

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village ST
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Karyl Spiller-Walsh

March 9, 2015

CERTIFICATE OF ACTION
Wedgewood Subdivision – Rescission

Location: 261R Village Street
Medway, MA

Assessors' Reference: Map 69 - Parcel 021

Parcel Size: 43.1 acres

Name/Address of Applicant: Charlotte Realty LLC
P.O. Box 233
Sharon, MA 02067

Name/Address of Property Owner: Charlotte Realty LLC
P.O. Box 233
Sharon, MA 02067

Engineer: B & E Engineering Associates, Inc.
1 Russell Street
Woburn, MA

Plan Dated: May 6, 1963, last revised August 12, 1965

Zoning District: Agricultural Residential II

- I. BACKGROUND:** The Wedgewood Subdivision Plan shows the division of the 43.1 acre parcel located in the Agricultural and Residential II (ARII) zoning district at 261R Village Street into 60 single-family residential house lots and the associated roadways.

The Wedgewood Subdivision Plan was endorsed by the Medway Planning Board on October 2, 1965 and was recorded at the Norfolk County Registry of Deeds on February 3, 1966 as Plan 107 in Book 220. The associated subdivision Covenant was recorded on February 3, 1966 in Book 4328, pages 597-598. At the time the plan was approved, the property was owned by Frank R. Equi of Winchester, MA. The property is presently owned by Charlotte Realty LLC of Sharon, MA.

II. PROCEDURAL SUMMARY:

1. On January 7, 2015, the Planning and Economic Development Board received an application to rescind the previously approved Wedgewood Subdivision Plan.
2. On January 8, 2015 the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed Wedgewood Subdivision and requested review comments.
3. The Board scheduled a public hearing to commence on January 27, 2015. Notice was posted with the Medway Town Clerk on January 8, 2015 and was sent by *Certified Sent* mail on January 12, 2015 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was duly noticed in the *Milford Daily News* on January 13 and 20, 2015. The public hearing had to be cancelled due to unsafe winter weather conditions on January 26 and 27, 2015.
4. The public hearing was rescheduled to February 24, 2015. Notice was posted with the Medway Town Clerk on January 26, 2015 and was sent by *Certified Sent* mail on February 3, 2015. The new public hearing was duly noticed in the *Milford Daily News* on February 9 and 17, 2015.
5. The new public hearing was opened on February 24, 2015. It was continued to March 10, 2015 at which time it was closed.
6. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

- III. PUBLIC HEARING SUMMARY:** The public hearing and the Board's review of proposed rescission of the Wedgewood Subdivision Plan were conducted over the course of two Planning and Economic Development Board meetings.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

Wedgewood Subdivision Plan Application Materials

- Form C-3 – Application to Amend, Modify or Rescind an Approved Definitive Subdivision Plan and/or Decision – received January 7, 2015
- Wedgewood Subdivision Plan prepared by B & E Engineering Associates, Inc., 1 Russell Street Woburn, MA, dated May 6, 1963, last revised August 12, 1965
- Wedgewood Subdivision Covenant dated November 1, 1965.

Citizen/Resident Testimony

- Carol Kilroy, 245 Village Street
- Timothy Choate, 7 Iroquois Street

Applicant Testimony

- Applicant's attorney Kirsten Jensen of Holliston, MA.

IV. FINDINGS: At its meeting on March 10, 2015, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to approve the following **FINDINGS**:

1. Except for Lots 1, 2, 3, 4 and 5 (247, 249, 251, 153 and 255 Village Street respectively), the remainder of the Wedgewood Subdivision has not been constructed.
2. The current owner, Charlotte Realty LLC, wishes to sell the subject property except for lots 1, 2, 3, 4, and 5.
3. The prospective buyer requires that the property title be cleared of the subdivision plan and associated covenant.
4. The Board finds that lots 1, 2, 3, 4, and 5 have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the subdivision plan, and said owners and mortgagees have not consented to this rescission. Accordingly, the rescission of this subdivision does not affect lots 1, 2, 3, 4, and 5 shown on the subdivision plan.

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

V. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on March 10, 2015, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to rescind the previously approved **Wedgewood Subdivision Plan** prepared by B & E Engineering Associates of Woburn, MA dated May 6, 1963 and the associated Subdivision Covenant dated November 1, 1965 subject to the Conditions as specified herein, and based upon Finding No. 4 above, lots 1, 2, 3, 4 and 5 are not affected by this rescission.

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

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

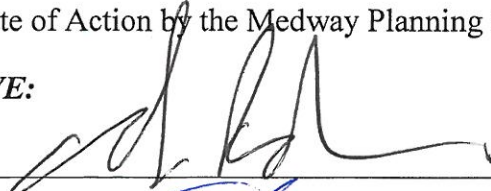
1. This rescission pertains only to lots 10 – 65 and all roadways as shown on the noted Wedgewood subdivision plan. Lots 1, 2, 3, 4, and 5 are not affected by this rescission.
2. *Expiration of Appeal Period* – Prior to endorsement of the definitive subdivision plan, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty day appeal period from the Town Clerk's office.

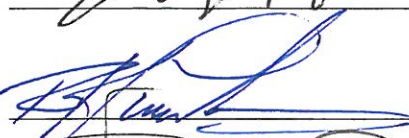
**WEDGEWOOD SUBDIVISION PLAN RESCISSION
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

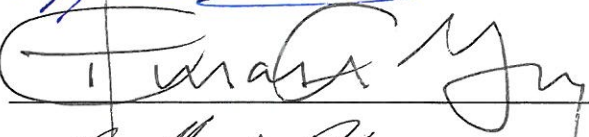
Date of Action by the Medway Planning and Economic Development Board: 3-10-2015


AYE:

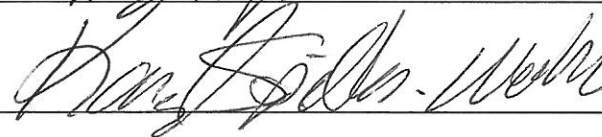
NAY:












Date Signed: 3-10-2015

Attest: 
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

3-10-2015
Date

- Copies To:** Kirsten Jensen
Jeff Robinson
Stephanie Bacon, Health Agent
David D'Amico, Public Services
Jack Mee, Building Commissioner
Thomas Holder, Public Services
Michael Boynton, Town Administrator
Jeff Lynch, Fire Chief
Donna Greenwood, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Bridget Graziano Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk