

**Medway Planning & Economic Development Board Meeting  
Tuesday, March 10, 2009  
Medway Town Hall, 155 Village Street**

PRESENT: Bob Tucker, Tom Gay, Karyl Spiller-Walsh Spiller-Walsh, Chan Rogers, Andy Rodenhiser (arrives at 7:28 p.m.)

ABSENT: None

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

The meeting was called to order at 7:08 pm by Vice Chairman Bob Tucker

Bob Tucker – Andy Rodenhiser is running late and we will need to wait until he arrives to be able to do the decision on Williamsburg Condominium

**CITIZEN COMMENTS** – None

**ANR Plan for Cassidy/Hidden Acres Realty Trust**

Susy Affleck-Childs – We have received a revised ANR plan. They have addressed the items that had not been included before. They make reference to the 61A status, include the zoning district boundaries and provide the zoning district dimensional requirements.

A motion to endorse the ANR plan was made by Chan Rogers, seconded by Karyl Spiller-Walsh Spiller-Walsh. The motion was approved unanimously.

The board signed the plan dated November 13, 2008.

**Discussion with Gino Carlucci re: contract extension**

Reference memo from Susy Affleck-Childs dated 3-6-09

Susy Affleck-Childs – The Town's contract with Gino expires June 30, 2009. That contract provides for an extension. I recommend that the Planning and Economic Development board recommend that the Town Administrator extend the contract thru September 30, 2010. Gino has worked with us but also with the Industrial Development Committee, Open Space Committee, Master Plan Update Committee and the Affordable Housing Committee.

Bob Tucker – He has also been very instrumental in a number of grants the town has received.

A motion was made by Chan Rogers to recommend extension of the contract to September 30, 2010. The motion was seconded by Tom Gay. The motion was approved unanimously.

**Discussion of updating the Medway Zoning Map**

Susy Affleck-Childs – This is long overdue; it was last fully updated in 2001. This is a good time to do it as we have no zoning boundary amendments proposed for this year's town meeting.

Gino Carlucci – I have done a colored version for the master plan update.

Karyl Spiller-Walsh – John Schroeder had some ideas regarding the zoning map.

Tom Gay – If Gino Carlucci is going to go to the trouble of updating it, we should look at the coordinating of the different groups because they ultimately will be a layer. The open space map was created in a specific format and scale. We should try to get those all on the same specification.

Susy Affleck-Childs – Tom, could you help me to figure out what that standard should be?

Bob Tucker – Could we, at our next meeting, find out what DesLauriers has, and what Gino Carlucci has, and then decide which direction to go?

Chan Rogers – With the town administrative system the way it is, let's just leave it up to Susy to figure out how to take care of it. We don't need to get involved.

Susy Affleck-Childs – You may not have to approve the bill, but I would value your input and guidance.

NOTE -- Andy Rodenhiser arrives at 7:28 pm.

Andy Rodenhiser- Bellingham has a good zoning map. Let's look at the current modern systems for doing maps.

Tom Gay – We have to reach a common ground point and have an interoperable standard for multiple vendors.

### **Discussion of Draft Decision for Williamsburg Condominiums**

NOTE – Draft under review is dated March 3, 2009.

Susy Affleck-Childs – This draft reflects the changes you discussed at the last meeting and further minor clarifications I made after Paul Yorkis had reviewed it. NOTE – Susy highlighted these minor changes.

Paul Yorkis – I would like to discuss the payment in lieu of sidewalk. I have reviewed the estimate prepared by the town's consulting engineer. I disagree with adding a 25% contingency. This is not a bonding matter. Contingencies related to bonds are there so there is enough money should the applicant fail to do what they were supposed to do. That is not the case here. I think there is an assumption that everything always goes up. Things do go down. To me there is no justification for the contingency factor. We went over the number after Susy Affleck-Childs sent it to us. Their basic estimate for constructing it today we are not challenging. So our position is to go with the number less the contingency and then apply the 16.67% reduction (for the affordable units).

Tom Gay – The other way is to not put a dollar value in the decision at all, but have the payment be real world dollars at the time of the permit, at the point of the event, with no contingency, but provide for the discount.

Chan Rogers – At first blush 25% contingency is outlandish, but considering the crazy economy, who can tell?

Paul Yorkis– I cannot predict when the town of Medway will expend these funds. All I know is when the funds are due.

Andy Rodenhiser – The amount will go up or down depending on calculation at the time.

Bob Tucker – I am ok to eliminate the contingency factor. Determine the value at that time.

John Williams – I am in favor of anything that lets the town get the funds.

Andy Rodenhiser – Do we want to decide to offer an either/or option in the decision? The applicant said they did not want to actually construct sidewalks.

Bob Tucker – Leave the dollar value open until the time of payment.

Tom Gay – I don't want to do the either/or option. We have already talked about all this. I am OK with the Mass Highway standard without the contingency.

Paul Yorkis – I think there was discussion that at some point in time the board would look at this concept in a comprehensive way, and I would really encourage you to do that. And I would be happy to participate and be of assistance. I would encourage you to include Dave D'Amico in those discussions. The complexity of a private contractor doing this work is quite involved. I think there may be other things you want to explore.

Andy Rodenhiser – We would love to have input from all the people who are stakeholders to improve the process.

Tom Gay – I think we have come up with some good stuff about the way to administer donations to that fund. I am OK with discounts for affordable units and calculating the amount of sidewalk payment at the time the payment is made.

It was agreed that Susy Affleck-Childs would do the edits in the decision re: sidewalk construction.

Paul Yorkis – I would like to extend the spirit of cooperation from me and Greg.

A motion was made by Chan Rogers, seconded by Karyl Spiller-Walsh to to approve all the findings – general, affordable housing and additional special findings.

### *Discussion*

John Williams - Allow me a little grandstanding.

Chan Rogers – I would like to raise a question in an open meeting. I find it strange that an associate member is voting.

Susy Affleck-Childs – He can vote on this matter. He is filling in because Bob Tucker cannot vote as he missed two public hearings.

John Schroeder – I would like to let you know about how I feel about this.

Karyl Spiller-Walsh – I move to hear John Williams' comments.

The motion was seconded by John Williams.

The vote was 2 yes, 3 no. The motion failed.

John Williams – Isn't this part of the process?

John Williams – I withdraw my proposal

Andy Rodenhiser – Any further discussion on the findings?

The motion to approve the findings was approved. 4 yes (Rodenhiser, Gay, Spiller-Walsh and Rogers); 1 abstain (Williams).

**VOTE ON THE DECISION – INCLUDING THE CHANGES DISCUSSED TONIGHT  
REGARDING ON SIDEWALK SECTION**

A MOTION TO APPROVE THE DECISION was made by Karyl Spiller-Walsh, seconded by Chan Rogers.

John Williams – I don't want to hold up the process. There are a number of things I don't like about this. I want to ask the board if they need my vote in order for this to go through.

Susy Affleck-Childs – No.

Andy Rodenhiser – Vote your conscience. We may agree or disagree. We need to respect each other's opinion.

Bob Tucker – I don't have a problem if you want to pick apart the process but I think we need to do that in a separate discussion, not as part of a vote on this project.

Vote:

Karyl Spiller-Walsh – yes

Andy Rodenhiser – yes

Chan Rogers – yes

Tom Gay – yes

John – abstain

The Board signed the back page of the decision.

Susy Affleck-Childs – I will file with the town clerk on Wednesday.

**Preparation for Zoning Public Hearing (3-17-09)**

Susy Affleck-Childs – I have prepared sample handouts for two of the more controversial proposals - adult uses and gas stations in Commercial V.

Phil Giangarra – What is the difference between item 2 and 4 in the adult uses criteria? Let me draw some pictures to see if it makes some sense to me.

NOTE Gino Carlucci cannot attend the public hearing on March 17<sup>th</sup> until late.

Susy Affleck-Childs – We will need some presentations on these for the public hearing.

Karyl Spiller-Walsh – I wish we had some visuals to be able to explain the gas station proposal.

Andy Rodenhiser – They (the Avellinos) need to provide testimony that 8 pumps are needed. I want to hear the testimony one way or another and have somebody speak to support and provide evidence to support their position.

Tom Gay – Is this the only spot in the district where it would happen?

Susy Affleck-Childs – No, it could happen anywhere in the zoning district.

Karyl Spiller-Walsh – I have looked at this in much detail – We have talked about a country scale and a small intersection. – We thought 4 pumps could fit – that it would be analogous to the feeling of Medway. Now they are escalating the size. It hasn't solved our problem as to how it would fit on that site.

Andy Rodenhiser – We need to look at the whole district.

Tom Gay – We have written this amendment to allow for a maximum of 8 pumps.

Bob Tucker – We have also reduced the minimum building size as well.

Karyl Spiller-Walsh – When we created the size minimum of 4200 square feet for the retail space, the gas part was going to be more of an accessory use. This is now more equal uses. Who is to say that Medway Gardens might now consider relocating their garden center someplace else and just using the site for the gas/convenience? The emphasis is now on the gasoline pumps.

Andy Rodenhiser – We need to look at this as a district and maintain or retain control.

Phil Giangarra – For the hearing next week could you print out a map of Commercial District V and use that as a handout?

Susy Affleck-Childs – Yes.

John Williams – I thought we were bending over backwards for somebody for a by right use.

Andy Rodenhiser – NO this is by special permit only.

Chan Rogers – Who is going to provide the explanation for each of these at the public hearing?

Susy Affleck-Childs – Perhaps each board member could be a lead person one article?

Chan Rogers – The presentation should include more info on what a special permit is and what powers it gives the Planning Board. We should address the store hours too.

Karyl Spiller-Walsh – I want to comment on the special permit process. When we say we have control, that really isn't the case. The applicant presents to us their first tier presentation of the site and the architecture and uses, and it is usually the closest to their idea that is least expensive or least encumbering. We start where the applicant wants to start. It is a refinement process. It is always a compromise. Don't think the special permit is a golden halo. It is never a perfect solution.

Andy Rodenhiser – To build on what Karyl has said, there is a set of criteria they need to demonstrate that they have met. If they can prove that they have met the criteria, then they have grounds for an appeal of we were to deny the special permit. It is a dance.

John Williams – I think, as a board, we have the power to exercise a little more oversight than we have been.

Andy Rodenhiser – The first application that comes in is usually terrible.

Karyl Spiller-Walsh – Then you move toward what is acceptable.

Susy Affleck-Childs - You can push the bylaw with special permits.

Andy Rodenhiser- Industry standards may not meet our community standards. Findings, we make reference to them, we include the reasons why we found the way we did so it can be supported when we go court. This is why we found what we found. We have to write defensible decisions, even if that takes a lot of time.

Phil Giangarra - Handouts on the infill proposal should be provided for next week's meeting. Could you spend some time talking about the infill housing?

Andy Rodenhiser – There are some parcels of land, for the purposes of affordable housing, that could be developed under a special permit with a whole bunch of criteria. There are about 15 parcels in town. These parcels are presently unbuildable. This change would make them viable for affordable housing.

Bob Tucker – Some of the lots may not be buildable for other reasons.

John Williams – Would those taxes change?

Bob Tucker – The value would change once they got a special permit.

Tom Gay – The same rate, but the value of the land would change.

Gino Carlucci – If it doesn't meet zoning standards it would be assessed very low.

Gino Carlucci – If it is not by right, the assessors can't look at potential use, they can only look at actual use.

Andy Rodenhiser – Assessment is based on actual use.

Susy Affleck-Childs - Does anyone want to be a point person next week?

Karyl Spiller-Walsh – I want to jump in on both sides.

Andy Rodenhiser – Between Bob Tucker and me, we will work together to split these up.

### ***Meeting Minutes***

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the minutes for the Feb. 10, 23 and 13, 2009 meetings. The motion was approved unanimously.

### **2 Ardmore Circle – Request for a lot release**

A motion was made by Bob Tucker, and seconded by Karyl Spiller-Walsh to execute the lot release. The motion was approved unanimously.

### **Reports**

Andy Rodenhiser - We had our initial meeting of the new Economic Development Committee last week. Every person agreed to submit themselves to the process of being approved to be appointed. There are some really bright people and a lot of energy and a good initial meeting. And new people. They want to look at what our existing businesses need – what tools could be used to help?

Chan Rogers – Route 109 – Looks good. The governor will release the \$300,000 if he gets a letter from Congressman Jim McGovern, and that letter was prepared yesterday.

Phil Giangarra – How about the big money for the construction?

Chan Rogers – You have to have the design first before you can get on the list. The term shovel ready means the design is already done and complete, and we are not anywhere near that.

Susy Affleck-Childs – The Organic Farm Review Team has met twice.

Bob Tucker – We also felt the town should establish an organic farm liaison committee to provide some oversight .

Karyl Spiller-Walsh – Any proposal to rear livestock yet?

Bob Tucker – Not now.

John Williams – What are they going to do for a well?

Bob Tucker – I would guess that there is a well on the site. They will probably look at town water ultimately.

Susy Affleck-Childs – WE received one proposal for 9 Walker Street from South Shore Habitat for Humanity.

Andy Rodenhiser – I would like to bring the board up to speed as well on 2B Oak Street. After the 2-24 town meeting, the folks from the Historical Commission and Dave D’Amico were talking about going in and assessing 2B Oak Street. I went up there and met with Dan Hooper from the Design Review Committee. He served on CPC from the Planning Board in the past. He wants a good conclusion for this site. At one of the discussions there was a talk of Camp Sunshine proposing a building at the back of the property. In that discussion, the use of the property from a private or public usage was discussed. Karyl Spiller-Walsh and Dan have talked. Karyl has prepared a concept plan of what has been discussed relative to 2B Oak Street as a property for Historical Commission.

Karyl Spiller-Walsh – The Thayer house is small, but historically interesting. If you keep on the site, what will its function be? If we opened up the house and simplified the interior, and then put a connector onto the back to a new meeting facility, we could maintain the integrity of the historic house with a function room on the back for meetings that could be leased for occasions – with a giant stone patio – there are monies that could cover the construction of a not so small room on the back.

Chan Rogers – The senior center with the new addition has quite a bit of space for meetings.

Tom Gay – We just went to a wedding in Georgia in an historical building with an old barn. They possibly run 100 weddings a year. It was beautiful.

Chan Rogers – Unfortunately the mentality re: use of public facilities doesn’t make it convenient for private weddings

Andy Rodenhiser – I think the opportunity might change if there was something nice.

Chan Rogers – Have you ever been in Medfield’s new senior center? Much more grandiose than ours, and they rent it to private parties for private events.

Tom Gay – I think it is because of a lack of facility to do it in here in Medway. As nice as the senior center was, it is not a place that will lend itself to that kind of use. But an addition to an historic facility that looks like an old barn with nice outdoors space, I think you could attract nice events.

Karyl Spiller-Walsh – With tents outside . . . stone walls . . . view of the pond.

Andy Rodenhiser – I could see an Oktoberfest on the grounds.

Tom Gay- Who will come up with the money to do this? CPC is not going to run a facility. The town is not going to finance that kind of facility to be constructed.

Karyl Spiller-Walsh – One thing this does, it gives the Thayer House some purpose in connection with something else.

Phil Giangarra – Camp Sunshine apparently has a benefactor that is willing to put some money into the site. That building could be built for very little town money. They think they can do it for 0 town money.

Andy Rodenhiser – There hasn’t been any leadership . . .



Karyl Spiller-Walsh – This is just a sketch. It helps people envision the possibility. It gives the house a job.

Andy Rodenhiser – Commercial kitchen, handicap bathrooms, and whatever is needed for Camp Sunshine.

Bob Tucker – They were looking at the back portion of the lot. There are multiple functions that can take place there.

Andy Rodenhiser – I think Camp Sunshine wants to preserve the meadow and stay out of the way.

Andy Rodenhiser – Does anybody have objection or feedback?

Chan Rogers – My gut feeling about the selectmen is “forget about it”.

Chan Rogers – The Council on Aging had a meeting today regarding the use of its facility.

Susy Affleck-Childs – I would be interested in knowing more about that.

Tom Gay – We are talking about two different kinds of facilities.

John Williams – You would need some sort of economic engine or viable entity there supporting it most of the time. I don't see the citizens of Medway putting that together.

Karyl Spiller-Walsh – I understand the CPC does have funds.

Tom Gay – I think it would have to be developed for a specific purpose in mind.

Bob Tucker – There are very specific requirements on what CPC funds can and cannot be spent on.

Karyl Spiller-Walsh - The Thayer house needs to be rehabbed. They are going to have to put money into it. As is, it has very limited uses.

John Williams – The Holliston town hall has been used by Medway folks/groups. The Medfield space was built as a senior center and is rented out.

Karyl Spiller-Walsh – This is a totally unique site – river, bridge, historic house, and it is not duplicated anywhere, and it lends itself to this. A not so giant leasable space overlooking the pond with a view and a vista on the water – I would rent it for a party for me. – It would be an ideal for small weddings or a meeting place.

Andy Rodenhiser – The effort is noble and you have our support.

Karyl Spiller-Walsh- I am just asking for your thoughts and feedback.

### **Discussion of Master Plan Update**

Susy Affleck-Childs – I am suggesting that you move the public hearing to March 31<sup>st</sup> and cancel the March 24<sup>th</sup> meeting.

Tom Gay - I will be gone from 3/28 to 4/8

Susy Affleck-Childs – How much buy in do you want to have?

John Williams – I am concerned about how much of the plan comes from the survey vs. individual people's ideas on the committee.

Chan Rogers – I think you ought to look at holding this off to a fall town meeting.

Karyl Spiller-Walsh – Let's separate the facts from the interpretations.

Andy Rodenhiser – If you don't know the participants and the work that is going on, you need to see what is happening and its credibility. I think you need to know the people who are working on this thing, and that is part of their character. They have worked hard to not be subjective.

Karyl Spiller-Walsh – It will be apparent when you read it. As we look at the results we will look at the numbers that came back, and the interpretations of those numbers which turned into policies for the future of Medway. It will be apparent as we read it.

Andy Rodenhiser – I want you to be careful what you have as your own beliefs about a process that has been very rigorous without you having had any input or involvement in that process.

John Williams – I just want to ensure transparency. There were sections of the survey that they could draw some opinions from. I wanted them to reach in and be specific as to where the goals came from.

Andy Rodenhiser – You can read the surveys today.

John Williams – You have to talk about a goal and say how it became a goal. Whose view, was it drawn from the survey data. I thought they could have done a better job of defining where the goals came from.

Andy Rodenhiser – I guess I count on the survey results, and the people who are doing the interpretation of those survey results, as well as comments from the public. As a group of people that have been working on this they represent a pretty wide association of past groups and a very good knowledge of Medway. They are taking data and comments and developing trends, and seeing where it is going. They have tried to articulate that in Jim's presentations.

John Williams – My concern is whether the goals tie back to the survey data.

Bob Tucker – Jim's presentation was very big picture.

Chan Rogers – Don't we have to fulfill their interests?

Bob Tucker - Let's start with March 31<sup>st</sup> and see how many sections we can go thru in an evening.

Andy Rodenhiser – John, would you really reach out to Jim so there isn't a bomb being dropped on him?

**Other Business**

Chan Rogers? – Why are we having John comment so much on this stuff. He is an associate member.

John Williams – I think we should have a coffee, you and I.

Chan Rogers – Knowing there is going to be a 4 to 1 vote, why do we spend time talking. All of our time is gratis. If a vote is going to be 4 to 1, I think 20 minutes is plenty.

Andy Rodenhiser – If that happens, then make a motion to call the question, and we will see what people want to do.

Chan Rogers – I feel that sooner or later he is going to be on the board and we are going to discuss some of these things. I have been thru several master plans. They have never been a consensus.

John Williams – Who asked for consensus?

Chan Rogers – I want to understand his perspective. I feel some of it was naïveté.

Karyl Spiller-Walsh – John was responding to a discussion on master plan issues. It brought up a lot of questions. At what point are they facts, and at what point are they interpretations that they ran with? These things have a huge impact on the progress of the town and the bylaws. What do we allow? What don't we want to see? Things were grey and fuzzy. There were questions John had about what was being discussed.

Andy Rodenhiser – If John and Chan want to get together and talk privately about philosophical matters, that is fine. But if you get 3-4 of us together, we can't do that.

Chan Rogers – We are elected people and we can't have a discussion without it being recorded.

Andy Rodenhiser – Or posted. We need to respect John's opinion.

Chan Rogers – I respect his opinion if he is putting in time. You know I don't mind being blunt

Andy Rodenhiser – As chair I want to encourage debate.

Chan Rogers – You have a problem of being chairman in that you have to accommodate everybody on the board.

Andy Rodenhiser – I want to keep it fair,

Chan Rogers – Re the master plan, it is never going to be a full consensus. It is not a fixed document. It is a general guideline.

Karyl Spiller-Walsh – It is a consensus of all the population.

Bob Tucker – Of the people who responded to the survey.

John Williams – To clarify what I gleaned from our meeting. There are 2 things. There was a kind of generality of what the points were and no specific views of the survey data. What were the general themes from the survey data? That is one piece. I put that in my email to Susy.

Then we have all the people that are involved that have ideas that they want to set as goals. I think you owe the readers the transparency to state whether the goals came from the data or from the people involved.

Andy Rodenhiser – I am certain I am going to get that. If you look at the last master plan, you will see that.

John Williams – If I read a goal, I want to know where it came from.

Andy Rodenhiser – If we are going to spend this kind of time on a subject, then go to these meetings, and make sure about the e-mail you sent Susy Affleck-Childs. If they come here with a document that doesn't meet their expectations, share your perspective so they get a flavor of what you want.

John Williams – I was under the impression they were going to forward this to us beforehand.

Susy Affleck-Childs – They are. That is why I am suggesting we put it off a week to give us all more time to review.

Tom Gay – Are we canceling the 24<sup>th</sup> and going to the 31<sup>st</sup>?

AGREED.

Andy Rodenhiser – Then we can look at it some more at our meeting on April 14<sup>th</sup> and reserve out April 21<sup>st</sup> and April 28<sup>th</sup> as well

A motion was made by Chan Rogers, seconded by Bob Tucker Motion to adjourn. The motion passed unanimously.

The meeting was adjourned at 10:08 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 – March 3, 2009  
5:02 p.m.

**PLANNING & ECONOMIC DEVELOPMENT 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  
49 Main 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. Sub-Sections 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 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 duplex buildings for a total of eighteen residential dwelling units including three affordable dwelling units. Each dwelling unit has room for four off-street parking spaces. The three 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 1,134 foot long one-way sixteen foot 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 three designated visitor parking spaces. An additional four guest on-street parking spaces are also provided. Site access and egress will be from West Street.

The land is to be divided into three 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 and Economic Development 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 and Economic Development 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 and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on September 23, 2008 and requested comments by that date.

The Planning and Economic Development 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, February 13 and February 23, 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 provided a certification pursuant to General Laws c. 39 section 23D.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

**EXHIBITS – PLANS and DOCUMENTS** - The following exhibits were submitted for the Board's review and deliberations. The application package consisted of:

- an application and related materials 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, January 28, 2009 and February 23, 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
- Revised request for waivers from the *Subdivision Rules and Regulations*, dated 2-20-09 and 2-12-09.

#### **Other Information/Evidence**

- Medway ZBA Comprehensive Permit Decision, June 16, 2005 for subject property
- West Haven Estates (40B Project) Site Plan Layout – Drawing C-1 by Faist Engineering, May 5, 200
- Certifications pursuant to General Laws, c. 39, section 23D from Planning and Economic Development Board member Tom Gay for the 9-23-08 public hearing and from Planning and Economic Development Board Associate Member John Williams for 1-13-09 public hearing.

#### **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

Fire Chief Paul Trufant – Review memo dated February 6, 2009.



DPS Director Dave D'Amico – Email memo dated 2-11-09 regarding sidewalk construction.

## **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

### **Municipal Boards/Committees**

Affordable Housing Committee  
Conservation Commission

## **FINDINGS**

To make its findings, decision and conditions of approval, the Planning and Economic Development Board carefully reviewed the proposed plan, dated August 8, 2008, as revised from time to time and last revised February 23, 2009 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and 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 Planning and Economic Development Board, on \_\_\_\_\_, made the following **GENERAL FINDINGS**, as conditioned by this decision, regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Zoning Bylaw:

1. Purpose and Intent – The Planning and Economic Development Board finds that the proposed Williamsburg Condominium OSRD as conditioned by this decision meets the purpose and intent of Subsection T.1 of the Zoning Bylaw in that the development:
  - a) Uses flexibility and creativity in its design as a more compact development;
  - b) 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 the site in a more compact style and providing private maintenance of roadways and infrastructure.
  - 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 (duplexes) that increase the diversity of the community's housing stock.
2. Site Eligibility – The Planning and Economic Development Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development.
3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on August 22, 2008.
4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the July 22, 2008 Planning and Economic Development Board meeting.
5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architect W. Phillips Barlow of TO Design, LLC 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. Step 4 was not necessary in this case because it is condominium development with no lot lines.
6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to town boards/departments for review and

comment. Additionally, the application was reviewed by the Town's planning consultant.

7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 17 units. However, since three affordable units are being provided pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to three additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 20. The applicant proposes to construct nine (9) duplex buildings for a total of eighteen (18) dwelling units on one (1) lot. The Planning and Economic Development 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 Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because no subdivision lots are created. The buildings are a minimum of 30 feet apart and landscaped buffers are provided between them. The proposed garages meet the requirement that no more than 50% of the garage doors shall face the street from which the unit is accessed. The requirement that garage doors that face the street shall be set back a minimum of 5 feet from the front façade of the principle building is met except for a maximum of two Type F one-story building style units. The Planning and Economic Development Board as conditioned herein (Condition 10. c) hereby waives this requirement only for those specified units in order to increase the variety of housing types that may be offered within the development because the constraints of the site would not accommodate the Type F one-story units within the proposed site development configuration.
9. Open Space Requirements – Subject to conditions noted below, the Planning and Economic Development Board finds that the proposed Williamsburg Condominiums complies with the Open Space Requirements as specified in Subsection T. 9. The minimum total open space required for this site is 6.93 acres which is 50% of the total site area of (13.86 acres). According to the 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 13.86 acre site, 3.19 acres (22.85%) is comprised of wetlands, flood plain and riverfront area. Therefore, no more than 22.85% (1.58 acres) of the minimum required open space of 6.93 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.*

Open Space Parcel B is accessible to the public and 4-3 parking spaces for public use are provided. Open Space Parcel A is available to the residents of the condominium development.

- 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.*

~~Open Space~~ Parcel C A may will include a small playground for use by the residents of the Williamsburg Condominium development.

- 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 Williamsburg Condominium Trust.

- 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 and Economic Development Board approves the two open space parcels as depicted in the plans.

10. General Design Standards – Subject to the conditions noted below, the Planning and Economic Development Board finds that the proposed 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 and Economic Development 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 and Economic Development 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 and Economic Development 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 and Economic Development 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 Condition # 8 a) herein regarding relocating and rebuilding existing stone walls, the Planning and Economic Development 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 nine two-family/duplex buildings, the Planning and Economic Development 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 and Economic Development Board approves the use of shared private driveways for the dwelling units.

- 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 Open Space Parcel B. and the remaining six have easy access to it, the Planning and Economic Development 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 and Economic Development 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 Planning and Economic Development Board, on \_\_\_\_\_, made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section V. USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Planning and Economic Development Board finds that the Williamsburg Condominiums OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X. as follows:

1. The plan includes the construction of three affordable dwelling units on the subject site. As the total number of dwelling units is eighteen, this meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – Subject to the provisions of Condition # 6b, the Planning and Economic Development Board finds that the affordable units are suitably sited within the development.
3. Minimum design and construction standards – Subject to the provisions of Condition # 6g, the Planning and Economic Development Board finds that these standards are met.
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 Planning and Economic Development Board, on \_\_\_\_\_, made the following **ADDITIONAL FINDINGS** regarding this application.

1. The construction of sidewalks along the West Street frontage of this development is not practical due to the location of a certified vernal pool on Open Space Parcel A.
2. In June 2005, the applicant received a comprehensive permit from the Medway Zoning Board of Appeals for the same parcel of property. To avoid having two inconsistent development permits on the same property, the applicant has agreed to voluntarily withdraw his chapter 40B permit upon approval of the OSRD Definitive Plan. This proposal for an 18 unit OSRD project is an appropriate alternative to the previously approved 40B development for this same site because it provides open space to the Town, its impact on the sensitive natural resources of the site is reduced, and the project still produces three affordable housing units.

**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*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Planning and Economic Development Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Planning and Economic Development Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Planning and Economic Development Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the regulations from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

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

*Explanation* –The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service; Verizon and Comcast follow the NSTAR design. NSTAR does not begin the

design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

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

**Section 6.6.3 Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.**

*Explanation* – Applicant requests a waiver from this regulation as Williamsburg Way will be a Private Roadway when constructed.

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

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

*Explanation* – Applicant requests a waiver from this regulation as Williamsburg Way will be a Private Roadway when constructed and therefore these items are not needed.

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

**Section 6.8.2 Street Acceptance/Infrastructure Acceptance Fee**

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

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

**Section 6.8.3 Street Acceptance Plan**

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

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

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

*Explanation* – The Applicant requests a waiver from this regulation. As Williamsburg Way will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development.



Therefore, the various town boards and departments do not need to conduct such inspections.

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

**Section 6.8.6 Street Acceptance - Planning Board Recommendation**

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

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

**Section 6.8.7 Street Acceptance Town/Meeting Warrant**

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

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

**Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout**

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

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

**Section 6.8.9 Approval of Street Acceptance Plans**

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

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

**Section 6.8.10 Street Acceptance/Town Meeting Acceptance**

*Explanation* – The applicant requests a waiver from this regulation. As Williamsburg Way will be a Private Roadway when constructed and the Town will not be accepting

this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

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

**Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan**

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

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

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

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

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

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

*Explanation* – A waiver from this regulation will be needed. The roadway will be a permanent private way to be owned by the Condominium Association. However, because the roadway is planned to be one way only and sixteen feet wide, the applicant plans for only an eighteen foot right of way to allow for some minimal future expansion of the paved area if needed.

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

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

*Explanation* – The applicant requests a waiver from this regulation. Williamsburg Way is planned to be a one-way, Private Roadway with a pavement width of fourteen feet at the entrance increasing to sixteen foot width for the remainder. The roadway layout will be eighteen feet allowing for future expansion of the pavement from sixteen to eighteen feet.



**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 and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:

a) The maximum number of dwelling units to be constructed under this Special Permit shall be eighteen (18). 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 and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated August 20, 2008, last revised February 23, 2009 shall be further 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) The title page will list all plan sheets
- e) A standard signature block shall be provided on each sheet.
- f) The Primary Development Parcel shall be labeled Parcel C.

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 and Economic Development 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 and Economic Development 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:
  - 1) General color palette and mix.
  - 2) Street name.
  - 3) The location and specifications for a playground on ~~Open Space~~ Parcel A or on the primary Development Parcel (C)
  - 4) Detailed landscape plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.
  - 5) Detailed design for a landscape barrier to screen the 68 West Street between the access roadway and the house and behind the house.
  - 6) Materials specifications for the exterior of the dwelling units.
  - 7) Maintenance plan for the both open space parcels including mowing, removal of underbrush.
  - 8) Bench location (in the northwest meadow) and design.
  - 9) Specifications that stone wall construction shall be consistent with the existing stone walls on site and shall be replicate a rustic, dry laid construction style.
  - 10) Location and materials specifications for construction of a pathway from the Visitor Parking Lot running approximately 200 feet into Parcel B.
- 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, building materials specifications **for exteriors** and any designs submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

#### 4. **Open Space**

- a) Open Space Parcel A shall remain as open space to be owned by the Williamsburg Condominiums Trust for primary use by the residents of the development. Parcel A shall be protected to the satisfaction of the Planning and Economic Development 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. 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 A, to be approved by the Planning and Economic Development Board and Town Counsel and submitted to the Secretary of the Executive Office of Environmental Affairs.
- b) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its 2-12-09 meeting, agreed in principle to receive on behalf of the Town of Medway the conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4 a. herein, this condition does not require nor specifically allow the Williamsburg Condominium Association to construct additional trails on Parcel B.
- c) Prior to the conveyance of Parcel B to the Town, 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.
- d) A mini playground for use by residents of the development shall be provided on ~~Parcel A~~ ~~or~~ Parcel C (the primary development parcel).

#### 5. **Stormwater Drainage System** - The planned stormwater management system for the Williamsburg Condominium development shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:

- a) substantial landscape screening shall be provided at any locations where rip rap is used.
- b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.

#### 6. **Affordable Housing**

- a) Three 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 # 9, 11 and 17. The Affordable units shall have three bedrooms.
- c) As part of the Definitive Plan process, the applicant shall prepare **or cause to be prepared** an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, 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 **or cause to be prepared** a marketing plan for the selection of qualified purchasers for Planning and Economic Development 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 Williamsburg Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
  - 1) the unit numbers of the designated affordable units
  - 2) that the affordable units shall be sold to income eligible persons or households
  - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory
- g) *Minimum design and construction standards for affordable housing units –*  
The affordable housing units shall:
  - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
  - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
  - 3) comply in all respects to the minimum design and 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 1,500 square feet and three bedrooms excluding basement space.

- h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.
  - i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing shall apply.
7. **Water Conservation** – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway’s water withdrawal permit.
8. **Preservation of Site Features**
- a) *Stone Walls*
    - 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site’s existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.
    - 2) There is a prominent stone wall on the southern border of the property which should be preserved and repaired or enhanced where needed. If possible, a corresponding stone wall should be installed on the opposite side of the roadway using old stone from the stone walls that have to be removed elsewhere on the site to duplicate the general style of the existing stone wall. If sufficient old 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) *Upland Meadow* - The Upland Meadow on Parcel B shall be retained.
9. **Sidewalk Construction**
- a) The construction standards of the *Subdivision Rules and Regulations* require the installation of sidewalks along a property’s frontage of existing public ways. For this site, the frontage along West Street is approximately 225 linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property’s West Street frontage is not practical due to the location of a vernal pool on Open Space Parcel A. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment to the Medway Sidewalk Improvement Fund in the amount of \$ \_\_\_\_\_. This payment shall be provided to the Town before the occupancy permit for the seventh market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first.
  - 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.
10. **Architecture**
- a) The duplexes may be constructed such that different unit types may be combined in one building.
  - b) The development, when completed, will include all 6 unit types.



- c) In Type F units with 2 garages, at least one garage shall not face the street.

11. **Parking** - As there is very limited room for on-street parking, each dwelling unit shall provide at least 4 off street parking spaces which may include garage spaces.

**12. Condominium Management**

a) A Williamsburg Condominium Association shall be established and be responsible for the upkeep and maintenance of the roadway, drainage system and both Open Space  
Parcels A and B.

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 and Management Plan
- 2) Declaration of Trust of the Williamsburg Condominium organization
- 3) Open Space/Conservation Restriction applicable to Parcel A.

**13. Ownership/Maintenance of Common Areas**

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

b) The Planning and Economic Development Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:

- 1) roadways and parking areas
- 2) stormwater management system
- 3) snowplowing/sanding and other road maintenance and repairs
- 4) landscaping
- 5) street lighting
- 6) Open Space Parcel A

Such services shall be the responsibility of the Williamsburg Condominium Association.

c) Open Space Parcel B shall be maintained by the Williamsburg Condominiums Association including the mowing of the upland meadow at least twice a year and the annual mowing/packing/preparation of a pathway on Parcel B. All maintenance work performed on Parcel B after Parcel B has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the ~~Town Administrator's office or his/her designee.~~ Director of the Department of Public Services. The Association will notify the Town Administrator or his/her designee prior to performing any maintenance on Parcel B after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on Parcel B.

14. **Fire Protection** – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town's fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Williamsburg Condominiums concept plan shows approximately 1,134 linear feet of roadway. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the occupancy

permit for the seventh market rate dwelling or within three years after the first building permit is issued, whichever comes first.

15. **Signage** – The Williamsburg Condominium development will not include any development identification signage except for standard private way street signs.
16. **Restriction on Construction Activities** - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:
  - a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
  - b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.
  - c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday.
17. **Payment of Balance of Fees/Taxes** - Prior to Planning and Economic Development Board's signature of this special permit, the Applicant shall pay the balance of any outstanding plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.
18. **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 dated August 20, 2008, last revised February 23, 2009 to be further revised as specified herein.
19. **Modifications** – No modification shall be made to the Williamsburg Condominiums OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable *Rules and Regulations* in effect at that time.
20. **Project Completion**
  - a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway

or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.

- b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within five years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.

21. Upon the expiration of the twenty day appeal period after the approval of the OSRD Definitive Plan, the applicant or its assigns shall submit a letter to the Medway Zoning Board of Appeals requesting that its comprehensive permit granted on June 16, 2005 for the subject property be declared null and void.

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

#### **DECISION/VOTE**

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Board, at a duly posted meeting on \_\_\_\_\_ 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 dated August 20, 2008, last revised February 23, 2009 to be further revised as specified herein and attached hereto as Exhibit A, to develop an 18 unit OSRD (9 duplex buildings) including 3 affordable dwelling units, subject to the CONDITIONS and LIMITATIONS specified herein. This approval is transferable to successors in title of the subject property, or assignees.

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

- (a) The proposed OSRD achieves greater flexibility and creativity in the design of residential development than a conventional subdivision plan by siting the 9 two-family buildings (18 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 open space (Open Space Parcels A and B) including wetlands, a tributary of Hopping Brook, upland meadows, wet meadows, a pine grove, a vernal pool and several stone walls.

- (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 only 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 positively recommended by the Design Review Committee.
- (i) The OSRD is compatible or in harmony with the character of adjacent residential neighborhoods in that the architectural style of the units is in keeping with New England character. Furthermore, and development is set back considerably from the street.
- (j) The OSRD will not have a detrimental impact on abutting properties and residential neighborhoods. The location of this development is on West Street, a thru street between Routes 109 and 126 and there are few directly abutting residences.
- (k) Any impacts of the OSRD on abutting properties and residential neighborhoods have been adequately mitigated with the 15 foot landscape buffer and the access roadway is skewed as far away as possible from the abutting residence at 68 West Street.
- (l) The OSRD protects and enhances community character by using New England architectural style and increasing the diversity of housing options in Medway.

**Voting Planning and Economic Development Board Member**      **Grant/Not Grant**

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

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

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

**MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD**

Date Approved: \_\_\_\_\_

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: Affordable Housing Committee  
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

