

**December 13, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

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

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

REPORT FROM PLANNING CONSULTANT GINO CARLUCCI:

Consultant Carlucci informed the Board that the next SWAP meeting will take place on Thursday, December 15, 2011. This meeting will be held in Millis. The focus of the meeting will be on the parking study.

DISCUSSION - PRIVATE WAY STANDARDS:

The Board will be discussing the Private Way Standards at the January 10, 2011 meeting. It was suggested that Tom Holder be invited to this meeting. The Board suggested that we gather information from other towns about what they do with private way standards.

Susy reported that Tom Holder is advocating that the Town not be responsible for sewer and water service on private ways. There needs to be a discussion about where does the Town draw the line with the connections for water for dwellings on private ways . . . at the property line or at the connection point??

ENERGY COMMITTEE:

Andy Rodenhiser informed the Board that the Planning Board needs to appoint a member to serve on the Energy Committee.

Susy will seek clarification from the TA's office whether the PB is to appoint someone to the Energy Committee or if the PB has to appoint a PB member to serve.

FRANKLIN CREEK SUBDIVISION:

The Board is in receipt of a letter from Tetra Tech dated December 9, 2011. The letter provides a summary of the two outstanding issues. **(See Attached)**. The two remaining issues for Franklin Creek are:

1. Bituminous Concrete Top Course
2. Stop Line Painting

Bituminous Concrete Top Course:

Tetra Tech Rizzo recommends that the Board hold the bond amount for the bituminous concrete top coat only, through March 31, 2012. The reasoning for this recommendation is to provide an opportunity to verify the absence of pavement failures which typically occur during the winter months.

O'Brien Paving Inc. has also agreed to guarantee the roadway for a period of three (3) years. The warrantee document was provided; it is dated August 18, 2011. **(See Attached)**

The Board would like the language of the warrantee to indicate the "roadway", not the "driveway."

The Board is comfortable going with the recommendation from Tetra Tech.

It was suggested to hold the bond amount of \$10,980.00. The balance should be provided back to the developer.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to refund the remaining balance and retain with the amendment the three year agreement with the date of completion included along with amending the language relative to the reference driveway changing it to roadway.

Stop Line Painting:

Tetra Tech Rizzo read through the Town's regulations as well as the approved plans and found nothing that requires the painted letters on the roadway. The word "STOP" has been installed at several other subdivisions.

Member Rogers noted that the international standard is a regular STOP sign and a line on street, but not the word "stop".

The word "stop" was not shown on the plan.

The Board would like this discussed with the Town of Medway Safety Officer (Jeff Watson). This will be communicated back to the board with recommendation.

The Board reviewed the Franklin Creek project closeout checklist. **(See Attached.)**

MEETING MINUTES:

November 29, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from November 29, 2011.

CONSTRUCTION ESTIMATE VILLAGE ESTATES:

An estimate was provided by Tetra Tech. It is dated December 9, 2011. (See Attached.)

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the construction account estimate for Village Estates Subdivision in the amount of \$7,400.00.

SPERONI ACRES NEIGHBORHOOD MEETING

The Board is in receipt of a copy of the letter dated November 16, 2011 from Andy Rodenhiser to the Speroni Acres neighbors. (See Attached)

This letter is a follow-up to the neighbors letting them know that there will be a meeting on January 24, 2012 at 7:15 pm. The purpose of the meeting will be to update the Speroni Acres neighbors on various aspects of the subdivision. The meeting will also be informational to place all affected parties on common ground. The Board wants to make it clear that they are not requiring the establishment of a homeowners association to address the force main sewer, but that is one of the options for the residents.

The Board also discussed that it is the Towns' responsibility to make sure the appropriate easements are in place to allow the Town to maintain the subdivision's stormwater facilities in the future.

The Board will create an outline of issues to present at the meeting with the residents. There will be a discussion about the potential problems, and potential resolutions.

It was suggested that Mr. Sullivan be encouraged to attend, or his representative.

WILLIAMSBURG CONDOMINIUM

The Board is in receipt of a letter dated December 12, 2011 from Andy Rodenhiser to the developers of the Williamsburg Condominium. (See Attached)

This letter is regarding the brightness of the streetlights on Williamsburg Way. Tetra Tech Rizzo has determined that the light level at the Williamsburg property line across from 67 West Street does not exceed the Town's requirements. Tetra Tech Rizzo presented two options for a resolution. One is to make a modest reduction in the wattage of the bulb fixtures closest to West Street. Another option would be to install house shields.

The Board will follow-up with Mr. Yorkis to see which option they are pursuing.

NEW TOWN WEB PLATFORM - VIRTUAL TOWN HALL:

Susy Affleck-Childs provided a visual overhead projection of the Town of Medway's current website. The Board then reviewed the Town of Franklin which using the Virtual Town Hall platform. Susy would like input about what type of links and information the board members would like to have on the site.

POSSIBLE AMENDMENTS TO OSRD BYLAW

The Board is in receipt of a draft proposed amendments for the Open Space Residential Development dated November 3, 2011. **(See Attached)** Susy Affleck-Childs explained that the deletions are shown in ~~strike throughs~~ and the additions are in **bold**.

Consultant Carlucci suggested that important site features be included as part of section 1. d).

The Board discussed that the pre-application shall consist of already existing and readily available information.

At the pre-application review, section 2). Includes that the applicant shall propose and identify potential development areas and open space areas including potential trails, trail connections, parking areas, etc.

Member Spiller-Walsh has provided to the Board a copy of the Open Space and Landscape Preservation Development for Hopkinton. She likes that the intent of this article is NOT to "make developable or to permit an increase in the number of building lots that would otherwise be possible on a conventional plan but rather to encourage the preservation of important site features".

Member Spiller-Walsh communicated that the importance of the intent of the OSRD is that each site is sensitive and different and should be treated as such. She also wants the integrity of the units to be smaller. She suggested the Board revisit the broader issue of its scope of authority with special permits.

Member Tucker does not agree with the bonus units for affordable housing. There are too many options. This does not allow for thinking outside of the box.

Susy Affleck Childs and Member Gay will continue to work on this. It was suggested that if any of the other members have comments and suggestions that these must be written down or sent in an email. Susy would like these recommendations to her prior to Christmas.

Susy indicated she would also work on some changes to the Affordable Housing Bylaw to revise the number of units which trigger the affordable housing requirements. Presently, it is 3 units.

FY2013 BUDGET CALENDAR:

The Board was provided with a FY 2013 Budget Calendar. **(See Attached).**

Member Tucker asked that Susy check any contracts that may expire to determine if there are any impacts on the budget.

The Board also noted that the warrant for the annual town meeting opens in four weeks

ADJOURN:

On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:00 pm.


FUTURE MEETINGS:

The next meetings scheduled are: Tuesday, January 10 & 24, 2012.

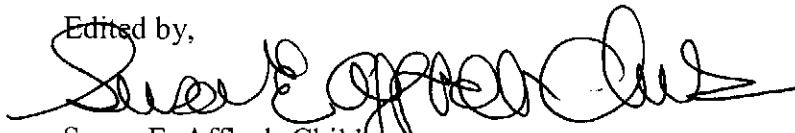
NOTE – Joint meeting with the BOS and the EDC on January 18th.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

Edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



RECEIVED
DEC 12 2011

TOWN OF MEDWAY
PLANNING BOARD

December 9, 2011

Medway Planning and Economic Development Board
Franklin Creek Lane
Medway, MA 02053

Re: Franklin Creek Roadway Status Update

Dear Board:

Please find below a final summary of two outstanding issues discussed at the most recent hearings for the above referenced project.

Bituminous Concrete Top Course-As you know, the top course of bituminous concrete pavement was recently installed along Franklin Creek Lane. Per Section 6.5.4(d) of the Town of Medway Planning and Economic Development (PEDB) Board Rules and Regulations "Each application of hot mix asphalt on the street and sidewalk and placement of curbing must be approved by the Department of Public Services (DPS) and the Town's Consulting Engineer." Neither Tetra Tech (TT) nor the DPS were informed of the top course paving operations; therefore an asphalt inspection was not conducted on the roadway per the regulation above.

Tetra Tech's primary objective during paving inspections is to verify that the depth of pavement placed meets the requirements of the approved plans and the town regulations. Since we did not witness the installation TT attempted to verify the thickness through other methods such as acquiring the paving slips to identify the quantities of pavement delivered to the site, and reviewing photographs of the installation provided by the paving contractor. Additionally, a quantity was calculated representing the amount of top course that should have been placed based on depths provided in the plans. This quantity varied from that provided on the paving slips. Due to this discrepancy and the inconclusive evidence provided, it was determined that additional tests were required to verify pavement depths.

With approval from the PEDB, TT directed the contractor to conduct cores within the roadway to provide sample depths. Six cores were taken along the roadway at strategic locations. The following thicknesses were measured for the depth of the top course: 1.50", 1.75", 2.00", 1.00", 1.50", and 1.25". Slight variations in paving thicknesses is

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

typical and since the measurements average the 1.50" depth required by the plans, TT did not require additional cores in order to limit disturbance to the newly paved roadway.

The paver, O'Brien Paving Inc. was contacted regarding the services that were provided during paving operations of Franklin Creek Lane. Mr. O'Brien stated that prior to placing the top course of pavement, the binder course required repair and the roadway required widening. The binder was repaired approximately 30 ft. to the east and west of the catch basins located at approximate STA 0+60 for the entire width of the roadway, see Photo #1. Binder repair was also conducted at the turnaround area from approximate STA 3+50 to approximate STA 2+00, see Photo #2. The roadway also required widening by approximately 3 ft. to the north. Mr. O'Brien prepared the area with gravel and added approximately 3 ft. of binder for the length of the roadway, see Photo #3.

Mr. O'Brien also stated that after binder repair, the roadway was thoroughly power swept and tacked. Mr. O'Brien stated that he utilized 5-7 gallon buckets of tack which was applied to all seams and to existing binder which had not been repaired. The areas of newly repaired binder as mentioned above were not tacked.

During the PEDB hearings for this project, opinions were also heard from a former contractor connected to this project that tack was not used on the roadway and that the paved depths were insufficient. This contradicted some of the information provided and stated by Mr. O'Brien.

O'Brien Paving Inc. has agreed to guarantee the roadway for a period of three (3) years. Attached is their warranty which will be passed on to the homeowner's association. Although the tests conducted offer no reason to believe out of the ordinary structural issues will be encountered in the future, since we can't guarantee the depth of pavement placed on the roadway we recommend that it not be accepted as a public way any time in the future.

Additionally, based on the information noted above, TT recommends that the board hold the remaining bond amount for bituminous concrete top course only, through March 31, 2012. This will provide an opportunity to verify the absence of pavement failures typically occurring during the winter months where freezing/thawing cycles can damage a pavement section if there are issues with the paving.

Stop Line Painting

At the most recent hearing for this project a PEDB board member raised the question of the necessity of painting the word "STOP" at the end of the roadway before the painted stop line. We have read through the town regulations as well as the approved plans and

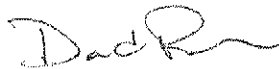
conditions for this project and find nothing that requires the painted letters. The stop line is included on the approved drawings and therefore is required to be installed per plan. We noted at the hearing that the word "STOP" has been installed at several other subdivisions recently developed in town.

The next step for us was to identify any traffic regulations or standards that either require, or recommend the installation of the word "STOP" to accompany the stop line itself. We found that there are no such requirements and recommendations; however the latest edition of the Manual of Uniform Traffic Controls and Devices (MUTCD) (See Attached) specifically states that "Word, symbol, and arrow markings including those contained in the Standard Highway Signs and Markings book, may be used as determined by engineering judgment to supplement signs and/or provide additional emphasis for regulatory, warning, or guidance messages." The document then goes on to list words/symbols that may be used and the word "STOP" is included in that list. In summary, the word "STOP" is typically recommended based on good engineering judgment in areas that require emphasis such as railroad crossings, schools, or difficult intersections.

Based on this information we feel that the word "STOP" is not required for this subdivision. The PEDB may want to establish criteria for future projects as to when the word "STOP" is required. In lieu of that criteria, it will remain the responsibility of the design and review engineer to determine the applicability.

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

Very truly yours,



David R. Pellegri, P.E.
Senior Project Manager

Photo #1



Photo #2



Photo #3



Option:

- 03 Blue lines may supplement white parking space markings of each parking space designated for use only by persons with disabilities.

Support:

- 04 Additional parking space markings for the purpose of designating spaces for use only by persons with disabilities are discussed in Section 3B.20 and illustrated in Figure 3B-22. The design and layout of accessible parking spaces for persons with disabilities is provided in the "Americans with Disabilities Act Accessibility Guidelines (ADAAG)" (see Section 1A.11).

Section 3B.20 Pavement Word, Symbol, and Arrow Markings

Support:

- 01 Word, symbol, and arrow markings on the pavement are used for the purpose of guiding, warning, or regulating traffic. These pavement markings can be helpful to road users in some locations by supplementing signs and providing additional emphasis for important regulatory, warning, or guidance messages, because the markings do not require diversion of the road user's attention from the roadway surface. Symbol messages are preferable to word messages. Examples of standard word and arrow pavement markings are shown in Figures 3B-23 and 3B-24.

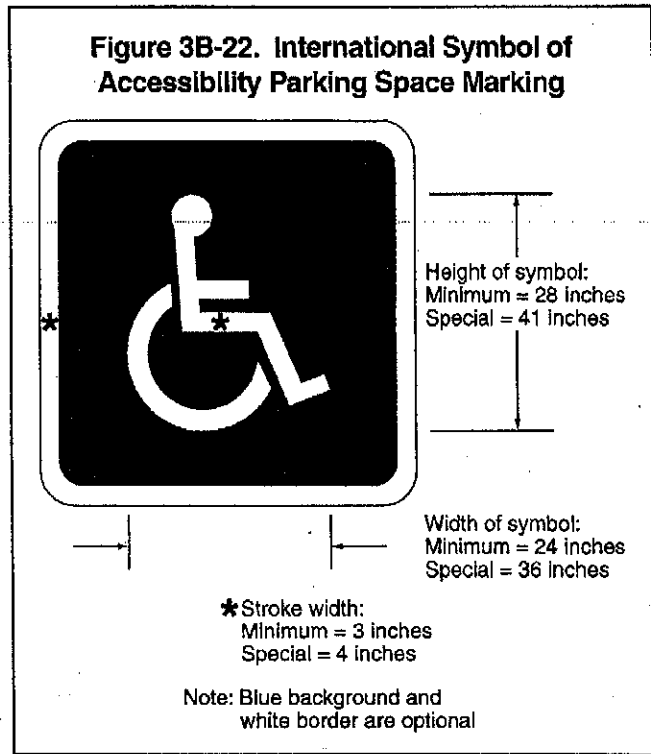
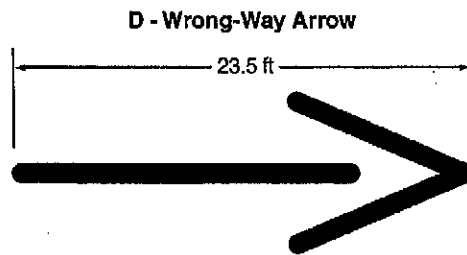
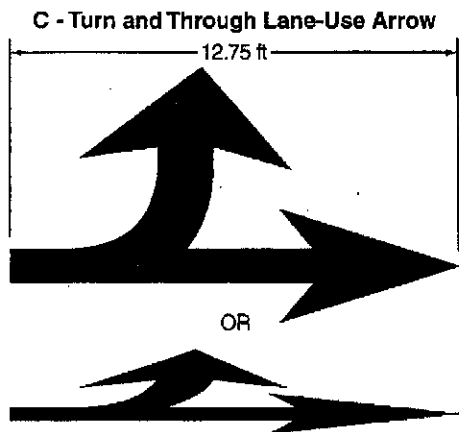
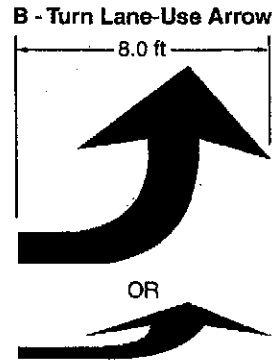
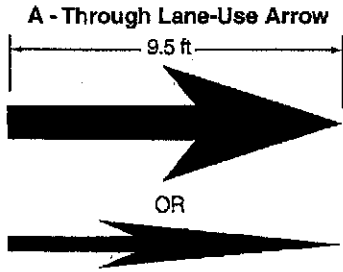


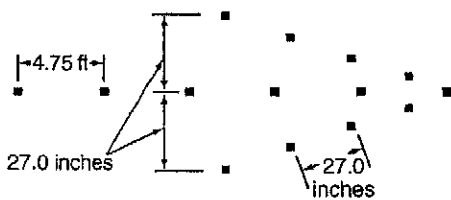
Figure 3B-23. Example of Elongated Letters for Word Pavement Markings



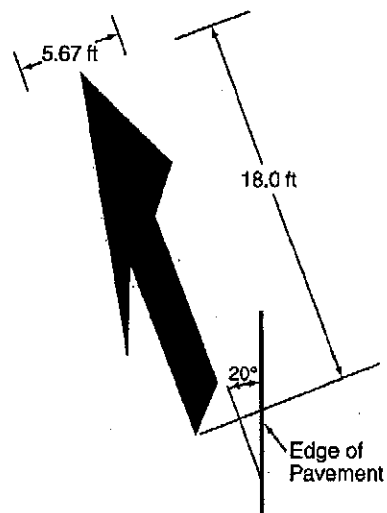
Figure 3B-24. Examples of Standard Arrows for Pavement Markings



E - Wrong-Way Arrow Using Retroreflective Raised Pavement Markers



F - Lane-Reduction Arrow



Notes:

1. Typical sizes for normal installation; sizes may be reduced approximately one-third for low-speed urban conditions; larger sizes may be needed for freeways, above average speeds, and other critical locations.
2. The narrow elongated arrow designs shown in Drawings A, B, and C are optional.
3. For proper proportion, see the Pavement Markings chapter of the "Standard Highway Signs and Markings" book (see Section 1A.11).

Option:

02 Word, symbol, and arrow markings, including those contained in the "Standard Highway Signs and Markings" book (see Section 1A.11), may be used as determined by engineering judgment to supplement signs and/or to provide additional emphasis for regulatory, warning, or guidance messages. Among the word, symbol, and arrow markings that may be used are the following:

A. Regulatory:

1. STOP
2. YIELD
3. RIGHT (LEFT) TURN ONLY
4. 25 MPH
5. Lane-use and wrong-way arrows
6. Diamond symbol for HOV lanes
7. Other preferential lane word markings

B. Warning:

1. STOP AHEAD
2. YIELD AHEAD
3. YIELD AHEAD triangle symbol
4. SCHOOL XING
5. SIGNAL AHEAD
6. PED XING
7. SCHOOL
8. R X R
9. BUMP
10. HUMP
11. Lane-reduction arrows

C. Guide:

1. Route numbers (route shield pavement marking symbols and/or words such as I-81, US 40, STATE 135, or ROUTE 10)
2. Cardinal directions (NORTH, SOUTH, EAST, or WEST)
3. TO
4. Destination names or abbreviations thereof

Standard:

03 Word, symbol, and arrow markings shall be white, except as otherwise provided in this Section.

04 Pavement marking letters, numerals, symbols, and arrows shall be installed in accordance with the design details in the Pavement Markings chapter of the "Standard Highway Signs and Markings" book (see Section 1A.11).

Guidance:

05 *Letters and numerals should be 6 feet or more in height.*

06 *Word and symbol markings should not exceed three lines of information.*

07 *If a pavement marking word message consists of more than one line of information, it should read in the direction of travel. The first word of the message should be nearest to the road user.*

08 *Except for the two opposing arrows of a two-way left-turn lane marking (see Figure 3B-7), the longitudinal space between word or symbol message markings, including arrow markings, should be at least four times the height of the characters for low-speed roads, but not more than ten times the height of the characters under any conditions.*

09 *The number of different word and symbol markings used should be minimized to provide effective guidance and avoid misunderstanding.*

10 *Except for the SCHOOL word marking (see Section 7C.03), pavement word, symbol, and arrow markings should be no more than one lane in width.*

11 *Pavement word, symbol, and arrow markings should be proportionally scaled to fit within the width of the facility upon which they are applied.*

Option:

12 On narrow, low-speed shared-use paths, the pavement words, symbols, and arrows may be smaller than suggested, but to the relative scale.

13 Pavement markings simulating Interstate, U.S., State, and other official highway route shield signs (see Figure 2D-3) with appropriate route numbers, but elongated for proper proportioning when viewed as a marking, may be used to guide road users to their destinations (see Figure 3B-25).

Standard:

14 Except at the ends of aisles in parking lots, the word STOP shall not be used on the pavement unless accompanied by a stop line (see Section 3B.16) and STOP sign (see Section 2B.05). At the ends of aisles in parking lots, the word STOP shall not be used on the pavement unless accompanied by a stop line.

15 The word STOP shall not be placed on the pavement in advance of a stop line, unless every vehicle is required to stop at all times.

Option:

16 A yield-ahead triangle symbol (see Figure 3B-26) or YIELD AHEAD word pavement marking may be used on approaches to intersections where the approaching traffic will encounter a YIELD sign at the intersection.

Standard:

17 The yield-ahead triangle symbol or YIELD AHEAD word pavement marking shall not be used unless a YIELD sign (see Section 2B.08) is in place at the intersection. The yield-ahead symbol marking shall be as shown in Figure 3B-26.

Guidance:

18 The International Symbol of Accessibility parking space marking (see Figure 3B-22) should be placed in each parking space designated for use by persons with disabilities.

Option:

19 A blue background with white border may supplement the wheelchair symbol as shown in Figure 3B-22.

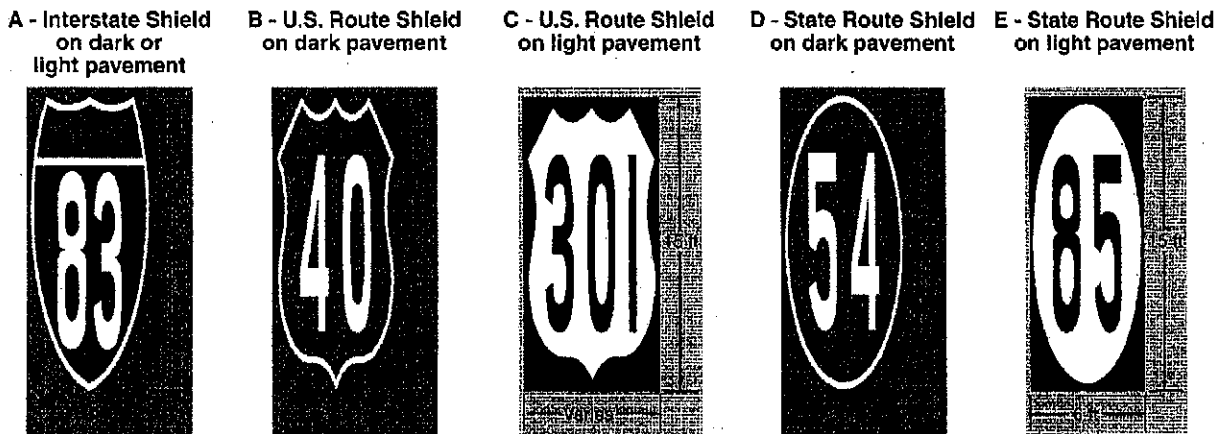
Support:

20 Lane-use arrow markings (see Figure 3B-24) are used to indicate the mandatory or permissible movements in certain lanes (see Figure 3B-27) and in two-way left-turn lanes (see Figure 3B-7).

Guidance:

21 Lane-use arrow markings (see Figure 3B-24) should be used in lanes designated for the exclusive use of a turning movement, including turn bays, except where engineering judgment determines that physical conditions or other markings (such as a dotted extension of the lane line through the taper into the turn bay) clearly discourage unintentional use of a turn bay by through vehicles. Lane-use arrow markings should also be used in lanes from which movements are allowed that are contrary to the normal rules of the road (see Drawing B of Figure 3B-13). When used in turn lanes, at least two arrows should be used, one at or near the upstream end of the full-width turn lane and one an appropriate distance upstream from the stop line or intersection (see Drawing A of Figure 3B-11).

Figure 3B-25. Examples of Elongated Route Shields for Pavement Markings



Notes:

1. See the "Standard Highway Signs and Markings" book for other sizes and details
2. Colors and elongated shapes simulating State route shield signs may be used for route shield pavement markings where appropriate



TETRA TECH RIZZO

Bond Value Estimate
Franklin Creek
Private Way Subdivision
Medway, Massachusetts
June 1, 2011

One Grant Street
Frammingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE	Percent Complete	Value Complete	Value Remaining
Gravel Borrow	403	CY	\$25.00	\$10,075	100	\$10,075	\$0
Grubbing	18	AC	\$15,000.00	\$27,000	100	\$27,000	\$0
**Loam Borrow	311	CY	\$40.00	\$12,440	66	\$8,210	\$4,230
**Seeding	1866	SY	\$1.50	\$2,799	66	\$1,847	\$952
Binder Course	202	Ton	\$78.00	\$15,756	100	\$15,756	\$0
Binder Repair	10	Ton	\$86.00	\$860	0	\$0	\$860
Top Course	122	Ton	\$90.00	\$10,980	0	\$0	\$10,980
Concrete Berm	811	LF	\$5.50	\$4,461	0	\$0	\$4,461
Concrete Bounds	8	EA	\$200.00	\$1,600	0	\$0	\$1,600
12" RCP Drain	79	LF	\$50.00	\$3,950	100	\$3,950	\$0
12" PVC Drain	22	LF	\$60.00	\$1,320	100	\$1,320	\$0
5' Dia Precast Catch Basin	4	EA	\$2,850.00	\$11,400	100	\$11,400	\$0
4' Dia. Precast Manhole (Sewer)	3	EA	\$3,000.00	\$9,000	100	\$9,000	\$0
8" PVC Sewer	342.4	LF	\$55.00	\$18,832	100	\$18,832	\$0
Water Quality Structure	2	EA	\$7,600.00	\$15,200	100	\$15,200	\$0
Infiltration System	1	LS	\$15,000.00	\$15,000	100	\$15,000	\$0
Oil/Grease Separators (CB Hoods)	3	EA	\$300.00	\$900	0	\$0	\$900
Hay Bale & Silt Fence	365	LF	\$4.00	\$1,460	75	\$1,095	\$365
As Built	425	LF	\$5.00	\$2,125	0	\$0	\$2,125
Stone Retaining Wall	288	SF	\$20.00	\$5,760	100	\$5,760	\$0
Street Signs	1	EA	\$75.00	\$75	100	\$75	\$0
Pavement Marking	1	LS	\$300.00	\$300	0	\$0	\$300
Hydrant	1	EA	\$3,000.00	\$3,000	100	\$3,000	\$0
3/4" Service Tap	3	EA	\$150.00	\$450	100	\$450	\$0
3/4" Water Services/Curb Stop	3	EA	\$275.00	\$825	100	\$825	\$0
6" DI CL Water	395	LF	\$40.00	\$15,800	100	\$15,800	\$0
6" DI Gate Valve	1	EA	\$1,000.00	\$1,000	100	\$1,000	\$0
6" Tapping Sleeve & Gate Valve	1	EA	\$3,400.00	\$3,400	100	\$3,400	\$0
Underground Utilities (Elec., Cable & Tel.)	375	LF	\$40.00	\$15,000	100	\$15,000	\$0
RipRap	5.5	SY	\$77.00	\$424	100	\$424	\$0
2yr Road Maintenance	425	LF/YR	\$2.00	\$1,700	100	\$1,700	\$0
2yr Snow Plowing	425	LF/YR	\$2.50	\$2,125	100	\$2,125	\$0
2yr Drainage Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
Legal Fees	1	LS	\$2,000.00	\$2,000	0	\$0	\$2,000
Total				\$218,716		\$188,244	\$30,472

Contingency (25%)

\$7,618

Recommended Bond Value

\$38,090

FRANKLIN CREEK LANE
MEDWAY MA 02053

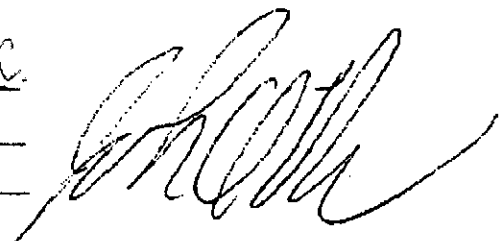
LIMITED WARRANTY

Project Location: 3

Note: This Limited Warranty specifically excludes consequential and incidental damages. There is a limitation of 3 years from the date of Substantial Completion of the Project in the duration of implied warranties.

1. **Person(s)/Entity(s) Covered.** This Limited Warranty is given by the Contractor to the Owner(s) of the Property and is transferable to, or enforceable by, any succeeding transferee or purchaser of the Property. Such transferee can be a person or business entity.
2. **Commencement and Duration of Coverages.** Each coverage under this Limited Warranty shall commence on the date of completion of the project and shall continue for a period of five years thereafter.
3. **General Coverages.** Excluding the matters and components covered by any manufacturers' or suppliers' warranties the coverage of this Limited Warranty are as follows:
 - a. **Cracking-** cracking that appears on the pavement caused by, but not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - b. **Sinking-** significant damage caused by complete or partial sinking of the driveway. Sinking may be caused by, but is not limited to, faulty compaction of underlayment, soil, or deficiency of materials, and/or procedures used during installation.
 - c. **Frost heaves-** heaving caused by, but not limited to, normal freeze/thaw cycles and climate caused damage.
 - d. **Flaking-** excessive flaking of all or part of the driveway's top surface caused by, but not limited to, poor quality or deficiency of materials, and/or procedures used during installation. This should also extend to areas designated for parking.
 - e. **Water Runoff-** defective or improper grading of the pavement causing puddles, pooling or in any way detrimental water runoff towards the structure's foundation, basement or accessory structures.
4. **Manufacturers' Warranties.** The Contractor hereby assigns transfers and passes through to the Owner each and every warranty, if any, made or furnished to the Contractor by the manufacturer and/or supplier of each of the materials installed at the Property and included in the scope of work. Copies of all such manufacturers' or suppliers' warranties are available to the Owner(s) upon request.
5. **Exclusions from Coverage.** The Contractor expressly disclaims responsibility for any of the following items, each of which is expressly excluded from this Limited warranty, to wit:
 - a. Loss or injury due to the elements, including conditions resulting from condensation on, or expansion or contraction of materials; and
 - b. Consequential or incidental damages.

O'BRIEN PAVING, INC.
WALPOLE MA 02081
1-508-734-5360



8-18-11

Medway Planning & Economic Development Board Project Closeout Checklist

SUBDIVISION NAME: Franklin Creek

DEVELOPER: Wood Structure Construction - Marko Vajentic

ATTORNEY: Paul Kenney

STREETS: Franklin Creek Lane (permanent private way)

_____ Proof that Franklin Creek Definitive Subdivision Plan was recorded
(Plan Book 567, Pages 42 - 44, May 9, 2007)

_____ Proof that the Franklin Creek Homeowners Association has been established
(Book 24785, Page 557, May 9, 2007; amended May 12, 2010 in Book 27663, Page 29)

_____ Proof that Declaration of Protective Covenants and Private Roadway Maintenance Agreement has been recorded *(Book 24785, Page 554, May 9, 2007)*

_____ Proof that the road parcel has been conveyed to the Franklin Creek Homeowners Association *(Book 29280, Page 41, October 31, 2011)*

_____ Proof that the utility easement on Lot 1 has been conveyed to the Franklin Creek Homeowners Association *(Book 27663, Page 27, May 12, 2010)*

_____ Proof that a water/sewer easement in the roadway has been conveyed to the Town of Medway

_____ Evidence that Franklin Creek neighbors have been informed of their responsibility to maintain the road and drainage system and have been given the Stormwater Operations and Maintenance Plan

List of Easements:

_____ Utility Easement on Lot 1

_____ Water/Sewer easement in the roadway

Medway Departmental/Board Reviews

_____ Sign off from Tetra Tech re: field inspection/punch list

_____ Sign off from Tetra Tech re: final as-built plans

_____ Franklin Street roadway paving work @ Franklin Creek Lane approved by DPS

_____ Sewer and water hookups for Lots 1 -3 approved by DPS

_____ Sign off/Order of Compliance from Conservation Commission re: Order of Conditions for DEP File # _____.

_____ Sign-Off/Receipt from Treasurer/Collector to verify taxes are current

_____ Sign-off from SAC re: status of subdivision's Construction Account

_____ Other Sign-Offs _____

As-Built Plan Information _____

Recording Information for Deeds & Easements

Date PEDB Approves its *Certificate of Subdivision Completion and Final Release of Subdivision Performance Guarantee* _____

11-17-2011



December 9, 2011

RECEIVED
DEC 12 2011

TOWN OF MEDWAY
PLANNING BOARD

Mr. Andy Rodenhiser, Chairman
Planning and Economic Development Board
Town Hall
155 Village Street
Medway, Massachusetts

**Re: Construction Administration Services
Village Estates Subdivision
Summer Street, Medway, Massachusetts**

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Village Estates Subdivision (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor, and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.



Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

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 complete the work in a timely manner. 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 shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech. Should it 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.

Very truly yours,

Handwritten signature of David R. Pellegrini.

David R. Pellegrini, P.E.
Senior Project Manager

Handwritten signature of Sean P. Reardon.

Sean P. Reardon, P.E.
Vice President



TETRATECH

Date Approved by Medway Planning and Economic Development Board _____

Certified by: _____ Date _____
Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

Attachments

M-SITE.DAVIDP-MEDWAY-VILLAGE ESTATES-CLERK OF THE WORK-2011-12-09.DOC

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	\$72.00	\$144.00
2	Clear & Grub (Included in Item 1)			\$72.00	\$0.00
3	Subgrade/Staking	1	2	\$72.00	\$144.00
4	Drainage System	3	3	\$72.00	\$648.00
5	Detention Pond (Included in Item 4)			\$72.00	\$0.00
6	Roadway Gravel	1	4	\$72.00	\$288.00
7	Water System	2	3	\$72.00	\$432.00
8	Sewer System	2	3	\$72.00	\$432.00
9	Roadway Binder (N/A)			\$72.00	\$0.00
10	Curb/Berm/Edge Treatment	1	4	\$72.00	\$288.00
11	Private Utilities (N/A)			\$72.00	\$0.00
12	Sidewalk Base/Gravel (N/A)			\$72.00	\$0.00
13	Sidewalk Binder (N/A)			\$72.00	\$0.00
14	Sidewalk Reconstruction	1	4	\$72.00	\$288.00
15	Roadway Top (4" Processed Crushed Stone)	1	6	\$72.00	\$432.00
16	Roadway Top (Apron)	1	4	\$72.00	\$288.00
17	Sidewalk Top (N/A)			\$72.00	\$0.00
18	Frames and Covers/Grates	1	4	\$72.00	\$288.00
19	Adjust Frames & Covers/Grates (N/A)			\$72.00	\$0.00
20	SMH Inverts (Included in Item 17)			\$72.00	\$0.00
21	Bounds	1	2	\$72.00	\$144.00
22	Landscape/Plantings	1	4	\$72.00	\$288.00
23	Roadway Sub-Drain (N/A)			\$72.00	\$0.00
24	Guard Rail/Fencing (N/A)			\$72.00	\$0.00
25	Periodic Inspections (See Note 1)	2	3	\$100.00	\$600.00
26	Bond Estimates	2	2	\$100.00	\$400.00
27	As-Built Plans	2	4	\$100.00	\$800.00
28	Meetings	2	2	\$120.00	\$480.00
29	Admin	2	2	\$50.00	\$200.00
30	Project Closeout (See Note 3)	1	1	\$600.00	\$600.00
	Subtotal				\$7,184.00
	Expenses			3.5%	\$251.44
	TOTAL				\$7,435.44

Notes:

- 1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.
- 3 Closeout price is a lump sum value assessed to the project for extra items not listed above. This value has been placed in the breakdown due to past experience on other subdivision reviews.



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

November 16, 2011

Dear Speroni Acres neighbor,

I am writing to follow-up with you regarding the November 22, 2011 meeting of the Planning and Economic Development Board to which we had invited the Speroni Acres neighbors and abutters. We are in receipt of the November 8th letter and the subsequent email communication dated November 11th from Marjory Klotz on behalf of the Speroni Acres neighbors in which you asked that the meeting be postponed.

I would like to try to address a number of concerns which you have raised.

1. **DATE** - As requested, the Board has rescheduled the meeting. The new date is Tuesday, January 24, 2012 at 7:15 p.m. and will be held in Sanford Hall at Medway Town Hall, 15 Village Street.
2. **PURPOSE of the MEETING** - The purpose of inviting you to meet with the Board is to try to update the Speroni Acres neighbors on where things stand with various aspects of the subdivision and to inform you of what steps are ahead as the possibility of street acceptance is evaluated. This gathering is meant as a briefing to share information with you. It is not an official public hearing nor will the Board take any formal votes regarding your property. It is intended for informational purposes only in order to place all the affected parties on common ground.
3. **HOME OWNERS ASSOCIATION** – As you know, the Town is not responsible for the force main sewer in the subdivision. However, as we anticipate the possibility of the Town accepting Little Tree and Rustic Roads as public ways in the future, we will need some evidence that there is a mechanism in place for the Speroni Acres owners and abutters to address future potential problems in the subdivision's force main sewer line, such as breaks and blockages. We believe it is also in your and the neighborhood's best interest to have such a mechanism in place. We want to be clear that the Board is not requiring the establishment of a home owners association to address the force main sewer; that is simply one option which merits consideration.

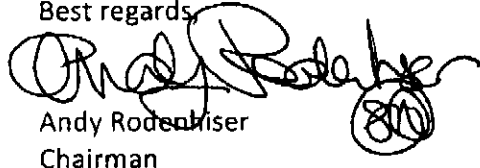
508-533-3291
planningboard@townofmedway.org

4. The November 8th letter stated that the neighbors are innocent bystanders in a dispute between the developer and the Board. Please understand that the Board's concerns about this subdivision stem from our responsibility to you, as residents of Medway, to hold the developer accountable for the functioning of the subdivision's infrastructure. We must also make sure that the appropriate easements are in place to allow the Town to maintain the stormwater facilities in the future if/when the Town accepts the streets.

We are happy to speak with you in advance of the January 24th meeting. Please don't hesitate to contact the Planning & Economic Development office if you have any questions. However, because we have limited staff resources, we would appreciate it if the Speroni Acres owners would select a primary neighborhood contact person who can communicate with the office as questions arise and information is sought.

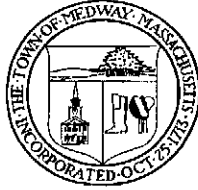
Thank you for your continued cooperation.

Best regards,



Andy Rodenriser
Chairman

cc: Owen Sullivan, Metro Equipment
Lou Caccavaro, Duggan & Caccavaro



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

December 12, 2011

Mr. George Papadopoulos & Mr. Paul Yorkis
Williamsburg Development Corporation
c/o Patriot Real Estate
159 Main Street
Medway, MA 02053

Dear George and Paul,

The Planning and Economic Development Board was contacted recently by Gerald Swanson of 67 West Street with some concerns about the brightness of the streetlights on Williamsburg Way. Mr. Swanson's home is on the west side of West Street directly across from outgoing traffic from Williamsburg. We understand that Mr. Swanson had spoken with George about this matter and that George had indicated to him that the Board set the wattage level for the street lights.

The Board discussed Mr. Swanson's concerns and asked Tetra Tech to check the light levels for the Williamsburg Way street lights closest to 67 West Street. Based on the testing done of the light levels at the Williamsburg Way exit area, Tetra Tech determined that the light levels at the Williamsburg property line across from 67 West Street do not exceed the Town's requirements. The problem is not that light spills from the Williamsburg street lights onto the Swanson property. Instead, the problem is that the Swansons are able to view the brightness of selected street lights from their home as the light shines through the trees, particularly at this time of year.

The Board asks your cooperation by considering two options to address this problem. One solution would be to make a modest reduction in the wattage of the bulb in the fixtures closest to West Street. Another option would be to install house side shields that are available from the manufacturer. In the spirit of being good neighbors, we ask that you consider the above two options and take some steps to reduce the brightness of the Williamsburg Way street light fixtures that are impacting Mr. Swanson and his family.

Best regards,


Andy Rodenhiser, Chairman

cc: Gerald Swanson

Draft proposed amendments – revised 11-3-2011

PROPOSED AMENDMENTS TO OSRD BYLAW

(Deletions are shown in ~~striketrough~~ type and additions are in bold. Notes are in bold brackets [xxx])

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1. **Purpose and Intent** - The primary purposes for OSRD are:

- a) To allow for greater flexibility and creativity in the design of residential development;
- b) To protect community water supplies;
- c) To minimize the total amount of disturbance on the site;
- d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and/or historical and archeological resources.
- e) To discourage sprawl and encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional **grid** subdivision;
- f) To further the goals and policies of the Medway Master and/or Open Space Plans;
- g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
- h) To preserve and enhance the community character;
- i) To preserve and protect **farmland** ~~agriculturally significant land~~;
- j) To protect the value of real property;
- k) To allow for housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

2. **Eligibility**

- a) **Zoning Classification** - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.
- b) **Contiguous Parcels** - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions.
(Revised June 15, 2009)
- c) **Land Division** - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.
- d) **Tract Size** - An OSRD shall be on a site that is a minimum of ~~8~~ **10** acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than ~~8~~ **10** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space.
(Item d) added June 15, 2009)

Draft proposed amendments – revised 11-3-2011

3. ***Special Permit Required General Requirements***

- a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.
- b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan, Concept Plan, and Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.
- c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area. *(Item c) added 6-2-08)*
- d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. ***Pre-Application Phase***

- a) *Pre-Application Review* -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to **submit a pre-application and to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board.** The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to **review the pre-application and attend the informal pre-application review.**

The pre-application shall consist of already existing and readily available information and shall include, but not be limited to:

- 1) **Aerial and ground photos of the site**
- 2) **Map(s) illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant**
- 3) **Identification and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources of the site**
- 4) **Calculation of the density of existing residential dwellings within 2500 feet of the site perimeter**

Draft proposed amendments – revised 11-3-2011

At the pre-application review, the applicant shall:

- 1) outline the proposed OSRD including presentation of a preliminary Site context and Analysis Plan prepared with input from a Registered Landscape Architect)
- 2) **propose and identify potential development areas and open space areas including potential trails, trail connections, parking areas, etc.**
- 3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents **and other Town boards/committees**
- 4) ~~review potential open space, trails and trail connections~~
- 5) present a preliminary concept for handling stormwater runoff
- 6) discuss potential mitigation measures pursuant to paragraph 13. B) herein
- 7) and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and facilitate submittal of a formal application for an OSRD special permit.

- b) *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board and Open Space Committee members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

Paragraph 4. Replaced in its entirety – June 13, 2011)

5. ***Four-Step Design Process*** - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units and open space.

- a) *Identify Conservation & Potential Development Areas*

- 1) Identify and delineate *Conservation Areas*: This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)

- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)

- 2) Identify and delineate ~~Potentially Developable~~ **Potential Development Area(s)**. To the maximum extent feasible, the ~~Potentially Developable~~ **Potential Development Area(s)** shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

Draft proposed amendments – revised 11-3-2011

- b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
- c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.
- d) *Draw in Lot Lines*

A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

(Paragraph 5 was replaced in its entirety – June 13, 2011.

6. OSRD Application

- a) Contents – An application for an OSRD Special Permit shall include:
 - 1) *Site Context and Analysis Plan* – The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
 - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development.
 - 3) *Yield Plan* - See Paragraph 7 herein.
 - 4) *Design Plan* - The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

Draft proposed amendments – revised 11-3-2011

- 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b) shall be included as part of the application.
- 6) Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.
- 7) ***Open Space Plan*** – The Open Space Plan shall show planned improvements e.g. trails, trail structures, parking areas, and playgrounds. Associated with the Open Space Plan shall be a proposed management plan for the on-going maintenance, care and upkeep of the open space.
- 8) *Density Analysis* -
- 9) *Other Information* – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

- b) **Application Review Process** – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town’s consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period. The Decision/Findings of the Planning and Economic Development Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

7. ***Maximum Number of Dwelling Units/Yield Plan***

- a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract’s total area (TA) and its wetland and riverfront area (WA). WA shall include those portions of the tract that are classified as wetland and/or are located within the 200’ riparian zone of a perennial stream as determined by the Medway Conservation Commission. *(Revised June 15, 2009)*

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded down to the nearest whole number.

Draft proposed amendments – revised 11-3-2011

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{TA} - (0.5 \times \text{WA}) - (0.1 \times \text{TA})}{\text{Zoning District Minimum Lot Area}}$$

- b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit. **In no case shall the number of dwelling units (including any bonus units that may result from Section X Affordable Housing) result in a density for the entire site that exceeds the highest density of the same number of existing contiguous dwelling units (exclusive of roadway right-of-way and lot area beyond 25%? above the minimum required area for that district) within 2500 feet of the site perimeter. [This might work in developed areas, but if the site is in an area without nearby development it probably does not work. Perhaps there could be an exclusion if there is no existing development within 500 feet or 1000 feet of the developed area or perhaps we could use the zoning district density for undeveloped areas]**

8. **Adjustment of Dimensional Requirements** - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50').
- c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation Distance (feet)
Single family detached dwelling units with 2500 ft ² or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Single family detached dwelling units with more than 2500 ft ² of habitable space	30
Four or five attached dwelling units with an average of 2500 ft ² or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft ² of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-

Draft proposed amendments – revised 11-3-2011

de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

- f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests.

(Paragraph 8 replaced in its entirety – June 13, 2011)

9. **Open Space Requirements** - A minimum of fifty percent (50%) of the tract shown on the development plan for **parcels of 25 acres or less** shall be open space. **For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- a) In the minimum required open space area (equal to 50% or 60% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII)) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area*.

(Revised May 14, 2007 & June 15, 2009)

- b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. **In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.**

- c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. **For developments in which 60% of the tract is open space,** the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (*i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities*). **For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The

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Planning Board may require a minimum number of off-street parking spaces to facilitate such public access.
(Revised June 15, 2009)

- d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.
- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Title 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i)
(Revised June 13, 2011)
- f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:
- 1) The Town or its Conservation Commission, upon its agreement;
 - 2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
 - 3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.
- g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

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10. ***General Design Standards*** – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:
- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.
 - b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.
 - c) **Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for residents of the development, abutting properties and passersby to the fullest extent practicable.**
 - d) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.
 - e) All open space (*landscaped and usable*) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
 - f) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
 - g) **Mix of Housing Types** - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.
 - h) **Common/Shared Driveways** - Common or shared driveways may be allowed at the discretion of the Planning Board.
 - i) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space. *(Added May 14, 2007)*
 - j) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Revised June 13, 2011)*

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j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan. *(Revised June 13, 2011)*

k) Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer. *(Added June 15, 2009)*

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s). *(Added June 13, 2011)*

m) Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel. *(Added June 13 2011)*

n) **Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a supplemental emergency access/egress is provided.**

11. **Decision of the Planning Board** - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

- a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;
- b) Whether the OSRD promotes **the permanent preservation and where possible, enhancement** of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, **significant natural features and scenic views**, and historical and archeological resources;
- c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;
- d) Whether the OSRD reduces the total amount of disturbance on the site;
- e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;
- f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and
- g) Whether the *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

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- h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.
- i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.
- j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.
- k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.
- l) Whether the OSRD protects and enhances community character
(Items 11 (h) – 11 (l) added May 14, 2007)
- m) **Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.**
- o) **Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.**

An OSRD Special Permit decision shall include the approved *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.
(Added June 2, 2008)

12. ***OSRD Definitive Plan***

- a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.
- b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings,
- c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.
- d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning

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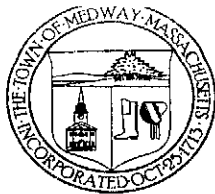
Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning Board finds that it is in the best interests of the Town to do so.

- e) The OSRD Definitive Plan shall substantially comply with the approved OSRD *Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning Board determines that any of the following conditions exist:
- 1) An increase in the number of building lots;
 - 2) A decrease in the open space acreage of more than 5%;
 - 3) A significant change in the lot layout;
 - 4) A change in the general development pattern which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
 - 5) A change to the stormwater management facilities which, in the opinion of the Planning Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
 - 6) Changes in the wastewater management systems, which, in the opinion of the Planning Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.
- f) If the Planning Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.
- g) The Planning Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning Board in their conditional approval of the OSRD Definitive Plan.
(Paragraph 12 added 6-2-08)
- h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds.
(Item h) added June 15, 2009)
- 13) ***OSRD Special Permit Provisions*** - Depending on the nature of the particular OSRD, the Planning Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.
(Corrected June 15, 2009)
- a) ***Conditions, Limitations and Safeguards*** - The Planning Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

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- 1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
 - 2) Controls on the location and type of access to the site;
 - 3) Controls on the number, type and time that service and delivery vehicles access the site;
 - 4) Provision for preservation of scenic views;
 - 5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;
 - 6) Conditions to minimize off-site impacts and environmental quality during construction;
 - 7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
 - 8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- b) ***Mitigation Measures*** – The Planning Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:
- 1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning Board, for the relevant type of structure(s) and use (s).
 - 2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements. *(Added 11-10-08)*

(Sub-Section T. was replaced in its entirety June 6, 2005)



R E C E I V E D
[EC 07 2011]

**TOWN OF MEDWAY
OFFICE OF THE TOWN ADMINISTRATOR
155 MAIN STREET
MEDWAY, MASSACHUSETTS 02053**

**TOWN OF MEDWAY
PLANNING BOARD**

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FY2013 BUDGET CALENDAR

Charter Ref.	Date	Activity
5-2-6	July 11	Town Administrator Issues Capital Improvement Plan (CIP) Instructions
5-2-6	August 15	CIP Submitted to Town Administrator
	August 15-31	Town Administrator/Finance Director Review and Refine CIP
	September 12	Proposed CIP and Capital Budget Submitted to Capital Improvement Planning Committee (CIPC)
	Sept 12 – Dec 31	CIPC Reviews, Ranks and Prepares Five-Year Project Schedule
7-2-1	September 19	Board of Selectmen (BOS) Issues Budget Calendar
7-2-3/7-4-1	September 19	Town Administrator/Town Accountant Issue Five (5) Year Revenue and Expense Budget
7-2-4	October 17	Board of Selectmen (BOS) Issues Policy Statement for 2013 Budget
	December 6	Town Administrator Issues Budget Instructions to Department Heads and Committee Chairs
	January 6	Operating Budgets Submitted to Town Administrator
	January 9-13	Finance Director/Town Accountant Review Department Budgets
	January 16	Annual Town Meeting (ATM) Warrant Opens
	January 16-20	Town Administrator/Finance Director Review Department Budgets
7-2-5	January 17	CIPC Presents Capital Budget to BOS
	February 6	School Department Budget Submitted to Town Administrator and BOS
7-2-6	February 13	Town Administrator Submits Proposed Comprehensive Operating and Capital Budgets to BOS
	Feb 13 – Mar 12	BOS Reviews Operating and Capital Budgets
	February 15	ATM Warrant Closes
	February 16-17	ATM Warrant Compiled
	February 21-24	Legal Review and Approval of Warrant
	February 21	Town Administrator Submits ATM Warrant to BOS
	March 5	BOS Reviews and Approves Warrant
	March 12	BOS Adopts and Transmits Proposed Operating and Capital Budgets to FinCom
	Mar 13 – Apr 13	FinCom Reviews Operating and Capital Budgets
7-2-9	March 21	BOS Adopts and Recommends Warrant to FinCom
	April 3*	FinCom Submits Public Hearing Notice to Milford Daily News
2-5-2/7-2-10	April 13*	FinCom Holds Public Hearing
	April 13	FinCom Recommends Final Budget and Warrant
	April 17-20	Warrant Submitted to Publisher
	April 23	Warrant Mailed to Residents, Posted on Web
	May 14	Annual Town Meeting

Date	Activity
April 25, 2011	Constable Posts Warrant

*Date Recommended based on Charter