaid balances, whether or not legal action is instituted. It should be noted in this case that reasonable fees for time expended by GLM Engineering Consultants Inc. in this regard will be considered as part of the cost of collection. GLM Engineering Consultants Inc. reserves the right to stop work on all projects for a client in the event that one or more of the client's accounts is in arrears in excess of 30 days. If GLM has stopped work on a project for this reason, we will not be responsible for consequences, financial or otherwise associated with project delays or final completion thereof.

Please sign the enclosed copy of this letter and return it to this office. We will proceed with the work upon receipt of this work order and your deposit.

Authorized and guaranteed by:

_____ (Signature)

_____ (Print)

Date:

Tel.:

Yours Truly,

GLM ENGINEERING CONSULTANTS, INC.

Robert S. Truax
Principal

NOTE: Prices quoted on this order are only estimates and are valid for thirty (30) days from the date of this work order.



September 8, 2020
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- Draft minutes of the 8-25-20 PEDB meeting

Tuesday, August 25, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

REMOTE AND LIVE MEETING

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

Pursuant to Governor Baker's Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.

ALSO PRESENT IN LIVE MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PRESENT VIA ZOOM MEETING:

- Amy Sutherland Recording Secretary (Zoom Participation)
- Gino Carlucci, PGC Associates (Zoom Participation)
- Steve Bouley, Tetra Tech (Zoom Participation)

The Chairman opened the meeting at 7:00 pm. He read a statement about the meeting being held both LIVE and remote via ZOOM.

CITIZEN COMMENTS:

Resident, Jason Reposa, 1 Shady Lan, was present to inform the Board that he is pursuing a recreational product cannabis manufacturing license at 23 Jayar Road. Mr. Reposa is looking to sign a lease for 2,000 sq. ft. of space in this property. He will be purchasing cannabis oil (odorless) from marijuana cultivators and adding distilled water to produce tinctures. This process uses specific equipment. There is very little noise from these machines. The chiller may be used but an ice water bath will mostly be used to cool down the product. The location of this business is in the Town's ground water protection district. A special permit may be needed. He will be using the facility also as a hemp business until the application is filed for the cannabis license from the Cannabis Control Commission. He would like to expedite this process as soon as possible. He is going before the Board of Selectmen for a host community agreement (September 8th).

SALMON FIELD CHANGE – VILLAGE STREET:

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

- Emails from Jeff Robinson dated 8-13-20
- Coneco drawing dated 8-18-20
- Email from Sergeant Jeff Watson dated 8-14-20
- Email from Steve Bouley dated 8-19-20

Representative Jeff Robinson was present during the ZOOM call. There were two field change in front of the Board. One was related to the adjustment of curbing from Waterside Run exiting onto Village Street. The second field change pertains to the locations of cross walks across Village Street. Mr. Robinson explained that the Newman family (245 Village Street) had expressed concern about their driveway and Waterside Run abutting each other. The engineers adjusted the design of the radius of the curbing so there is a defined space between the driveway and Waterside Run. The current binder will be removed and will be replaced with landscaping. The proposed change was shown on Share Screen. Consultant Bouley is fine with what is being presented

Resident, Mrs. Newman 245 Village Street:

Mrs. Newman thanked the Board and developer for addressing their concern. She wanted to confirm that the curb will come across the noted area and that there will be grass installed. The applicant indicated that there will be a rounding of the curb and grass.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call vote to approve the Waterside Run/245 Village Street field change as presented.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

The second field change is for the crosswalk across Village Street. The proposed redesign was shown via Screen Share. The crosswalk location was moved behind the telephone pole and is now not encroaching on the abutting property. This change was reviewed by Sergeant Watson, DPW Director Dave D'Amico and Engineering Consultant Steve Bouley. All were fine with what was recommended by the applicant. Consultant Bouley did indicate that the crosswalk warning symbol signs appear to be backward. This needs to be fixed. The applicant will change these. Consultant Bouley will check.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call vote to approve the field change for the crosswalk as presented for Salmon.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

Tom Gay **aye**

HARMONY VILLAGE MULTI-FAMILY PUBLIC HEARING:

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

- Harmony Village Public Hearing Notice
- Project Narrative
- Multifamily Housing Application
- Special Permit Application
- Land Disturbance Application
- Harmony Estates Site Plan – June 9, 2020
- Duplex Design
- Triplex Design
- Waiver Requests
- Development Impact Report
- Sewer Flows
- Letter from Goddard Consulting re: Wetlands
- Email from Bridget Graziano re: Wetlands
- Email from DRC – August 19, 2020
- Tetra Tech Review Letter – August 7, 2020
- PGC Review Letter – August 14, 2020
- Letter August 21, 2020 Carmel and Daniel Bergeron, 214 Main Street
- Email from DPW Director Dave Damico – August 24, 2020
- Letter from Drew Garvin of Meridian Associates dated August 25, 2020
- Email dated August 25, 2020 from Krystyna McQueeney, 222 Main Street

The Chairman opened the hearing and read the procedural rules for running the public hearing.

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted by Roll Call vote to waive the reading of the public hearing notice.

Roll Call Vote:

Bob Tucker **aye**
Matthew Hayes **aye**
Rich Di Iulio **aye**
Andy Rodenhiser **aye**
Tom Gay **aye**

Project engineer Drew Garvin of Meridian Associates and applicant Gary Feldman were present to explain the proposed project. This is a proposal to develop a 7-unit residential condominium at 218 Main Street located in the Agricultural Residential II Zoning District. This is a 1.22-acre property. This application proposes five units in the rear of the property (one triplex and one duplex) behind the two existing dwellings which are to be rehabilitated. The development will include renovations of two existing single-family building for a total of seven residential units. The existing driveway will be widened into a roadway and extended to serve all units. There are two car garages proposed for the five new units and additional parking is proposed to serve the existing dwellings.

There will be 26 off-street parking spaces. Access will be from a single curb cut at Main Street. The stormwater management facilities will be constructed to manage stormwater on-site and include subsurface infiltration system for roof runoff and a detention basin at the southwest corner of the property. There are no wetlands on this site. The applicant did attend meetings with the Design Review Committee. The DRC prepared a letter with recommendations.

Mr. Garvin summarized the proposed requests for waivers from the Site Plan Rules and Regulations:

- Sidewalk and Pedestrian Circulation (TT #10/17, PGC #17)
- Vertical granite curb (TT #11/15, PGC #18)
- Proposed driveway is within 15 ft. of the northeast corner of the abutting property at 222 Main Street (TT #12)
- Proposed driveway (roadway) is 22 ft. wide (24 ft. required) (TT#16, PGC #19)
- Electric Vehicle Charging Stations required (PGC #20)

Regarding the sidewalk and pedestrian circulation, the applicant communicated that for a project of this size and “village” style, the driveway would serve as an appropriate access within the site and leading to Main Street. The applicant also believes that the proposed driveway is within 15 ft. of the northeast corner of the abutting property at 222 Main Street. The applicant notes that a 24-foot-wide driveway would be inconsistent with the character of this project and neighborhood. There is only 18-foot-wide drive aisle needed for a fire truck. There are 26 parking spaces and the applicant does not believe that charging stations are appropriate for this type of development. There is no longer needed a waiver for the provision of architectural designs for the existing houses since these will be provided. All the electrical will be underground.

Questions from the Board Members:

Member Tucker wanted to know when Main Street will be paved by the Town. It was indicated that the sidewalk and curbing has been completed and the paver has been lined up to complete this task. Since there is fresh pavement, is the applicant allowed to dig up the street up. It was recommended that there be communication with DPW Director Dave D’Amico about the water and sewer.

Member Hayes wanted to know about the plans for lighting. The applicant indicated that there is proposed lighting along the driveway beginning in front of 220 Main Street. This lighting will be at the end of the driveway. There are three light posts proposed along with a light at the mailboxes. Member Tucker stated that a full photometric plan is needed.

Member Di Iulio wanted to know if the plans have been submitted to the Fire Chief. The applicant responded the plans have been presented to the Fire Chief and this was discussed during the pre-application departmental meeting. The Fire Chief was ok with the 22 ft. The applicant will get a formal letter from the street.

Consultant Recommendations:

Tetra Tech:

Consultant Bouley noted that the following items need to be addressed:

- Sight distances have not been provided

- Proposed well for irrigation (applicant is not proposing one)
- The proposed cultic systems do not appear to be designed with the inspection ports which are critical to proper inspection and maintenance procedures for the system.
- The existing and proposed study areas do not match in the Hydrocad analysis.
- The proposed stormwater infrastructure is not capturing all impervious cover at the site.
- Need a photometric plan
- Require a 15 ft. landscape buffer.
- Will basements have foundation drains?
- Talk with Barry Smith in DPW about water service.

PGC Associates:

The following recommendations were noted:

- The existing pre-existing non-conforming houses do not meet setback requirements.
- The 5 new units does not trigger the Affordable Housing requirement.
- Requires a historic properties determination.
- Needs a photometric plan for lighting
- Needs a signage plan.
- Requires an existing landscape inventory.
- Needs calculation for impervious surface.
- Requirement for maintenance plan to insure the viability of installed landscaping.
- Energy efficiency needs to be addressed.

The recommendations from the Design Review Committee included adding a landscape buffer along the northeastern portion of the site where the proposed duplex abuts the adjacent Ritchie property. There should be a fence or vegetation buffer. Another suggestion was to eliminate the existing extra walkways at the front right section of the property that connects the existing houses to the Main Street sidewalk. It is also recommended that a porch roof or overhang be added at the rear of each of the new units similar to what is shown over the garage doors.

The Board would like to see the following:

- Detail of the group mailbox, with a mini shed.
- Stone walls will remain – provide clarity or detail. There was a recommendation to remove the wall further east. The DRC recommended remove all to the right. It was recommended to have the Chairman of the DRC provide further clarification.
- The applicant will continue the stone wall and will provide clarity on plan and detail.
- Percentage of coverage on the lot needs to be determined.

Abutter Questions:

Resident, Cathy Sutton, 216 Main Street:

Ms. Sutton wanted clarification on the charging station and asked whether these units hum at night.

Residents, Carmel Bergeron, 214 Main Street:

The Board is in receipt of a letter from Mrs. Bergeron. She also communicated in the meeting the following concerns:

- She spoke to 12 neighbors in the vicinity and no one wants this development due to the noise, density, and traffic.
- She is also concerned about any trees which are coming down.
- Concern about ledge and that the antique foundation of the neighboring homes could be damaged if blasting is needed.
- The plan has provided no place to walk safely as there are no sidewalks.
- The units are larger than the individual houses around them.

Resident Ms. Hallman, 212 Main Street:

- She agrees with previous comments.
- She would like the Board to consider the historic character of neighborhood.
- She purchased her home in this area due to the character and she does not think this development fits in.
- She is opposed to this project.

Resident, Krystyna McQueeney, 222 Main Street:

- This has too many buildings for the site.
- Lights in the area are too many.
- Concern about water in her basement as a result of this development.
- Concern about blasting

Resident, Terri Tiernan, 210 Main Street:

Ms. Tiernan provided a message in ZOOM chat.

- Not in favor. In agreement with previous comments.
- If asking for all these waivers, the scope of project may be too large.
- This is residential area, and this would take away from the flavor of the neighborhood.

Resident Jovante and Myriam Santos, 224 Main Street:

Mr. and Mrs. Santos participated via ZOOM.

- Respect views of others
- Welcome the project.
- This project will revitalize the area.
- The current area is an eyesore.

Resident, Cathy Sutton, 216 Main Street:

- Concern is that her house was built in 1900's with a stone foundation and has lived there 38 years ago and chose this area due to the historic district.
- Her house resides on the property line and the duplex will be on the side of her house and there is a direct line of sight into her bedroom.
- Concerned about noise.
- The construction will ruin her stone foundation.
- She has animals in her home which have been abused and she is afraid the noise will stress them out.
- The increased traffic in this area will impact her getting in and out of her driveway.
- Property values will decrease.
- Objects strongly to this project.

- Counsel has been retained to represent the neighbors against this project.

The DPW provided a correspondence about trash and solid waste. Home owners will bring their trash cans out to Main Street. Also, each unit will have a separate water meter and the utility accounts will be separate.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call vote to continue the hearing for Harmony Village to September 22, 2020 at 8:00 pm.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

APPLEGATE SUBDIVISION PERFORMANCE SECURITY:

The Chairman recused himself and Vice Chairman ran the proceedings.

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

- 8-20-20 SAC memo to PEDB
- First Amendment to the Tri-Partite Agreement with Needham Bank (12-14-2018)
- 8-20-2020 Email from John Shea of Needham Bank

The Board was made aware that the PEDB is ready to secure the bond funds from Needham Bank. The Board entered into an amended Tri-Partite agreement with Ralph Costello, the developer of Applegate Farm subdivision, and Needham Bank. The agreement is regarding the remaining subdivision surety funds for the subdivision. The amount is \$265,617.00.

The Town will begin the process for street acceptance for the November Town meeting. The Town will take over constructing any required improvements to the extent of funds available. This has been discussed with the Board of Selectmen. As-built and street acceptance plans will need to be prepared. A price quote is being sought from GLM Engineering to prepare these as they were the original project engineer. There is already a deed to convey the road and easements.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Planning and Economic Development Board voted by Roll Call Vote to accept all of the remaining available funds held by Needham Bank as surety for the completion of the ways and installation of municipal services in the Applegate Farm Subdivision, pursuant to Section 10 of the First Amendment to Tri-Partite Agreement to Secure Construction of Ways and installation of Municipal Services for Applegate Farm Subdivision, dated December 14, 2018.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye

Andy Rodenhiser **abstain due to recusal**
Tom Gay **aye**

Chairman Rodenhiser rejoined the meeting.

PEDB MEETING MINUTES:

August 11, 2020:

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call to approve the PEDB meeting minutes August 11, 2020.

Roll Call Vote:

Bob Tucker **aye**
Andy Rodenhiser **aye**
Matt Hayes **aye**
Rich Di Iulio **aye**
Tom Gay **abstained as he was not present**

CONSTRUCTION REPORTS - TETRA TECH:

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

- Salmon Report #45 August 4, 2020 (Sidewalk and guardrail installation)
- Salmon Report #46 August 11, 2020 (grass is growing to east)

WILLIAMSBURG PROJECT COMPLETION:

The Board is in receipt of the draft Certificate of Completion (**See Attached.**) The Board received an email communication from a resident of Williamsburg with concerns about the maintenance of the site and the condition of the light posts and construction fencing. The Board has received a sign off from the condominium association management company and they have indicated that they are satisfied with what has been done. Susy reached out to the management company to ask about when the light fixtures will be replaced. The management company indicated that there is no plan to fix them soon since there is no budget for this at the moment. The Board discussed that for future projects there needs to be added language to decisions about the responsibilities of the developer and condo association. The Board suggested having an “Action After” report when there is a project completion.

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted by roll call to Issue the Certificate of Completion for Williamsburg Way.

Roll Call Vote:

Bob Tucker **aye**
Matthew Hayes **aye**
Rich Di Iulio **aye**
Andy Rodenhiser **aye**
Tom Gay **aye**

MEDWAY GREEN PROJECT COMPLETION:

The Board is in receipt of the draft Certificate of Completion (**See Attached.**)

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted by roll call to Issue the Certificate of Completion for Medway Green.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

MEDWAY PLACE SITE PLAN PUBLIC HEARING:

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

- 8-12-20 Public Hearing Continuation Notice
- 8-29-20 Email from Attorney Gareth Orsmond requesting a continuation of the public hearing.

On a motion made by Matthew Hayes, and seconded by Bob Tucker, the Board voted by Roll Call vote to continue the hearing for Medway Place Site Plan on September 8 at 7:15 pm.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

ZBA PETITIONS:

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

- 15 Meryl Street – Accessory Family Dwelling Unit
- 8 Barber Street – Accessory Family Dwelling Unit

The date of the hearings before the ZBA is September 2, 2020. These applications are for Accessory Family Dwelling Unit special permits. The Board looked at the Barber Street application and questioned if there is enough space for this addition. The members felt that the plans for these units appear rather large. There is a provision where the Zoning Board can allow the AFDU to be larger than 800 sq. ft. These applications are not exceeding the maximum lot coverage. The addition should be compatible with the size and scale. There is sufficient parking. There is a concern that these applications when approved will be morphed into two family homes over time. The Board recommends to be silent with the ZBA on both applications.

ZONING BYLAW AMENDMENTS - FALL TOWN MEETING:

The Board was advised that the goal is to submit the articles which were going to be considered at the spring town meeting but were withdrawn due to COVID. The changes to the environmental regulations need to be finalized. There were housekeeping edits to the special permit portion of the central business district which Ted Brovitz will review. Susy Affleck-Childs asked if the Board might want to consider setting some limits on the size of industrial buildings. There was a suggestion to reach out to MAPC for work with the towns of Holliston,

Franklin, Milford, and Bellingham to look at the roads and facilities which are in these areas and how traffic will be impacted over the years. The Town of Medway was made aware that there will be an 850,000 sq. ft. facility in the Town of Holliston.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board Voted by roll call vote to submit the Zoning Bylaws for town meeting as presented.

Roll Call Vote:

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

The Board would like Susy to put together some language about industrial buildings being a maximum of 100,000 sq. ft. and anything larger would need to go through the special permit process.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by roll call vote to have Susy draft language for industrial buildings which are 100,000 sq. ft. and anything larger needing to be authorized by special permit.

OTHER BUSINESS:

- Consultant Carlucci informed the Board that he will need to scale back his activities with the Town of Medway as he is assuming more duties with his job in Sherborn. Susy and Barbara will talk about the next steps on how the Board can proceed without Consultant Carlucci's assistance for project reviews.

CENTRAL BUSINESS DISTRICT:

The Board will discuss zoning ideas for the Central Business District at their meeting on September 8, 2020 at 6:30 pm.

FUTURE MEETING:

- Tuesday, September 8, 2020

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call vote to adjourn the meeting at 9:47 pm.

Roll Call Vote:

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

The meeting was adjourned at 9:47 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

**Red Gate Subdivision – Request for
Bond Release and Street Acceptance**

- Red Gate Subdivision Map
- Letter dated June 15, 202 from Michael Bruce on behalf of Red Gate Estates Realty Trust
- Follow-up emails between Susy Affleck-Childs with Michael and Jonathan Bruce
- DPW punch list dated July 14, 2020
- Email note from Dave D'Amico dated August 25, 2020 providing some cost estimates

We have been contacted by the developer of the Red Gate subdivision, a longstanding 30-lot subdivision off the west side of Holliston Street; it dates back to 1987. The streets (Redgate Drive and Briar Lane in full and portions of Field Road, Fern Path and Bramble Road) have never been accepted by the Town. See attached subdivision map with the streets **highlighted**. The subdivision had been the subject of a lawsuit brought close to 30 years ago against the Town and the developer by an abutter (George Carem). The lawsuit remained unresolved due to their inaction and former Town Counsel Richard Maciolak had advised the Town to not take any steps toward street acceptance as long as the lawsuit remained pending. During the fall of 2019, the court finally dismissed the lawsuit for inaction.

The original developer was Jonathan Bruce who is now being represented by his son, Michael Bruce, to close out the subdivision. Michael Bruce has requested return of the bond funds and street acceptance by the Town. Based on a quick perusal of some of the deeds, it appears that that the developer retained the fee in the roadway when the house lots were conveyed so long ago.

There are no funds in a construction account for us to retain Tetra Tech to do an inspection. DPW has done so for us. See attached punch list prepared by DPW Highway Superintendent Jack Tucker and a recent email note from Dave D'Amico.

NOTE – There is \$13,053 in the bond account as of July 1, 2020.

Next Steps

1. Board determines if the subdivision has been completed.
Approves the DPW cost estimate to undertake the work.
2. Board notifies developer of deficiencies and provides information on cost estimates. Requests that developer complete the work and provide additional performance security. We need to provide a “reasonable” amount of time for the developer to do so.
3. Board holds a public hearing to determine if the developer is in default for failure to complete the construction of ways and provision of municipal services. Board must notify the developer of that date and time so they can participate or be represented.
4. If Board decides the developer is in default, it votes to take the subdivision surety that is being held.

**Teng Solutions, LLC
PO Box 34
Oreland, PA 19075-0034**

June 15, 2020

SENT VIA USPS FIRST CLASS AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Town of Medway Planning & Economic Development Board
Susan E. Affleck-Childs, Planning & Economic Development Coordinator
155 Village Street
Medway, MA 02053

Dear Ms. Affleck-Childs:

I am writing on behalf of Red Gate Estates Realty Trust, the developer of the Red Gate Estates subdivision located between Holliston Street and Lovering Street. Specifically, I am writing to follow up on our brief email discussion from approximately four months ago, a copy of which is enclosed for your convenience.

I renew the developer's request for the Town of Medway to finally accept the Red Gate Estates subdivision and release the funds in the cash bond deposited at Rockland Trust, account #1068586.

Additionally, kindly update the "Unaccepted Streets Matrix" on the Town of Medway's website as the "Status Note" for "Redgate 1" is not accurate.

I can be reached at **m@tenld.com** with any questions or comments.

Sincerely,



Michael Bruce, PE
Manager

cc via USPS: Red Gate Estates Realty Trust



Michael Bruce <m@tenld.com>

Redgate Subdivision - Medway

Michael Bruce <m@tenld.com>

Thu, Feb 20, 2020 at 2:00 PM

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

Dear Ms. Affleck-Childs,

It is my understanding that everything required was submitted nearly thirty years ago, when the developer requested acceptance. The developer has no copies and the engineering firm is apparently out of business as well.

Sincerely,

Michael Bruce

On Thu, Feb 20, 2020 at 10:29 AM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Michael,

Thank you for your February 13, 2020 letter regarding the Redgate subdivision. We received it on February 18th. We are researching the subdivision.

Do you know if a street acceptance and/or an as-built plan were ever prepared? Please forward to me if available, preferably in pdf format. That will be needed for the Town to accept the street.

Best regards,

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

Susan Affleck-Childs

From: J. M. Bruce <jbruce@armidainc.com>
Sent: Friday, July 31, 2020 11:33 AM
To: Susan Affleck-Childs
Cc: 'Michael Bruce'
Subject: RE: Red Gate subdivision

Dear Suzy

I checked a few deeds at the Norfolk Registry of Deeds and the fee in the street was retained by Red Gate Estates Realty Trust.

Best,

\\jmb

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, July 31, 2020 11:20
To: J. M. Bruce <jbruce@armidainc.com>
Cc: Michael Bruce <m@tenld.com>
Subject: RE: Red Gate subdivision

Good morning,

Thank you for your note authorizing Michael Bruce to act on behalf of Red Gate Estates Realty Trust for purposes of closing out the subdivision known as Red Gate Estates.

May I jog your memory a bit? Was it your standard practice when Red Gate was developed to retain the fee in the roadway when you conveyed the house lots or do you believe the various owners in Red Gate own to the centerline of the roadway along their frontage? Thanks for your help.

Susy Affleck-Childs

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

From: J. M. Bruce <jbruce@armidainc.com>
Sent: Friday, July 31, 2020 11:07 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>

Cc: Michael Bruce <m@tenld.com>

Subject: RE: Red Gate subdivision

Dear Ms. Affleck-Childs,

Per your below request, kindly consider this email message as written authorization for Michael M. Bruce to act on behalf of Red Gate Estates Realty Trust for purposes of closing out the subdivision known as Red Gate Estates.

You can reach me at the email address above in the event of any questions.

Thank you and best regards,

Jonathan M. Bruce

From: Michael Bruce <m@tenld.com>

Sent: Friday, July 31, 2020 10:48

To: Jonathan Bruce <jbruce@armidainc.com>

Cc: Daniel Bruce <dan@darkblue.llc>

Subject: Fwd: Red Gate subdivision

Please provide this documentation to Medway and copy me.

Begin forwarded message:

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

Date: July 31, 2020 at 08:41:59 CDT

To: "m@tenld.com" <m@tenld.com>

Cc: Barbara Saint Andre <bsaintandre@townofmedway.org>

Subject: Red Gate subdivision

Good morning, Mr. Bruce:

I am writing to acknowledge receipt of your communication regarding the Redgate Estates subdivision and your request for the Town to accept the Redgate streets and release the bond funds.

The Planning and Economic Development Board and Town staff are looking into this matter.

As our prior dealings on the Redgate subdivision have been with Jonathan Bruce representing Red Gate Estates Realty Trust, please provide written authorization from the Red Gate Trustees that you are authorized to act on their behalf as we proceed to close out the subdivision. That communication should be sent directly to me. Thank you for your attention to this matter.

Best regards,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street

Medway, MA 02053
508-533-3291

Redgate Subdivision – DPW notes (July 14, 2020)

Redgate Dr

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

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

Briar Ln

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

Field Rd.

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

Drainage looks like it was installed correctly.

Fern Rd.

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

Bramble Rd.

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

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

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

Thank You,

Jack Tucker, Highway Superintendent

Susan Affleck-Childs

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

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

Susy,

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

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

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

Thanks,

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

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

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

Cc: Peter Pelletier <ppetier@townofmedway.org>

Subject: FW: Redgate subdivision

Susy,

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

Thanks,

Dave

Medway DPW Director

508-533-3275

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

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From: Jack Tucker <jtucker@townofmedway.org>

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

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

Subject: Re: Redgate subdivision

Dave,

Here is what we found in The Redgate subdivision.

From: David Damico <ddamico@townofmedway.org>

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

To: Jack Tucker <jtucker@townofmedway.org>

Cc: Peter Pelletier <ppetier@townofmedway.org>

Subject: FW: Redgate subdivision

Jack,

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

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

Thanks,

Dave

Medway DPW Director

508-533-3275

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

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

Hi Dave,

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

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

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

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

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

Thanks.

Susy

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



September 8, 2020

**Medway Planning & Economic Development Board
Meeting**

ZBA Petitions

- Application from David and Denise Palmieri requesting a setback dimensional variance for a shed at 110 Holliston Street (corner lot with Virginia Road).

August 20, 2020

Members of the Zoning Board of Appeals,

This letter is my *mea culpa*. I would like to explain in this case why the proper zoning and permit ordinances were not followed before construction began on the addition to my shed at 110 Holliston St.

It was my understanding that structures less than 200 square feet were not subject to the zoning ordinances in the Town of Medway. I have learned that is incorrect, and have since read the Zoning Bylaws thoroughly to educate myself on the rules. I have also communicated in detail with Kelly O'Brien and Stefany Ohannesian, both of whom have been exceptionally friendly and helpful in guiding me to accurate understandings and proper resolutions (see handouts 3).

While each of my shed structures is less than 200 square feet (each shed is 11x14), I have learned there are two problems. First, although the sheds are internally independent with separate entrances, they are externally connected, which Dana Hawthorne (visiting building inspector) identified as making them one structure – which now combines the square footages to subject the structure to full zoning conformity. Second, regardless of the total square footage, any structure less than 200 square feet still needs to be at least 5 feet from the property line. As the land survey from Continental Land Surveyors illustrates (see handout 1), neither my existing shed nor addition comply. According to these circumstances, I have filed this application for a variance.

Concerning the initial work without a permit, I did not believe a non-dwelling structure less than 200 square feet required a building permit. Obviously, this is incorrect. I would like to submit emphatically that this was just a matter of ignorance, and not an attempt to deliberately circumvent the Town laws in any way. I have filed for proper permits in the past for our driveway opening, backyard deck, and patio fire pit; moreover, we live on a primary road in full, plain view of the busy vehicle and pedestrian traffic. In short, it is not possible or our intention to hide anything on our property. We also gained approval for the project from our neighbors before beginning.

I do not offer this information to excuse the reverse order in which I have sought a permit and variance. I accept full responsibility for my mistake, and I recognize the error in due process. Instead, I am providing this information simply to explain the circumstances and demonstrate that I have sought to comply with the Town of Medway requirements fully and with alacrity since the problem was brought to my attention.

Sincerely,



David H. Palmieri
110 Holliston St.

GENERAL APPLICATION FORM**TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): David H. Palmieri and Denise M. Palmieri	Application Request(s):
Property Owner(s): David H. Palmieri and Denise M. Palmieri	Appeal <input type="checkbox"/>
Site Address(es): 110 Holliston St., Medway, MA 02053	Special Permit <input type="checkbox"/>
	Variance <input checked="" type="checkbox"/>
	Determination/Finding <input type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
Parcel ID(s): 31-046-0000	Comprehensive Permit <input type="checkbox"/>
Zoning District(s): AR-I	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Book 20930, Page 371, April 29, 2004	

TOWN CLERK STAMP

**TO BE COMPLETED BY STAFF:**

Check No.:
Date of Complete Submittal:
Comments:

GENERAL APPLICATION FORM

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): David H. Palmieri and Denise M. Palmieri	Phone: 774-277-1093
	Email: dpalmieri@xbhs.com
Address: 110 Holliston St., Medway, MA 02053	
Attorney/Engineer/Representative(s):	Phone:
	Email:
Address:	
Owner(s): David H. Palmieri and Denise M. Palmieri	Phone: 774-277-1093
	Email: dpalmieri@xbhs.com
Mailing Address: 110 Holliston St., Medway, MA 02053	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative

Date

8/22/2020

Signature Property Owner (if different than Applicant/Petitioner)

Date

GENERAL APPLICATION FORM

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1, Schedule of Dimensional and Density Regulations	Does the proposed use conform to the current Zoning Bylaw?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Present Use of Property: Residential, Single Family, Primary Dwelling	Has the applicant applied for and/or been refused a building permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Use of Property: Residential, Single Family, Primary Dwelling	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date Lot was created: 1955	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected: 1955 (house); 2020 (shed addition)	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines? Yes.	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Describe Application Request: <p>Having learned that the in-progress addition to our outdoor storage shed does not conform to Town of Medway permit and zoning ordinances, we have ceased work on the project and request a variance to allow the existing shed and addition to exist within the setback area on the southeast corner of our property. We are requesting that the setback on the south side (108 Holliston St. property line) be reduced to 8.1' and the setback on the east side (2 Virginia Rd. property line) be reduced to 3.6'.</p>			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		storage shed	additional storage
B. Dwelling Units	1	1	1
C. Lot Size	44,000 sf	9292 sf	9292 sf
D. Lot Frontage	180'	68'	68'
E. Front Setback	35'	85'	85'
F. Side Setback	35'	77'	63'
G. Side Setback	15'	8.1'	8.1'
H. Rear Setback	15'	3.6'	3.6'
I. Lot Coverage	no more than 25%	no more than 25%	no more than 25%
J. Height	35'	10'	12'
K. Parking Spaces	N/A	N/A	N/A
L. Other		11x14 existing 154 square feet	11x14 addition 154 square feet (same dimension, separate but attached)

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to zoning@townofmedway.org
and 4 paper copies to the Community & Economic Development Department.

VARIANCE FORM



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.

- 1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)**

The lot at 110 Holliston St. in Medway is a pre-existing, legal nonconforming corner lot of 9292 square feet (see handout 1). Zone AR-I properties have a minimum zoning requirement of 44,000 square feet, which makes 110 Holliston St. 79% smaller than the zoning requirement; however, the property is still subject to the same 35'/15' setback ordinances. Additionally, this property has a unique challenge as an unsquare corner lot with two frontages requiring 35' setbacks (Town of Medway Zoning Bylaw 6.2.F.2.). Considering these deficits in comparison to other properties in the AR-I zoning district, compliance with the setback rules presents a practical difficulty.

- 2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)**

The substantial hardship in this case is not self-created. The size and shape of 110 Holliston St. as a corner lot do not allow conformity with the zoning setbacks at any location on the property without unreasonably moving an accessory structure onto the usable space of the back yard, at which point it would be both impractical and unconventional (see handout 2). It is not feasible to make reasonable use of the property given the existing Bylaws in this case. Moreover, given the diminutive size of the house and yard, we are seeking a right to have additional storage space, which is a right generally enjoyed in the AR-I zone by property owners who have garages and/or larger yards for conforming to the Bylaws.

- 3. State why desirable relief may be granted without substantial detriment to the public good.**

The existing shed and the addition present no undue hardship on neighbors or their properties; the structure is designed to be consistent in style and structure with our home and the abutting homes, and the neighbors have provided documented support for the project (see handout 5). Furthermore, the requested setback is not out of character for the rest of the neighborhood. While this application has been filed late, after learning of a problem with construction, we have sought to redress the issue appropriately with guidance from town representatives. That backwards process has not been not in the best interest of due process; however, it does not disqualify the case for a variance presented in these answers.

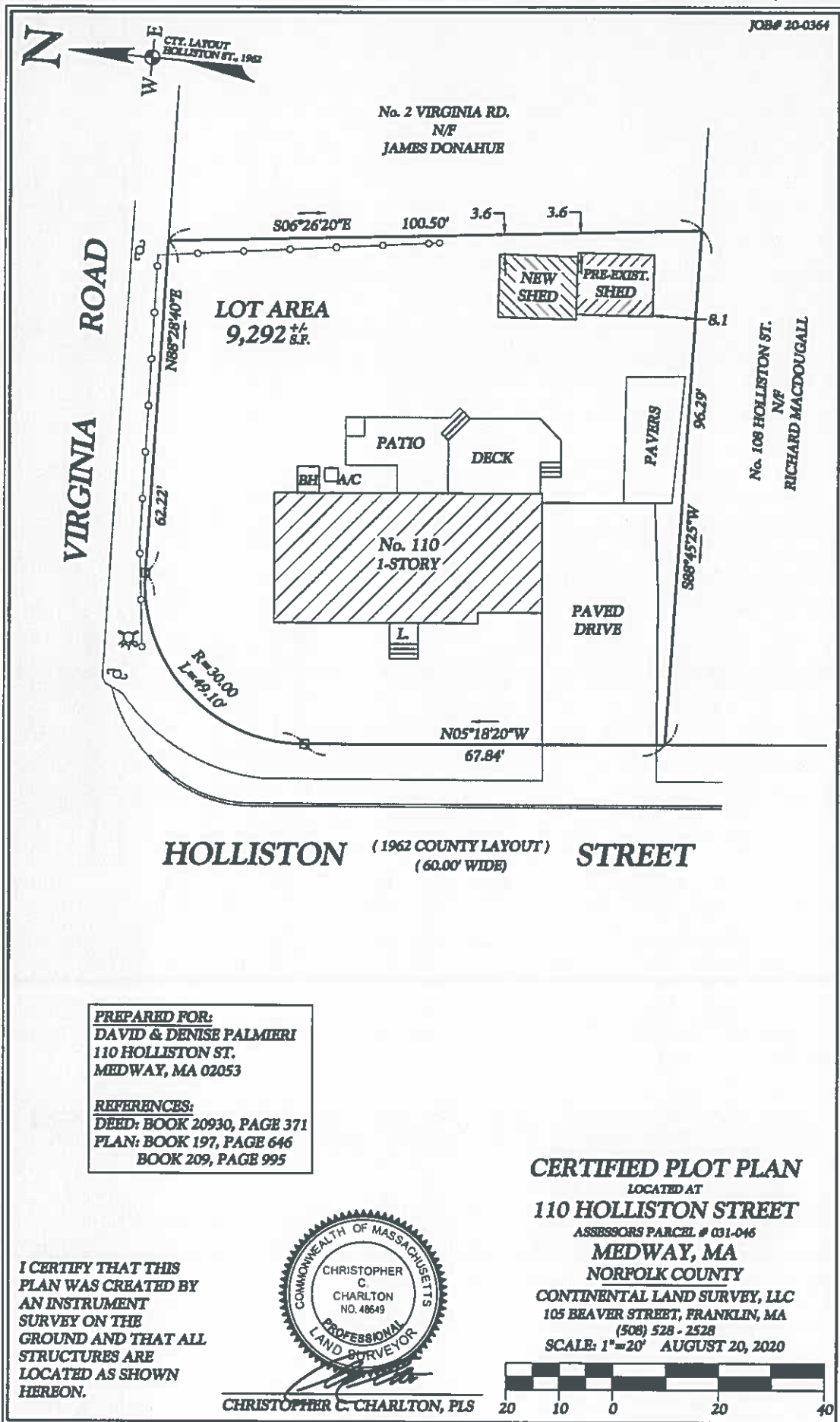
- 4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.**

Zoning Bylaws exist to protect uniformity and the proper use of land; however, strict enforcement of the Bylaws in this case would create unreasonable and unfair disadvantages concerning property use. Granting relief in this case will cause no harm to the neighborhood in terms of overall property use or value, and relief still preserves the essential character of Medway as a small family town. Additionally, a variance in this case would be consistent with similar decisions for relief over the past 6 years (see handout 6: approval for 2 car garage granted to 48 Gorwin Dr. [10,890 square foot lot] on May 1, 2019; approval for shed granted to 9 Cider Mill Road [1 acre lot] on September 2, 2015; approval for existing shed granted to 15 High St. [13,200 square foot lot] on October 7, 2015).

Signature of Applicant/Petitioner or Representative

8/22/2020
Date

BUILDING PLANS



110 HOLLISTON ST.
SPECS: 11x14 SHED ADDITION

☐ 2x6 FLOOR CONSTRUCTION, SET ON
BLOCKS W/ DOUBLE RIM & HANGERS

☐ 2x4 WALL CONSTRUCTION W/ DOUBLE
TOP PLATE

☐ 2x6 RAFTER CONSTRUCTION W/ 1x8
RIDGE BOARD & HURRICANE TIES

☐ ALL FRAMING 16" OC

☐ ASPHALT ROOF SHINGLES TO MATCH
EXISTING SHED/HOUSE

☐ VINYL SIDING TO MATCH EXISTING
SHED/HOUSE

☐ 22" CUPOLA ADDED TO EXISTING
SHED.

☐ FINAL LANDSCAPING TO MATCH
EXISTING YARD

110 HOLLISTON SHED

GAF TIMBERLINE ASPHALT SHINGLES TO
MATCH NEIGHBORING HOUSE @ 2 VIRGINIA RD.

ADDITION

61x78
DOOR

EXISTING SHED

60x72
DOOR

CUPOLA
(NOT TO SCALE)

10'6"

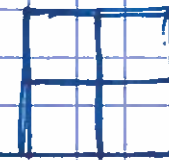
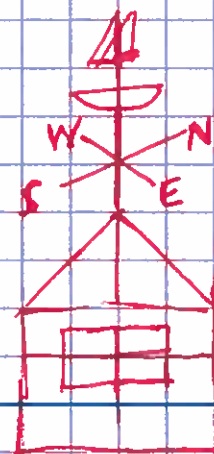
12'

14'

14'

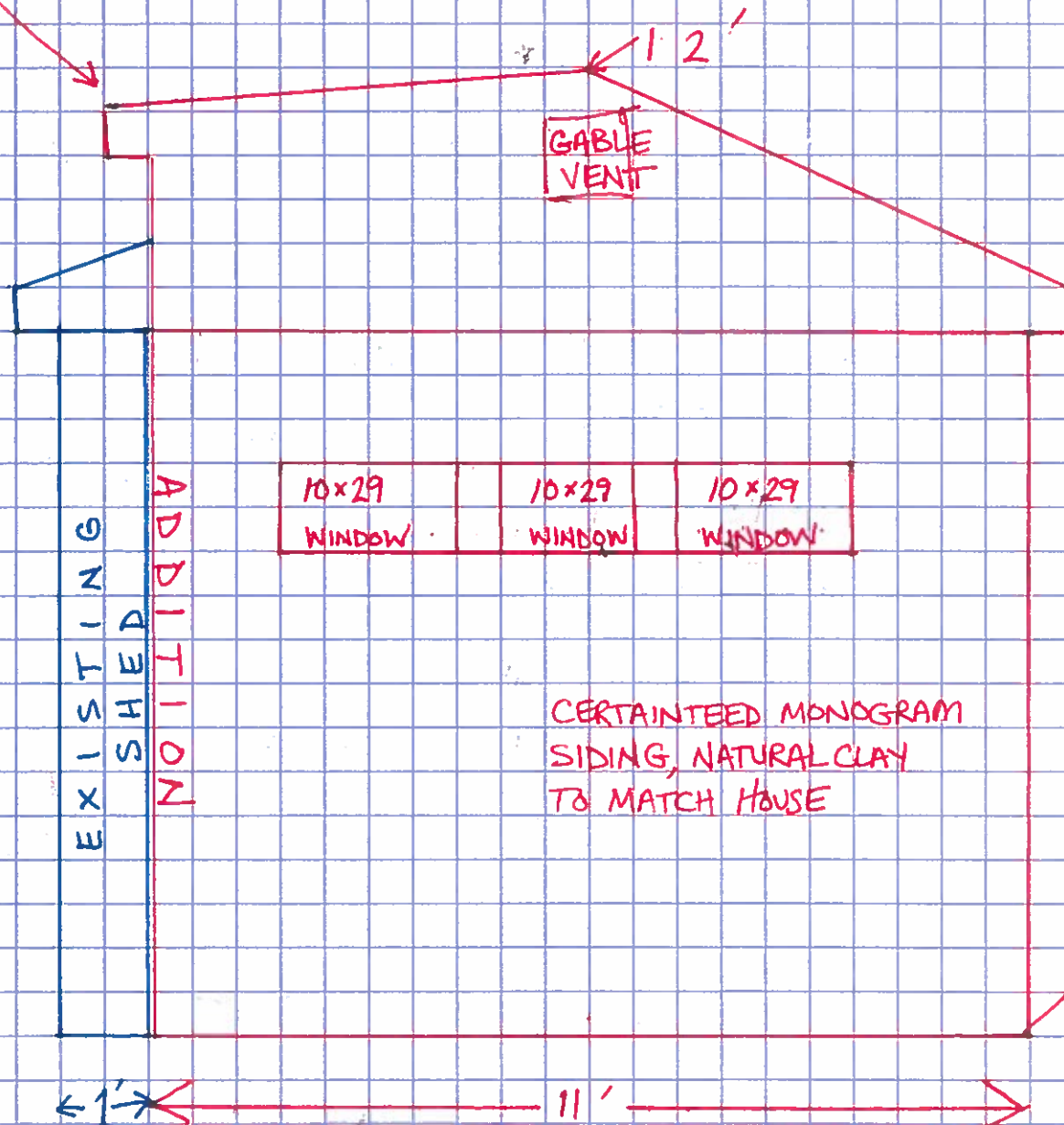
← NORTH

SOUTH →



110 HOLLISTON SHED

ROOF ANGLE DETAIL
TO MATCH NEIGHBORING HOUSE
@ 108 HOLLISTON ST.



← EAST

WEST →

Photographic Support for Variance Application
110 Holliston St.

Photo 1. Main dwelling, 110 Holliston St.



Photo 2. Existing shed visible in the rear corner of the property. Note offset rooflines.



Photo 3. Existing shed. Note matches to main dwelling: siding, shutters, roof shingles, accent colors, and landscape features.



Photo 4. Matching roofline with 108 Holliston St.

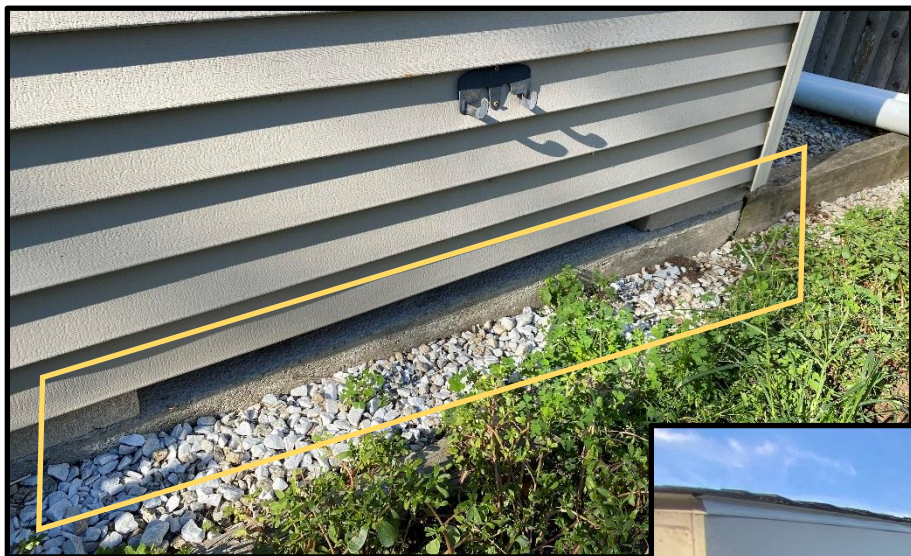


Photo 5. Pre-existing concrete slab.



Photo 6. Dead space at convergence of three property lines .



Photo 7. Setback from eastern (rear) property line @ 3.6 feet. Note 16" height difference in grade between properties .

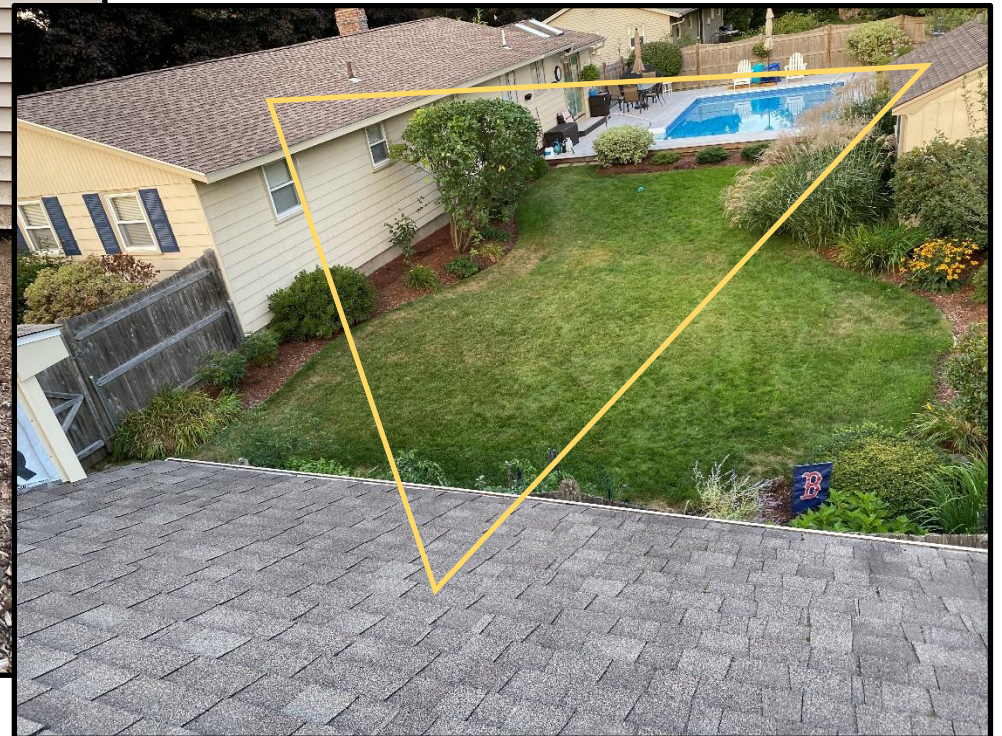


Photo 8. Aerial view of 2 Virginia Rd. from existing shed. Note matching roof colors.



Photo 9. Lawn area between deck and shed. White line shows impracticality of moving shed even 5' forward (which would still be in violation).

Photo 10. Reverse view of backyard. Note consistent landscape features.





Photo 11. Back of house with deck and patio furniture.



Photo 12. Interior of existing shed.
Note unavailability of additional space.

August 22, 2020

Members of the Zoning Board of Appeals,

I offer these answers in anticipation of some questions that may arise concerning my outdoor storage shed at 110 Holliston St.

1. Why not place the shed in a different location?

Our property is facing at least three unique challenges. First, the lot is 9292 square feet with the house built roughly in the middle of the property. This reality deeply diminishes the buildable space between the house and the setback boundaries.

Second, 110 Holliston St. is a corner lot, which means there is a 35' setback rule along both Holliston St. and Virginia Rd. That leaves only the southeast corner of the property as the reasonable location for a storage shed. This corner is primarily dead space where the three abutting yards come together. There is a fence and shrubbery at 2 Virginia Rd. and a stone wall and shrubbery at 108 Holliston St.

Last, no matter where we put the shed on our property, we would violate the setback ordinances (see handout 2).

2. Why not build two separate sheds?

The answer here is threefold. First, for simple aesthetics. Three structures (house + 2 outdoor sheds) would be strange on such a small property, and unappealing to both us and the neighborhood. As indicated in the Medway Design Review Guidelines, "building components should be clustered to maintain the maximum amount of natural and undisturbed open space on the property" (4.D.1.d.).

Second, any number of accessory structures would still violate the setback rules on the property, and/or further encroach on the usable space of the backyard, making it difficult to landscape the exterior "to provide privacy, frame views, and reinforce a sense of New England Character" (Design Review Guidelines, 4.C.7.b). While the storage space is a practical need for us, it is still part of our home and how it blends with the landscape of our yard and neighborhood is a legitimate concern.

Last, the addition to the shed is designed to replicate the architectural features of the main house, with the split roofline (one higher, one lower). Furthermore, the siding and colors have been chosen to match the primary dwelling. One structure makes sense in this regard to "respect the scale of the residential prototype on which it is based" (DRG 4.D.1.e).

3. Why not replace the existing shed with a single, larger structure like an attached or free-standing garage?

The idea of a garage was considered seriously; however, it was dismissed for two reasons. First, as described in the first answer, there is nowhere reasonably to put a garage without violating setback ordinances and disproportionately altering the landscape and use of our property. Second, the size and

cost of a garage are not as amenable as a simple extension to the existing shed, which is sized to reasonably meet our needs.

4. Why is an addition of this size necessary?

Our house is a single-story ranch build in 1955. With a total interior square footage of 1176 square feet, the house does not afford a family of four much closet/storage space. What we have discovered over the last several years is that the existing shed does not adequately satisfy our need for storage; for example, the shed is inaccessible between November and April because of the storage of our outdoor deck/patio furniture. This makes it difficult even to retrieve the snowblower during winter storms.

Here is what the extra space of another shed would allow. The existing shed will house standard lawn and garden tools and equipment (snowblower, lawnmower, pressure washer, shovels, rakes, and engine fuels, etc.) The additional shed will provide storage space (year-round and/or seasonally) for beach chairs, lawn chairs, cooler, sporting equipment, 4 adult bikes, 2 kayaks, out-of-season clothing and decorations, oversize patio umbrella, patio furniture, deck table and chairs, grill, and a deck storage box. All of these items are ordinary home and family belongings.

Other non-structural options were considered (tarps, plastic sheds, carports, etc.); however, those solutions are not in keeping with the design of our home, neighborhood, or the Design Review Guidelines, especially in a high traffic, visible location.

Given the small size of our house and yard, we are seeking a right that is generally afforded to others in the AR-I zoning district. Namely, the right to live reasonably on our property in a neighborhood that we enjoy.

5. Why the height difference between the existing shed and the addition?

The height difference is for two reasons: one practical, one aesthetic. The practical reason has to do with proper flashing to protect from water infiltration. The extra height allows for proper step flashing between the existing shed and the addition. The aesthetic reason has to do with matching the architectural features of the main house and the neighboring house at 108 Holliston St. Our primary residence has two offset rooflines, so it was important to replicate that feature in the addition, as "variation in roof pitch and heights contribute to a New England residential character" (DRG 4.D.4.b.) Similarly, the rear of the shed addition has a slightly dormered roofline, specifically to match the roofline of the neighbor's house.

Yes, it was considered to reverse the roof heights, making the shed addition the lower roofline; however, there is a significant design flaw in that idea. Creating the second roofline lower than the first would decrease the height enough to not allow a proper 70" entry door. It was also considered to maintain one roofline; however, "uninterrupted roof forms should be avoided and articulated with roof gables, dormers ... or other roof forms that provide variety and interest to the overall building form" (DRG 4.D.4.c.).

6. Why the strange footprint angle of the whole structure?

This is an interesting consideration with two answers. First, as the land survey will show, while the lot is generally rectangular, the lot corners are not set at 90 degrees (see handout 1). As established in the

first answer, the southeast corner of the lot is the most reasonable location for a shed, but that corner of the lot is not square. Consequently, it is not possible to square the shed with both the side and rear property lines. It is also important to note that the 1 foot offset of the shed addition was designed to maintain a consistent setback from the rear property line and create a building façade that is "broken into vertical and horizontal parts that reinforce a rhythm and pattern in the architecture" (DRG 4.D.2.a.).

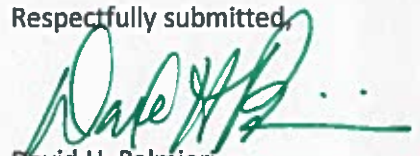
Second, concerning the existing shed, although it was renovated about 15 years ago, we inherited the pre-existing concrete slab upon which that shed sits. Using the slab to guide the footprint geometry of the structure seems like a reasonable idea, and that slab was preset parallel with the side property line.

Considering the lot at 110 Holliston St. is 79% smaller than the 44,000 square foot zoning requirement, it is fair to note that this application is seeking a 54% reduction of the side setback ordinance and a 74% reduction of the rear setback ordinance.

7. Is there any support from the neighbors?

Yes, not only were both immediate abutters consulted before construction, but they have both offered their support for the project (2 Virginia Rd. and 108 Holliston St.). In particular, the location of the shed and addition provide additional screening for the inground pool at 2 Virginia Rd., helping to "reinforce privacy between residential buildings" (DRG 4.C.1.b.). Several other neighbors have pledged their support, also. As far as we know, there is no neighborhood opposition to the project.

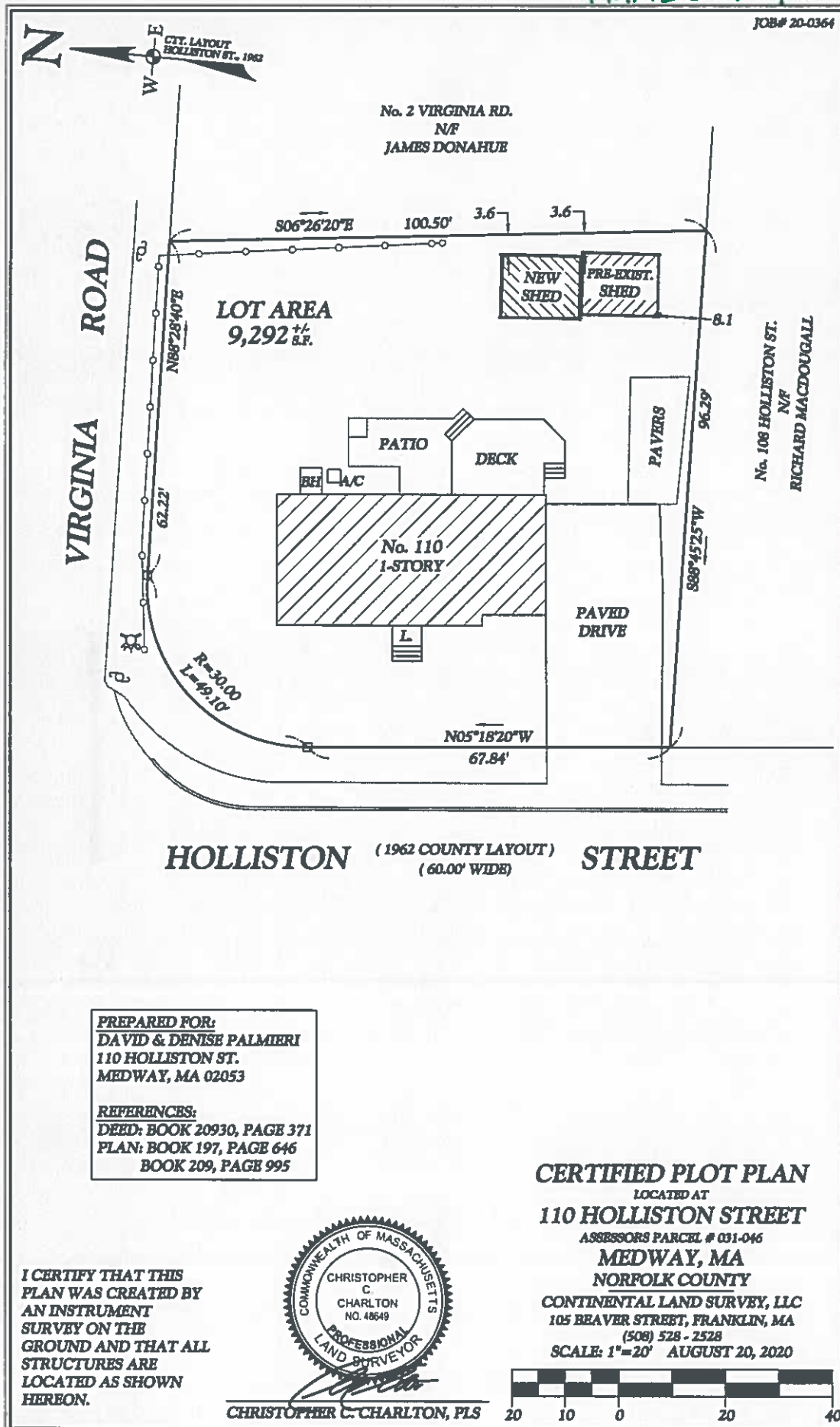
Respectfully submitted,



David H. Palmieri
110 Holliston St.

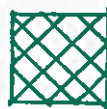
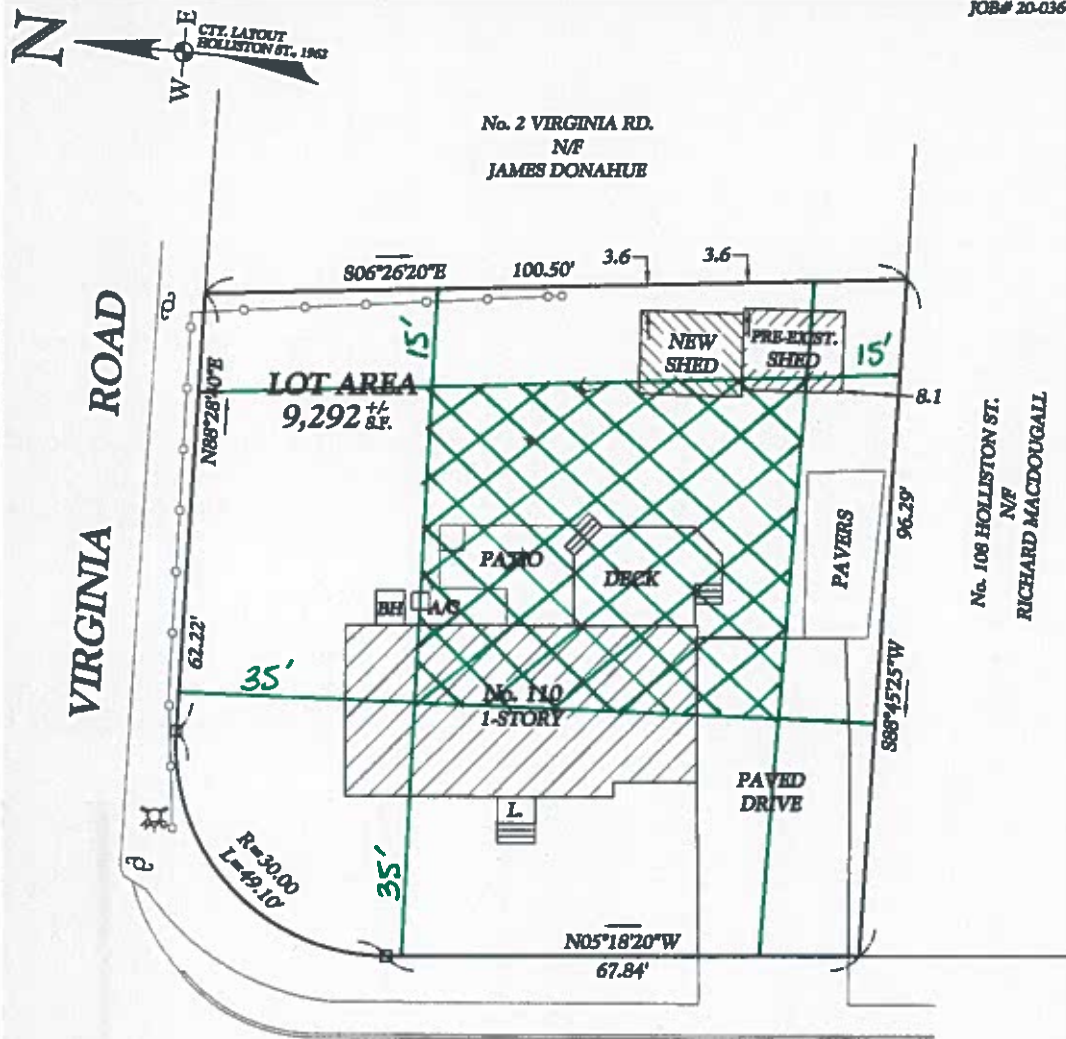
HANDOUT 1

JOB# 20-0364



HANDOUT 2

JOB# 20-0364

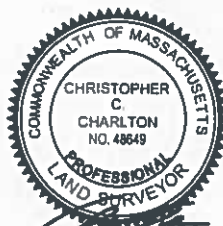


= \pm 2,338 s.f.
OF CONFORMING
LOT SPACE.

PREPARED FOR:
DAVID & DENISE PALMIERI
110 HOLLISTON ST.
MEDWAY, MA 02053

REFERENCES:
DEED: BOOK 20930, PAGE 371
PLAN: BOOK 197, PAGE 646
BOOK 209, PAGE 995

I CERTIFY THAT THIS
PLAN WAS CREATED BY
AN INSTRUMENT
SURVEY ON THE
GROUND AND THAT ALL
STRUCTURES ARE
LOCATED AS SHOWN
HEREON.



CHRISTOPHER C. CHARLTON, PLS

CERTIFIED PLOT PLAN

LOCATED AT

110 HOLLISTON STREET

ASSESSORS PARCEL # 031-046

MEDWAY, MA

NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528-2528

SCALE: 1"=20' AUGUST 20, 2020



Simple Timeline of Events

Monday, July 20, 2020	Work begins on shed addition.
Wednesday, August 5, 2020	<p>Visit from Dana Hawthorne, visiting building inspector, who kindly informs me that I need a permit for the work, and that I should contact Kelly on the next morning. He also points out that connecting the two sheds makes them one structure, now subject to zoning setback rules, but the Town of Medway will be able to give me further guidance.</p> <p>I immediately look up the Town of Medway permit application and complete the paperwork online (see handout 4).</p>
Thursday, August 6, 2020	Kelly O'Brien kindly helps me and my wife, Denise, finalize the building permit application. She indicates that Jack Mee, Building Commissioner, is away until Monday, August 17; however, he is working remotely and reviewing applications.
Monday, August 10, 2020	I check the online status of the permit application, which indicates the application has been received and is going through the route review process. The initial review, Treasurer review, and Conservation review have been approved (see handout 4). My understanding is the Building Commissioner will have to complete his review before final approval can be granted.
Monday, August 17, 2020	Jack emails to ask for additional information, indicating the shed will need to comply with the 15' setback distances. I respond by email that it's not possible to meet those distances because of the circumstances identified in this application.
Tuesday, August 18, 2020	<p>Jack informs me that work will need to stop on the shed, but we may apply for a variance with the Zoning Board of Appeals.</p> <p>Kelly directs me to Stefany Ohannesian, who graciously guides me and Denise through the variance application process. A first draft is completed on Tuesday evening and submitted to Stefany for review.</p>
Wednesday, August 19, 2020	Land survey completed by Continental Land Survey.
Thursday, August 18, 2020	Plot plan received from Continental Land Survey.
Saturday, August 22, 2020	Paperwork finalized and checklist completed.
Monday, August 24, 2020	Official application materials submitted to Medway Town Hall.



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 321-4890
Email: zoning@townofmedway.org
www.townofmedway.org

Legal Notice Billing Agreement Form

Board Members

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Tom Emero, Member
Brian Cowan, Associate
Member
Carol Gould, Associate
Member

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

David and Denise Palmieri
Applicant Name

110 Holliston St., Medway, MA 02053
Property Address

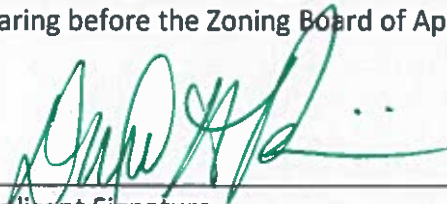
774-277-1093
Telephone Number

31-046-0000
Parcel ID

dpalmieri@xbhs.com
Email Address

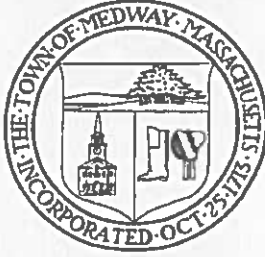
AR-I
Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.


Applicant Signature

8/22/2020
Date

Please Note: This form must be returned to the Zoning Board of Appeals when submitting your application



TOWN OF MEDWAY
BOARD OF ASSESSORS
155 VILLAGE STREET
MEDWAY, MA 02053
PHONE: 508-533-3203 FAX: 508-321-4981
www.townofmedway.org

REQUEST FOR ABUTTERS

Date of Request: August 24, 2020

Property owner: David H. Palmieri and Denise M. Palmieri

Property location: 110 Holliston St., Medway, MA 02053

Parcel (property) ID(S): 31-046-0000

Please specify: 100', 300' or 500' from subject parcel: 300'

THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board
☒ Zoning Board of Appeals
☐ Conservation Commission
☐ Historical Commission

REQUESTER INFORMATION:

Name: David and Denise Palmieri

Email address: dpalmieri@xbhs.com

Address: 110 Holliston St.

Medway, MA 02053

Phone: 774-277-1093

**Please Return to MEDWAY ZBA
Community and Economic Development Department**

THERE IS A FEE OF \$15.00 PER PARCEL DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE. THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS. ***IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU, YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.***

TREASURER/COLLECTOR CERTIFICATION**TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):
David H. Palmieri and Denise M. Palmieri
Property Owner(s):
David H. Palmieri and Denise M. Palmieri
Site Address(es):
110 Holliston St., Medway, MA 02053
Parcel ID(s):
31-046-0000
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:
Book 20930, Page 371, April 29, 2004

Signature of Applicant/Petitioner or Representative

8/22/2020
Date

FOR TOWN HALL USE ONLY

To be filled out by the Treasurer/Collector:

Date Reviewed

Medway Treasurer/Collector

Tax Delinquent: Y N

Comments:

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MAKE SURE TO REQUEST YOUR FINAL INSPECTION

Permit #: RB20-000379
 Project #: 20-001639
 Status: Online Application Received
 Balance Due: \$0.00
 Address: 110 HOLLISTON ST
 Description: Outdoor Shed Addition


[Permit](#) [Reviews](#) [Documents](#) [Inspections](#)

Date	Type	File Name	Description
08/17/20	Email	Application Review Comments.htm	Application Review Comments
08/08/20	System Email Notification	Online Modification Received.htm	Online Modification Received
08/06/20	Other Permit Documents	SKMBT_42320080615060.pdf	
08/06/20	Other Permit Documents	SKMBT_42320080611390.pdf	
08/06/20	Other Permit Documents	IMG_8161.jpg	
08/06/20	Other Permit Documents	IMG_8160.jpg	
08/06/20	Other Permit Documents	IMG_8159.jpg	
08/06/20	Online Document Upload	Scan Aug 6, 2020 at 10:44 AM.eml	Building Plans
08/06/20	System Email Notification	Online Modification Received.htm	Online Modification Received
08/05/20	System Email Notification	Your citizenserve payment has been received.htm	Your citizenserve payment has been received
08/05/20	System Email Notification	Your permit application has been received.htm	Your permit application has been received
08/05/20	System Email Notification	Online Application Received.htm	Online Application Received
08/05/20	Other Permit Documents	Scan Aug 5, 2020 at 6:23 PM.pdf	
08/05/20	Signed Contract	Scan Aug 5, 2020 at 6:22 PM.pdf	

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Permit #: RB20-000379

Project #: 20-001639

Status: Online Application Received

Balance Due: \$0.00

Address: 110 HOLLISTON ST 9

Description: Outdoor Shed Addition

[Permit](#)[Reviews](#)[Documents](#)[Inspections](#)

Task	Department	Start	Completion	Status
Plan Review	Conservation Commission	08/06/20		Approved VIEW COMMENTS →
Residential Plan Review	Building Department	08/05/20	08/17/2020	Additional Info 1st Request
Treasurer/Collector Plan Review	Treasurer/Collector	08/05/20	08/06/2020	Approved
Initial Review	Building Department	08/05/20	08/06/2020	Approved

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REVIEW COMMENTS

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- approved via GIS and aerial photography The Commission reserves the right to amend this determination based on a site visit to the property.

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To: Members of the Zoning Board of Appeals, Medway, MA 02053

From: James/Frances Donahue, 2 Virginia Rd.

Date: August 19, 2020



Re: Zoning Variance for David/Denise Palmieri, 110 Holliston St.

As mentioned in an e-mail to Kelly O'Brien at the Town Hall on August 6, 2020, we have absolutely no objection to the shed that the Palmieri's are constructing along property lines. In other words, we support the placement of this minor addition as it enhances their property, and does not negatively affect our property value.

Therefore, and in our opinion as long term property owners who have witnessed peculiar builds in Medway, the shed should remain where it is being built as it does not detract from either property or the surrounding area.

Should you require any additional comments from us, please call 508-533-8656.

Thank you.

From: Kathy MacDougall
Sent: Thursday, August 6, 2020 11:40 AM
To: 'kobrien@townofmedway.org' <kobrien@townofmedway.org>
Subject: Abutting Neighbor to 110 Holliston Street
Importance: High

Hello Kelly,

My name is Kathy MacDougall and I am a neighbor of the Palmieri's. My home is located at 108 Holliston Street and I have resided here for the past 22 years. Before that, both my husband and I grew up in Medway.

My husband and I both know Dave and Denise personally and we do not have any concerns and/or reservations whatsoever about their shed they are building on their property at 110 Holliston Street.

I hope this short note can help alleviate any issues and that Dave and Denise can continue with their shed build.

If I can provide any other information to you that would help with this issue, please do not hesitate to contact me.

Sincerely,
Kathy (O'Brien) MacDougall

C: 774-291-6042

109 Holliston St.
Medway, MA 02053
August 21, 2020

Medway Board of Zoning Appeals
Medway Town Hall
155 Village St.
Medway, MA 02053

Re: 110 Holliston Street (corner of Holliston St. and Virginia Rd.)

Dear Board Members:

My neighbors David and Denise Palmieri are seeking a variance from zoning laws in order to keep in place the second shed they are building adjacent to the first one they built a few years ago. It is closer to their property line than is allowed by current setback regulations.

I urge you to grant them a variance for this storage shed. If you visit their property, you will see that for their storage needs, they are making the best use possible of the small lot on which their house is located. Referring to your zoning map of the Holliston Street/Virginia Road neighborhood, you will see that their request is not extraordinary as most of the houses on the south side of Virginia Road actually sit on their west property lines with no setback at all. It is also clear that variances for outbuildings have been granted to other property owners near them.

The current placement of these small structures allows the Palmieris to enjoy their yard more fully than if they were forced to move them to the center of the back yard to be in full compliance with setback regulations, or to remove them altogether and consider moving their family to a larger home with more land. David and Denise have worked hard from the time they purchased this property to improve and enhance it to become the beautiful home it is now. They are a credit to the neighborhood and to Medway.

As I said, I hope your board will grant them a variance to keep the storage sheds where they are now.

Thank you for your consideration.

Sincerely yours,

Jeanne Johnson



Town of Medway, MA GIS

From: dotbul@verizon.net,
To: dotbul@verizon.net,
Subject: Palmieri shed
Date: Thu, Aug 20, 2020 6:31 pm

To Whom It May Concern:

Every project that is done in their yard always improves the looks of their property. The family takes great pride in the appearance of their home. I personally have no problem of the location of their new shed and they have been working non stop for a few weeks now. Also, it a very nice looking addition-not a distraction in any way.

Thank you,

A handwritten signature in cursive script that reads "Dorothy Bullard".

Dorothy Bullard
1 Virginia Rd.
Medway, Ma 02053

Mr. & Mrs. Evan Batcheller

3 Virginia Road

Medway, MA 02053

(508) 488-0790

August 19, 2020

Zoning Board of Appeals

115 Village Street

Medway, MA 02053

Re: zoning variance for 110 Holliston Road

Dear Sir/ Madam:

Please accept this letter as a show of our support for the zoning variance for Mr. and Mrs. Palmieri's property located at 110 Holliston Road. Our house is located diagonal from said home seeking the variance. We are able to see Mr. and Mrs. Palmieri's back yard from our front yard, but the shed they are building is not visible to us. When we do drive by said property, we do not find the shed to be an eyesore and it is complimentary to said home. We understand the need for additional space for storage for the said property owners, as our house and lot is also small, much like the rest of the homes on our street. We do not think that the 15' setback would be feasible for Mr. and Mrs. Palmieri and even if it were, it would not be aesthetically pleasing to have a shed in the middle of their back yard. We support the allowance of the zoning variance so that the shed being built by Mr. and Mrs. Palmieri can remain where it is. Please feel free to contact us should you like to speak with us regarding this matter.

Respectfully,



Evan Batcheller



Samantha Batcheller

Re: Application for zoning variance for placement of shed on 110 Holliston Street

To Whom it May Concern,

This letter is to express my support for the proposed rezone by Denise and David Palmieri for the location of their shed at 110 Holliston Street in Medway, MA. I am confident that the applicant's proposed rezone will truly allow the Palmieri's the ability to continue to utilize the shed for storage space without impacting the rest of their yard space. As it is now, the required 15' setback distance from the property line would put the shed in very undesirable location on their property. The Palmieri's maintain a beautiful home and landscape and have always taken great pride in doing so. My family is in full support of their application for the proposed rezone and appreciate your consideration on their behalf.

Sincerely,

A handwritten signature in cursive script, reading "Brianne E Lardiere".

Brianne Lardiere
107 Holliston Street
Medway, MA 02053

8/22/20

To Whom it may Concern,

David and Denise Palmieri keep their property well maintained and beautiful.

We don't have any objections to the new shed.

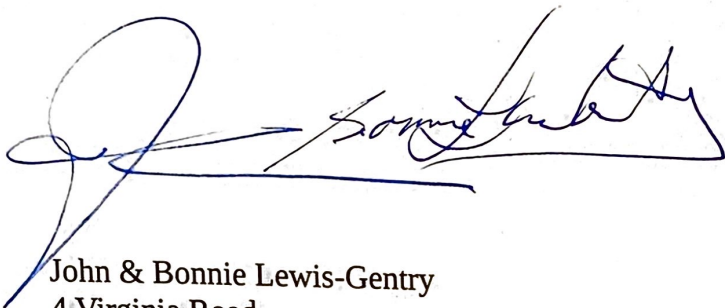
Thank you,

Richard & Jean Geneseo
7 Virginia Rd. Medway

Jean Geneseo
Richard Geneseo

8/23/2020

We support the Palmieri's request for a zoning variance for the construction of the shed in their backyard.

A handwritten signature in blue ink, appearing to read "John & Bonnie Lewis-Gentry", written over a horizontal line.

John & Bonnie Lewis-Gentry
4 Virginia Road



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway MA 02053
(508) 321-4915

Rori Stumpf, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Christina Oster, Member
Gibb Pheneagar, Member

Zoning Board of Appeals Meeting
Wednesday, May 1, 2019 at 7:30 pm

Sanford Hall
155 Village Street Medway, MA 02053

Meeting Minutes

Present: Rori Stumpf, Chairman, Brian White, Vice Chair, Carol Gould, Clerk (arrived at 7:33 pm) and Gibb Pheneagar, Member

Absent: Christina Oster, Member

Also Present: Barbara Saint Andre, Director, Community and Economic Development and Stefany Chameleian, Administrative Assistant, Community and Economic Development

Chairman Rori Stumpf called the meeting to order at 7:30 pm

Glen Brook Way Comprehensive Permit Modification Request for review:

Jennifer Van Campen of Metro West Collaborative gave an overview of where they are at with the project. They are trying to get the building permit and it will take up to 6 months for finances to be finalized. She gave an overview the requested modification as to items that can't be satisfied until the building is actually nearing completion. Ms. Van Campen stated there are 7 items that are no longer applicable due to being part of the initial comprehensive permit decision, or that can be put off to either commencement of work or certificate of occupancy.

Ms. Saint Andre asked Ms. Van Campen to clarify when referring to Item 39l in her letter is she actually referring to Item 39l xvii and if she has any objections to this clarification, Ms. Van Campen agreed.

Motion to find that the request for modifications to Glen Brook Way comprehensive permit constitute insubstantial changes, by: Brian White, second: Gibb Pheneagar, passed by Vote: 3 - 0

Public Hearings

48 Gorwin Drive – Variance Application under Section 6.1 of the Zoning Bylaw for proposed addition of a two car garage to west side of the house that will decrease the side yard setback to 8 feet.

THANX U 16

Sarah Cabral (Diflumeri) was present with her husband Giuseppe Diflumeri, who explained to the Board that they are proposing to add on a two car garage to enhance the quality of living and their home. Mr. Diflumeri also explained that they have observed other additions in the neighborhood and what they are proposing would be comparable to those in terms of size and setback.

Mr. Stumpf questioned if they had thought of putting the garage anywhere else on the lot. Mr. Diflumeri stated they considered other places on the property to put the garage but the proposed location would be the best location for the addition. Placing the garage to the rear of the house would eliminate most of the back yard.

Mr. Stumpf questioned what they would use the garage for. Mr. Diflumeri stated it would be for storing a car and other storage, he stated it would not be used as living space.

Carol Gould asked about the large bushes on that side of the lot, and what they are proposing to do with them. Mr. Diflumeri stated he spoke with that abutter, and after the proposed garage is built they would take out those existing bushes and put up new, smaller ones. He also mentioned that the lot line was right in the middle of those bushes.

Ms. Saint Andre questioned what the height of the proposed garage would be. Mr. Diflumeri it would be 1-2 feet shorter than the existing home. He stated he measured his current home from the peak to the ground and it is 17 feet high. Ms. Saint Andre questioned if the variance was granted would they be opposed to having a set condition that the proposed garage be 16 feet or lower. Mr. Diflumeri stated there would be no issues with that condition. Ms. Saint Andre also questioned the front setback of the property, would the proposed garage be 27 feet or 31 feet back from the street. Mr. Diflumeri among examining the proposed plot plan agreed that the proposed garage would be 31 feet back from the street.

There were no comments or objections from any abutters or Board members present

The Board then discussed and made decisions on whether the four criteria for a variance have been met:

1. **Circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district.**
Mr. White moved, seconded by Mr. Pheneagar, that the Board find that there are circumstances related to the unusual shape of the lot, in the shape of the lot as a corner lot with a radius formed by Lee Lane, and with the placement of the existing structure and surface area, there would be no other place to put the garage without creating other setback dimension issues, and these conditions do not generally affect other land in the zoning district; motion passed with a vote of 4-0-0.

2. **Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced.**

Mr. White moved, seconded by Mr. Phenegar that the Board find that the conditions as found above cause a substantial hardship due to where the house sits on the existing lot; motion passed with a vote of 4-0-0.

3. Desirable relief may be granted without substantial detriment to the public good.

Mr. White moved, seconded by Mr. Phenegar that the Board find that based on no objection from any abutters, and that there are other additions with similar setback encroachment in the neighborhood that the addition would not cause substantial detriment to the public good; passed with a unanimous vote of 4-0-0.

4. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law.

Mr. White moved, seconded by Mr. Phenegar that the Board find that the relief can be granted without nullifying or substantially derogating from the zoning bylaw due to the fact that there are other additions with similar setback encroachment in the neighborhood; passed by a unanimous vote of 4-0-0.

The Board then discussed the conditions to be placed on variance. One particular condition to be added is "The height of the garage shall not exceed 16 feet at the peak and no second story shall be added to the garage" with a motion made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0. Ms. Saint Andre stated that the Board should also add its usual boilerplate conditions, the Board members agreed.

The Board then decided to grant this variance request for 48 Gorwin Drive (subject to conditions) which was made by: Brian White and seconded by Gibb Phenegar passed with a vote: 4-0-0.

Ms. Saint Andre then explained why the Board should make a finding based on the existing lot already being a nonconforming lot based on the size of the lot and being too close to the front lot line.

The Board determined that the existing single family home at 48 Gorwin Drive is a legally existing, nonconforming structure, in that it is nonconforming in the following respects: The lot does not meet the minimum lot size for the AR-II District, and the existing house does not comply with the required 35-foot front setback made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0.

The Board finds that the application to add a two car garage does not increase the nonconforming nature of the structure made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0.

Motion to close the public hearing for 48 Gorwin Drive made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0.

Motion to allow any one member of the Board to sign the decision made by Brian White, and seconded by Gibb Phenegar passed with a unanimous for of 4 - 0 - 0.

32 Milford Street -- Determination/Finding and potential Special Permit under Section 5.5. C of the Zoning Bylaw for proposed demolition of the existing, nonconforming single family house, and construction of a new single-family house on the property that would exceed the height of the existing house.

The Applicants Jim and Lisa Washek were present and provided an overview of the proposed two story dwelling. Mr. Washek presented his application by stating the existing house is not cost effective to continue to renovate. They propose to demolish the pre-existing nonconforming single family house and build a new one that would be smaller in scale in relation to other new construction abouting the property. They would keep the existing garage and construct the new house which would be 1800-1900 square foot Colonial style in its place.

Mr. Stumpf discussed the Historical Commission finding on the existing house that the house was not of significant historical importance to the Town and the Commission does not object to the demolition of the house. Mr. Phenegar spoke to the property being surrounded by 3 new houses and confirms that Mr. and Mrs. Washek own the existing garage structure on the property. He confirms they would be rotating the new house to face a different direction on the property.

Mr. Stumpf stated there are no objection by any abutters or Board members for the proposed demolition of the existing home.

The Board determines that the existing single family home at 32 Milford Street is a legally existing, nonconforming structure, in that it is nonconforming in the following respects: The lot is a pre-existing nonconforming lot due to insufficient frontage, as the AR-II zone requires 150 feet of frontage, but the Property has only 132 feet. In addition, it appears that the existing house does not comply with the required 35-foot front setback; motion made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0.

The Board finds that the application to raze the pre-existing, nonconforming single family home and construct a new two-story single family home which will exceed the height of the existing home, substantially in accordance with the plans provided does not increase the nonconforming nature of the structure; motion made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0-0.

Ms. Saint Andre recommended a condition that the new structure should meet all Zoning Bylaws regarding dimensions, except the frontage requirement as the lot is already nonconforming as to frontage. One other condition that should be considered is that the Applicants should comply

**Town of Medway
Zoning Board of Appeals Meeting
Sanford Hall, Town Hall
155 Village Street, Medway**

**MINUTES OF MEETING
October 7, 2015**

David Cole, Chairman, called the meeting to order at 7:40 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbene, Mr. Kennedy, and Mr. White. Mr. Olsen was not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

Ms. Mercandetti presented an overview of a Sign Bylaw Task Force of which its members will be appointed by the Planning and Economic Development Board. This seven-member task force will review the sign regulations and recommend changes. The task force includes a representative from this Board. Ms. Gould volunteered to represent the Board and Chairman Cole will serve as an alternate.

Ms. Mercandetti gave a brief summary of some minor revisions to the Board's Rules and Regulations. The primary change is to clarify submission requirements required for comprehensive permit applications. Approval of these revisions will be at the next meeting.

Public Hearings

Public hearing for William Blenkhorn for a Variance from Section 6.1, Table 2 of the Zoning Bylaw to allow for a 4ft side setback where a minimum of 15ft is required for an existing shed on the property located at 15 High Street, Medway, MA

The Board moved to hear the application of Mr. William Blenkhorn. Mr. Blenkhorn was present and explained his request for dimensional relief.

Mr. Blenkhorn stated that while applying for a building permit to add a deck he was made aware that his existing shed, of 10 years, needed a variance. The shed is located on the most relatively flat part of yard. The property on the other side is a business separated by a wooded barrier. Mr. Blenkhorn presented pictures to show the distance of the shed to the next building. The Board explained the criteria an applicant must meet to receive a variance and asked questions relating to the pictures and location of the shed.

Ms. Mercandetti noted that the Conservation Agent has reviewed the application and plans and has no issues with the request.

Chairman Cole asked for public comments or questions. A neighbor asked about the shed and trash in yard. Mr. Blenkhorn noted that there is a second shed across the street from his neighbor which conforms to the Medway Zoning Bylaw. The shed in question for this application is located on the other side of the property.
A motion to close the public hearing was made by Mr. Kennedy, seconded by Mr. Arbene and passed unanimously.

Public hearing for Michael Fasolino for a Special Permit under Section 5.5 of the Zoning Bylaw to construct a second floor addition and renovations on the property located at 27 Summer Street, Medway, MA

The Board moved to hear the application of Michael Fasolino who was present for the hearing. Mr. Fasolino explained his request and the proposed renovations to the property. The Board inquired about the expansion of the house. Mr. Fasolino responded that he seeks to renovate the abandoned home and add a second floor. There will be no change in footprint of the building. The Board asked how long the house has been vacant. Mr. Fasolino noted that the house had been vacant for 2-3 years. He provided pictures of a similar home to show what it would look like finished. No further discussion from the Board.

Ms. Mercandetti mentioned that the Conservation Agent has reviewed the application and plans and noted that there were no wetlands issues. Chairman Cole asked for any public comment. No comments in favor or in opposition of the application were made.

A motion to close the public hearing was made by Chairman Cole, seconded by Mr. Arbene and passed unanimously.

Deliberations

15 High Street

The Board proceeded, by unanimous consent, to deliberate on the application of William Blenkhorn.

Chairman Cole said the applicant established that there was nowhere else on the lot to put the shed. The Board members agreed. It was also noted that the abutting property is a business and they have not voiced concern.

Chairman Cole moved to find that the applicant established circumstances relating to the topography of the subject lot especially affecting the lot but not affecting generally the zoning district in which the lot is located which would cause a literal enforcement of the provisions of this Bylaw to involve substantial hardship to the applicant, and that the topography of the lot renders it extremely difficult to locate the shed in any other place than the present location. Mr. Arbene seconded and the motion passed 5-0-0.

Chairman Cole moved to find that the applicant established that the nearest building on the opposite side of the relevant side lot line was in excess of 30 feet from this side lot line and that

**Town of Medway
Zoning Board of Appeals Meeting
Sanford Hall, Town Hall
155 Village Street, Medway**

**MINUTES OF MEETING
September 2, 2015**

David Cole, Chairman, called the meeting to order at 7:41 p.m. Attending Board members were Mr. Arbene, Ms. Gould, Clerk and Mr. White. Mr. Olsen and Mr. Kennedy were not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

The Board welcomed Brian White as a new associate member.

Public Hearings

Public hearing for Richard and Deborah Carlson for a Variance from Section 6.1, Table 2 of the Zoning Bylaw to allow for a 5ft side setback where a minimum of 15ft is required for placement of a shed on the property, located at 9 Cider Mill Road, Medway, MA

The Board moved to hear the application of Richard and Deborah Carlson, who were both present for the hearing. Mr. Carlson explained his request for dimensional relief from the side setback requirements. The Medway Conservation Agent visited the property and suggested the shed be moved towards the front of the lot in order to avoid wetlands. Mr. Carlson testified that there isn't another area on the lot to place the shed. The Board questioned the applicant on the distance from the neighbor's home and the criteria for a variance. The angle of the subject lot and view from the neighbor's home was taken into consideration. The Board viewed pictures and a satellite map of the area. Chairman Cole read into record a letter from a neighbor supporting the location of the proposed shed.

Chairman Cole asked if there were members of the public that wish to comment on the application. There were no members of the public that spoke in favor or in opposition.

A motion to close the public hearing was made by Mr. Arbene, seconded by Mr. White, and passed unanimously.

The Board then proceeded, by unanimous consent, to deliberate on the application of Richard and Deborah Carlson.

Chairman Cole noted the criteria for a Variance relating to shape, topography and soil conditions. The location of the existing building, driveway, pool, septic system and slope of the

lot were considered and would affect the placement of the shed. The Board concluded that the proposed location of the shed appears to be the only place where it can be built.

Chairman Cole moved to find that the applicants established that the topography of the lot includes a steep downward slope towards the rear of the lot and the presence of wetlands renders this portion of the lot inadvisable for placement of a shed. Mr. Arbene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an in-ground pool precludes the proposed shed from being placed in the rear behind the existing house. Mr. Arbene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an extensive septic system between the existing house and the front lot line precludes the shed from being located in this area. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the location of the shed proposed by the applicants is the only practical location on the subject lot and in relation to existing site constraints. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that in view of the foregoing findings, the applicants established that the lot is subject to circumstances relating to shape and topography especially affecting such lot but not generally affecting the zoning district in which the subject lot is located and that a literal enforcement of the provisions of this Bylaw would involve substantial hardship and that the desired relief may be granted without substantial detriment to the public good.

Chairman Cole then moved to grant to the applicants, Richard and Deborah Carlson, a Variance from Section 6.1, Table 2 of the Medway Zoning Bylaw to vary the side setback on the south side of the lot for the placement of a 10' x 10' shed on property located at 9 Cider Mill Road in accordance with the plans submitted. Mr. White seconded and the motion passed 4-0-0.

Variance Granted

Fall Town Meeting

The Board moved to discuss possible Zoning Bylaw amendments to be submitted for the Fall Town Meeting warrant. Ms. Mercandetti stated that Fall Town Meeting is set for Monday, November 16, 2015.

A motion to accept the Minutes of the July 1, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbene and passed 3-0-1. Mr. White abstained as he had not been appointed to the Board at the time.

A motion to accept the Minutes of the July 29, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbene and passed 3-0-1. Mr. White abstained and noted while present for the meeting, he had not yet been appointed to the Board.



September 8, 2020
Medway Planning & Economic Development Board
Meeting

Fall Town Meeting
UPDATED 9-8-20

Additional Proposed Zoning Bylaw Amendments

- NEW - Limit on “by right” size of business and industrial buildings
- NEW - Refinements on allowable energy uses
- Additional refinements to previous draft of changes to Section 5.4.1 – Special Permits in CBD
- Additional refinements to previous draft of Use Table amendments
- Revised draft of Environmental Standards; **9-8-20 email from John Lally with additional recommended edits**

Proposed General Bylaw Amendment

- Coordinated Permitting Compliance

Other

- Street Acceptance for Applegate Road

Limit on Size of Industrial and Commercial Buildings

Draft – September 2, 2020 – bjs edits

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 6.2 General Provisions, by adding a new Paragraph G. Building Size.

G. **Building Size.** No building for any use specified in Section D, Business Uses, and Section E, Industrial and Related Uses, of Table 1 – Schedule of Uses, shall be larger than 100,000 square feet of gross floor area without a special permit from the Planning and Economic Development Board.

Or to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ENERGY

Draft – August 25, 2020

ARTICLE __: To see if the Town will vote to amend the Zoning Bylaw, by amending Section 2, Definitions as follows (new language in **bold**, deleted language in ~~struckthrough~~):

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, ~~heat engines fueled by~~ chemical combustion, **and Renewable Energy** ~~kinetic energy such as flowing water and wind, and other energy sources such as solar photovoltaic and geothermal power.~~

~~Alternative Energy: Energy derived from combined heat and power, and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.~~

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable Energy sources also include landfill gas, fuel cells, **battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles**, and ~~advanced~~ biofuels.

And by amending the Schedule of Uses 5.4.E by amending the following:

Electric Power Generation, ~~including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large scale ground mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more.~~

Commented [BSA1]: Definitions of alternative energy that I have seen are the same as what we call renewable energy. I don't think we need both.

Commented [BSA2]: No changes as to whether allowed or prohibited in each district.

Commented [BSA3]: All of these are included in the definition of Electric Power Generation, no need to repeat them here, can only confuse.

SPECIAL PERMITS IN THE CENTRAL BUSINESS DISTRICT

Proposed Amendments

DRAFT September 3, 2020

NOTES – **BLACK bolded** and ~~striketrough~~ items were included in the earlier version of proposed amendments initially submitted for the spring 2020 Town Meeting. The **BLUE bolded items** are new recommended amendments suggested by our CBD zoning consultant Ted Brovitz.

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.4.1 Special Permits in the Central Business District (new text in **bold**, deleted text in ~~striketrough~~) as follows:

5.4.1 Special Permits in the Central Business District

~~In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available for applicants for uses permitted by right in order to propose a flexible site design.~~

A. Purposes

1. To further the goals of the Medway Master Plan
2. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.
3. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.
4. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.
5. To improve walkability within the district and provide better access between housing, shops, services, and employment.

B. Applicability

1. A Mixed-Use Development may be allowed in the Central Business District by special permit from the Planning and Economic Development Board to include a combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.
2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.
3. All development projects considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the Medway Design Review Guidelines.

C. Definitions:

Mixed-Use Development: See definition in SECTION 2 DEFINITIONS

Multi-Family Building: See definition in SECTION 2 DEFINITIONS

A. D. Dimensional Requirements.

1. Minimum lot size: 10,000 square feet
2. Minimum continuous frontage: 50 feet
3. Minimum front-yard setback: Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 feet of which the first 10 feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
5. Maximum building height: 60 feet

B. E. Residential Uses in a Mixed-Use Development.

1. ~~Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted.~~ **A building comprised of only multi-family dwelling units may be allowed as part of a Mixed-Use Development if setback a minimum of 100 feet from the Main Street right-of-way.**
2. In a two-story **mixed-use** building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units. In a three-story **mixed-use** building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. **For a mixed-use building taller than three stories, no more than 75% of the gross floor area shall be comprised of multi-family dwelling units.**
3. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
 - b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
4. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.
5. **The provisions of Section 8.6 Affordable Housing shall apply to Mixed-Use Developments.**

C. F. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and

practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

D.G. Special Permit Review Criteria.

1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a ~~special permit~~ **mixed-use development** or flexible site design of a permitted use in the Central Business district, the ~~special permit granting authority~~ **Planning and Economic Development Board** shall find that all of the following criteria are met:
 - a. The proposed uses **and site design** represent the qualities of a traditional New England town center;
 - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
 - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
 - d. Adequate pedestrian and (where applicable) vehicular linkages are provided within the site and connecting to abutting properties;
 - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
 - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
 - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

E. H. Design Requirements – The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1 including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

1. Façade design for buildings visible from public ways
2. Vehicular or pedestrian connections to abutting commercial or residential areas;
3. Provision of pedestrian amenities; and
4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

USE TABLE - Proposed Amendments
Updated September 3, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.4, Table 1, Schedule of Uses, as follows (new text in **bold**, deleted text in ~~strikethrough~~):

1. By adding a new Section G. Marijuana Related Uses, and moving the following marijuana related uses now found in Section D. Business Uses, and Section E. Industrial and Related Uses to the new **Section G. Marijuana Related Uses**, without any changes to the uses that are allowed, prohibited, or require a special permit:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN

G. MARIJUANA RELATED USES

Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N

2. And further to amend said Table 1 by deleting the use category “Motel or hotel” and inserting two new use categories, “motel” and “hotel”, and provide for whether such uses are allowed, prohibited, or require a special permit:

Motel or hotel	N	N	N	SP	N	N	N	N	N	Y			
Motel	N	N	N	SP	N	N	N	N	N	Y	PB	PB	N
Hotel	N	N	N	SP	N	N	N	N	N	Y	Y	Y	N

3. And further to amend said Table 1 related to “Drive-through facility” to provide for whether such uses are allowed, prohibited, or require a special permit in the Oak Grove Zoning districts:

Drive-through facility	N	N	N	N	N	PB	PB	N	N	N	PB	PB	N
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	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN

4. And further to amend said Table 1 to prohibit indoor sales in the Central Business District:

Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	Y N	N	N	N	N	N	N	N	PB	N
--	---	---	---	----------------	---	---	---	---	---	---	---	----	---

NEW ▼

5. And further to amend said Table 1 by deleting “Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1” from Section C. Residential Uses and inserting “Mixed-Use Development subject to Section 5.4.1” in its place and by adding the same language in Section D. Business Uses, Other Business Uses Unclassified.

C. RESIDENTIAL USES

Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1	N	N	N	PB	N	N	N	N	N	N	N	Y	Y	N
Mixed-Use Development subject to Section 5.4.1														

D. BUSINESS USES

Other Business Uses: Unclassified														
Mixed-Use Development subject to Section 5.4.1	N	N	N	PB	N	N	N	N	N	N	N	Y	N	

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable. The Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions** – For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

ALTERNATIVE Definition: The background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. (MA DEP definition)

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, etc. that is noticeable to a reasonable person with normal sensory sensitivities.

Recognition Threshold – The lowest concentration or intensity of noise, odor, vibration, etc. that is identifiable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable impacts: Impacts which a reasonable person with normal sensory sensitivities would find objectionable, as interpreted by the Building Commissioner or designee.

Commented [SA1]:

John Lally has suggested that an “objectionable” odor be defined as anything at or above the “detection threshold”.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. Standards. The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** The Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, development and implementation of corrective measures, violations, and/or penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below where Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42

500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, development and implementation of corrective measures, violations, and/or penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise exists. At the discretion of the Building Commissioner, a technical noise consultant may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime) and

Commented [SA2]: How to pay for the technical noise consultant? This will trigger the need for the Building Department to have supplemental funds in its budget to be able to hire a technical noise consultant to undertake an investigation.

- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within [redacted] feet of the facility property line.

Commented [SA3]: We need to determine a suitable distance for location of "sensitive receptors"

- c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she may order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

Commented [SA4]: Do you want to include this requirement?

- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

e. **Exemptions**

- 1) Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction when such activities follow generally accepted practices (Right to Farm Bylaw, [G.L., c 111, §125A](#)).
- 2) Noise caused by construction, demolition, or repair work on public improvements authorized by a governmental body or agency and emergency utility work and repairs, are exempt.

3. Vibration:

- a. **Standards** - No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of [Table 7, U.S. Bureau of Mines Bulletin NO. 442](#) (U.S. Department of the Interior).
- b. **Exemptions** - Vibrations resulting from construction, demolition, or repair work on public improvements authorized by a governmental body or agency and emergency utility work and repairs that occurs between 7:00 a.m. and 6:00 p.m. are exempt from these restrictions.

Commented [SA5]: Need to create a link to the document.

- 4. Odors:** The Building Commissioner may determine that an odor source detectable at the source property line or anywhere within 2,500 feet beyond the source property line is

subject to investigation, development and implementation of corrective measures, violations, and penalties.

- a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or her sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.

2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odor at or above the cited detection thresholds.

b. **Investigation.**

1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:

- a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within **1,000** feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
- b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.

2) The Building Commissioner or designee may also investigate possible odor violations:

- a) upon their own initiative or at the request of Town officials or staff; or
- b) in response to a public complaint about an odor source that does not meet the locational requirements of D. 4. b. 1) herein.

Commented [SA6]:

John Lally suggests not using this approach. Instead, he suggests that “all odor complaints should be investigated unless and until proven without merit or resolved to the satisfaction of the Building Commissioner.”

Commented [SA7]: Increased this to 1,000 feet from 300 feet in previous draft.

- 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. As a component of such investigation, measurements may be done in the field by using:

- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.

Commented [SA8]: Same issue as with noise. Need for additional budget.

Do you want to establish qualifications for an odor consultant? John Lally suggests . . . “an odor assessor trained in the practices of ASTM – 3679 and meeting the selection criteria of EN13725.

d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.

e) Any other method determined to be appropriate by the Building Commissioner.

c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

Commented [SA9]: Do you want to have a qualifications requirement?

d. **Corrective Measures** - ~~Non~~-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

Commented [SA10]: What about residential uses that generate non-compliant odor???

e. **Exemptions**

- 1) **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, Article XXXI 31, § 2, Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Periodic odors resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems shall be exempt from these restrictions.

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Tuesday, September 8, 2020 7:51 AM
To: Susan Affleck-Childs
Subject: RE: environmental standards
Attachments: Environmental_Standards_(9-4-20 edits)_JLAnnos_08Sep2020.docx

Good morning Susy,

Just a couple of follow up items/questions that might help bring some clarity to what I've been driving at with the objectionable odor and odor investigation prerequisite standards.

It's likely these questions will be asked during the Public Hearing and Town Meeting so figured it'd be helpful to provide them now as part of the discussions.

They're added as review comments in the attached and repeated below for convenience.

As usual I ask that you please distribute this email and attachment to those involved in the discussions and anyone else as you see fit.

- 1.) In Section D.4.a.1) Sensorial Reasonableness Standard: What odors will the current, and future building commissioners and their designee's find objectionable, and how much more can those odors be than the objectionable odor performance standard in the existing Medway Zoning Bylaw?

For your reference the American Industrial Hygiene Association (AIHA) identifies the objectionable odor level specified in Medway's existing odor bylaw as the detection threshold.

- 2.) In Section D.4.b) Investigation: It's not uncommon for a resident not to know with sufficient specificity the source of an odor and its location to trigger the investigation prerequisites as written in the updates. For example:
 - a. A resident reports an odor that comes and goes and seems to get blown around with the wind, and so hasn't been able to identify what the odor is, nor precisely where the source is located, only that it seems to be coming from some general direction.
 - b. Resident happens to be driving through town and "smells-something-off" or "something-just-didn't-smell-right". They report it to Town Officials as: "It seemed to be over by abc location as I was driving by around xyz time..."

In the event any of the above odors turns out to be the result of:

- a. Fuel leak or spill.
- b. Improperly stored chemicals.
- c. Natural gas leak.

Does anyone think these complaints should not have been investigated, and done so as soon as possible? It is troubling that they would not meet the odor investigation prerequisites as currently written.

Respectfully submitted,
John Lally, Resident
35 Coffee Street
Medway, MA 02053

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, September 4, 2020 11:08 AM
To: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Subject: environmental standards

Hi,

So, attached is the further evolved draft of revised Environmental Regulations in WORD. I have incorporated some of the comments from your 7-28 email.

The Board will discuss at its 9-8 meeting. Attached the agenda with the ZOOM instructions. There is no set time for this discussion . .

Hope you have a good, long weekend.

Take care,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
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7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable. The Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions** – For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

ALTERNATIVE Definition: The background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. (MA DEP definition)

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, etc. that is noticeable to a reasonable person with normal sensory sensitivities.

Recognition Threshold – The lowest concentration or intensity of noise, odor, vibration, etc. that is identifiable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable impacts: Impacts which a reasonable person with normal sensory sensitivities would find objectionable, as interpreted by the Building Commissioner or designee.

Commented [SA1]:

John Lally has suggested that an “objectionable” odor be defined as anything at or above the “detection threshold”.

Commented [LJ-0-M2]: See follow up clarification/questions at D.4.a.1 below.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. Standards. The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** The Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in [CMR 310. § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, development and implementation of corrective measures, violations, and/or penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below where Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48

250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, development and implementation of corrective measures, violations, and/or penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise exists. At the discretion of the Building Commissioner, a technical noise consultant may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

Commented [SA3]: How to pay for the technical noise consultant? This will trigger the need for the Building Department to have supplemental funds in its budget to be able to hire a technical noise consultant to undertake an investigation.

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within [redacted] feet of the facility property line.

Commented [SA4]: We need to determine a suitable distance for location of “sensitive receptors”

- c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she may order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

Commented [SA5]: Do you want to include this requirement?

- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

e. **Exemptions**

- 1) Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction when such activities follow generally accepted practices (Right to Farm Bylaw, [G.L., c 111, §125A](#)).
- 2) Noise caused by construction, demolition, or repair work on public improvements authorized by a governmental body or agency and emergency utility work and repairs, are exempt.

3. **Vibration:**

- a. **Standards** - No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the “safe” range on the most recent edition of [Table 7, U.S. Bureau of Mines Bulletin NO. 442](#) (U.S. Department of the Interior).
- b. **Exemptions** - Vibrations resulting from construction, demolition, or repair work on public improvements authorized by a governmental body or agency and emergency utility work and repairs that occurs between 7:00 a.m. and 6:00 p.m. are exempt from these restrictions.

Commented [SA6]: Need to create a link to the document.

4. Odors: The Building Commissioner may determine that an odor source detectable at the source property line or anywhere within 2,500 feet beyond the source property line is subject to investigation, development and implementation of corrective measures, violations, and penalties.

a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or ~~her~~ his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.

2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odor at or above the cited detection thresholds.

b. **Investigation.**

1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:

a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.

b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.

2) The Building Commissioner or designee may also investigate possible odor violations:

a) upon their own initiative or at the request of Town officials or staff; or

Commented [LJ-0-M7]: What odors will the current, and future building commissioners and their designee's find objectionable, and how much more can those odors be than the objectionable odor performance standard in the existing Medway Zoning Bylaw?

For your reference the American Industrial Hygiene Association (AIHA) identifies the objectionable odor level specified in Medway's existing odor bylaw as the detection threshold.

Commented [LJ-0-M8]: It's not uncommon for a resident not to know with sufficient specificity the source of an odor and it's location to trigger these investigation prerequisites. For Example:

1.) A resident reports an odor that comes and goes and seems to get blown around with the wind, and so hasn't been able to identify precisely where the odor is coming from, only that it seems to be coming from some general direction.

2.) Resident happens to be driving through town and "smells-something-off" or "something-just-didn't-smell-right". They report it later to Town Officials as: "It seemed to be over by abc location as I was driving by around xyz time..."

In the event any of the above odors turns out to be the result of:

- 1.) Fuel leak or spill.
- 2.) Improperly stored chemicals.
- 3.) Natural gas leak.

Does anyone think these complaints should not have been investigated, and done so as soon as possible? It is troubling that they would not meet the investigation prerequisites.

Commented [SA9]:

John Lally suggests not using this approach. Instead, he suggests that "all odor complaints should be investigated unless and until proven without merit or resolved to the satisfaction of the Building Commissioner."

Commented [SA10]: Increased this to 1,000 feet from 300 feet in previous draft.

- b) in response to a public complaint about an odor source that does not meet the locational requirements of D. 4. b. 1) herein.
- 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. As a component of such investigation, measurements may be done in the field by using:
- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of

Commented [SA11]: Same issue as with noise. Need for additional budget.

Do you want to establish qualifications for an odor consultant? John Lally suggests . . . “an odor assessor trained in the practices of ASTM – 3679 and meeting the selection criteria of EN13725.

Commented [LJ-0-M12]: Typo: ASTM-3679 should be ASTM-E679

hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.

- d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.

- e) Any other method determined to be appropriate by the Building Commissioner.

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

Commented [SA13]: Do you want to have a qualifications requirement?

- d. **Corrective Measures** - ~~Non~~-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

Commented [SA14]: What about residential uses that generate non-compliant odor???

- e. **Exemptions**

- 1) **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, Article XXXI 31, § 2, Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Periodic odors resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems shall be exempt from these restrictions.

PERMITTING COMPLIANCE

DRAFT – September 3, 2020

ARTICLE : To amend the Medway General By-Laws by adding the following to Article ???????????:

Land use permitting authorities (Board of Health, Building Department, Conservation Commission, Department of Public Works, Historical Commission, Planning and Economic Development Board, and the Zoning Board of Appeals) may deny, revoke or suspend action on a land use permit application before it if the subject property of the application is out of compliance with a land use permit previously issued for it by any of the above noted land use permitting authorities.

Or to act in any manner relating thereto.

STREET ACCEPTANCE

Draft – September 3, 2020

ARTICLE : (Street Acceptances – Applegate Road

To see if the Town will vote to accept as public ways, the following streets as laid out by the Board of Selectmen and as shown on a plan or plans on file in the office of the Town Clerk:

Applegate Road in its entirety from Station 0 + 00 at Coffee Street to its end at Station 17 + 46.52 at Ellis Street as shown on *Amended Definitive Subdivision Plan for Applegate Farm, Medway, Massachusetts*, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26.

Commented [SA1]:
This would be updated to reference a street acceptance plan.

And further to see if the Town will vote to accept as a gift from Cedar Trail Trust of Medfield, MA one parcel of land containing 1.11 acres, more or less, identified as Parcel A on the *Amended Definitive Subdivision Plan for Applegate Farm*, Medway, Massachusetts, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26, also known as 0 Applegate Road, Medway Assessors Map 32, Parcel 16, to be used by the Town for drainage purposes.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: