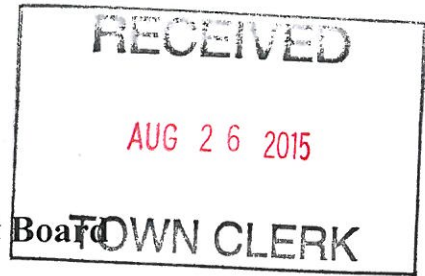




TOWN OF MEDWAY
Planning & Economic Development Board
155 Village ST
Medway, Massachusetts 02053



Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio

August 25, 2015

CERTIFICATE OF ACTION
The Haven – A PERMANENT PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN
APPROVED with Waivers and Conditions

Location: 13 and 15A Fisher Street
Assessors' Reference: Map 45 – Parcel 39 & 41, and a portion of Parcel 14 on Map 55
Name/Address of Applicant: Louis J. Cheschi, Jr.
L & L Realty Trust
9 Hillside Avenue
Milford, MA 02757
Name/Address of Property Owner: Louis J. Cheschi, Jr.
L & L Realty Trust
9 Hillside Avenue
Milford, MA 02757
Engineer: Merrikin Engineering, LLP
730 Main Street
Millis, MA 02054
Land Surveyor: Colonial Engineering
P.O. Box 95
Medway, MA 02053
Plan: The Haven Definitive Subdivision Plan of Land
Original Date – November 4, 2003
Last revised – July 23, 2015
Zoning District: Agricultural Residential II
Street Name: Sorrento Lane

- I. PROJECT DESCRIPTION:** The applicant proposes to develop a 3-lot, private way residential subdivision on 2.5 acres of land located at 13 and 15A Fisher Street (*Medway Assessors Map 45 – Parcel 39 & 41, and a portion of Parcel 14 on Map 55*) in the Agricultural Residential II zoning district. The plan shows the division of land into three, single-family residential lots, a 1,300 Parcel A, and a separate road parcel for the construction of an approximately 275’ long and 18’ wide paved permanent private roadway to be known as Sorrento Lane. The project will include the installation of underground stormwater management facilities and connections to Town water. A private septic system for each house lot is needed. Fisher Street is a Medway Scenic Road, however, no disturbance or removal of stone walls or trees in the Town’s right of way are planned.

The property is owned by L & L Realty Trust of Milford, MA. It is bounded on the east by Fisher Street and property owned by Masterson; on the south by property owned by Walsh and Long; on the west by land owned by Boston Edison and Biocchi; and on the north by property owned by Mulkerrin and Masterson.

- II. BACKGROUND:** On March 1, 2005, the Medway Planning Board issued a Certificate of Action to Louis Cheschi, Jr. of Milford, MA for The Haven Definitive Subdivision Plan dated January 21, 2015 prepared by Merrikin Engineering and DeSimone & Associates. The plan was endorsed by the Planning Board on June 22, 2006 but neither the decision nor the endorsed plan were ever recorded, nor did construction commence.

In early 2015, the applicant’s representative contacted the Planning and Economic Development Board to reactivate the plan. They were informed that the approval had long expired, that the Board had adopted new *Subdivision Rules and Regulations* in April 2005, and that a new subdivision application and updated definitive subdivision plan would need to be submitted for full review and public hearing process.

III. PROCEDURAL SUMMARY:

1. On March 31, 2015 the Planning and Economic Development Board received an application for approval of *The Haven Definitive Subdivision Plan*, dated March 25, 2015 prepared Merrikin Engineering, LLC of Millis, MA and Colonial Engineering of Medway, MA.
2. On April 2, 2015, the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Haven Definitive Subdivision Plan*, provided copies of the plans and requested review comments.
3. Notice was posted with the Medway Town Clerk on March 31, 2015. The public hearing was duly noticed in the *Milford Daily News* on April 13 and 21, 2015. A public hearing notice was sent by *Certified Sent* mail on April 9, 2015 to abutters in Medway within 300 feet of the subject property and to parties of interest.
4. On April 28, 2015, the Board commenced a public hearing on proposed plan. The public hearing was continued to June 9, July 14, July 28, August 11 and August 25, 2015.

5. During the course of the public hearing, the applicant submitted two revisions to The Haven Definitive Subdivision Plan; the first revision was dated July 8, 2015 and the second plan revision was dated July 23, 2015.
6. At its July 14, 2015 meeting, the Planning and Economic Development Board approved the applicant's request to extend the deadline for the Board to act on The Haven Definitive Subdivision Plan to August 31, 2015.
7. The public hearing was closed on August 31, 2015.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of *The Haven Definitive Subdivision Plan* were conducted over the course of six Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted the definitive subdivision plan to the Board in March 2015.

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).

The Haven Definitive Subdivision Plan Application Materials

Form C – Definitive Plan Application – received March 31, 2015
Form D – Designer's Certificate (with deed) – received March 31, 2015
Form F – Development Impact Report – received March 31, 2015
Collection of deeds, etc. to document property ownership
Street Naming Application for Sorrento Lane as approved October 18, 2004

The Haven Definitive Subdivision Plan – Merrikin Engineering, LLP

Original Date - November 4, 2003, revised March 25, 2015 for submittal
Revised – July 8, 2015
Revised – July 23, 2015

Request for Waivers from Subdivision Rules and Regulations – Prepared by Merrikin Engineering, dated March 25, 2015

Town Engineering Consultant Reviews – Sean Reardon, P.E. Tetra Tech

April 23, 2015
July 22, 2015

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

April 21, 2015
July 21, 2015

Supplemental Information Provided by Applicant's Consultants

Letter from Daniel Merrikin, Merrikin Engineering, dated July 10, 2015 in response to review comments from Tetra Tech dated April 23, 2015 and from PGC Associates dated April 21, 2015.

Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board

Mullins Rule certification from Robert Tucker for the July 28, 2015 PEDB meeting
Mullins Rule certification from Thomas Gay for the August 11, 2015 PEDB meeting
Remote meeting participation approval for Andy Rodenhiser for the August 25, 2015 PEDB meeting

Certificate of Action dated March 1, 2005 – The Haven Definitive Subdivision Plan

Citizen/Resident Letters

Email communication dated May 1, 2015 from Mark Biocchi

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA
Sean Reardon P.E., and Steve Bouley of Tetra Tech – Framingham, MA
Dan Merrikin, P.E. Merrikin Engineering, LLC – Millis, MA

Medway Departmental/Board Review Comments

Fire Chief Jeff Lynch – email dated June 15, 2015

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS –

The Applicant has requested and the Board has identified needed waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.6.3 Standards for Preparation of Definitive Subdivision Plan – All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

FINDINGS – The applicant has requested that the NVGD29 datum be used for this project instead of the specified NAVD88. They note that the subdivision plan previously approved by the Board in 2005 was based on the NGVD29 datum as the Board found that the use of NVGD29 was not detrimental to the Town's interests. The applicant argues that adjusting the plan to the NAVD88 datum seems unnecessary. To ensure that there is no confusion on the plans, the plans have been labeled to show all benchmarks as being the NVGD 29 datum and notes have been added to all sheets.

SECTION 5.7.36 *The subdivision plan shall show house footprints at forty feet (40') by eighty feet (80').*

FINDINGS – The applicant has requested a waiver to allow for smaller house footprints than the standard 40' by 80' size. Due to zoning and wetland setback limitations, houses with a 40' by 80' footprint will not fit on Lots 2 and 3. Instead, the house footprint for Lot 2 is 30' by 54'. The house footprint for Lot 3 is 30' by 64'.

SECTION 7.7.2 e) Stormwater Management – Watershed Analysis. In a residential subdivision, the analysis shall assume a minimum forty foot (40') by eighty foot (80') building footprint and a paved driveway for each lot.

FINDINGS – The applicant has requested a waiver to allow for the stormwater management watershed analysis to be based on a house footprint smaller than the standard 40' by 80'. This is due to the reality that the houses on Lots 2 and 3 will be smaller than the regulations anticipate due to setback limitations per the Zoning Bylaw and resulting from the configuration of wetlands on Lots 2 and 3. This will provide for a more realistic stormwater calculation as only the area to truly be impervious will be considered instead of including land area on which nothing could ever be constructed. The engineer included an extra 1,000 sq. ft. of impervious coverage in the stormwater calculations for Lot 2 to account for incidentals such as driveways, walkways, and patios. The engineer included an extra 750 sq. ft. of impervious coverage in the stormwater calculations for Lot 3 for incidentals.

SECTION 7.9.5 a) Grade – The minimum centerline grade of any street shall not be less than 2%.

FINDINGS – The applicant has proposed a 1% centerline grade instead of 2%. The steeper 2% grade would either require crating a low spot in the middle of the road or would require lowering the road below existing grade at the turnaround which in turn, would necessitate lowering the stormwater infiltration system. The applicant believes a consistent 1% grade will result in lesser future roadway maintenance. The Town's engineering consultant does not object to the waiver as the reduced grade will not negatively affect capturing stormwater and will require less earthwork/stockpiling materials adjacent to nearby wetlands.

SECTION 7.10.1 Curbs and Berms – Vertical granite curbing shall be installed at intersection roundings and cul-de-sac entrances.

FINDINGS – The applicant has proposed to NOT install any curbing at the intersection roundings of Sorrento Lane with Fisher Street. The Board concluded that such a design will be consistent with the character of Fisher Street, a Medway Scenic Road. The traffic volume on this permanent private roadway with only 3 houses is expected to be very low.

SECTION 7.10.2 Curbs and Berms – Hot Mix Asphalt Cape Cod Berm shall be provided the full length of all streets along each side of a permanent private way.

FINDINGS – The applicant has requested to NOT install any curbing along Sorrento Lane. This is due to the Fire Chief's request that the roadway be increased from 18' to 20' wide. There is no curbing on Fisher Street.

SECTION 7.21.1 Street Lights – It shall be the responsibility of the developer to install street lighting within the subdivision at the entrance to the subdivision, at all intersections within the subdivision, sharp turns or other areas where the Traffic Safety Officer deems they are needed for public safety.

FINDINGS – The applicant proposes to not install any street lights in the subdivision. The Police Department’s Traffic Safety Officer has not asked for them. The proposed street is very short (only 275’ in length) and straight, so the existing street lighting on Fisher Street should be sufficient for vehicles entering and exiting the subdivision. Instead, the applicant has agreed to install residential light poles at the end of each driveway near the street.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
3. The applicant has agreed to install residential light poles at the end of the driveway for each house lot on Sorrento Lane.
4. As agreed by the Applicant, the applicant shall install a solid 6’ high wood or PVC stockade face in the following location: a) approximately 98 linear feet along the northerly side of Parcel A starting at the point of curvature of the lot line, and b) assuming the adjacent property owner approves the work on their land, approximately 100 linear feet along the westerly side of the adjacent Masterson property starting at the corner of Parcel A and extending northerly. The fence shall be installed before the Board releases house lots from the Subdivision Covenant.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 11, 2015, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted Waiver Findings. The motion was approved by a vote of four in favor and none opposed.

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 11, 2015, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of four in favor and none opposed.

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 25, 2015, a motion was made by Matthew Hayes and seconded by Andy Rodenhiser to approve the above noted Mitigation Plan. The motion was passed by a by a vote of five in favor and zero opposed.

VI. PROJECT EVALUATION CRITERIA – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 11, 2015 a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the Project Evaluation Findings noted below. The motion was approved by a vote of four in favor and none opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submission documents were complete and technically accurate.

- 5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS – The Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient, and extension is not feasible. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient.

- 5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. Erosion controls will be in place during construction.

- 5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site will be protected through an Order of Conditions from the Conservation Commission. Stormwater management has been adequately addressed. There will be an increase of only three single-family houses to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic. The Fire and Police departments were afforded an opportunity comment on the plans. The fact that no comments were received is taken as an acceptance of the plan as submitted.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning Bylaw, including minimum area and frontage requirements.

5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because the infrastructure proposed is adequate for the new development and the impacts of the subdivision have been mitigated to a reasonable extent. Reasonable waivers have been granted herein with good cause.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on August 25, 2015, a motion was made by Thomas Gay and seconded by Matthew Hayes to approve **The Haven Definitive Subdivision Plan**, prepared by Merrikin Engineering LLP dated November 4, 2003, last revised July 23, 2015 subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

SECTION 5.6.3 - Standards for Preparation of Definitive Subdivision Plan

SECTION 5.7.36 – Size of House Footprints

SECTION 7.7.2 e) Stormwater Management – Watershed Analysis.

SECTION 7.9.5 a) Grade

SECTION 7.10.1 Curbs and Berms

SECTION 7.10.2 Curbs and Berms

SECTION 7.21 Street Lights

The motion was approved by a vote of five in favor and zero opposed.

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 or were approved for remote meeting participation.

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

A. Specific Conditions

1. This subdivision is authorized for no more than three residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these three lots is allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. Prior to plan endorsement, the plans dated July 23, 2015 shall be further revised to include the following references:
 - The cover sheet shall include a final revision date.

- A note shall be added to all plan sheets indicating that the plan is subject to this Certificate of Action which shall be recorded with the Plan at the Norfolk County Registry of Deeds.
 - Addresses for the 3 new house lots
4. *Fence* - As agreed by the Applicant, the subdivision plan shall be revised prior to endorsement to depict the installation of a solid 6' high wood or PVC stockade fence in the following location: 1) approximately 98 linear feet along the northerly side of Parcel A starting at the point of curvature of the lot line, and 2) assuming the adjacent property owner approves the work on their land, approximately 100 linear feet along the westerly side of the adjacent Masterson property starting at the corner of Parcel A and extending northerly. The fence shall be installed before the Board releases house lots from the Subdivision Covenant.
 5. *Ownership of Sorrento Lane* – Sorrento Lane as depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established The Haven Homeowners Association to be comprised of the owners of Lots 1, 2 and 3 to own the roadway parcel. The Association shall ultimately be responsible for maintaining the private roadway parcel including but not limited to snowplowing and sanding. The Association shall also maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.
 6. *The Haven Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Haven Homeowners Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1, 2 & 3, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Sorrento Lane including but not limited to snowplowing and sanding and the stormwater management system. The document shall specify that the costs shall be divided equitably among the members.
 7. The Applicant shall specifically reserve to itself ownership of the fee in Sorrento Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and the drainage easements to The Haven Homeowners Association prior to the sale of the last lot.
 8. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
 9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing The Haven Subdivision* – The future owners of Lots 1, 2 and 3 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* to be executed and recorded with the definitive

- subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing The Haven Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Sorrento Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to the definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing The Haven Subdivision*.
 11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Sorrento Lane and all drainage easements shown on the plan to The Haven Homeowner's Association for review, comment, amendment and approval by Town Counsel.
 12. *Parcel A Deed* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Parcel A to the abutting property owner at 15 Fisher Street for review, comments, amendment and approval by Town Counsel. The deed conveying Parcel A shall clearly state that the new owner of Parcel A has no ownership right in or responsibility for Sorrento Lane. Parcel A shall be conveyed to the abutting property owner before the Board releases house lots from the Subdivision Covenant.
 13. *Document/Plan Recording* – Within thirty days of recording with the Norfolk County Registry of Deeds the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing The Haven subdivision*, and any articles of association establishing The Haven Homeowners Association, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
 14. *Sidewalk Construction* – Section 7.13.3 of the *Subdivision Rules and Regulations* requires that an applicant provide sidewalks along the entire frontage of the subdivision parcel along existing Town ways. In instances where sidewalk construction is not feasible or practical, an applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount to be determined by the Board as advised by the Town's consulting engineer. In lieu of constructing approximately 79 linear feet of curbed sidewalk along the west side of Fisher Street along the frontage of Lot 1, the applicant agrees to provide funding to the Town of

Medway, within one year of plan endorsement, in an amount of \$ 4,746. This amount is based on an estimate dated August 6, 2015 by Tetra Tech, the Town's consulting engineer which is based on the most recent average statement price published by the Massachusetts Department of Transportation for sidewalk construction (based on 100' of a 5½' wide asphalt sidewalk, a 6½' grass strip, two concrete cement wheelchair ramps and berm), said funds to be used by the Town of Medway for sidewalk construction in the community.

15. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Sorrento Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to The Haven Homeowners Association.
16. *Real Estate Taxes* – Prior to any infrastructure or building construction activity on site, the Applicant shall pay all outstanding real estate taxes due the Town of Medway and shall provide proof of such payment to the Planning and Economic Development Board.

B. General Conditions

1. *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.
2. *Payment of Balance of Fees/Taxes* – Prior to plan endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board.
3. *Subdivision Covenant* – Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The Subdivision Covenant shall apply to lots 1, 2 and 3 as shown on the plan.
4. *Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board's *Subdivision Rules and Regulations*. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The surety amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer. The applicant shall also enter into a surety agreement with the

Planning and Economic Development Board as provided in the *Subdivision Rules and Regulations*. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector. No release of Covenant will be authorized unless all items specified in Section 6.6.3 of the *Subdivision Rules and Regulations* are fully completed to the satisfaction of the Planning and Economic Development Board.

5. *Order of Conditions* – Prior to plan endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all “*Order of Conditions*” as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the definitive subdivision plan that may be required under the “*Order of Conditions*” shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the definitive subdivision plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the “*Order of Conditions*” that may be deemed appropriate by the Planning and Economic Development Board and the Town’s Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty day appeal period must be received from the Town Clerk’s office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any “*Order of Conditions*” requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a Construction Observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system and other utilities are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
7. Within thirty days of plan endorsement, the Applicant shall provide the Town with a set of the approved endorsed plans in full size format. The Applicant shall also provide the approved plans in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.

8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed DEP shall be provided to the Town.
9. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board’s approval of the *Release of Covenant* for the first building lot, proof is required from the Medway Town Treasurer/Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision.
10. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.
11. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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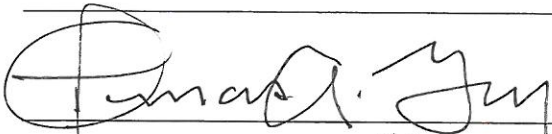
**THE HAVEN DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: August 25, 2015

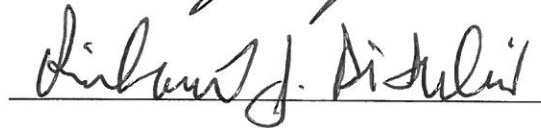
AYE:



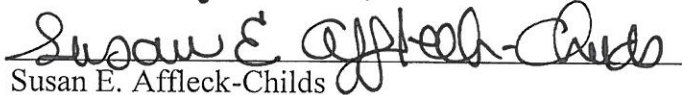
NAY:







Date Signed: August 25, 2015

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

August 25, 2015
Date

- Copies To:** Louis Cheschi, applicant
Dan Merrikin, Merrikin Engineering
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
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech