

**July 26, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affeck Childs, Planning and Economic Development Coordinator
Gino Carlucci, Town Consultant
Steven Bouley, Tetra Tech Rizzo
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments.

There were no citizen comments.

Applegate Subdivision (northeast corner of Coffee and Ellis Streets)

Chairman Rodenhiser stepped down from his seat as Chairman and left the discussion table. He indicated he had a conflict of interest in this case as developer's engineer (GLM Engineering) was also the project engineer for his subdivision proposal.

Vice Chairman Tucker asked for a brief overview.

The applicant, Ralph Costello, was present along with Rob Truax of GLM Engineering and Tom Holder, the Director of Public Works.

Mr. Costello contacted the Director of Public Works, Tom Holder to discuss the problems with water coming onto his property from Virginia Road. He cannot continue with the project due to the current drainage issues.

Tetra Tech Rizzo consultant, Dave Pellegrini had a meeting on site with Tom Holder.

Tom Holder noted that there needs to be a site investigation done to determine what type of pipe construction would need to be used. It was also suggested that there needs to be calculation figures to estimate how much water is delivered to this area.

There was discussion about granting a property easement to the town.

The existing basins in Ellis Street are not currently working and are simple dry wells. The initial design could not hold the amount of water. It was recommended to look at altering the size of the pipe. This is a concept idea which needs to be evaluated.

The applicant is willing to work with the town. There is essentially no drainage in the road and there are currently flooding issues.

Mr. Costello is looking for a solution since there is no drainage on Virginia Road. Mr. Costello became aware of the drainage problem during the big rain storm last year. There is currently no easement for this on his property.

Member Rogers notes that the two catch basins have no outlets and are only dry wells. This is recognition of what the water is doing naturally.

There was a recommendation to create a system that goes across lots 7, 12 (B) and 9 (B) to parcel A. This system would travel across the four lots.

Susy Affleck-Childs communicated that there could be an establishment of a drainage easement and that would be achieved through a modification plan.

It was brought up that this area of Ellis Street is a Scenic Road and the proper process for permitting would need to be completed. The applicant communicated that the stone walls that would have to be removed for the construction would need to be replicated.

Gino Carlucci indicated the easements could be done through an ANR plan; a formal subdivision plan modification is not needed.

Member Spiller-Walsh suggested that the applicant explore the use of swales along the roadway by diverting the water down toward Coffee Street. She also communicates that rain gardens could be added.

Tom Holder would recommend a pipe instead of a swale.

The applicant discussed the relief that he seeks from the initial subdivision decision if further drainage work is to be done.

Mr. Costello noted that there is a cost related to any change, loss of value to the four lots that would have a drainage easement, and the engineering cost to do this modification. Both the applicant and the town would need to come up with a fair amount of relief and a combination of the two. Mr. Costello further added that in order to correct the initial problem, what would the town need to do? What is the alternative? What is the obligation of the Town? This is yet to be determined.

The Board recommends that the applicant think outside the box and come back to the Board.

Member Spiller-Walsh recommended that the Board look at the original AppleGate Subdivision plans relative to the pitch and setback.

Susy Affleck-Childs notes that this would be a minor modification.

Member Tucker notes that possibly the fees could be waived for the applicant for the future modification plan.

Tom Holder communicated that the town will incur some cost on this.

All members agree that some negotiation needs to take place.

Susy Affleck-Childs reminds all about past discussion which involved the applicant providing 800 linear feet of sidewalk along the north side of Coffee Street between Ellis and Holliston and the board could think about providing relief from this.

The Chairman returned to the discussion.

Iarussi Way/Evergreen Meadow:

The Board is in receipt of a memo from Tetra Tech Rizzo dated July 21, 2011. (See attached.) The memo makes note that draft as-built plan and street acceptance plan were prepared by GLM Engineering for Senek, L.L.C. The memo makes note of the various items which need to be addressed/corrected.

There were minor plan changes.

The Board noted that this contractor has an excellent reputation.

The punch list has been completed.

An email from Dave Pellegri communicated that overall things look pretty good.

This street acceptance could take place at the fall town meeting.

Member Rogers wants the construction trailer removed since it is an eye sore.

The Board recommends that Susy check out to see if the construction trailer is properly permitted.

The Board would like to ask the contractor to get a permit if they do not have one.

25 Summer Street Subdivision

Susy Affleck-Childs informed the Board that she is in receipt of the revised Subdivision Plans for 25 Summer Street. The plans were sent to Tetra Tech Rizzo to review before plan endorsement.

Franklin Creek subdivision

Stephen Bouley communicated that the paving looks good. There have been no core samples taken. An estimate of tonnage needs to be done. The Board recommended that the density of compacted soil needs to be completed. Tetra Tech Rizzo will follow-up on this.

It was recommended that Susy coordinate with Dave from Tetra Tech Rizzo.

Speroni Acres:

Stephen Bouley reported that the detention basins have been surveyed and are waiting for the digital shots to provide the overview.

104 Fisher Street, Bay Oaks Preliminary Subdivision Plan (104 Fisher Street) – Public Briefing

7:45 p.m. Chairman Rodenhiser stepped down from the Chairman seat as this is his property.

The Vice Chairman Bob Tucker ran the meeting from this point. This is a preliminary presentation for the Board and neighbors.

Susy Affleck-Childs reported that on the advice of Town Counsel, the Board members, consultants and she have all signed documents which were prepared and filed as disclosure statements regarding the appearance of conflict of interest. These documents are available and can be viewed by all residents. **(See Attached)**

Mr. Rodenhiser sat across the table to speak to the Board. The engineer for the project is GLM Engineering Consultants, represented by Rob Truax.

(The full application package is attached.)

Mr. Truax began his presentation by explaining that the project is located off Fisher Street. The proposal is to extend the existing private way cul-de-sac by 600 feet to create three additional house lots (in addition to one lot for Mr. Rodenhiser's existing residence). The existing site is 8.7 acres of land, with an existing single family dwelling. The applicant is requesting the waiving of all construction requirements for the roadway extension and to allow the proposed dwellings to access the existing cul-de-sac. There will be a common driveway. This will remain a private way and maintained by a homeowners association. There are wetlands on the site. This will be a low impact development. There would be onsite septic and wells. The width of the extension is 40 feet. The proposed new ways for the road extension would be for lots 2-4. A list of waivers has not been completed at this point, but will be provided at a further date.

The discussion was opened to the Board.

Member Tucker asks if the well for the existing house is close to the roadway and off the house lot which is proposed.

The engineer indicated that a new well would have to be drilled.

There are some very large boulders out there.

Member Spiller-Walsh wanted to know if the rocks have been stockpiled for a possible rock wall.

Mr. Truax wanted some guidance about the affordable housing bylaw. He wants clarity to help them to understand what they can and cannot do. Mr. Truax does not completely understand the bylaw. He has read through the bylaw several times. We need to discuss that and what the options are. I understand you can waive down the lots sizes to get the affordable unit in. Because of the site, we want to stay rural. The applicant doesn't have anything off site to donate. I don't know how to calculate the monetary contribution. The bylaw says they can give land. Is that within the site or not? The applicant does not know what type of monetary payment would be needed.

Susy indicated that it was intended for land donation to be somewhere else in Town, not off-site. It doesn't preclude that. This all has to be addressed at the definitive stage for sure. I have some notes to share with you later on this.

Member Tucker indicated that Susy is probably the best person to deal with this.

Member Spiller-Walsh wants to talk about a fifth property. How big is the unit? I would want to talk about that now. Where would it be? How big would the unit be? What would be cleared to put up that unit?

Mr. Truax indicated it is our preference to not include it on site.

Susy reported that we have secured the information from the Assessor's office and from the state to make an estimated calculation of the payment in lieu of amount.

Member Spiller Walsh notes that where there is open land, the applicant could possibly donate this to the Town as open space as an option in lieu of affordable housing.

Susy reported that the Board has no authority to waive the affordable housing bylaw as it is part of the zoning bylaw.

Mr. Truax reported that these would all be single family houses.

The Board is in receipt of two emails relative to 104 Fisher Street which were entered into the record. Susy read aloud and distributed copies.

Abutter Mr. & Mrs. Digregorio, 108 Fisher Street: (See Attached email)

The concerns noted by Mr. & Mrs. Digregorio are relative to self-service truck noise entering the property. The abutters also wanted to know if there is a plan to address the vernal pools and loss of wildlife which will occur. The abutters hope that Mr. Rodenhiser will be excusing himself from the process.

Abutters, Mr. & Mrs. Presswood, 92 Fisher Street: (See Attached email)

The abutters have concerns about loss of privacy to rear of property, whether their water pressure will be reduced with the addition of 3 private wells uphill, and the impact of 3 additional septic systems and their drainage fields on their water supply.

There were two consultant review letters relative to the Bay Oaks Preliminary Subdivision Plan – one from Tetra Tech Rizzo and one from PGC Associates in your packets.

The first letter dated July 21, 2011 was from consultant Carlucci. **(See Attached)**

Consultant Carlucci notes that the Conservation Commission will need to act on this, but it does not need to happen at the preliminary stage.

Mr. Truax notes that an application will be filed with the Conservation Commission. We wanted to wait until we got through the preliminary stage. We had flagged it before.

The noted issues are: A wetland determination will need to be made by the Conservation Commission; a locus plan will need to show adjacent land and all property lines and buildings within 500 feet. The plan should show that separate parcel as required for detention basin or underground infiltration. The width of adjacent streets was not provided. There has been no data reference for topography 100 foot from buffer. The proposed cuts and fills slopes in excess of 8 feet need to be shown. The grades are not shown. No datum reference was included. Unclear on the homeowners association. Will there need to be one or two?

The Board is also in receipt of a letter with recommendations from Tetra Tech Rizzo dated July 21, 2011. **(See Attached.)** Consultant Steve Bouley provided the report. TTR and PGC have like comments. The plan should identify areas of proposed cuts and fills in access of eight feet. The buffer zones need to be shown. Another comment noted that it may be difficult to install septic systems on a hill. The consultant noted that by creating the interior property line on Lot 4, are we creating a problem with setbacks to the property line for the existing septic system. The BOH will want to see that. Any stone walls on the site? How about the grades? Will infiltration be possible for stormwater with the kind of rock up there?

Mr. Truax responded that he will be more specific at the definitive stage and show that. He further explained that Lot 2 has an existing right-of-way on it and there will be setbacks associated with that.

Member Spiller-Walsh indicated that the existing 50' wide right of way is a concern. Is there any reason to keep or maintain that? That is an easement through the property?

Mr. Truax said yes. It is wooded. It is not maintained (used).

Member Spiller-Walsh stated it is a paper right of way.

Mr. Truax indicated it is on paper as a right of way for access for the property behind (to the east). We don't have any right to move the right of way or to eliminate it.

Member Spiller-Walsh asked if that is the only way to access the (back) property.

Mr. Rodenhiser – There is a second one (on the northern edge of the property).

Member Spiller-Walsh asked if that right of way expected to be connected to this proposed roadway. Are we going to see somebody else appearing who will want to use this road?

Mr. Truax indicated he did not know what their intentions are.

Mr. Rodenhiser – There is no frontage back there.

Mr. Truax states that Member Spiller-Walsh is asking if they couldn't build a road through that 50' row to the back.

Susy Affleck-Childs – They could use that right of way right now.

Member Spiller-Walsh says that the Board needs to consider that as a possibility as we consider this proposal.

Mr. Truax indicates that if that were to happen, it wouldn't be a private way anymore.

Mr. Rodenhiser – I suppose somebody could do it if they were to build one or two houses back there.

Member Tucker asked how big that property is.

Mr. Rodenhiser indicates it is about 5 acres.

Attorney Deborah Batog introduced herself to the Board as counsel to the Giovanella family which owns the property to the east of Mr. Rodenhiser's. She provided the Board with a packet of information. **(See Attached.)** The easements on Mr. Rodenhiser's property are to her clients.

Member Tucker informed Attorney Batog that all the information provided will be taken under advisement. The Board will not give you any answers at this point and have time to study.

Attorney Batog explained that the packet includes info in the chain of title to show the Giovanellas property, the subject property and the various easements and cart paths on the subject property. That subject easement is our access to Fisher Street and that shows in the chain of title. There is another access easement along the Town line (with Holliston to the north.) The easement was the access to the whole tract of land when it was 23 acres. The Planning Board covenant when the subject locus was subdivided into 2 lots. Mr. Racicot was the developer at that point. The Planning Board specifically put in its covenant a restriction that runs with the land that the land should not be subdivided any further. Her client is not opposed to

development. However, we don't appreciate another property owner trying to interfere with our rights to access our property by submitting a plan to this Board and not locating all the rights of way running from Fisher St. Mr. Rodenhiser who is chairman of Board had approached her clients to purchase their 5 acre parcel of land for less than fair market value as a potential buildable lot and basically said if they didn't proceed with the transaction, he would make sure that they could never develop it which I think is highly unethical. We are not opposed to development that preserves our rights of access. Under the MPM case, Mr. Rodenhiser could try to approach us and try to relocate the easement if it impacts his ability to develop it. He has not done so. We need to preserve our right of way.

Attorney Batog indicated that one of the proposed house structures is within a couple of feet of the right of way. We have the ability to pave that and it is 50' feet wide and we have the ability to access our property. As this exists, the right of way needs to be preserved. Attorney Batog does not believe that the Board has the right to extinguish those rights of way. I draw your attention again to the subdivision covenant.

Member Tucker indicated the Board would certainly look into this.

Susy Affleck-Childs indicated she will try to locate the previous subdivision decision made by the Planning Board for this parcel. When we first started looking at this, we determined there was no development name given to this subdivision back then.

Mr. Rodenhiser indicated there is a release of the covenant.

Attorney Batog indicates that the release of covenant applies to the restrictions on construction, not to restrictions that run with the land.

Member Tucker indicated that the Board will provide feedback to the applicant so he can make adjustments for when he comes back with a final submittal.

Member Spiller-Walsh asked Attorney Batog what your client's intent is with the existing right-of Way.

Attorney Batog explained that the intent of the two widows of the Giovannella brothers is to preserve whatever rights they have on Mr. Rodenhiser's property. They have no desire to develop it themselves, but at some future date . . . It is a 5 acre parcel. The land continues to be assessed as a potentially buildable parcel. Their land is assessed by the Town at \$130,000. The two Giovannellas brothers were very careful in preserving their rights of access.

Member Spiller-Walsh would like to know more about the land and wants the topography of the land. She intends to walk the site. It would help to know the topography of the land behind. Are we talking about one lot or 3? Ledge, wetlands??

Attorney Batog noted that back in 2002, there was an issue with the interference of the easement and the property was staked. I could provide the Board with more information about topography.

Mr. Truax noted that the stakes are still there.

A road would have to be constructed (land divided) from one end of Fisher Street to the other for the Giovannella property to have frontage for buildable lots.

Member Tucker asked if there are any other questions of the Board members.

Member Gay asked if 106 Fisher shares the current driveway with Mr. Rodenhiser.

Mr. Rodenhiser indicated yes.

Member Tucker asked if there are any public comments.

Abutter, Bob Reed, 106 Fisher Street:

Mr. Reed wanted clarity about what other waivers would need to be asked for relative to the extension of the cul de sac.

Mr. Truax responded that the waivers would apply to the construction.

Mr. Reed asked if there if there were any comments which have come back from any other Town Boards or committees.

Susy Affleck-Childs indicated that the Board has not received any comments. At the preliminary stage, the boards/committees are less inclined to do so.

Member Rogers noted that this is the first time in the 8 years I have been on the Board that this is the first time we have received such extensive information to go through at the preliminary subdivision stage. I don't see us doing this in one evening. We have a lot to go through here. The waiver that is being requested is somewhat routine for small subdivision and is not a major issue for such a small subdivision.

Susy Affleck-Childs will try to secure some feedback from the Boards and Committees prior to the next meeting. She reported that the plans were circulated to the Boards and Committees.

Abutter, Peter Rapp, 100 Fisher Street:

Mr. Rapp owns property that is directly abutting Andy's property. The proposed lot 1 directly abuts him. He thought that most property is Medway was one acre. He wanted to know about why these are not 1 acre lots.

Vice Chairman Tucker informed the abutter that Lot 1 is just over an acre and Lot 2 is an acre and a half.

Mr. Rapp asked about the location of the septic and if any testing had taken place, along with wanting to know about the minimum site distance between a septic system and a well.

Mr. Truax explained that the perc tests were done with the Board of Health two weeks ago. He generally shows the area where the septic would be located. It was also communicated that surveying needs to be done to determine the exact location of the perc tests, but the generalized areas were established. The distance is 100 feet.

Member Rogers noted that anything to do with septic permits falls under the jurisdiction of the Board of Health and is not the Planning Board's responsibility. It is a separate and very rigorous step.

The abutter is concerned that his well is very close to border of lot 1.

Member Tucker wanted to know if the abutter has any objection to the engineer locating your well for purposes of more accuracy.

The abutter has no objection.

Mr. Truax indicated he has no issue locating the abutter's well.

Mr. Rapp is also concerned about the quality of the water. I don't appreciate having a septic system immediately upstream from my well.

The Board and the applicant were provided a memo from Susy Affleck-Childs dated July 26, 2011. (See Attached) The memo describes several ways the applicant can meet their affordable housing provisions of the Zoning Bylaw. A calculation of a payment in lieu of was also provided. This information came from the Board of Assessors regarding the sales price of single family homes in Medway over the past 3 years – 323 sales and the median price was \$347,500.

Member Spiller-Walsh wants to clarify the existing 50 foot easement. Is there a deed to that? I have a lot of legal questions.

Attorney Batog clarified that it is an easement with a plan of record but it is an expressed grant as well. It is not just an easement shown on a plan. It is an easement with a recorded document.

Susy Affleck-Childs thought that the applicant would appreciate it if the Board would discuss the waiving of the construction.

Member Spiller-Walsh would like to see drawn what the driveway would look like with the extension of the cul de sac and before it branches, she wants to see 18 foot surface and as it branches each extended driveway could be 14 feet or smaller.

The Board does have a concern that the fire apparatus be able to turn around within that area.

Mr. Truax indicated he could update the plans to show that as part of this preliminary discussion.

The Board would like to get something in writing from the Fire Department. Susy will follow-through.

Mr. Truax noted that he could bring a revised plan for the next meeting.

Member Spiller-Walsh has concerns about the existing trees, and what visually important trees might be left and what will be taken down. There may be some beautiful old growth oaks.

Susy Affleck-Childs noted that the Board in the past has included a condition within decisions to require a 15-20 foot no cut zone on the perimeter of the lots.

Member Spiller-Walsh wanted to know if they are thinking about going with detention basins or swales for drainage system. Will there be a new parcel?

Member Tucker asked if there were any runoff issues on the site now.

Mr. Truax responded that it is their intent to go with swales within the common driveway while creating rain gardens.

Mr. Truax responded that he is not aware of any run-off issues at this point.

Member Tucker asked the neighbors if there were any runoff issues. No comments provided.

Mr. Rodenhiser indicated that he does plan to live there.

Member Gay would like the engineer to be consistent with showing the area of the division of lots, and make the total of square footage more consistent so it is easier to understand and they all read the same way.

The Board will continue this at 8:00 p.m. on August 9, 2011. NOTE – Tom Gay will not be there that night.

Member Tucker informed the abutters that there will not be another mailing during the preliminary stage. He recommends that the abutters check the website for further meetings.

Member Spiller-Walsh would like to speak with Town Counsel prior to the next meeting about the 50 foot right of way.

Susy Affleck-Childs will forward the information to Town Counsel.

SWAP Meeting:

Consultant Carlucci informed the Board that there are two issues to be discussed at the next SWAP meeting. This first topic will be a study of alternative parking options. The second discussion will include the proposed changes to the composition of the Metropolitan Planning Organization (MPO) which reviews and decides on funding for transportation projects. There will be 12 seats for municipalities including one vote from each sub-region.

Pine Ridge Bond Reduction

The Board is in receipt of a memo from Susy Affleck-Childs dated July 25, 2011 relative to the Pine Ridge OSRD Bond Reduction Request. (See Attached.) The memo makes note that Paul Yorkis requested a bond reduction on behalf of Mr. Claffey through an email dated July 12, 2011. The bond reduction is for the Village at Pine Ridge.

The Board is also in receipt of a memo and inspection report dated July 25, 2011 from Tetra Tech Rizzo Consultant, Steven Bouley. (See Attached.) The inspection was completed last week. The bond reduction estimate is \$38,015. (See Attached.) NOTE - The Board's required minimum bond to be retained is \$40,000.

Susy Affleck-Childs provided an overview for the Board. The Board authorized an OSRD special permit for a 20 unit condominium community in 2006. Mr. Claffey acquired Candlewood Drive and Island Road, which are two unaccepted roadways. Candlewood Drive provides access to the Pine Ridge Development. The Town is holding a separate bond for \$38,392 to ensure the completion of Candlewood Drive. That was a separate subdivision. He has an outstanding obligation to finish Candlewood.

Member Tucker indicated that he wanted TTR to also show the minimum required bond amount of \$40,000 on future bond reduction estimates.

Susy Affleck-Childs explained that the bond estimate had not been prepared by Dave Pellegrini, but by Steve Bouley who was not aware of this.

Mr. Yorkis indicated that he had been informed that the minimum bond amount was \$40,000.

Susy Affleck-Childs informed the Board that she had reviewed notes from the February 27, 2007 meeting when the bond was first established. The original bond estimate from VHB was \$158,000. The applicant and Board discussed this at length and reduced the bond to \$70,953 by removing a number of items. The notes reference that Mr. Claffey would not need the bond money until the very end. That was part of the discussion and negotiations.

The Town is currently holding \$72,420.00 for Pine Ridge.

This is the first time the applicant is requesting a bond reduction.

Completion of the Candlewood work was a condition of the Pine Ridge decision.

Mr. Yorkis indicated it is really only Candlewood and the emergency access. There was a punch list created in 2001 by VHB in cooperation with the DPS that was agreed to. The Candlewood work will be completed by the end of October, 2011. There was not a cost estimate on the punch list work.

Member Gay wants to know the cost of the punch list since it is tied to the Pine Ridge decision.

Mr. Yorkis informs the Board that he doesn't know, but there is no way the work left to do will total more than \$70,000. He indicates that the bond estimate prices are high. He is not challenging the estimate, but in reality the costs are not as high.

Susy Affleck-Childs notes that the bond estimates have to be based on what the Town's cost would be to carry out the work.

Mr. Yorkis noted that the ADA ramps were done in compliance with the standards in place the work was done but TTR had noted in its inspection report that those ramps do not meet current ADA standards.

Susy Affleck-Childs noted that member Gay had asked for a cost estimate of what the VHB punch list for Candlewood from 2001. She could ask TTR to prepare that but the amount would be based on what the Town's cost would be.

Mr. Yorkis indicated that (the Town's cost) was not the basis for the agreement. It was an exclusive agreement between the DPS and the applicant.

Susy Affleck-Childs responded that it wasn't exclusive because it was part of the decision (Pine Ridge).

Mr. Yorkis indicated that the Candlewood work would be exclusively inspected by DPS.

Mr. Yorkis agreed to get a good faith estimate and will develop the list and provide it to Dave D'Amico and Jim Smith. The agreement was that when the work would be performed, the DPS would be out there making sure the items on the list were conformed to. That is different from the emergency access which is part of the Pine Ridge estimate. There is minimum amount of work such as curb cut repairs, slopes to be made ADA compliant, and changes to driveway aprons.

The Board would like to see the Candlewood punch list prior to making a decision on the Pine Ridge bond reduction.

Action on the Pine Ridge bond reduction will be tabled until the next Board meeting.

Mr. Yorkis indicated that he would not be able to attend the next meeting. He asked what the Board want him to provide beforehand.

Member Tucker said that we could just ask TTR for a pie in the sky number. We need to look at the entire package.

Susy Affleck-Childs noted that when we get to the step of street acceptance for Candlewood, we may very well need some of the money in the Candlewood bond for legal work. It is one of those old subdivisions.

Mr. Yorkis noted that the discussion he just heard if the Town is going to demand excessive legal work be done for street acceptance while the Town has continued to accept state aid for that road, there are inconsistencies in the Town's posture.

The Pine Ridge bond estimate will be tabled until August 9, 2011 at 8:45 pm. Susy will find the punch list and secure an estimate on the Candlewood work cost from TTR.

Minutes of July 12, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to approve the minutes (regular and executive session) from July 12, 2011 as written. (Chan Rogers recused as he did not attend that meeting.)

COMMITTEE REPORTS

Design Review Committee:

Consultant Carlucci noted that a recent newspaper article in the Milford Daily News noted that consideration was given to change the name of the Business Park near 495 to the West Medway business park. The problem with the name change is that there is a section of Medway called West Medway and that isn't it. West Medway is considered to be the area around the Police Station. He had been told that the West Medway area was the right around there.

Member Gay indicated that West Medway went west to the Milford border and north up Winthrop Street. There was a West Medway post office.

Member Spiller-Walsh informed the Board that there is a promotional effort for to have nicer industrial park entrances on both ends of the Town. Ellen Rosenfeld has offered to allow an easement on her property for a monument sign. Something similar in flavor and materials. The DRC will design those for the 2 industrial parks.

The DRC also reviewed tenant signs for Medway Mill that will be made clearer, to scale and on site for the businesses. This is a coordinated sign plan.

Andy Rodenhiser indicated that the businesses up there should be consulted about how they refer to themselves and any name change. The EDC is looking for a reason to talk with those businesses. I did meet with the DRC last night to review the signage ideas for the 495 business park that the EDC had recently discussed. You should also consider the other industrial park in town and what it should be called.

Town Wide Facilities Management Committee:

Member Gay reported that the Committee will be finalizing its report on next Monday. There will be a revisit with the key interest groups (departments that would be affected by a proposal for a more centralized facilities management initiative.) That is the direction this is going in.

Affordable Housing Trust Fund:

Susy Affleck-Childs reported that the Medway AHTE is working with Holliston AHTE on creating a job description for a shared Community Housing Specialist. The office time will be worked out. The full-time person will be split between the two towns. Holliston is willing to put in more money toward the health benefits. Holliston would be the employer with Medway contracting for services.

Member Tucker expressed concerns about the shared position with Holliston as lead based on Medway's former experience sharing a ConCom agent.

2010 Census Workshop:

Susy Affleck-Childs reported that the Town of Medway is hosting a workshop on the 2010 Census data on August 23, 2011 in the morning. This will be held at the High School in the computer lab. There is room for 24 people. For town staff, boards and Medway businesses.

Claybrook II Subdivision:

Susy Affleck-Childs reported on the Claybrook II Subdivision. Last summer, the Board had found the subdivision to be in default. Middlesex Bank has not responded to our inquiries to turn over the bond funds. A "demand" letter is being drafted by Town Counsel. The Board of Selectmen will be briefed at their August 15, 2011 meeting.

Birch Hill Street Acceptance

Susy Affleck-Childs reported that the Board of Selectmen will meet on September 9, 2011 to take a vote of the "taking" of Birch Hill Streets, to take the easements in the road. There will be a letter going out to the neighbors later this week or early next week to bring them up to date and confirm that the Town is proceeding and that they will have to sign a release.

Member Tucker asked if the letter goes to the mortgage companies as well.

Susy Affleck-Childs responded that it does not, just to the home owners.

Member Tucker asked how this is protecting the Town's interest.

Susy Affleck-Childs indicated that Town Counsel has determined this is the procedural way to go.

The PB needs to sign the Birch Hill street acceptance plans.

Member Tucker suggested that we ask Town Counsel to educate the Board on the process of taking streets by eminent domain so we know more as we go forward.

Susy Affleck-Childs indicated that "The Meadows" will be the next "troubled" subdivision we will be working on.

Capital Improvement Budget

Susy Affleck-Childs reported that she will be preparing capital requests for August 5, 2011. The requests will include a second phase of GIS along with Welcome Signs.

Medway Cable Access:

Susy Affleck-Childs reported that Andy Rodenhiser will be attending the Medway Cable Access meeting to share the Board's frustration with the video system.

OSRD Bylaw:

Susy Affleck-Childs reported that Gino Carlucci has developed some amendments to the OSRD bylaw. It was distributed. The Board will review at the August 23rd meeting. Thanks to Tom for brainstorming with Gino and me last week.

NOTE – Board members signed the Birch Hill Street Acceptance plan.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, August 9th and 23rd, and September 13, & 27, 2011.

The meeting was adjourned at 9:30 PM.

Respectfully Submitted,


Amy Sutherland

Meeting Recording Secretary

Edited by,


Susan E. Affleck-Childs

Planning and Economic Development Coordinator

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619
One Ashburton Place, Boston 02108
Telephone (617) 727-0060
Fax (617) 723-5851

RECEIVED
JUN 20 2006

G.L. c. 268A, §23(b)(3) DISCLOSURE
(to be filed with appointing authority;
elected municipal officials file with city or town clerk)

Name: Paul Phillip - Michels
Public Office or Position: Member Board of DPC
Address: 165 Hellen St Phone: 508-533-8442
City or Town: Methuen, Mass

I publicly disclose the following facts pursuant to G.L. c. 268A, §23(b)(3):

I was the party hostess
at the home of Anthony Michels
at the home of Robert D'Amico
at the home of Anthony Michels

I make this disclosure pursuant to G.L. c. 268A, §23(b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out above, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position, or the undue influence of any party or person with regard to the above circumstances.

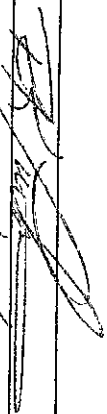
Signature: Paul Phillip Date: 5/29/06

TEXT OF G.L. c. 268A, §23(b)(3)

§23(b)(3) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know... act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. C. 268A §23(b)(3)**

I make this disclosure pursuant to G. L. c. 268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	ROBERT TUCKER
Title or Position:	VICE-CHAIR TRAINING BOARD
Agency/Department:	
Agency address:	
Office Phone:	
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I KNOW THE CHAIRMAN, ANDY TEBBINS IS GOING TO APPEAR BEFORE THE BOARD WITH 12 REPORTS SO SUPERVISORS. I CAN REVIEW THAT WORK w/o SWAYING FAVORITISM</p> <p>REC'D JUN 20 2011 TOWN CLERK</p>
Signature:	
Date:	6/22/11

G. L. c. 268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Appointed state, county and municipal officials and employees should file with their appointing authority.

Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.

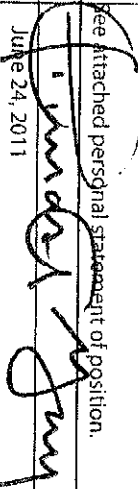
Elected county officials should file with the county clerk.

Elected municipal officials should file with the city or town clerk.

Attach additional pages if necessary.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. C. 268A §23(b)(3)**

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Thomas A. Gay
Title or Position:	Clerk, Planning & Economic Development Board
Agency/Department:	Town of Medway, Planning and Economic Development Board
Agency address:	Medway Town Hall, 155 Village Street Medway, MA 02053
Office Phone:	Medway Town Hall - (508) 533-3200 ... Personal - (508) 341-5174
I publicly disclose the following facts (Attach additional pages if necessary):	<p>As I Understand it: The Chairman of the Planning and Economic Development Board (PEDB) will be appearing before the PEDB (6/28/2011) for discussion on a proposed subdivision. The Chairman owns a parcel of land in Town which he proposes to divide into multiple house lots. Under the Subdivision Control Law, this requires approval of the PEDB under G.L. c. 41. The proposed subdivision may need other approvals as well. I further understand that the Chairman will step down from the PEDB during the discussion regarding his property.</p> <p>It is noted that the above facts raise potential conflict of interest implications for me as a member of the PEDB and being considered a municipal employee for purposes of the Conflict of Interest statute. In particular, G.L. c. 268A section 23(b)(2) and (3) provide: No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know... use or attempt to use official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals; act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person; it shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.</p>
Signature:	See attached personal statement of position. 
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3). No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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 Elected municipal officials should file with the city or town clerk.*

Attach additional pages if necessary.

Thomas A. Gay – additional comments on potential for conflict of interest

Please note:

I have no personal/business connection to any member of the PEBD nor is our relationship such that I would have anything to gain by helping them or lose by not. I have never done business with nor worked with any member of the Board. My only association/relationship with them, while friendly and respectful of what they bring to the table, is via the PEBD. I took (appointed) the "job", and subsequently ran for re-election, solely as an independent citizen voice... one that could speak for "old" Medway. I have no business interests in the town... my only interests are as a long-time resident and home owner.

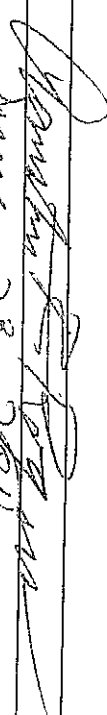
Generally speaking, my approach to performing my duties is that as soon as an application for any type of decision comes before the PEBD, the applicant becomes just that... an applicant. My position is completely neutral and stance is one of "is this good or bad for the town" as described by the rules, regulations and/or laws governing the circumstances of the application. I do not see myself reacting in any other way to any applicant regardless of personal relationship or association. If a situation arose where I did feel the bond too strong, any particular prejudices, any opportunity for personal gain and/or inability to approach the application in a logical, neutral and professional manner I would step down from being part of that decision.

Specifically speaking, Mr Rodenheiser will be subject to the same complete review and held to the same level of compliance in relation to the rules, regulations, guidelines and laws as any other applicant wishing to gain approval of the PEBD for development, subdivision, etc.


11-1-2011

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L.C. 268A §23(b)(3)**

I make this disclosure pursuant to G. L. c. 268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Cranston R. Rogers
Title or Position:	Member Medway Planning and Economic Development Board
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	I understand our chairman, Andy Rodenhiser, is an owner of property at 104 Fisher Street in Medway and plans to subdivide the property and would appear before the Medway Planning and Economic Development Board for that approval. I believe I can act fairly and without prejudice in these proceedings.
Signature:	
Date:	June 23 2011

G.L.c. 268 A, §23 (b)(3): No parent officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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JUN 23 2011

Attach additional pages if necessary.

TOWN CLERK

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L.C.268A §23(b)(3)**

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Gino Carlucci
Title or Position:	Consulting Planner
Agency/Department:	Town of Medway, including Planning and Economic Development Board (PEDB)
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-8106
I publicly disclose the following facts (Attach additional pages if necessary):	<ol style="list-style-type: none"> 1. I have been a consultant to the Town of Medway in general since about 1994 and to the PEDB since about 2003. Both of these dates predate Andy Rodenhiser's tenure on the PEDB. 2. As Chairman of the PEDB, Mr. Rodenhiser served as one member of a committee appointed to review proposals for planning services that resulted in renewal of my contract with the Town. 3. On a couple of occasions, I used Mr. Rodenhiser's firm for plumbing services. On those occasions, did not have contact with Mr. Rodenhiser. I called the firm's main number and made arrangements for the services with his office. The most recent time I used the firm was 2009. I have since used another plumber when I needed plumbing work. 4. I am aware that Mr. Rodenhiser may apply for a permit from the PEDB. 5. I will not use my position as consulting planner to secure for Mr. Rodenhiser any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. 6. Further, I will not be unduly or improperly influenced by the fact of Mr. Rodenhiser's position as Chairman of the PEDB.
Signature:	
Date:	June 24, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Attach additional pages if necessary.

RECEIVED
JUN 27 2011

MEDWAY
TOWN ADMINISTRATOR



**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L.C.268A §23(b)(3)**

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	David R. Pellegrini
Title or Position:	Civil Engineer Technical Consultant for the town of Medway
Agency/Department:	Tetra Tech
Agency address:	1 Grant Street Frammingham, MA 01701
Office Phone:	508-903-2408
I publicly disclose the following facts (Attach additional pages if necessary):	<p>Our company (Tetra Tech Inc.) currently serves as the technical engineering consultant to the Town of Medway and thus provides consulting services to the Medway Planning and Economic Development Board (PEDB) on a regular basis. We coordinate our work through the Medway PEDB Coordinator (Susan Affleck-Childs), however we also coordinate and present information to the entire PEDB including the chairman.</p> <p>It has come to our attention that the chairman of the PEDB may apply for a permit from the PEDB in the future. Under no circumstances will Tetra Tech use our position to secure for the applicant any unwarranted privileges or exemptions which are not properly available to similarly situated individuals. We will also act in a professional manner which will in no way be influenced by the applicant's position.</p>
Signature:	
Date:	June 16, 2011

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Attach additional pages if necessary.

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L.C.268A §23(b)(3)**

I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Susan E. Affleck-Childs
Title or Position:	Planning and Economic Development Coordinator
Agency/Department:	Town of Medway
Agency address:	155 Village Street Medway, MA 02053
Office Phone:	508-533-3291
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I understand that Andy Rodenhiser, a member and present Chairman of the Medway Planning and Economic Development Board (PEDB), plans to become an applicant before the Board in the near future for approval of a definitive subdivision plan for his property located at 104 Fisher Street in Medway, MA.</p> <p>As the Town's former Planning Board Assistant and its present Planning and Economic Development Coordinator, I have worked closely with Mr. Rodenhiser during his entire tenure on the Board. I understand that a reasonable person might conclude that Mr. Rodenhiser, simply because of the nature of his past and present position on the Board, might unduly enjoy my favor because of our long-standing working relationship.</p> <p>With this disclosure, I express my understanding that I may not use or attempt to use my position as the Town's Planning and Economic Development Coordinator to secure for Mr. Rodenhiser any unwarranted privileges or exemptions with regard to the proposed subdivision which are not properly available to similarly situated individuals seeking subdivision approval from the Board. As carry out my duties and responsibilities as the Town's Planning and Economic Development Coordinator in managing the Board's review of the of the forthcoming subdivision application, I will not be unduly or improperly influenced by the fact that Mr. Rodenhiser is a member of the Medway Planning and Economic Development Board.</p>
Signature:	<i>Susan E. Affleck-Childs</i>
Date:	<i>June 20, 2011</i>

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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Elected municipal officials should file with the city or town clerk.*

Attach additional pages if necessary.

RECEIVED

JUN 20 2011

TOWN CLERK



RECEIVED

JUL 14 2011

TOWN CLERK

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

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

July 14, 2011

Abutter Notification of Public Briefing
Bay Oaks Preliminary Subdivision Plan
Tuesday, July 26, 2011 at 7:45 pm

The Medway Planning & Economic Development Board has received an application from Andy Rodenhiser of Medway, MA for review of a ***preliminary subdivision plan for a proposed 4 lot residential subdivision at 104 Fisher Street to be known as Bay Oaks***. Owned by the applicant, the subject parcel (*Medway Assessors Map 4, Parcel 44A-6A*) is 8.78 acres in size. The parcel is located in the Agricultural Residential I zoning district. The preliminary subdivision plan is dated July 12, 2011 and was prepared by GLM Engineering of Holliston, MA. The plan shows the division of land into four residential lots (*one containing the existing dwelling at 104 Fisher Street*) and three lots for new residential construction all with frontage on a permanent private way.

The applicant and his representative will present the proposed Bay Oaks Preliminary Subdivision Plan to the Planning and Economic Development Board on Tuesday evening, July 26, 2011 at 7:45 pm in the Sanford Room on the second floor of Medway Town Hall, 155 Village Street, Medway, MA. ***You are receiving this notice because you own land within 300 feet of this proposed subdivision***. A copy of Sheet 3 of the proposed Bay Oaks Preliminary Subdivision plan is also enclosed. ***The Board invites you review the plan, attend the Public Briefing, ask questions, and express your views on the proposed subdivision***. We encourage your participation and comments. Written communication may be forwarded to the Board at the above address, faxed to us at the number below, or emailed to us at: planningboard@townofmedway.org. Board members will review all submitted correspondence.

Phone: 508-533-3291 Fax: 508-533-3252
Email: planningboard@townofmedway.org

A copy of the application and the full size version of the Bay Oaks Preliminary Subdivision Plan are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The Town Clerk's office is also open Monday evenings until 7:30 p.m. The full size plan is also available for viewing at the Planning & Economic Development office and has been posted at the Board's web page at townofmedway.org.

If you have any questions regarding this matter, please contact Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291. Thank you.

Robert K. Tucker, Vice Chairman

GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 12, 2011

Medway Planning Board
Town Hall
Medway, MA

Re: Preliminary Subdivision Plan
"Bay Oaks"
Applicant: Andy Rodenhiser

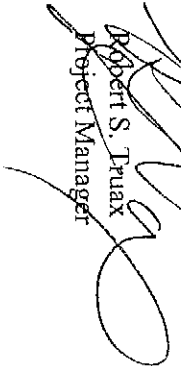
Dear Board Members,

On behalf of our client, Andy Rodenhiser, our firm submitted an application for a preliminary subdivision. The project is located off Fisher Street along the Holliston Town Line. The proposal is to extend the existing private way cul-de-sac to create three additional house lots. The existing site encompasses approximately 8.7 acres of land, with an existing single family dwelling.

We are requesting the Planning Board waive all the construction requirements for the roadway extension and allow the proposed dwellings to access of the existing cul-de-sac.

Thank you for your attention in this matter.

Yours truly,
GLM Engineering Consultants Inc.

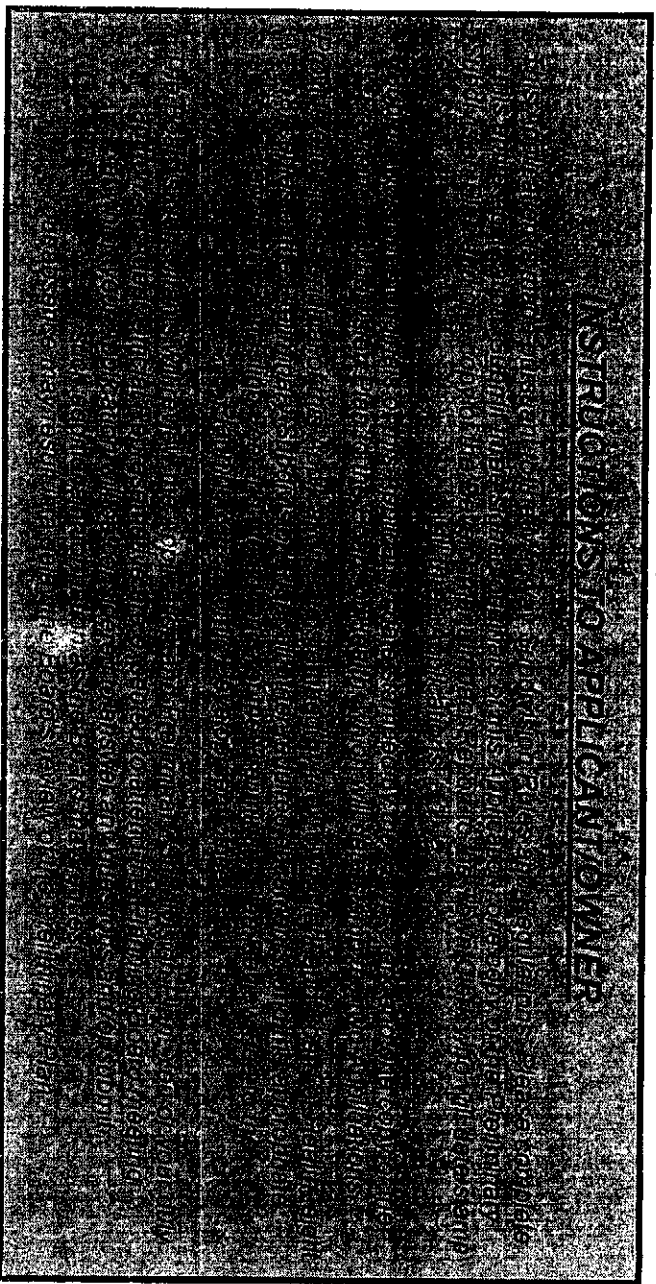

Robert S. Tuax
Project Manager

RECEIVED
JUL 14 2011

TOWN OF MEDWAY
PLANNING BOARD

LAND SUBDIVISION – FORM B

**Application for Approval of a Preliminary Subdivision Plan
Planning & Economic Development Board - Town of Medway, MA**



July 12, 2011

TO: *The Planning & Economic Development Board of the Town of Medway, MA*

The undersigned, being the Applicant as defined under Chapter 41, Section 81-L for approval of a Preliminary Subdivision Plan, herewith submits this Preliminary Subdivision Plan of property located in the Town of Medway and makes application to the Medway Planning & Economic Development Board for review of such Preliminary Subdivision Plan.

PRELIMINARY SUBDIVISION PLAN INFORMATION

Title: Preliminary Subdivision Plan "Bay Oaks" Medway Massachusetts
Prepared by: GJM Engineering Consultant, Inc.
Of: Holliston Massachusetts 01746
Plan Date: July 12, 2011

RECEIVED
JUL 14 2011

PROPERTY INFORMATION

Location Address: 104 Fisher Street

The land shown on the plan is shown on Medway Assessor's Map # 4 Parcel # 44A - 6A

Total Acreage of Land to be Divided: 8.78± acres

General Description of Property: Existing single family dwelling situated on 8.78 acres of land located at the end of existing private way.

APPLICANT INFORMATION

Applicant's Name: Andy Rodenhiser
Applicant's Address: 104 Fisher Street
Medway Massachusetts 02053
Name of Primary Contact: Andy Rodenhiser
Telephone: 781-760-9908 FAX: _____
Email address: _____

____ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner Name: Andy Rodenhiser
Address: 104 Fisher Street
Medway Massachusetts 02053
Primary Contact: Andy Rodenhiser
Telephone: 781-760-9908 FAX: _____
Email address: _____

CONSULTANT INFORMATION

ENGINEER: GLM Engineering Consultants, Inc.
Address: 19 Exchange Street
Holliston Massachusetts 01746
Primary Contact: Robert Truax
Telephone: 508-429-1100 FAX: 508-429-7160
Email address: rtruax@glmengineering.com

SURVEYOR: GLM Engineering Consultants, Inc.
Address: 19 Exchange Street
Holliston Massachusetts 01746
Primary Contact: Robert Truax
Telephone: 508-429-1100 FAX: 508-429-7160
Email Address: rtruax@glmengineering.com

OFFICIAL REPRESENTATIVE INFORMATION

Name: _____ N.A. _____

Address: _____

Primary Contact: _____

Telephone: _____ Fax: _____

Email address: _____

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. (If applicable, I hereby authorize _____ to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Preliminary Subdivision Plan application.) In submitting this application, I authorize the Board, Town staff and agents, and members of the Open Space Committee and Design Review Committee to access the site during the plan review process.

 _____
Signature of Property Owner Date 7/12/11


Signature of Applicant (if other than Property Owner) Date _____

Signature of Agent/Official Representative Date _____

PRELIMINARY SUBDIVISION PLAN FEES

Planning/ Subdivision Plan Filing Fee: \$650
Advance on Plan Review Fee: \$750

Submit separate check(s) payable to Town of Medway.

Date Form B and Preliminary Subdivision Plan Received by Planning & Economic Development office: 7-14-2011 

Preliminary Subdivision Plan Filing Fee Paid: Amount: \$750 Check # 195870

Advance on Plan Review Fee Paid: Amount: 250 Check # 195871

Date Form B & Preliminary Subdivision Plan Received by Board of Health Date Form B & Preliminary Subdivision Plan Received by Town Clerk

LAND SUBDIVISION - FORM F

Development Impact Report (DIR)

PLANNING BOARD - Town of Medway, MA

TOWN OF MEDWAY
PLANNING BOARD

JUL 14 2011

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally associated with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social sciences and environmental design arts.

July 12, 2011
Date

1. Name of Proposed Subdivision: "Ray Oaks" _____
2. Location: 104 Fisher Street _____
3. Name of Applicant (s): Andy Rodenhiser _____
4. Brief Description of the Proposed Project: Proposed 4 Lot Residential
Subdivision _____

5. Name of Individual Preparing this DIR: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street Phone: 508-429-1100
Holliston Massachusetts 01746

Professional Credentials: Professional Engineers & Surveyor

SITE DESCRIPTION

6. Total Site Acreage: _____

Approximate Acreage	At Present	After Completion
Meadow/brushland (non-agricultural)	None	
Forested	7.0 AC	
Agricultural (includes orchards, croplands, pasture)	None	
Wetlands	1.0 AC	
Water Surface Area	-	
Flood Plain	-	
Unvegetated (rock, earth or fill)	-	
Roads, buildings and other impervious surfaces	-	
Other (indicate type)	-	
TOTAL	-	

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	-
Commercial	-
Residential	12%
Forest	78%
Agricultural	-
Other (specify)	-

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. **NOTE – Be sure to include overlay zoning districts.**

Zoning District	Percentage
AR-1	100%

9. Predominant soil type(s) on the site: _____

Soil Drainage
(Use the U.S. Soil Conservation Service's definition)

Soil Type	% of Site
Well drained	-
Moderately well drained	100%
Poorly drained	-

10. Are there any bedrock outcroppings on the site? Yes No

If yes, specify: Large Boulders

11. Approximate percentage of proposed site with slopes between:

Slope	% of Site
0 – 10%	80%
10 – 15%	15%
Greater than 15%	5%

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) _____ Proximity to a public well: _____ feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (*Consult the Massachusetts Heritage Program and the Medway Conservation Commission for Information.*) Yes No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

Yes No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? Yes No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? Yes No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? Yes No

If yes, please specify: _____

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? Yes No

If yes, please specify: Vegetated wetland Located on the locus.

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? Yes No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? Yes No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? Yes No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission)

Yes No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? Yes No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision?

Average weekday traffic	15 - 20 per day
Average peak hour volumes - morning	5 - 8 trips
Average peak hour volumes - evening	5 - 8 trips

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Fisher Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: Stone End Road (250 Ft.)

Ledgewood Road (1000±)

27. Location of existing sidewalks within 1000 feet of the proposed site: _____

None

28. Location of proposed sidewalks and their connection to existing sidewalks:
None

29. Are there parcels of undeveloped land adjacent to the proposed site:
X Yes No

Will access to these undeveloped parcels be provided from the proposed subdivision?
X Yes No

If yes, please describe: Existing 50' R.O.W. to abutting property

If no, please explain why: _____

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 3 new - 1 Existing

31. What is the total number of bedrooms in the proposed subdivision? 16±

32. Stormwater Management

A. Describe the nature, location and surface water body receiving current surface water of the site: Existing vegetated wetlands.

B. Describe the how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: _____

Collection through swales and mitigate increase flows
utilizing best management practices.

C. Will a NPPDS Permit be required? _____ Yes _____ X _____ No

33. Please estimate the response time of the Fire Department to this site:
(Please consult with the Fire Department): _____ 4 - 8 minutes _____

34. Schools
A. Projected number of new school age children: _____ Approx 3
B. Distance to nearest elementary school: _____ 1/2 mile _____

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that haven been taken during subdivision design and will be taken during subdivision construction for each of the following:

- 35. Maximize stormwater infiltration and groundwater recharge
- 36. Prevent surface and groundwater contamination
- 37. Reduce detrimental impacts to water quality
- 38. Maintain slope stability and prevent erosion
- 39. Conserve energy
- 40. Preserve wetlands
- 41. Preserve wildlife habitats, outstanding ecological or botanical features
- 42. Protect scenic views
- 43. Retain natural landscape features
- 44. Design street layouts to facilitate southern orientation of houses
- 45. Use curvilinear street patterns
- 46. Promote pedestrian and bicycle access and safety
- 47. Reduce the number of mature trees to be removed
- 48. Provide green belt/buffer areas
- 49. Preserve historically important structures and features on the site
- 50. Retain natural valley flood storage areas
- 51. Minimize the extent of waterways altered or relocated
- 52. Reduce the volume of cut and fill
- 53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation
- 54. Minimize municipal maintenance frequency and costs
- 55. Reduce building site frontages or driveway egresses onto primary or secondary streets

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

Susan Affleck-Childs

From: Krista Digregorio [kristadigregorio@gmail.com]
Sent: Tuesday, July 26, 2011 3:53 PM
To: Planning Board
Cc: steve digregorio; Krista Marion Digregorio
Subject: Bay Oaks Subdivision

RECEIVED
JUL 26 2011
TOWN OF HANOVER
PLANNING BOARD

Dear Planning Board Members,

My husband and I are unable to attend tonight's meeting due to a last-minute work conflict. We would like to express our feelings regarding the plan for a four lot subdivision on Mr. Rodenhiser's property.

We are the abutters to the driveway entering the subdivision. This plan would increase the traffic on the driveway by at least 300%. The current driveway is very noisy when trucks and service vehicles use it. Is there a plan to address and decrease this noise?

Also, it is our understanding that there are many vernal pools in the woods on this property. How will this loss of wildlife be addressed? Can we request that the property be inspected by the Preservation Commission to lessen the impact of the new construction?

Finally, will Mr. Rodenhiser excuse himself from this process? It does not seem that he should be allowed to act as Chair of the Planning Board in this situation.

Thank you for your consideration of these topics. My husband and I plan to be present for any/all further meetings.

Sincerely,

Stephen and Krista Digregorio
108 Fisher Street

Sent from my iPad

Susan Affleck-Childs

From: Larry & Katherine Presswood [katenlarry@gmail.com]
Sent: Friday, July 22, 2011 9:20 PM
To: Planning Board
Cc: Larry Presswood
Subject: Bay Oaks Preliminary Subdivision Plan

RECEIVED
JUL 25 2011

JOHN GEHRMANN
PLANNING BOARD

Dear Members of the Planning & Economic Development Board:

Thank you for notifying us of the upcoming meeting regarding the proposed subdivision of the property at 104 Fisher Street.

It is a beautiful neighborhood and we just moved in at 92 Fisher Street in November of 2009.

We love the natural beauty of the area and the privacy of our lot.

We do not wish to impede our neighbor's project but we have some worthy concerns.

- 1) Currently we enjoy great privacy to the rear of our property and we are wondering if most of the trees will be left standing on Lot 1 in the portions of the lot that about the Rapp and LaPointe properties. (Hoping so.)
 - 2) Of more serious concern, as neighbors downhill of the project, we are quite concerned with how the addition of 3 dwellings may affect the quality, quantity, and pressure of our private well water. Currently we enjoy excellent water in terms of all three attributes: quality, quantity, and pressure, and we would like the project engineer's assurance that this proposed subdivision will not impact our water supply.
 - 3) Lastly, should we be concerned with 3 additional septic systems and their drainage fields. . . again, residing "downhill" of this subdivision and gravity being a law of nature? We would like the engineer's input regarding this concern.
- As new neighbors, we do not wish to be unpleasant, but we also have to protect our investment.
Thank you, again, for the opportunity to review these plans.
I have a previous commitment that evening, but my husband hopes to attend in my stead.
Here's to a project that is beneficial for everyone!

Sincerely,
Katherine G. Presswood

PCC ASSOCIATES, INC.

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

July 21, 2011

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

R E C E I V E D
JUL 21 2011

**TOWN OF MEDWAY
PLANNING BOARD**

Re: Bay Oaks Preliminary Subdivision Plan

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated July 12, 2011. The site is within the AR-1 district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8,78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots. The new lots would have areas ranging from 44,338 to 92,460 square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw.

Subdivision Rules and Regulations

2. Section 4.2 recommends, but does not require, that a wetlands determination be made by the Conservation Commission before submitting a preliminary plan. Wetlands on the property are shown, but it is not clear if the determination has been made by the Conservation Commission.
3. Section 4.6.2 requires a locus plan that shows adjacent land and all property lines and buildings within 500 feet of the property. A locus plan was provided but it does not show the required information.
4. Section 4.2.6 requires certain information on an existing conditions plan. An existing conditions plan was provided but it lacks the required information which may include trees with a diameter of 1 foot or more, significant tree masses, wooded areas, ledge/rock outcroppings, large boulders, natural drainage courses and possibly other features.


5. Section 4.6.7 requires general information on existing and proposed drainage, sewer disposal and water distribution. A septic system and well serving the existing house are shown on the plan. The application states that the new houses will be served by wells and septic system. Since the existing well is located within the proposed roadway right-of-way extension, it is not clear if the proposal is to abandon it and drill a new well for the existing house. The plan shows existing catch basins at the end of the existing private way (where it intersects with Fisher Street) but no other drainage information. The Development Impact Report indicates that drainage will consist of collection through swales and mitigation of increased flows through best management practices. It should be noted that a separate parcel is required for a detention basin or underground infiltration system.
6. Section 4.6.9 requires the widths of adjacent streets within 500 feet. This information was not provided for Fisher Street.
7. Section 4.6.10 requires that existing and proposed topography be shown at 2' intervals. The existing topography is shown but the proposed topography is the same as no changes are shown. It also requires that a datum reference be shown. No datum reference is provided. The definitive plan regulations require NAVD88 be used.
8. Section 4.6.11 requires that a proposed street name be shown on the plan. The road is shown as "Existing Private Way."
9. Section 4.6.12 requires that the 100-foot buffer from wetlands be shown. This was not done.
10. Section 4.6.15 requires that proposed cuts and fills in excess of 8 feet and disturbances to slopes of twenty-five percent be shown. It is not clear if there will be either of these but steep slopes are shown on the plan so they are possible.
11. Section 7.9.5 specifies a maximum grade for a neighborhood street of 8%. The grade is not shown, but the road does go up a steep hill.
12. Section 7.9.6 (b) specifies that the maximum length of a dead end shall not exceed 600 feet as measured from the centerline of the intersection street along the centerline of the dead end street. The proposed roadway is the maximum length to the centerline of the cul-de-sac (in the middle of the circle).
13. Section 7.9.6 (d) requires a turnaround on dead ends. In this proposal, the applicant is requesting a waiver from all requirements pertaining to construction of the roadway extension. This would leave the existing cul-de-sac as the turnaround and a shared driveway serving three houses would extend beyond the turnaround.

General Comments

12. Waivers are requested to allow the extended right-of-way to not be constructed and to access the new lots from the existing cul-de-sac. As noted above, this results in a shared driveway serving three houses. It may be necessary to form at least two homeowners association; one to maintain the existing road and another to maintain the shared driveway off the existing road.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr." with a stylized flourish at the end.

Gino D. Carlucci, Jr.



TETRA TECH

July 21, 2011

RECEIVED
JUL 21 2011
TOWN OF FRAMINGHAM
PLANNING BOARD

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

**Re: Bay Oaks
Preliminary Subdivision Plan Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech Rizzo (TTR) has performed a review of the proposed Preliminary Subdivision Plan for the above – mentioned project. TTR is in receipt of the following materials:

- A plan (Plans) set entitled “Bay Oaks”, dated July 12, 2011, prepared by GLM Engineering Consultants, Inc (GLM).

The Plans and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

Conformance with Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100)

1. Plans should show wooded areas, ledge/rock outcroppings. (Ch. 100 §4.6.6)
2. Plans should identify areas of proposed cuts and fills in excess of eight feet (8) and disturbance to slope of twenty-five percent (25%) or more. (Ch. 100 §4.6.15)

General Comments:

3. By creating the interior property line on lot 4 are we creating a problem with setbacks to the property line for the existing septic system?



TERRATECM

4. The applicant should show buffer zones.
 5. What is the existing 50' Right-of-Way (ROW) running through Lot 2? Are there any setbacks associated with that ROW for house or septic proposed on Lot 2.
 6. Has any preliminary testing been done for proposed septic systems? Is it realistic to think they can be installed on the hills shown on Lots 1 and 2?
 7. Has any testing been done to determine if individual wells for each lot proposed will be successful?
 8. I would recommend the applicant review the conditions of the existing stormwater system for the existing Private Road. Since it looks like most of the runoff flows towards the existing roadway, the proposed stormwater will need to be addressed prior to reaching the existing roadway or incorporated into the existing stormwater collection system.
 9. The Board of Health will need to review the project to determine the adequacy of groundwater to supply site.
 10. Are there stone walls on-site?
 11. Will it be possible to achieve a maximum grade of 8% on driveway?
 12. Will infiltration be possible? Based on contours it appears that there may be ledge on-site.
- These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'David R. Pellegrini'.

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

P:\3159\127-21584-090056_MAINE TASKSDAY OAKS2011-07-21_DAY OAKS REVIEW LETTER.DOC

50

MASSACHUSETTS COURTLAND DEED BOOK FROM INDIVIDUAL 681
We, Samuel V. Longo and Joseph J. Renda, Jr., both of Milford,
Worcester County, and Benjamin G. Longo, of Millis, Norfolk County,
Massachusetts, Trustees of Longo Realty Trust, under Declaration of
Trust dated October 31, 1975, recorded with Norfolk Deeds, Book 5176,
Page 641
City of Massachusetts

for consideration paid and in full consideration of \$60,000.00

grants to Edward J. Giovanella and Francis J. Giovanella, as tenants in
common of Medway, Norfolk County, Massachusetts with quitclaim covenants

the land in said Medway, situated on the Easterly side of Fisher Street,
said to contain approximately 23.5 acres, bounded and described as
follows:
City of Massachusetts

Beginning at a point on the Easterly side of Fisher Street at
Holliston-Medway Town line; thence

SOUTHERLY by Fisher Street, to land now or formerly of George
W. and Christine M. Scribner; thence

NORTHEASTERLY by land of said Scribner and by land now or formerly
of the Estate of Newton to land of William F.
Fairbairn; thence

NORTHERLY by said Fairbairn land to the Medway-Holliston Town
line; thence

WESTERLY on said Town line to the point of beginning.

Being the same and all of the same premises conveyed to the
grantors by deed of John J. Longo et al, Trustees, dated October 31,
1975, recorded with Norfolk Deeds, Book 5176, Page 655.

Property Address:
Grantee's Address:

Fisher Street, Medway, Massachusetts
58 Fisher Street, Medway, Massachusetts

CANCELLED
JAN 8 1981 136.80

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

Witness our hand and seal this 31st day of December 1980
Samuel V. Longo
Joseph J. Renda, Jr.
Benjamin G. Longo
Trustees as aforesaid

City of Massachusetts
Norfolk ss. December 31, 1980

Then personally appeared the above named Benjamin G. Longo as Trustee as aforesaid
and acknowledged the foregoing instrument to be his free act and deed, before me

P. Joseph Kenney Notary Public
My commission expires September 22, 1983

Recorded Jan. 8, 1981 at 12h. 20m. P.M.

Unofficial Property Record Card - Medway, MA

General Property Data

Parcel ID 4-44	Account Number 646	
Prior Parcel ID --		
Property Owner GIOVANELLA JO-ANN & JOANE	Property Location 0 R FISHER ST	
	Property Use POTEN LAND	
Mailing Address 44 FISHER STREET	Most Recent Sale Date 1/1/1900	
	Legal Reference 5827-80	
City MEDWAY	Grantor N/A	
Mailing State MA	Zip 02053	Sale Price 0
ParcelZoning	Land Area 5.000 acres	

Current Property Assessment

Card 1 Value Building Value 0	Xtra Features Value 0	Land Value 133,600	Total Value 133,600
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Building Description

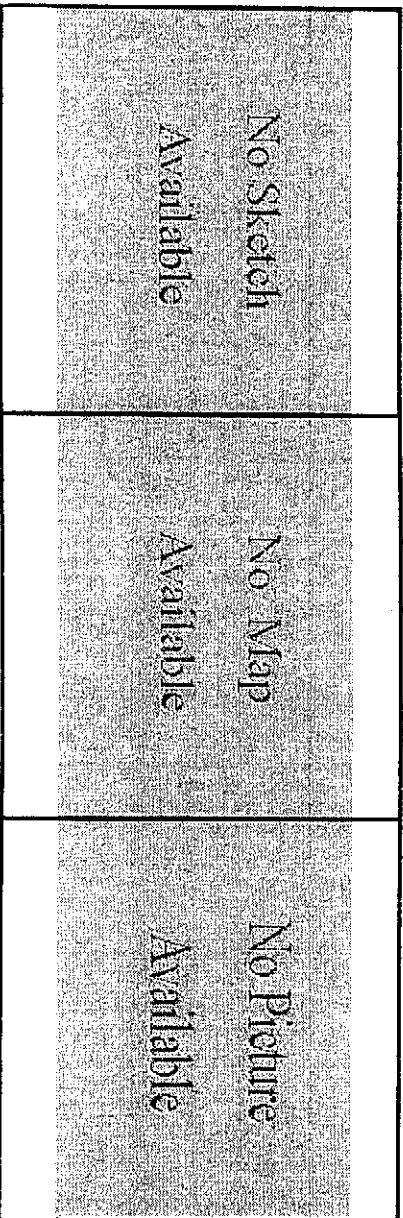
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition Average	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Barnt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

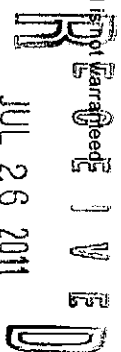
Narrative Description of Property

This property contains 5.000 acres of land mainly classified as POTEN LAND with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and



JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD



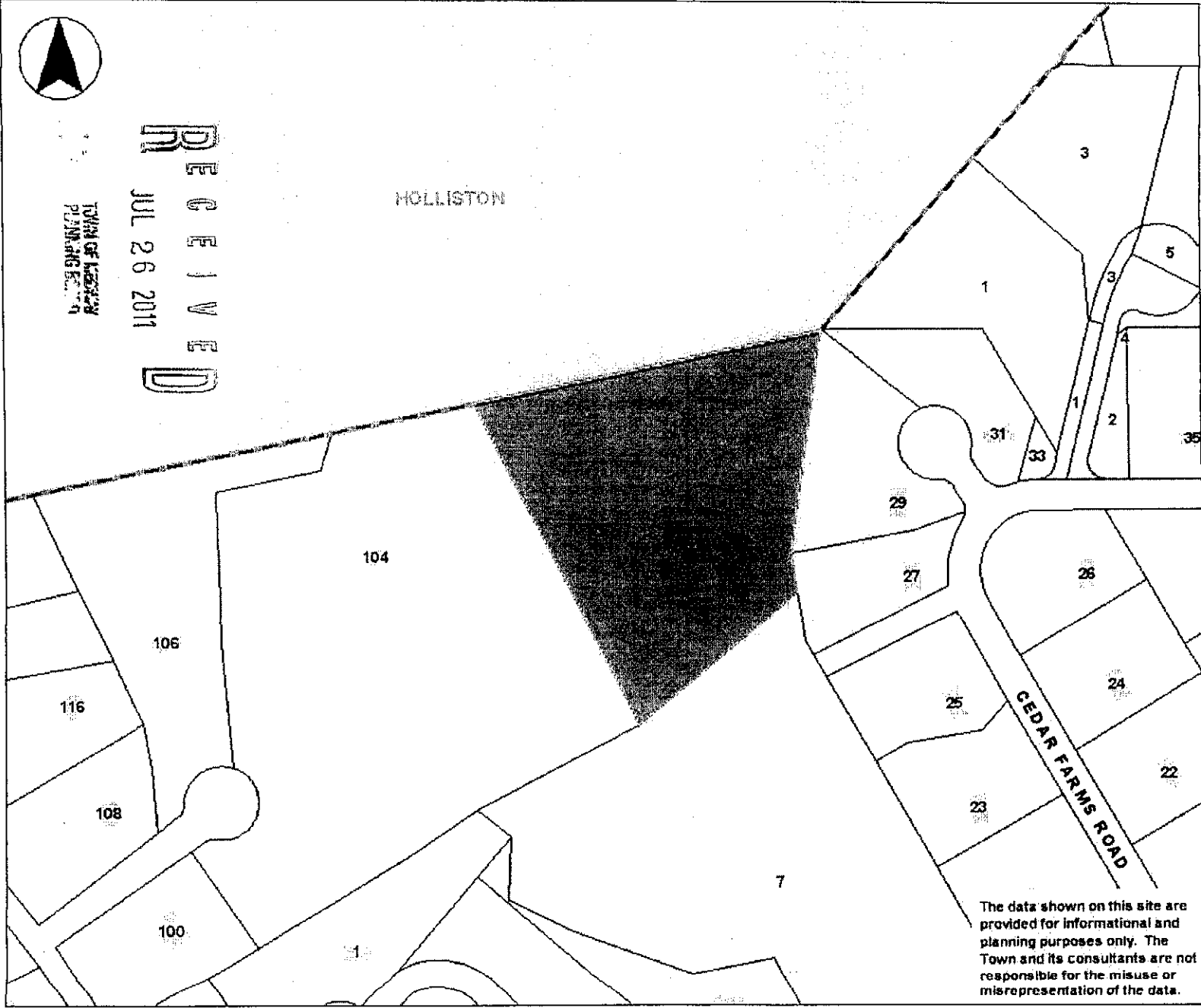
RECEIVED
JUL 26 2011

TOWN OF HOLLISTON
PLANNING BOARD

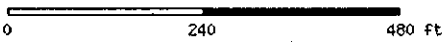
HOLLISTON



- Places
- Fire Stations
 - Police Stations
 - Town Halls
 - Public Libraries
 - Schools
- Commuter Rail
- Commuter Rail Stations
 - Commuter Rail
- Town Boundary
- Town Boundary
- Streets
- Streets
- Abutting Towns
- Abutting Towns
- Buildings
- Buildings
- Parcels
- Parcels With Aerials
 - Parcels



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both
of Medway, Norfolk County, Massachusetts

~~for consideration paid, and in full consideration of~~ \$116,000.00

grants to KENNETH S. RACICOT, Trustee of Racicot Realty Trust under
declaration of trust dated 12/3/82 to be recorded herewith
of 295 Washington Street, Sherborn, Middlesex with public use easements
County, Massachusetts.

the land situated on the Easterly side of Fisher Street in Medway,
Norfolk County, Massachusetts, and being shown as Lot 1 on a plan
entitled "Plan of Land
in Medway, Mass. Property of: Edward J. & Francis J. Giovanella
Scale: 60 feet to an inch Date: November 23, 1982 Guerriere &
Halnon, Inc. Engineering and Land Surveying 326 West Street,
Milford, Mass.," which plan is to be recorded herewith. Said Lot 1
contains 18.13+ acres according to said plan. Reserving to the
grantors, in common with others entitled thereto, the right to use
the "60' wide right of way" as shown on the plan hereinbefore referred
to, for any and all purposes for which public ways are commonly used
in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.



RECEIVED
JUL 26 2011
TOWN OF MEDWAY
PLANNING BOARD

Address of Property: Fisher Street (unnumbered), Medway, MA

Witness our hands and seals this 3rd day of December 1982

Edward J. Giovanella

Francis J. Giovanella

Notary Public for Massachusetts

Middlesex s. December 3, 19 82

Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella

and acknowledged the foregoing instrument to be their free and voluntary act

Robert E. Flood Notary Public - JAMES R. BROWN

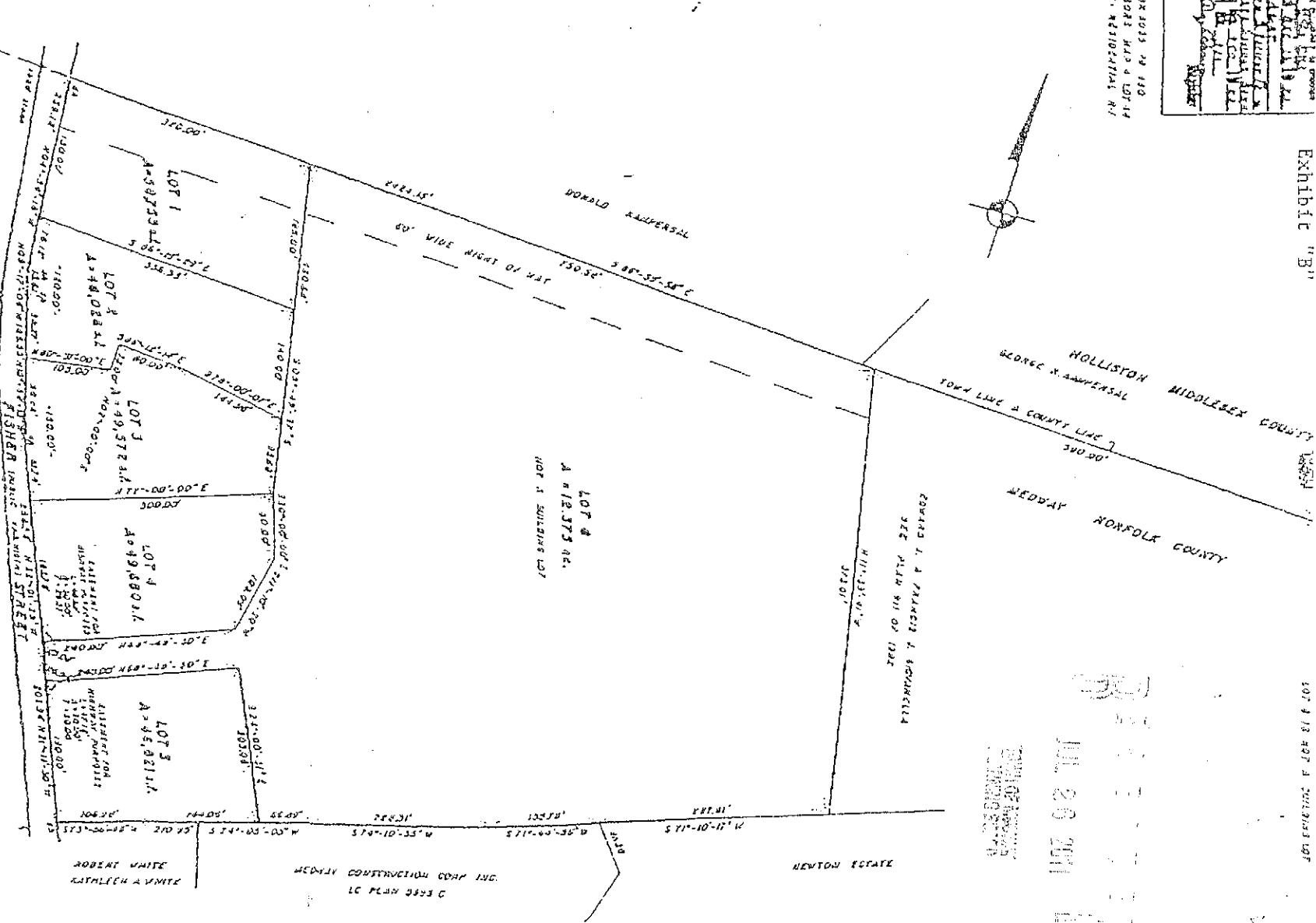
My commission expires March 10, 19 83

RECEIVED
DEC 3 11 30 AM '02

1220 BR 2013 TO 130
 1310003 MAP 4 LOT 14
 100MG REZONING R-1
 1220 BR 2013 TO 130
 1310003 MAP 4 LOT 14
 100MG REZONING R-1

Exhibit "B"

LOT 4 1/2 AC. 1.5000000000000000



DEPARTMENT OF
 REVENUE
 JUL 20 2011

I CERTIFY THAT THIS PLAN HAS
 BEEN PREPARED IN CONFORMITY
 WITH THE RULES AND REGULATIONS
 OF THE REGISTER OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS.



WEDDAY, MASS.
 PROPERTY OF
 PACIFIC REALTY TRUST
 SCALE: 1" = 30' DECEMBER 7, 2010
 SURVEYED BY
 SHAKTI ASSOCIATES INC.

APPROVAL UNDER THE SUBDIVISION
 CONTROL LAW NOT REQUIRED.
 WEDDAY PLANNING BOARD
 WEDDAY, MASS.

1982

RECEIVED RECORDED
1984 SEP -5 AM 9 26

REFER TO PLAN NO. 1035 of 1984 PL. BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6185, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts,

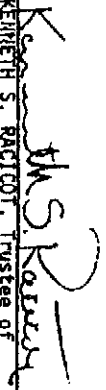
in consideration of the payment of the sum of One (\$1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a Plan of Lot 6 on a plan entitled "Plan of Land in Medway, Massachusetts, property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc." to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the Grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

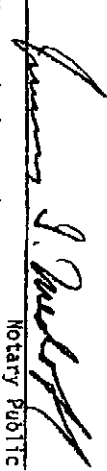
For my title see Deed recorded with said District Deeds in Book 6085, Page 480.

Witness my hand and seal this 25th day of July, 1984.


KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

Phillips, SS. COMMONWEALTH OF MASSACHUSETTS July 25th, 1984

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me


Notary Public
My commission expires: 11/18/86

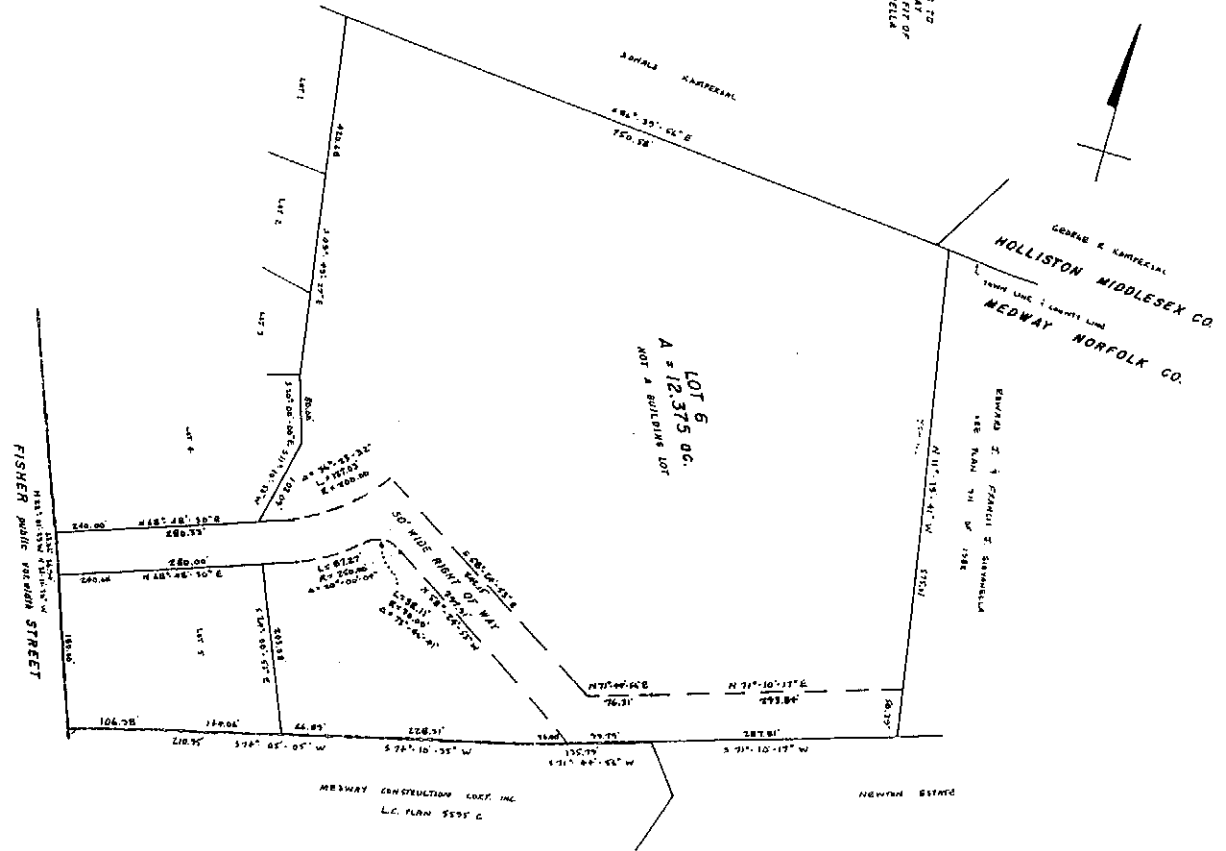
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JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD



Notical Register of deeds
 Book: Dordring 3455
 Page: 19 B*
 Filed: 08/19/08
 Edward J. O'Grady, Jr. as
 Plaintiff
 vs.
 Edward J. O'Grady, Jr. as
 Defendant
 Filed 8/19/08
 P. B. 314
 Albee
 Register

THE PURPOSE OF THIS PLAN IS TO
 DEFINE A LOT 6 BOUNDARY
 OF THE PARCEL OF LAND OF
 EDWARD J. O'GRADY, JR.
 EDWARD J. O'GRADY, JR. & FRANCIS J. SERRACINIA
 EDWARD J. O'GRADY, JR. & FRANCIS J. SERRACINIA



RECEIVED
 JUL 26 2011

TOWN OF MEDWAY
 PLANNING BOARD

I CERTIFY THAT THE BOUNDARY LINES
 SHOWN ON THIS PLAN ARE THE RESULT OF
 A FIELD SURVEY AND THE LINES OF SHEDS
 AND WALLS SHOWN ARE THOSE OF PUBLIC
 RECORDS AND THAT I AM A LICENSED
 SURVEYOR IN THE STATE OF MASSACHUSETTS
 AND THAT I AM A MEMBER OF THE
 MASSACHUSETTS SOCIETY OF PROFESSIONAL
 SURVEYORS.

PLAN OF LAND
 IN
 MEDWAY, MASS.
 PROPERTY OF
 RACIOCOT REALTY TRUST
 MAY 30, 1984
 SCALE 1" = 50'
 GRADE ASSOCIATED BY
 CIVIL ENGINEERS LAND SURVEYORS
 770 GROVE STREET
 FARMINGHAM, MASS.

I CERTIFY THAT THIS PLAN HAS
 BEEN PREPARED IN ACCORDANCE
 WITH THE RULES AND REGULATIONS
 OF THE REGISTER OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS.

ROBERT E. O'GRADY, JR.
 REGISTERED LAND SURVEYOR 10281

ROBERT E. O'GRADY, JR.
 REGISTERED LAND SURVEYOR 10281

COVENANT

KNOW ALL MEN BY THESE PRESENTS that whereas I, the undersigned, have submitted an Application with the Town of Medway Planning Board, for approval of a definitive Plan of a certain subdivision entitled "Definitive Subdivision Plan, Fisher St., Medway, MA" by GLM Engineering Consultants, dated November 12, 1985, submitted and owned by Kenneth S. Racicot as Trustee of Racicot Realty Trust, Bellingham, Massachusetts, originally filed with the Planning Board on November 12, 1985 and subsequently extended to March 14, 1986, concerning the property at or about 108 Fisher Street, Medway, and showing 2 proposed lots.

The undersigned, therefore, covenants and agrees with said Planning Board and with the inhabitants of the Town of Medway that no lot in said subdivision shall be sold and no building erected or placed upon any lot therein until the following covenants and conditions have been complied with and satisfied.

1. The ways and municipal services serving each lot have been constructed or installed, all in accordance with the requirements of said Board as set forth in its rules and regulations and as further specified and as modified hereinafter.

2. The proposed way shall be identified as a Private Way and deeds subsequently issued shall note that the way is and shall remain a Private Way to be owned by eventual owners of the lots served.

3. Compliance with Planning Board Rules and Regulations is waived with respect to the following:

- a) Construction of a roadway may be as detailed by the plan with a 16 foot width and Cape God berm.
- b) Construction of drainage which crosses Fisher Street will include application of a 4 inch crown to Fisher Street in the immediate vicinity of the entrance of the proposed road to Fisher Street.

4. All drainage easements as shown on said plan, or any revisions thereof, shall include the right to enter thereon and to provide the necessary maintenance thereof.

5. No building or structure shall be built or placed on a lot of land until adequate provision has been made for service thereof with an adequate water supply. Wells shall be installed in the subdivision in accordance with the rules and regulations of the Board of Health of the Town of Medway. The undersigned shall guaranty for a period of one (1) year from the date of conveyance of each lot that the well installed on each lot shall provide a flow of potable water in the amount of at least five (5) gallons per minute.

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1988 OCT -5 AM 11:58

RECORDED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

6. No building or structure shall be built or placed on a lot of land without the approval of the Medway Board of Health.
7. The owner may furnish a bond in an amount sufficient in the opinion of the Board to cover:
 - a) The costs of construction and installation of all the ways and municipal services therein (referred to in item 1) or any unfinished part thereof.
 - b) The performance of the requirements contained in this agreement or any portion thereof.
8. Grading on all lots shall be in compliance with the Planning Board Rules and Regulations.
9. Slopes are to be vegetated with sufficient shrubbery to retain slope and prevent erosion.
10. Drainage provisions shall be made, whether they are additional to or modifications of those in the approved plan, as determined by the Planning Board Field Representative to be necessary for the adequate handling of surface water or ground water in the subdivision.
11. The undersigned agrees that the land shall not be further subdivided, and shall not be further developed than as shown on plan as two buildable lots.
12. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.
13. Nothing contained in this covenant shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
14. The premises or any part thereof may be mortgaged by the owner and any such mortgage or mortgages, as well as any title based thereon, shall not be deemed to be a sale.
15. When the requirements of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed and a certificate of partial compliance duly executed by a majority of the Board waiving this prohibition as to such particular lot(s) shall be filed and recorded in the Norfolk Registry of Deeds.
16. The undersigned represents and covenants that as of the date of recording said plan and this covenant therewith, with the Norfolk County

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JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

Registry of Deeds, the undersigned shall be the owner in fee simple of all the land included in the aforesaid subdivision, and that any mortgages covering any of said land recorded therewith or subsequent thereto shall be subject to this covenant insofar as in force and applicable.

17. All utilities to be installed and construction of all roads and sidewalks to be fully completed in accordance with Rules and Regulations of the Town of Medway Planning Board in two years from the date of approval of the plan.

18. Endorsement of the approval is conditional upon the provision of a covenant duly executed and approved, to be noted on the plan and recorded with the Norfolk County Registry of Deeds, said form of guarantee may be varied from time to time by the Applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on the plan before its endorsement and recording.

WITNESS my hand and seal this 16th day of April, 1986.

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/r/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 60065, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Bellingham, Norfolk County, Massachusetts.

RACICOT REALTY TRUST

By: *[Signature]*
KENNETH S. RACICOT, Trustee

COMMONWEALTH OF MASSACHUSETTS

April 16, 1986

Norfolk, ss.

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed, before me,

[Signature]
Kathryn A. Sanderson Notary Public
My commission expires: Sep. 24, 1991

WITNESS our hands and seals this 23rd day of April, 1986.

[Signature]
[Signature]
[Signature]

Members of the Planning Board of the Town of Medway

TOWN OF MEDWAY
PLANNING BOARD

RECORDED
JUL 26 2011

COMMONWEALTH OF MASSACHUSETTS

April 23, 1986

Norfolk, ss.

Then personally appeared William Raskobalaki, one of the above named members of the Planning Board of the Town of Medway, and acknowledged the foregoing instrument to be the free act and deed of the Planning Board as aforesaid, before me,

[Signature]
Notary Public
My commission expires:
March 12, 1993

APPROVED UNDER
 AUTHORITY OF THE
 REGISTERED PROFESSIONAL SURVEYORS
 OF THE STATE OF MASSACHUSETTS
 DATE: March 28, 1989
 REGISTERED PROFESSIONAL SURVEYOR

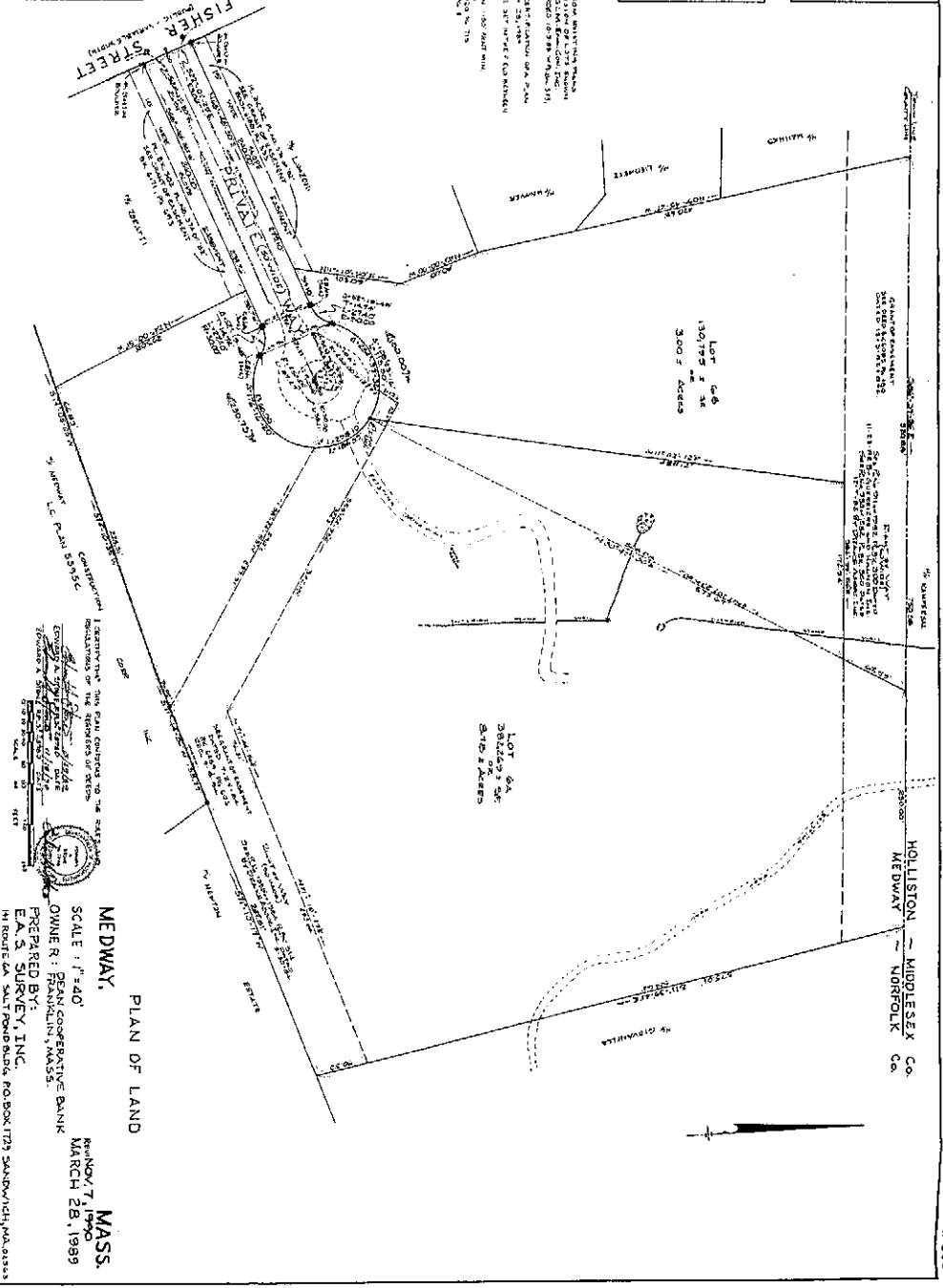
STATE OF MASSACHUSETTS
 DEPARTMENT OF REVENUE
 OFFICE OF THE REGISTER OF DEEDS
 100 STATE STREET
 BOSTON, MASSACHUSETTS 02109

THIS PLAN AND A RECAPITULATION OF THE RECORDS THEREON, SHOWING SAID PLAN AND DIVISION OF LOTS BEING THE RESULT OF A SURVEY MADE BY SAID SURVEYOR FOR THE PURPOSE OF DIVIDING SAID LAND INTO LOTS, ARE HEREBY FILED FOR RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY OF NORFOLK, MASSACHUSETTS, THIS 28th DAY OF MARCH, 1989.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE AT BOSTON, MASSACHUSETTS, THIS 28th DAY OF MARCH, 1989.

NOTICE: This plan is subject to the provisions of the Act of the Legislature of the Commonwealth of Massachusetts, Chapter 270A, Section 27B, which provides that any person who is a party to a subdivision of land shall be deemed to have agreed to the provisions of said Act, and that the provisions of said Act shall apply to any subdivision of land made after the effective date of said Act, which is the 1st day of January, 1979.

REGISTERED PROFESSIONAL SURVEYOR
 DEAN COOPERATIVE BANK
 100 STATE STREET
 BOSTON, MASSACHUSETTS 02109



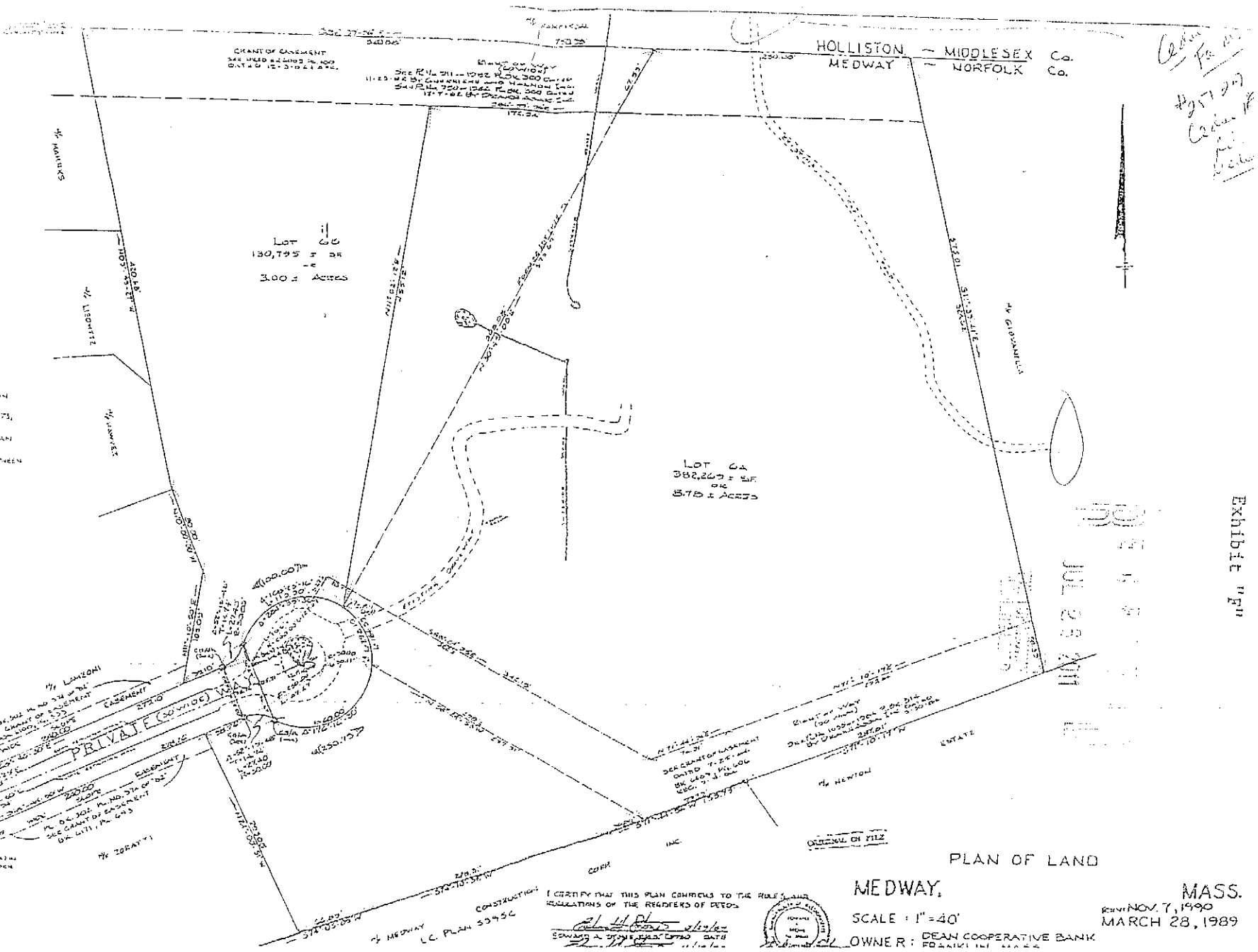
PLAN OF LAND
 MEDWAY,
 MASS.
 SCALE: 1" = 40'
 OWNED BY: DEAN COOPERATIVE BANK
 PREPARED BY: E.A.S. SURVEY, INC.
 111 ROUTE 1A, SALT POND BLDG., PO BOX 1773, SANDWICH, MA, 02563
 NOV 7 1989
 MARCH 28, 1989

1/1
 2/14
 3/14
 4/14
 5/14
 6/14
 7/14
 8/14
 9/14
 10/14
 11/14
 12/14
 PLANNING BOARD

DUAL UNDER
 DIVISION CONTROL
 NOT REQUIRED
 2
 PLANNING BOARD

THIS WAS PREPARED FROM EXISTING PLANS
 AND IS A DIVISION OF LOTS SHOWN
 DIVISION PLAN BY G.L.M. ENR. CON. INC.
 05/12, 1989, RECORDED IN SUB. MAPS 373,
 OF 1989.
 IS AN UPDATE & RE-CERTIFICATION OF A PLAN
 TONE DATED MARCH 28, 1989
 POINTS SHOWN WERE SET IN THE FIELD BETWEEN
 10 & NOV 7, 1989.
 G.L.M. 44,000 S.E. 1/4 100' FRONT HIGH.
 50% MAP 4, LOT 44
 BY GOVERNMENT BE BLDG IN THE
 DEED BOOKS IN 3

City of Medway
 L. Katz
 6/6/89
 7/24/89
 7/26/89



Call for
 4257 2nd
 Call for
 1st
 1st

JUL 28 1989

Exhibit "F"

PLAN OF LAND
 MEDWAY,
 MASS.
 SCALE: 1"=40'
 OWNER: DEAN COOPERATIVE BANK
 REVISION NOV. 7, 1990
 MARCH 28, 1989

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND
 REGULATIONS OF THE REGISTER OF DEEDS.
 G.L.M. Enr. Con. Inc.
 05/12/89



3500

103363

103364

DEAN COOPERATIVE BANK
a corporation duly established under the laws of Massachusetts

and having its usual place of business at 21 Main Street, Franklin, Norfolk
County, Massachusetts holder of a mortgage

from KENNETH S. RACICOT, TRUSTEE of the RACICOT REALTY TRUST under
Declaration of Trust dated December 3, 1982 and recorded with Norfolk
Deeds in Book 6085, Page 473
to DEAN COOPERATIVE BANK

dated November 25, 1986 recorded with Norfolk Deeds
book 7337 , page 447 , by the power conferred by said mortgage and
every other power, for ONE HUNDRED NINETY-FIVE THOUSAND (\$195,000.00) dollars

paid, grants to DEAN COOPERATIVE BANK, situated at 21 Main Street,
Franklin, Norfolk County, Massachusetts

the premises conveyed by said mortgage.

The land with the buildings thereon, situated in Medway, Norfolk
County, Massachusetts, off the Easterly side of Fisher Street, and
being shown as Lot 6 on a plan entitled "Plan of Land in Medway,
Mass., Property of Racicot Realty Trust, Scale 1" = 60', dated
December 7, 1982, Surveyed by Drake Associates, Inc., Civil Engineers,
Land Surveyors, 770 Grove Street, Framingham, Mass.," said plan re-
corded with Norfolk Deeds as Plan 950 of 1982 in Plan Book 300, to
which plan reference is made for a more particular description.

Containing according to said plan 12.375 acres.

Subject to right of way to Edward Giovannelia recorded with Norfolk
Deeds in Book 6489, Page 606.

RECORDS
REGISTERED
REGISTERED
OFFICE OF THE
CLERK OF COURTS
NORFOLK COUNTY, MASSACHUSETTS
BOOK
PAGE
DATE
103363
447
11/25/86
Edward Giovannelia

TAX 889.20
CHCK 989.20
5077A017 11:44
EXCISE TAX

RECORDED
DEC 18 1989
12/18/89

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RECORDED
89 DEC 18 AM 11:49

Property address: Lot 6 Off of Fisher St, Medway, MA

Witness the execution and the corporate seal of said corporation this ninth day of November 19 89

Dean Cooperative Bank

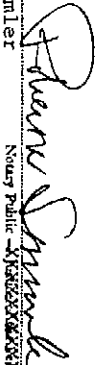
By:  Wayne A. Cottle, President & Treasurer

City of Commonwealth of Massachusetts

NORFOLK ss. November 9, 19 89

Then personally appeared the above named WAYNE A. COTTLE

and acknowledged the foregoing instrument to be their free act and deed of DEAN COOPERATIVE BANK before me,

Robert W. Simmler 

Notary Public My commission expires FEBRUARY 15, 1996

Recorded Dec. 18, 1989 at 11h.49m. A. M.

) The following is subjoined to the foregoing instrument.

8804

427

2500
PL 25.00

MASSACHUSETTS GUILTLIAR DEED BY CORPORATION (LONG FORM) 1988

DEAN COOPERATIVE BANK

971777

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TOWN OF MEDWAY
PLANNING BOARD
JUL 26 2011

a cooperative duly established under the laws of Massachusetts
and having its usual place of business at 21 Main Street, Franklin, Norfolk County,
XNorfolk County, Massachusetts

for consideration paid, and in full consideration of \$55,000.00

granted to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife,
as tenants by the entirety, both with quitclaim covenants
of 20 Highgate Road, Framingham,
Middlesex County, Massachusetts

(Description and enclosure, if any)

The land situated off the Northeastern side of Fisher Street in
Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on
a plan entitled "Plan of Land in Medway, Mass.", Scale: 1" = 40',
dated March 28, 1989, Revised: November 7, 1990, Owner: Dean
Cooperative Bank, Franklin, Mass. Prepared by: E. A. S. Survey, Inc.,
141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563",
said plan to be recorded herewith, to which reference is made for
a more particular description.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk
Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on
said plan, and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on
said plan. Together with the right to use said private way in common
with other owner of Lot 6B and subject to the owner of the easement
to use said private way, and together with the right to install utilities
within said private way.

Conveyance is made subject to the further restriction that the said
private way will remain a private way and that the owners of Lot 6A
and Lot 6B as shown on said plan, will maintain said way, and share
costs equally.

Said conveyance does not constitute all the assets or a substantial
portion of the assets of said Dean Cooperative Bank and said
conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded
with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a Right of Way 50' wide as shown on said Plan
and a Right of Way 60' wide as shown on said Plan.

The premises are conveyed subject to a Planning Board Covenant dated April 15, 1986
Recorded with said Deeds in Book 8120, Page 718.

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

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RECORDED
90 DEC -6 AM NO: 42

REFER TO PLAN NO. X7431710 PL BOOK 30

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD


In witness whereof, the said Dean Cooperative Bank

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Wayne A. Cottle

its President and hereto duly authorized, this 4th day of December in the year one thousand nine hundred and ninety.

Signed and sealed in presence of

DEAN COOPERATIVE BANK

by  Wayne A. Cottle, President and Treasurer of Dean Cooperative Bank

The Commonwealth of Massachusetts

NORFOLK ss. December 4, 19 90

Then personally appeared the above named Wayne A. Cottle

and acknowledged the foregoing instrument to be the free act and deed of the Dean Cooperative Bank before me



ROBERT W. STIMLER Notary Public - Massachusetts

My commission expires February 15, 19 96

TAX 259.80
CHECK 288.00
52994817 18:07
EXCISE TAX

12/16/90
NORFOLK 6
NEEDS RES. 1
CANCELLED

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JUL 25 2011

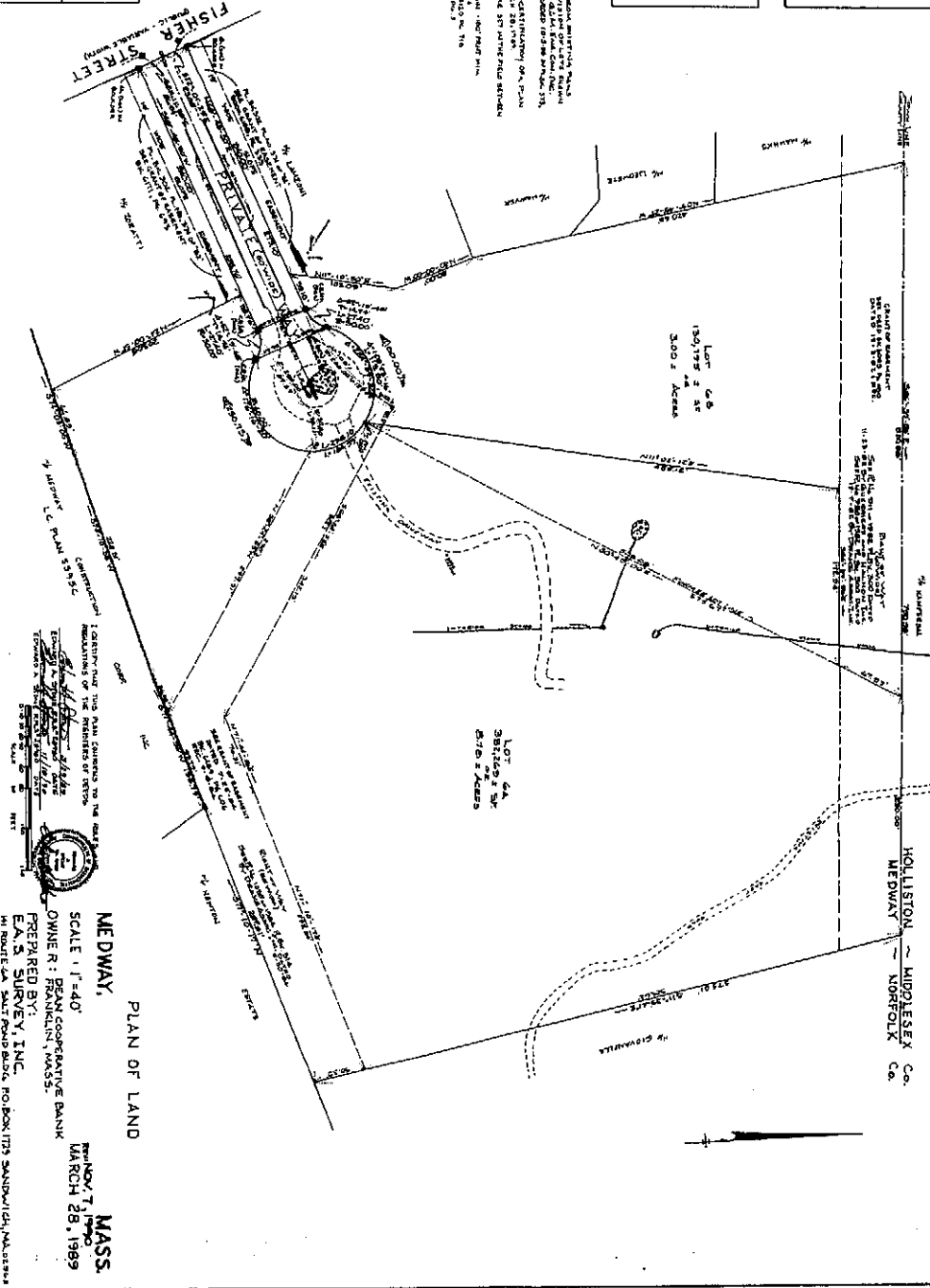
TOWN OF ANDOVER
PLANNING BOARD

ORIGINAL PLAN
THE STATE OF MASSACHUSETTS
COUNTY OF NORFOLK
MEDWAY TOWN
MEDWAY FIRE DISTRICT
MEDWAY FIRE DEPARTMENT

APPROVAL UNDER
THE GENERAL ORDER
OF THE BOARD OF
MAYORS AND
COUNCILORS
MEDWAY FIRE DEPARTMENT
MEDWAY FIRE DISTRICT
MEDWAY TOWN

THIS PLAN WAS PREPARED BY MEASUREMENT TAKEN
ON THE GROUND AND SUBMITTED TO THE
REGISTERED PROFESSIONAL SURVEYOR FOR REVIEW AND
APPROVAL IN ACCORDANCE WITH THE
PROVISIONS OF CHAPTER 270A, MASSACHUSETTS
STATUTES. THIS PLAN IS NOT VALID UNLESS
IT IS APPROVED BY THE BOARD OF
MAYORS AND COUNCILORS OF THE
MEDWAY FIRE DISTRICT AND THE
MEDWAY TOWN BOARD OF
MAYORS AND COUNCILORS.

Map of the History of the
Medway Fire District
with
1852
1857
1862
1867
1872
1877
1882
1887
1892
1897
1902
1907
1912
1917
1922
1927
1932
1937
1942
1947
1952
1957
1962
1967
1972
1977
1982
1987
1992
1997
2002
2007
2012



PLAN OF LAND
MEDWAY,
MASS.
SCALE: 1" = 40'
PREPARED BY:
OWNER: FRANKLIN INVESTMENT BANK
E.A.S. SURVEY, INC.
100 ROUTE 1A, SUITE 100, MEDWAY, MASSACHUSETTS 01948

REGISTERED
JUL 26 2011

TOWN OF MEDWAY
PLANNING DEPT.

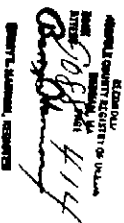
414

Lot 6A Fisher St., Medway

909:11

9088

10. -



RELEASE OF COVENANT AND CONDITIONS

We, the undersigned, being a majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that lots 6A and 6B on a plan entitled, Definitive Subdivision Plan, Fisher St., Medway, Mass., Subdivision of land in Medway, Massachusetts, Owner & Developer: Kenneth S. Racicot, Trustee of Racicot Realty Trust, dated November 12, 1985, Surveyed by: GJM Engineering Consultants, which is registered in Norfolk County Registry as Plan No. 1095 of 1988, Plan Book 373, to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986, recorded in Book 8120, Page 718 with said deeds.

Signed and sealed at Medway, Massachusetts, this 11th day of December, 1990.

[Signature]

NORFOLK, SS.

Dated: Dec 11, 1996

Then personally appeared the above-named Allen Fraser

and acknowledged the foregoing instrument to be his free act and deed, before me.

H. D. M. Brodeur
 Notary Public
 My Commission expires:
March 12, 1993

Jun 28 11 03:15P

Edmund L. Myers, Esq.

508 478-2205

QUITCLAIM DEED

I, AUDRA J. RODENHISER, being an unmarried person, of Medway, Norfolk County, Massachusetts,

in full consideration of less than One Hundred (\$100.00) Dollars, and pursuant to a Judgment of Divorce from the Norfolk Probate and Family Court, Docket No. 10D0376DR,

grant to ANDREW S. RODENHISER, of 104 Fisher Street, Medway, Norfolk County, Massachusetts, individually

with QUITCLAIM COVENANTS

(Description)

The land with the buildings thereon situated on the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, being shown as Lot 6A on a plan entitled "Plan of land in Medway, Mass., Scale 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass., Prepared by: E.A.S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P.O. Box 1729, Sandwich, MA 02563" which plan is recorded in Norfolk Registry of Deeds as Plan No. 874 of 1990 in Plan Book 396. Reference is hereby made to said plan on a more particular description to said Lot 6A.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Subject to grants of easement recorded with said Deeds in Book 6489, Page 606 and Book 6085, Page 480 and subject to "existing cart road" as shown on said plan and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with the other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way. Subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan will maintain said way, and share costs equally.

Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 104 Fisher St. Medway MA

Jun 28 11 03:15p

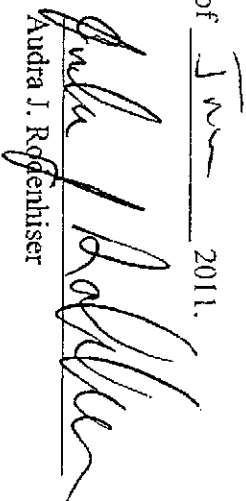
Edmund L. Myers, Esq.

508 478-2205

Subject to a Planning Board Covenant dated April 16, 1986 and recorded with said Deeds in Book 8120, Page 718 as affected by Release of Covenant and Conditions recorded in Book 9088, Page 414.

Being the same premises conveyed to Audra J. Rodenhiser by deed of Andrew S. Rodenhiser and Audra J. Rodenhiser dated February 28, 2003 and recorded with Norfolk Registry of deeds in Book 18331, Page 548.

WITNESS my hand and seal this ~~22~~ day of June 2011.

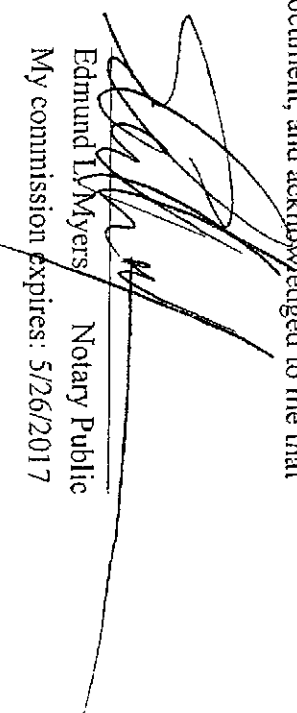

Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Date:

On this 28 day of June, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by Dina Liss, to be the person whose name is signed on the within document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Edmund L. Myers Notary Public
My commission expires: 5/26/2017

GILMORE, REES & CARLSON, P.C.

ATTORNEYS AT LAW

1000 Franklin Village Drive
Franklin, Massachusetts 02038
(508) 520-2200
Facsimile (508) 520-2217

Daniel J. Gilmore**
Christopher T. Carlson
Bruce J. Bettigole*
Paul D. Bishop
Sidney A. Slobodkin
Joseph D. Kropp

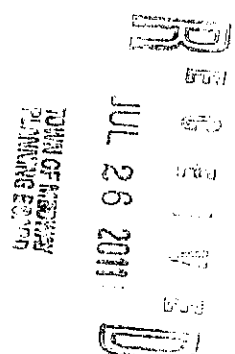
Of Counsel
William J. Rees
Karin Blake, P.C.

Katherine A. Botelho*
Jane Fisher Carlson
Todd M. Machnik
Phillip B. Evans
Robert J. Morrill
Michelle M. Raymond
Deborah E. Barog

* Also Admitted To Practice In Rhode Island
** Also admitted to Practice in Maine

April 29, 2002

FIRST-CLASS MAIL AND CERTIFIED
MAIL - RETURN RECEIPT REQUESTED



Mr. and Mrs. Andrew S. Rodenhiser
104 Fisher Street
Medway, Massachusetts 02053

Re: GIOVANELLA v. RODENHISER/RIGHTS OF WAY

Dear Mr. and Mrs. Rodenhiser:

Please be advised that this Firm represents Ms. Jo-Ann Giovanella, an owner of the real estate located off Fisher Street, Medway, Norfolk County, Massachusetts (“Premises”), which Premises abut the easterly boundary of your property.

As you are aware, my client asserts the right to use certain rights of way crossing over your property to the Premises. Based upon my review of documents obtained from the Norfolk County Registry of Deeds, I have concluded that the Premises have the benefit of two (2) Rights of Way, both of which cross your property. The first Right of Way is by virtue of the reservation of a sixty foot (60') right of way by Ms. Giovanella's husband, her predecessor-in-title, in his Deed to Kenneth S. Racicot, Trustee of Racicot Realty Trust (“Racicot”) dated December 3, 1982 and recorded with the Registry in Book 6085, Page 480, a copy of which is marked as Exhibit “A” and enclosed herewith. This Right of Way is shown on a Plan recorded with the Registry as Plan No. 911 of 1982 in Plan Book 300, a copy of which Plan is marked Exhibit “B” and enclosed herewith.

The second Right of Way is by virtue of a Grant from Racicot to Ms. Giovanella's husband, her predecessor-in-title, dated July 25, 1984 and recorded with the Registry in Book 6489, Page 606, a copy of which Grant is marked as Exhibit “C” and enclosed herewith. This Right of Way is fifty feet (50') wide and shown on a plan recorded with the registry as Plan No. 1035 of 1989 in Plan Book 314, a copy of which is marked as Exhibit “D” and enclosed herewith.

Further, the records at the Registry indicate that Racicot mortgaged Lot 6 (of which your property is a portion thereof) to Dean Cooperative Bank in November of 1986. Therefore, Dean Cooperative Bank, as your predecessor-in-title, took title subject to the above-described Rights of Way, as set forth in its Deed to you recorded with the Registry in Book 8804, Page 427, a copy of which Deed is marked Exhibit "E" and attached hereto. The Plan referenced in your Deed, which shows the locations of both Rights of Way is marked Exhibit "F" and enclosed herewith. Please note your property is also subject to an existing driveway and a cart road shown on said Plan, which may further benefit the Premises.

Based upon the enclosed documents and plans, which are of record with the Registry, the Premises have the benefit of two (2) Rights of Way over your property. As you are aware, my client is in the process of selling the Premises. In connection therewith, she has retained the services of Betty McCall, a local real estate broker. Further, my client intends to retain the services of a surveyor to stake the location of the Rights of Way for prospective buyers, as any sale of the Premises would be with the benefit of said Rights of Way.

It is my understanding that you have unjustifiably refused to acknowledge my client's rights to cross your property and have also attempted to interfere with the same. In the event you continue to interfere with my client's or her agents' lawful exercise and use of the Rights of Way, you are herein notified that I have been instructed to pursue all legal and equitable remedies against you. I trust such action will not be necessary.

You are further instructed to refrain from contacting my client or her sons directly. Should you wish to discuss this matter or, if you have an interest in purchasing the Premises, please have your attorney contact me.

Very truly yours,


Deborah E. Batog

DEB/gam

Enclosures

cc: Ms. Jo-Ann Giovannela
(w/copies of encls.)
Daniel J. Gilmore, Esq.
(w/o copies of encls.)

194624

RECEIVED
JUL 26 2011

TOWN OF ANDOVER
PLANNING DEPT.

We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both of Medway, Norfolk County, Massachusetts

for consideration paid, and in full consideration of \$116,000.00

grant to KENNETH S. RACICOT, Trustee of Racicot Realty Trust under declaration of trust dated 12/3/82 to be recorded herewith of 295 Washington Street, Sherborn, Middlesex with quitclaim ownership County, Massachusetts,

beland* situated on the Easterly side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 1 on a plan entitled "Plan of Land in Medway, Mass. Property of: Edward J. & Francis J. Giovanella Scale: 60 feet to an inch Date: November 23, 1982 Guerriere & Halnon, Inc. Engineering and Land Surveying 326 West Street, Milford, Mass.," which plan is to be recorded herewith. Said Lot 1 contains 18.13+ acres according to said plan. Reserving to the grantors, in common with others entitled thereto, the right to use the "60' wide right of way" as shown on the plan hereinafore referred to, for any and all purposes for which public ways are commonly used in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.

MASSACHUSETTS DEEDS BOOK 5827 PAGE 80
RECORDED
DEC 3 11 30 AM '82
26448

JUL 26 2011
RECEIVED
OFFICE OF THE REGISTER OF DEEDS
NORFOLK COUNTY MASSACHUSETTS

Address of Property: Fisher Street (unnumbered), Medway, MA

Witness our hands and seals this 3rd day of December 1982

Edward J. Giovanella
Francis J. Giovanella

Middlesex ss. The Commonwealth of Massachusetts December 3, 1982

Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella and acknowledged the foregoing instrument to be their free act and deed before me

Robert E. FICCO Notary Public - Middlesex
My commission expires, March 10, 1983

RECEIVED & RECORDED
DEC 3 11 30 AM '82

REFER TO PLAN NO. 911-1982 PL. BOOK 300



Book 2, Registry of Deeds
Middlesex County, Mass.
Volume 1, Page 1
FILED IN REGISTRY
OFFICE OF THE CLERK
OF COURTS
MIDDLESEX COUNTY
JULY 26 2011

DEED BK 1015 PA 410
13525023 MAP 4 LOT 14
10/18/01 4231024721E M1

Exhibit "B"

LOT 8 IS NOT A BUILDING LOT

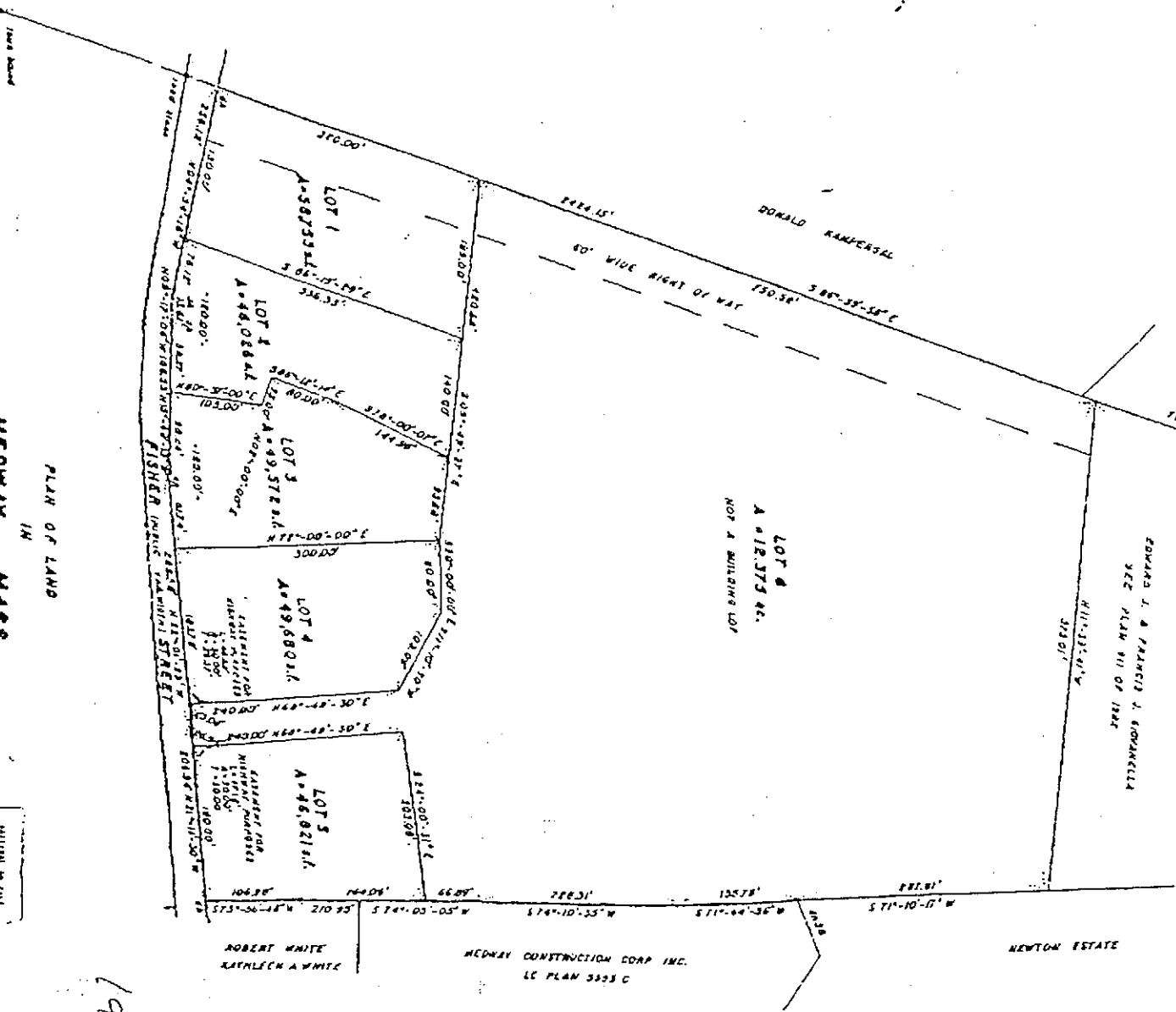


HOLLISTON MIDDLESEX COUNTY
GEORGE R. KAMPERAL
TOWN LINE & COUNTY LINE 7
380.00'
MEDWAY NORFOLK COUNTY

TOWN OF MEDWAY
PLANNING BOARD

JUL 26 2011

RECEIVED



ROBERT WHITE
KATHLEEN WHITE

MEDWAY CONSTRUCTION CORP. INC.
LC PLAN 3353 C

NEWTON ESTATE

PLAN OF LAND

MEDWAY, MASS.

PROPERTY OF
RACICOT REALTY TRUST

SCALE 1"=40' DECEMBER 7, 1982

DRAWN BY
SURVEYED BY

ORAKI ASSOCIATES, INC.
1100 BOSTON AVENUE
BOSTON, MASSACHUSETTS 02118



I CERTIFY THAT THIS PLAN HAS
BEEN PREPARED IN CONFORMITY
WITH THE RULES AND REGULATIONS
OF THE REGISTER OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

Surveyor's signature line

APPROVED TO FILE

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.
MEDWAY PLANNING BOARD
Surveyor's signature and date

1982

6489

606

RECEIVED RECORDED
1984 SEP -5 AM 9 26

REFER TO PLAN NO. 1035 of 1984 PL. BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6085, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts.

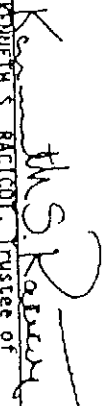
In consideration of the payment of the sum of One (\$1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a plan of Lot 6 on a plan entitled "plan of Land in Medway, Massachusetts," property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc., to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

For my title see Deed recorded with said District Deeds in Book 6085, Page 480.

Witness my hand and seal this 25th day of July, 1984.

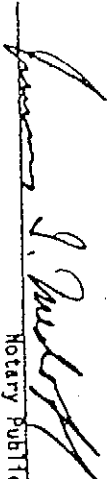

KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Phillips, ss.

July 25th, 1984

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me


Notary Public
My commission expires: 1/17/86

JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

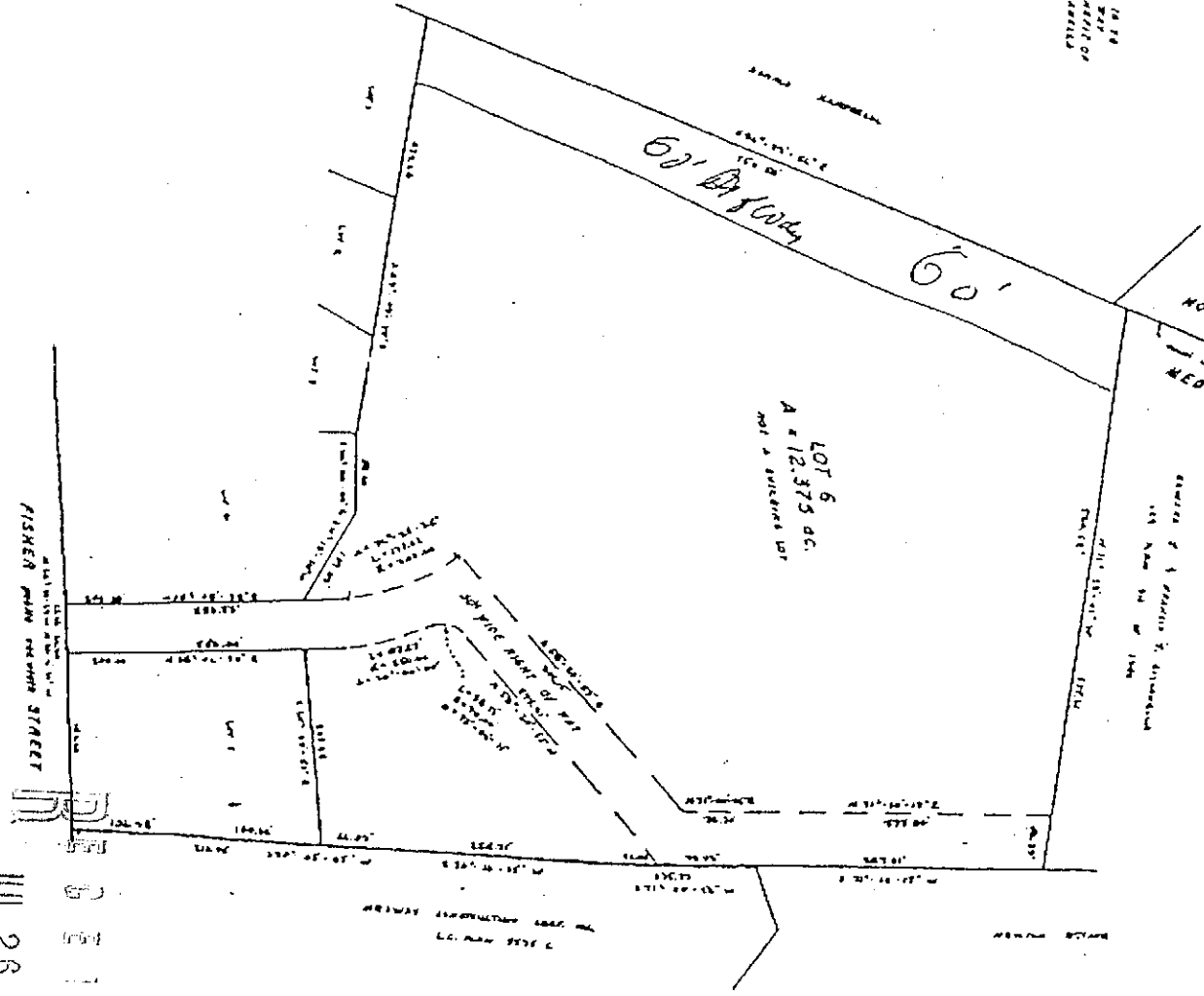
JOHN J. HARRIS, JR.
 Planning Director
 JUL 26 2011
 ALBANY, N.Y.
 ALBANY
 ALBANY

THE PURPOSE OF THIS PLAN IS TO
 DIVIDE A 60' WIDE STRIP OF LAND
 LOCATED LOT 6 FOR THE PURPOSE OF
 CARRYING A. & B. PARCELS ADJACENT TO

Exhibit "D"

HOLLISTON MIDDLESEX
 MEDWAY NORFOLK CO.

Site



JUL 26 2011

JOHN J. HARRIS, JR.
 PLANNING DIRECTOR

1984

PLAN OF LAND
 MEDWAY MASS.

PROPERTY OF
 ARLINE A. HARRIS

SCALE 1"=10'



JOHN J. HARRIS, JR.
 PLANNING DIRECTOR



I HEREBY CERTIFY THAT THIS PLAN WAS
 PREPARED BY ME OR UNDER MY
 SUPERVISION AND THAT I AM A
 LICENSED PROFESSIONAL PLANNING
 DIRECTOR IN THE STATE OF MASSACHUSETTS.
 JOHN J. HARRIS, JR.
 PLANNING DIRECTOR

I HEREBY CERTIFY THAT THIS PLAN WAS
 PREPARED BY ME OR UNDER MY
 SUPERVISION AND THAT I AM A
 LICENSED PROFESSIONAL PLANNING
 DIRECTOR IN THE STATE OF MASSACHUSETTS.
 JOHN J. HARRIS, JR.
 PLANNING DIRECTOR

2500
PL 25,00

MASSACHUSETTS GUILDFORD DEED BY CORPORATION (LONG FORM) 788

DEAN COOPERATIVE BANK

97177

MASSACHUSETTS GUILDFORD DEED BY CORPORATION (LONG FORM) 788
RECORDED
JUL 26 2011
PL 25,000

a corporation duly established under the laws of Massachusetts
and having its usual place of business at 21 Main Street, Franklin, Norfolk County,
Massachusetts

for consideration paid, and in full consideration of \$55,000.00

grant to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife,
as tenants by the entirety, both with quitclaim covenants
of 20 Highgate Road, Framlingham, Middlesex County, Massachusetts

(Description and consideration, if any)

The land situated off the northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on a plan entitled "Plan of Land in Medway, Mass., Scale: 1" = 40'", dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass. Prepared by: E. A. S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563", said plan to be recorded herewith, to which reference is made for a more particular description.

Lot 6A containing 382,2691 or 8.71 acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on said plan, and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way.

Conveyance is made subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan, will maintain said way, and share costs equally.

Said conveyance does not constitute all the assets or a substantial portion of the assets of said Dean Cooperative Bank and said conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a right of way 50' wide as shown on said plan and a right of way 60' wide as shown on said plan.

The premises are conveyed subject to a Planning Board Covenant dated April 16, 1986 Recorded with said Deeds in Book 1120, Page 718.

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

RECEIVED
RECORDED
NORFOLK COUNTY
90 DEC -6 AM 10:42

REFER TO PLAN NO. 87411950 PL BOOK 386

RECORDED
JUL 26 2011


TOWN OF MEDWAY
PLANNING BOARD

8515

Witness the execution and the corporate seal of said corporation this ninth

day of November 19 89

DEAN COOPERATIVE BANK

By:  Wayne A. Cottle, President & Treasurer

The Commencement of Business

Norfolk

November 9, 19 89

Then personally appeared the above named WAYNE A. COTTLE

BANK

before me,

Robert H. Blinler
Notary Public for the State of Virginia
My commission expires February 15, 1996

Recorded Dec. 18, 1989 at 11h. 49m. A. M.
The following is subjoined to the foregoing instrument:

RECORDED
JUL 23 2011

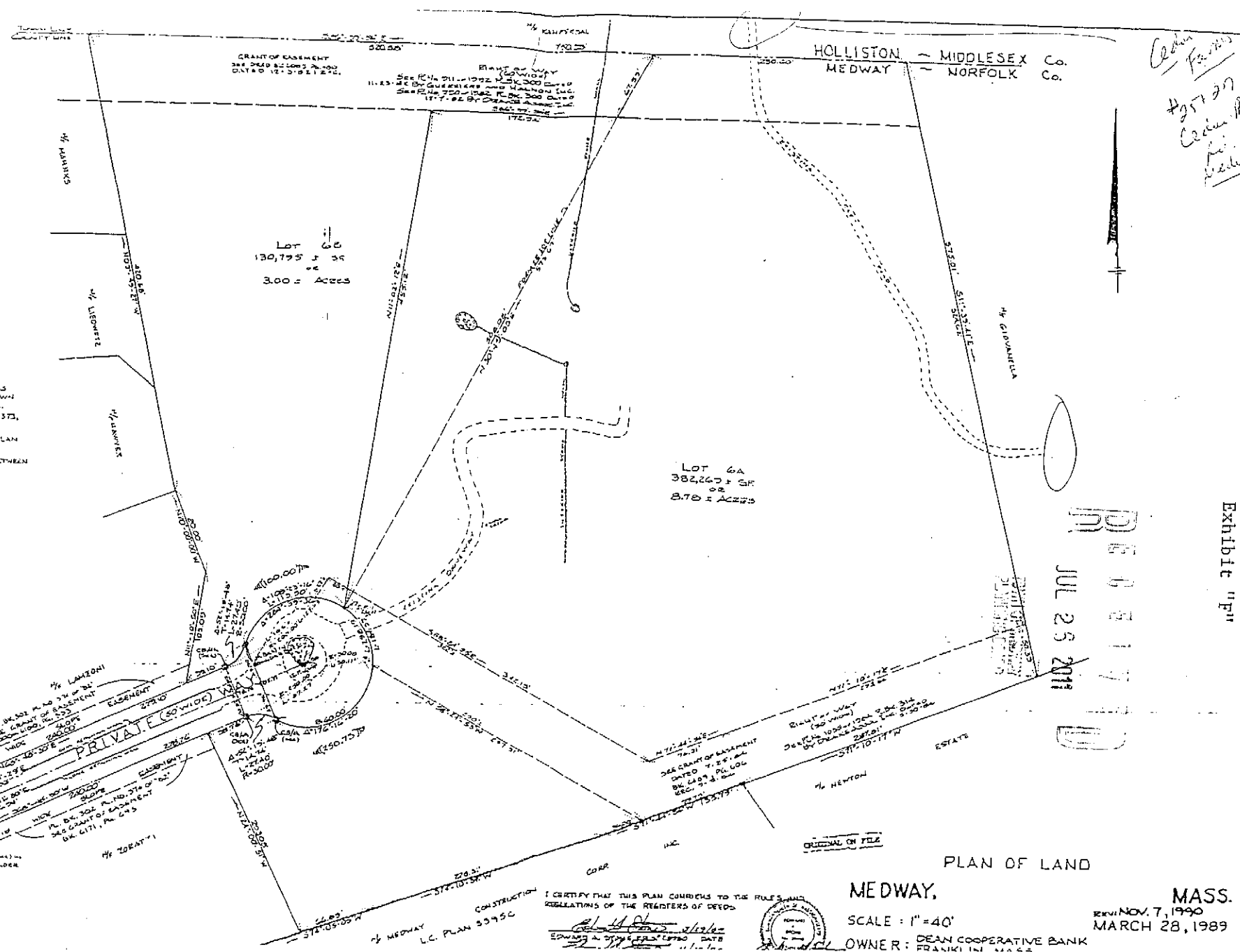
DEAN OF RECORDS
PLANNED PROGRESS

NOV 13 1989
PLANNING BOARD

NOV 13 1989
PLANNING BOARD

IT WAS PREPARED FROM SURVEYING PLANS
AND IS A DIVISION OF LOTS SHOWN
DIVISION PLAN BY G.L.M. ENA. CON. INC.
NOV 12, 1983, RECORDED 10-5-88 IN P.L.B.K. 373,
OF 1980.
IT IS AN UPDATE & RE-CERTIFICATION OF A PLAN
STONE DATED MARCH 28, 1939.
POINTS SHOWN WERE SET IN THE FIELD BETWEEN
70 & NOV 7, 1990.
SCALE: 1" = 40' MIN - 100' MAX
SOUTH MAP A, LOT 44
TRY COVENANT DA. 0120 N. 718
DEED 300319 P. 3

Registry of Deeds
Mass.
NOV 6 1990
Franklin
874 1990
396



Edwin Perkins
4257 27
Edwin Perkins

PREPARED
JUL 25 2011

Exhibit "P"

MEDWAY, MASS.
SCALE: 1" = 40'
OWNER: DEAN COOPERATIVE BANK
FRANKLIN, MASS.

RECORDED NOV. 7, 1990
MARCH 28, 1989



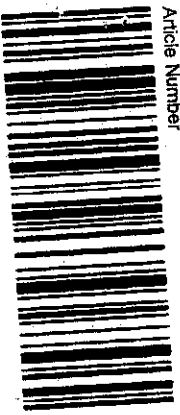
I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS
EDWARD A. DWYER, F.L.S. DATE 11-1-11

CONSTRUCTION
L.C. PLAN 3395C

REGISTERED MAIL
JUL 26 2011

U.S. MAIL
POSTAGE WILL BE PAID BY ADDRESSEE

2. Article Number



7180 3901 9644 6375 9839

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Mr. and Mrs. Andrew S. Rodenhiser
104 Fisher Street
Medway, Massachusetts 02053

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

Andrew S. Rodenhiser

Agent Addressee

D. If delivery address different from item 1, If YES, enter delivery address below:

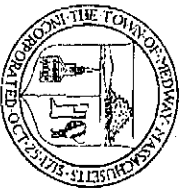
Yes
 No

7869-3

DEB

PS Form 3811, July 2001

Domestic Return Receipt



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

MEMORANDUM

July 26, 2011

TO: Medway Planning and Economic Development Board members
FROM: Susy Affleck-Childs
RE: Bay Oaks Subdivision Complying with the Affordable Housing Provisions of the Zoning Bylaw

The Bay Oaks Preliminary Subdivision Plan shows the division of the property at 104 Fisher Street into a 4 lot residential subdivision; 1 lot for the existing single family home and 3 lots for new construction.

APPLICABILITY - Per the affordable housing section of the Medway Zoning Bylaw, the affordable housing provisions are applicable to the division of land into 3 or more lots. The requirement is that an applicant must provide at least 15% of the lots in a division of land as affordable housing units. For this proposed subdivision which will result in 3 additional lots, the developer must provide .45 of an affordable housing unit. As the bylaw requires any portion of a unit to be rounded up, this would result in the construction or provision of 1 affordable housing dwelling unit.

OPTIONS - There are several ways the applicant can meet their affordable housing obligation.

1. **On Site Construction** - The affordable dwelling unit is constructed on the development parcel. If so, a density bonus is provided to allow for the construction of one additional market rate dwelling unit for every affordable unit that has to be provided. To fit in/make room for the additional market rate unit, the standard requirements for lot area, frontage and setbacks and type of unit may be adjusted for all the lots in the subdivision.
2. **Off-Site** - The applicant may provide the affordable housing unit on a property different from the subdivision parcel, either through new construction or renovation. The density bonus to permit the construction of one additional market rate dwelling unit in the proposed development is applicable.
3. **Land Donation** – If the Board determines that the affordable unit cannot be produced through either option 1 or so and if the Board approves, the applicant may make a donation of land to the Affordable Housing Trust. The density bonus to authorize the construction of one additional market rate dwelling unit within the development is applicable.

4. **Payment in Lieu of Direct Provision of Affordable Housing** – If the Board determines that the affordable unit cannot be produced through option 1, 2 or 3, and if the Board approves, the applicant may make a payment in lieu of construction to the Medway Affordable Housing Trust. The amount of payment is based on the number of required affordable housing units times the “*equivalent affordable housing unit value*”. The “*equivalent affordable housing unit value*” is equal to the difference between the median sale price for market rate single family homes sold in Medway during the 36 months preceding the application as determined by the Medway Board of Assessors and the purchase price of a home that is affordable to a qualified purchaser as determined by the Massachusetts Department of Housing and Community Development (DHCD) assuming a household size of 4. With the payment in lieu of option, the density bonus of one additional market rate dwelling unit is NOT available.

The Medway Board of Assessors has provided a spreadsheet showing the price of single family homes sold in Medway between July 1, 2008 and June 30, 2011. There were 323 arms length transactions during that period. The median sale price was \$347,500.

According to the Mass DHCD, the purchase price of a 3 bedroom (4 person) home affordable to a qualified purchaser is \$187,000.00.

Equivalent AH unit value = \$347,500 - \$187,000 = \$160,500.

As the affordable housing obligation for this subdivision is .45 of an affordable dwelling unit, the required payment in lieu of amount for the proposed Bay Oaks subdivision would be the Equivalent AH unit value x .45

\$160,500 x .45 = \$72,225

The affordable housing payment in lieu of construction for the Bay Oaks subdivision would be \$72,225.



TETRA TECH

MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech

Re: **Pine Ridge
Subdivision Review for Bond Reduction
Medway, MA**

Dt: 07/25/11

RECEIVED
JUL 25 2011
TOWN OF MEDWAY
PLANNING BOARD

At the request of the Medway Planning Board, Tetra Tech performed an inspection of The Village at Pine Ridge Subdivision against the approved Definitive Subdivision Plans dated September 6, 2006 and the most recent bond estimate conducted by VHB dated March 9, 2007. The inspection was conducted in order to generate a list for incomplete construction items and current issues that should be repaired or resolved.

On Thursday, July 21, 2011, Steven Bouley from Tetra Tech performed an inspection of the current condition of the subdivision. There are several items to note that remain to be installed. These items are as follows:

Right-of-Way

1. A “Slow Children” and “Fire Lane” sign remain to be placed as approved on the plans. The signage should be placed on-site prior to completion of the project.
2. Two (2) light poles remain to be installed at the cul-de-sac. The light poles should be installed prior to completion of the project. See Photo #1.

Roadway

3. Bituminous concrete berm needs to be installed for the entire cul-de-sac. The berm should be installed prior to final paving. See Photo #2.
4. The top course of pavement needs to be installed.
5. All catch basin structures and a water gate casting within the roadway are at binder grade. All structures should be raised to finish grade upon installation of the top course of pavement. See Photo #3.



TETRA TECH

6. The concrete ADA ramps do not contain truncated dome pavers. However, the ramps are constructed as detailed on the approved subdivision plans. It is at the discretion of the board to allow the ramps as constructed. See Photo #4.
7. The word "STOP" and a stop line are not painted at the intersection of Pine Ridge Drive and Candlewood Drive. Parking stalls should also be painted in the parking area adjacent to the mailboxes. Pavement markings should be painted at the proposed locations as shown on the plans. See Photo #5 and #6.

Drainage

8. The catch basin structures do not contain hoods. Hoods should be installed in the structures prior to the completion of the project.

Emergency Access

9. Vegetation is overgrown in several locations throughout the emergency access. Tall weeds should be removed and trees should be pruned back along the access in areas where they are overgrown.
10. The emergency signage has not been installed. Two (2) No Parking Emergency Access signs shall be added on both sides of access.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2382.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven Bouley'.

Steven Bouley
Civil Engineer



TETNA TECH

Photo #1

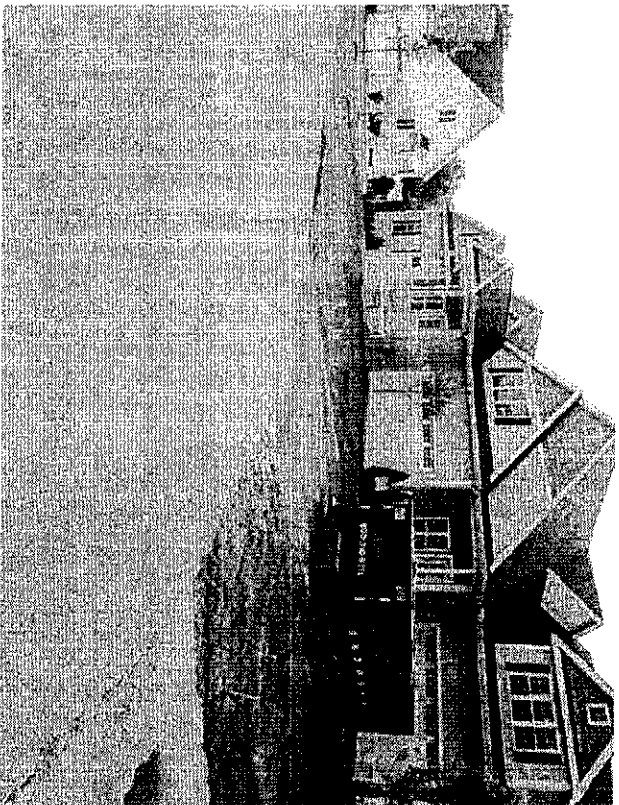
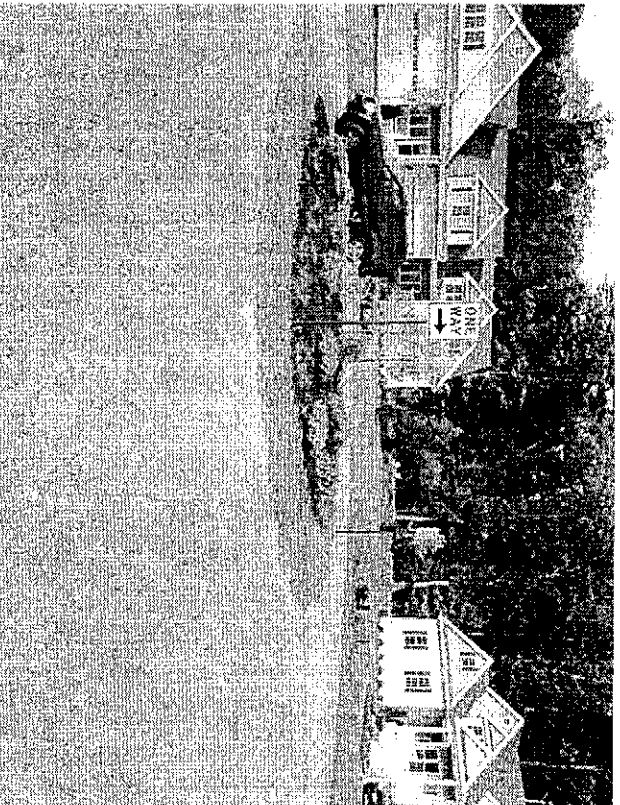


Photo #2





TETRA TECH

Photo #3

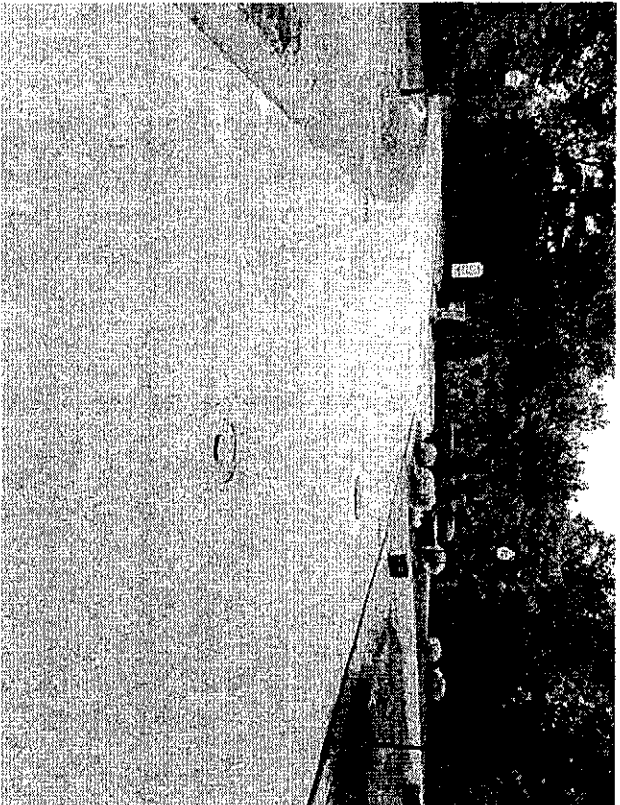
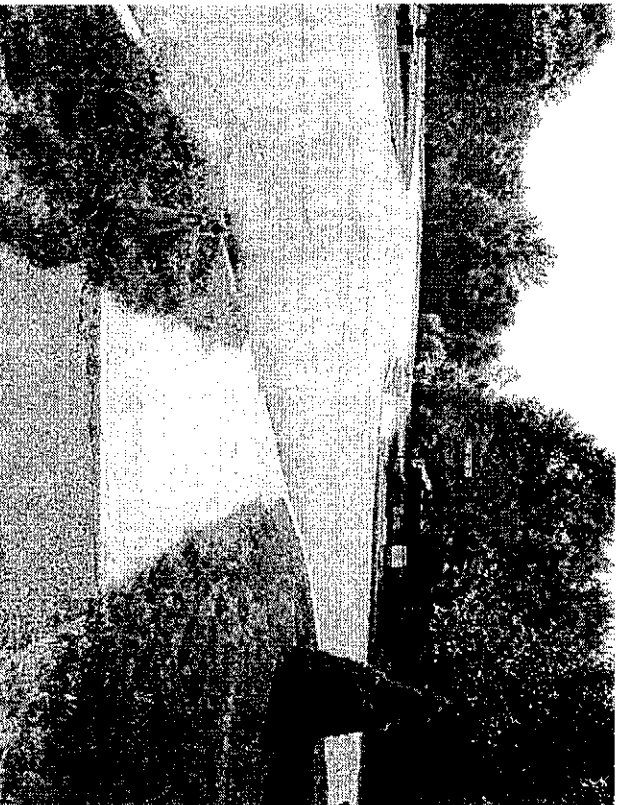


Photo #4





TETRA TECH

Photo #5

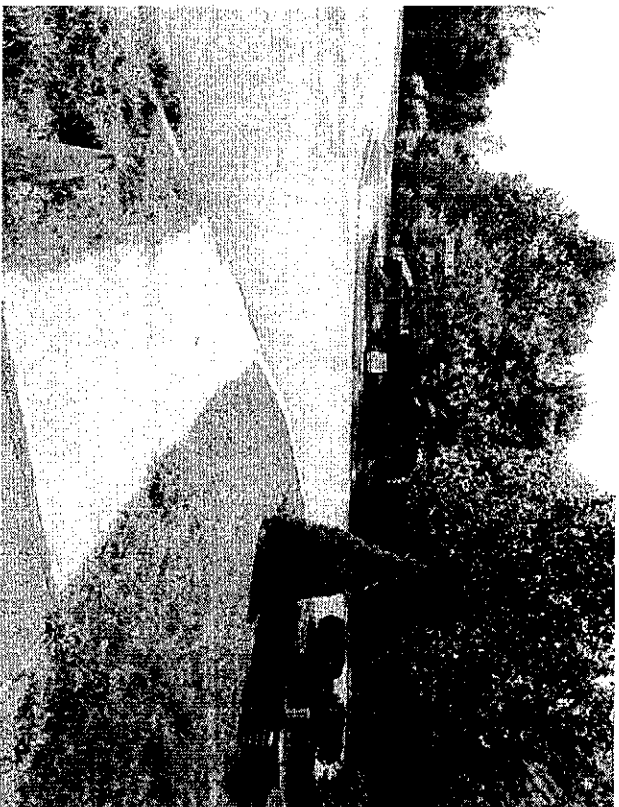
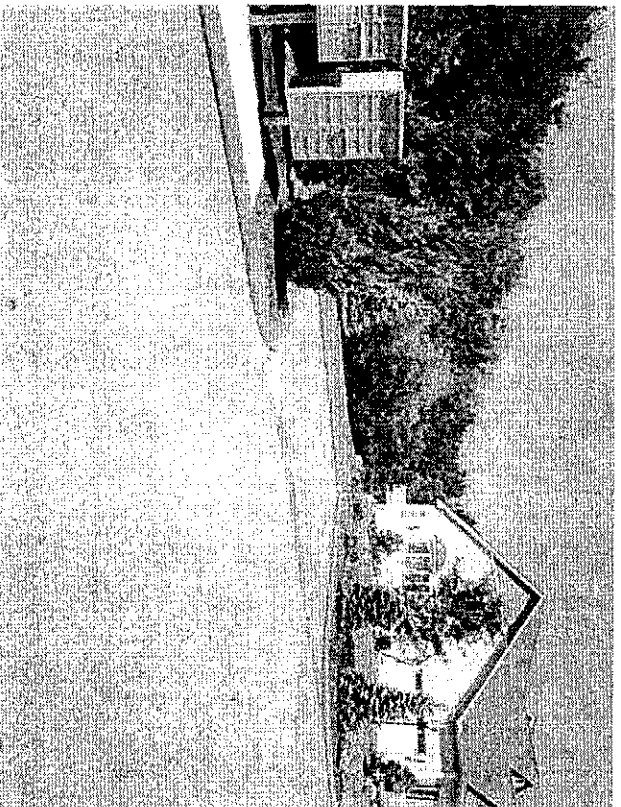


Photo #6



P:\21583\127-21581-09006\DOCS\MEMO\MEMO-PINE RIDGE BOND REDUCTION_2011-07-25.DOC



TETRA TECH

Bond Value Estimate
The Village at Pine Ridge
Definitive Subdivision
Medway, Massachusetts
July 21, 2011

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	180	TON	\$90.00	\$16,200
HMA Berm - Modified	400	LF	\$6.00	\$2,400
Water Gate Adjustments	1	EA	\$125.00	\$125
Drain Structure Adjustments	6	EA	\$290.00	\$1,740
Light Poles	2	EA	\$5,300.00	\$10,600
Signage(Slow Children, Fire Lane)	2	EA	\$325.00	\$650
Pavement Markings	1	LS	\$500.00	\$500
As-built Plans	560	LF	\$5.00	\$2,800
Legal Services	1	LS	\$3,000.00	\$3,000
				\$38,015

Subtotal \$38,015

Recommended Bond Value \$38,015

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 7/2010 - 7/2011.