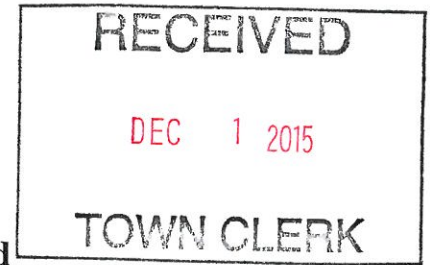




**TOWN OF MEDWAY**  
**Planning & Economic Development Board**  
155 Village Street  
Medway, Massachusetts 02053



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

*November 24, 2015*

**ARCPUD Special Permit Modification**  
**Millstone Village**

Name/Address of Applicant      Millstone Builders, LLC  
P.O. Box 1205  
Westborough, MA 01581

Name/Address of Owner      Millstone Builders, LLC  
P.O. Box 1205  
Westborough, MA

Location:      129R Lovering Street - off of west side of Winthrop Street

Assessors' Reference      Map 20, Parcel 4

Zoning District:      AR-I

Purpose:      To construct an 80-unit condominium Adult Retirement Community Planned Unit Development (ARCPUD) with 20.4 acres of dedicated open space. .

**PROJECT DESCRIPTION** – Millstone Village is an 80 unit ARCPUD condominium community on a 51 acre site. It consists of 35 single-family detached homes and 45 attached townhouses as well as an approximately 3,270 linear feet of private roadway, associated utilities and drainage, 20.4 acres of open space, trails, and parking for the open space/trails, and a community center for use by the development's residents.

**BACKGROUND** – On June 24, 2014, the Planning and Economic Development Board granted an ARCPUD Special Permit to Millstone Village LLC for the 80 unit condominium development.

Telephone: 508-533-3291      Fax: 508-321-4987  
[planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

**PROCEDURAL BACKGROUND** – On October 16, 2015, Millstone Builders LLC filed an application dated October 16, 2015 with the Medway Planning and Economic Development Board. The application materials were field with the Town Clerk on October 19, 2015. The application was to modify the previously issued ARCPUD special permit in accordance with the provisions of Section 8.5 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, and an abutters list. 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.

The modification was needed to allow for sidewalk construction to be completed before building occupancy permits are issued and to adjust the construction phasing plan. The applicant also sought a waiver from the Subdivision Rules and Regulations. No changes to the Millstone Village ARCPUD plan were proposed.

A public hearing was scheduled to commence on November 10, 2015 at which time comments would be received from the general public, municipal boards and/or departments. On October 19, 2015, a transmittal memo from the Planning and Economic Development Coordinator was circulated to various Town boards, committees and staff informing them of the proposed modification and inviting any comments.

The public hearing notice was filed with the Town Clerk on October 19, 2015 and was published in the *Milford Daily News* on October 26 and November 2, 2015. Notices were also sent by certified sent mail to abutters and the Planning Boards of all adjacent towns on October 22, 2015. The Planning and Economic Development Board convened the public hearing in the Sanford Room of Town Hall on November 10, 2015. The hearing was continued to November 24, 2015 at which time the hearing was closed. All Board members voting on this Special Permit were present in person at the hearing or provided a Mullins Rule certification for their absence. All persons in attendance were provided the opportunity to comment and present evidence. No public commentary either in support of or opposed to this change was provided.

**DECISION** – After reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board, at its meeting on November 24, 2015, on a motion made by Bob Tucker and seconded by Rich Di Iulio, voted unanimously to modify Conditions #3, 19 and 21 of the Millstone Village ARCPUD Special Permit previously issued on June 24, 2014 as specified below and to approve an additional waiver of the *Subdivision Rules and Regulations*.

**Condition 3. Phasing Plan**

- a. The developer will construct the Millstone development in two phases as shown on the attached Phasing Plan, last revised 6-12-15, prepared by GLM Engineering and described as follows:

**Phase 1**

- 2, 4, 6 & 8 Sandstone Drive
- 1, 3, 5, 7 & 9 Cobblestone Drive
- 2 Cobblestone Drive (Community House)
- 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 & 24 Millstone Drive

- 17, 19, 21 & 23 Millstone Drive
- 28, 30, 32, 34 & 36 Millstone Drive
- 29, 31, 33 & 35 Millstone Drive
- 14 Fieldstone Drive

**Phase 2**

- 2, 4 & 6 Flagstone Drive
- 1, 3 & 5 Flagstone Drive
- 4, 6, 8, 10, 12 & 16 Cobblestone Drive
- 11, 13 & 15 Cobblestone Drive
- 1, 3, 5, 7, 9 & 11 Riverstone Drive
- 2, 4, 6, 8, 10 & 12 Ridgestone Drive
- 1, 3, 5, 7, 9 & 11 Fieldstone Drive
- 2, 4, 6, 8, 10 & 12 Fieldstone Drive
- 1, 3 & 5 Steppingstone Drive
- 2, 4 & 6 Steppingstone Drive

- b. Any adjustments to the phasing plan require approval of the Board.
- c. Notwithstanding the foregoing, the Applicant may build and sell any of the dwelling units in the Project in any order, subject to the provisions of Condition 21 - Timetable for Construction herein.

**Condition 19. Performance Guarantee**

- d. *Adjustment of Performance Guarantee* - At the Applicant's written request, the amount of the performance guarantee may be adjusted, from time to time, by the Board and the obligations of the parties thereto released by the Board in whole or in part, upon the partial completion of the roadways and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified in the Plan of Record that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the MassDOT. The estimate shall also include the cost to maintain the roadways, stormwater management system and other infrastructure in the event the developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the estimated cost to produce as-built plans and for project closeout services. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount:

1. the estimate of the Town's Consulting Engineer of the Town's cost to complete the work; plus
2. a twenty-five percent (25%) contingency.

The developer's first request for an adjustment of the amount of the performance guarantee shall not be approved by the Board until the developer has completed the minimum roadway and infrastructure improvements as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the revised Phase 1 area with an exception for the requirement that sidewalk binder must be completed.

The Board shall not approve the developer's subsequent requests for adjustments in the amount of the performance guarantee to allow for unit construction in the revised Phase 2 area until the developer has completed the minimum roadway and infrastructure improvements as specified in Section 6.6.3 of the *Subdivision Rules and Regulations* for the revised Phase 2 area with an exception for the requirement that sidewalk binder must be completed.

The applicant shall not make any request for a reduction of the performance guarantee of less than \$100,000 or such lesser amount remaining on the performance guarantee.

**Condition 21. Timetable for Completion – In light of the revised phasing plan specified in new Condition #3, the timetable for completion is hereby revised as follows:**

- e. Issuance of Building and Occupancy Permits
  - 1. Within each construction phase:
    - a) All the areas designated for construction will be secure with erosion control barriers as shown on the Plan as certified by the Town's Consulting Engineer before any other clearing, grading excavation or construction activities are commenced.
  - 2. *Building permits may be obtained for the Phase 1 dwelling units facing Winthrop Street (2, 4, 6 & 8 Sandstone Drive) and the Community Center (2 Cobblestone Drive) upon completion of the following:*
    - a) the entire area around 2, 4, 6 & 8 Sandstone Drive and the area around the *Community Center* (2 Cobblestone Drive) have been protected by erosion control barriers per the Plan as certified by the Town's Consulting Engineer.
  - 3. *Occupancy Permits may be obtained for the Phase I dwelling units facing Winthrop Street (2, 4, 6 & 8 Sandstone Drive) and the Community Center (2 Cobblestone Drive) upon completion of the following:*
    - a) the roadway binder course and utility services necessary to serve the *dwelling units* at 2, 4, 6 & 8 Sandstone Drive and the *Community Center* (2 Cobblestone Drive) have been completed;
    - b) the permanent drainage for the roadways servicing the four *dwelling units* at 2, 4, 6 & 8 Sandstone Drive and the *Community Center* (2 Cobblestone Drive) from Winthrop Street has been constructed and is operational;

- c) the Town's Consulting Engineer has issued a letter to the Board that the above requirements have been completed substantially according to the Plan of Record;
  - d) the PED office has notified the Building Inspector that occupancy permits may be issued.
4. *Building Permits may be obtained for the remaining Phase 1 dwelling units* upon completion of the following:
- a) the remaining Phase I area has been protected by erosion control barriers per the Plan as certified by the Town's Consulting Engineer.
  - b) the roadway binder course and utility services for the entire Phase I area are completed.
  - c) the temporary construction drainage for the remaining Phase 1 area is completed.
  - d) the Town's Consulting Engineer has issued a letter to the Board that the above three requirements have been completed substantially according to the Plan of Record.
  - e) the PED office has notified the Building Inspector that building permits for Phase IB may be issued.
5. *Occupancy permits may be obtained for the remaining Phase I dwelling units* upon completion of the following:
- a) the permanent drainage for the roadways servicing the remaining Phase 1 B area has been constructed and is operational;
  - b) sidewalks throughout the Phase 1 area have been completed;
  - c) the guest parking areas in the Phase 1 area have been completed;
  - d) the Town's Consulting Engineer has issued a letter to the Board that these requirement has been completed according to the Plan of Record;
  - e) the PEDB office has notified the Building Inspector that an occupancy permit may be issued.
6. *Building permits for the revised Phase 2 dwelling units* may be obtained upon completion of the following:
- a) the entire Phase 2 area has been protected by erosion control barriers per the Plan as certified by the Town's Consulting Engineer.
  - b) the roadway binder course and utility services for the entire Phase 2 area are completed.
  - c) the temporary construction drainage for the entire Phase 2 area is completed.
  - d) the Town's Consulting Engineer has issued a letter to the Board that these above noted requirements have been completed according to the Plan of Record
  - e) The PED office has notified the Building Inspector that building permits may be issued for dwelling units in Phase 2.



7. *Occupancy permits for the revised Phase 2 dwelling units* may be obtained upon completion of the following:
  - a) the roadway binder course, utilities, and sidewalks in the Phase 2 area have been completed.
  - b) the permanent drainage system for the roadway(s) servicing the Phase 2 area is completed and as-built plans of any detention pond have been approved;
  - c) the remainder of the site drainage for that phase, either permanent or temporary, is fully functional;
  - d) the roadways for the current and previous phases in which the building is located have been fully completed up through the roadway binder course including street name signs, regulatory signs, and stop lines;
  - e) guest parking areas in the Phase 2 area have been completed.
  - f) the Town's Consulting Engineer has issued a letter to the Planning and Economic Development Board that these actions have been completed according to the plans; and
  - g) The PED office has notified the Building Inspector that an occupancy permit may be issued.
  
8. In no event shall an occupancy permit for the last five market rate dwelling units be issued before the total of eight affordable dwelling units are completed and considered to be occupancy permit ready by the Building Inspector.
  
9. Completion of Site Amenities
  - a) Landscaping in the islands in the cul-de-sacs for Millstone Drive, Cobblestone Drive and Steppingstone Drive shall be completed in accordance with the landscape island detail as shown on Sheet 18 and Sheet 19 of the endorsed ARCPUD plan before the occupancy permit for the last dwelling unit on the respective street is granted by the Building Inspector.
  - b) The landscaping for each dwelling unit shall be completed in accordance with the landscape plan as shown on Sheet 19 of the endorsed ARCPUD plan before the occupancy permit for that unit is granted by the Building Inspector.
  - c) The landscaped garden area as shown on Sheet 18 of the endorsed ARCPUD plan shall be completed before the occupancy permit for the 12<sup>th</sup> dwelling unit on Riverstone and Ridgestone Drives is granted by the Building Inspector.
  - d) The walking trails, gazebo, garden and other site amenities on the development parcel as shown on Sheet 20 of the endorsed ARCPUD plan shall be completed before the occupancy permit for the last dwelling unit on Steppingstone Drive is granted by the Building Inspector.

- e) The applicant's improvements to the Open Space Parcel including trails and parking area shall be completed within four (4) years after plan endorsement.

### **ADDITIONAL WAIVER REQUEST**

*SECTION 6.6.3 (g) – Adjustment of Performance Guarantee* - The Board shall not grant a partial release from such security for partial completion of improvements until the following items, at a minimum, have been installed, inspection and approved by the Board or its Agent:

- g) Sidewalk Binder

*FINDINGS* – The applicant has requested that the Board release units from the Covenant (to allow for construction of the dwelling units) before the sidewalk binder has been fully completed. Instead, the developer has proposed to have the sidewalk fully completed in front of each dwelling unit before the occupancy permit for that unit can be issued. The Board finds that this is an acceptable approach to managing a large development area.

### **VOTING**

#### **Planning and Economic Development Board Member**

#### **Grant/Not Grant**

Andy Rodenhiser	Grant
Robert K. Tucker	Grant
Thomas A. Gay	Grant
Matthew J. Hayes	Grant
Richard Di Iulio	Grant

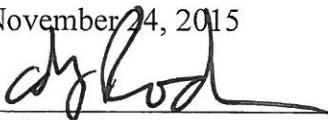
**CONDITIONS OF APPROVAL - All conditions and requirements of the previous Millstone Village ARCPUD Special Permit dated June 24, 2014 that are not specifically changed by this approved modification shall remain in effect.**

**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 to complete the file.

**MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**


Signed: November 24, 2015

  
\_\_\_\_\_  
Andy Rodenhiser

  
\_\_\_\_\_  
Robert K. Tucker

  
\_\_\_\_\_  
Thomas A. Gay

  
\_\_\_\_\_  
Matthew J. Hayes

  
\_\_\_\_\_  
Richard Di Iulio

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

Attest: \_\_\_\_\_  
Maryjane White, Town Clerk

\_\_\_\_\_  
Date

cc:

- Building Commissioner/Zoning Officer
- Zoning Board of Appeals
- 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 field with:

Certified abutters within 300'

Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford & Norfolk