

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
Cranston (Chan) Rogers, P.E.
Karyl Spiller-Walsh

October 23, 2012

CERTIFICATE OF ACTION
NORWOOD ACRES – A PERMANENT PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN
(APPROVED with Waivers and Conditions)

Location: 61 Summer Street
Assessors' Reference: Map 46 - Parcel 10 (formerly Map 5-Parcel 11)
Parcel Size: 7.78 acres
Name/Address of Applicant: Wayne E. Marshall
65 Summer Street
Medway, MA 02053
Name/Address of Property Owner: Andrew and Matthew Marshall
65 Summer Street
Medway, MA 02053
Engineer: Michael Dean, P.E.
Guerriere and Halnon, Inc.
P.O. Box 235
Milford, MA 01757
Land Surveyor: Paul Atwood, P.L.S
Guerriere and Halnon, Inc.
P.O. Box 235
Milford, MA 01757
Plan Dated: May 21, 2012, last revised August 29, 2012
Zoning District: Agricultural Residential I
Street Name: Trail Drive

- I. PROJECT DESCRIPTION:** The *Norwood Acres Definitive Subdivision Plan* dated May 21, 2012 and last revised August 29, 2012, shows the division of the 7.78 acre parcel of land located in the Agricultural and Residential I (ARI) zoning district at 61 Summer Street into two single-family residential house lots and one open space parcel. The subject parcel is set back approximately 270 feet from Summer Street and is presently owned by Andrew and Matthew Marshall of Medway, MA. The land would be accessed from Summer Street via a proposed permanent private way to be known as Trail Drive.

The Norwood Acres subdivision includes construction of an approximately 524 linear foot long and 18 foot wide paved permanent private roadway to provide access and legal frontage for the two house lots. The project includes connecting to the existing sewer line that runs through the property, connecting to the public water system on Summer Street, and installing stormwater management facilities to comply with Massachusetts Department of Environmental Protection (DEP) stormwater management requirements. A portion of the site is in a Wetlands Resource Area.

II. PROCEDURAL SUMMARY:

1. On June 4, 2012, the Planning and Economic Development Board received an application for approval of the *Norwood Acres Definitive Subdivision Plan*, dated May 21, 2012 prepared by Guerriere and Halnon of Milford, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed in February 2011.
2. On June 8, 2012 the Board informed various Town boards and departments, including the Board of Health, of the public hearing on the proposed *Norwood Acres Definitive Subdivision Plan*, provided copies of the plans and requested review comments.
3. On June 26, 2012, the Board commenced a public hearing on the May 21, 2012 Norwood Acres subdivision plan. The public hearing was duly noticed in the *Milford Daily News* on June 11 and 19, 2012. Notice was posted with the Medway Town Clerk on June 7, 2012 and was sent by *Certified Sent* mail on June 8, 2012 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was continued to July 10, August 28, September 11, and to September 25, 2012 when it was closed. During the course of the public hearing, the applicant submitted two revisions to the *Norwood Acres Definitive Subdivision Plan*; the first revision was dated August 10, 2012 and the second was dated August 29, 2012.
4. 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 the *Norwood Acres Definitive Subdivision Plan* were conducted over the course of five 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 a preliminary subdivision plan to the Board in July 2011.

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).

Norwood Acres Definitive Subdivision Plan Application Materials

- Form C – Definitive Plan Application – received June 4, 2012
- Form D – Designer’s Certificate (with deed) – dated June 1, 2012
- Form F – Development Impact Report – received June 4, 2012

Norwood Acres Definitive Subdivision Plan – Guerriere & Halnon, Inc.

- June 1, 2012
- Revised – August 10, 2012
- Revised – August 29, 2012

Hydrologic & Hydraulic Report – 61 Summer Street - Guerriere & Halnon, Inc.

- May 5, 2012
- Revised – August 10, 2012

Request for Waivers from Subdivision Rules and Regulations – Guerriere & Halnon

- May 31, 2012
- Revised - August 14, 2012

Town Engineering Consultant Reviews – David Pellegrini, P.E. Tetra Tech

- June 21, 2012 letter
- August 20, 2012 letter
- September 11, 2012 letter

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

- June 22, 2012 letter
- August 23, 2012

Supplemental Information Provided By Applicant’s Consultants

Email communication dated 6/29/12 from Paul Atwood of Guerriere & Halnon, Inc. and Sketch for Norwood Acres Definitive Subdivision Plan of Land dated 6/29/12 by Guerriere & Halnon.

Email communication dated 6/29/12 from Paul Atwood of Guerriere & Halnon, Inc. with a collection of easement and other legal documents.

Approval Not Required Plan dated 6/16/1969, prepared by Bowie Engineering Co of Millis MA, re: 63 Summer Street.

Letter from Peter Lavoie, Guerriere & Halnon, dated 8/15/2012 in response to review comments from Tetra Tech dated June 21, 2012.

Letter from Paul B. Atwood, Guerriere & Halnon, dated 8/15/12 in response to review comments from PGC Associates dated June 22, 2012.

Letter from Peter Lavoie, Guerriere & Halnon, dated 9/5/2012 in response to review comments from PGC Associates review letter dated August 23, 2012 and Tetra Tech review letter dated August 20, 2012.

Traffic Assessment Memorandum – Proposed Norwood Acres Residential Subdivision, dated 8/11/12, prepared by Kim Eric Hazarvartian, TEPP LLC (Transportation Engineering, Planning and Policy)

Letter from Michael Dean, Guerriere & Halnon, dated 9/25/12.

Title Report dated 9/11/12 prepared by Claudia M. Ferrecchia, Title Examiner.

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

Mullins Rule certification from Andy Rodenhiser re: July 10, 2012 PEDB mtg.

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Applicant Testimony

Wayne Marshall, 63 Summer Street – Medway, MA – 7/10/12, 8/28/12, 9/11/12, 9/25/12

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA – 6/26/12, 8/28/12,

David Pellegri, P.E., Tetra Tech – Framingham, MA – 6/26/12, 7/10/12, 8/28/12, 9/11/12, 9/25/12,

Paul Atwood, P.L.S., Guerriere & Halnon, Inc. – Milford, MA - 6/26/12, 7/10/12, 8/28/12, 9/25/12.

Medway Departmental/Board Review Comments

Email communication dated July 2, 2012 from Stephanie Bacon, Health Agent, on behalf of the Medway Board of Health

Letter dated July 10, 2012 from Jeff Lynch, Medway Fire Chief

Email communication dated June 29, 2012 from Jim Wickis/Medway Open Space Committee.

Email communication dated September 24, 2012 from Karon Skinner-Catrone, Conservation Agent, on behalf of the Medway Conservation Commission

The Board is also in receipt of confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

IV. 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 7.6.2 b) WATER FACILITIES INSTALLATION – This section requires the use of 8” cement lined ductile iron pipe for water lines. It also requires the looping of extensions to the water lines.

FINDINGS – The applicant proposes the use of 6 inch DI pipe (instead of 8 inches) and to install the water lines without the required loop system. Since the water service is only for 2 lots, the Board finds that a 6” cement-lined ductile iron pipe is sufficient and is acceptable subject to approval of the Medway Department of Public Services. Also since extension to another property is not feasible, not looping the water line is also acceptable.

SECTION 7.7.2 STORMWATER MANAGEMENT – (p) *Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots.*

FINDINGS - The applicant has proposed installing the stormwater management facilities within the roadway layout of the permanent private way which is a separate parcel from the house/building lots. The PEDB has allowed stormwater management facilities to be located within the roadway layout of other private way subdivisions. Therefore, the Board finds that the location of the stormwater facilities within the roadway layout is acceptable.

SECTION 7.9.7 ROADWAY CONSTRUCTION (a) thru (k) – This section includes specifications for roadway construction. Permanent private ways are required to have 16 inches of gravel base plus 4 inches of hot mix asphalt consisting of a binder course of 2 ½ inches and a finish course of 1 ½ inches.

FINDINGS – The applicant has proposed to use 12” of gravel borrow, topped with 4” of dense grade crushed stone instead of the standard specifications in an effort to save trees along the abutters’ property line. The applicant has designed the subdivision with a low-impact development (LID) stormwater management system. Since the roadway is a permanent private way serving just 2 lots and the Town will have no maintenance responsibility, the Board finds this waiver request to be acceptable.

SECTION 7.10.2 CURBS and BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of each side of a permanent private roadway.

FINDINGS – The applicant has proposed to NOT install hot mix asphalt Cape Cod Berm along the length of the private way. The berm is not practical on a roadway that is not paved with hot mix asphalt. Also, due to the low-impact development (LID) design of the stormwater system, the berm is not needed.

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS – The applicant has proposed to not install the fire alarm system nor make a payment to the Town because this 2 lot development is too small to justify the expense. Although, the Medway Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system, the Board believes it is important that all subdivision developers contribute to a firm alarm system for the community. Therefore, the Board finds this waiver to be acceptable subject to a condition that the applicant shall make a \$1,000 payment in-lieu of installing the fire alarm system as has become the standard practice. Such payment shall be directed specifically into a Fire Department fund to be used exclusively toward the cost of a new fire alarm system for the community. This is specified in Specific Condition #14.

SECTION 7.19.2 – TREES AND SLOPE STABILIZATION - To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40') intervals

FINDINGS – The applicant proposes to not plant additional street trees on the house lots. The applicant has committed to retaining the existing trees located along the property line by not cutting them during roadway construction. Further, the applicant has provided a landscaping plan for a portion of the roadway layout. The Board finds that these are acceptable substitutes, especially considering that the permanent private way functions essentially as a driveway so street trees are not necessary.

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. Also, there are street lights along Summer Street so the Board finds this waiver is acceptable.

SECTION 7.25.1 *Monuments shall be installed along the roadway layout at all points of curvature and angle points.*

FINDINGS – The applicant has proposed that no monuments be installed due to the small size of the subdivision. The applicant agreed that iron pins will be set at all angle breaks. Since the roadway is a permanent private way serving just 2 lots, the Board finds this waiver is acceptable.

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 proposed and the Conservation Commission has agreed to receive a donation of open space parcel. Specific Condition #11.
4. The applicant shall make a payment of \$1,000 to the Town of Medway Fire Department Fire Alarm Capital Fund in lieu of installing a fire alarms system for the subdivision. Specific Condition #14.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by Andy Rodenhiser and seconded by Chan Rogers to approve the above noted Waiver Findings. The motion was approved by a vote of four in favor (Rodenhiser, Rogers, Spiller-Walsh and Tucker) and zero opposed.

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by Andy Rodenhiser and seconded by Chan Rogers to approve the above noted Mitigation Plan. The motion was approved by a by a vote of four in favor (Rodenhiser, Rogers, Spiller-Walsh and Tucker) and zero opposed.

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by Andy Rodenhiser and seconded by Chan Rogers to approve the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of four in favor (Rodenhiser, Rogers, Spiller-Walsh and Tucker) and zero opposed.

V. 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 October 23, 2012 a motion was made by Andy

Rodenhiser and seconded by Chan Rogers to approve the Project Evaluation Findings noted below. The motion was approved by a vote of four in favor (Rodenhiser, Rogers, Spiller-Walsh and Tucker) and zero opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development Board finds that the submissions 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. 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. Stormwater management has been adequately addressed. There will be an increase of only two 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 plans have been reviewed by the Fire Chief.

- 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 By-Law, 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.

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on October 23, 2012, a motion was made by Andy Rodenhiser and seconded by Chan Rogers to approve the **Norwood Acres Definitive Subdivision Plan**, prepared by Guerriere and Halnon, Inc. dated May 21, 2012, last revised August 29, 2012 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 7.6.2 (b) Water Facilities Installation
SECTION 7.7.2 (p) Stormwater Management
SECTION 7.9.7 Roadway Construction
SECTION 7.10.2 Curbs and Berms
SECTION 7.17.1 Fire Prevention and Protection Measures
SECTION 7.19.2 Trees and Slope Stabilization
SECTION 7.21 Street Lights

The motion was approved by a vote of four in favor (Rodenhiser, Rogers, Spiller-Walsh and Tucker and zero opposed.

VII. 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 two residential house lots. As a permanent condition of the approval of this plan, no further subdivision of the property beyond these two 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 years of the date of endorsement of the plan.

3. Prior to plan endorsement, the plans dated August 29 2012 shall be further revised to include the following references:
 - 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.
 - A note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres Subdivision*
 - A note shall be added to the plan sheets to indicate that final approval of the water system shall be subject to approval of the Medway Fire Chief and the Medway Department of Public Services, upon field inspection of the water service to the hydrant at Summer Street and by the Medway Board of Health upon field inspection of water supplies to the proposed houses on Lots 1 and 2. Also, sheets 4, 5 and 7 shall be revised showing water gate details as approved by the Medway Department of Public Services.
4. *Ownership of Trail Drive* – Trail Drive 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 Norwood Acres Homeowners Association to own the roadway. The Association shall ultimately maintain the private roadway parcel including but not limited to snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way.
5. *The Norwood Acres Homeowners Association* - Prior to plan endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Norwood Acres 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, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Trail Drive including but not limited to snowplowing and sanding and the stormwater management system. The documents shall specify that the costs shall be divided equitably among the members.
6. The Applicant shall specifically reserve to itself ownership of the fee in Trail Drive 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 Norwood Acres Homeowners Association prior to the sale of the last lot. The existing sewer easement that crosses Trail Drive and runs south to north through Lots 1 and 2 shall have maintenance rights conveyed to the Town of Medway.
7. 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.

8. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Norwood Acres subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Norwood Acres 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 Norwood Acres 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 Norwood Acres 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.
9. *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 Trail Drive 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 Norwood Acres Oaks Subdivision*.
10. *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 Trail Drive and all drainage easements shown on the plan to the Norwood Acres Homeowner's Association, for review, comment, amendment and approval by Town Counsel. The Applicant shall also provide a copy of the proposed deed to convey the sewer easement to the Town of Medway for review, comment, amendment and approval by Town Counsel.
11. *Open Space Parcel* – The property owners will convey the Open Space Parcel to the Medway Conservation Commission.
12. *Document/Plan Recording* – Within thirty days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Norwood Acres subdivision*, any articles of association establishing the Norwood Acres Homeowner's Association, with the Norfolk County Registry of Deeds, 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.

13. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Trail Drive 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 Norwood Acres Homeowners Association.
14. The applicant shall make a payment of \$1,000 to the Medway Fire Department Fund to be used exclusively toward the cost of a new fire alarm system for the community. Said payment shall be made before the last house lot is conveyed.

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 and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/Collector that all real estate taxes are current for all property owned in Medway by the applicant.
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 and 2 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 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 Regulations. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector.

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 plans in 11” x 17” paper 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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**NORWOOD ACRES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: _____

AYE:

NAY:

Date Signed: _____

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

Date Filed with the Town Clerk: _____


Copies To: Wayne Marshall
Paul Atwood, Guerriere & Halnon
Stephanie Bacon, Health Agent
David D'Amico, Public Services
John Emidy, Building Commissioner
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Jeff Lynch, Fire Chief
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

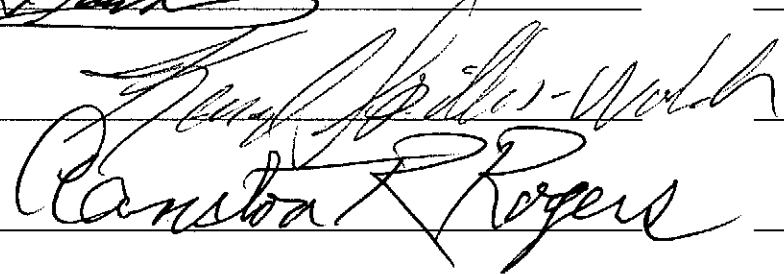
**NORWOOD ACRES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board: October 23, 2012

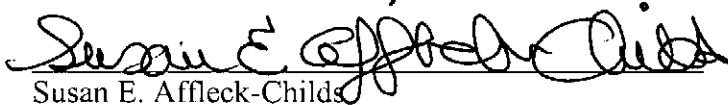
AYE: 

NAY: _____





Date Signed: October 23, 2012

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

October 23, 2012
Date

Date Filed with the Town Clerk: 10-24-2012

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