

November 10, 2009
Planning and Economic Development board
Sanford Hall, 155 Village Street

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Chan Rogers, John Williams

ABSENT WITH NOTICE: Tom Gay

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning Board and Economic Development Coordinator
Gino Carlucci, PGC Associates
Dave Pellegrini Tetra Tech Rizzo
Amy Sutherland, Meeting Recording Secretary

The meeting was called to order at 7:00 pm

BOARD BUSINESS:

Video Taping:

The members discussed the video taping of the meetings and will do a better job of controlling the positioning of the cameras.

Minutes:

The minutes from October 27, 2009 will be held until all members are present.

Conflict of Interest Packet:

The members were given a packet of information regarding Conflict of Interest and Ethics training. All members are required to take the online training and submit the Certificate of Completion form to Susy.

COMMITTEE/TASK FORCE REPORTS

School Building Committee (Bob Tucker)

This committee has met and has received 15 RFP's and will be narrowing this down to five for the repairs at the middle school. Further update will follow.

Water and Sewer Committee (Chan Rogers)

There is nothing new to report.

Conservation Commission (Andy Rodenhiser)

There will be a meeting on Thursday, November 12, 2009 at 8:15 pm to discuss pending changes to the conservation rules and regulations. It was communicated that all are encouraged to attend.

PUBLIC HEARING - Williamsburg Condominiums Definitive Subdivision Plan: Open Space Residential Development (OSRD) Definitive Plan

The public hearing for Williamsburg Condominium Open Space Residential Development (OSRD) Definitive Plan was opened at 7:15 pm. The plan was prepared by Faist Engineering of Southbridge. The development is for 18 units as authorized by an OSRD special permit granted by the Planning Board back in March 2009 and was not appealed. The public hearing notice is attached (ATTACHMENT 1).

Chairman Rodenhiser reviewed the process and steps which the board will take to proceed.

1. Allow for presentation
2. Questions and Inquiry from the board
3. Public Inquiry
4. All must give name and address for the record

David Faist of Faist Engineering presented an overview. Mr. Faist noted he had met with Tetra Tech Rizzo at the request of Medway Planning Board to review the “Williamsburg Way” Definitive Subdivision Plans.

Correspondence from PGC Associates, Inc. dated November 2, 2009 and a memorandum from Tetra Tech Rizzo dated November 4, 2009 were provided. (See ATTACHMENTS 2 & 3).

The parcel mapping was reviewed and Ecotec did the consulting and reflagging of the unregulated isolated wetland areas. An ANRAD was submitted to the Conservation Commission. (Note – Mass DEP issued a Superseding ANRAD on October 25, 2009).

Mr. Faist noted that he met with the Wickis family late this afternoon about an access to the east side of their property via West Street. (See attached email communication – ATTACHMENT 4)

Drainage:

Faist Engineering explained that reflagging has been done and the DEP agrees with this. Parcel A has been defined as open space to be owned by the Condominium Association. The report from PGC Associates references that the OSRD Special Permit found that the proposed open space met the requirements for area and percentage of uplands. It was recommended that a table should be provided on the definitive plan. The engineer communicated that Parcel B had also been defined as open space and the wetlands have been rechecked and this area will be deeded to the town. Parcel C has been noted in the Special Permit as the Development Parcel.

A question was asked regarding if old West St. is represented on the map and the answer was yes. The board discussed that the forebays should be modeled in HydroCad to verify that they function as designed. The engineer explained that there will be three separate forebays to collect run-off. It was suggested that a pea stone gravel strip be added to prevent erosion. The peastone will require maintenance over time. This was recommended by DEP. The drainage calculations are conservative and the goal is to make sure that the infiltration works. A maintenance plan for the stormwater drainage facilities will be submitted at a later date. Faist Engineering communicated that there will be meeting with the DEP to do a site walk under the NOI filing (scheduled for 11/12/09).

Chairman Rodenhiser noted that the roads on this project will be private and maintained by condominium association.

Member Tucker wanted to know how this plan can now drop three feet below the vegetated wetland.

The engineer noted that the soil changes dramatically on the site and the cuts may be able to be minimized. This can be looked at closer during the site walk.

Member Tucker wanted to know where the line is with the clay and sandy soil. The engineer explained the results of the testing done. He wanted to know if the pit can be softened up. The engineer will look into this. The landscape engineer will explain this further.

Member Spiller-Walsh wanted to know what the difference is between a forebay and basin. She wanted to know what the swale will look like. The engineer noted page sheet 12. She also asked what method will be used to make sure that the grass takes. The engineer noted that it depends on the material that is used.

The engineers will put together a response letter which will address the noted issues.

Letter from PGC Associates, Inc., Gino Carlucci, Jr.

A detailed letter was provided to the board. Under Section 5.7.26 of the Rules and Regulations, the board was in agreement that they would like to see a table listing the total area, number of area of lots, areas of streets on the cover sheet. This has not been provided to date. Also under Section 5.7.28 regarding the requirements for streetlights, the board discussed adding streetlights near the intersections with West Street. Jim Leblanc from TO Design, Inc. provided and explained the lighting plan (dated 10/15/09) which is to be added to the plan set. There will be eight lights on one side of the road. The detail information was provided on page sheet 16 of 17.

It was suggested that there could be additional street lights at the entrance and exit on West Street but this was not specifically proposed. Faist Engineering does not think that it is necessary. The design for the lights was taken from the Dark Sky Initiative.

Abutter Corrie O'Callaghan, 65 West St. explained that there were adequate street lights on West Street.

Associate Member Williams noted that with the financial burden on the town to pay for the street lights, this may be a good opportunity for the developer to provide a light at the exit. The existing light on West Street may not always be there if the town cannot afford to keep it on.

The Chairman communicated that what has been proposed currently is fine.

Play Ground/Play Area:

The board discussed the difference between a playground and play area. The engineer informed the board that he has a person working at the company who specializes in play areas.

Open Space Committee Member – John Schroeder suggested a play area. The residents of the Homeowner’s Association could make that decision.

Member Spiller–Walsh communicated that the open space in the back is a recreational area in itself. It was not her thought to necessarily have a playground as a presence. This could be an open field area.

Chairman Rodenhiser suggested that he would rather see one designated area and let the Homeowner’s Association decide what to do with the play area. He was also wondering if there is any liability for the public being able to use the open space.

Mr. Yorkis explained that there is a public parking area to provide access to Open Space Parcel B and it is separated by privately owned land. There will need to be an easement shown to allow access across the private property to get to the public open space area. Moving the play area to a new location will work.

Landscape Planting Plan: Jim Leblanc

Mr. Leblanc explained that all material and plants used were taken from the town plant compliance list. The intent of the landscaping design is to create a boulevard effect and to allow for adequate shade. Trees such as maple, and oak work well in urban climate and conditions. The trees will be planted selectively. There will be evergreens for screening. The mowing will be part of the maintenance.

Mr. Yorkis noted that this is not the final landscaping plan and he will put into language the maintenance of the pathway.

Member Spiller-Walsh would like to see more plantings or screening on the basin to the west.

Mr. Schroeder communicated that he has recently learned about plants that are not indigenous species. He was wondering if more native and/or mature trees on site could be transplanted and used. Mr. Schroeder suggested that he go back to the Open Space Committee and a letter could be created to update the list of the native and indigenous trees in Medway. The Chairman noted that this would be helpful. Susy noted that a waiver to that list of acceptable trees could be submitted.

Stone Walls:

The report from Gino Carlucci recommended that the board know which stone walls are intended to be retained and which are to be moved elsewhere on site. The engineer explained that this is still in the evaluation process. Chairman Rodenhiser would like to see a plan showing what stones will be taken and what ones will be being replaced.

Affordable Housing Plan:

Mr. Yorkis informed the board that the Affordable Housing Regulatory Agreement is in the working phase.

Condominium Master Deed:

The board was reminded that the condominium master deed, a declaration of trust a conservation restriction be recorded. This will need to be done prior to an occupancy permit being issued.

Waivers:

The board discussed the waiver from Section 6.6.3 regarding the Partial Bond Release. Chairman Rodenhiser communicated that he would like to see insurance bonds being used.

Color Palette

The memo from PGC Associates, Inc. noted that based of the OSRD Special Permit Condition, it is required that the general color palette and mix be specified. A draft letter was received from Gwen Hendry, Chairman of the Design Review Committee. The letter informed the board that a meeting was held on November 2, 2009 with Paul Yorkis to review and discuss the color palette for the Williamsburg Condominiums. It was recommended that the premium colors: Briarwood, Pewter, Wedgewood, Sagebrook, and Cobblestone be used. The board was comfortable and feels that the palette as recommended is appropriate for this project. (See ATTACHMENT 5).

There will be a site walk held on site **Saturday November 14, 2009 at 9:00 am**. This meeting will need to be posted.

The public hearing for Williamsburg Condominium Open Space Residential Development will be continued to **Tuesday December 15, 2009 at 7:15 pm**

Resident Paul DeSimone and Dr. Michael Robinson were present at the hearing. Dr. Robinson owns Medway Animal Hospital at 66 West Street (adjacent to the site). Mr. DeSimone has a concern about the development's impact on the sewage treatment plant. Susy will talk with the Town Administrator about this.

The board discussed having a meeting with various boards to determine what type of scale requirements will be used with plan submissions. The requirement seems to vary amongst boards. Susy will arrange a meeting with various boards.

PROPOSED NUISANCE/BLIGHT BYLAW - Building Commissioner, John Emidy

The Board received a copy of the proposed Nuisance/Blight Bylaw which was recently revised on October 29, 2009.

The Building Commissioner explained his procedure and enforcement. If enforcement is needed, he would rather issue a civil compliant and not criminal. Member Tucker noted that storage containers should be addressed. Mr. Emidy feels that this could be more of a zoning issue and not an issue for this particular bylaw.

The board then began discussing how farms are affected by the proposed bylaw. The building Commissioner notes that working farms must be given latitude. Farms and equipment are exempt if they are using the equipment.

Under Section (6) nuisance, member Spiller-Walsh noted that this could refer to agricultural buildings.

Susy noted that it is proper to disclose that member Spiller-Walsh has agricultural animals on her property on Holliston Street.

A question was raised about if functioning farms would be exempt from the nuisance/blight bylaw. Susy will check into this with town counsel.

Member Tucker communicated that this is a good first step since town counsel has already reviewed this.

Recommendations from Mr. Carlucci for the Proposed Nuisance/Blight Bylaw:

- There is no definition that is specific to the violation.
- Section 12.25 (B) 5 needs to be changed. There is a typo in the section.
- Section 6 (f) should change to Zoning Bylaw not sub-section R of Regulations.

On a motion made by Chan Rogers and seconded by Bob Tucker, the board voted unanimously to favor the adoption of the Proposed Nuisance and Blight General Bylaw.

REVIEW OF SUBDIVISION RULES AND REGULATIONS

See ATTACHMENT 6 for list of discussion questions.

6.1 TIME FOR PLAN COMPLETION:

The board discussed the pros and cons of changing the three year period to complete a subdivision. At the conclusion of the discussion, it was agreed to keep it to three years. The board was in agreement with the noted language with the exception of the sign offs from various utility companies. The board would like to keep it specified that the extensions shall only be granted for a 1 year period. It was also felt that the construction phasing should be handled on a case by case basis.

Chairman Rodenhiser noted that if he were an abutter he would want to know what the circumstances are which caused the applicant to seek an extension and to be notified. Also, that having developers have to check in with the Planning Board provides some oversight.

6.2 PLAN MODIFICATION:

The point of discussion focused around what level of change constitutes a modification. It was agreed upon that this is very hard to define. When the board began discussing plan modifications, it was advised by the Chairman to ask member Spiller-Walsh to recuse herself from speaking as a member as she is presently developing a subdivision herself on her Holliston Street property. She stepped down from the member table and sat in the audience location.

Member Spiller-Walsh noted that she did speak with ethics. She believes that it is difficult for the applicant to have to come to the board when something minor does change with the plan. It is on the applicant to handle this change through a full public hearing. This is costly for the applicant.

Chairman Rodenhiser felt that board could review the application for the extension and address if they have met the standards.

Member Spiller-Walsh wanted to know the board would do if the standards have changed over the time of the initial approval.

Chairman Rodenhiser did not want to address any specific subdivisions, but suggested to set up a time and date if member Spiller-Walsh wanted to discuss her particular situation.

Member Tucker left at 10:11 pm.

The board would like to get more guidance from Mr. Carlucci and Mr. Pellegri and Town counsel to help differentiate between a modified plan element/condition and the board's approval decision/certificate of action.

Member Spiller-Walsh rejoined the meeting as a member.

6.3 PLAN RECISSION:

If was suggested to add specify the provisions re: plan recission and how it applies to definitive subdivision plans and not to ANR plans. This can be found in case law.

Member Rogers indicated he wanted to talk about the upcoming Conservation Commission public hearing about rules and regs.

- **On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the board voted unanimously to temporarily suspend their discussion on the Subdivision Rules and Regulations.**

CONSERVATION COMMISSION RULES AND REGULATIONS

An 11/4/09 letter from Seyfarth Shaw regarding the Conservation Commission Wetlands Regulations was distributed. Member Rogers communicated that he believes the new regulations proposed by the Conservation Commission would be a detriment to the town. Chairman Rodenhiser explained to member Rogers that the Conservation Commission has not met to discuss the letter as presented. Member Rogers did not know that. It was recommended that the board not take a public stand on the proposed ConCom Rules and Regulations.

- **On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the board voted unanimously to go back into discussing the Subdivision Rules and Regulations.**

SUBDIVISION RULES AND REGULATIONS

6.5.2 The language should include that pre-construction meeting should take place prior to the breaking of soil.

- 6.5.3 The approval of each inspection should be in conformance with the DPW. Susy will ask what sort of checklist the DPW uses. Chairman Rodenhiser wants to remain diligent about the expectations.
- 6.6 Adjustment of Performance Guarantee. This section will be looked at more closely by Dave Pelligri.

PLAN REVIEW FEE FOR DANIELS WOOD II SUBDIVISION MODIFICATION

The board reviewed the estimate which was provided by Tetra Tech Rizzo for the review fee for the Daniels Wood II Subdivision Plan. The estimate includes reviewing the application submittal, engineering, site visit, design review and the attendance at two meetings.

- **On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the board voted unanimously to approve the estimate from Tetra Tech Rizzo for review of the Daniels Wood II Subdivision in the amount of \$2,950.00.**

John Williams left the meeting at 11:05 pm.

CASSIDY CORNER – SIGNS

A memo (ATTACHMENT 7) was provided to the members from Susy Affleck-Childs regarding the temporary signs which are placed on Cassidy Corner. There are a number of non-profit groups who regularly use this spot to post event signs. The board agrees that this area needs to be cleaned up. The current provision notes that temporary special event signs are exempt from sign regulation. This fence is located on private property, and owned by the Cassidy family. The discussion will continue.

- **On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 11:15 pm.

Respectfully Submitted,

Amy Sutherland
Meeting Recording Secretary

Reviewed/edited: Susy Affleck-Childs

ATTACHMENT 1



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

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

October 16, 2009

TOWN OF MEDWAY PLANNING BOARD
NOTICE OF PUBLIC HEARING

Williamsburg Condominiums - Open Space Residential Development (OSRD)

Application for Approval of OSRD Definitive Plan

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD), notice is hereby given that the Medway Planning & Economic Development Board will conduct a Public Hearing on ***Tuesday, November 10, 2009 at 7:15 p.m. in Sanford Hall at Town Hall, 155 Village Street, Medway, MA***, to consider the application of Williamsburg Condominium Corporation of Medway, MA for approval of an Open Space Residential Development Definitive Plan entitled *Williamsburg Way Definitive Plan* dated August 31, 2009, revised October 15, 2009, prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying Co of Medway, MA.

The subject property is a 13.86 acre site at 66A, 70, 70R and 72 West Street. The property is located on the north side of West Street across from Holbrook Street in the ARII zoning district. Owned by the applicant, the site is comprised of four (4) parcels - Medway Assessors Map 2 - Parcels 7B, 6-1-B, 6-1-2, and 6-1-3. On site features include wetlands, a tributary to Hopping Brook, upland meadows, a vernal pool, wooded areas, pine grove, open fields and stone walls.

The proposed Williamsburg Condominium development has already been approved and received an Open Space Residential Development Special Permit from the Planning and

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Economic Development Board. Issued on March 10, 2009, the special permit permits the construction of a condominium community comprised of nine duplex buildings (18 townhouse residential dwellings) including three affordable dwelling units and requires the preservation of 8.65 acres of open space (Parcels A and B) to be accessible to the general public. Site access from West Street will be provided by a sixteen foot wide, one way 1153 foot long private roadway and approximately 1200 linear feet of interior sidewalks/pathways.

The proposed Williamsburg Way Definitive Plan that is the subject of the 11/10/09 public hearing represents the second stage of the 2 stage approval process and provides the detailed engineering for the roadway, utilities, stormwater drainage facilities and other infrastructure. The plans will be reviewed by the Town's Consulting Planner and Engineer and various town boards and departments.

The Williamsburg Way OSRD Definitive Plan and application are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m.

Any person or party who is interested or wishes to be heard on this proposal is invited to review the plans and express their views at the date, time and place so designated for the public hearing. Written comments are encouraged and may be forwarded to the Medway Planning and Economic Development Board at 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org.

Andy Rodenhiser
Chairman

To be published in the *Milford Daily News*: Tuesday, October 27, 2009
Monday, November 2, 2009

cc: *Planning Boards* - Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Medway Town Officials/Departments – Board of Selectmen, Board of Assessors, Board of Health, Building Commissioner/Zoning Enforcement Officer, Community Preservation Committee, Conservation Commission, Design Review Committee, Fire Department, Open Space Committee, Police Department, Department of Public Works, Town Administrator, Zoning Board of Appeals.

ATTACHMENT 2

To: Susan Affleck-Childs – Medway Planning Board Assistant
From: Brian Marchetti, P.E.–Tetra Tech Rizzo
Steven Bouley–Tetra Tech Rizzo
Re: **Williamsburg Way Subdivision Plan Review**
Medway, MA
Date: 11/4/2009

At the request of the Medway Planning Board, Tetra Tech Rizzo reviewed the “Williamsburg Way” Definitive Subdivision Plans against the Town of Medway Planning Board Rules and Regulations for the review and approval of Land Subdivisions.

Definitive Subdivision Plans

The subdivision plans were reviewed against the Town of Medway Planning Board Rules and Regulations for the review and approval of Land Subdivisions, the Town of Medway OSRD Zoning By-Law and good engineering practice.

Conformance with Town of Medway, Massachusetts Zoning By-Law for OSRD

The figures and equation used to determine the maximum number of dwelling units is not provided. (ZBL §T.7.a) (The requirement for the maximum number of dwelling units was previously approved in the special permit and concept decision dated March 10, 2009)

2. The figures used for the determination of the open space requirements are not provided. (ZBL §T.9.a) (The open space requirements were previously approved in the special permit and concept decision dated March 10, 2009)

3. Verify that the Definitive Plan is in compliance with ZBL §T.12.

Conformance with Rules and Regulations for the Review and Approval of Land Subdivisions – Section 5 Procedures for Submission and Review of Definitive Subdivision Plans (Chapter 100)

4. Form D has not been submitted (Ch. 100 §5.5.3)

2

5. Form E – A Certified List of Abutters has not been submitted (Ch. 100 §5.5.4)

6. The plans are not at the required scale of one inch (1”) equals forty feet (40’). (Ch. 100 §5.6.3)

7. The plans provide elevations in reference to the National Geodetic Vertical Datum of 1929 (NGVD 1929) not the required North American Vertical Datum of 1988 (NAVD88). (Ch. 100 §5.6.3)

8. The plans do not provide identification of permanent monuments. (Ch. 100 §5.7.11)

9. The plans do not provide the lot shape factor line. (Ch. 100 §5.7.14)

10. The plan and profile sheets provide one (1) benchmark per sheet not the required two (2).(Ch. 100 §5.7.20)
11. The long term operation and maintenance plan was submitted as an attachment to the definitive plan, not shown on the definitive plan itself. The applicant shall verify that this is acceptable to the Planning Board. (Ch. 100 §5.7.23(e))
12. The plans do not include a table providing area information for the parcels of land. (Ch. 100 §5.7.26)

Conformance with Rules and Regulations for the Review and Approval of Land Subdivisions – Section 7 Design and Construction Standards (Chapter 100)

13. Spare communication conduit shall be installed in the same trench as elec/tel/cable for future use by the Town of Medway. Utility conduit detail on sheet 11 of 17 shows three (3) conduit. Verify that this detail accommodates the required spare. (Ch. 100 §7.6.2 (h))
14. Runoff volumes have been mitigated for the 2, 10, 25, 100 year storm events. The rate for 100-year storm has been exceeded. (Ch. 100 §7.7.2 (d))
15. Sediment forebays should be modeled in HydroCAD to verify that hydraulically they function as designed and do not cause flooding impacts during the larger storm events. (Ch. 100 §7.7.2 (g))
16. Permanent maintenance easements and provision for vehicular access shall be provided along the eastern length of drainage swales and detention basins. (Ch. 100 §7.7.2 (k))
- 3
17. Limits of detention/retention basins and related structures shall not be closer than 30' from a lot line or right of way. (Ch. 100 §7.7.2(p))
18. An independent drainage system shall be provided to collect and discharge subsurface runoff from the foundation perimeter drains for the houses along the proposed roadway. (Ch. 100 §7.7.4 (d))
19. Applicant shall verify that the proposed one-way subdivision road is adequate to provide emergency, fire and police access. (Ch. 100 §7.8.1)
20. Use of Local Street construction standards is required for subdivision of 6 or more lots/dwelling units. (Ch. 100 §7.9.1(d)) (See Waiver Worksheet)
21. Applicant shall verify that the proposed roadway meets the Alignment requirements within this regulation. (Ch. 100 §7.9.2)
22. Proposed ROW width does not match the requirement of the town. The new dimension should be shown on the Definitive Subdivision Plan. (Ch. 100 §7.9.4) (See Waiver Worksheet)
23. The minimum centerline grade for any street shall not be less than 2%.

(Ch. 100 §7.9.5(a))(See Waiver Worksheet)

24. The proposed roadway width does not meet the minimum requirements per this section. (Ch. 100 §7.9.7(g)) (See Waiver Worksheet)

25. Vertical granite curb should be provided at intersecting roadways. Detail should be added to the OSRD Layout plan. (Ch. 100 §7.10.1(a))

26. Curbing should be provided for the full length of all streets along each side.(Ch. 100 §7.10.2) (See Waiver Worksheet)

27. Driveway dimension should be labeled on the plan to verify that they are compliant with the Town of Medway standards. (Ch. 100 §7.11.1)

28. Driveway detail is not consistent with the town standard. (Ch. 100 §7.11.3)

4

29. Sidewalks shall be 6' wide. (Ch. 100 §7.13.2)

30. Sidewalks shall also be provided along the entire frontage of the subdivision parcel and along existing town ways. (Ch. 100 §7.13.3)(See Waiver Worksheet)

31. Fire hydrants shall be placed 7'6" behind the back of curb/berm. (Ch. 100 §7.17.2)

32. 6" minimum of compacted loam shall be provided on all roadway side slopes, grass strips and housing unit lawn areas. Note on plans. (Ch. 100 §7.18)

33. At least 3 trees are to be located on each lot. (Ch. 100 §7.19.2) (See Waiver Worksheet)

34. Verify with the Town of Medway Tree Warden that proposed trees are acceptable. (Ch. 100 §7.19.4)

35. Verify that proposed signs are acceptable to the Town of Medway. (Ch. 100 §7.20)

36. Developer shall install street lighting at the entrance to the subdivision or other areas where the Traffic Safety Officer deems necessary. (Ch. 100 §7.21.1)

Stormwater Management Design

37. Within Subcatchment 1A of the Proposed HydroCAD model, verify that the bituminous driveway to #68 West Street is included in the model.

38. Subcatchment 2A of the Proposed HydroCAD model is labeled as including building units 13-18. The area breakdown of subcatchment 2A states that building units 11-18 are included. Verify the correct area to be included within Subcatchment 2A and update the model as required.

39. The Existing HydroCAD model was analyzed over a time period of 1-48 hours. The Proposed HydroCAD model was analyzed over a time period of 0-48 hours. This variation in the

model should not have an effect on the output however the Existing model should be revised to be consistent with the Proposed model.

40. The 12” RCP outlet from the proposed stormwater basin is not modeled in HydroCAD. This outlet should be modeled as the primary outlet, and the 2-4” diameter orifices, 4”x24” orifice and the 2’x2’ overflow grate should be modeled as devices to the 12” primary outlet.

41. The water quality volume calculation worksheet states that a volume of 4,438 cf is provided between elevations 212-213, below the 4” orifices. There is no way to verify that this is the volume provided below the 4” orifices. The Stage-Area-Storage printout from HydroCAD should be provided to verify that this volume is provided below elevation 212.50.

Stormwater Checklist – All required calculations per Volume 3 of the Massachusetts Stormwater Handbook shall be provided.

Standard 1 – This item has been addressed to our satisfaction.

Standard 2 – This item has been addressed to our satisfaction.

Standard 3

- Because the recharge BMP is located within a soil with a rapid infiltration rate, 44% TSS removal must be achieved before reaching the infiltration basin. All TSS removal calculations must be submitted.
- Drawdown calculations must be submitted to verify the basin will empty within 72 hours.
- Groundwater mounding calculations must be submitted because the bottom of the basin is located within four feet (4’) of the seasonal high groundwater table.

Standard 4

- All TSS removal calculations must be submitted. Weighted average calculations should be provided because all impervious areas (driveways) are not directed to BMP’s. Proprietary BMP documentation must be submitted for the water quality unit to be utilized.

Standard 5-7 – Not Applicable

Standard 8 – Stormwater Pollution Prevention Plan (SWPPP) to be submitted before construction begins as stated within the checklist.

Standard 9 – The inspection frequency for sediment forebays within the table should reflect the description following the table which is consistent with the maintenance requirement outlined by the DEP.

Standard 10 – This item has been addressed to our satisfaction.

6

Good Engineering Practice

Sheet 3 of 17

- Ground cover should be shown and labeled.

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- Why aren't the unregulated isolated wetlands flagged?
- Is mitigation proposed for any impacts due to the forebay construction and culvert installation?

Sheet 4 of 17

- Drainage easements are not shown around stormwater basin and drainage swales. Are they provided?
- Vertical granite curbing limits are not shown.

Sheet 5 of 17

- Rip-rap erosion control should be shown at every flared end section outlet and where the sediment forebays discharge to the vegetated swales.
- What is the roadway edge treatment where the country drainage is proposed?
- Will there be scouring at the forebays where the roadway runoff will be concentrated?
- Maintenance berm at basin 1 should be labeled. Is a maintenance/access berm provided at the forebays?
- The grass swales should be modeled in HydroCAD to verify they have the capacity to handle the anticipated flows.
- Foundation drains and discharge locations are not shown on the plan.

Sheet 6 of 17

- Sewer manhole information at the east end of West Street is cut off of the plan.

Sheet 7 of 17

- Several drain pipe type, length and slopes are not labeled.

Sheet 10 of 17

- Driveway detail does not match the Town of Medway standard.
- Why is there a bituminous curbing detail? Where is this used on the plan?
- Provide a vertical granite curb to Cape Cod berm transition detail.

These comments are offered as guides for use during the town's review. If you have any questions or require additional information, please don't hesitate to contact us at (508) 903-2000.

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ATTACHMENT 3

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

November 3, 2009

Mr. Andy Rodenhiser, Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

Re: **Williamsburg Condominiums Definitive Subdivision Plan**

Dear Mr. Rodenhiser:

I have reviewed the definitive subdivision plan submitted by owner/applicant Williamsburg Condominium Corporation of Medway for a parcel on West Street. The plan was prepared by Faist Engineering of Southbridge, and is dated August 31, 2009 with a revision date of October 15, 2009. The plan establishes a condominium development of 18 units as authorized by an OSRD special permit granted by the Planning Board.

I have comments as follows:

Subdivision Rules and Regulations

1. Section 5.5.11 requires a Development Impact Report. This was not provided.
2. Section 5.7.26 requires that a table listing the total area, number of area of lots, areas of streets, etc. on the cover sheet. No such table was provided.
3. Section 5.7.28 requires that streetlights be shown on the plans. This information was provided. However, consideration should be given to adding streetlights near the intersections with West Street if there are not already lights in that vicinity.

OSRD Special Permit Finding

4. Finding #9 (a) of the OSRD special permit found that the proposed open space met the requirements for area and percentage of uplands. Though this was documented on the OSRD special permit plan, a table should be provided on the definitive to document that this is the still the case.

OSRD Special Permit Conditions

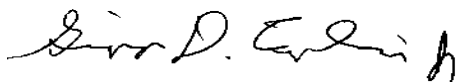
5. Condition #3 (d) requires certain information to be provided in the definitive plan set. Among the items that do not appear to be in the plan set are the following:
 - a. General color palette and mix;
 - b. Street name
 - c. Location and specifications for a playground;
 - d. Location and specifications for construction of a pathway from the visitor parking lot running approximately 200 feet into Parcel B.
6. Condition #6 (c) requires that an Affordable Housing Regulatory Agreement to be prepared and executed as apart of the definitive plan process. This was not provided.
7. Condition #6 (d) requires that a marketing plan for the affordable units be prepared as part of the definitive plan process. This was not provided.
8. Condition #7 requires that specific water conservation measures to ensure that water use remains below 65 gallons per day within the development be specified. This was not provided.
9. Condition #8 requires pertains to stone walls on the site. It is unclear which stone walls are intended to be retained and which are to be moved elsewhere on the site.
10. Condition #12 requires that a condominium master deed, a declaration of trust and a conservation restriction be recorded. However, this condition is to be completed prior to any occupancy permit being issued so it is not yet due.

Waiver Requests

11. Most of the waiver requests have been provided guidance in the OSRD special permit that they were likely to receive favorable consideration. However, the waiver from Section 6.6.3 regarding a Partial Bond Release was given guidance that it was not likely to be considered favorably.
12. Similarly, the OSRD special permit provided guidance that a waiver from Section 7.13.3 regarding construction of a sidewalk along the entire frontage of the property was not necessary since providing funds for off-site mitigation to construct a sidewalk elsewhere, as provided for in the special permit, complies with the regulation.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.

ATTACHMENT 4

From: Jim & Betty Wickis [mailto:jbwickis@verizon.net]
Sent: Tuesday, November 10, 2009 10:38 AM
To: Planning Board
Cc: Susan Affleck-Childs; 'Jim & Betty Wickis'
Subject: Williamsburg Condominium Definitive Plan/Abutter

Dear Susy:

We have just had a chance to review the definitive plans for the Williamsburg Condominium OSRD located on West Street. As abutters, most of the plans seem fine to us, with one exception: access to the east side of our property via the former West Street.

History: Around 1920, West Street was straightened into its present course, leaving a portion of the old roadway intact, but unused. The old roadway was never officially abandoned, according to a review of Town Meeting records performed by Harry Johnson more than a decade ago. This created a triangle of land, owned by us, bordered on three sides by our building lot, the current West Street, and the old roadway. When Mr. Greg Whelan bought the several parcels of land that comprise the Williamsburg Condominium OSRD, he found that his development plans were reduced because his road frontage on the current West Street was limited by the existence of this never-abandoned portion of the old West Street. Therefore, he approached us on three separate occasions, asking to buy this triangle of land so that he would have more road frontage. We initially explained that we were not interested in selling because we wanted to maintain access to our property through the old roadway. We had been using the old roadway since 1979, keeping it free of brush so that it remained passable. On Mr. Whelan's third approach, he stated that he would allow us to continue use of the roadway if we agreed to sell him the triangle of land. We agreed with this plan, and his lawyer, Tucker Reynolds, Esq., wrote a mortgage, with this statement:

“The premises are conveyed subject to the Grantors’ right to use the premises for access so long as the Grantors own the land abutting the premises to the west shown as Parcel 1 on the deed to Grantors recorded with said Registry of Deeds in Book 5587 at Page 721.”

The mortgage was signed in May of 2003, and consisted of an initial payment and a final payment due June 1, 2008. In 2008, Mr. Whelan said he did not have enough money to make the final payment and asked for more time. We agreed to his request and that final payment is still pending, although with a new owner of the property. We do not know if the new owner and developer of the property is aware of this agreement, as we have not spoken with him.

In looking at the current plans for the Williamsburg Condominium OSRD, there is a driveway leaving that property which crosses the old West Street roadway and enters the current West Street. The problem for us is that the plans seem to indicate the placement of a stone wall and shrubs in the old roadway that would deny us motor vehicle access to our property from the old roadway.

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APPROVED – November 24, 2009

Our request is that the new owner and developer honor the agreement for us to have access to our property, via the old roadway. Perhaps this could be accomplished by not putting in the stone wall and shrubs, and allowing us to drive into the Williamsburg driveway for a short distance and onto the old roadway. We are also open to other possible ways of allowing us access.

We thank the members of the Planning Board for looking at this problem.

Sincerely,

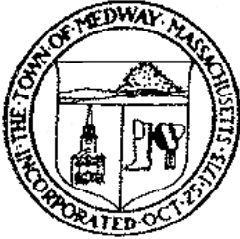
Elizabeth Wickis

James Wickis

74 West Street

Medway, MA

ATTACHMENT 5



Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

November 8, 2009 - DRAFT

TO: Medway Planning and Economic Development board
FROM: Gwen Hendry, Chairman
RE: DRC Recommendation – Williamsburg Condominium Color Palette for HOUSE SIDING

On Monday, November 2nd, 2009, the DRC met with Paul Yorkis to review and discuss the proposed color palette for Williamsburg Condominiums. At the meeting, we reviewed vinyl siding color choices to be used for the condominiums. The color samples reviewed were from the *Georgia Pacific Forest Ridge Vinyl Siding* line. With the exception of the colors *Pearl* and *Cream*, which will not be used in this development due to their tendency to fade, the applicant wishes to use the remaining colors of this manufacturer's palette as potential choices for units at Williamsburg Condominiums. Included in the color palette are the premium colors: *Briarwood*, *Pewter*, *Wedgewood*, *Sagebrook*, and *Cobblestone*. These colors along with the non-premium palette which offers some lighter shades shall be mixed within the development in order to prevent a repetitive, cookie-cutter appearance.

The DRC offers the following comments about the proposed color palette

- The DRC feels that the color palette is appropriate for the application, that the color scheme is attractive and will provide a variation of looks within the development if attention to each unit's surroundings is kept.
- The use of contrasting elements such as shutters and trim will add to the overall aesthetic of this site.

We offer the following comments/recommendations:

- The DRC suggests that by taking note of other color combinations in historic areas of Medway, the development will achieve an indigenous effect.

cc: Paul Yorkis, Patriot Real Estate

ATTACHMENT 6

MEDWAY SUBDIVISION RULES AND REGS

Discussion for November 10, 2009

Pages 33 – 43

SECTION 6 – ADMINISTRATION OF APPROVED SUBDIVISIONS

6.1 TIME FOR PLAN COMPLETION

This entire section is based on a 3 year period to complete any subdivision. That simply may not be realistic. Do you want to have a standard completion period for all subdivisions (perhaps 5 years??) or establish an individual completion period on a project by project basis depending on the size, etc. and include that time frame in the decision?

I think we should add language to define what constitutes “project completion”

- Construction work finished and determined to be acceptable or repairs made and inspected.
- Establish a warranty period for improvements. How long a period is reasonable? Some communities have 1 year.
- As-built plans submitted and approved
- All necessary deeds, easements, etc. submitted and approved by Town Counsel
- Street layout plans filed and layout approved by BOS (when roads are to be accepted as public ways)
- All taxes paid up to date on any land parcels (drainage, open space, roads) to be conveyed to the Town or any house lots still owned by the developer
- Any conditions/mitigation measures (specified in the decision) have been completed
- Certification signed by the developer and signed and stamped by the engineer that construction of the subdivision infrastructure has been completed in accordance with the approved/endorsed Definitive Subdivision Plan and any modifications or revisions thereto.
- Sign offs from various boards/departments that work is completed to their satisfaction – DPW, BOH, FIRE, POLICE, Disability Commission (??), ConCom or MASS DEP Certificate of Compliance if there is an Order of Conditions that pertains to the subdivision infrastructure/road/stormwater, etc.
- PB Certificate of Completion
- Sign offs from various utility companies????
- All catch basins and detention facilities are properly cleaned out.
- Entire subdivision area is cleaned up to leave a neat and orderly appearance free from debris and other objectionable materials.

6.1.2 Remove this responsibility for the PB to notify developer that as-built plan has not been submitted within 45 days prior to expiration of construction period.

6.1.3 Under what circumstances do you want to grant extensions to project completion deadline? What constitutes mitigating circumstances?

I would recommend that approving an extension of a completion deadline should NOT constitute a Plan Modification. A deadline extension should be handled by the PB at a meeting but without a requirement for a full public hearing.

Do you want the regs to specify that extensions shall only be granted for a 1 year period?

6.1.4 Construction phasing – It is not realistic for a developer to NOT phase the completion of a larger subdivision.

6.2 PLAN MODIFICATION

This section repeats what is in the Subdivision Control Law. Town Counsel feels it is not necessary to include, but I recommend keeping it in so the regs are complete and developers do not have to look in two places for info re: sub

However . . . there is nothing that really defines what level of change constitutes a modification. This is important because a plan modification needs to be handled thru a full public hearing process with a decision, appeal period, plan endorsement and then it has to be recorded. If something changes (drainage design) but there is no change in the roadway layout or lot arrangement, is that a modification or just a minor revision? When does a minor change in the field made during construction evolve into enough of a change to warrant a formal plan modification? We may need some guidance from Gino, Dave Pellegrini and Town Counsel.

I think it would also be good to differentiate between modifying the PLAN and modifying some element/condition of the Board's APPROVAL DECISION/ CERTIFICATE OF ACTION.

6.3 PLAN RECISSION

Town Counsel notes that it should be clearer that the list of reasons for rescinding a plan is illustrative and not limiting.

Should add info on process for rescission. Same as process for formal plan modification.

Specify that the provisions re: rescission apply only to definitive subdivision plans and not to ANR plans.

6.4 BUILDING PERMIT

6.4.1 Clarify that a structure cannot be built on a lot in an approved subdivision unless the PB has authorized a release of covenant for the particular lot in question.

6.5 CONSTRUCTION OBSERVATION/INSPECTION

I have asked for input from Dave D’Amico and Dave Pellegrini on this section, specifically on the list of essential inspection points and how the Town’s Consulting Engineer and Medway DPW will coordinate inspections.

- 6.5.1 Specify that the Town’s Consulting Engineer is acting as the PB’s Agent; delete reference to the Inspector
- 6.5.2 More specificity on when the Pre-Construction Meeting shall take place. The regs say “prior to construction.” What does that mean? Before any clearing?
- 6.5.4 How should the Medway DPW document its approval of each inspection step?

6.6 ADJUSTMENT OF PERFORMANCE GUARANTEE

Town Counsel recommends that all references to “bond” should be revised to say “surety or performance guarantee” instead.

- 6.6.1 The regs provide for a maximum of 3 performance guarantee reductions. Do you want to revise that number or delete all references to how many reductions you will allow?

Revise the text so that a minimum amount of performance guarantee is retained “until the project is determined to be complete (which includes a warranty period). Town Counsel has advised that we cannot retain a minimum bond until street acceptance occurs.

- 6.6.2 We should add that the amount of the performance guarantee will include anything shown on the plan that hasn’t been completed including but not limited to landscaping work, street lights, and any off-site mitigation requirements. Amount can also include maintenance expenses, preparation of as-built/street acceptance plans and legal services needed for project completion.

Can/should the performance guarantee also address installation of water, sewer and all other utilities and anything shown on the subdivision plan?

What about incomplete items specified a ConCom Order of Conditions pertaining to the road, infrastructure, utilities, and drainage (not matters on individual house lots)?

Is the 25% contingency OK?

- 6.6.3 What infrastructure construction should be in completed before the PB will authorize a lot release for house construction? Is there more you want to have in place? I have asked Dave D’Amico and Dave Pellegrini to look at this section as well.

6.6.4 Explain how reductions in performance security are processed – approved by PB, notify treasurer, processed thru town’s bi-weekly warrant system.

6.6.5 Add some language that performance guarantee accounts are not intended to serve as construction financing.

6.7 AS-BUILT PLANS

Add language that the subdivision as-built plans for those streets to be accepted by the Town and the official street acceptance/roadway layout plans can be combined into one plan set.

Add language that the as-built plans shall be prepared in conformance with the specifications for as built plans that are included in the Subdivision Rules and Regs that are in effect at the time the as-builts are actually prepared.

6.8 PROCEDURE FOR STREET/INFRASTRUCTURE ACCEPTANCE

Add a note that this section does NOT pertain to streets that are intended to be permanent private ways.

6.8.1 Town Counsel suggests that we not require formal legal descriptions (running courses and measurements) but make reference to a plan that shows locations and dimensions.

Town Counsel advises that we no longer require developers to convey full title in the streets to the Town, but to convey an easement.

Add requirement that all taxes must be current on any parcel being conveyed to the town.

6.8.2 Street Acceptance Fee – Change language so funds are paid to a 53G account/ revolving fund for outside consultants (engineering and legal).

6.8.4 Review by other Town Boards/Depts – The regs cannot **require** other boards/departments to act. Add review by Police Department

6.8.8 Roadway Layout – Add text that PB provides the BOS with a roadway layout recommendation. Change text so that it says the BOS will vote on roadway layout. The regs cannot commit BOS to approve roadway layout.

6.8.10 Change text so that it says Town Meeting will vote on street acceptance. The regs cannot commit Town Meeting to accept streets.

6.8.11 Recording Fees – Clarify that the developer pays for this thru the funds paid to the 53G account.

6.9 FINAL RELEASE OF PERFORMANCE GUARANTEE

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Medway Planning & Economic Development Board
APPROVED – November 24, 2009

Eliminate requirement for “street acceptance” prior to release of performance guarantee. Release of performance guarantee tied to project completion in accord with all regulations and full compliance with requirements for as-built plan, street acceptance plans, legal documentation, etc.

ATTACHMENT 7

November 9, 2009

TO: Planning and Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Temporary signs on fence at Cassidy Corner – northeast corner of Main & Holliston Streets

BACKGROUND - I am growing increasingly troubled about the mish-mash of business and special events signs on the fence on Cassidy property at northeast corner of Main and Holliston Street. Various non-profit groups regularly use the corner to post special event signs. A number of business trades also use the site to regularly post contractor type lawn signs. This is the major intersection in Medway and it is getting a junky cluttered look to it. I would encourage you to look carefully the next time you are at the intersection.

CURRENT PROVISIONS

Temporary special event signs (up to 24 sq. ft in size – 8 x 3) are EXEMPT from sign regulation.

Anything larger than that is not permitted. Special event signs may be displayed for not more than 15 days.

Off premises business signs are not permitted.

The fence is located on private property, owned by the Cassidy family

RECOMMENDATIONS - I suggest we seek a meeting with representatives of the Cassidy family to have a chat and seek some ways to enlist their help to improve the aesthetic quality of that corner.

Only allow signs for community events, sales or services sponsored by a non-business organization would be permitted. No business signs for off premises establishments should be allowed.

Standardize the size of all temporary special event signs to a 3' by 8' banner.

Require that the signs have some finished quality to them.

Require that they are affixed to the fence in some sturdy fashion, not just laid up against the fence.

Require that they are installed on the fence no more than 2 weeks before the event and should be taken down immediately thereafter.