

**July 13, 2010
Medway Planning and Economic Development Board
Medway Town Hall
155 Village Street**

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, and Tom Gay.

ABSENT WITH NOTICE: Andy Rodenhiser, Chan Rogers

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 Pellegri, Tetra Tech Rizzo (Engineering Consultant)

Vice Chairman Bob Tucker opened the meeting at 7:00 pm.

Board Business:

Fiscal Year 2010 Commonwealth Capital Application:

Gino Carlucci has prepared the Town's FY 2010 Commonwealth Capital Application. See attached. At the Town meeting of June 14, 2010, Medway approved Zoning Bylaw amendments specifying by-right locations for clean energy and solar energy generation facilities. The Town is also pursuing Green Communities designation. The Town's work on the Habitat for Humanity house was helpful as was the acquisition of 50 Winthrop Street and the community farm project. The application totaled 83 points. We'll have to wait to hear back from the State on Medway's score. One of the goals for next year is to implement low impact development standards which will earn the Town additional points for its Commonwealth Capital score.

Conservation Agent:

Susy Affleck-Childs has taken part as a member of the interview team to hire a Conservation Agent who will work part-time for the Town of Medway. There were 6 people interviewed. The review team recommended three people to continue with the interview process. Next step is interviews with the Town Administrator

PUBLIC HEARINGS:

Daniels Village ARCPUD:

The Board is in receipt of an email communication from property owner Betty-McCall-Vernaglia dated Monday, July 12, 2010 requesting that the Board consider her request to withdraw the Daniels Village ARCUD project without prejudice. A copy of that email note is attached. The email also communicates that Ms. McCall-Vernaglia has signed a letter of intent with The Trust for Public Land hoping to reach an agreement for a portion of the land off Winthrop Street which would be kept as open space.

On a motion made by Tom Gay and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to approve the property owner's request to withdraw without prejudice the project entitled Daniels Village ARCPUD.

On a motion made by Tom Gay and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to close the public hearing for the Daniels Village ARCPUD.

Steinhoff Office Building - Site Plan Review Consultant Services Estimate

The Board is in receipt of two proposals for consulting services for the Steinhoff Office Building. The first proposal is from Tetra Tech Rizzo in the amount of \$4,550.00. This was broken down into tasks one through four. The second proposal is from PGC Associates in the amount of \$760.00. A copy of each proposal is attached.

On a motion made by Karyl Spiller-Walsh, and seconded by Tom Gay, the Board voted unanimously to approve the proposal from Tetra Tech Rizzo in the amount of \$4,550.00 and the second proposal from PGC Associates in the amount of \$760.00 for Review of the Steinhoff Office Building Adaptive Use Overlay District project and plans.

Applegate Farm Subdivision

Ralph Costello, developer and property owner
Bill Canesi, Canesi Brothers Construction

The Board had sent a letter to Mr. Ralph Costello Cedar Trail Realty Trust, dated July 7, 2010, regarding the Applegate Farm Subdivision. A copy of that letter is included with these minutes. The Board noted four concerns regarding the site. The Board would like the contractor to repair sections of the roadway which have washed out due to the heavy rain. The Board would like additional crushed stone installed at the entrances. This will then be verified by Tetra Tech Rizzo. The second concern involved the need for stakes to be installed with elevations delineating finish grade of the base material. Dave Pellegrini from Tetra Tech Rizzo explained that a sieve test was done and accepted.

The Board is in receipt of a letter dated July 13, 2010 from GLM Engineering, the developer's engineering consultant. This letter references and addresses the concerns raised in the Board's July 7th letter. GLM indicated that a site inspection was done to review the items of concern more specifically the silt running off the site onto an adjacent property. GLM recommends that a hay bale dike be placed across the existing flow path approximately 100 feet up gradient from the abutting property. The consultant noted that additional crushed stone had been installed at the Coffee Street intersection with the new subdivision roadway. GLM also indicated that the sieve analysis of the roadway gravel was completed and results were provided to Tetra Tech Rizzo and the Board.

The Board would like to obtain a copy of the SWP permit to address the stormwater issues. The designated inspector should be Rob Truax of GLM and this permit needs to be provided to the Board.

Mr. Costello applicant noted that the issues related to the culvert under Ellis Street will be handled separately. He will write a letter to the Medway DPW and have them look at this and see if they have a resolution. The applicant believes this is a separate issue.

Dave Pelligri noted that the abutter had mentioned the Ellis Street culvert problems in his letter to the Board. Dave mentioned that he is not clear about evidence about the elevation and the catch basins. This will need to be clarified about where they will go.

The Vice Chairman reminded Mr. Costello to keep the entrances in good repair. Mr. Carlucci asked if a street opening permit was given. The applicant noted that the application has been filed.

Mr. Pellegri will follow-up on any remaining issues and report back to the Board. Mr. Pellegri will meet on site with Bill Canesi shortly.

Special Town Meeting August 9, 2010:

Susy Affleck-Childs has prepared two articles for the August 9, 2010 Town Meeting.

The first article is to see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Granite Estates Inc. one parcel of land totaling 3.53 acres identified as Parcel B on the *Granite Estates Definitive Subdivision Plan* dated November 1999. This is known as 13 RTulip Way.

The second article is to see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Granite Estates Inc. one parcel of land totaling 58,006 identified as Parcel D on the Modified Ishmael Coffee Estates Definitive Subdivision plan dated July 30, 2004. This is known as 6 Independence Lane.

CORRESPONDENCE:

There will be an Affordable Housing Trust Planning Workshop on Tuesday, July 20, 2010 from 6:00 - 9:00 pm at the Medway Senior Center. The Board is encouraged to attend. See attached flyer.

The Board is in receipt of a letter from Irene Streifer dated June 22, 2010 regarding Country View Estates. See attached letter.

25 Milford Street:

A representative of WD Jaguar, LLC was present along with his Attorney Jim Krumsiek to discuss the situation at 25 Milford Street. Reference communication received July 12, 2010 which is attached. In November 2006, the Board endorsed the Rolling Hills Definitive Subdivision Plan. This plan was for a three lot private way subdivision in the AR2 zoning district. The newly created Lot 1 included the existing house for the parcel. Lot 1's frontage included 100 feet on Milford Street with the remaining amount on the new roadway (Harmony Lane). The original property owner (Olga Guerrero) executed a standard Subdivision Covenant with the Board on November 28, 2006. She then conveyed Lot #1 to a new owner. The new owner of Lot 1

defaulted upon the mortgage and the lender foreclosed. The present owner, WD Jaguar, LLC, took title via foreclosure not knowing that the Covenant applied to the front lot and could not be released. The main issue is that WD Jaguar has entered into a purchase agreement to sell the house to first time home buyers, but cannot do so because the purchaser's attorney and lender will not proceed without a release of Lot 1 from the Covenant by the Board. WD Jaguar, LLC would like the Board to release Lot 1 from the terms of the Covenant.

The Board is in agreement that they are not comfortable with releasing Lot #1 from the Covenant. The developer has not constructed the private roadway. Because of that, the Board believes Lot #1 does not conform to the 150' frontage requirement. It appears that the first conveyance of lot #1 occurred in error as the attorneys and lenders involved did not require the lot release. Planning Consultant Carlucci provided a memo indicating five foreseeable scenarios to the situation. See attached.

The Board advised that the owner could go to the Zoning Board of Appeals to seek a variance for frontage.

Mr. Carlucci also communicated that the Attorney requests a release from the obligations of the future homeowner's association. It is his recommendation that this obligation remain in place.

Construction Reports:

Franklin Creek Subdivision

The Board is in receipt of a memo date June 22, 2010 from Tetra Tech Rizzo. The memo recommends that the retaining wall included on the Franklin Creek Definitive Subdivision Plan be constructed as originally shown. A copy of that communication is attached.

Pine Meadows Subdivision

Dave Pelligri indicated that there was an issue with the utility pole. The cul-de-sac is being installed and is going well. Expansion joints have also been put in for the concrete apron around the cul-de-sac island.

Restaurant 45 Site Plan

A memo from David Faist from Faist Engineering, Inc. dated July 8, 2010 was presented to the Board. A copy is attached. The memo makes reference that they are certifying to the best of their knowledge that all building and site work are complete and in compliance with the approved "Site Plan – Restaurant 45-Pad Site, #45 Milford Street. An as-built plan has been provided. Member Gay will do a site visit in preparation for the Board's consideration of a Certificate of Site Plan Completion at the next meeting.

Minutes:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to approve the minutes of the June 22, 2010 meeting.

Future Meetings:

The next regular Board meetings are scheduled for:

July 27, and August 10 & 24, 2010.

Affordable Housing Workshop

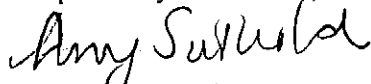
Tuesday, July 20, 2010, 6:00 pm @ Medway Senior Center

Adjourn:

- **On a motion made by Karyl Spiller-Walsh, and seconded by Tom Gay, the Board voted unanimously to adjourn at 9:00 PM.**

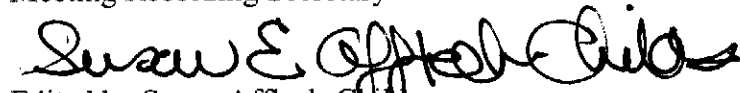
The meeting was adjourned at 9:00 PM.

Respectfully Submitted,



Amy Sutherland

Meeting Recording Secretary



Edited by Susan Affleck-Chiles

Planning and Economic Development Coordinator

Name/Title: Susy Affleck-Childs Planning and Economic Development Coordinator Email: saffleckchilds@townofmedway.org Phone: 508-533-3291
 Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria. Note: If electronic files were submitted to document compliance with the criteria last fiscal year (FY 09) these files should be referenced but need not be resubmitted with an FY10 application.

PLAN FOR & PROMOTE LIVABLE COMMUNITIES & PLAN REGIONALLY (19)		Existing	Commit
1	Current Master Plan <u>OR</u>	(6) ●	(0) ○
	Supporting File: 177 - 2009 Master Plan TOC.pdf. A new master plan was adopted in May, 2009. The Table of Contents is attached.		
	Executive Order 418 Community Development Plan; <u>OR</u>	(4) ○	(0) ○
	Current housing plan <u>AND</u> current DCS-approved Open Space and Recreation Plan; <u>OR</u>	(3) ○	(0) ○
	Current housing plan <u>OR</u> current DCS-approved Open Space and Recreation Plan	(2) ○	(0) ○
1a	Commitment to complete a Master, 418, Housing, or Open Space & Recreation Plan by Dec. 31, 2010	(0) ○	(2) ○
1b	Funding or regulatory actions implementing 2 specific Plan recommendations since July 1, 2007	(3) ●	(1) ○
	Supporting File: 177 - Housing Proction Plan TOC.pdf. Supporting File: 177 - Water System TOC.pdf. Goal 1 of the Housing section was to complete a Housing Production Plan. This completed and approved by DHCD in June, 2010. Goal 1 of the Public Facilities section was to commission a Water Master Plan. This was completed in January, 2010. The Table oc Contents of these are attached.		
2	Water resource plan: Source Water Protection, Water Conservation, Comprehensive Wastewater, or Integrated Water Resource Management	(3) ●	(1) ○
	Supporting File: 177 - Water System TOC.pdf. A Water System Master Plan was completed in January 2010. A copy of the Table of Contents is attached.		
3	Execution of a compact or MOU, provision of funding, or regulatory change to attain a regional or intergovernmental goal since July 1, 2007	(3) ○	(1) ○
4	Adoption of the Community Preservation Act	(4) ●	(2) ○
	Adopted in 2001		
ZONE FOR & PERMIT CONCENTRATED DEVELOPMENT AND MIXED USE (26)		Existing	Commit
5	Zoning for mixed-use in an applicable location	(4) ●	(2) ○
	Section V-W of the Zoning Bylaw creates an Adaptive Use Overlay District for an area that lies on Main Street abutting the Town's primary commercial center, largest park and includes an old mill building. The district allows limited commercial uses and 1 or 2 apartments within existing houses in the district. The district was amended in 2007 to allow multifamily housing in the mill building for up to 25% of its total area.		
5a	If mixed-use zoning is a DHCD approved 40R District or for Transit Oriented Development (TOD)	(2) ○	(1) ○
5b	Building permit issued for a mixed-use development since July 1, 2007	(2) ○	(0) ○
6	Zoning for accessory dwelling units (ADU)	(3) ●	(1) ○
	These are allowed by special permit from the ZBA in both the AR-I and AR-II districts.		
6a	Occupancy permit issued for at least one accessory dwelling unit since July 1, 2007	(2) ●	(0) ○
	Permits for ADU's were issued on 8/7/07 and 5/29/08.		
7	Zoning allowing by-right multi-family dwellings (not age restricted)	(3) ●	(1) ○
	Section V-T of the Zoning Bylaw provides for open space development by special permit. Multi-family units are allowed as part of an open space development with no additional permitting.		
7a	If zoning allows by-right multi-family dwellings of 4 or more units (not age restricted)	(3) ●	(1) ○
	Section V-T limits multifamily buildings to 5 units each, but there is no maximum number of buildings.		
8	Zoning for clustered development / Open Space Residential Development (OSRD)	(3) ●	(1) ○
	Section V-T allows open space development.		
8a	If cluster is mandated, by-right, or includes a density bonus	(2) ○	(1) ○
8b	A cluster development has been permitted since July 1, 2007	(2) ●	(0) ○
	Another open space development, Williamsburg condominiums was approved in 2010. It consists of 18 multi-family units.		
EXPAND HOUSING OPPORTUNITIES (21)		Existing	Commit
9	Zoning requiring the inclusion of affordable units (IZ)	(3) ●	(1) ○
	Medway adopted an inclusionary zoning bylaw (Section V-X) in 2008. It requires any project of 3 or more units to provide 15% affordable, with provisions to comply off-site or with a payment into the Affordable Housing Trust Fund in lieu of the units.		
9a	Building permits issued for affordable units under an inclusionary bylaw/ordinance since July 1, 2007	(2) ○	(0) ●
	Infrastructure for the first development with inclusionary units is under construction, but no building permits have yet been issued.		
10	Increased housing stock by 50-99% or more of state goal	(3) ○	(0) ○
	100% or more of state goal	(4) ○	(0) ○
11	66 % or more of new units produced using a listed smart growth technique	(4) ○	(0) ○
12	Attainment of Housing Production certification (.5% of housing units) <u>OR</u>	(4) ○	(0) ○
	Attainment of a Chapter 40B threshold	(5) ○	(0) ○
13	Production of housing units on municipal land or with municipal funding since July 1, 2007	(3) ●	(0) ○
	A building permit was issued to a non-profit housing organization for an affordable housing unit on Town land in 2009.		
MAKE EFFICIENT DECISIONS & INCREASE JOB AND BUSINESS OPPORTUNITIES (11)		Existing	Commit

FISCAL YEAR COMMONWEALTH CAPITAL APPLICATION - PDF Created On 6/29/2010

Original Application

Municipality: MEDWAY Address: 155 Village Street Medway, MA 02053 Date: 6/22/2010 10:07:00 AM

Name/Title: Susy Affleck-Childs Planning and Economic Development Coordinator Email: saffleckchilds@townofmedway.org Phone: 508-533-3291

Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria. Note: If electronic files were submitted to document compliance with the criteria last fiscal year (FY 09) these files should be referenced but need not be resubmitted with an FY10 application.

14	Redevelopment Strategy: (a) inventory, (b) remediation, revitalization, or reuse strategy, or (c) site planning	(4) ●	(2) ○
	Medway amended its Adaptive Use Overlay District (Section V-W of the Zoning Bylaw) in 2007 to allow housing to be part of a mixed use development in an old mill building that is being renovated.		
15	Approved 43D Priority Development Site or provision of a (a) financial, or (b) regulatory redevelopment incentive	(4) ●	(2) ○
	Medway has adopted 43D and at its June 14, 2010 Town Meeting designated several additional parcels as Priority Development Sites.		
16	Adoption of permitting best practices	(3) ●	(1) ○
	Medway has adopted a user's guide to permitting, permitting flow charts, a pre-application process, a project technical review team, and physical proximity of professional staff.		
PROTECT LAND AND ECOSYSTEMS (21)		Existing	Commit
17	15-25% of town area protected [by a Chapter 184-type restriction or Article 97] OR	(4) ○	(0) ○
	25% or more of town area protected	(5) ○	(0) ○
18	Land protected via a restriction or fee acquisition alone or with a land trust since July 1, 2007	(4) ●	(0) ○
	The Town acquired 14 acres at 50 Winthrop Street on December 31, 2008 using CPA funds.		
19	Existence of an agricultural commission	(3) ●	(1) ○
	An Agricultural Commission was established at Annual Town Meeting on June 14, 2010.		
20	Adoption of a Right-to-Farm bylaw/ordinance	(3) ○	(1) ○
21	Stewardship plan for a municipal forest	(3) ○	(1) ○
22	Transfer of Development Rights (TDR) or other zoning for agricultural, forestry, or natural resource conservation	(3) ○	(1) ○
USE NATURAL RESOURCES WISELY (8)		Existing	Commit
23	Adoption of a bylaw, ordinance, or regulation that encourages the use of Low Impact Development (LID) to address stormwater	(4) ○	(2) ○
24	Implementation of the 2006 Massachusetts Water Conservation Standards	(4) ○	(2) ○
PROMOTE CLEAN ENERGY (9)		Existing	Commit
25	Implementation of energy efficiency measures	(3) ●	(1) ○
	The town has taken a number of energy efficiency measures since 2006. These include: new boiler, windows and insulation in Town Hall, replaced all light fixtures with high efficiency units, replaced all mercury vapor street lights with high pressure sodium, replaced all traffic lights with LED's, replaced all CRT monitors in Town Hall with LED, purchased light vehicles (pickups and cars) to replace heavy vehicles whenever possible, replaced window AC units with ductless split AC system, reconfigured heating system in Town Hall for improved flow. The Town is also pursuing Green Communities designation.		
26	Production or purchase of renewable energy	(3) ●	(1) ○
	The Town has installed solar panels on the high school roof and pursuing adding them to the middle school as well.		
27	Clean energy regulations and incentives	(3) ●	(1) ○
	At its Town Meeting of June 14, 2010, Medway approved zoning bylaw amendments specifying by-right locations for clean-energy R&D or manufacturing in its industrial districts and solar energy generation facilities in one of its industrial districts.		
PROVIDE TRANSPORTATION CHOICE (9)		Existing	Commit
28	Regulations requiring or actions to facilitate bicycling and walking since July 1, 2007	(3) ●	(1) ○
	Section V.B.6 of the Zoning Bylaw (adopted in Fall, 2007) requires that parking areas of 40 or more vehicles must provide bicycle racks at a rate of 1 bike per 20 parking spaces. In June 2010, it adopted a bylaw requiring that sidewalks be provided along the frontage of commercial sites.		
29	Regulation requiring or completion of a context sensitive transportation project since July 1, 2007	(3) ○	(1) ○
30	Regulations requiring or implementation of innovative transportation measures since July 1, 2007	(3) ●	(1) ○
	Medway has taken steps to reduce parking requirements. In 2007, it adopted a zoning amendment allowing the ZBA to reduce parking requirements when it could be documented that fewer spaces are needed. Also in 2007, it allowed "compact" spaces to be used so that less impervious surface could be used to provide the same number of spaces. In 2008, it reduced the number of spaces required from 1 per 200 square feet to 1 per 300 square feet in its primary commercial district. Also, in September of 2007 bus service from Medway to the Norfolk commuter rail station was initiated.		
ADVANCE EQUITY (6)		Existing	Commit
31	Actions that promote fair housing since July 1, 2007	(3) ○	(1) ○
32	Actions that promote environmental equity since July 1, 2007	(3) ○	(1) ○
PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (10)		Existing	Commit
33	Existence of or commitment to additional local measures or actions 2, 4, 6, 8, OR 10	(10) ○	(0) ○
	See explanation above	(8) ●	(0) ○

FISCAL YEAR COMMONWEALTH CAPITAL APPLICATION - PDF Created On 6/29/2010

Original Application

Municipality: MEDWAY Address: 155 Village Street Medway, MA 02053 Date: 6/22/2010 10:07:00 AM

Name/Title: Susy Affleck-Childs Planning and Economic Development Coordinator Email: saffleckchild@s@townofmedway.org Phone: 508-533-3291
 Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria. Note: If electronic files were submitted to document compliance with the criteria last fiscal year (FY 09) these files should be referenced but need not be resubmitted with an FY10 application.

<p>Four members of the Planning Board attended the March 2008 CTPC conference. The Town completed a sewer line extension to an existing business park that allows expansion of existing businesses and greater density in the park. The Town has a pay-as-you-throw program. Medway has used funds to purchase an historic building. Medway has a demolition delay bylaw and 2 historic districts, including the Medway Village one which was designated a National Historic District in 2008. Medway had a 2008 recycling rate of 52%. The Town has Scenic Road Act protection program including 25 Scenic Roads. The Town is leasing 7 acres of 14-acre site acquired in 2008 for use an organic community farm. A shuttle bus to the Norfolk commuter rail station was established through GATRA in September 2007 and provides service from 3 locations including the commercial center. Its home occupation bylaw was amended at Town Meeting in 2010 to expand its applicability.</p>	
<p>See explanation above</p>	<p>(6) <input type="radio"/> (0) <input type="radio"/></p>
<p>See explanation above</p>	<p>(4) <input type="radio"/> (0) <input type="radio"/></p>
<p>See explanation above</p>	<p>(2) <input type="radio"/> (0) <input type="radio"/></p>
<p>BONUS - 1 POINT FOR EVERY FISCAL YEAR COMMITMENT IMPLEMENTED: 0</p>	
<p>Applicant Information on Implemented Commitments</p>	
<p>6 23 Adoption of a bylaw, ordinance, or regulation that encourages the use of Low Impact Development (LID) to address stormwater No follow up on this commitment was provided.</p>	
<p>TOTAL: EXISTING, COMMIT AND BONUS POINTS (MAXIMUM)</p>	
<p>Total Requested Score: 83</p>	



TETRA TECH RIZZO

June 29, 2010

Mr. Andy Rodenhiser-Chairman
Planning and Economic Development Board
155 Village Street
Medway, MA

**Re: Proposal for Site Plan Review
Steinhoff Office Building
Medway, Massachusetts**

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (the Client) for professional engineering services associated with the proposed Steinhoff Office Building project in Medway, Massachusetts (the Project). The objective of our services is to review the Site Plans and the drainage analysis, and provide review comments.

Scope of Services

The following specifically describes the Scope of Services to be completed:

- **Task 1 Site Visit**
 - Perform one (1) site visit to review the site and its surroundings.
- **Task 2 Site Plan Review**
 - Review the storm water design and analysis associated with the proposed Site Plans prepared by The H.L. Turner Group Inc., dated June 11, 2010;
 - Review the Site Plans for compliance with the Medway Site Plan Rules and Regulations; and
 - Prepare a memorandum summarizing findings for presentation to the Medway Planning Board.
- **Task 3 Additional Reviews**
 - Review additional submittals from applicant addressing comments generated in Task 2, and comments arising at public hearings.
- **Task 4 Meetings**
 - Participate in three (3) meetings with the Medway Planning Board.



TETRA TECH RIZZO

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget of \$4,550 for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$250
Task 2	Site Plan Review	\$2,800
Task 3	Additional Reviews	\$750
Task 4	Meetings	\$600
	Labor Subtotal	\$4,400
	Expenses (3.5%)	\$150
	Total Fee	\$4,550

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.



TETRA TECH RIZZO

Very truly yours,

David R. Pellegrini, P.E.
Project Manager

Sean P. Reardon, P.E.
Vice President

Accepted by: _____

Andy Rodenhiser
Medway Planning and Economic
Development Board Chairman

_____ Date

PGC ASSOCIATES, INC.

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

July 8, 2010

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

Re: Estimate for 146 Main Street AUOD special permit

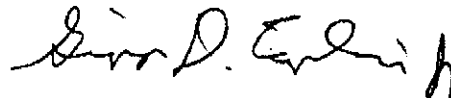
Dear Mr. Rodenhiser

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed Adaptive Use Overlay District special permit submitted by Steinhoff Realty Trust for property at 146 Main Street. The plan was prepared by the H.L. Turner Group Inc. of Concord, NH and is dated June 11, 2010 with a revision date of June 30, 2010.

<u>Task</u>	<u>Hours</u>
Prepare Estimate	0.5
Technical Review and comment on initial submittal	2.5
Attendance Planning Board meetings/hearings (2)	2.5
Review and comment on revised plans	1.5
Review/comment on special permit decision	2.5
Total	9.5
Cost Estimate (@\$80)	\$760.00

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Tuesday, June 29, 2010 10:50 AM
To: 'Betty@BettyMcV.com'; 'Bettymcv@aol.com'
Cc: 'Andy Rodenhiser'
Subject: Daniels Village ARCPUD

Hi Betty,

I am writing to follow-up on the discussion at last week's Planning and Economic Development Board meeting.

Based on my discussion this morning with Town Counsel, we would ask that you provide a written communication to us indicating that you are withdrawing the Daniels Wood ARCPUD project from further consideration at this time and asking the Planning and Economic Development Board to approve your request to withdraw, without prejudice.

Our incoming email is not working right now. Perhaps you could prep this as a formal letter and then fax it to me. 508-533-3287. Thanks. Call me if you have any questions.

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

Medway Affordable Housing Trust Planning Workshop

Hold the Date

Tuesday, July 20, 2010, 6-9pm

Location: Medway Senior Center
76 Oakland Street Medway, MA



The Town of Medway invites you to participate in a public workshop. Your participation will help the newly appointed Board of the Medway Affordable Housing Trust identify goals and priorities for the housing trust's initiatives.

Learn about Medway's housing needs and join in a series of group questions, discussion, and activities.

Consultants Beth Rust of ECR Enterprises and
Jennifer Goldson of JM Goldson community preservation + planning,

We'd like to provide you with materials ahead of time,
so please let us know if you plan to attend.

RSVP to Jennifer Goldson
jennifer@jmgoldson.com
617-990-4971
by Wednesday, July 14th, 5pm.
(email preferred)

June 22, 2010

Andy Rodenheiser

Chairman, Medway Planning Board

RECEIVED
JUN 28 2010

TOWN OF MEDWAY
PLANNING BOARD

Dear Andy,

Unfortunately you as well as others on the board have not been privy to all of the ins and outs that have prevailed with the development, and unlike all of the other residents, the acceptance of an easement for our land has only been based on the acceptance of the development as a whole. And unlike the other residents we were asked/ told that we had to get Whelan to complete the punch list items.

The Town of Medway had never accepted an original O & M for the development, as no one has been able to produce it, including the original Engineer whose office I visited back in 2003.

The current board it taking the brunt of the frustration for an issue that was long started before you or most everyone else ever came on board, and we the homeowners have been with this issue now for over 8 years, and as you can see by what I have enclosed, very frustrating for us.

a few samples

Thank you for your assistance,

Irene Streifer

PS - Whelan's atty told us in writing that the "Town has been maintaining" the ponds within the devel. Clearly Whelan does not want to accept an easement agreement from us as it will confirm in the eyes of the courts who is resp. for such maintenance.

COPY



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

Matthew J. Hayes, P.E., Chairman
Anity Rodenhiser, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.

June 24, 2005

Mr. Greg Whelan
Broad Acres Management
1352 Main Street
Millis, MA 02054

RE: Completion of Country View Estates

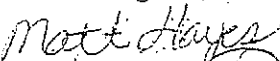

Dear Greg,

Thank you for meeting with Mark Louro, Alan DeToma and me on May 23, 2005 to review your plans and schedule for completing the Country View Estates subdivision. It was a positive and fruitful discussion. At that time, you were supplied with a set of VHB construction observation/inspection reports detailing the work that must be redone or completed. You provided a letter to us at the 5-23-05 meeting in which you stated that all three phases of the subdivision would be completed by August 31, 2005. We were very pleased to learn that you have retained a highly regarded contractor to complete the construction and repair work at Country View Estates.

Let me reiterate that the Planning Board is most eager for this subdivision to be finished. On November 30, 2005, it will be six (6) years since the Planning Board endorsed the Country View Estates definitive subdivision plan. The *Subdivision Rules and Regulations* in effect at that time specify that plan endorsement is valid for two years from the date of endorsement. Those *Regs* also provide that the developer shall request extensions, which the Planning Board may grant in two-year increments. Although you have never formally requested a deadline extension, the Planning Board's various actions over the years to set and adjust bonds for the three sections of Country View Estates have served as defacto extensions. The Planning Board last adjusted the bonds for Country View Estates on November 18, 2003. That two-year defacto extension concludes November 18, 2005. Please be advised that the Planning Board will not authorize any further bond reductions for any phase of Country View Estates until street acceptance is approved by Town Meeting. Furthermore, the Planning Board is prepared to vote to seize the Country View Estates bonds if the subdivision work at Country View Estates is not completed by November 18, 2005.

If you have any questions regarding this communication, please contact me through the Planning Board office.

With best regards,


Matthew J. Hayes 
Chairman

GILBERT & RENTON LLC
344 North Main Street
Andover, Massachusetts 01810-2611

Telephone: (978) 475-7580
Facsimile: (978) 475-1881

Robert J. Gilbert, Esq.
Jeffrey B. Renton, Esq.
Edward J. Denn, Esq.
Matthew J. Ginsburg, Esq.

May 16, 2007

By First Class Mail

Ms. Susan Affleck-Childs
Town of Medway Planning Board
155 Village Street
Medway, MA 02053

Barbara J. St. Andre, Esq.
Petrini & Associates, P.C.
161 Worcester Road, Ste. 304
Framingham, MA 01701

27

Re: Detention Pond, 37 Broad Acres Farm Road, Country View Estates, Medway, MA

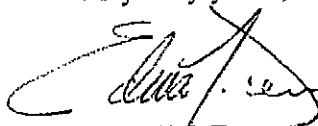
Dear Susan and Barbara:

It appears that the final hurdles to the repair and eventual acceptance of the above-referenced detention pond are agreements between the developer, the land owner, and the Town on (i) a Stormwater Management System Operation & Maintenance Plan compliant with DEP Stormwater Management Policy and (ii) a Drainage Easement Agreement covering the site of the pond. Because the developer has once again failed and refused to submit drafts of these documents, the land owner has attached its own. Please ensure that the Planning Board and its counsel receive and review these drafts prior to the June 12 hearing on them.

As I understand it, a preliminary agreement on an O&M Plan and Easement acceptable to all is a precondition to the repair of the pond which is, in turn, a precondition to its acceptance. The developer and land owner have a separate settlement which requires the developer to sign the attached drafts, so it comes down to the Town. It is essential that the Town weigh in on the drafts, though it (unlike the developer) need not sign them unless and until the pond is repaired and accepted.

Thank you for your attention to this matter.

Very truly yours,


Edward J. Denn

Andy
The Town of Medway never approved an O+M plan for this development in 98/99 never was presented one if it was better!

~~June 7, 2005~~ ✓

To all residents of Country View Estates –

Greg

5

This note is to inform you that the Planning Board had a PRIVATE meeting with Mr. Greg Whelan, the developer, the purpose of which was to try to remedy his lack of time spent in finishing the development. Their main purpose for this meeting, as was explained to me, was to talk to him about the possible completion of the Planning Boards' punch list.

This punch list may or may not contain items, which may be of concern to you as a resident of the development. Keeping in mind, that the town is holding bond money based on costs 7 years ago. They are concerned that if they presser the developer too much they may not get anything, and the bond money would not cover the cost of bringing this development up to par for acceptance. And I need not say anything further in this area.

As a resident of this development, I was made aware of this only because we have been involved with this process since our purchase of our property as there are outstanding issues which directly affect our land and our house value.

Some of you have a personal and professional relationship with Mr. Whelan, and I am just informing you of information, which should be made available to you as a homeowner in this development and no more.

Irene Streifer

RECEIVED
JUL 19 2010

To: Town of Medway Planning and Economic Development Board
From: WD Jaguar, LLC
Re: 25 Milford Street, Medway, Massachusetts

TOWN OF MEDWAY
PLANNING BOARD

Background: In 2006 Guerrero & Associates, Inc. (“**Guerrero**”) submitted a definitive subdivision plan of its property located at 25 Milford Street which was approved October 10, 2006 and created a three lot subdivision and private way to be constructed entitled Rolling Hills. The original lot consisted of a single family home with frontage on Milford Street; the subdivision contemplated the construction of two additional homes on two new lots situated at the rear of this home.

The Planning Board issued a restrictive covenant (“**Covenant**”) on November 28, 2006 for purpose of ensuring the private way was constructed and municipal services were installed in the subdivision which was to be accomplished within 3 years by the terms of the Covenant. The Covenant also provided that Guerrero was not to convey any lots within the subdivision absent completion of the construction of the road and installation of the municipal services. The Covenant was recorded with the Norfolk County Registry of Deeds on December 5, 2006. The goal of the Covenant, presumably, was to require Guerrero to construct the private way and install municipal services so that the new homes, i.e., the homes to be constructed on the lots behind the existing home with frontage on Milford Street, would have access to a private way leading to a public way and municipal service, both without cost to the Town.

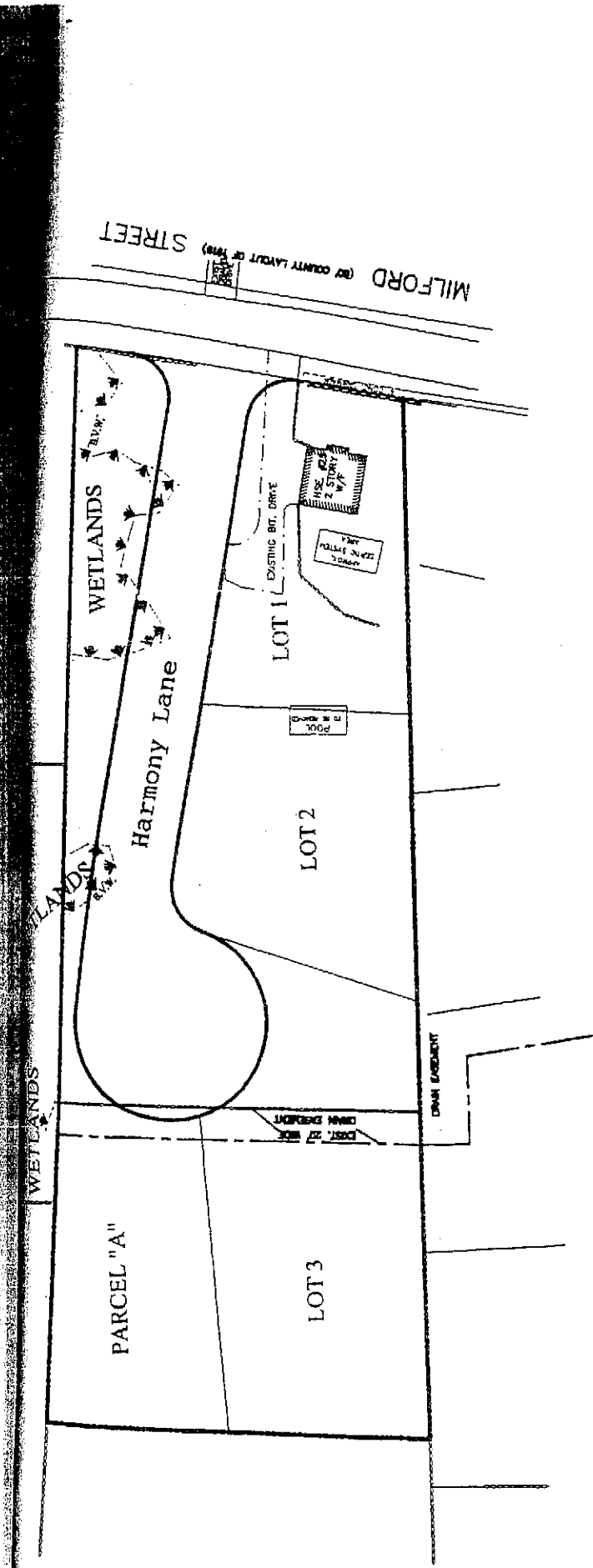
Notwithstanding the Covenant, Guerrero conveyed Lot 1 of the subdivision (the lot with the single family home with frontage on Milford Street) to Darline Rosin and Henrio Bonneau for \$370,000.00. The deed was recorded December 29, 2006 and Rosin and Bonneau financed the purchase of Lot 1 by obtaining two mortgages covering Lot 1. They subsequently defaulted upon the mortgages and the lender foreclosed upon Lot 1. WD Jaguar, LLC (“**WD**”) took title to Lot 1 via foreclosure deed recorded February 19, 2010 under the mistaken belief that the Covenant did not apply to the front lot or could be released.

Issue: WD has entered into a purchase and sale agreement to sell the house to first time home buyers, but cannot do so because the purchaser’s attorney and lender will not proceed without a release of Lot 1 from the terms of the Covenant. WD would like the Planning Board to release Lot 1 from the Covenant to allow the sale to proceed. To the extent applicable, WD also requests that the board relieve it from the homeowner’s association as Guerrero has failed to construct the road for which the association was established.

Feb
2010

Justification for Requested Relief:

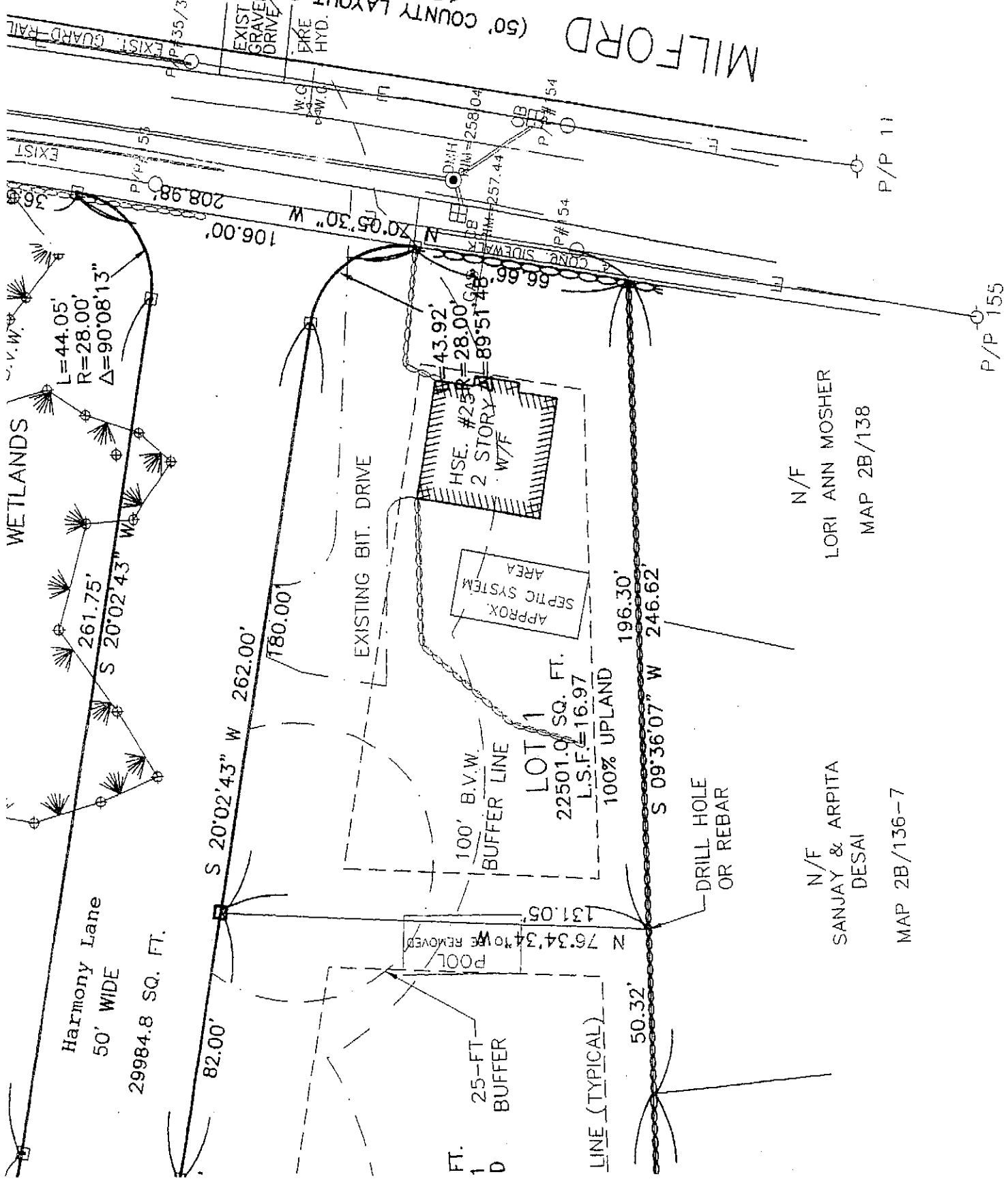
- The relief requested will not compromise the purpose of the Covenant at all, because Guerrero still will not be able to sell the remaining two lots of the subdivision unless Guerrero constructs the private way and installs the municipal services, as originally intended.
- The Town can adequately condition any further development of the remaining land by requiring Guerrero to bond or otherwise secure performance so its requirements are met.
- The proposed purchasers of the property are without housing at the end of July, and need to purchase the property immediately. If they do, their ownership will benefit the Town because they will be actual owner/occupants of the property able to maintain and improve it.
- The Town will also benefit from the sale insofar as the price to be paid will likely result in an increased tax assessment on the property.
- Lastly, and perhaps most compelling, if the relief is not granted, Lot 1 may very well sit in a state of perpetual limbo, as Guerrero apparently does not have the financial resources to construct the private road and install the municipal services in its development of the rear lots, and WD is a corporate real estate investor and not an owner/occupant. That means the property will likely remain uninhabited and exposed to vandalism for an indefinite period of time, rendering it susceptible to becoming a public blight in a prominent area of town.



MILFORD STREET
(BY COUNTY LAYOUT OF 1988)

Inverse with Area LOT 1
 CRD File> C:\PROJECTS\MEDWAY\MILFORD ST\HSE#25.crd ST/
 PNTNO BEARING DISTANCE NORTHING EASTING
 224 S 70°05'30" E 66.66 4905.12 5115.15
 31 S 09°36'07" W 196.30 4882.42 5177.83
 227 N 76°34'34" W 131.05 4688.87 5145.09
 226 N 20°02'43" E 180.00 4719.29 5017.62
 225 RADIUS: 28.00 CHORD: 39.55 DEGREE: 204°37'41" DIR:
 LENGTH: 43.92 DELTA: 89°51'48" TANGENT: 27.93
 CHORD BRG: N 64°58'37" E RAD-IN: S 69°57'17" E RAD-OUT: S
 RADIUS PNTNO: 223 N: 4878.79 E: 5105.62
 224 CLOSURE Error Distance> 0.0000
 Total Distance Inversed> 617.92
 AREA: 22501.0 SQ FT OR 0.52 ACRES

MILFORD (50' COUNTY LAYOUT OF 1919) (Public)
 STREET



N/F
 LORI ANN MOSHER
 MAP 2B/138

N/F
 SANJAY & ARPITA
 DESAI
 MAP 2B/136-7

FT.
 1
 D
 BUFFER

LINE (TYPICAL)

PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: July 13, 2010

RE: Rolling Hills/25 Milford Street Lot Release request

A request has been received from WD Jaguar LLC for the Planning Board to release 25 Milford Street from the Rolling Hills covenant (which prohibits building permits and conveyance of lots until the roadway is completed or a performance guarantee is in place) so that the property may be conveyed to a potential buyer.

Rolling Hills is a 3-lot subdivision with a private way for which the applicant is Olga Guerrero. It consists of 3 lots, of which 1 (the site of 25 Milford Street) preexisted the subdivision. The subdivision removed a portion of the Milford Street frontage from 25 Milford Street but created new conforming frontage along the new subdivision road. Without the subdivision road, 25 Milford Street does not have sufficient frontage.

According to the information provided by the attorney for WD Jaguar, the lot was previously conveyed to buyers despite the covenant restricting such sale. Those buyers defaulted on their loan and were foreclosed on by their lender. WD Jaguar, a corporate real estate investor, then took title on February 19, 2010. The attorney says this happened under the mistaken belief that the covenant "did not apply to this lot or could be released." It is not clear how the mistaken belief that it did not apply could have developed unless the covenant was not reviewed. The possibility that it could be released was presumably a judgment call made without consultation with the Planning Board.

The request ends with a somewhat threatening tone stating that if the lot release is not approved, the property is likely to remain vacant, be exposed to vandalism and possibly become a public blight. I would hope that the new bylaw addressing this situation would limit negative impacts.

I believe that the following are the primary foreseeable scenarios:

- 1. Lot Release Denied, Property Remains Vacant** – Based on the attorney's request, this appears to be a scenario with some degree of probability. As mentioned above, it would be hoped that the new bylaw would limit the impacts of the vacancy. Since the ownership of the property is separate from the remainder of the subdivision, there is little leverage on the part of the owners for getting the road constructed. However, as corporate real estate investors, the prospect of owning a vacant property could provide some incentive to try to work something out with Olga Guerrero to get the road built.

2. **Lot Release Denied, Different Buyer Surfaces** – Just as the previous lender provided a loan for the previous buyers and then WD Jaguar assumed title without regard to the Covenant, it is possible that another buyer will surface whose attorney and lender’s attorney misses the restriction against sale in the covenant. I believe this would be a highly unlikely now that the issue has come to light and would need to be disclosed.
3. **Lot Release Denied, Property is Rented** – Vacancy is not the only option if a sale is not possible. The current owners could rent the property for a period of time, presumably until such time as the subdivision road is constructed and the covenant could be released. One possible risk for the current owner is that the subdivision never gets built. The property would then remain a nonconforming lot indefinitely.
4. **Lot Release is Approved and Property Sold to Currently-Interested Buyers** – This option would presumably result in the immediate occupancy of the property. Again, the new owners would take title to a non-conforming lot. This would not be a “pre-existing non-conforming lot” since the lot was created in 2006. There is a risk that the nonconforming nature of the lot would be as much of a barrier to securing finance as the covenant is. However, there are 2 potential remedies to the nonconformity: (a) the road could be constructed as approved or (b) the ZBA could grant a variance.
5. **Subdivision Modification** – With the cooperation of the subdivision owner, Olga Guerrero, a subdivision modification could be considered that would add a condition that 25 Milford Street could be released from the covenant upon completion of minimal construction within the subdivision road layout (perhaps to driveway standards). The other 2 lots would remain fully subject to the covenant. Both the approval process and the construction would take more time than simply releasing the lot. However, it would solve the nonconformity issue, avoid releasing a lot prior to the approved conditions being met, allow clear legal status of the property and ensure that it becomes occupied in a timely manner. Presumably, if the PEDB indicates it would be favorably inclined to consider this option, WD Jaguar could rent the property to the interested buyers until the process is completed.

Finally, the attorney’s request also includes a release from the obligations of the homeowner’s association. I don’t see any reason to do this. As long as the road is not built, there would be no maintenance costs incurred. If the road is eventually built, the owners of 25 Milford should assume its share of the responsibility as intended in the original subdivision approval.



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

Fr: David Pellegrini, P.E.–Tetra Tech Rizzo
Steven Bouley-Tetra Tech Rizzo

Re: **Franklin Creek-Retaining Wall
Subdivision Review for Bond Release
Medway, MA**

Dt: 6/22/2010

At the request of the Medway Planning and Economic Development Board, Tetra Tech Rizzo (TTR) reviewed the attached Grade Modification Sketch dated 6/10/10 provided by Land Planning, Inc. against the Town of Medway Rules and Regulations for the Review and Approval of Land Subdivisions, the proposed plans and good engineering practice.

The review yielded the following comments:

1. By regrading the slope as shown on the sketch, the “flat” shoulder area would be decreased from 4 feet to 2 feet. This would not provide sufficient area for people to walk safely down the street since there are no proposed sidewalks. The shoulder should be built as detailed in the subdivision regulations with a 4 foot level surface.
2. The grade from the shoulder to the wetland would increase to 1:1 in some areas per the attached sketch. This violates Section 7.14.1 of the subdivision regulations stating that slopes are not to exceed 3:1.
3. Approval from the Conservation Commission should be obtained due to the steep slope within close proximity of the wetlands.

For the reasons noted in points 1 and 2 above, we recommend that the proposed retaining wall be constructed as originally shown on the construction documents. If the applicant decides to pursue further, we recommend that they obtain approval from the conservation commission prior to submitting revised sketches. Also, the applicant shall submit a formal application to modify the Franklin Creek Subdivision Plan to the Planning and Economic Development department.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

FAIST ENGINEERING, INC.

600 Charlton Street · Southbridge, MA 01550

July 8, 2010

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

RECEIVED
 JUL 08 2010

**Re: Restaurant 45 - #45 Milford Street- Medway, MA
 Professional Engineer As-Built Certification**

TOWN OF MEDWAY
 PLANNING BOARD

Dear Mr. Rodenhiser:


Faist Engineering, Inc. (FE) is writing this letter to certify that to the best of our knowledge all building and site work are complete in strict compliance with the approved "Site Plan - Restaurant 45- Pad Site, #45 Milford Street, Medway, MA" prepared by Faist Engineering, Inc. revise date June 9, 2006, endorsed by the Medway Planning Board on June 22, 2006 with the following exceptions.

- o Route 109 sidewalks were changed per Mass Highway requirements (7/24/08), proposed retail building footprint reduction from 5,150 s.f. to 4,800 s.f. footprint, re-location of the new ADA handicap ramp from the front of the building adjacent to the new 1,440 s.f. restaurant lounge addition, emergency exit/entrance stairs added at the front entrance, and parking lot striping layout are complete in accordance with the "Site Plan - Restaurant 45 -Pad Site" revision date #5, 10/24/08 reviewed by the Medway Planning Board.
- o Restaurant 45 pylon sign location is within striping area adjacent to the traffic signal control box and sidewalk area as shown on the As-Built Plan.
- o Additional retail ladder style sign for the 4,800 s.f. retail building is located in the landscaping area adjacent to the Rte. 109 entrance/exit curbcut as shown on the As-Built Plan.
- o Installation of the ten (10) "No Parking Either Side" signs is not complete on the two (2) adjacent private streets Rustic Road or Little Tree Road as the Applicant is unable to obtain permission from the owner of these private ways. The Applicant is committed to install these signs at such time these two (2) roads become accepted public ways.

This certification is based on my visual inspection of the property located at #45 Milford Street in Medway, MA (the "Site") and review of the "As-Built Survey" plan prepared by O'Driscoll Land Surveying Co. date June 30, 2010.

You can contact me with any questions or comments at (508) 765-7755. Thank you.

Sincerely,



David T. Faist, P.E.
 Principal Engineer

cc. Mark Smith, Restaurant 45
 Paul Yorkis, Patriot Real Estate

