Medway Planning and Economic Development Board Medway Town Hall 155 Village Street June 22, 2010

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

ABSENT WITH NOTICE: John Williams

ABSENT WITHOUT NOTICE:

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

The Chairman opened the meeting at 7:00 pm.

Committee Appointments

Open Space Committee:

Open Space Committee as regular members through June 30, 2012. unanimously to appoint Jim Sullivan, Jim Wickis, Glenn Murphy and Bruce Hamblin to the On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted

Design Review Committee:

regular members through June 30, 2012. appoint Mary Weafer, Matt Buckley, and Rachel Walsh to the Design Review Committee On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to appoint Dan Hooper to the Design Review Committee as an associate member through June 30

Economic Development Committee:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted Economic Development Committee as regular members through June 30, 2012. unanimously to appoint Ray Himmel, Ken Bancewicz, Carolyn Chodat, and Kent Scott to the

Daniels Village ARCPUD: (Public Hearing Continuation)

notification (of another buyer) to a prospective local buyer who has had a long standing interest in Betty McCall Vernaglia, the property owner, informed the Board that the attorney has given a 30 day NO response has yet been received from the prospect.

continue the public hearing for Daniels Village ARCPUD to July 13, 2010 at 7:15 pm. On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to

permit consideration. She will be submitting a letter to formalize her plans The applicant stated she is inclined to now withdraw the project from further ARCPUD special

steps for withdrawal. It was agreed that Susy would check with Town Counsel to determine if there are any additional

Water Tank) Informal Site Plan Review: (Town of Medway Department of Public Services - Highland Street

abutter notice.) notification was to have the abutters learn more about the plans for this site. (See attached copy of abutters within 500 feet of this location were notified of this agenda item. The purpose of provided a synopsis of the plans to install a new municipal water tank at 14 Highland Street. The Director of Public Services, Tom Holder, along with a representative from Weston and Sampson

tank. There will be a barrier swing gate set in from the roadway. Rain water will go into the water go out to bid in August. flow pipe. The design plan is currently being reviewed by the MassDEP. Once approved, this will on the bottom. blend in with the natural environment. The slopes can be changed so that catch basins are not needed of the water tank. It was communicated by Mr. Holder that the tentative color will be dark blue to landscaped buffer with screening between the new tank and the road. The Board discussed the color during September 2010 and will be completed by February 2011. The site work will include a tank is designed as an 800,000 gallon bolted glass-fused steel tank. was such that the tank needs replacement. The existing tank will be demolished. The replacement The Town's recent Water System Master Plan identified that the water quality of the existing tank There will be a chain linked fence along with seven foot high barbed wire around the The construction will commence

with the town bylaw including noise control. He felt it would be helpful to notify the abutters to inform them of what will be occurring. Mr. Holder agreed to do so. Member Tucker wanted to make sure that the mitigation measures for construction will be consistent

it to Weston and Sampson in relation to the lighting Member Tucker also wanted to make sure that the lighting is not going to be an issue with abutters Affleck-Childs will provide an electronic copy of the new bylaw to Tom Holder and he will forward

Brian Adams, 2 Milford St.:

Mr. Adams had three questions:

How will this tank get into the area? How tall will this be? Will core samples be done?

sheets and built on site. It will be 90 feet tall. The core samples were also completed It was communicated by Weston and Sampson that the tank will be constructed from the convex

CORRESPONDENCE:

The Board is in receipt of a memo in relation to the 495 MetroWest Partnership. annual conference is to be held Friday, June 25, 2010 at the Milford Doubletree Hotel.

Selection of Town Consulting Engineer

the July 6th BOS meeting. communicated to the Town Administrator. The next step is to finalize contracts hopefully in time for Affleck Childs informed the Board that there was a meeting on June 10, 2010 to interview five engineering firms. There was a vote taken to continue with Tetra Tech Rizzo. This has been

Claybrook II Subdivision: Subdivision Default Determination:

applicant that a public hearing was to be held on June 22, 2010 to determine if the development is in additional \$23,677 so that the total surety on deposit will equal this amount. The letter informed the subdivision surety now totals \$65,867.50. The Board requires that the applicant deposit an services have not been completed. The bond estimate was updated. See attached. The amount of determine what items have not been completed in conformance with the Board's Subdivision Rules default. The applicant was invited to attend the public hearing. and Regulations. The inspection determined that construction of ways and installation of municipal makes note that the Town's consulting engineer, Tetra Tech Rizzo, had reviewed the subdivision to attached. The letter addressed the incomplete status of the Claybrook II Subdivision. The letter also Trustee and Mr. Phillip Was, Trustee of Claybrook II Development Trust from the Board. See The Board was in receipt of a copy of letter dated June 2, 2010 addressed to Mr. Jon Delli Priscolli,

subdivision improvements. has any responsibility or liability financially or otherwise to have maintained the Claybrook II meeting. It also noted that neither First Colony Development Co., Inc. nor any other related entity (Attached) This letter noted that there will not be a representative attending the June 22nd PEDB The Board was in receipt of a letter dated June 21, 2010 from First Colony Development Co., Inc.

Christine Jorgenson, 6 Wildebrook Rd.:

Ms. Jorgenson wanted clarification on the release of money.

unanimously to make the following findings pertaining to the Claybrook II subdivision On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted

- the Claybrook II Definitive Subdivision Plan endorsed on June 11, 1996, and II Subdivision Certificate of Approval dated April 23, 1996, and as shown on the construction of the subdivision infrastructure as set forth in the Claybrook there remains outstanding work in the Claybrook II subdivision to complete
- infrastructure in accordance with the Claybrook II Subdivision Certificate of by Tetra Tech Rizzo, Inc. to complete construction of the Claybrook II the Board has adopted the construction estimate dated May 18, 2010, prepared

Subdivision Rules and Regulations; and Action, the Claybrook II Definitive Subdivision Plan and the Board's

- subdivision now totals \$65,867.50; and subdivision surety required under G.L. c. 41 §81U for the Claybrook II based on that estimate, the Board has determined that the amount of
- \$42,190 in security for this subdivision; and the Medway Planning Board and Middlesex Savings Bank which is holding there is a Tri-Party agreement (dated May 7, 1997) executed by the developer,
- Trust) is in default under the provisions of the Subdivision Control Law; and 22, 2010 to determine whether the developer (Claybrook II Development at its meeting on May 27, 2010, the Board scheduled a public hearing for June
- by June 22, 2010 in accordance with the Subdivision Control Law so that the additional \$23,677 of surety that was required to be deposited with the Town on June 2, 2010, the Board informed the developer (by certified mail) and complete the subdivision; and balance of the surety held by the Town would equal the estimated cost to Middlesex Savings Bank of the June 22, 2010 public hearing and of the
- attend the June 22, 2010 public hearing; and no responsibility or liability for the subject subdivision and that he would not the developer responded with a letter dated June 21, 2010 stating that he has
- of Marlborough, MA is in default of its obligation to complete the Claybrook security has not been provided; and II subdivision because the required work is not completed and the required the Claybrook II Development Trust c/o First Colony Development Company
- of Action, the Claybrook II Definitive Subdivision Plan and the Board's services in accordance with the Board's Claybrook II Subdivision Certificate in order to complete the construction of ways and installation of municipal Subdivision Rules and Regulations. therefore, the Board has reasonable grounds to seize the subdivision security

the Planning and Economic Development Board to release the remaining \$20,000 subdivision bond subdivision. See attached. The memo notes that at the Conservation Commission meeting on June Anderson & Kreiger LLP regarding the certification of the vernal pool at the Ishmael Coffee Estates Request for Bond Reduction – Ishmael Coffee Estates Subdivision:
The Board is receipt of a letter dated June 20, 2010 from the Medway Conservation Commission to 17, 2010 the Commission voted in favor of lifting the enforcement order dated 6/3/04. This frees up

open space/conservation purposes. unanimously to release the \$20,000 bond and accept Parcel D in the Ishmael Coffee Estates for On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh the Board voted

town meeting for town meeting to formally agree to accept this parcel Susy noted that this will allow this parcel to be placed on the warrant for a special summer or the fall

Irene Streifer, 37 Board Acres Farm Road:

themselves to address the issues. this is a private way and it is up to the residents of Board Acres Farm Road to organize amongst the residents to discuss the easement and street acceptance issues. The Chairman communicated that in regards to Broad Acres Farm Rd. Mrs. Streifer feels that the Board should have a meeting with The Board is in receipt of a letter dated June 14, 2007 from Mrs. Streifer. See attached. The letter is

pursuing the claim against the developer. seeking a claim against the developer. Mrs. Streifer wanted further clarification about how the matter between them and the developer. The Chairman did inform the Streifers that the Town is Attorney contacting the Streifers, the town attorney's will not contact the Streifers since this is a resolved. Mrs. Streifer also would like to speak directly with the town attorney and Chairman of the Mrs. Streifer also noted that the Town has no plans of accepting the development until the issues are Town will help residents? wants all opinions about Broad Acres Farm Road to be discussed publically. As far as the Town Board. The Chairman communicated that he does not want to have any private conversations. He The Chairman indicated that the town is trying to help the residents by

organized by them. The Board expressed its willingness to meet with neighbors, but that meeting would have to be

responsibility to set up a meeting with the residents Affleck-Childs will provide a list with the recent issues to the Streifers, but it will be their

Minutes

unanimously to approve the minutes of May 27, 2010 and June 8, 2010 meetings On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted

unanimously to approve the minutes of June 14, 2010. (Karyl Spiller-Walsh abstained from voting as she was not present at the June 14^{th} meeting.) On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted

Future Meetings:

The next meetings scheduled are: July 13, and July 27, 2010.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn at 9:15 PM.

Minutes of June 22, 2010 Meeting Medway Planning & Economic Development Board Approved – July 13, 2010

The meeting was adjourned at 9:15 PM.

Respectfully Submitted,

Meeting Recording Secretary

Edited by Susy Affleck-Oulles

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 John W. Williams, Associate Member

ABUTTER NOTIFICATION

INFORMAL SITE PLAN REVIEW - Highland Street Water Tank

water tank at 14 Highland Street. This agenda item is scheduled for 7:30 p.m. The meeting will take place at Medway Town Hall, 155 Village Street. You are being notified of this meeting because you own property within 500 feet of the 14 Highland Street Development Board will review the Town of Medway's plans to install a new municipal location and we wanted to give you an opportunity to learn more about the Town's plans During its meeting on Tuesday, June 22, 2010, the Planning and Economic

Highland Street parcel housing the existing tank was the most favorable location for the deteriorated tank. A hydraulic analysis of the Town's water system concluded that the and construction of a replacement tank and for the demolition of the existing needing replacement. The fall 2009 Town meeting authorized funding for the design concerns. This tank was also identified in the Town's Water System Master Plan as replacement tank. Street was beyond its designed useful life and furthermore was cause for water quality water storage facilities, it was determined that the water tank located at 14 Highland BACKGROUND - As a result of the Town conducting an inspection of its two existing

existing tank, site work will include a landscaped buffer with screening between the new glass-fused steel tank to be located behind the existing tank further away from the road. tank and the road in February 2011 and old-tank demolition completed in May 2011. Upon removal of the has construction commencing during September 2010, new-tank installation completed On the reverse side of this notice, we have printed the site plan. The proposed schedule CONSTRUCTION - The replacement tank is designed as an 800,000 gallon bolted

depicting the type of water tank will be shown. Please contact the Medway Department We hope you will attend this meeting. You will be given an opportunity to ask questions and provide comments to the Medway Department of Public Services. Photographs of Public Services at 508-533-3275 if you have any particular questions about the proposed water tank.

508-533-3291 planningboard@townofmedway.org



TOWN OF MEDWAY

Planning & Economic Development Board

Medway, Massachusetts 02053 155 Village Street

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

c/o First Colony Development Co., Inc Marlborough, MA 01752 929 Boston Post Road East Claybrook II Development Trust Mr. Philip Wax, Trustee Mr. Jon Delli Priscolli, Trustee

Return Receipt Requested Certified Mail #:

RE: Claybrook II Subdivision

Dear Messrs. Delli Priscolli and Wax,

subdivision includes Wildebrook Rod, First Colony Drive and Summit Road. Board discussed the incomplete status of the Claybrook II subdivision in Medway. This At its meetings on May 11, 18 and 27, 2010, the Medway Planning and Economic Development

For the record, the following details pertain to the Claybrook II subdivision:

Planning Board approval: April 23, 1996

Planning Board plan endorsement: June 11, 1996

Plan Recording:

Surety for the Claybrook II subdivision:

1996, Book 443

October 11, 1996 – Plan #725 (A of 3) of

\$42,190 - Middlesex Savings Bank (tri-

partite agreement executed May 7, 2010)

inspection report dated May 7, 2010 and an updated bond estimate dated May 18, 2010 were subdivision to determine what items have not been completed in conformance with the Board's prepared. Copies of both documents are attached Medway's Director of Public Services conducted a site inspection on May 4, 2010. An Pellegri, PE of Tetra Tech Rizzo (the Town's consulting engineer) and Mr. Tom Holder, Subdivision Rules and Regulations and the Claybrook II Certificate of Approval. Mr. David In early May, the Board directed its consulting engineer, Tetra Tech Rizzo, to review the

not been completed. The amount of subdivision surety required under G.L. c. 41 §81U for the account by June 22, 2010. equal this amount. Said additional surety is to be deposited with the Town or verified as on Law and the Medway Subdivision Rules and Regulations so that the total surety amount will deposit \$23,677 in additional surety with the Board in accordance with the Subdivision Control Claybrook III subdivision now totals \$65,867.50. The Board hereby requires the applicant to accordance with the Claybrook II Certificate of Approval and Definitive Subdivision Plan have The Board has determined that the construction of ways and installation of municipal services in

and will take place during the Board's regular meeting at Medway Town Hall, 155 Village Street notify you and Middlesex Savings Bank of the hearing date. The hearing is scheduled for 8 p.m. Claybrook II Certificate of Approval and the Medway Subdivision Rules and Regulations and to complete the construction of ways and installation of municipal services in accordance with the Subdivision Control Law and the Medway Subdivision Rules and Regulations, for failure to meeting as to whether the developer of the Claybrook II Subdivision is in default under the This letter serves as that notification. At its May 27th meeting, the Board voted to hold a public hearing during its June 22, 2010

out uncompleted work as specified in the Claybrook II plans and decision. determine whether it should take the surety that is being held for the subdivision in order to carry as to whether the subdivision should be found to be in default. The Board will discuss and At the hearing, you will have the opportunity to be heard personally and/or through your counsel

attend the June 22, 2010 meeting of the Medway Planning and Economic Development Board Thank you for your attention to this matter. Please confirm that you or your representative will

Best regards,

Andy Rodenhiser, Chairman

с С: Barbara Saint Andre, Town Counsel David Pellegri, P.E., Tetra Tech Rizzo Maryjane White, Town Clerk Melanie Phillips, Medway Treasurer/Collector Christine Jorgensen for the Claybrook II Home Owners Association Doug Rosenau, Middlesex Savings Bank

Commission of the last living and the last liv	761 Street Name. Bign Frequent Summandon	TAG Sending (Stope Regular)	223 Prame and Grabe (Double Catch Bosh) 223.2 Prame and Grabe (Benoved and Ducarded) 127.41 Remnaid and Disposal of Dish Pipe Bedwicht 127.5 Remnaid and Disposal of Dish Pipe Bedwicht 127.5 Remnaid and Disposal of Dish Refucire Sedment Deterritor Brain Maintenance	AGGREGATE 161 Gravel Survey (Subsulest Sub-Grade Regale) 161.2 Rb-Pap DRAMMAGE	BITUMENOUS CONCRETE BIT CLID Sed Removed and Reach	BITLAMBIOUS ECHNISERE 482.4 Dennis and Disposal of Eaching Som and Pavement 479.2 Hot Mar Aspiral Born - Modified 489 Hot Mar Aspiral Born - Modified 489 Hot Mar Aspiral (Stormati/Rood Repair) Creat Scaling	NACE.
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Unit prices are taken from the latest information provided on the Massachusetts Highway Department wetselfe. They utilize the Mass Highway weighted this prices (Combined - AL Districts) for the time period 5/2009 - 5/2010.

Refer to Subdivision Review Letter Dated 5/7/10 prepared by Tetra Tech Rizzo for additional lissues which do not have dollar values.

N

assigned above. Mass Highway priong for crack sealing was not available. Exerciore prices were taken from 2008 construction bid results from another

Massachusets numbipalty.

Exact quantities for the amount of material were not measured and are approximate values.

First Colony Development Co., Inc.

929 Boston Post Road East
Marlborough, MA 01752
508-481-6095 * Fax 508-460-0578
E-mail: stangordon@firstcolonydev.com

June 21, 2010

SENT BY FEDERAL EXPRESS Mr. Andy Rodenhiser, Chairman

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

THE SEC NUL

RE: Claybrook II Subdivision (the "Subdivision")

Dear Mr. Rodenhiser:

certainly an understatement. To say that I am surprised to have been on the receiving end of your June 2nd correspondence is

Without prejudice to any legal rights and with no admission of liability of any type or kind, \hat{I} would comment as follows:

The Certificate of Approval that you refer to was issued on or about April 23, 1996.

This means that the Subdivision is over 14 years old.

My recollection is that the last lot was conveyed in 2001 or 2002; again, over eight or nine years

Without commenting upon the cost(s) set forth in the Tetra Tech Rizzo report, the pictures that are attached to the report are certainly not shocking due to the passage of so much time. I imagine that somebody has been plowing the snow during the winter over the past decade, and maybe that is really who you should be contacting.

However, please be advised that neither I nor any other related entity has any responsibility or liability financially or otherwise, to have maintained the subdivision improvements, never mind to repair the same.

Therefore, neither myself, nor any legal counsel will be appearing at your meeting.

Jon Delli Priscoli, President & Treasurer & Not individually

TOWN OF MEDWAY CONSERVATION COMMISSION

155 Village Street Medway, MA 02053

June 20, 2010

Anderson & Kreiger LLP Mr. Arthur Kreiger One Canal Street, Suite 200 Cambridge, MA 02141

Re: Ishmael Coffee Estates, Certified Vernal Pool #3664

Dear Mr. Kreiger:

opposed to lifting the enforcement order dated 6/3/04. Please be advised at the June 17, 2010 Conservation Commission meeting, the Board found the above referenced Vernal Pool to be functioning and have voted 4 in favor, 1

This should provide the documentation needed for the Planning Board to release the \$20,000 bond and accept Parcel D for open space/conservation purposes. Sincerely, Please do not hesitate to contact me if you have any questions.

David Travalini Chairman /bis

June 9, 2010

Andy Rodenheiser

Town of Medway Planning Board

155 Village Street

Medway, Ma 02053



Ref: 37 Broad Acres Farm Rd.

Dear Mr. Rodenheiser,

awaiting a call from you. with you. She has since said that she passed that message on to you. As of today I am still I left a message the end of April on Suzie's voicemail, which indicated that I would like to speak

of tax payer's money to fix the issue at the corner of Summer Street and Broad Acres Road; it about the outstanding issues regarding the lack of easements not only in relationship to our property but that of numerous others within Country View Estates and Broad Acres. There was pipe was installed by the developer. appears that the town approved the release of bond money before making sure that the right size discussion to the fact that the remaining bond money was spent along with an additional \$40,000 In reference to the Planning Board Meeting of Dec. 8, 2009, there was a lengthy discussion

cover the cost of snow removal, street cleaning and repair, storm drain and sewer development until such time as ever the easement and other issues are resolved. It was also cleaning/repairs, as well as the upkeep and repairs to the fore bay and retention pond on our the homeowners, may want to establish a Homeowners Association to allow for the residents to mentioned, that the board should consider speaking with the residents about the fact that they, easement issues, to speak with them about the fact that the Town has no plans on accepting the consider having a meeting with the individuals who live within the two development who have At the December meeting it was also mentioned by Karyl Spiller-Walsh that the board should

been built too close to the ponds; the original easement for the ponds on the plans approved in 1999 show that the easement runs either under our eaves or into our fireplace which is in our living room. At this point in the discussion, it was mentioned that the board should consider going into an Executive Session to discuss these issues. There was also mention by Karyl Spiller-Walsh that she had a concern that our house may have

presented with the option, this right can only be waived upon agreement (#2). According to the General Law 39 on Open session, Chapter 30A Section 11A 1/2, clause 6 or 7 the residents who the Executive Session is about are to be formally invited to attend, and that

discussion concerning the development or our property. I have been informed that the town has no intention of submitting the development as a part of the warrant articles for approval for the As of present, we have not been informed of any plan that the Board has for holding any further

drainage and storm-water onto our property. establish the scope, location and duties of the parties regarding an easement for the discharge of record or otherwise for the drainage detention facilities located on our property and hence, no casement line has ever been established. We are presently in litigation with the developer to upcoming meeting. I would point out in passing however that there is in fact no easement of

The Town has made it a point to dismiss any communication with our attorneys and us, which is extremely frustrating. For years now we tried to work with the town and the developer, Greg Whelan to resolve the issues not only with our land but within the development, because of the town's refusal to accept an easement for the ponds on our property until the development was

to be the reason why other sub-divisions in this town, have not and will not be approved for obvious disagreement with the board members themselves as to how to proceed with all of the costly and unresolved issues. acceptance by the town boards, we never received it, and because of that we now have numerous and backing to us and the residents of two other developments to prevent what we already know outstanding issues within the development. Despite the fact that the town promised oversight Unfortunately, even working with three different boards over the years, there has been an

do to resolve these issues. meet with the residents of the two developments to discuss what the town and residents need to board as to the status of the outstanding issues within the development, and on-going plans to As a resident taxpayer of the Town of Medway, I am requesting written notification from the

Irene Streifer

Demo Shur

37 Broad Acres Farm Road

Medway, Ma 02053

Cc: Town of Medway Board of Selectmen

Suzanne Kennedy, Town Administrator