



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

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June 28, 2011

CERTIFICATE OF ACTION
25 SUMMER STREET – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(APPROVED with Waivers and Conditions)

I. DESCRIPTION: The proposed *25 Summer Street Definitive Subdivision Plan* is a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7. The proposal also includes use of swales and a small stormwater basin for infiltration; and installation of sewer and water to connect to existing systems. The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. PROCEDURAL SUMMARY: With respect to the *25 Summer Street Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies that:

1. On January 19, 2011, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan*, dated January 10, 2011 prepared by Faist Engineering of Southbridge, MA. A preliminary subdivision plan was not filed for this project.
2. On February 22, 2011, it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On March 8, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed on February 21, 2011 and March 1, 2011 in the *Milford Daily News*. Abutter notice was sent by certified mail on February 16, 2011. The public hearing was continued to April 12, 2011, May 10, 2011 and May 24, 2011 when it was closed.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the 25 Summer Street Definitive Subdivision Plan were conducted over the course of four (4) Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the applicant submitted a definitive subdivision plan to the Town in January 2011. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Board and is available for public review.

Definitive Subdivision Plan – Faist Engineering, Inc.
January 10, 2011, Revised – April 20, 2011

Drainage Calculations - Faist Engineering, Inc.
January 10, 2011
Revised – April 20, 2011

Waiver Requests
January 14, 2011 letter from Fasolino Home Improvement, Inc.
Revised – April 20, 2011

Town Engineering Consultant Review Letters – Dave R. Pellegrini, P.E., Tetra Tech Rizzo
March 4, 2011
May 4, 2011

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
March 3, 2011
May 5, 2011

Supplemental Information Provided By Applicant
April 8, 2011 letter from Sumner & Milford LLC giving permission to tie into the existing sewer system at Speroni Acres.

Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction.

Citizen/Resident Letters - None

Citizen/Resident Testimony
Robert Condon, 3 Rustic Road (5-10-11 public hearing)

Professional Review/Testimony
Gino Carlucci, AICP, PGC Associates, Inc.
Dave R. Pellegrini, P.E., Tetra Tech Rizzo
David T. Faist, P.E., Faist Engineering, Inc. for the applicant

Medway Departmental/Board Review Comments
Dave Damico, DPS, via email dated May 18, 2011

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Medway Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. *NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans. This was not done, and a waiver is requested.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 – Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 5.7.27 – *The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer’s correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

SECTION 5.7.28 - Streetlight Locations – *Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board grants this waiver request.

SECTION 5.7.31 – *Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L, Chapter 41, Section 81-U*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

SECTION 5.7.32 – *Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

SECTION 5.20.2(a) – *Ways and service to be complete before such lot may be built upon.*

FINDINGS - While this is only a 2 lot subdivision with a private way/shared driveway rather than a complete public street, the Board finds that it is in the best interest of the Town to ensure that sufficient infrastructure is in place prior to releasing any lots for house construction. This includes that portion of the roadway within the street right-of-way to be paved with a binder course as well as a functioning drainage system. Therefore, this waiver request is denied.

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.*

FINDINGS – The Applicant is requesting that the Board to allow for building permits with no occupancy until the completion of the driveway base coat. As stated above, the Board requires that a binder course for the driveway and functioning drainage system be in place prior to the release of lots for house construction purposes. Therefore, this waiver request is denied.

SECTION 6.8 – *Procedure for Street/Infrastructure Acceptance.*

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the Subdivision Rules and Regulations is still required.

SECTION 7.7.2. p) – *Stormwater Management Procedure: The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes two (2) interconnected dry detention basins located within the separate Parcel “A”, which also includes the shared driveway. Each dry basin is located within 10 feet of the property line of both lots, which will benefit from their construction. Due to the minimal size of the basins as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5a) – *The minimum centerline grade for any street shall not be less than two percent (2%).*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

SECTION 7.9.7 g) – *The minimum roadway width for a “Permanent Private Way” is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses and the waiver request is granted.

SECTION 7.10.2 – *Curbs: “Permanent Private Way” is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a “country drainage” low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

SECTION 7.11.1 – *Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.*

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent “Ardmore Circle” private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

SECTION 7.11.2 – *The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...*

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.13.3 – *Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.*

FINDINGS – *As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.*

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

FINDINGS – The Applicant is not proposing to install a fire alarm system as both lots already have frontage on Summer Street. The Board finds that there is no need for a fire alarm system for this 2-lot subdivision. Therefore, this waiver is granted.

SECTION 7.17.2 – *Fire hydrants shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets...*

FINDINGS – No new fire hydrant is proposed to be installed within this subdivision as there an existing hydrant located within 300 feet of the property on the west side of Summer Street. Therefore, the Board finds that this waiver request is unnecessary and thus is denied.

SECTION 7.19.2 – *To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.19.4 – *Trees approved for planting are: Shademaster, Honey and Skyline Locust; Sugar Maple; White, Scarlet, Pin and Northern Red Oak; Bradford and Aristocrat Pears; London Planetree or other species if approved in advance by the Tree Warden. At least three (3) species shall be planted in every subdivision and they shall be staggered so that no one species shall be planted next to a like species.*

FINDINGS – Since the Board has granted a waiver request from the requirement to plant street trees, this regulation is not applicable and the waiver request is thus denied.

SECTION 7.20 – *Street and Traffic Control Signs and Names.*

FINDINGS – As plan provides a shared driveway/private roadway, the applicant proposes that the two house lots have Summer Street addresses and therefore has requested a waiver from the street sign requirements. However, the addresses of 23 and 27 Summer Street are already in use. Therefore, the Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots; this waiver request is denied.

SECTION 7.21 – *Street Lights*

FINDINGS – Since the Applicant proposes a private roadway/shared driveway serving only 2 homes, the Board finds that no street lighting is needed for the subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet south of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.21 – Walkways and Bikeways: *It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine.*

FINDINGS – The Applicant is proposing only one additional house lot. Since the subdivision's 2 lots have frontage on Summer Street which has a brand new sidewalk as well as shoulders to accommodate bicycles, the Board finds that no additional facilities for pedestrians or bicycles are warranted and this waiver request is granted.

SECTION 7.25.1 – Monuments shall be installed along the roadway layout at all points of curvature and angle points. Monumentation shall be provided at easements at each angle point along the easement where the lot line intersects the street right-of-way, and at other points where, in the opinion of the Board, monuments are necessary.

FINDINGS – The Applicant is proposing the shared driveway to remain private and feels the monumentation requirement is not necessary. However, The Board finds that it is important for the right-of-way and the various easements to be clearly identified where maintenance responsibilities will be shared by the owners. Therefore, the Board denies this waiver request.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.
4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals for to use the two house lots for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers to approve the above noted Waiver Findings. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers to approve the above noted Mitigation Plan. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh, to act on the Applicant’s request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob Tucker, seconded by Chan Rogers, to approve the **25 Summer Street Private Way Definitive Subdivision Plan**, dated January 10, 2011, last revised, April 20, 2011, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was approved by a vote of 3 in favor (Tucker, Rogers & Spiller-Walsh) and 0 opposed.

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

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.
3. *Ownership of Summer Valley Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Summer Valley Road Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway) including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.

4. The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all easements to the Summer Valley Lane Homeowners Association before the Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
5. Prior to endorsement, the 25 Summer Street Definitive Subdivision Plan last dated April 20, 2011 shall be further revised to include the following:
 - a. The final plan revision date on all plan sheets.
 - b. Update list of approved waivers on the cover sheet
 - c. The 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction shall be added to the plan set.
 - d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
 - e. Insert the street name for the new private roadway/shared driveway (Summer Valley Lane) on all plan sheets. Show location of street and traffic control signs.
 - f. Note 5 on the Cover Sheet shall be revised to specifically reference a Subdivision Covenant.
 - g. Another note shall be added to the NOTES section on the cover sheet to indicate that present and future owners are also subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision*.
6. Prior to endorsement, the Applicant shall provide copies of the recorded deed verifying the Applicant's ownership of all properties comprising the 25 Summer Street Subdivision. The Board may refer such documentation to the Board of Assessors for review and confirmation.
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.
8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.

9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Summer Valley Lane as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision*.
11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the Summer Valley Lane Homeowners Association, for review, comment, amendment and approval by Town Counsel.
12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the Summer Valley Lane Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred
13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Summer Valley Lane Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.
15. The 2 houses in the subdivision will have their sewer tied into the pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned pipeline system intended to be owned, operated and maintained by a homeowners association, not the Town of Medway. The applicant has represented that the system was designed for a tie-in from his property and that he has rights to such a tie-in. Therefore, the applicant is wholly responsible for ensuring that any such rights are valid. Furthermore, the applicant's obligations regarding any costs or responsibilities pertaining to such tie-in as well as ongoing operation and maintenance of the pipeline system are a private matter between the applicant and the owner of that system. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system.

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations 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 are current for all property included in this subdivision
18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant is placing a cash bond.
19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.

20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board’s approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town’s Consulting Engineer.

21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all “*Order of Conditions*” as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the “*Order of Conditions*” shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the “*Order of Conditions*” that may be deemed appropriate by the Board and the Town’s Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk’s office before the Board endorses the plan modification.

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

22. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Board based on an estimate provided by the Town’s Consulting Engineer. A construction observation account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.

23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11” x 17” paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.

24. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

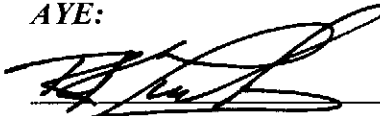
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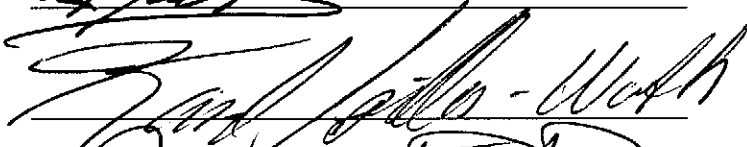
**25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION**

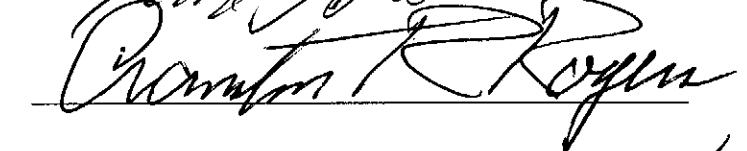
Date of Action by the Medway Planning & Economic Development Board
June 28, 2011

AYE:

NAY:



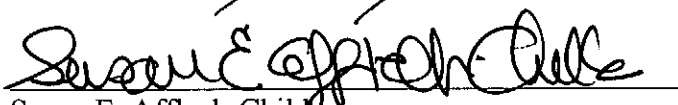




Date Signed:

6/28/11

Attest:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

6-28-2011
Date

- Copies To:** Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Bill Fisher, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the Town Clerk:

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JUN 29 2011
TOWN CLERK