

TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053
508-533-3291

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

June 25, 2013

PLANNING and ECONOMIC DEVELOPMENT BOARD DECISION
Williamsburg Condominium
Modification to Certificate of Action and OSRD Definitive Plan
APPROVED WITH CONDITIONS

Name/Address of Applicant	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Name/Address of Property Owner	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Designer:	Faist Engineering, Inc. 67 Hall Road Sturbridge, MA 01566
Location:	Williamsburg Way
Assessors' Reference	55-4, 55-5, and 55-6
Zoning District:	AR-II

BACKGROUND – On January 19, 2010, the Planning and Economic Development Board issued an OSRD Definitive Plan Certificate of Action to the Williamsburg Condominium Corporation for an 18 unit condominium development located at 66A, 70, 70R and 72 West Street. The Board endorsed the associated Williamsburg Definitive Plan on February 24, 2010.

PROJECT DESCRIPTION – As originally approved in 2010, the Williamsburg development was to be constructed on a 13.86 acre site. It was to consist of:

- 18 residential dwelling units (9 duplex structures), a private roadway and stormwater drainage facilities on a 5.21 acre development parcel;
- 7.68 acre parcel of protected open space to be conveyed to the Town of Medway Conservation Commission (Open Space Parcel B);
- .97 acre of protected open space to be conveyed to the Williamsburg Condominium Trust and protected via a conservation restriction (Open Space Parcel A).

The development would operate as a condominium community with a private roadway and stormwater drainage facilities. The original special permit and definitive plan certificate of action required the construction of three affordable dwelling units on site; the affordable dwellings were identified as units #9, 11 and 17. The original permit should be consulted for more details.

RECORDING INFORMATION

- Williamsburg Condominium OSRD Certificate of Action - Book 27512, Page 68; March 10, 2010
- Williamsburg Way OSRD Definitive Plan – Plan Book 598, Page 68; March 10, 2010

PROPOSED MODIFICATION - The applicant has proposed the following changes to the Williamsburg Condominium OSRD Certificate of Action and Definitive Plan:

- reducing the number of affordable dwelling units from three to two;
- specifying that each affordable dwelling unit will have a 2 car attached garage;
- specifying that the two affordable housing units will be located at 7 and 12 Williamsburg Way;
- adjusting the shape of the development and open space parcel B by adjusting the boundary lines without changing the overall size of each parcel;
- allowing one more garage facing the street than is authorized by the OSRD bylaw;
- authorizing one more garage to not be set back five feet from the primary façade of the dwelling unit as required by the OSRD bylaw.

PROCEDURAL BACKGROUND – On April 26, 2013, the Williamsburg Condominium Corporation filed an application dated April 29, 2013 with the Medway Planning and Economic Development Board and Town Clerk to modify the Williamsburg Certificate of Action and the associated Williamsburg Definitive Plan in accordance with the provisions of Town of Medway *Land Subdivision Rules and Regulations*. The application package consisted of:

- an application
- a narrative explaining how the previously approved Certificate of Action and OSRD Definitive Plan need to be modified
- a narrative request and justification for waivers

- an abutters list
- Plan of Land, Williamsburg Way Definitive OSRD Development Plan, Sheet 2 of 17,, revision date 2/6/2013, prepared by Faist Engineering, Inc. and O'Driscoll Land Surveying Co.
- Letter dated April 29, 2013 from David Faist, Faist Engineering certifying that the proposed modification does not include changes to a variety of documents associated with the original OSRD Definitive Plan that are on file with the Town.

The application was accompanied by a companion application to also modify the Williamsburg Open Space Residential Development and Affordable Housing Special Permit and its associated OSRD Concept Plan. The public hearing for both applications was combined and held concurrently.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

A public hearing was scheduled to take place on June 11, 2013 at which time comments would be received from the general public, municipal boards and/or departments. The public hearing notice was filed with the Medway Town Clerk on May 14, 2013 and posted to the Town's web page. Notice of the public hearing was sent to abutters and the Planning Boards of all adjacent towns on May 20, 2013. The legal advertisement for the public hearing was published in the *Milford Daily News* on May 8, 2013 and June 24, 2013.

The Planning and Economic Development Board convened the public hearing in the Sanford Room of Town Hall on June 11, 2013. The hearing was closed that same evening. All members voting on this proposed modification were present at the public hearing. All persons in attendance were provided the opportunity to comment and present evidence. The proposed modification was reviewed by Gino Carlucci, AICP of PGC Associates, the Town's Planning Consultant.

DOCUMENTATION – In addition to the application materials, the following documents were entered into the record during the public hearing:

- Williamsburg OSRD Certificate of Action dated January 19, 2010 as issued by the Medway Planning and Economic Development Board
- Review letter dated June 4, 2013 from Gino Carlucci, PGC Associates
- Letter dated May 30, 2013 from Medway Town Administrator Suzanne K. Kennedy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust's letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated May 30, 2013 from Medway Building Commissioner John Emidy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust's letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated June 7, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust, in response to the May 30, 2013 letters from Suzanne Kennedy and John Emidy.

- Memo dated June 11, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust.
- A chart dated 6/11/2013 prepared by Planning Coordinator Susan Affleck-Childs that provides a construction status on all 18 dwelling units and identifies the unit numbers and assigned addresses.

FINDINGS - At its meeting on June 25, 2013, the Medway Planning and Economic Development Board, on a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, voted unanimously to approve the following FINDINGS in regard to the petition to modify the Williamsburg OSRD Certificate of Action and Definitive Plan.

1. The affordable housing provisions of the Medway Zoning Bylaw (V. USE REGULATIONS – Sub-Section X. Affordable Housing) were amended by the Medway Town Meeting on May 14, 2012. The noted amendment reduced the percentage of required affordable housing from 15% to 10%. The proposed modification of the special permit and OSRD Concept Plan to reduce the number of affordable dwelling units from three to two meets the requirement that at least 10% of the dwelling units in a multiple unit residential development are affordable.
2. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment adjusted the required distance between buildings and allowed for an average separation distance of 30 feet between buildings. As verified by the Town’s Planning Consultant, the average separation distance between the buildings shown on the proposed modified Williamsburg OSRD Concept Plan is 34.2 feet.
3. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment prescribed that land strips of 15’ or less shall not qualify toward the minimum required open space. The proposed modified Williamsburg OSRD Concept Plan shows revised boundaries between Open Space Parcel B and the Development Parcel. As verified by the Town’s Planning Consultant, the boundaries between the development parcel and Open Space Parcel B are changed to eliminate the previously allowed strip of open space. However, other adjustments to the OSRD Concept Plan are being made such that the total amount of open space and the size of the development parcel are not changed.
4. Paragraph 7 of the open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) was amended by the Medway Town Meeting on May 14, 2012. The amendment changed the yield formula for determining the maximum number of dwelling units by including a deduction from the total parcel size of any area within a utility easement. As depicted on the modified Williamsburg OSRD Concept Plan and as verified by the Town’s Planning Consultant, there are no utility easements on the subject parcel. Accordingly, the yield plan remains the same.

5. Paragraph 8, item f) of the OSRD provisions of the Medway Zoning Bylaw prescribe a dimensional limitations regarding the placement of garages but allow the Board to waive those requirements. The applicant has requested waivers to allow one more street facing garage and to authorize one more garage to not be set back five feet from the primary façade of the dwelling unit as required by the OSRD bylaw. The Board finds extraordinary circumstances support these waivers in that such waivers allow each affordable dwelling unit to have an attached two car garage and it is in the Town's best interest that affordable dwelling units be comparable in exterior appearance from the market rate dwelling units.
6. Fire Protection – Section 7.17.1 of the Medway Subdivision Rules and Regulations requires the installation of a fire alarm system or a payment in lieu of fire alarm installation. The Medway Fire Department does not wish to have developers install outdated fire alarm systems. Instead, the Board usually requires an applicant to make a payment to the Fire Alarm Special Capital account in lieu of fire alarm installation. The Medway Town Accountant has determined that the Town does not have the legal authority to collect monies for such a fund. Accordingly, the Medway Fire Department has ceased its request for such payments. Condition #11 as included in the Williamsburg 2010 Definitive Plan Certificate of Action can no longer be enforced and thus is not required.
7. On June 25, 2013, the Planning and Economic Development Board approved a series of modifications to the original Williamsburg OSRD and Affordable Housing Special Permit. This included authorization to reduce the number of affordable dwelling units from three (3) to two (2).

DECISION – After reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board, at its meeting on June 25, 2013, on a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, voted unanimously to approve the proposed modifications to the previously issued Williamsburg Condominium OSRD Definitive Plan Certificate of Action and the proposed modification to the Williamsburg OSRD Definitive Plan

By its vote, the Planning and Economic Development Board hereby modifies certain portions of and supplements the January 19, 2010 Williamsburg Condominium OSRD Definitive Plan Certificate of Action as follows:

Condition 1 is amended as follows;

1. It is expressly understood that this condominium development is authorized for Parcels A, B and C as shown on the OSRD Definitive Plan and shall have no more than eighteen (18) dwelling units including two (2) affordable dwelling units. As a permanent condition of this plan, no further subdivision of Parcels A, B and C will be allowed. Williamsburg Way is a permanent private way.

Condition 11 is deleted.

Condition 15A, B and C is amended as follows; all other existing subsections of Condition 15 remain in effect:

15. Affordable Housing

- A. Two dwelling units within the Williamsburg Condominiums shall be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
- B. The affordable dwelling units are hereby designated as 7 and 12 Williamsburg Way. Each affordable dwelling unit shall have at least 1500 square feet in area (excluding basement), include three bedrooms and have a 2 car attached garage.
- C. Regulatory Agreement - Prior to the issuance of a building permit for the 13th & 14th dwelling units and prior to the issuance of an occupancy permit for the 9th dwelling unit, the applicant shall prepare or cause to be prepared, executed and recorded at the Norfolk County Registry of Deeds, an Affordable Housing Regulatory Agreement among the Town of Medway, the Massachusetts Department of Housing and Community Development and the Williamsburg Condominium Corporation or its successors/assigns. The affordable dwelling units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.

The following new Condition 15. J is added:

- J. Schedule for Construction/Occupancy of Affordable Dwelling Units
 - 1) The first affordable dwelling unit to be issued a building permit will be 12 Williamsburg Way.
 - 2) No occupancy permit shall be issued for the 12th market rate unit until after an occupancy permit is issued for an affordable dwelling unit.
 - 3) No occupancy permit shall be issued for the 14th market rate unit until after an occupancy permit is issued for the 2nd affordable dwelling unit.

CONDITIONS OF APPROVAL - All conditions and requirements of the previous Williamsburg Condominium OSRD Definitive Plan Certificate of Action dated January 19, 2010 that are not specifically changed by this approved modification shall remain in effect.

The following additional conditions are prescribed:

- 31. **Williamsburg Condominium Master Deed** - The Williamsburg Condominium Master Deed shall be revised to specify that 7 and 12 Williamsburg Way are the affordable housing units.
- 32. **Recording of Modified Certificate of Action and Modified OSRD Definitive Plan** - The modified Certificate of Action for the Williamsburg Condominium OSRD and the

modified OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds within thirty days after the conclusion of the twenty day appeal period. A copy of said recording shall be returned to the Town Clerk and Planning and Economic Development office within 30 days of recording.

By its vote, the Planning and Economic Development Board hereby approves the modified OSRD Definitive Plan – Williamsburg Condominiums. Sheet 3 of 6, revision date 4/23/2013, prepared by Faist Engineering, Inc. and O’Driscoll Land Surveying Co.

Voting Planning Board Member	Grant/Not Grant
Andy Rodenhiser	Grant
Robert K. Tucker	Grant
Thomas A. Gay	Grant
Matthew Hayes	Grant
Karyl Spiller-Walsh	Grant

APPEALS - Appeals, if any, shall be made to the Superior Court or to Land Court in accordance with M.G.L Chapter 41, Section 81BB, and shall be filed within twenty (20) days after the date of filing of this decision in the Office of the Medway Town Clerk. A copy of this decision has been filed with the Town Clerk.

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this modified Certificate of Action and Definitive Plan.

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MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD


Signed: June 25, 2013



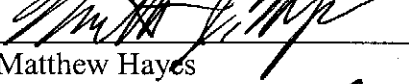
Andy Rodenhiser



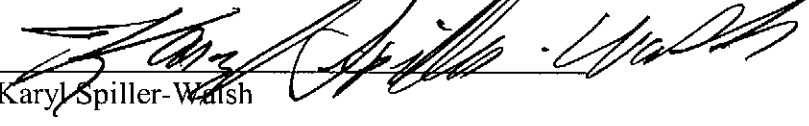
Robert M. Tucker



Thomas A. Gay



Matthew Hayes



Karyl Spiller-Walsh

- cc: Affordable Housing Trust
- Affordable Housing
- Building Commissioner/Zoning Enforcement Officer
- Board of Health
- Board of Water/Sewer Commissioners
- Department of Public Services
- Design Review Committee
- Board of Assessors
- Fire Chief
- Police Chief
- Board of Selectmen
- Town Clerk
- Town Counsel

Notice of Decision filed with:
Certified abutters within 300'
Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford & Norfolk