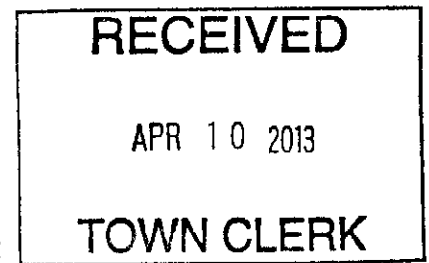


TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053
508-533-3291



Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh
Matthew Hayes, P.E., Associate Member

April 9, 2013

PLANNING and ECONOMIC DEVELOPMENT BOARD DECISION
Charles River Village
Modification to Open Space Residential Development
and Affordable Housing Special Permit

APPROVED

Name/Address of Applicant	Charles River Village LLC P.O. Box 1 Medway, MA 02053
Name/Address of Property Owner	Lori Moran, Personal Representative of the Estate of Michael Acquafresca c/o Attorney Todd Gattoni 232 Main ST PO Box 94 Milford, MA 01757 Cheryl Rodriguez, Personal Representative of the Estate of Carol Supernor c/o Attorney Austin Joyce 4 Lancaster Terrace Worcester, MA 01609
Designer:	Faist Engineering, Inc. 67 Hall Road Sturbridge, MA 01566
Location:	6 Neelon Lane
Assessors' Reference	70-002
Zoning District:	AR-II

BACKGROUND – On March 30, 2011, the Planning and Economic Development Board granted an Open Space Residential Development (OSRD) and Affordable Housing Special Permit to Charles River Village LLC for a 13 unit condominium development at 6 Neelon Lane and approved the associated Charles River Village OSRD Concept Plan.

PROJECT DESCRIPTION – As approved in 2011, the Charles River Village development was to be constructed on a 7.61 acre site. It was to consist of 13 detached, single family, cottage style residential dwellings and 4.18 acres of protected open space to be conveyed to the Town of Medway. The development would operate as a condominium community with private roadway and utilities. The permit required the construction of two affordable dwelling units on site. The original permit should be consulted for more details.

RECORDING INFORMATION

- Charles River Village Special Permit Decision – Book 30700, Page 541 – November 20, 2012
- Charles River Village Concept Plan – Plan Book 617, Page 97- November 20, 2012

PROPOSED MODIFICATION - The applicant has proposed several changes to the special permit and concept plan:

- reducing the number of dwelling units from thirteen to eleven
- eliminating the construction of two affordable dwelling units on site and instead making a payment in lieu of construction to the Medway Affordable Housing Trust
- modifying the paving width of the first 35 feet of Neelon Lane off Village Street from 18 to 20 feet wide.

PROCEDURAL BACKGROUND – On February 21, 2013, Charles River Village LLC filed an application dated February 5, 2013 with the Medway Planning and Economic Development Board and Town Clerk to modify the above noted Open Space Residential Development (OSRD) Special Permit, in accordance with the provisions of Section V., Sub-Section T. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws. The application package consisted of:

- an application
- a narrative explaining how and why the special permit needed to be modified
- an abutters list
- Concept Plan Modification – Charles River Village OSRD, Sheet 3 of 5, dated 2/5/2013, prepared by Faist Engineering, Inc. and O’Driscoll Land Surveying Co.

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 March 19, 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 February 27, 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 February 28, 2013. The legal advertisement for the public hearing was published in the *Milford Daily News* on March 4 and 12, 2013.

The Planning and Economic Development Board convened the public hearing in the Sanford Room of Town Hall on March 19, 2013; the hearing was closed that same evening. All members voting on this Special Permit 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:

- Charles River Village special permit dated March 30, 2011 issued by the Medway Planning and Economic Development Board
- Review letter dated March 14, 2013 from Gino Carlucci, PGC Associates
- Letter dated March 15, 2013 from Michael Heineman, Chairman of the Medway Affordable Housing Trust
- Memorandum dated March 4, 2013 from Susan Affleck-Childs, Planning and Economic Development Coordinator with attachments to the Medway Affordable Housing Trust

DECISION – After reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board, at its meeting on April 9, 2013, on a motion made by Chan Rogers and seconded by Bob Tucker, voted unanimously to modify the Charles River Village Open Space Residential Development Special Permit issued on 3/30/2011.

By its vote, the Planning and Economic Development Board hereby modifies the prior Conditions of Approval to read as follows:

1. **Limitations**

- a) The maximum number of dwelling units to be constructed on site under this Special Permit shall be eleven (11).

3. **OSRD Definitive Plan**

- d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan
- 10) increase the reconstructed width of the first 35 of Neelon lane off Village Street from 18 to 20 feet

6. **Affordable Housing** - To fulfill the affordable housing requirements of the Medway Zoning Bylaw (V. X. 3, 4, and 7) the Board approves the use of the payment in lieu of construction option. The developer will make a payment of \$322,200 to the Medway Affordable Housing Trust in lieu of constructing two affordable dwelling units on site. The payment schedule shall be as follows: ***\$29,291 shall be provided at or prior to the closing on the sale of each market rate unit except that the total amount shall be paid in full before the Town issues a building permit for the last dwelling unit.***

13. **Scenic Road** – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the Definitive Plan process, a Scenic Road public hearing with the Planning and Economic Development Board shall occur if it is determined that there are any stone walls or trees located within the Town’s right of way on Village Street. If so, and if such trees and/or stone wall have to be removed or damaged due to the reconstruction of Neelon Lane, the Board shall establish suitable mitigation measures.

17. **Demolition of 6 Neelon Lane** – The applicant plans to demolish the building at 6 Neelon Lane as part of the development plan. The applicant is advised that the structure on the property, due to its age, is subject to the Medway Demolition Delay bylaw and may require review by the Medway Historical Commission. During the Definitive Plan process, the applicant shall provide documentation that a Demolition Delay application has been filed with the Medway Historical Commission to seek its determination. The applicant is required to comply with any decision and requirements of the Medway Historical Commission.

Voting Planning Board Member

Grant/Not Grant

Andy Rodenhiser	Grant
Robert K. Tucker	Grant
Thomas A. Gay	Grant
Cranston (Chan) Rogers	Grant
Karyl Spiller-Walsh	Grant

CONDITIONS OF APPROVAL - All conditions and requirements of the previous Charles River Village Special Permit dated March 30, 2011 that are not specifically changed by this approved modification shall remain in effect.

APPEALS - Appeals, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the 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 special permit modification. A copy of said recording must be returned to the Town Clerk and Planning and Economic Development office to complete the file.

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MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD


Signed: April 9, 2013




Andy Rodenhiser



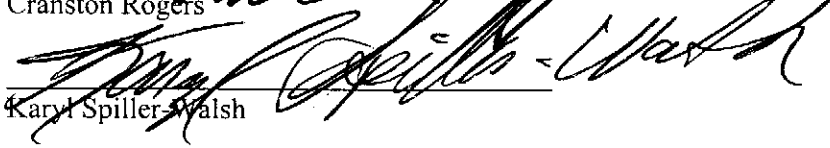
Robert K. Tucker



Thomas A. Gay



Cranston Rogers



Karyl Spiller-Walsh

cc: Affordable Housing Trust
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