

Medway Planning & Economic Development Board Meeting
Friday, February 13, 2009
Medway Town Hall, 155 Village Street

PRESENT: Bob Tucker, Chan Rogers, Tom Gay, Andy Rodenhiser, John Williams, Karyl Spiller-Walsh

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant
Gino Carlucci, PGC Associates

Chairman Rodenhiser called the meeting to order at 5:05 pm

Public Hearing Continuation – Williamsburg OSRD

Andy Rodenhiser – We have a draft before us for the PB to review. I suggest we go thru it page by page. Draft is dated 2-10-09.

Tom Gay – I have no big issue with anything in here.

Paul Yorkis - I do have a question. Is it the intention to go through it (the draft) this evening and then provide us a copy so that at the next meeting we can provide comments if any, and then close everything and wrap it up?

Andy Rodenhiser – Yes.

All agreed

Shared common driveways –

Decision vote –

John Williams – For the findings, **a)** is debatable since we don't have a conventional subdivision plan to compare to. We are comparing it to a (previously approved) 40B project.

Andy Rodenhiser – I am looking at the application before us, trying to judge the application on its merit.

John Williams – we need to discuss the fact whether it is less detrimental

Andy Rodenhiser – An OSRD is always better – scenario for compact development, and reduces sprawl –

John Williams – I guess we could debate that.

Tom Gay – I don't think the bylaw proposes that you get both (conventional and OSRD) designs. It is more on the philosophical idea. I am more than fine. A conventional subdivision would make use of all the uplands.

Karyl Spiller-Walsh – You have to be careful and do a site by site evaluation – The bylaw is written in such a way that we are really protected. Under all circumstances that I can play it (an OSRD) is always a better solution than a conventional subdivision

Chan Rogers – Everyone of these, I-h, gives reasons to that point.

Karyl Spiller-Walsh – I do acknowledge however in your work (John) – that you have revealed many issues. I do believe it is a much better use than (a regular subdivision) – I do believe in the diversity of housing types

Sidewalk issue on West Street - expensive, impractical –

John Williams – I suggest we ask Dave D’Amico to make a finding whether it is practical or not to construct sidewalks on West Street. We are creating an OSRD which has lower impact and infrastructure. I see it as a compromise. We are going with a denser road. I think there is room to extend the sidewalks out to West Street and start making it a pedestrian friendly neighborhood.

Paul Yorkis– In the revised list of waivers – we are saying that no sidewalks are proposed. It would have to be (located) within the 25 foot buffer zone of certified wetlands – so it can’t be done.

Andy Rodenhiser- So in that case you cannot construct it there. The option is to provide a cash payment instead.

Paul Yorkis - We are requesting a waiver because we are building 3 affordable units in this subdivision.

Andy Rodenhiser – The impact on the neighborhood and the community needs to be taken into consideration. And you are asking for the waiver. That is what we are about to discuss. We are acknowledging why you cannot construct it, and we will start that debate.

Tom Gay – I am fine with the waiver request.

Bob Tucker – That is a policy to construct sidewalks. If you didn’t build a sidewalk you had a choice of a cash payment into a sidewalk fund, or build it elsewhere.

John Williams - There is an impact – Sidewalks would provide a way to access the new open space area . . .

Chan Rogers – Sidewalks on West Street are more important than in the subdivision.

Greg Whelan – If I agree to do this, I would like to see the town finish the sidewalk in front of 68 West Street and then there would be a sidewalk that would loop the whole thing. Then it would be beneficial. Having it stop in front of 68 West Street is foolishness.

It was agreed to continue the public hearing to Monday night, February 23, at 7:15 pm at the Senior Center.

Paul Yorkis – Our thanks for everybody for coming out tonight .

Andy Rodenhiser – Do you feel we have sufficiently gone through this so we can release a draft to the applicant?

Agreed.

Distribute memo from Dave D’Amico re: sidewalk construction.

The meeting adjourned at 6:23 pm.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Cranston (Chan) Rogers, P.E, Clerk
Karyl Spiller-Walsh
Thomas A. Gay
John W. Williams, Associate Member

Revised DRAFT – February 10, 2009

PLANNING BOARD DECISION
Williamsburg Condominium
Open Space Residential Development (OSRD) Special Permit –
Open Space Residential Development (OSRD) Concept Plan –
Affordable Housing Special Permit -

Name/Address of Applicant: Broad Acres Management Trust
Greg Whelan, Trustee
1352 West Main Street
Millis, MA 02054

Name/Address of Property Owner: Broad Acres Management Trust
Greg Whelan, Trustee
1352 West Main Street
Millis, MA 02054

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

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

Architect: Michael Blanchette
39 Temple Street
Medway, MA 02053

Landscape Architect: TO DESIGN, LLC
114 West Main Street, Suite 201
New Britain, CT.

Plan Dated: August 20, 2008, last revised January 28, 2009

Location: 66A, 70, 70R and 72 West Street

Assessors’ Reference Map 2, Parcels 7B, 6-1-B, 6-1-2, and 6-1-3.

Zoning District: AR-II

Purpose: To construct an Open Space Residential Development (OSRD) with eighteen (18) dwelling units (*including 3 affordable dwelling units*) on a 13.86 acre site and permanently preserve 8.7 acres as open space, pursuant to SECTION V. Subsections T and X of the Medway Zoning Bylaw.

PROJECT DESCRIPTION

The subject property, a 13.86 acre site, is located at 66A, 70, 70R and 72 West Street in the Agricultural Residential II zoning district. The site is comprised of four (4) parcels on the north side of West Street, west of Fisher Street, adjacent to the Medway Veterinary Clinic and across from Holbrook Street. The property is owned by Broad Acres Management Trust of Millis, MA. [The site includes wetlands, a tributary of Hopping Brook, upland meadows, wet meadows, a pine grove, a vernal pool and several stone walls.](#)

The applicant proposes to develop a condominium community to be known as Williamsburg Condominiums consisting of nine (9) duplex buildings for a total of eighteen (18) residential dwelling units including three (3) affordable dwelling units. The condominium units will range in size from ____ to ____ for a __ bedroom unit. Each dwelling unit has room for **2 to 4** off-street parking spaces. The three (3) affordable dwelling units will be considered to be low or moderate income units which shall comply with the requirements for inclusion on the Subsidized Housing Inventory prepared by the Department of Housing and Community Development pursuant to M.G.L., chapter 40B, section 20-23 (the "affordable housing units").

Site improvements include construction of an approximately 1134 foot long one-way 16' wide private road/driveway, approximately 1,200 linear feet of interior sidewalks/pathways, connection to Town sewer and water services, associated stormwater drainage facilities and 8.7 acres of permanently preserved open space to be accessible to the public with 3 designated visitor parking spaces. An additional 4 guest on-street parking spaces are also provided. Site access and egress will be from West Street.

The land is to be divided into 3 parcels as follows:

- Open Space Parcel A - .97 acres including a vernal pool (to be owned by the Williamsburg Condominiums Trust)
- Open Space Parcel B – 7.68 acres
- Developable Area Parcel - 5.21 acres includes all 18 dwelling units, roadway, sidewalks and stormwater facilities to be owned by the Williamsburg Condominiums Trust

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 August 22, 2008 for an Open Space Residential Development (OSRD) special permit was filed by Broad Acres Management Trust with the Planning Board and the Town Clerk on August 22, 2008. The companion application for an Affordable Housing Special Permit was submitted on 9-23-08.

The public hearing was scheduled to begin on September 23, 2008, at which time comments would be received from the general public, municipal boards and/or departments and the Planning Board's consultants. Notices of the public hearing were published in the *Milford Daily News* on September 9 & 15, 2008. Notices were sent by certified mail to abutters and the Planning Boards of all adjacent towns on September 4, 2008.

On September 3, 2008, a transmittal memo from the Planning 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 September 23, 2008 and requested comments by that date.

The Planning Board convened the public hearing in the Sanford Room of Town Hall on September 23, 2008, and continued it to October 28, December 9, January 13, January 27, February 10 and _____, 2009 at which time the public hearing was closed. At the public hearing, comments were received from the general public, municipal boards and/or departments, PGC Associates (the Town's planning consultant), 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 or have --- MULLINS RULE CERTIFICATION ---

All matters of record were available for public review in the office of the Planning 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 for an OSRD and affordable housing special permits;
- a plan entitled "Williamsburg Condominiums – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated August 20, 2008, prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA.
- OSRD Project Narrative prepared by Paul Yorkis, Patriot Real Estate
- Development Impact Report dated August 22, 2008 prepared by Faist Engineering.
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated 8-22-08.
- Proposed building elevations – Units A, B, C. No date or source specified.

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

- Revised “Williamsburg Condominiums – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated August 20, 2008, prepared by Faist Engineering of Southbridge, MA and O’Driscoll Land Surveying of Medway, MA. – Revised September 15, 2008, October 14, 2008, November 24, 2008 and January 28, 2009.
- Letter from W. Phillips Barlow, To Design, LLC dated 9-22- 08.
- Letter from David Faist, Faist Engineering, dated 10-14-08 in response to the 9-23-08 comment letter from Medway Police Sergeant Jeffrey Watson and to discussion at the 9-23-08 public hearing.
- Schematic Planting Plan dated 12-17-08 by TO Design, Inc.
- Revised architectural elevations Units A-F, undated, source unspecified, received December 15, 2008
- Revised architectural elevations Units A-F, dated January 26, 2009, prepared by Michael Blanchette, architect.
- Letter dated January 13, 2009 from Paul Yorkis in response to the 1-8-09 review letter from the Medway Design Review Committee

Other Information/Evidence

- Medway ZBA Comprehensive Permit Decision, June 16, 2005 for subject property

Review Letters

Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 25, September 18, October 24, 2008 and January 8, 2009

Sgt. Jeffrey Watson, Medway Police Department – Review memo dated September 23, 2008

Medway Open Space Committee – Review letter dated October 29, 2008

Medway Design Review Committee - Review letter dated January 8, 2009

PUBLIC HEARING TESTIMONY

Professional Commentary

David Faist, Faist Engineering, Southbridge, MA
Gino Carlucci, PGC Associates, Franklin, MA

Applicant Comments

Greg and Mary Lou Whelan
Paul Yorkis, Patriot Real Estate

Citizen Comments

Jeff Swenson, 68 West Street
Rhea Berry, 68 West Street
Jim Wickis, 74 West Street

FINDINGS

To make its findings, decision and conditions of approval, the Board carefully reviewed the proposed plan, as revised from time to time and last revised January 28, 2009 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and carefully analyzed the general purpose of the OSRD and Affordable Housing provisions of the 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. 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 _____, made the following FINDINGS regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Zoning Bylaw:

1. Purpose and Intent – The Board finds that the proposed Williamsburg Condominium OSRD 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. Protects community water supplies by protecting the riparian zone of Hopping Brook;
 - c. Minimizes disturbance on the site by limiting it to less than 38%.
 - d. Permanently preserves 8.65 acres of mostly sensitive lands;
 - e. Uses land more efficiently in its compact design;
 - f. Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;

- g. Facilitates construction and maintenance of housing, streets, utilities and public service by developing in a more compact style and providing maintenance privately;
 - h. Preserves and enhances community character by preserving open space and diversifying the housing stock;
 - i. Does not protect agricultural land because none is present on or adjacent to the site;
 - j. Protects real property values by providing buffers to adjacent property;
 - k. Provides housing types that increases the diversity of the housing stock.
-
2. Site Eligibility – 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.
 3. Permit Required – As application for a special permit for an OSRD has been duly submitted by the applicant.
 4. Pre-Application – The Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the July 22, 2008 Planning Board meeting.
 5. Four-Step Design Process – The 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 Architect W. Phillips Barlow of New Britain, CT was retained to function as part of the applicant's development team. Mr. Barlow is registered landscape architect 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 and Step 4 was not necessary in this case because it is condominium development with no lot lines.

6. Procedures – The 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 Subsection T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 17 units. However, since three affordable units are being provided, the applicant is entitled to three bonus market rate units bringing the maximum to 20. The applicant proposes to construct nine (9) duplex buildings for a total of eighteen (18) dwelling units on one (1) lot. The Board finds that the construction of eighteen (18) dwelling units complies with this requirement and the configuration of the 9 duplex units is appropriate for the site since it minimizes disturbance and preserves views of and access to the open space areas.
8. Reduction of Dimensional Requirements – The 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 no subdivision lots are created. As conditioned below, the buildings are a minimum of 30 feet apart and landscaped buffers are provided between them. Also, the proposed garages meet the requirements that no more than 50% shall face the street and those that face the street shall be set back a minimum of 5 feet from the front façade of the principle building.
9. Open Space Requirements – Subject to conditions noted below, the Board finds that the Williamsburg Condominiums complies with the

Open Space Requirements as specified in Subsection T. 9. The minimum total open space required for this site is ___ sq. ft [Note: I suggest leaving out square feet. We could multiply acreage by 43,560 but that could result in an incorrect figures because the acreage likely has more than 2 decimal places. Unless the engineer or surveyor provide a square foot number, we will likely create confusion if we don't get it exactly right] (6.93 acres), which is 50% of the total site area of (13.86 acres). According to the _____communication from plan by Faist Engineering, the applicant proposes to designate two parcels of 7.68 and .97 acres for a total of 8.65 acres as open space. The planned open space area constitutes 61.96% of the tract's total area.

- a) *The percentage of the minimum required open space that is a resource area as defined and regulated by the Medway General Wetlands Protection Bylaw shall not exceed the percentage of the total site that is a resource area; provided however, that the applicant may include a greater percentage of resource areas in any proposed open space beyond the minimum required.*

Of the entire site, 3.19 acres, 22.85% is wetlands, flood plain and riverfront area. Therefore, no more than 22.85% of the minimum required open space of 6.93 acres, (1.58 acres) can consist of these resource areas, leaving a requirement for 5.35 acres of uplands. The development includes 5.66 acres of uplands.

- b) *The open space shall be contiguous.*

The open space is contiguous across the site driveway.

- 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 open space is suitable for wildlife habitat, conservation, outdoor education and passive recreation.

The open space shall be accessible to the public. The Planning Board may require a minimum number of parking spaces to facilitate such public access.

The open space is accessible to the public and 4 parking spaces for public use are provided.

- d) *The Planning 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 open space will be used for passive recreation.

- e) *Certain items shall not qualify toward the minimum open space area:*

None of the provided open space consists of any of the excluded areas of surface and subsurface stormwater management and wastewater treatment facilities, utility easements, land within 15 feet of a dwelling unit, a community building or median strips or landscaped areas of parking lots.

- f) *Ownership of Open Space*

The open space will be owned by the Town of Medway and/or the condominium association.

- g) *The Planning Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape and use of all proposed open space.*

The Planning Board approves the open space parcels as depicted in the plans.

10. General Design Standards – Subject to the conditions noted below, the Board finds that the Williamsburg Condominiums OSRD complies with the **General Design Standards** of Subsection T. 10 as follows:

- 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 Planning Board finds that this standard 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 Planning Board finds that this standard is 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.*

The Planning Board finds that this standard is met.

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 Planning Board finds that this standard 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.*

Subject to the conditions below regarding relocating and rebuilding existing stone walls, the Planning Board finds that this standard 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 of 9 two-family buildings, the Planning Board finds that this standard is met.

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

The Planning Board approves the proposed shared private driveway to serve the development.

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

Since twelve of the proposed eighteen units have direct access to the larger open space parcel and the remaining six have easy access to it, the Planning Board finds that this standard 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.*

The 15' wide buffer is provided so the Planning Board finds that this standard is met.

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 _____, made the following FINDINGS regarding this application in accordance with Section V. Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. Subject to the conditions noted below, the Board finds that the Williamsburg Condominiums OSRD complies with the **Affordable Housing** Requirements of Subsection X. as follows:

1. The plan includes the construction of three (3) affordable dwelling units on the subject site. This meets the requirements 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 # ____ below, the

- 3. Minimum design and construction standards – Subject to the provisions of Condition # _____ below, the
- 4. One market rate bonus unit is authorized . . .

C. 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 _____, made the following additional FINDINGS regarding this application.

Other Pertinent Findings - ANYTHING ELSE WE SHOULD make findings on to link to any decision conditions????????????????????????????????

- construction of sidewalks along the West Street frontage is not practical due to (ROW width and wetlands) . . .

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 _____ voted _____ to _____ an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Broad Acres Management Trust and to _____ the Williamsburg Condominium OSRD Concept Plan prepared by Faist Engineering and O’Driscoll Land Surveying last revised _____ attached hereto as Exhibit A, to develop an 18 unit OSRD (9 duplex buildings) including 3 affordable dwelling units, subject to the CONDITIONS, LIMITATIONS and MITIGATION MEASURES listed below. 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) The OSRD achieves greater flexibility and creativity in the design of residential development than a conventional subdivision plan by **siting the 9 proposed two-family dwelling units within a compact area allowing more than 60% of the site to be preserved as open space while also reducing construction and maintenance costs.**
- (b) The OSRD as proposed results in the permanent preservation of 8.65 acres of **wetlands, a tributary of Hopping Brook, upland meadows, wet meadows, a pine grove, a vernal pool and several stone walls** as open space **in Parcel A and Parcel B.**
- (c) The OSRD results in 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.

- (d) The OSRD disturbs 5.21 acres (37.3%) of the 13.86 acre site.
- (e) The OSRD furthers the goals and policies of the Medway Open Space and Master Plan by preserving open space, protecting water resources, providing a diversity of housing types and providing 3 affordable housing units.
- (f) The OSRD facilitates the construction and maintenance of streets, utilities and public services in a more economical and efficient manner by minimizing the length of the street.
- (g) The OSRD Concept Plan and its supporting documentation comply with the Medway Zoning Bylaw.
- (h) The design of the buildings with the OSRD is consistent or compatible with traditional New England architectural styles as described in the Medway Design Review Guidelines, and as approved by the Design Review Committee.
- (i) The OSRD is compatible or in harmony with the character of adjacent residential neighborhoods
- (j) The OSRD will not have a detrimental impact on abutting properties and residential neighborhoods
- (k) Any impacts of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated
- (l) The OSRD protects and enhances community character.

Voting Planning Board Member

Grant/Not Grant

Andy Rodenhiser
Cranston (Chan) Rogers
Karyl Spiller-Walsh
Thomas A. Gay

John W. Williams

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions shall be cause for the Planning 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. 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 eighteen (18). ____% of the units shall have no more than 3 bedrooms. All three (3) affordable units shall have 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 Williamsburg Condominiums Special Permit Concept Plans OSRD, dated August 20, 2008, last revised January 29, 2009 to be modified and recorded as referenced herein; and
- 3) in accordance with subsequent approved plans 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.

2. **OSRD Concept Plan Modifications** – Before the Williamsburg Condominiums Concept Plans OSRD are endorsed by the Planning Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated August 20, 2008, last revised January 28, 2009 shall be revised to incorporate the following items:

- a. Schematic Planting Plan dated 12-17-08 by TO Design, Inc.
- b. Revised architectural elevations by Michael Blanchette dated 1-28-09
- c. light post selection
- d. revise title page to list all plan sheets

3. **OSRD Definitive Plan**

a. This special permit and the approved Williamsburg Condominiums Special Permit Concept Plans - OSRD are subject to the submission and approval of a Williamsburg Condominiums OSRD

Definitive Plan and compliance with all conditions of a Certificate of Planning Board Action approving the Williamsburg Condominiums 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. No clearance or construction shall begin on site and no building permit shall be issued before the Planning Board has approved or conditionally approved and endorsed the Williamsburg Condominiums OSRD Definitive Plan.
- c. The Williamsburg Condominiums OSRD Definitive Plan shall substantially comply with the approved Williamsburg Condominiums Special Permit Concept Plans - OSRD (*as specified in 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 Williamsburg Condominiums OSRD Definitive Plan:

General color palette and mix

Roofed structure with lighting to around community postal
box

Street name

Open Space Parcel A – restrictions on use; mini
playground?

Detailed landscape plan including specific plans for
landscaped buffer areas within the site, locations where
stone walls will be disturbed and relocated or used, identify
significant trees to be saved

Also detailed design for a landscape barrier on the property
adjacent to 68 West Street between roadway and
house and behind the house

Materials specifications for the dwelling units

Maintenance plan for the both open space parcels including
mowing, removal of underbrush

Bench location and design

Stone wall construction – very rustic, dry laid

- e. The Williamsburg Condominium OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, project completion requirements including as-built plans and engineering certification,
- f. The landscape plan, architectural elevations, and any designs submitted to the Planning 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 Board and subject to its approval.

4. **Open Space**

- a. The Williamsburg Condominiums Homeowners Association shall be responsible for the ongoing maintenance and upkeep of Open Space Parcels A and B including the annual mowing or haying of the upland meadow and the annual mowing/packing of any pathways.
- b. Open Space Parcel A shall remain as open space managed by the Williamsburg Condominiums Trust for the use of residents of the development. Mini playground for use of development??????
- c. Open Space Parcel B shall remain as permanent open space accessible to the general public. Open Space Parcel B shall be offered to the Town of Medway through its Conservation Commission or to a not-for-profit land preservation organization. If not accepted by either, the open space shall be conveyed to the Williamsburg Condominiums Trust and protected to the satisfaction of the Planning Board through a Conservation Restriction granted to the Town of Medway, acting through its Conservation Commission, in perpetuity and exclusively for conservation purposes pursuant to Sections 31, 32 and 33 of Chapter 184 of Massachusetts General Laws.
- d. The applicant shall provide a pathway/trail on Open Space Parcel B connecting the designated Open Space parking area to the center of the northwest meadow where a bench shall be provided for viewing/resting.
- e. Prior to the issuance of an occupancy permit for the first dwelling unit, the applicant or its successor or assigns shall execute a Conservation Restriction for Parcel B, to be approved by the Board's legal counsel and the Secretary of the Executive Office of Environmental Affairs.
- f. Parcel B has the potential for future use as part of a community trail system along Hopping Brook

5. **Stormwater Drainage System** - The planned stormwater management system for the new development shall be designed to _____ . The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of permeable pavement/pavers, 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.

- a. use of rip rap shall be substantially screened
- b. natural design for any detention basin
- c. substantial landscaping

6. Affordable Housing

a. Three (3) dwelling units within the Williamsburg Condominiums 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. Affordable dwelling units are hereby designated as units # _____. The Affordable units shall have 3 bedrooms.

c. As part of the Definitive Plan process, the applicant shall prepare an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development and Broad Acres Management Trust, 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 a marketing plan for the selection of qualified purchasers for Planning Board approval. 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 Daniels 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 that are 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 constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and
 - 4) have a minimum size of 1500 square feet and three (3) bedrooms excluding basement space.
- h) The owners and tenants of affordable housing units shall have the same rights and privileges to access any amenities available within the development as the owners and tenants of market rate dwelling units.
- 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) There is a prominent stone wall on the southern border of the property which should be preserved and repaired or enhanced where needed with stone from the stone walls that have to be removed elsewhere on site. If possible, a corresponding stone wall should be installed on the opposite side of the roadway using old stone to duplicate the general style of the existing stone wall. If sufficient stone exists, the same approach should be used at the entrance roadway as well.
 - 3) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
- b. Pine grove – This area shall be kept intact.
- c. Vernal pool -
- d. other ????????????

9. **Sewer Connections** – In preparing the OSRD Definitive Plan application, the applicant shall
-

10. **Sidewalk Construction**

- a. It is customary for a developer to install sidewalks along a property's frontage of existing public ways. For this site, sidewalk construction along approximately 350 linear feet of West Street is not practical due to _____ . Accordingly, in lieu of such sidewalk construction, the applicant shall construct or reconstruct approximately 350 linear feet of sidewalk (location ???? – waiting for recommendation of Dave D'Amico) to the satisfaction of the Medway Department of Public Services (DPS) as follows:

- 1). Improvements to be made in accordance with DPS standards.
- 2) Before construction, exact locations, sidewalk plan and street opening permit to be subject to approval by the DPS Director.
- 3) Construction inspection by the Town's consulting engineer or the Department of Public Services is required.
- 4) If necessary, trees may be removed and replacement plantings shall be installed in accordance with DPS requirements.

Work to be completed prior to the issuance of an occupancy permit for the first dwelling unit.

- b. Interior sidewalks shall be designed as a continuous plane across the driveway opening _____ with the driveways meeting the grades of the sidewalks rather than the sidewalks simply _____ ending at each driveway break.

11. **Architecture** –

- a. something on flexibility of unit selection
- b. all 6 unit types shall be constructed
- c. no more than 50% of the dwelling units with garages may have garage doors facing the _____ street from which the dwelling unit is accessed. Any garage door facing the street shall be _____ set back at minimum of five feet from the front wall of the principle building.

12. **Parking**

- a. each unit shall provide at least 4 off street parking spaces (Is this excessive?)

13. **Condominium Management**

- a. A Williamsburg Condominium Homeowners Association shall be established and be _____ responsible for the upkeep and maintenance of the roadway, drainage system and open _____ space areas.

b. Prior to the issuance of an occupancy permit for any unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.

- 1). Williamsburg Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance Plan
- 2) Declaration of Trust of the Williamsburg Condominium organization
- 3) Open Space/Conservation Restriction applicable to Parcel B.

14. Ownership/Maintenance of Common Areas

a. All roads, drainage facilities and Open Space Parcel A and Parcel C shall be owned and maintained by the Williamsburg Condominium Trust. It is the intent of the Planning and Economic Development Board that the roadway system and drainage facilities will not be accepted by the Town of Medway.

b. The Board requires that the following aspects of the 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) trash removal
- 6) street lighting
- 7) open space parcels

Such services shall be the responsibility of the Williamsburg Condominiums Trust.

15. ANR Plan – file to split land into two open space lots and development area lot.

16. Fire Protection – In lieu of installing a fire alarm system within the development, the 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 Williamsburg Condominiums plan calls for over approximately 1,134 linear feet of roadway. Therefore, a fee of \$_____ shall be paid to the Town of Medway for the _____ prior to the issuance of the first occupancy permit.

17. Signage – The Williamsburg Condominium development will not include any development identification signage except for standard private way street signs.

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. 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.
19. **Payment of Balance of Fees/Taxes** - Prior to Planning Board signature on this special permit, the Applicant shall pay the balance of any outstanding plan review services provided by any outside consultants retained by the Planning 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 Williamsburg Condominium OSRD Definitive Plan and application are filed with the Town of Medway.
- a. Williamsburg Condominium OSRD and Affordable Housing Special Permit Decision
 - b. Williamsburg Condominium Concept Plans OSRD last dated January 28, 2009 to be revised as specified herein.
21. **Modifications** – No modification shall be made to Williamsburg Condominiums OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The 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 Board's sole discretion to determine whether any proposed modification is substantial or insubstantial 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. The Planning Board may authorize insubstantial modifications 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*.
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 ____ feet of roadway must be underway. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one (1) 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 Board, within 5 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 Board at least thirty (30) 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.

MITIGATION MEASURES

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations* during the subsequent Williamsburg Condominium OSRD Definitive Plan phase of approval. These waivers include the following:

Formal action on requests for waivers from the *Subdivision Rules and Regulations* cannot occur until the applicant applies for and the Planning Board acts on the Williamsburg Condominiums OSRD Definitive Plan. During the course of that review, 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.

APPEAL - Appeals, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk.

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this special permit and the accompanying Williamsburg Condominiums Concept Plan OSRD. A copy of said recording must be returned to the Town Clerk and the Planning Board to complete the file.

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

Date Signed: _____

Andy Rodenhiser

Cranston (Chan) Rogers

Karyl Spiller-Walsh

Thomas A. Gay

John W. Williams

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: Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford, and Norfolk

- Board of Assessors
- Building Commissioner/Zoning Enforcement Officer
- Board of Health
- Board of Water/Sewer Commissioners
- 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
- Greg Whelan, Broad Acres Management
- Paul Yorkis, Patriot Real Estate
- David Faist, Faist Engineering

