

**August 24, 2010 Meeting
Medway Planning and Economic Development Board
Medway Town Hall
155 Village Street**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Chan Rogers, Tom Gay, and Karyl Spiller-Walsh.

ABSENT WITH NOTICE: Bob Tucker

ABSENT WITHOUT NOTICE:

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

The Chairman opened the meeting at 7:00 pm.

September 14, 2010 PEDB Meeting:

The Board was made aware that no public hearings can occur on Tuesday, September 14, 2010 as that is the State Primary. A meeting can occur, but no public hearings can be scheduled.

Planning & Economic Development 2011 Meeting Schedule:

- **On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to adopt the Planning & Economic Development 2011 Meeting Schedule as written.**

CORRESPONDENCE:

The Board is in receipt of a memo in relation to a SWAP legislative Breakfast which is taking place on September 24, 2010 at 10:00 am in Medway at the Senior Center.

Member Rogers noted that this is a good thing for Medway since the legislators will be attending. This is an important meeting for PEDB members to attend.

Williamsburg Way OSRD Bond Estimate:

Tetra Tech Rizzo prepared a draft bond value estimate for the Williamsburg Way OSRD Definitive Subdivision. The first estimate indicated the cost would be \$293,269.00. Since the preliminary draft estimate, Consultant Pellegrini has revised the amount to \$242,206. The items which were revised included the unit cost for 8" HDPE Pipe along with the unit cost for the light poles.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to approve the initial bond amount for the Williamsburg OSRD in the amount of \$242,206.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to sign the tri-party agreement with Walpole Cooperative Bank for Williamsburg Way.

Charles River Village OSRD Public Hearing:

The Chairman opened the Public Hearing for the proposed Charles River Village condominium community. The subject parcel is a 7.6 acre site located at the end of Neelon Lane and abutting the Charles River.

The applicant is Charles River Village LLC. They have applied to the Planning and Economic Development Board for an Open Space Residential Development Special Permit and an Affordable Housing Special Permit.

The Chairman informed all that for the benefit of those present in the audience, to please be aware that the meeting will be videotaped and broadcasted live on Medway local cable access.

The Chairman introduced the Board members , Karyl Spiller-Walsh, Chan Rogers and Tom Gay. Board member Bob Tucker was not able to attend the meeting. However, he will review the notes and the videotape of this meeting.

The Chairman reminded all that the Zoning Bylaw requires that an OSRD project must go through a 3 phase review process with the Board. The first phase is an informal pre-application meeting that is held during a regular Board meeting to discuss basic ideas. The second phase is to apply for a special permit for the initial concept plan. This involves a public hearing and its own decision. If the special permit and concept plan are approved, the applicant then proceeds to the third phase to prepare the detailed engineering plans for the definitive plan review and action. That is submitted for then another public hearing and final decision.

This project is presently at the second phase in the review process. The first phase informal, pre-application discussion took place in January 2010. An application for the second phase OSRD Special Permit and Affordable Housing Special Permit was submitted to the Town on July 28, 2010. It was forwarded immediately to Gino Carlucci, our planning consultant, to review for compliance with the OSRD section of the Medway Zoning Bylaw. On August 2, 2010, Charles River OSRD concept plan was circulated to Town boards and departments for their review. A briefing for Town staff and other boards/committees was held August 12, 2010.

The public notice requirements for this project have been satisfied. On August 2, 2010 a notice was sent by certified mail to all owners of property located within 300 feet of the development site. The official legal notice for this public hearing was posted at the Medway Town Clerk's office on August 2, 2010 and was published in the *Milford Daily News* on August 9 and 17, 2010. Information about this development proposal was also posted to the Town's web site on August 2, 2010.

On a motion made by Karyl Spiller- Walsh, and seconded by Tom Gay, the Board voted unanimously to dispense with a formal reading of the official public hearing notice.

A copy of the public hearing notice is attached to these minutes.

The rules on how the public hearing will proceed were explained by the Chairman. The applicant's official representative will introduce himself and the members of the development team. They will make a brief presentation to describe their proposed project. That presentation will be followed by questions from members of the Planning and Economic Development Board. The applicant will respond to those questions. Consultant, Gino Carlucci will summarize his review comments which the applicant may respond to. The public will then have an opportunity to speak. After all citizens attending the public hearing have been given the opportunity to speak, we will then move to any Town staff and representatives of other Town boards or committees. Before we conclude the public hearing for the night, we will summarize a list of concerns and additional information that the Board wants the applicant to provide. It was further explained that based on the information gathered and the comments received, the Board will determine the next steps. The Chairman also communicated that he would like to schedule a site visit to become more familiar with the property. The public was informed that the abutters will not be re-notified regarding the next public hearing date. Susy Affleck-Childs will post a public hearing continuation notice with the Town Clerk and on the Town's web site. You may call the Town's Planning and Economic Development office at any time to check on the date and time.

Mr. Yorkis, and the development team were introduced which included Dan O'Driscoll, land surveyor, David Faist, engineer and Lowell Robinson, landscape architect. Mr. Yorkis began his slide show presentation by stating that the application of Charles River Village concept plan was submitted on July 28, 2010 and was prepared by Faist Engineering.

The Charles River Village LLC proposes to develop a thirteen unit cottage style residential condominium community. This is a 7.61 acre parcel located at 6 Neelon Lane. The applicant, Charles River Village LLC, is the prospective buyer/developer of the property. Mr. Yorkis indicated that two of the thirteen homes will be "affordable" for households earning at or below 80% of the metropolitan area's median income. The homes will range in size from 1500 to 2400 square feet; each home would have 3 bedrooms and a garage. The concept plan includes two parcels totaling 4.2 acres dedicated to open space including the entire width (400 ft) of the parcel's frontage along the Charles River. This will all be accessible to the general public.

It was further explained that the access to Charles River Village from Village Street is proposed through the end of Neelon Lane. Mr. Yorkis communicated that the plans show that there will be an upgrade to the entire existing length of Neelon Lane to a full depth, 18' paved width. The applicant will also construct a 150' southerly extension of Neelon Lane including a turnaround which will be deeded to the Town. At the new end of Neelon Lane at this turnaround, the applicant proposes to construct 445 linear feet of an 18' width, 2 way roadway to access the 13 new residences. This portion of the roadway will be privately owned and maintained by the future condominium association. Mr Yorkis continued to explain that it is proposed that a 10' wide gravel access pathway between the site and Cherokee Lane will be installed to be used for emergency purposes only. It is also planned that Town water and sewer and the installation of two fire hydrants.

Mr. Yorkis communicated that in November 6, 1959, an ANR plan showing Neelon Lane with a ROW width of 25 feet was endorsed by the Medway Planning Board. A copy of that ANR plan was provided to the Board. Over time, the paved width of Neelon Lane has varied. Mr. Yorkis

informed the Board that the applicant is not proposing the increase the Neelon Lane ROW. The applicant is proposing to construct 18' width of pavement within the roadway layout.

Certification from Town Clerk:

Mr. Yorkis provided a certification from Town Clerk Maryjane White of a transcription of the Town Meeting record dated April 6, 1863 regarding the use of Francis Neeland and others in passing from the house of said Neeland to the old Hartford road (so called) a private way. That Town Meeting vote indicates the road width at 25 feet. A copy of the handwritten notes of that Town meeting was also provided.

Mr. Yorkis also presented a certification from the Town Clerk that Neelon Lane was on the list of accepted streets furnished to the Town Clerk in 1991 when she started.

Both documents are attached to these minutes.

Fire Department Document:

Mr. Yorkis provided memo dated August 23, 2010 from Fire Chief Paul Trufant. The memo indicated that upon review of the preliminary plan, the Chief has no problem or issue with the proposed 18 foot paved width of Neelon Lane. The design of the new turnaround is suitable for emergency vehicles both in and out of the complex. The memo also notes that the width and materials of the emergency access road off of Cherokee Lane are acceptable. The placement of the fire hydrants of Neelon Lane, within the complex, and on the access road in from Cherokee is acceptable. A copy of that memo is attached to these minutes.

Dan O'Driscoll, the applicant's Land Surveyor explained the history of the deeds. The eastern abutting property is 21.28 and not 25 feet. On one of the lots, four feet of strip is missing.

Member Rogers explained that the abutting property owners may not have as much area as noted on their deed.

The Chairman wanted clarity on who does this deficit lie with?

Mr. Yorkis responded that he is not sure that we need the answer to that. If a decision is rendered that the paved surface is within 18 feet layout less than 25 feet, this will not effect or harm the property owners and will not have to be addressed.

The Chairman wanted to know how the sidewalk will be placed within the existing width.

Mr. Yorkis repeated that the applicant is proposing an 18 foot wide paved surface within Neelon Way.

The Chairman feels that this is a legal question on where the 25 feet lie.

Mr. Yorkis reminds all that this is currently a public way which has been maintained as such for many years.

The next piece of correspondence reviewed was from the Director of Public Service Tom Holder.

Director of Public Services:

A memorandum from Thomas Holder, Director of Public Services dated August 24, 2010 was presented to the Board. The memo noted four infrastructure components which need verification.

1. Verification of adequate fire flow rates.
2. Verification that the proposed sewer system is designed to meet invert grades at the referenced manhole to allow for gravity sewer flow throughout the project.
3. Verification that the travel path is sized to an appropriate radius to allow for turning movements of any anticipated vehicles and equipment such as firefighting apparatus, snow plows, and garbage haulers. The snow storage along Neelon Lane also should be identified.
4. Verification that the planned private development, the operation and maintenance of any and all stormwater infrastructure including discharge characteristics will be the responsibility of the homeowners association.

A copy of Mr. Holder's memo is attached to these minutes.

Engineer, David Faist:

His presentation informed all that this is the second phase of the site planning and permitting process. This is spatial orientation. This project will minimize the paved area. There are no drainage calculations required in this phase of the plan development.

Consultant Gino Carlucci's Review:

Consultant Gino Carlucci provided a memo to the Board dated August 24, 2010. A copy of that memo is attached to these minutes.

The memo notes that following issues:

1. The narrative in the application does not specifically address the 11 bylaw OSRD purposes. Consultant Carlucci finds that a case can be made that it meets 8 of the 11 standards.
2. The proposal does meet the requirements of Section T2 I in that the parcel is within the AR-II district.
3. Section T.4 requires that a pre-application meeting be held with the Board. This was satisfied.
4. Section T.5 requires that a 4 step design process be performed by an RLA. The applicant has submitted a statement indicating usage of the four-step process.
5. The concept plan is requires to be prepared by a Registered Landscape Architect. This concept plan appears to have been prepared solely by the engineer and surveyor. This concept plan needs to be stamped for a Registered Landscape Architect.
6. The standard dimensional requirements for lots do not apply as this will be a condominium project.
7. The requirements for Open Space are met.
8. The applicant has not fulfilled the last two standards. Item J concerning parking. A minimum of 2 spaces per dwelling unit is required. This is shown on the plan, but the additional off-street spaces are not shown. The last standard relates to the sidewalks. There are currently no sidewalks proposed.

General Recommendations were made:

- The public way status of Neelon Lane should be confirmed.
- Assuming that Neelon Lane is a Public Way, it is under the control of the Board of Selectmen so the Selectmen would need to authorize any work done within the ROW.
- The elevations of the buildings need to match the footprints shown on the Concept Plan.
- A trail through Open Space needs to be included.
- Section 7.1 of the Subdivision Rules and Regulations requires that “Reasonable provisions shall be made for extension of pavement and utilities to adjoining properties.” The current property leaves the abutting property with 131 feet frontage. Adding 19 feet would make the abutting parcel a conforming lot. Shifting the cul-de-sac slightly to the east to abut the adjacent property would provide for a future extension off the cul-de-sac and provide more efficient use of the land in the future.
 - The details of the gravel access path for emergency vehicles are not clear.

The discussion was opened to the public:

Attorney Thomas Valkevich:

A letter dated August 24, 2010 was submitted by Attorney Thomas Valkevich. He was present to represent Mary E. McDonald of 9 Neelon Lane. A copy of Mr. Valkevich’s letter is attached to these minutes.

The Attorney noted a variety of issues:

1. Access to the Site over Neelon Lane. As noted in the Town Meeting document recorded in 1863, Neelon Lane was laid out as a private way. This is known as a “statutory private way”. It is his opinion that the applicable statutory reference is Chapter 82 of the General Laws, Section 21 through 24. Such ways have a different legal status than a public way.

2. There is a question about the overwrite changing “house” to “barn” and the layout as shown on the existing plan may be inaccurate.

3. A statutory private way is not a public way or a way maintained and used as a public way for the purpose of the Subdivision Control Law. As a Land Division under Part &2., c it would appear that the access does not qualify.

4. The proposal requires changes to the usage of Neelon Lane. For the Town to impose such restrictions on a parcel that is not part of the ownership parcel of the developer is beyond the Board’s authority, and would require additional takings by the Town of the rights of abutting owners or their mutual consent.

Attorney Valkevich believes that the proposed plan does not comply with the Zoning Bylaw. The access over Neelon Lane is not in harmony with the character of the adjacent residential neighborhoods. It will have a detrimental impact on abutting properties, which impact can be mitigated by accessing the site over existing public way Cherokee Lane, instead of over the statutory private way of Neelon Lane. He further explains that the proposal fails to comply with the existing rights of parties on Neelon Lane and the proposal does not meet the standards set out

in the purpose section of the site plan review, sections C.1 (c) (3), (8), (9), (10) and (11). It is the opinion of Attorney Valkevich that the Board does not have the authority to alter the nature of the accepted private way.

Attorney Valkevich concluded by noting that the plan as drawn lays out a way and culdesac which does abut the McDonald parcel. There exists a gap between the layout on the developer's parcel and the McDonald parcel. Leaving such a "Spite Strip" is contrary to sound planning practices.

Abutter, Mary McDonald, 9 Neelon Lane:

Ms. McDonald wanted the Board to know that she is opposed to this project due to the noted issues:

- Safety of street (narrow width) to provide access for emergency vehicles.
- There are also environmental issues. 55 gallon oil drums were taken off the site. There was an oil spill on property and Ms. McDonald is waiting for the test results.
- Blasting is another concern along with the effect of that on her artisan well.
- This area has a high water table.
- There are existing springs.
- The devaluation of her property
- There will be privacy issues once the trees are cut.
- There has been no drainage plan submitted.
- The OSRD Section notes that this land must be left in its natural state and be accessible to the public. The plan does not show this.
- Ms. McDonald's engineer Guerriere and Halnon noted a discrepancy with the measurements. This will be provided to the Board.
- A buffer zone would be needed. This is not noted.
- Parking is a major issue and has not been shown of the plan.
- The added traffic will cause a hazard. Will a traffic study be completed?

Abutter, Michelle Newell, 2 Neelon Lane:

Ms. Newell is concerned about her setback. She is opposed to this development. It was suggested by Ms. Newell that the Board get a letter from the Safety Officer regarding the safety, and traffic issues.

Member Gay indicated that this would not make her lot more non-conforming.

The Chairman informed her that she may already have a defective title.

Abutter, Joanne Kramer, 231 Village Street:

Ms. Kramer is concerned about the following:

- Her backyard is currently very wet. She believes that she will have a bigger water problem when the trees come down as the site is cleared.
- Privacy is another issue.

- Ms. Kramer believes that there will be trespassing onto her property (to cut thru to Village Street) from the new houses along with an increase in the noise level.
- She wanted to know if anyone has looked at the wildlife in this area. The Chairman recommended that she go to a Conservation Commission meeting.

Abutter, Susan Diulio, 7 Massasoit St:

- Concerned about the slope.
- Traffic around corner is a concern and will invite more people through her neighborhood.
- Trespassing is a concern.
- Her house is located in the middle and will be looking over everything.
- Water within the fields is an issue.

She would like to have a site walk with the members of the Board to discuss this.

Resident, Teresa Proctor, 8 Charles River Rd.

- Her concern is that the water is currently not going where it is supposed to go and if you cut more trees, there will be more water.
- Her second concern is that this area is already very congested and she wants to know how the parking of the new residents will impact the traffic flow.

The Chairman informed her to call the DPW if there is a current water problem on her street.

Resident, Bruce Hamblin, 17 Crestview Avenue:

He would like it noted that he is speaking as a resident and not voicing the opinion of the Open Space Committee which he is a member of. He notes several points.

- He feels that the looped waterline is a good thing and fire hydrants are needed.
- Mr. Hamblin suggested having sidewalks on the opposite site.
- It is the job of the applicant to invite the people to access/use the open space in a positive way.
- The design concept should invite the people to use it. The roadway could have three points of access with a paved right of way with the inclusion of bike racks.
- The number of units is too many.
- The Riverview right of way could be extended in a way that it could be used for a parking lot.

Abutter, Marielaina Kaplan, 221 Village St:

- Her concerns are about the row of trees on her property and whether the trees will be taken down with the roadway paving. These trees currently provide buffer for noise and privacy. These were not noted on the plan.
- She was also questioning why the no parking and standing signs were not noted on the plan.

Charles River Tennis Representative:

Concern:

- Removal of Trees

- More water on courts
- Topography of land

Abutter, Ken Bancewicz, 223 Village St.:

Mr. Bancewicz wants to know if there will be a change to the layout of the intersection at Village and Neelon. He is also concerned about the lights shining onto neighbors when turning into Neelon Lane.

The Chairman noted that the plan showed flared corners and it is not indicated on the plan.

The Chairman recommended that the Board seek legal counsel in regards to the public versus private way. He also wanted clarity about the sidewalks and parking.

Resident, 231 A Village St.:

This resident wanted to inform the Board that the previous owner of this parcel of land used to own a tree farm. He was questioning what happens if it is zoned as a tree farm.

Consultant Carlucci communicated that it may be classified as a 61 exemption which would have to be researched by the Assessors.

Mr. Yorkis communicated that the applicant is proposing an 18 foot wide road. Presently the paved road width is variable. This will be a total rebuild. He made it clear that he cannot make decisions on his own. There are some items which still need to be addressed by the DPW. He disagrees with the assumption about more parking being needed for visitors. This area will have trails and it will be open. He welcomes a site walk and wants input from the abutters.

Consultant Carlucci did respond that the Board needs insurance of the 25 feet and further clarity on how the road and sidewalk will fit in.

Affleck-Childs wants confirmation that the access is adequate. As far as sidewalk construction, that could be made a condition of the decision.

Mr. Yorkis communicated that the applicant is not proposing a sidewalk on Neelon Lane at this time. It is their belief that this is in fact a public way and not a private way and has been maintained as such with the town taking care of the trash, and utilities for more than fifty years. The Town must resolve this issue. The applicant is not trying to harm anyone and will minimize the impact on all residents. He agrees that we must get clarity for all. Mr. Yorkis noted that during the prior meetings with the Board, the Board did not raise concern about the sidewalks. He appreciates the excellent comments and will respond back with answers to all the questions along with providing a revised plan.

Member Spiller-Walsh wants the road layout to proceed. She further explains that the four step design process has not been done.

Dan O'Driscoll responded that the plans may have encroached but the current plans show existing recorded deeds.

The Chairman wanted to know what the Landscape Architect has done.

Lowell Robinson noted that he has not put his ideas to paper yet. He confirmed he had walked the site and discussed it with the design engineer.

Member Gay communicated that the ROW problem appears to be on the west side of Neelon Lane.

The Chairman responded that the plans and deeds may be wrong.

Member Spiller-Walsh explained that Neelon Lane is not the only access to property, but the least difficult for the developer.

The Board would like to have a site visit Thursday September 9, 2010 at 5:30 pm.

The Board will continue this public hearing on Tuesday, September 28, 2010 at 7:15 pm.

Restaurant 45/45 Place:

Member Tom Gay visited the site on two occasions to review the as-built plans. He distributed a letter dated August 24, 2010 sent to Mr. Mark Smith regarding the as-built plans for the Restaurant 45/45 Place Site Plan as prepared by Faist Engineering. The letter references several items:

- As-Built Plan was not drawn with same orientation as the original plan.
- The east side curbing detail on Milford Street entrance at the north-west corner of the site does not seem to represent the curve and angle from the drain to the back to the sidewalk.
- The entrance detail at the north-west corner does not extend far enough into the parking lot.
- The curbing around the corner at the east point should be angled and not rounded.
- The dumpster enclosure is not the proper size nor shape.

It was recommended in the letter that Mr. Smith revise the plan accordingly and resubmit it to the Board for another review.

Construction Report:

Franklin Creek Subdivision

The Board is in receipt of a field observation provided by Tetra Tech Rizzo. This was dated August 16, 2010. The report noted that the retaining wall was constructed with segmented blocks and not of stone as indicated on the definitive plan. Mr. Pellegrini, the Tetra Tech consultant indicated that there appeared to be no issues with the structural integrity of the wall. Photographs of the segmented block wall were provided within the packet. After discussion, the Board agreed that a letter be written to request that this wall be brought into compliance with the plan by having a field stone surface.

On a motion made Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to send a letter to the contractor Wood Structure requesting that the wall be brought into compliance. Chan Rogers abstained from vote.

Ideas for Zoning Bylaw Amendments:

Susy Affleck-Childs would like the Board to look at the packet titled Ideas for Zoning Bylaw Amendments and Other Possible Town Meeting Warrant Articles and decide what will be the priority for the 2011 Annual Town Meeting.

Minutes:

July 12, 2010:

The minutes from July 12, 2010 will be tabled until the next meeting.

August 10, 2010:

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to approve the minutes of August 10, 2010.

Future Meetings:

The next meetings scheduled are: **Tuesday, August 31, and September 14, & 28 2010.**

Adjourn:

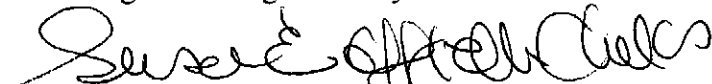
- **On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers , the Board voted unanimously to adjourn at 11:30 PM.**

The meeting was adjourned at 11:30 PM.

Respectfully Submitted,


Amy Sutherland

Meeting Recording Secretary


Edited by Susy Affleck-Childs

Planning and Economic Development Coordinator



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

DRAFT – August 18, 2010

PLANNING & ECONOMIC DEVELOPMENT BOARD
2011 MEETING SCHEDULE

The Planning & Economic Development Board generally meets on the second & fourth Tuesday evening of each month at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The dates for the regular meetings for 2011 are as follows:

January 11 and 25, 2011
February 8 and 22, 2011
March 8 and 22, 2011
April 5 and 26, 2011
May 10 and 24, 2011
June 14 and 28, 2011
July 12 and 26, 2011
August 9 and 23, 2011
September 13 and 27, 2011
October 11 and 25, 2011
November 8 and 22, 2011
December 13 and 27, 2011

Special meetings and site visits will be scheduled as needed. Some meetings may be rescheduled due to summer vacations and holidays.

Meeting agendas are posted outside the office of the Town Clerk on the Friday morning before the Tuesday night meeting.

Agendas may also be viewed online at www.townofmedway.org

Most meetings are televised live on Medway Cable Access – Channel 11.

August 2010

Permit Extension Act Passes as Part of Economic Development Reorganization Act

Just before ending its 2010 Session on July 31st, the Massachusetts Legislature passed significant economic development measures which included the much-anticipated Permit Extension Act of 2010 (the "Act"). The Governor's signature on August 5th thus created an immediate and automatically effective extension of currently existing permits and resuscitation of recently expired permits.

Any "approval" issued by any Massachusetts state, regional, or municipal entity that concerns the use or development of real property that was in effect at any point from August 15, 2008 through August 15, 2010 is automatically extended for two years beyond the lawful term of the permit. For example, a municipal residential building permit that expired on June 30, 2010 is now automatically resuscitated and extended to June 30, 2012 without the need for any additional applications or approvals. Similarly, a qualified state environmental permit issued on August 1, 2010 with a natural termination of August 1, 2012 is automatically extended to expire on August 1, 2014. To the extent a permitted development relies upon connection to a sanitary sewer system, the extension is contingent upon the availability of sufficient capacity. If capacity is insufficient, the allocation of gallonage will be prioritized to permit holders that received hookup approval before the effective date of the Act and further prioritized to the first approved permit.

"Approval" is broadly defined to include virtually any type of permit, certificate, order, license, certification, determination, exemption, variance, or waiver concerning the use or development of real property issued by a municipal, regional, or state governmental entity.

"Development" is also broadly defined as the subdivision of a parcel, the construction, reconstruction, conversion, alteration, relocation, or enlargement of a building or other structure, the change of use of the land or improvements, or grading, soil removal or relocation, excavation, or landfill. While these definitions cover most permits issued by state and local agencies, permit holders should carefully confirm that any particular permit falls within the benefit of the statute. For example, the Act does *not* extend comprehensive permits issued by a board of appeals under Chapter 40B and does not apply to enforcement orders.

If a property or project is transferred, the commitments of the original permit holder outlined in the permit must be upheld by the new permit holder in order for the two-year extension to apply. This provision does not add any new burdens in most instances because many permits already require that commitments be assumed by successive permit holders.

Other than providing the extension, normal rules still apply to permits. For example, the permit issuing authority may revoke or modify any given approval if the approval, or the law under which the approval was issued, allows for revocation or modification.

The effect of the Act is wide ranging. Some "shovel-ready" projects facing permit deadlines but struggling with financing may otherwise have had to abandon projects or expend time and money on reapplication or renewal of approvals. Financial institutions that have already extended financing to developers may see more stable collateral value as projects are pursued rather than abandoned. Observers hope that the permit extension measure will

encourage development, job creation, and financing availability at nominal cost to the state.

McCarter & English LLP can assist in evaluating the Act and its applicability. We have attorneys with extensive experience in all aspects of real estate development.

For further information, please contact:

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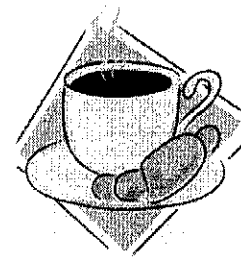
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C/O METROPOLITAN AREA PLANNING COUNCIL
60 TEMPLE PLACE, BOSTON, MA 02111
617-451-2770

SWAP LEGISLATIVE BREAKFAST

SEPTEMBER 24, 2010

8:00 AM TO 10:00 AM
MEDWAY SENIOR CENTER
76 OAKLAND ST. MEDWAY, MA

You are cordially invited to join local legislators and community leaders for coffee and pastries and a facilitated discussion on topics of regional interest, including:

- Casino Legislation
- Regionalization of Services
- State Budget/Legislators' Priorities
- Zoning Reform

Please save the date, and RSVP TO:

Cynthia Wall
MAPC SWAP Coordinator
cwall@mapc.org

617-451-2770 ext. 2058

SWAP promotes cooperative action on land use, transportation and economic development in the subregion. Plan to take advantage of this opportunity to meet with area legislators.

Bellingham
Dover

Franklin
MAPC

Hopkinton
Medway

Milford

Norfolk
Mills

Wrentham
Sherborn



To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech Rizzo

Re: **Williamsburg Way OSRD
Review for Partial Bond Release
Medway, MA**

Dt: August 20, 2010

At the request of the Medway Planning and Economic Development Board, Tetra Tech Rizzo (TTR) has performed an inspection of the Williamsburg Way OSRD in order to prepare a bond estimate for the remaining work and to determine whether the developer has satisfactorily completed the minimum infrastructure improvements as specified in Condition 12 of the approved Certificate of Action dated January 19, 2010 that need to be completed before the board authorizes a release to allow for construction of the dwelling units.

On Monday August 16, 2010, Steven Bouley from TTR performed an inspection to accomplish the tasks specified above. It was our determination that items remain outstanding and must be addressed prior to the board issuing a release. The outstanding items are as follows.

Condition 12

1. *Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as detention basins, swales, infiltration systems or any other stormwater management facilities. (12.C.3)*
 - Several portions of the drainage system have not yet been constructed, including Forebays #2 and 3, the pipe from Forebay #3 to RES-5, and the Roof Drain Recharge Trench
2. *As-built plan of each detention pond and forebay and all critical elevations and details of the associated structures, pipes and headwalls. (12.C.4)*
 - No As-Built Plan has been submitted
3. *Street name signs in a size and form as specified by the Medway approved OSRD Definitive Plan. (12.C.5)*



TETRA TECH RIZZO

- No Street Signs have been installed

4. *Stop line pavement markings.* (12.C.6)

- No pavement markings have been installed

Also, please find attached a draft bond estimate for preliminary discussion. This bond estimate will need to be revised prior to issuance, to include the outstanding items above. Once these items are addressed the attached bond estimate will be finalized and may be utilized by the planning board to assess a proper bond value. If you have any questions or require additional information, please don't hesitate to contact us at (508) 903-2000.

P:\21583\127-21583-10002\DOCS\MEMO\MEMO-WILLIAMSBURG WAY BOND RELEASE_082010.DOC

Tetra Tech Rizzo One Grant Street Framingham, MA 01701		
Project Williamsburg Way OSRD	Date 08-16-2010	Report No. 26
Location West Street, Medway, MA	Project No. 127-21583-10002	Sheet 1 of 1
Contractor Canesi Bros. Inc.	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 80

FIELD OBSERVATIONS

On Monday, August 16, 2010 Steven Bouley from Tetra Tech Rizzo visited the project site at the request of the Medway Planning and Economic Development Board to prepare a bond estimate for the remaining work and determine whether the developer has completed the minimum improvements. Our findings will be summarized in a corresponding memorandum and estimate, however the items below represent outstanding items which are required prior to release:

1. The drainage system has not been completed. The items outstanding include the following:
 - A. Forebay #2 and 3 have not been installed.
 - B. The pipe from Forebay #3 to FES-5 has not been installed.
 - C. The Roof Drain Recharge Trench has not been installed.

2. Street Signs have not been installed.

3. Stop Line pavement markings have not been installed.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't				Dept. or Company	Description of Work
Foreman		Bulldozer	Asphalt Paver		
Laborers		Backhoe	Asphalt Reclaimer		
Drivers		Loader	Vib. Roller		
Oper. Engr.		Rubber Tire Backhoe/Loader	Static Roller		
Carpenters		Bobcat	Vib. Walk Comp.		
Masons		Hoeram	Compressor		
Iron Workers		Excavator	Jack Hammer		
Electricians		Grader	Power Saw		
Flagpersons		Crane	Conc. Vib.		
Surveyors		Scraper	Tree Remover		
		Conc. Mixer	Chipper		
		Conc. Truck	Screener		
		Pickup Truck	Drill Rig		
		Dump Truck 6 Whl	Boom Lift		
		Dump Truck 10 Whl	Water Tank		
		Dump Truck 14 Whl	Lull		
		Dump Truck 18 Whl	Gradall		

OFFICIAL VISITORS TO JOB

RESIDENT REPRESENTATIVE FORCE

Police Details: n/a	Name	Name
Time on site: 4:00 P.M.		
CONTRACTOR'S Hours of Work:		
	Resident Representative Steven Bouley	



TETRA TECH RIZZO

Bond Value Estimate
Williamsburg Way
Definitive Subdivision
Medway, Massachusetts
August 20, 2010

One Grant Street
Frammingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	180	TON	\$100.00	\$18,000
HMA Top Course - 1 1/2" Depth (Sidewalk)	37	TON	\$100.00	\$3,700
HMA Binder Course - 1 1/4" Depth (Sidewalk)	52	TON	\$90.00	\$4,680
HMA Berm - Modified	1,210	LF	\$5.00	\$6,050
HMA Curb	810	LF	\$6.00	\$4,860
Rip-Rap	50	CY	\$90.00	\$4,500
Loam	220	CY	\$40.00	\$8,800
Seeding	854	SY	\$1.50	\$1,281
Water Gate Adjustments	4	EA	\$125.00	\$500
Drain Structure Adjustments	7	EA	\$300.00	\$2,100
Sanitary Structure Adjustments	5	EA	\$300.00	\$1,500
Subdrains*	1	LS	\$15,000.00	\$15,000
24" HPDE Pipe (Roof Runoff Recharge Trench)	232	LF	\$60.00	\$13,920
8" HDPE Pipe (Roof Runoff Recharge Trench)**	140	LF	\$50.00	\$7,000
12" HDPE Pipe	236	LF	\$50.00	\$11,800
Street Signs	16	EA	\$300.00	\$4,800
Light Poles	8	EA	\$10,000.00	\$80,000
Street Trees	51	EA	\$420.00	\$21,420
Pavement Markings	1	LS	\$500.00	\$500
2 year Snow Plowing	1,178	LF/YR	\$2.50	\$5,890
2 year Road Maintenance	1,178	LF/YR	\$2.00	\$4,712
2 year Drainage Maintenance	1,178	LF/YR	\$2.00	\$4,712
As-built Plans	1,178	LF	\$5.00	\$5,890
Legal Services	1	LS	\$3,000.00	\$3,000

\$234,615

Subtotal	\$234,615
Contingency (25%)	\$58,654
Recommended Bond Value	\$293,269

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 8/2009 - 8/2010.

* Subdrain lump sum estimate based on materials and installation of 6" subdrain. The proposed 4" subdrain does not have a value in Mass DOT weighted bid pricing. It is assumed that the pricing for pipe installation includes backfilling operations.

** Roof runoff recharge trench pipe estimate based on materials and installation of 12" HDPE pipe. The proposed 8" HDPE does not have a value in Mass DOT weighted bid pricing.



TETRA TECH RIZZO

Bond Value Estimate
Williamsburg Way
Definitive Subdivision
Medway, Massachusetts
August 24, 2010

REVISED
8-24-10

One Grant Street
Frammingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	180	TON	\$100.00	\$18,000
HMA Top Course - 1 1/2" Depth (Sidewalk)	37	TON	\$100.00	\$3,700
HMA Binder Course - 1 1/4" Depth (Sidewalk)	52	TON	\$90.00	\$4,680
HMA Berm - Modified	1,210	LF	\$5.00	\$6,050
HMA Curb	810	LF	\$6.00	\$4,860
Rip-Rap	50	CY	\$90.00	\$4,500
Loam	220	CY	\$40.00	\$8,800
Seeding	854	SY	\$1.50	\$1,281
Water Gate Adjustments	4	EA	\$125.00	\$500
Drain Structure Adjustments	7	EA	\$300.00	\$2,100
Sanitary Structure Adjustments	5	EA	\$300.00	\$1,500
Subdrains*	1	LS	\$15,000.00	\$15,000
24" HPDE Pipe (Roof Runoff Recharge Trench)	232	LF	\$60.00	\$13,920
8" HDPE Pipe (Roof Runoff Recharge Trench)	140	LF	\$40.00	\$5,600
12" HDPE Pipe	236	LF	\$50.00	\$11,800
Street Signs and Posts	8	EA	\$300.00	\$2,400
Additional Signs	8	EA	\$100.00	\$800
Light Poles	8	EA	\$5,300.00	\$42,400
Street Trees	51	EA	\$420.00	\$21,420
Pavement Markings	1	LS	\$250.00	\$250
2 year Snow Plowing	1,178	LF/YR	\$2.50	\$5,890
2 year Road Maintenance	1,178	LF/YR	\$2.00	\$4,712
2 year Drainage Maintenance	1,178	LF/YR	\$2.00	\$4,712
As-built Plans	1,178	LF	\$5.00	\$5,890
Legal Services	1	LS	\$3,000.00	\$3,000

\$193,765

Subtotal	\$193,765
Contingency (25%)	\$48,441
Recommended Bond Value	\$242,206

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 8/2009 - 8/2010.

* Subdrain lump sum estimate based on materials and installation of 6" subdrain. The proposed 4" subdrain does not have a value in Mass DOT weighted bid pricing. It is assumed that the pricing for pipe installation includes backfilling operations.



RECEIVED

AUG 02 2010

TOWN CLERK

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

August 2, 2010

LEGAL NOTICE - PUBLIC HEARING

Charles River Village Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits

In accordance with the Medway Zoning Bylaw, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD) and Sub-Section X. Affordable Housing and the provisions of Massachusetts General Laws, Chapter 40A, Sections 9 & 11, the Medway Planning & Economic Development Board will conduct a public hearing on **Tuesday, August 24, 2010 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street, Medway, MA** to consider the applications of Charles River Village LLC of Medway, MA for approval of an Affordable Housing Special Permit and an Open Space Residential Development (OSRD) Special Permit and Concept Plan entitled *Charles River Village – Neelon Lane – OSRD Special Permit Concept Plan*. The Concept Plan is dated July 28, 2010 and was prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying Co of Medway, MA.

Charles River Village LLC proposes to develop a thirteen (13) unit, cottage style residential condominium community on a 7.61 acre parcel located at 6 Neelon Lane in the Agricultural Residential II zoning district (Medway Assessors Map 1-7, Parcel 1D-33). Presently owned by Michael Acquafresca & Carol Supernor (*as the appointed executrix of Helen Grudzinkas*), the subject property is located south of Village Street, west of Neelon Lane, east of the ends of Cherokee Lane, Massasoit Street and Riverview Streets, and is bounded on the south by the Charles River. The applicant, Charles River Village LLC, is the prospective buyer/developer of the property.

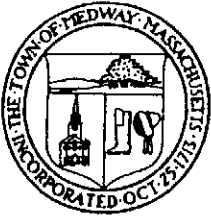
The proposal is to divide the property to include a 3.2 acre development parcel on which thirteen (13) detached single family cottage style homes will be constructed. Two (2) of the 13 homes will be "affordable" for households earning at or below 80% of the metropolitan area's median income. The dwellings would range in size from 1500 to 2400 square feet; each home would have 3 bedrooms, a garage and additional driveway room for guest vehicles. The *Concept Plan* also shows 2 parcels totaling 4.2 acres of dedicated open space including the entire width (400ft+) of the parcel's frontage along the Charles River, all to be accessible to the general public.

Access to Charles River Village from Village Street is proposed through the end of Neelon Lane. The applicant plans to upgrade the entire existing length (280+ /- feet) of Neelon Lane to a full depth, 18' paved width. The applicant will also construct a 150' southerly extension of Neelon Lane including a turnaround which will be deeded to the Town. From the "new" end of Neelon Lane at this turnaround, the applicant proposes to construct approximately 445 linear feet of an 18' wide, 2 way roadway to access the 13 new residences. This portion of the roadway will be privately owned and maintained by the future condominium association. In addition, the applicant proposes to install a 10' wide gravel access pathway between the site and Cherokee Lane to be used for emergency purposes only. Connections to Town water and sewer and the installation of two fire hydrants are also planned. A low impact approach to stormwater management and drainage is proposed.

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 August 24th public hearing. The application and concept plan for the Charles River Village Open Space Residential Development Special Permit and the application for an Affordable Housing Special Permit are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street and may be inspected on Mondays from 8:00 am to 7:30 pm, Tuesday through Thursday from 8:00 am to 4:00 pm, and Fridays from 8:00 am to 1:00 pm. The documents are also available at the Planning and Economic Development office at Town Hall. Please direct your questions to Planning and Economic Development Coordinator Susy Affleck-Childs at 508-533-3291. 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*:
Monday, August 9, 2010
Tuesday, August 17, 2010



MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

CERTIFICATION

I, Maryjane White, Town Clerk of the Town of Medway hereby certify the following as my transcription of the Town Meeting record dated April 6, 1863. I also certify that Neelon Lane is on the list of accepted streets furnished to me when taking office as Town Clerk in 1991.

On Petition of Luther Metcalf and others we the Subscribers Selectmen of Medway have laid out the use of Francis Neeland and others in passing from the house of said Neeland to the old Hartford road (so called) a private way, on conditions that said Neeland shall remove the fence of Charles B. Whitney and reset the same on the easterly side of the proposed way, and also that he shall build and construct said way in such a manner, that it shall be safe and convenient for carriages.

Said way to be located partly on land set apart for a way by J. W. B. Wilson deceased, partly on land of said Neeland, and partly on land of C. B. Whitney and bounded as follows;

Beginning at the easterly end of the wall in front of the house of the heirs of John Karnes at the old Hartford road, and running southerly in a straight line to the easterly front in the picket fence separating land of said heirs, from land of said Neeland, and thence running in the same direction to a fence opposite the southerly side of said Neeland house, and to be twenty five feet wide on the easterly side of said line.

And we award to C.B. Whitney as land damage the sum of twenty dollars (\$20.00) and for fencing the sum of twenty dollars (\$20.00). We also award to the heirs of John Karnes the sum of ten dollars for cencing to be paid by the town.

Dated at Medway this twenty sixth day of March in the year 1863.

Wm Daniels
Simeon Fisher
G. Partridge Selectmen of Medway

DATE..... *August 24, 2010*
A true copy
ATTEST..... *Maryjane White*

Meeting April 1863

291

An Petition of Luther Metcalf and others we the
Subscribers Selectmen of Medway have laid out for the
use of Francis Mccland and others in passing from
the house of said Mccland to the old Hartford
road (so called) a private way, on conditions that
said Mccland shall remove the fence of C. B.
Whitney and reset the same on the easterly side
of the proposed way, and also that he shall build
and construct said way in such a manner, that
it shall be safe and convenient for carriages.

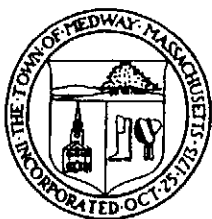
Said way to be located partly on land set
apart for a way by J. B. Wilson deceased, partly on
land of said Mccland, and partly on land of
C. B. Whitney and bounded as follows,

Beginning at the easterly end of the wall
in front of the house of the heirs of John Barnes at
the old Hartford road, and running southerly
in a straight line to the easterly front in the picket
fence separating land of said heirs, from land of
said Mccland, and thence running in the same
direction to a fence opposite the southerly side of
said Mccland's ~~land~~, and to be twenty five feet
wide on the easterly side of said line.

and we award to C. B. Whitney as land
damage the sum of twenty dollars (\$20.00) and for
fencing the sum of twenty dollars (\$20.00.) We also award
to the heirs of John Barnes the sum of ten dollars
for fencing to be paid by the town.

Dated at Medway this
twenty sixth day of March in the year 1863.

Wm Daniels }
Simeon Fisher }
C. Partridge } Selectmen
of
Medway



MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

I, Maryjane White, Town Clerk of the Town of Medway certify that Neelon Lane is an accepted street in the Town of Medway. Neelon Lane was accepted by the Town at a Town Meeting held April 6, 1863

A true copy.....
Maryjane White

TOWN CLERK

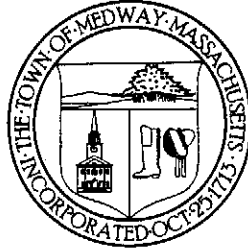
DATE *August 19, 2010*.....

3years.

Town of Medway Fire Department

Paul L. Trufant, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254



RECEIVED
AUG 23 2010

TOWN OF MEDWAY
PLANNING BOARD

August 23, 2010

To: The Medway Planning Board

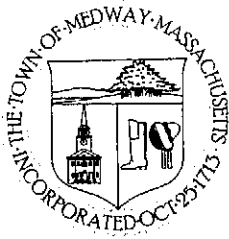
Re: Charles River Village Open Space Residential Development (OSRD)

Upon review of the preliminary plans, I have no problem or issue with the width of Neelon Lane. The design of the circle is suitable for emergency vehicles, in and out of the complex.

The width and materials of the emergency access road off of Cherokee Lane are acceptable. The placement of the fire hydrants on Neelon Lane, within the complex, and on the access road in from Cherokee Lane is acceptable.

For the Department,

Chief Paul L. Trufant



TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

Entrusted To
Manage The
Public
Infrastructure

RECEIVED
AUG 23 2010


TOWN OF MEDWAY
PLANNING BOARD

THOMAS M. HOLDER
DIRECTOR

DAVID D'AMICO
DEPUTY DIRECTOR

MEMORANDUM

To: Susan Affleck-Childs, Planning and Economic Development Coordinator

From: Thomas Holder, Director | Department of Public Services 

Date: August 23, 2010

RE: **Neelon Lane – Project Development**

It is understood that a project named Charles River Village is being planned for property at or near Neelon Lane, Medway. This project is proposed to include thirteen residential units located within a built-to-be-private development. In hearing of the proposed development concept at a presentation held August 12th, there are a number of infrastructure components to the project that need verification.

1. The project calls for connecting the existing water lines on Neelon Lane and Cherokee Lane to provide for a looped water distribution system. Verification that adequate fire flow rates are available from both the existing water lines and planned water pipes servicing the development should be made to ensure proper fire fighting capabilities. If it is determined that adequate flows cannot be achieved, the project needs to include provisions for water system upgrades to meet required fire flows.
2. The project is planned to construct a sanitary sewer system that will discharge to the Town's sewer system at an existing manhole located at the end of Cherokee Lane. It needs to be verified that the proposed sewer system is designed to meet invert grades at the referenced manhole to allow for gravity sewer flow throughout the project.
3. The project calls for the extension of the existing public way on Neelon Lane to include a circular cul-de-sac with a landscaped center roundabout. It needs to be verified that the travel path is sized to an appropriate radius to allow for turning movements of any anticipated vehicles and equipment such as firefighting apparatus, snow plows, and garbage haulers. Snow storage along Neelon Lane and within the cul-de-sac should also be identified.
4. It needs to be verified that, this being a planned private development, the operation and maintenance of any and all stormwater infrastructure including discharge characteristics will be the responsibility of the homeowners association.

Thank you for the opportunity to bring awareness to these issues and please continue to involve the Public Services Department during this planning process.

HIGHWAY - WATER - SEWER - FLEET - PARKS - FACILITIES - SOLID WASTE

TOWN OFFICES | 155 VILLAGE STREET | MEDWAY, MASSACHUSETTS 02053 | TEL 508-533-3275

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

August 19, 2010

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

Re: **Charles River Village OSRD Special Permit**

Dear Mr. Rodenhiser:

I have reviewed the Charles River Village OSRD special permit application and plan. The owner/applicant is Charles River Village LLC (John Claffey) of Medway. The plan was prepared by Faist Engineering, Inc. of Southbridge and Lowell Robinson A.S.L.A. of Norfolk. The plan is dated July 28, 2010. The proposal is to develop a single-family cottage project of 13 units, of which two are proposed to be affordable.

I have comments as follows:

Zoning

1. **OSRD Purpose** – The bylaw specifies 11 purposes of an OSRD. A narrative statement was submitted by the applicant. The narrative does not specifically address the OSRD purposes. However, a case can be made that the proposal achieves at least 8 of the 11 purposes. These include greater flexibility and creativity in the design of residential development, protecting community water supply, minimizing disturbance of the site, encouraging permanent preservation of open space, creating a more efficient development pattern, furthering the goals of the master plan and/or Open Space and Recreation Plan, facilitating construction and maintenance of streets, and allowing for housing types that will diversify the community's housing stock including the provision of affordable housing. It appears that the plan meets the purpose and intent of the OSRD bylaw.
2. **Eligibility** – The proposal meets the requirement of Section T.2 in that the parcel is within the AR-II district, while it is less than 8 acres in size, it directly abuts the Charles River and it proposes a mix of units under condominium ownership as provided for in the bylaw.
3. **Pre-application** – Section T.4 requires a pre-application meeting with the Planning Board and owner permission for a site visit. The pre-application meeting was held.
4. **Four-Step Design Process** – Section T.5 requires that a 4-step design process be performed by an RLA. The applicant has submitted a statement indicating usage of the four-step process by a team including an RLA.

5. **Procedures** – (a) Section T.6 requires that a narrative statement describe how the OSRD proposal meets the general purposes and evaluation criteria of the bylaw, and why it is in the best interests of the Town to grant the OSRD rather than a conventional subdivision. A statement has been submitted. (b) A Site Context and Analysis Plan is required to provide certain information about existing conditions and the resources to be protected. This information has been provided. (c) A Concept Plan is also required to provide information similar to a preliminary subdivision plan. The submitted plan generally complies with this requirement. However, the Concept Plan is required to be prepared by a Registered Landscape Architect (RLA) or team including an RLA. The narrative statement states that the Site Context and Analysis Plan included the RLA, but the Concept Plan appears to have been prepared solely by the engineer and surveyor. The RLA should at least review and stamp that Concept Plan.
6. **Maximum Number of Dwelling Units** – The applicant provides a calculation purporting that the area of the parcel is eligible for 11 dwelling units per the formula. Section X (Affordable Housing) of the Zoning Bylaw requires that 15% of the units (2) be affordable. It also offers a density bonus allowing an additional market rate unit for each affordable unit required. The applicant is asking for a total of 13 units. It should be noted that the OSRD formula is to determine the maximum number of units not a guaranteed number.
7. **Reduction of Dimensional Requirements** – Since there are no lots in this proposal, the reduction in dimensional requirements for lots do not apply. The building dimensions pertaining to setbacks and garage doors appear to comply with this section. It should be noted, however, that while the dimensional requirements for lots do not apply, several of the buildings have less than the specified 25-foot setback from the conceptual road right-of-way. In any case, the PEBD has the authority to waive that requirement even if it did apply.
8. **Open Space Requirements** – Section T.9 requires that at least 50% of the subject tract be open space and that the percentage of wetlands and flood plains within the required open space be no greater than the percentage in the tract as a whole. The total area is 7.61 acres so a minimum of 3.81 acres is required to be open space. A total of 4.20 acres in two parcels is proposed.

Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.81 acres, or .381 acres. Therefore, a minimum of 3.43 acres of the open space must be upland. The open space includes 3.44 acres of uplands so this requirement is met. It should also be noted that no more than 50% of the any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.80. Since 4.20 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before they the open space calculations can be finalized.

The applicant proposes to convey the open space to the Conservation Commission. It would be maintained by the condominium association.

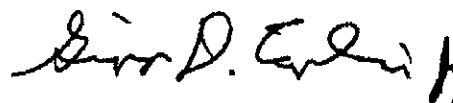
9. **General Design Standards** – The narrative statement addresses each of the first nine General Design Standards of Section T.10. It appears that these are generally met. The applicant has not addressed the last 2 standards. Item j concerns parking. A minimum of 2 spaces per dwelling unit is required. This is met. Item j also states that the Planning Board may require additional off-street spaces for guests. No additional parking is shown on the plan. Potential locations for off-street parking include the open space parcel abutting Neelon Lane and the ends of the streets that dead end on the open space parcel abutting the river. Pervious material should be considered for any such spaces.

Item k requires sidewalks along the entire frontage of the OSRD tract along existing Town ways. While there is not a lot of such frontage on Neelon Lane, no sidewalks are proposed.

General Comments

10. The public way of Neelon Lane should be confirmed. The 1863 document provided by the applicant states that it is laying out a private way. Also, it is a document laying out the street by Selectmen; it is not a Town Meeting vote to accept the street.
11. Assuming Neelon Lane is a public way, it is under the control of the Board of Selectmen so the Selectmen would need to authorize any work done within the right-of-way.
12. The conceptual elevation plans submitted with the application do not match the footprints depicted on the Concept Plan. None of the elevations include garages as shown on the footprints. The elevations should match the footprints.
13. I suggest that a trail through the open space be included on the plan.
14. Section 7.1 of the subdivision rules and regulations requires that “Reasonable provision shall be made for extension of pavement and utilities to adjoining properties.” The current design leaves the abutting property with 131 feet of frontage. Adding 19 feet would make the abutting parcel a conforming lot. Shifting the cul-de-sac slightly to the east to abut the adjacent property would provide for a future extension off the cul-de-sac and provide more efficient use of the land in the future.
15. The details of the gravel access path for emergency vehicles are not clear. It is not clear if that path will connect to the existing pavement of Cherokee Lane.

Sincerely,



Gino D. Carlucci, Jr.

Copy

Thomas J. Valkevich
Attorney at Law
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Saugus, Massachusetts 01906
781-233-6812
Facsimile 781-231-5124
Email: tjvesq@netzero.com

August 24, 2010

Town of Medway
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

RE: Charles River Village Open Space Residential Development (OSRD)
Application for OSRD and Affordable Housing Special Permits

Dear Board Members:

Please be advised that I represent Mary E. McDonald of 9 Neelon Lane, Medway in the matter of the Application for OSRD and Affordable Housing Special Permits as to some issues raised by the plan as submitted. Ms. McDonald will also express some additional matters as to which she possesses personal knowledge as to site conditions and subsurface matters at the meeting.

Of utmost concern is the access to the site over Neelon Lane. Neelon Lane, according to the terms of the document recorded in 1863, was laid out as a private way. (see copy of acceptance document attached) As such, it not the same as a public way in many respects. The applicable statutes at the time created this kind of way, which became known as a "statutory private way". The applicable statutory reference is Chapter 82 of the General Laws, sections 21 through 24 (this being the laws in effect in 1863, the date of the layout by the Medway Selectmen. Of importance is the fact that such ways have a different legal status than a public way. There is also a question as to whether the layout should extend to the point where the Neeland (Neelon) house was or where the barn was. There appears to have been a correction of overwrite changing "house" to "barn" and the layout as shown on the existing plan may be inaccurate.

"A "statutory" private way is not a "public way" or a way "maintained and used as a public way" for the purposes of the subdivision control law (G.L. c. 41, Sections 81L and 81P), Casagrande v. Town Clerk of Harvard, 377 Mass. 703 (1979), and hence the division of land abutting on a statutory private way requires compliance with the definitive subdivision process and frontage on a statutory private way does not qualify for an ANR endorsement." **Complex Title Issues 2001 –19.03 Massachusetts Continuing Legal Education, Massachusetts Highway Law by F. Sydney Smithers, Esq.**

As a Land Division under Part T.,2.,c it would appear that the access does not qualify. Further, the proposal considered as a condominium project the access over Neelon Lane is questionable for a number of reasons beyond subdivision control.

The accepted private way is only twenty five feet wide and without any radius at its corners intersection with Village Street, and without sight line easements or other provision for safe access to that road. Clearly, the traffic impact of 13 three bedroom homes, with one or two cars, and multiple daily trips, with heavy usage during morning and evening commuting hours, and potentially hundreds of trips per week, together with delivery and service vehicles, including commercial trucks, create safety issues that warrant denial of any proposal that envisions Neelon Lane as its primary access. This is especially true given the fact that the parcel to be developed abuts Cherokee Lane on its westerly boundary, a conforming public way, which was obviously intended as future development access to the subject parcel, as was envisioned by prior boards.

Also relevant are certain issues regarding the nature of the existing way. Given its nature as still a private way, even if subject to public access, the usage of the way historically has permitted unlimited access by abutting owners over the entire length of their frontage on the way, and parking and standing on the way as long as passage was not prevented. The proposal requires changes to the usage which are not just up to the developer, as it has been established over generations. For the Town to impose such restrictions on a parcel that is not part of the ownership parcel of the developer is beyond the Boards authority, and would require additional takings by the town of the rights of abutting owners, or their mutual consent.

The Town has considered development of parcels in this location in the past, but not approved development using Neelon Lane as access. The issues raised by using Neelon Lane as access militate against approval of the plans as submitted. At most, Neelon Lane's public use should be consistent with its limited access as historically and legally existing. For all the foregoing reasons, the proposed plan does not comply with the OSRD by-law in numerous respects, namely by not complying with all sections of the Zoning By-law, the access over Neelon Lane is not compatible or in harmony with the character of the adjacent residential neighborhoods, it will have a detrimental impact on abutting properties, which impact can be mitigated by accessing the site over the existing public way Cherokee Lane, instead of over the accepted private way of Neelon Lane.

The proposal, as submitted fails to comply with the existing rights of parties on Neelon Lane, with accepted safety and traffic standards affecting the community at large and not just the abutters, the board's own standards for issuance of a special permit as stated in section 10 and sections 11 (g), (i), (j), and (k). The proposal clearly does not meet the standards set out in the purposes section of site plan review, sections C.1. (c) (3), (8), (9), (10) and (11).

The Board rules at section 12 (d) of article T reference site plan review standards that shall be applied to the project which include protections of neighbors from noise fumes etc and safe access for emergency vehicles. The board does not have the authority to alter the nature of the accepted private way as to existing rights of abutters on said way.

Finally, the plan as drawn lays out a way and cul de sac which does abut the McDonald parcel. There exists a gap between the layout on the developer's parcel and the McDonald parcel and I note that previous versions of the developer's proposal actually laid out his cul de sac **on** the McDonald parcel, without permission. Leaving such a strip is certainly contrary to sound planning practices. I believe previous cases in other towns have given the nickname "spite strips" to this feature. Ms McDonald is concerned that, as drawn, this plan would adversely affect her property and possible development or changes. I note that if the private accepted way in fact extends to the barn, as may be the case, it would also require changes to the plan.

Respectfully submitted.

Thomas J. Valkevich



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

August 24, 2010

Mr. Mark Smith
Restaurant 45
45 Milford Street
Medway, MA 02053

Subject: Restaurant 45/45 Place – As-Built Plan Review

Dear Mark,

Medway Planning and Economic Development Board member Tom Gay has reviewed the as-built plans for the Restaurant 45/45 Place Site Plan as prepared by Faist Engineering. Tom has also visited the site on two occasions. He has come to the following conclusion:

- All of the conditions specified in the Board's April 2006 Site Plan Decision, the October 2008 revised site plan due to the Route 109/126 intersection reconstruction, and the July 2009 Master Sign Plan have essentially been either met or addressed as documented in the letter from Faist Engineering dated July 8th, 2010 except for one. The Installation of ten (10) "No Parking Either Side" signs on Rustic Road and/or Little Tree Road has not been completed (which is documented in the letter) but no proof of reason has been supplied. While we trust that you are committed to installing the signs, we would like to see some documented evidence from the owner of the unaccepted streets (Owen Sullivan) that they either have or have not granted permission.

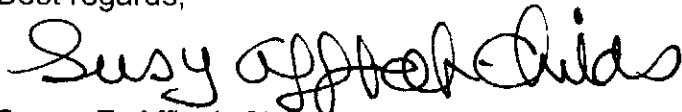
In Tom's review of the submitted "As-Built Plan" for the site, he notes with annoyance that the as-built plans were NOT being drawn with the same orientation as the original design documents and the grief it causes to the reviewer. In the future, to facilitate as-built review, we will urge project engineers to orient the as-built plans in the same direction as the original plans.

In addition, Tom has found some specifics of the as-built plan in error when compared to what is actually on the ground. Those items are as follows:

- Details
 1. The east side curbing detail on the Milford Street entrance at the north-west corner of the site does not seem to faithfully represent the curve and angle from the drain back to the sidewalk.
 2. The entrance detail at the north-west corner of the old building, near the deck split (middle of the total structure), does not faithfully represent the landing, steps and awning for that entrance. It does not extend far enough into the parking lot.
 3. The shape of the curbing around the corner at the very east point of the building bordering the three motorcycle parking spots is shown as angled when it is really rounded.
 4. The Dumpster Enclosure (fence and pad) adjoining the large cooler on the south side of the building (close to the building and adjacent to the HC Access Ramp) is neither the proper size nor shape.
- Questions
 1. The layout of the two corner parking places in the south-west corner of the site, separated by a painted cross hatch, appears to be compromised and incorrectly shown on the as-built drawing
 2. I fail to see how this in its current configuration counts as two spaces when a vehicle parked properly in either of the spaces would prevent use of the other space.
 3. The question is how to fix and account for the spaces properly.

These details need to be faithfully represented for everyone's protection; please revise the plans accordingly and resubmit to the Board for another review. Tom will not recommend the Board's acceptance of the as-built plans or approval of a Certificate of Site Plan completion for this project until all the above these matters have been addressed to the Board's satisfaction. Tom is available to discuss his concerns with the applicant or engineer at your mutual conveniences.

Best regards,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

cc: Paul Yorkis, Patriot Real Estate
David Faist, Faist Engineering

Tetra Tech Rizzo One Grant Street Framingham, MA 01701		
Project Franklin Creek	Date 8-16-10	Report No. 21
Location Franklin Street	Project No. 1	Sheet 1 of 2
Contractor Wood Structure	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS

On Monday, August 16, 2010, Dave Pellegri from Tetra Tech Rizzo, upon request by the applicant, visited the project site to inspect the recently installed retaining wall proposed along the shoulder of Franklin Creek Lane, adjacent to Station 1+00.

1. Observations

- A. The retaining wall was constructed with segmented blocks. The quality of the installation appeared good, however the approved plans called for a "Stone Retaining Wall" and includes a detail which shows the use of a more natural stone as opposed to the segmented block. From a structural standpoint, the segmented block is acceptable for this application, the decision to accept this as a substitute to the stone would be based on aesthetics. The wall however, is not highly visible since it faces existing wetlands, and only the top of the wall can be seen from the majority of view points along Franklin Street and Franklin Creek Lane.
- B. The length of the wall on the plans scales out to approximately 46 feet and no length is labeled. The length of the wall in the field is approximately 42'. The constructed wall appears to serve the intent of the plans and provide a flat shoulder area of at least 4' along the roadway. In our opinion the current length of the retaining wall is sufficient to meet the slope requirements.
- C. The caps on the wall need to be glued in place.
- D. The soil around the wall needs to be stabilized with seed or some other type of plantings/stabilization.
- F. During installation of the retaining wall a couple of rocks had fallen either onto the silt fence or into the wetlands. We notified the contractor and he said he would remove them immediately.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't				Dept. or Company	Description of Work
Foreman		Bulldozer	Asphalt Paver		
Laborers		Backhoe	Asphalt Reclaimer		
Drivers		Loader	Vib. Roller		
Oper. Engr.		Rubber Tire Backhoe/Loader	Static Roller		
Carpenters		Bobcat	Vib. Walk Comp.		
Masons		Hoeram	Compressor		
Iron Workers		Excavator	Jack Hammer		
Electricians		Grader	Power Saw		
Flagpersons		Crane	Conc. Vib.		
Surveyors		Scraper	Tree Remover		
		Conc. Mixer	Chipper		
		Conc. Truck	Screener	OFFICIAL VISITORS TO JOB	
		Pickup Truck	Drill Rig		
		Dump Truck 6 Whl	Boom Lift		
		Dump Truck 10 Whl	Water Tank		
		Dump Truck 14 Whl	Lull		
		Dump Truck 18 Whl	Gradall		

Police Details: n/a

Time on site: 5:30 P.M.

CONTRACTOR'S Hours of Work:

RESIDENT REPRESENTATIVE FORCE

Name

Name

Resident Representative Dave Pellegri

Project Franklin Creek	Date 8-16-10	Report No. 21
Location Franklin Street	Project No. 127-21583-08001	Sheet 2 of 2
Contractor Wood Structure	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. No work scheduled for the immediate future.

3. New Action Items

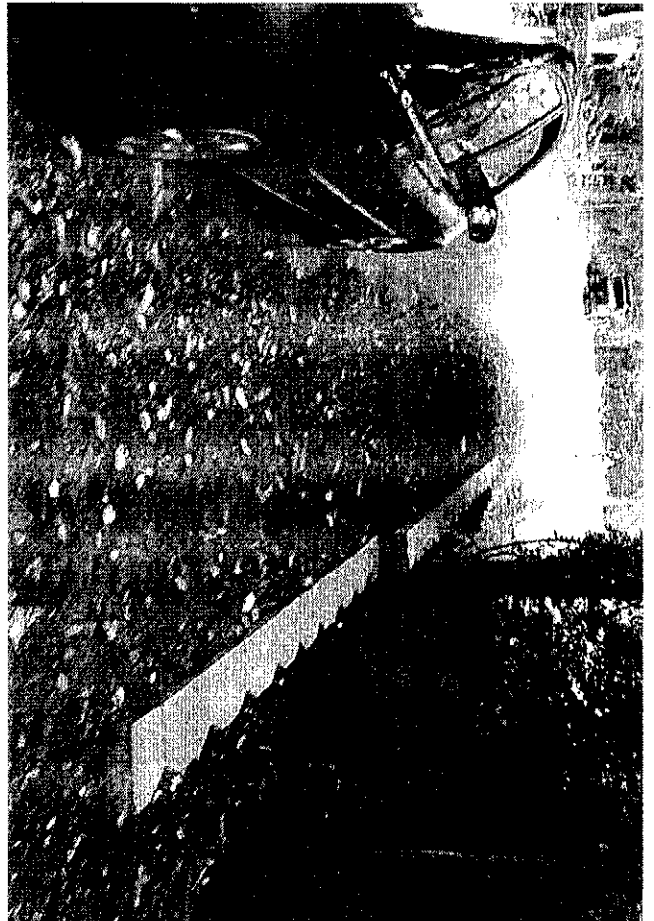
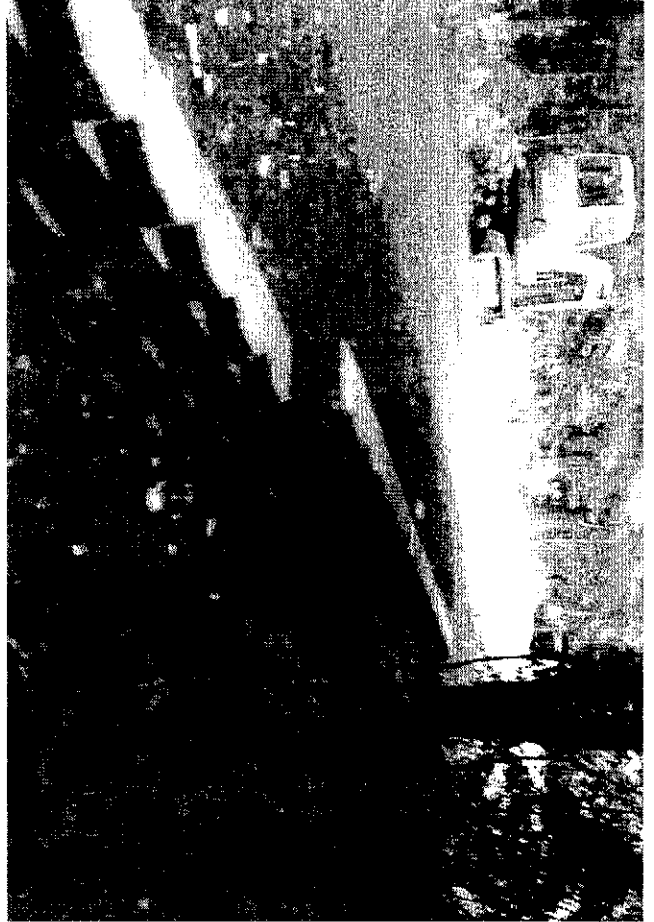
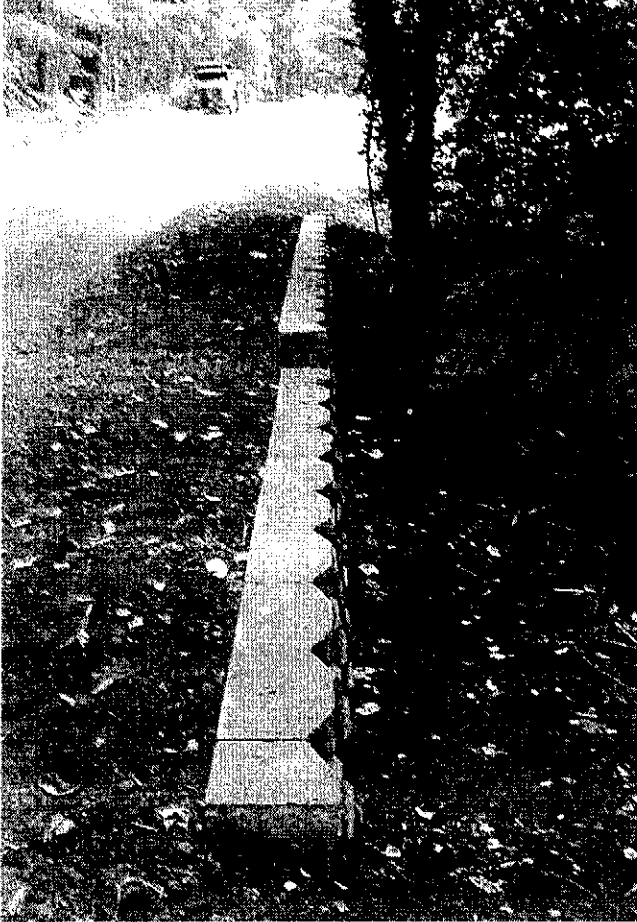
- A. The Planning and Economic Development board should review the discrepancies between the approved and constructed retaining walls.
- B. The caps should be glued.
- C. The soil requires stabilization.
- D. The rocks in and around the wetland/silt fence require removal.

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection:

- A. N/A



Medway Planning and Economic Development

IDEAS for ZONING BYLAW AMENDMENTS & OTHER POSSIBLE TOWN MEETING WARRANT ARTICLES

UPDATED 8-18-2010

<i>I. On-Going Substantive Zoning Work</i>	NOTES	<i>Priority for 2011ATM?</i>	<i>Lead Person</i>
A. Town Center/Commercial Mixed Use – 40R Overlay	Recommended in 2009 Master Plan		
B. Expand east side industrial park (Industrial I) - Rezone part of ARI			
C. Rezone area on Route 126/Main/Village Streets near Bellingham for business uses	What kind of uses would you want here?		
D. Traditional Neighborhood Design Overlay District	Draft completed by Gino Carlucci (2007 Smart Growth Grant); Recommended in 2009 Master Plan		
E. Oak Grove/Bottle Cap Lots - 40R Overlay			

II. Zoning Amendment Recommendations from the 2009 Master Plan	NOTES	Priority for 2011 ATM?	Lead Person
A. Establish a Transfer of Development rights option	Model bylaw available		
B. Establish a Wildlife Habitat Corridor Overlay Zoning District			
C. Adopt zoning to encourage mixed use development such as apartments above retail – also known as Top of Shop zoning			
D. Rezone property along Route 109 near Millis, at intersection of Routes 109/126, around the Police Station, and at Clark and Route 109 for new office space construction with residential appearance			
E. Create a new zoning classification for office space and light industry			
F. Rezone properties that are no longer suitable for industrial uses			
G. Review zoning to assure that design standards are consistent with master plan vision			
H. Create an overlay district to provide for mixed uses along portions of Village Street that will preserve historic and scenic areas where mixed uses already exist	This could be similar to the existing AUOD along Main Street – maybe this could be the same zoning and just offer it in another area		
I. Review/revise zoning for high volume drive thru businesses to reduce or eliminate such uses because of safety concerns			

II. Zoning Amendment Recommendations from the 2009 Master Plan	NOTES	Priority for 2011 ATM?	Lead Person
J. Review zoning to ensure that aquifers, wellheads and watershed areas are preserved – expand protection area around wells			
K. Rezone parcels for optimal use and Town benefit, especially areas adjacent to currently zoned industrial property			

III. Zoning Amendment Recommendations from 1999 Master Plan that Haven't Been Addressed	NOTES	Priority for 2011 ATM?	Lead Person
<p>A. Look at Commercial III (around Town Hall) and Commercial IV (around the Police Station) zones.</p> <ul style="list-style-type: none"> • Evaluate the possibility of expanding boundaries of these zones and ways to strengthen the “village characteristics”, • encourage preservation/ adaptive use and allow for mixed uses . . . similar to AUOD on Main Street/ Route 109. • Interface with Medway Historic Commission re: the new Medway Village National Register Historic District in the Commercial District III area. 	<p>These districts do not provide for any residential uses other than the construction of new single family homes</p>		
<p>B. Rezone contaminated lands for economic development.</p>			
<p>C. Create option for Neighborhood Conservation Districts (Zoning or general bylaw?)</p>			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Priority for 2011 ATM?	Lead Person
<p>A. Add/revise DEFINITIONS as requested/suggested by John Emidy, Building Commissioner/ZEO):</p> <ul style="list-style-type: none"> • trailer • lot • parcel • street lot line • rear lot line • front lot line • side lot line • setback • frontage • farm • agricultural use • accessory family dwelling unit • industrial use • storage 			
<p>B. Revise new Commercial I</p> <ul style="list-style-type: none"> • link special permits to site plan review; criteria, etc. to streamline and consolidate review process; • change authority so special permits are issued by the PB in conjunction with site plan review 	<p>Work with Karen Johnson/ Charter Realty & Development</p>		
<p>C. OSRD – Revisit formula re maximum # of units and open space</p>			
<p>D. Establish Use & Dimensional Tables – Requested by Building Commissioner John Emidy</p>			
<p>E. Modify Affordable Housing Infill Bylaw to allow it to be used on undersized (but compatible) parcels created thru ANR process</p>			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Priority for 2011 ATM?	Lead Person
F. Large Lot Zoning – Allow a single family home to be constructed on an oversize lot with less frontage than normally required with an automatic permanent deed restriction against future subdivision (by right or special permit?)	Many samples available from other towns.		
G. Create a new Village Residential (VR) zoning district for portions of ARII that are already more dense than the present ARII standards (150' frontage and 22,500 sq. ft of area)	This would better match the zoning text to the actual uses/sizes on the ground		
H. Contractor's Yards (outdoor) – Define and authorize as a by right use in Industrial I; not allow in residential districts at all (or allow by special permit???)			
I. Signs <ul style="list-style-type: none"> • Pull sign provisions from zoning and convert to a general bylaw • Establish specific sign provisions for Medway Mill • Require DRC approval of sign design 			
J. Strengthen buffer requirements in commercial and industrial zoning districts where such are adjacent to residential districts			
K. Exempt Uses – Any clean-up or improvements needed (after having gone thru a limited site plan with the Marian Community's lodging center/retreat facility)??			
L. Land Clearance/Grading and Tree Preservation	<i>Model available</i>		

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Priority for 2011 ATM?	Lead Person
M. Commercial I – revise zoning setback requirements			
N. Establish a setback requirement (<i>from side lot lines</i>) for driveway locations. (Requested by Bob Klein – 533-6212). He suggests a 6' setback.	Is this a zoning matter? Perhaps it might be better addressed in the <i>Subdivision Rules and Regs</i> and/or the DPS street opening permit requirements		
O. Noise standards			

V. Zoning Map - Clean-Up Zoning District Boundaries	NOTES	Priority for 2011 ATM?	Lead Person
A. South side of Coffee Street near Main Street (Change from ARI to ARII)			
B. Southeast corner of Summer and Highland Streets. (Change from ARI to ARII)			
C. Refine ARI and ARII boundary near Brandywine Terrace east to Winthrop Street			
D. Refine ARI and ARII on east side of Winthrop Street north of Adams Street up to Lovering St.			
E. Refine boundary of ARII district along Lovering Street			
F.			
G.			
H.			
I.			

VI. OTHER POSSIBLE TOWN MEETING WORK	NOTES	Priority for 2011 ATM?	Lead
A. Amend CPC Bylaw – Adjust composition of the CPC to include representative of the Open Space Committee			
B. General Bylaw/or article to authorize BOS to accept conveyance of land or interests therein when such is already provided for in a decision by the PB, ZBA or ConCom (instead of having to go to town meeting) – Medfield example; recommended by Mark Cerel			
C. General Bylaw - Right to Farm (recommended in 2009 Medway Master Plan)			
D. General Bylaw – Ban underground sprinkler systems (recommended in 2009 Medway Master Plan)			
E. Something on business hours of operation??? – Prohibit or regulate 24 hour operations.			