



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

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TOWN CLERK

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*Karyl Spiller-Walsh*

November 29, 2011

***CERTIFICATE OF ACTION***  
***VILLAGE ESTATES – A PERMANENT PRIVATE WAY***  
***DEFINITIVE SUBDIVISION PLAN***  
***(Approved with Waivers and Conditions)***

Location: 272 Village Street  
Assessors' Reference: Map 1C – Parcel 114  
Name/Address of Applicant: Russell & Dorothy Santoro  
372 Village Street  
Medway, MA 02053  
Name/Address of Property Owner: Russell & Dorothy Santoro  
372 Village Street  
Medway, MA 02053  
Official Representative: Paul DeSimone  
Colonial Engineering, Inc.  
11 Awl Street  
Medway, MA 02053  
Engineer: Merrikin Engineering, LLP  
730 Main Street  
Millis, MA 02054  
Land Surveyor: Colonial Engineering, Inc.  
11 Awl Street  
Medway, MA 02053  
Plan Dated: May 19, 2011, last revised November 16, 2011  
Zoning District: AR-II  
Street Name: Bedelia Lane

**I. PROJECT DESCRIPTION:** The proposed *Village Estates Definitive Subdivision Plan* includes 2 residential house lots and an approximately 219 linear foot single-access, permanent private roadway to be known as Bedelia Lane, to be developed on a 2.026 acre parcel of land located at 272 Village Street, a Medway Scenic Road. The parcel is presently owned by Russell and Dorothy Santoro of Medway, MA. The proposal includes construction of an underground stormwater drainage area to comply with Massachusetts DEP stormwater management requirements and extension of Town water and sewer. A portion of the site is in Wetlands Resource Area. The parcel includes one existing single family house which will be retained on Lot 1 and which will derive its legal frontage from Village Street and a portion of the new Bedelia Lane. The applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a two-family dwelling on Lot 2.

**II. PROCEDURAL SUMMARY:** With respect to *The Village Estates Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies as follows:

1. On May 31, 2011, it received an application for approval of the *Village Estates Definitive Subdivision Plan*, dated May 19, 2011 prepared by Colonial Engineering, Inc. of Medway, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan, which the Planning and Economic Development Board reviewed on January 25, 2011.
2. On June 16, 2011, it circulated the Village Estates 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 June 28, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed in the *Milford Daily News* on June 13 and 21, 2011. Notice was sent by certified mail on June 9, 2011 to abutters within 300 feet of the property and to parties of interest. The public hearing was continued to August 9, August 23, September 13, September 27, October 11, October 25, November 8 and November 29, 2011 when it was closed.
4. On August 9, 2011, the Planning and Economic Development Board approved the Applicant's request to extend the deadline for the Board's action to September 30, 2011. On September 27, 2011, the Board approved the Applicant's request to extend the deadline for the Board's action to October 30, 2011. On October 25, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to November 30, 2011. On November 8, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to December 30, 2011.
5. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

**III. PUBLIC HEARING SUMMARY:** The public hearing and the Board's review of the Village Estates Definitive Subdivision Plan were conducted over the course of seven 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 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in December 2010.

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 Planning and Economic Development Board and is available for public review.

***Definitive Subdivision Plan Application Materials***

Form C – Definitive Subdivision Plan application Dated May 25, 2011  
Form D – Designer’s Certificate – Dated May 25, 2011  
Form F – Development Impact Report – Dated December 15, 2010  
Street Naming Application – Dated May 24, 2011  
Property Deed (Johnson for Dill Family Trust to Santoro) – Dated January 24, 2008  
WPA Form 4B – Order of Resource Area Delineation by Medway Conservation Commission for MassDEP file # 2160780 – October 2010

***Definitive Subdivision Plan – Colonial Engineering, Inc.***

May 19, 2011  
Revised - July 25, 2011  
Revised - September 19, 2011  
Revised - October 21, 2011  
Revised - November 16, 2011

***Drainage Calculations – Merrikin Engineering, LLP***

May 19, 2011  
Revised – July 20, 2011

***Request for Waivers from Subdivision Rules and Regulations – Colonial Engineering***

July 27, 2011  
September 27, 2011

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

June 23, 2011 letter  
August 3, 2011 letter  
September 12, 2011 report of 8/25/2011 site visit  
September 22, 2011 letter  
October 11, 2011 email

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

June 23, 2011  
August 1, 2011

***Supplemental Information Provided By Applicant’s Consultants***

Merrikin Engineering, LLP – Letter dated July 21, 2011 from Dan Merrikin in response to June 23, 2011 Tetra Tech review letter

Colonial Engineering, Inc. – Letter dated July 25, 2011 from Paul DeSimone in response to June 23, 2011 review letters from PGC Associates and Tetra Tech.

Colonial Engineering, Inc. - Revised roadway layout showing road moved 2 feet easterly – received August 15, 2011

Merrikin Engineering, LLP – Letter dated October 10, 2011 from Dan Merrikin with additional drainage analysis in response to questions raised at the September 27, 2011 public hearing

**Citizen/Resident Letters** - None

**Citizen/Resident Testimony**

Wayne Brundage, 268 Village Street (6/28/11, 8/9/2011, 8/23/2011, 9/13/2011, 9/27/2011, 10/11/2011, 10/25/2011 and 11/8/2011)

**Professional Review/Testimony**

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA  
David Pellegri, P.E., Tetra Tech – Framingham, MA  
Paul DeSimone, Colonial Engineering, Inc. – Medway, MA

**Medway Departmental/Board Review Comments**

Memo dated September 26, 2011 from Paul Trufant, Medway Fire Chief; subsequent memo dated November 2, 2011.

Email communication dated October 5, 2011 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Email communication dated August 4, 2011 from Thomas Holder, Medway DPS Director

Letter dated September 26, 2011 from William Donahue, Superintendent Water & Sewer Division, Medway DPS

Letter received May 31, 2011 from Building Commissioner/Zoning Enforcement Officer John F. Emidy.

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

**IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS**

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

**SECTION 7.6.2 b) Water Facilities Installation** – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

**FINDINGS** – The applicant requests that these requirements be waived and proposes instead that a common 2” water line or two 1 ½” water lines be installed to serve the proposed duplex house. The Board finds this acceptable since no fire hydrant will be located on the proposed new way and the Water and Sewer Division of the Department of Public Services has approved the proposed water services subject to compliance with its Water and Sewer Regulations.

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**SECTION 7.7.2 p) Stormwater Management** – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. 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. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

**FINDINGS** - The applicant requests that the proposed detention basins be allowed to be located within the right-of-way and less than 30 feet from lot lines. The Board finds that the proposed drainage system is designed in accordance with LID standards as well as DEP Stormwater Management standards. Furthermore, the closest basin is about 45 feet from the foundation of the proposed new house and its bottom elevation is close to the bottom elevation of the foundation so it poses no danger to that foundation. As mitigation, the applicant proposes landscaping to help the basins blend into the site better than a conventional detention basin. Also, as noted in Condition #10 below, in order to ensure that the stormwater management system continues to operate effectively and in a manner to prevent runoff to abutting property, there will be a deed restriction on Lot 1 to require that the final grades of the lot as shown on the plans not be altered in the future.

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**SECTION 7.9.2 d) Alignment** – Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28’), or for a curb radius of not less than forty feet (40’), whichever is more stringent or as required to provide a distance between street pavement and property lines.

**FINDINGS** - The applicant proposes a 24’ curb radius on the west side of the proposed permanent private way because the property line on that side is perpendicular to the Village Street right-of-way so there is insufficient room for the required 40’ curb radius. Due to the limited traffic on this permanent private way, the Board finds this design is acceptable.

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**SECTION 7.9.7 h) ROADWAY CONSTRUCTION** – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15<sup>th</sup> of any year, not after November 15<sup>th</sup> of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4”) and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2”); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2”).

**FINDINGS** – The applicant proposes to construct the road with gravel only, and not pave it. A paved apron is proposed at the intersection with Village Street within the Village Street right-of-way and for a distance of approximately 20 feet onto the site. The Board finds this acceptable, subject to replacing gravel with dense-graded crushed stone (See condition #6 below), due to the limited traffic on the permanent private way, the protection provided by the paved apron and because the drainage design is based on a paved road so it will continue to be valid in the event the owners pave the road in the future.

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**SECTION 7.10.2 CURBS AND BERMS** – Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.

**FINDINGS** – The applicant proposes to eliminate a Cape Cod berm along the edge of the proposed roadway. Since most of the road will be gravel, there is no need for a berm along the edge so the Board finds this acceptable. However, a Cape Cod berm will be required along the edges of the paved portion of the roadway and an edge treatment on the portion that consists of dense graded crushed stone shall be installed to ensure proper functioning of the drainage system.

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

**FINDINGS** – The applicant proposes to not install a fire alarm system in the private way. The Fire Department is converting to a new system. Therefore, the Board finds this waiver to be acceptable subject to a payment in-lieu of the system into a Fire Department fund for installation of the new system in the amount of \$1,000 as determined by the Fire Chief.

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**7.21 STREET LIGHTS (entire section)**

**FINDINGS** - The applicant proposes not to install street lights in the subdivision. However, there will be a requirement as specified in Condition #9 that each lot will have a post light. Due to the limited traffic on the permanent private way, the existing street lights along Village Street and the fact that the character of the way is similar to a driveway, the Board finds this acceptable.

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**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. The use of compacted dense graded crushed stone instead of hot mix asphalt will improve permeability.
4. The developer will install post lights for each house lot instead of full overhead street lights.

**Action on Waiver Findings** - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on November 29, 2011, a motion was made by Bob Tucker, and seconded by Karyl Spiller-Walsh to approve the above noted Waiver Findings. The motion was approved by a vote of 4 in favor (Gay, Rodenhiser, Spiller-Walsh and Tucker) 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 November 29, 2011, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to approve the above noted Mitigation Plan. The motion was approved by a by a vote of 4 in favor (Gay, Rodenhiser, Spiller-Walsh and Tucker) and 0 opposed.

**Action on Waiver Request** – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on November 29, 2011, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to approve the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of 4 in favor (Gay, Rodenhiser, Spiller-Walsh and Tucker) and 0 opposed.

**V. PROJECT EVALUATION CRITERIA** – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on November 29, 2011, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to approve the Project Evaluation Findings noted below. The motion passed by a vote of 4 in favor (Gay, Rodenhiser, Spiller-Walsh and Tucker) and 0 opposed.

5.16.1 Completeness and technical accuracy of all submissions.

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

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

*FINDINGS* – The Board finds that the proposed street is safe and convenient. It has been reviewed by both the Fire Chief and the Police Safety Officer and the Town's consulting engineer. As a permanent private way, it will handle a minimum amount of traffic.

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

*FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road onto Village Street are adequate. The site will be tied into Town water and sewer, and erosion controls will be in place during construction. The Town's Safety Officer has reviewed the plans and has not found any unwarranted safety deficiencies.*

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

*FINDINGS – The site of the subdivision is not within a Priority Habitat Area and the wetlands at the rear of the site will be protected. Stormwater management has been adequately addressed and only a single-family house or duplex is proposed to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.*

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

*FINDINGS – The plans have been reviewed by the Fire Chief as well as the Town's Safety Officer. The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic, subject to the changes required by the Town's Safety Officer. The roadway will be built according to the Board's specifications for a permanent private way, except as waived herein.*

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

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

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

*FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because it meets the requirements for a permanent private way, except for the reasonable waivers that have been granted herein with good cause.*

**VI. DECISION** – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on November 29, 2011, a motion was made by Bob Tucker and seconded by Karyl Spiller-Walsh to approve the *Village Estates Private Way Definitive Subdivision Plan*, prepared by Colonial Engineering Inc. dated May 19, 2011, last revised November 16, 2011



***subject to the Specific and General Conditions as specified herein and with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.***

SECTION 7.6.2 b) Water Facilities Installation  
SECTION 7.7.2 p) Stormwater Management  
SECTION 7.9.2 d) Alignment  
SECTION 7.9.7 h) Roadway Construction  
SECTION 7.10.2 Curbs and Berms  
SECTION 7.17.1 Fire Prevention and Protection Measures  
SECTION 21 Street Lights

The motion was approved by a vote of 4 in favor (Gay, Rodenhiser, Spiller-Walsh and Tucker) 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 residential house lots. It is understood the applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a 2 family structure on Lot 2. As a permanent condition of this plan, no further subdivision of the property beyond these 2 lots 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 Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. It is understood that the existing curb cuts for 272 Village Street will be eliminated. Access for Lots 1 and 2 will come only from Bedelia Lane.
4. *Ownership of Bedelia Lane* - It is understood that Bedelia Lane shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Village Estates Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the parcel with the private roadway to be known as Bedelia Lane including snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure.
5. The Applicant shall specifically reserve to itself ownership of the fee in Bedelia Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and drainage easements to the Village Estates Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan. The Applicant shall convey a utility easement to the Town of Medway for sewer and water purposes.

6. Prior to endorsement, the plans dated November 16, 2011 shall be further revised to include the following references:
  - a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision*
  - Location for post lights for each house lot and a light fixture specification. The light shall not spill onto adjacent properties in accordance with the lighting provisions of the Medway Zoning Bylaw.
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
8. *The Village Estates Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Village Estates Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 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 Bedelia Lane and the stormwater management system.
9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Village Estates subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates 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 Village Estates Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* shall include language regarding the installation of light posts for each lot, the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Bedelia Lane is a 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. The deed shall refer to the *Declaration of*

*Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement  
Governing the Village Estates Subdivision.*

The deed for Lot #1 shall include a restriction in perpetuity to maintain the final grades shown on the plans in order to ensure that the stormwater system continues to operate effectively and to prevent runoff onto abutting properties.

11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Bedelia Lane and all drainage easements shown on the plan to the Village Estates Homeowner’s Association, for review, comment, amendment and approval by Town Counsel. The Applicant shall prepare and provide a document conveying a water/sewer easement to the Town, also for review, comment, amendment and approval by Town Counsel
12. *Scenic Road Work Permit* – Prior to endorsement, the Applicant shall work with the Planning and Economic Development office to determine if a Scenic Road Work Permit is needed. Any conditions or tree planting requirements of the Scenic Road Work Permit shall be depicted on the final definitive subdivision plan presented for endorsement.
13. *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 Village Estates subdivision*, any articles of association establishing the Village Estates Homeowner’s Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
14. *Sidewalk Construction* – The Applicant shall replace selected sections of sidewalk on Village Street as specified on the Definitive Subdivision Plan.
15. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Bedelia Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway determined to be complete by the Board and is subsequently conveyed to the Village Estates Homeowners Association.

**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 owned in Medway by the applicant.

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 will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.
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. The Subdivision Covenant shall apply to all house lots shown on the plan.
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 Planning and Economic Development Board's approval of the *Release of Covenant* for house 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 Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
21. *Order of Conditions* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning and Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning and Economic Development Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning and Economic Development Board endorses the plan modification.

Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The

Applicant shall provide this plan for endorsement by the Planning and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

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 Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system 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. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the developer and his contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Mass Department of Environmental Protection (DEP) shall be provided to the Town.
25. *Proof of Taxes Paid* – Prior to the Planning and Economic Development 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.
26. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.
27. *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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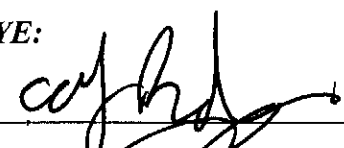
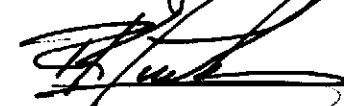
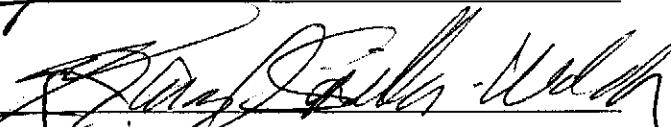
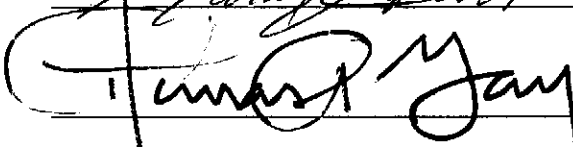
**VILLAGE ESTATES DEFINITIVE SUBDIVISION PLAN  
CERTIFICATE OF PLANNING AND ECONOMIC DEVELOPMENT  
BOARD ACTION**

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

November 29, 2011

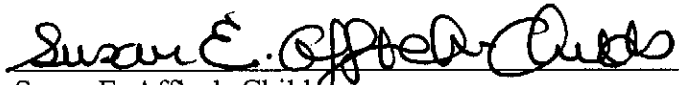
**AYE:**

**NAY:**

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**Date Signed:** 11.29.11

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

11-29-2011  
Date

**Date Filed with the Town Clerk:** \_\_\_\_\_

- Copies To:** Russ and Dorothy Santoro  
Paul DeSimone, Colonial Engineering, Inc.  
Rick Merrikin, Merrikin Engineering  
David D'Amico, Public Services  
John Emidy, Building Commissioner  
Bill Fisher, Board of Health  
Thomas Holder, Public Services  
Suzanne Kennedy, Town Administrator  
Will Naser, Assessor  
Melanie Phillips, Treasurer/Collector  
Barbara Saint Andre, Town Counsel  
Karon Skinner-Catrone, Conservation Agent  
Paul Trufant, Fire Chief  
Sergeant Jeffrey Watson, Police Safety Officer  
Maryjane White, Town Clerk  
Gino Carlucci, PGC Associates  
Dave Pellegrini, Tetra Tech

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NOV 30 2011  
TOWN CLERK