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Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291

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March 30, 2011

PLANNING & ECONOMIC DEVELOPMENT BOARD DECISION
Charles River Village
Open Space Residential Development (OSRD) Special Permit – APPROVED
Open Space Residential Development (OSRD) Concept Plan – APPROVED
Affordable Housing Special Permit - APPROVED

Name/Address of Applicant: Charles River Village, LLC
Mr. John Claffey
PO Box 1
Medway, MA 02053

Name/Address of Property Owner: Michael Acquafresca & Carol Supernor
Executrix of Helen Grudzinkas
71 A Timrod Drive
Worcester, MA 01603

Official Representative: Patriot Real Estate
159 Main Street
Medway, MA 02053

Engineer: Faist Engineering, Inc.
600 Charlton Street
Southbridge, MA 01550

Land Surveyor: O'Driscoll Land Surveying, Co.
46 Cottage Street
Medway, MA 02053

Landscape Architect: Lowell Robinson, A.S.L.A.
92 Seekonk Street
Norfolk, MA 02056-1113

Landscape Architect: W. Philip Barlow, A.S.L.A.
TO DESIGN, LLC
114 West Main Street
New Britain, CT

Plan Dated: July 28, 2010, last revised December 30, 2010

Location: 6 Neelon Lane

Assessors' Reference: Map 1-7, parcel 1D/33

Zoning District: AR-II

Purpose: To construct a 13 dwelling unit, cottage style residential community

PROJECT DESCRIPTION

The subject property is a 7.61 acre site at the end of Neelon Lane adjacent to the Charles River. The proposal is for a 13 unit, detached single family home residential condominium community to be known as Charles River Village on Parcel A (3.43 acres) including 2 affordable dwelling units and 4.18 acres of protected open space accessible to the general public (Parcel B). Vehicular access to the site is proposed from the end of Neelon Lane (off of the south side of Village Street, a Medway Scenic Road).

The applicant plans to upgrade the entire existing length of Neelon Lane to a full-depth, 18' paved width and construct a 150' long southerly extension of Neelon Lane including a turnaround at the end. From the "new" end of Neelon Lane at the turnaround, the proposal is to construct approximately 600 additional linear feet of an 18' wide, private roadway to access the 13 dwellings. Within the roadway loop serving dwelling units 6-12, the road will be one way only. Connections to Town sewer and water and the installation of two fire hydrants are also planned along with emergency access/egress and a sidewalk to Cherokee Lane.

PROCEDURAL BACKGROUND

In accordance with the provisions of Section V., Sub-Section T. and X. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws, an application dated July 28, 2010 for an Open Space Residential Development (OSRD) special permit was filed by Charles River Village, LLC with the Planning and Economic Development Board and the Town Clerk on July 28, 2010. The companion application for an Affordable Housing Special Permit was submitted on September 7, 2010.

The public hearing was scheduled to begin on August 24, 2010, at which time comments would be received from the general public, municipal boards and/or departments and the Planning and Economic Development Board's consultants. The public hearing noticed was filed with the Medway Town Clerk on August 2, 2010 and posted to the Town of Medway web site on the same day. The public hearing notice was published in the *Milford Daily News* on August 9, 2010 and August 17, 2010. Notices were sent by certified mail to parties of interest and the Planning Boards of all adjacent towns on August 2, 2010. .

On August 2, 2010, a transmittal memo from the Planning and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on August 24, 2010 and requested comments by that date.

On August 24, 2010 the public hearing was convened and continued to September 28, 2010. On September 7, 2010, the applicant notified the Board that he was withdrawing the application and wished to refile and start the public hearing process anew. The "new" public hearing was scheduled for September 28, 2010. The notice for the "new" public hearing was filed with the Medway Town Clerk on September 8, 2010 and posted to the Town of Medway web site on the same date. Notices of the public hearing were published in the *Milford Daily News* on September 13 and 21, 2010. Notices regarding the "new" public hearing were sent by certified mail sent to parties of interest and the Planning Boards of all adjacent towns on September 9, 2010.

The Planning and Economic Development Board convened the "new" public hearing in the Sanford Room of Town Hall. The public hearing was continued to October 12, 2010, November 9 & 16, 2010, December 14, 2010, January 11, 2011 and February 8, 2011, at which time the public hearing was closed. A site walk was conducted on September 9, 2011. At the public hearings, comments were received from abutters and their representatives, municipal boards and/or departments, PGC Associates (the Town's planning consultant), Tetra Tech Rizzo (the Town's consulting engineer), the applicant, and members of the applicant's development team. All persons in attendance were provided the opportunity to comment and present evidence.

All members voting on this Special Permit were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

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.

EXHIBITS – PLANS and DOCUMENTS - The following exhibits were submitted for the Board's review and deliberations.

The **Application Package** consisted of:

- An application and related materials dated July 28, 2010 for an OSRD and affordable housing special permits;
- A plan entitled "Charles River Village" – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated July 28, 2010 prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA.
- OSRD Project Narrative dated July 28, 2010 prepared by Paul Yorkis, Patriot Real Estate.
- Yield Plan Summary "Charles River Village", dated July 28, 2010 prepared by Faist Engineering
- Description of Easements and Agreement.
- Development Impact Report – Form F dated July 28, 2010 prepared by Faist Engineering.
- Form F Addendum – Utilities and Municipal Services
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated July 28, 2010.
- Assessor's Locus Map
- "Charles River Village" Special Permit – Concept Plans, Open Space Residential Development (OSRD) dated July 28, 2010.

Subsequent to the application package, the applicant submitted the following additional items.

- A letter from Dan O'Driscoll, O'Driscoll Land Surveying Co., dated October 20, 2010.
- Charles River Village Special Permit Concept Plan - revised date September 24, 2010
- Charles River Village Special Permit Concept Plan - revised date December 30, 2010
- Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering, dated October 29, 2010
- A letter dated January 7, 2011 with supplemental documents from Attorney Donald Quinn
- Memo and associated documents from Brian Beisel, Conley Associates, dated September 2, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated September 21, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated November 4, 2010.
- REVISED Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering revised date December 29, 2010.

PUBLIC HEARING TESTIMONY & EVIDENCE

Other Information/Evidence

- Minutes from the January 26, 2010 Planning and Economic Development Board.
- Planning Board decision of September 26, 2011 for Charles River Acres OSRD Special Permit – Granted, OSRD Concept Plan – Approved
- Minutes from March 23, 2010 Planning and Economic Development Board.
- A letter from Paul Atwood, PLS, Guerriere & Halnon, Inc., dated November 12, 2010.
- Report of September 9, 2010 Site Visit by Medway Planning and Economic Development Board
- Applicant's PowerPoint presentation at public hearing dated September 28, 2010.
- A letter from Paul Yorkis to Medway Town Clerk Maryjane White, dated September 29, 2010. (public disclosure)
- An email from Paul Yorkis, official representative of the applicant, dated December 9, 2010.

- A letter dated December 10, 2010 and attached plan "Assessor's Map Density Estimate - Charles River Village" dated December 8, 2010. prepared by Faist Engineering
- Medway Town Clerk - Certification dated August 9, 2010 that Neelon Lane is an accepted street
- Medway Town Clerk - Certification dated August 24, 2010 that Neelon Lane is on list of accepted streets
- Approval Not Required Plan of Land, dated November 6, 1959, pertaining to the division of land owned by William S. McDonald at 221 Village Street
- A series of deeds pertaining to the history of conveyances of 6 Neelon Lane
- Medway Town Clerk certification of transcription of minutes from the April 6, 1863 Medway Town Meeting (received August 12, 2010)
- A copy of the Town of Medway Assessor's Field Card for Map 1D, Parcel 33.
- Minutes from a 12/3/2010 meeting of the applicant and its development team with Tetra Tech Rizzo, abutter Beth McDonald and staff from Guerriere and Halnon, prepared by David Pellegri of Tetra Tech Rizzo, dated December 14, 2010.
- Certification of the Mullin Rule, member Thomas Gay, dated January 20, 2011.
- Certification of the Mullin Rule, member Robert Tucker, dated January 25, 2011.
- Certification of the Mullin Rule, member Karyl Spiller-Walsh, dated February 14, 2011.

Written Comments/Review Letters – Medway Municipal Departments/Boards/Committees & Consultants

- Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 3, 2010 (for application completeness) and August 17, 2010.
- Sergeant Jeffrey Watson, Medway Police Department – Review memo dated November 16, 2010
- Medway Open Space Committee – Review letter dated September 14, 2010
- Medway Design Review Committee - Review letter dated September 17, 2010
- Medway Fire Department – Email memorandum on behalf of Chief Paul Trufant, dated November 16, 2010
- Medway Department of Public Works – A letter dated August 24, 2010
- A letter from Robert Daylor, Tetra Tech Rizzo dated December 10, 2010.
- A letter from Robert Daylor, Tetra Tech Rizzo dated February 4, 2011.
- Medway Conservation Commission – A letter dated February 24, 2011
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 8, 2010.
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 15, 2010.

Professional Commentary

- David Faist, P.E., Faist Engineering, Southbridge, MA
- Gino Carlucci, A.I.C.P., PGC Associates, Franklin, MA
- Dave Pellegri, P.E. Tetra Tech Rizzo, Framingham, MA
- Daniel A. O'Driscoll, PLS, O'Driscoll Land Surveying, Medway, MA.
- Attorney at Law, Thomas J. Valkevich, Saugus, MA.
- Robert Daylor, P.E., PLS, Senior Vice President, Tetra Tech Rizzo, Framingham, MA.
- Paul Atwood, PLS, Guerriere & Halnon, Franklin, MA.
- Lowell Robinson, A.S.L.A.
- W. Philip Barlow, A.S.L.A.
- John Sarkis, Sarkis Development and member of West Newbury, MA Planning Board

Applicant Commentary

- John Claffey, Charles River Village LLC, Medway, MA

Citizen Commentary

- Abutter, Beth McDonald, 6 Neelon Lane, Medway, MA.
- Abutter, Richard & Susan Diulio, 7 Massasoit Street, Medway, MA.
- Abutter, Marielainia Kaplan, 221 Village Street, Medway, MA.

- Abutter, Peter and Michelle Newell, 2 Neelon Lane, Medway, MA.
- Abutter, Ken Bancewicz, 223 Village Street, Medway, MA.
- Abutter, Joanne Kramer, 231 Village Street, Medway, MA.

Written Testimony from Abutters

- A letter with photographs from abutter Joanne Kramer, 231 Village Street, dated October 12, 2010 and November 15, 2010.
- A letter from the Charles River Neighborhood Alliance dated November 16, 2010.
- A letter and photographs from abutter Peter and Michelle Newell, 2 Neelon Lane, dated October 12, 2010 and November 21, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated November 15, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated February 8, 2011.
- A letter from Charles River Neighborhood Alliance dated January 27, 2011.
- A letter with photographs from abutter Richard and Susan Diulio, 7 Massasoit ST, dated November 15, 2011.

Professional Written Comments

- A letter from Attorney Thomas J. Valkevich, dated August 24, 2010,
- A letter from Attorney Thomas J. Valkevich, dated September 28, 2010
- A letter from Attorney Thomas J. Valkevich dated November 16, 2010.
- A letter from Guerriere & Halnon dated November 16, 2010.
- A letter from John T. Gillon, PE, Gillon Associates dated November 16, 2010.
- A letter from Attorney Thomas J. Valkevich dated December 14, 2010.
- An email from Attorney Thomas J. Valkevich dated January 10, 2010.
- A letter from Attorney Thomas J. Valkevich dated January 31, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 3, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 8, 2011.

FINDINGS

To make its findings, decision and conditions of approval, the Planning and Economic Development Board, hereafter referred to as the Board, reviewed the proposed plan, dated July 28, 2010 as last revised December 30, 2010 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and analyzed the general purpose of the OSRD and Affordable Housing provisions of the Medway Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits

- A. After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, and in light of the conditions imposed as part of this decision, the Board, on March 30, 2011, made the following **GENERAL FINDINGS** regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Medway Zoning Bylaw:
 - 1. Purpose and Intent – The Board finds that the proposed Charles River Village OSRD as conditioned by this decision meets the Purpose and Intent of Subsection T.1 of the Zoning Bylaw in that the development:
 - a) Uses flexibility and creativity in its design as a more compact development;
 - b) Minimizes disturbance on the site by limiting it to less than 3.5 acres.
 - c) Permanently preserves 4.18 acres of open space including property along the Charles River.
 - d) Uses land more efficiently in its compact design;

- e) Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;
 - f) Facilitates construction and maintenance of housing, streets, utilities and public service by developing the site in a more compact style and providing private maintenance of roadways and infrastructure.
 - g) Preserves and enhances community character by preserving open space;
 - h) Does not protect agricultural land because none is present on or adjacent to the site;
 - i) Protects real property values by providing buffers to adjacent property;
 - j) Provides housing types (single family detached condominiums) that increase the diversity of the community's housing stock, plus two affordable units will be provided.
2. Site Eligibility – The Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development. The tract size of 7.63 acres is acceptable as this parcel abuts the Charles River.
 3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on July 28, 2010.
 4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the January 26, 2010 Planning and Economic Development Board meeting. A site visit took place on September 9, 2010.
 5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architects Lowell Robinson of Norfolk, MA and W. Phillips Barlow of TO Design, LLC of New Britain, CT was retained to function as part of the applicant's development team. Mr. Robinson and Mr. Barlow are registered landscape architects in the Commonwealth of Massachusetts. The four-step design process is documented in that a Registered Landscape Architect was part of the design team and a Site Context and Analysis Plan identified the sensitive natural resources on the site. House and road locations were then kept away from the resources. Step 4 was not necessary in this case because it is condominium development with no lot lines.
 6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to Town boards/departments for review and comment. Additionally, the application was reviewed by the Town's planning consultant.
 7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 11 units. However, since two affordable units are being provided pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to two additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 13. The applicant proposes to construct thirteen single family residences on one lot. The Planning and Economic Development Board finds that the construction of thirteen dwelling units complies with this requirement.
 8. Reduction of Dimensional Requirements – The Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because the project is

proposed as a condominium project as allowed under Section T.2 (c) of the Zoning Bylaw and no individual subdivision lots are created.

- (e) *Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other-structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.*

The plans as revised through December 30, 2010, demonstrate that a distance of at least 30 feet between structures is achieved. However, no landscape buffer between houses is shown on the plans. Therefore, this requirement is met through Condition 3. d) 3) herein that requires such a landscape buffer to be included on a Landscape Plan incorporated into the definitive plan.

- (f) *Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning & Economic Development Board for corner lots where the garage door faces a different street than the front of the house or for other extraordinary circumstances that the Planning & Economic Development Board deems to be in the Town's best interests.*

RE: setback of garage doors - There are 11 garages shown on the Concept Plan (2 of the 13 units are shown with no garages). Of those, 10 are 2-car garages and one is a 1-car garage. Regarding the 5-foot setback, Units 8 and 10 do not meet the setback requirement. The Board hereby waives the requirement for garages to be set back 5 feet from the front wall of the principal building for a maximum of 2 of the dwelling units in order to allow for some diversity of housing styles within the development

RE; location of garage doors vis-à-vis the street - Assuming that each garage space will have an individual door, there will be 21 garage doors within the development as presently proposed. The garage doors of Units 1, 7, 8, 9 and 10 clearly face the street for a total of 9 out of 21 doors. Units 2 and 3 are functionally (though not technically) on a "corner" since the garage facades are at a 90-degree angle from the house facades. The garages for Unit 11 and 13 clearly do not face the street. The Unit 5 garage and house face what is essentially a common driveway that serves only Units 4 and 5. Unit 4 is similar, but is more a borderline case. The house clearly faces the main access road for the development that everyone will use. However, the garage is accessed from, and faces, the common driveway and not the main access road. Therefore, 9 out of 21 garage doors is less than 50% and the Board finds that this criterion is met

9. Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD tract: 7.61 acres

Total Area of Open Space: 4.18 acres As a % of total land area: 54.9%

- (a) *The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.*

As indicated by this requirement, the minimum of 50% open space is constrained by the additional requirement that the minimum must include no greater percentage of wetlands than the tract as a whole. The tract has an area of 7.61 acres so the minimum required open space is 3.805 acres. Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.805 acres, or .3805 acres so a minimum of 3.4245 (which rounds to 3.42) acres of the open space must be upland. The open space includes 3.42 acres of uplands so this requirement is met. It should also be noted that no more than 50% of any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before the open space calculations can be finalized.

- (b) *The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.*

Since the open space is provided in a single parcel, the Board finds that this requirement is met.

- (c) *The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.*

The applicant proposes to leave the open space area in its natural state except to add establish a public access trail from the end of Massasoit Street to connect with an existing cart path and to establish a public access trail from the end of Neelon Lane to connect to the existing cart path. Public access is also proposed from the ends of Cherokee Lane, Riverview Street and Massasoit Street. Therefore, the Board finds that this requirement is met.

- (d) *While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.*

The slope of the land and its proximity to the Charles River preclude any significant playground use of the open space. However, the river, existing cart path, proposed trail connection and access from 4 points, provide significant value to the use of the parcel for passive recreation. The Board finds that this requirement is met.

- (e) *Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.*

The Board finds that this requirement is not applicable since no wastewater nor stormwater system components are proposed within the open space.

- (f) *Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:*
- (1) *The Town or its Conservation Commission, upon its agreement;*
 - (2) *A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;*
 - (3) *A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval, and shall thereafter be recorded.*

The applicant proposes to convey the open space to the Town of Medway under the care and custody of the Conservation Commission. At its February 17, 2011 meeting, the Medway Conservation Commission voted unanimously to support the future donation of Open Space Parcel B to the Town. The Board concurs with this proposal and therefore this requirement is met.

10. Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.*

The most sensitive portions of the site, the river, wetlands, floodplain and slope have been identified by the required four-step design process and they are included within the open space. The developable area consists of the flattest portion of the site so topographical changes are minimized. No significant grade changes deviating from the general appearance of neighboring developed areas are proposed, though this is subject to the definitive plan following a more detailed analysis of the site, especially pertaining to drainage issues. Subject to Condition 8. B) herein, the Board finds that this requirement is met.

- (b) *Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.*

The location of the proposed street shown on the Concept Plan does maintain and preserve natural topography. No significant landmarks are disturbed, and cuts and fills are minimized since the road is on the flattest portion of the site. It is possible that a better design could have been developed that preserved and enhanced views to a greater extent. It is also true that dimensional requirements of the bylaw constrained the design somewhat. The street itself provides closer access to views of the open space while the building locations inhibit those views. While an actual road design will not be provided until the definitive plan stage, the Concept Plan does indicate that this requirement can be met.

- (c) *The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.*

By locating the houses on the flattest portion of the site and preserving the slope, wooded areas and land closest to the Charles River, the development does relate harmoniously to the terrain. The development proposes single-family cottages of a scale similar to those of other houses in the vicinity. The architecture is not incompatible with the surrounding neighborhoods. The buildings maintain adequate setbacks from abutting properties and those that abut the open space have decks to enhance the views. However, as indicated in the Design Review Committee letter of September 17, 2010 only limited information about the building design concepts have been provided so it cannot make a recommendation as to design at this stage. Therefore, the Board finds that this requirement is met subject to Conditions 3. d) 1) and e. f) herein that require additional information and details regarding the building designs as well as additional review by the Design Review Committee at the definitive plan stage.

- d) *All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.*

The proposed open space already exists so it will not add to the visual amenities of the area, and its visibility from nearby properties will not change. While the internal road is a private way, persons passing by on it will have a closer view of the open space (looking between the proposed houses) than from Village Street or the existing Neelon Lane. The circular road will have a rain garden in the middle, which will add to the visual amenities of the area. The Board finds that this requirement is met.

- (e) *The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.*

No historic, traditional or significant uses, structures or architectural elements will be removed or disrupted. An existing house on the property will be razed, but it is not of a historic nature. Therefore, the Board finds that this requirement is met.

- (f) *Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.*

Since the development consists entirely of single-family homes, the Board finds that this requirement is met.

- (g) *Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.*

The development, as proposed, includes a shared driveway for Units 2 and 3, and another for Units 4 and 5. The Board hereby allows these shared driveways and encourages the applicant to consider additional shared driveways in its definitive plan. The Board finds that this requirement is met.

- (h) *Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.*

Since 8 of the 13 units have direct access to the open space and the remaining 5 units have reasonable access, the Board finds that this requirement is met.

- (i) *A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.*

A minimum 15-foot buffer is provided around the perimeter of the developable area. Adjacent to Units 6, 7, 11, 12, and 13 the buffer area may be coterminous with the open space strips that abut the property line in those areas. The type of visual buffer to be provided within these areas is a detail that shall be provided as part of the definitive plan (See Condition 3. d) 8) herein. However, at a minimum it shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation. Therefore, the Board finds that this condition is met.

- (j). *The Planning Board may require additional off-street parking areas for use in common by residents and guests. Locations for additional guest parking shall be shown on the Concept Plan. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.*

The Concept Plan indicates a minimum of 2 off-street parking spaces per dwelling unit. Condition 11 herein specifies that each unit shall have at least 3 off-street parking spaces which may include garage spaces. The 18 foot wide one-way loop road is adequate for on-street guest parking. Therefore, the Board finds that this condition is met.

- (k) *Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.*

The Charles River Village parcel has approximately 93 feet of frontage along several existing Town ways – Cherokee Lane, Massasoit Street and Riverview Street. There is also 25 ft. of frontage along the parcel's property line at Neelon Lane, which is a statutory private way. This totals 118 linear feet. No sidewalks are proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane. The Board finds that this requirement is met subject to Condition 9 herein regarding a payment to the Medway Sidewalk Special Account.

B. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Board on March 30, 2011 made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section V. USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Board finds that the Charles River Village OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X. as follows:

1. The plan includes the construction of two affordable dwelling units on the subject site. As the total number of dwelling units is 13, the provision of two affordable units meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – Subject to the provisions of Condition 6 herein, the Board finds that the affordable units are suitably sited within the development.
3. Minimum Design and Construction Standards – Subject to the provisions of Condition 6 herein, the Board finds that these standards are met.
4. Two market rate bonus units are authorized.

C. After hearing the evidence and testimony presented at the public hearing as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on March 30, 2011, made the following **ADDITIONAL FINDINGS** regarding this application.

1. *Is access to the site adequate?*

The adequacy of Neelon Lane to serve the new development has been a major focus of discussion during the public hearing process. The Board has heard and reviewed testimony from several engineers and surveyors and lawyers provided by the applicant, abutters and hired directly by the Planning and Economic Development Board. The discussion involved two major issues.

First, is the exact location of the Neelon Lane right-of-way established? The Board finds that establishing the exact location is not within the purview of the Board's authority. However, sufficient evidence has been submitted to provide a significant level of confidence that the easterly boundary of the right-of-way can be established and it is quite clear that the width of the right-of-way is 25 feet.

Second, is an 18-foot roadway adequate to serve the 13-unit development plus the existing houses on the street? The Board has reviewed testimony from traffic engineers and concludes that the proposed 18-foot width is adequate. In particular, the applicant's traffic engineer cites the standards of the American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highway and Streets." That document states that an 18-foot roadway is sufficient to accommodate up to 400 vehicles per day. The estimated traffic, based on the 8th edition of Trip Generation, published in 2008 by the Institute of Traffic Engineers, is 152 vehicles. This is well below the maximum.

The Board finds that the radii at Village Street and Neelon Lane are adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate.

Therefore, the Board finds that the proposed access to the site is adequate for the size and nature of the development and it can be located within the right-of-way of Neelon Lane.

2. *Is the 18-foot wide road within the development adequate?*

As stated above, an 18-foot road width is adequate for up to 400 vehicles per day. Therefore, presumably if the access TO the site is adequate at 18 feet, then an 18 foot wide roadway WITHIN the site should be adequate as well. However, the concept plan shall be revised to clarify that traffic around the loop is restricted to one-way and the definitive plan shall include appropriate signage and details to ensure this result.

Therefore, while this is a detail that would normally addressed at the definitive plan stage, the Board finds that the 18-foot road provides adequate access within the development with the stipulation that travel around the loop be one-way only.

3. *Should the open space be accessible to the public?*

The Board finds that:

- Public access to the Charles River is a goal of the Medway Master Plan and the Medway Open Space and Recreation Plan
- Existing residents adjacent to the subject parcel who are impacted by this development would get mitigation by having access to the open space and river
- As more abutting land is acquired, a continuous path along the Charles River could be developed
- One of the public benefits of an OSRD is access to open space.

Accordingly, the Board finds that the proposed open space shall be accessible to the public. However, in order to limit the impacts of public access to the open space on the current adjacent neighborhoods, no additional parking for access to the open space shall be provided either on or off site.

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the Charles River Village OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the specific *Subdivision Rules & Regulations* from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

Section 5.6.3 ***All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).***

Explanation – The applicant requests a waiver from this regulation. The plans reference NGVD 1929 which corresponds to the current Town of Medway FEMA Flood Plain Mapping effective June 18, 1980.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.7.19 ***Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.***

Explanation –The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service; Verizon and Comcast follow the NSTAR design. NSTAR does not begin the design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.20.2 (a) ***A restrictive Covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot may be built upon or conveyed.***

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance –The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As general guidance however, the Board will not waive the requirement for a restrictive Covenant. However, as has been the case in past practice, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

Section 6.4.1 ***No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.***

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance – The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As guidance to the applicant and as noted above, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

6.3 ***Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.***

Explanation – Applicant requests a waiver from this regulation as the development roadway will be a Private Roadway when constructed to be owned and maintained by the condominium association.

Guidance – The Board is not inclined to grant this waiver. The future OSRD Definitive Plan decision will specify minimum construction work to be completed before any performance guarantee is adjusted.

Section 6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Explanation – Applicant requests a waiver from this regulation as the development roadway be a Private Roadway when constructed and therefore these items are not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Explanation – Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed, the Town will not be accepting the road as a public way and therefore, the requirement for a street acceptance fee does not apply to this development. Therefore, no fee is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.3 Street Acceptance Plan

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, the requirement for a street acceptance plan does not apply to this development. Therefore, a street acceptance plan is not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the various town boards and departments do not need to conduct such inspections.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for the particular site.

Section 6.8.6 Street Acceptance - Planning Board Recommendation

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Planning Board does not need to make any recommendation regarding street acceptance.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.7 Street Acceptance Town/Meeting Warrant

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, this matter does not need to be included on a warrant for town meeting consideration.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Board of Selectmen does not need to approve a roadway layout.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.9 Approval of Street Acceptance Plans

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action to approve a street acceptance plan is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.10 Street Acceptance/Town Meeting Acceptance

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. As no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting, no recording is necessary.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots/dwelling units.

Explanation - The Applicant requests a waiver from this regulation. Although the development roadway will serve thirteen dwelling units, the roadway will be private and will not conform to all of the construction standards for a *Local Street*.

Guidance - Based on the information that has been provided, the Planning and Economic Development Board cannot provide any guidance to the applicant on this waiver request. Although the applicant has requested that the Town's Local Street subdivision construction standards not apply to this development, the applicant has not specified what construction standards are proposed instead.

Section 7.9.4 The minimum right of way width of any permanent private way, neighborhood, minor or secondary street will be fifty feet.

Explanation – The applicant requests a waiver from this regulation. The roadway will be a permanent private way to be owned by the Charles River Village Condominium Association. The roadway is planned to be eighteen feet paved with and one way only on the loop. The roadway will not exist as a separate parcel but as a piece of the development parcel. While there is not a right-of-way of any width per se, there is a functional ROW of 30 feet to allow for snow storage and possible future roadway widening by the Condominium Association if needed.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.6 Dead End Streets – The maximum distance of a dead end street shall be six-hundred feet (600')

Explanation – The applicant proposes to rebuild and extend Neelon Lane and construct a loop road within the development site. This results in a dead end street longer than allowed by the *Rules and Regulations*. However, an emergency access to Cherokee Lane will be constructed as part of the project.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site. The applicant has provided information from a traffic engineer indicating that the constructed Neelon Lane will be sufficient for the additional traffic generated by the development, and the emergency access to the development through Cherokee Lane will ensure that public safety vehicles have access to the site from 2 directions.

Section 7.9.7.g Minimum Paved Roadway Width - 26' for a Local Street; 20' for a Neighborhood Street & 18' for a Private Way

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and would be need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with a pavement width of eighteen feet.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.10.2 **Curbs/Berms - Sloped Granite Edging (Type S-B) for a Local Street**

Explanation – The applicant proposes to utilize a low impact drainage design to manage stormwater. Curbing is not proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes, cape cod or bituminous style curbing will be used.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.2 **Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.**

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and its sidewalk would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with no internal sidewalks.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.3 **Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways . . . (or make a payment in lieu of sidewalk construction to the Town of Medway for off site sidewalk construction.)**

Explanation – The applicant requests a waiver from this regulation. The applicant states that no sidewalk is proposed on Neelon Lane due to limitations of the existing 25' right of way.

Findings – The Board finds that this parcel does have frontage along 3 public ways – Cherokee, Massasoit and Riverview Streets, for a total of 92 feet. The parcel also has 25 feet of frontage on Neelon Lane. Total frontage on a public way = 117 feet.

Guidance – As specified in Condition 9 herein, the applicant is required to make a payment in lieu of sidewalk construction. Accordingly, it appears that this waiver request can be granted.

Section 7.19.2 **Street Trees shall be planted on each side of the street (at least three trees per lot).**

Explanation - The applicant requests a waiver from this regulation. This development will not be divided into individual house lots. Instead there will be one development parcel with thirteen residential structures. The applicant, in compliance with the OSRD Bylaw and as specified in Condition 3.f) herein, will prepare and submit a landscape plan for the entire project during the OSRD Definitive Plan phase. That landscape plan will include street trees for the private roadway.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:
 - a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms.
 - b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
 - c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.
2. **OSRD Concept Plan Modifications** – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated July 28, 2010, last revised December 30, 2010 shall be further revised to incorporate the following items:
 - a. The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 20010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set
 - b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.
3. **OSRD Definitive Plan**
 - a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and the *Site Plan Rules and Regulations* in effect at the time of application.
 - b) Except for a demolition permit for the existing structure at 6 Neelon Lane, no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
 - c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plan to be revised as specified herein, (*pursuant to SECTION V., Subsection T. 12. of the Zoning Bylaw*).

- d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:
- 1) Details of front and typical side building elevations for all unit types including proposed materials and color palette.
 - 2) Street name.
 - 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.
 - 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
 - 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.
 - 6) Bench and light post specifications.
 - 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.
 - 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.
 - 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.
- e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.
- f) The Landscape Plan, building elevation designs, and proposed materials and color palette submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.
- g) The Definitive Plan submittal shall include an evaluation of the status of the existing trees on east side of the present Neelon Lane with recommendations regarding their preservation and proposed mitigation measures to be implemented if said trees are damaged through the Neelon Lane reconstruction process..

4. Open Space

- a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4. a. herein, this condition does not require nor specifically allow the Charles River Village Condominium Association to construct additional trails on Parcel B in the future.
 - b) Prior to the conveyance of Parcel B to the Town, the applicant shall provide a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B and a pathway trail from the end of Massasoit to the existing cart path.
 - c) Open Space Parcel B shall be conveyed to the Town before the building permit for the last building is issued and before the final bond release is authorized.
 - d) If the Conservation Commission and the Board of Selectmen do not accept the donation of Open Space Parcel B in the future, the applicant is required to return to the Board with an alternative plan for its ownership and management that will comply with the open space provisions of the OSRD section of the Medway Zoning Bylaw.
 - e) To provide public access to Open Space Parcel B, the applicant shall grant the Town an access and use easement over the Neelon Lane extension and planned turnaround from the parcel's existing property line at the northern end of the parcel to the end of the Neelon Lane turnaround.
5. **Stormwater Drainage System** - The planned stormwater management system for Charles River Village shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:
- a) landscape screening shall be provided at any locations where rip rap is used.
 - b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.

6. **Affordable Housing**

- a) Two dwelling units within Charles River Village will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
- b) The affordable dwelling units are hereby designated as units 6 and 12.
- c) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development, and Charles River Village LLC, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
- d) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for approval of the Medway

Affordable Housing Committee. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.

- e) A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town, shall be recorded with the deeds for the affordable units.
 - f) The Charles River Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory
 - g) *Minimum Design and Construction Standards for affordable housing units* – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the Minimum Design and Construction Standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet and have at least three bedrooms and 1.5 bathrooms, excluding basement space.
 - h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.
 - i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing shall apply.
7. **Water Conservation** – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway's water withdrawal permit.
8. **Preservation of Site Features**
- a) *Stone Walls*
 - 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site's existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.

- 2) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
 - b) *Topography* – The developable area shall be graded in a manner to minimize topographical changes and to maintain a harmonious transition among the developable area, abutting properties and Open Space Parcel B.
9. **Sidewalk Construction** - The construction standards of the *Subdivision Rules and Regulations* require the installation of sidewalks along a property's frontage of existing public ways. For this site, the frontage along Neelon Lane, Cherokee Lane, Massasoit Street and Riverview Street is approximately 118 linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property's frontage on these ways is not practical. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment in lieu of sidewalk construction to the Medway Sidewalk Improvement Fund. This payment shall be provided to the Town before the building permit for the sixth market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first. At that time, the amount of the payment in lieu of sidewalk construction shall be determined by the Planning and Economic Development Board and shall be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time. The payment amount shall be equal to the estimated cost for the Town to construct 118 linear feet of bituminous concrete sidewalk with hot mix asphalt standup berm (Curb Type 3) in accordance with the Town's requirements per the *Medway Subdivision Rules and Regulations*; total width from street to edge of sidewalk including the curb would be 6 feet. The payment in lieu of sidewalk construction amount will not include any additional construction contingency percentage. Due to the development's inclusion of two affordable dwelling units (15.38% of the total number of 13 dwelling units), a 15.38% discount will then be applied to determine the final amount of the required payment in lieu of sidewalk construction.
10. **Architecture** - The development, when completed, shall include at least four different unit types/floor plans.
11. **Parking** - Each dwelling unit shall provide at least three off street parking spaces which may include garage spaces.
12. **Condominium Management**
- a) A Charles River Village Condominium Association shall be established and be responsible for the on-going upkeep and maintenance of the roadway, drainage system and Open Space Parcel. B
 - b) Prior to the issuance of the building permit for the second unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Charles River Village Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - 2) Declaration of Trust of the Charles River Village condominium organization
13. **Scenic Road** – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the Definitive Plan process, a scenic road public hearing with the Planning and Economic Development Board must occur with suitable mitigation measures established if found to be required.
14. **Ownership/Maintenance of Common Areas**
- a) All roads and drainage facilities on the development parcel shall be owned and maintained by the Charles River Village Trust/Condominium Association. It is the intent of

the Planning and Economic Development Board and the applicant that the roadway system and drainage facilities will not be accepted by the Town of Medway.

- b) The Planning and Economic Development Board requires that the following aspects of the Charles River Village development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:
- 1) roadways and parking areas
 - 2) stormwater management system
 - 3) snowplowing/sanding and other road maintenance and repairs
 - 4) landscaping
 - 5) street lighting
 - 6) sewer and water systems

Such services shall be the responsibility of the Charles River Village Condominium Association.

- c) The Open Space Parcel shall be maintained by the Charles River Village Condominium Association including the annual mowing/trimming/preparation of a pathway on Parcel B. All maintenance work performed on the Open Space Parcel after it has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the Director of the Department of Public Services in concert with the Medway Conservation Commission. The Association will notify the Director of the Department of Public Services prior to performing any maintenance on the Open Space Parcel after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on the Open Space Parcel. .

15. **Fire Protection** – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town's fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Charles River Village concept plan shows approximately 750 linear feet of new roadway to be constructed. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the building permit for the sixth market rate dwelling or within three years after the first building permit is issued, whichever comes first.

16. **Signage** – The Charles River Village development will include development identification signage in accordance with the Sign Regulation section of the Medway Zoning Bylaw.

17. **Demolition of 6 Neelon Lane** - The applicant plans to demolish the building at 6 Neelon Lane as part of the development plan. The applicant is advised that the property, due to its age, is subject to the Medway Demolition Delay Bylaw and may require review by the Medway Historical Commission. The applicant shall provide a determination from the Medway Historical Commission with the Definitive Plan application materials.

18. **Restriction on Construction Activities** - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:

- a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
- b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.

- c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday. The applicant shall comply with all federal, state and local regulations regarding blasting including but not limited to:
- A blasting permit from the Fire Department shall be obtained;
 - A survey of the pre-blast condition of surrounding properties as determined by the Fire Chief shall be completed;
 - A bond to cover possible damage from the blasting shall be posted, in accordance with Chapter 148, Section 19 of the Massachusetts General Laws.
19. **Payment of Balance of Fees/Taxes** - Prior to Planning and Economic Development Board's signature on this special permit, the Applicant shall pay the balance of any outstanding fees for plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.
20. **Recording of Plans and Documents** - The following documents shall be recorded at the Norfolk County Registry of Deeds before the Charles River Village OSRD Definitive Plan and application are filed with the Town of Medway.
- a) Charles River Village OSRD and Affordable Housing Special Permit Decision
 - b) Charles River Village OSRD Concept Plans dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein.
21. **Modifications** – No modification shall be made to the Charles River Village OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable *Rules and Regulations* in effect at that time.
22. **Project Completion**
- a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.
 - b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within five years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate

changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.

LIMITATIONS – Other approvals or permits required by the Medway Zoning Bylaw, Medway General Bylaws, or other governmental boards, agencies or bodies have in jurisdiction shall not be assumed or implied by this Special Permit Decision.

DECISION/VOTE

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Board, at a duly posted meeting on March 30, 2011 voted four in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Bob Tucker) and one opposed (Karyl Spiller-Walsh) to grant an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Charles River Village LLC and to approve the Charles River Village OSRD Concept Plan prepared by Faist Engineering and O'Driscoll Land Surveying dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein and attached hereto as Exhibit A, to develop a thirteen unit OSRD including 2 affordable dwelling units, subject to the CONDITIONS and LIMITATIONS specified herein. This approval is transferable to successors in title of the subject property, or assignees.

This decision is based on the following factors as specified in SECTION V, Sub-Section T. 11. of the Medway Zoning Bylaw.

- (a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

The proposed OSRD development achieves greater flexibility and creativity than a conventional plan. The OSRD allows 54.9% of the site to be preserved as open space abutting the Charles River. A conventional plan may have had fewer units, but the land along the river would have become part of private lots. A conventional plan may also have resulted in disturbance of the slope on the property and the removal of many more of the trees on the tract. Also, the condominium type of ownership provides the opportunity for collective sharing of responsibility for maintenance. Therefore, the Board finds that this criterion is met.

- (b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;

The proposed development preserves 4.18 acres of open space along the Charles River, including abutting wetlands, flood plain and wooded land. Therefore, the Board finds that this criterion is met.

- (c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

By concentrating the housing units on 3.43 acres of the 7.61-acre tract, less sprawl is produced. Also, the portion of the site where the housing units are located is the flattest portion of the site so it conforms better to the existing topography and natural features to a significantly greater degree than would a conventional subdivision. Therefore, the Board finds that this criterion is met.

- (d) Whether the OSRD reduces the total amount of disturbance on the site;

Since the developable area is confined to less than half of the area of the tract, the sloped area is not disturbed and the remainder is preserved as open space, disturbance of the site is less than that of a conventional subdivision and the Board finds that this criterion is met.

- (e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

Among the goals and objectives of the Medway Master Plan and Medway Open Space and Recreation Plan are the following:

Medway Master Plan - Goals and Objectives for Open Space

Goal1: Identify and protect undeveloped land.

Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways, and improve access to the Charles River.

Goal 3: Promote trails and access to open spaces

. . . further the establishment and expansion of greenbelts along the Charles River, . . .

Goal 5: Encourage open space preservation

Develop and maintain an active community culture of open space acquisition and habitat preservation.

Goal 6: Encourage compact development

Encourage compact development to reduce sprawl.

Medway Open Space and Recreation Plan

GOAL 1: Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways.

- Encourage/promote the incorporation of open space into new development plans (especially by the use of the open space residential subdivision (OSRD) and the Adult Retirement Community Planned Unit Development (ARCPUD) sections of the Zoning Bylaw), and use these tools to establish "eco-corridors" or greenbelts where appropriate*

GOAL 2: Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation.

- Establish/expand greenbelts along the Charles River and other water bodies as well as other corridors as appropriate.*

Therefore, the Board finds that this criterion has been met.

- (f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

The OSRD will result in the substantial improvement/upgrade of the existing Neelon Lane, presently a statutory private way, along with its extension and added cul-de-sac to accommodate turnarounds, and the construction of approximately 600 linear feet of additional private roadway. The resulting roadway on the Charles River Village development parcel will be owned and maintained by the condominium association rather than at the Town's expense. Therefore, the Board finds that this criterion has been met.

- (g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

As documenting in the preceding findings, the Concept Plan does comply with all sections of the Zoning Bylaw with the exception of areas where additional information or documentation is needed. These include the need to provide landscape buffers between buildings within the development, two garage facades that are not set back 5 feet from the house facades (waived for up to 2 garage facades), the need to provide additional

building design details to ensure that they relate to their surroundings in a positive manner, and the need to provide details for a visual buffer around the perimeter of the development. Subject to Condition 3. d) herein requiring that the required information and documentation be provided during the Definitive Plan process, the Board finds that this criterion is met.

- (h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning & Economic Development Board's Design Review Guidelines

Subject to Condition 3. d) 1) herein to provide additional details and elevation drawings regarding the design of the buildings, the Board finds that this criterion is met.

- (i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

The density of the proposed development is similar to that of adjacent neighborhoods and the cottage style homes are similar in size and design to nearby houses. Therefore, the Board finds that this criterion is met.

- (j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

The proposed development will result in altering a parcel of land and building 13 houses where there is currently one. This will result in additional traffic and activity. However, it will also result in permanently preserved open space and provide a diversity of housing types. As conditioned, the impacts on the abutting properties will be reduced and there will be positive impacts as well. These include an improved Neelon Lane, a new looped water line, a walkway to Cherokee Lane, and publically accessible open space. The Board finds that this criterion is met.

- (k) Whether the impact of the OSRD on abutting properties and abutting neighborhoods has been adequately mitigated.

The impacts on abutting properties are mitigated by the improved Neelon Lane, the new waterline, the walkway to Cherokee Lane, the permanently protected open space along the Charles River, and a visual buffer around the perimeter of the developed area. Therefore, the Board finds that this criterion is met.

- (l) Whether the OSRD protects and enhances community character.

The development protects and enhances community character by providing valuable open space along the Charles River in accordance with the goals of the Medway Master Plan and Open Space and Recreation Plan. It also provides a diversity of housing that is similar in scale and nature to that of adjacent neighborhoods. Therefore, the Board finds that this criterion is met.

VOTING

Planning and Economic Development Board Member Grant/Not Grant

Andy Rodenhiser	GRANT
Cranston (Chan) Rogers	GRANT
Karyl Spiller-Walsh	NOT GRANT
Thomas A. Gay	GRANT
Robert K. Tucker	GRANT

APPEALS – Appeals of this decision, 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 and the accompanying Charles River Village Concept Plan OSRD. A copy of said recording must be returned to the Town Clerk and the Planning and Economic Development Board to complete the file.

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

Date Approved: March 30, 2011

Date Signed: March 30, 2011



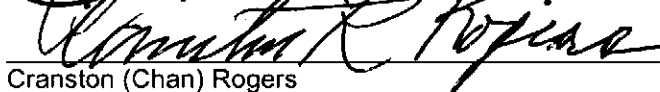
Andy Rodenhiser, Chairman



Robert K. Tucker, Vice-Chairman



Thomas A. Gay, Clerk



Cranston (Chan) Rogers

Karyl Spiller-Walsh

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

A True Copy Attest: _____
Maryjane White, Town Clerk

Date

cc: Affordable Housing Committee
Board of Assessors
Building Commissioner/Zoning Enforcement Officer
Board of Health
Board of Water/Sewer Commissioners
Conservation Commission
Department of Public Services
Design Review Committee
Fire Chief
Open Space Committee
Police Safety Officer
Town Administrator/Board of Selectmen
Town Counsel
Zoning Board of Appeals
John Claffey, Charles River Village LLC
Paul Yorkis, Patriot Real Estate
David Faist, Faist Engineering