

**June 14, 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: Gino Carlucci, PGC Associates (Consulting Planner)
David Pellegri, Tetra Tech Rizzo (Consulting Engineer)
Susy Affleck-Childs, Planning and Economic Development
Coordinator
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.

43 B Grant Money:

The Chairman would like a report about what is left for grant money and what the Town can do with the remaining money. Susy Affleck-Childs will provide follow-up at the next meeting.

Design Review Committee:

The Design Review Committee is working on ideas for a new Town logo for the Town's 300th birthday celebration (2013). There will be a visual ready within the next few months.

Workshop:

The Board had a brief discussion about being the host Town for the guest speaker, Randall Arendt regarding open space design.

The Chairman went to a seminar and found him to offer great suggestions. Karyl-Spiller Walsh felt that the town could benefit from his coming to provide a workshop.

Evergreen Meadows Subdivision:

Susy Affleck-Childs reported that the Evergreen Meadows Subdivision bond will be tabled until the June 28, 2011 meeting.

Franklin Creek Deadline Extension Request:

Tetra Tech Consultant Dave Pellegrini prepared a bond value estimate dated June 1, 2011 for Franklin Creek. This is a Private Way Subdivision. The recommended bond value is \$42,621. **A copy is attached.** The Board discussed taking out the items for road maintenance and the snow plowing which would total \$3,825.00.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to recommend the bond for Franklin Creek in the amount of \$37,740.00. There will be \$3,825.00 taken from the road maintenance and the snow plowing and have that directed to the project's construction observation account. (Member Rogers did not vote.

Village Estates Definitive Subdivision Plan estimates:

Tetra Tech Rizzo:

Tetra Tech Rizzo provided to the Medway Planning and Economic Development Board an estimate dated June 10, 2011 for the Village Estates Definitive Subdivision Plan (272 Village Street). The estimated amount is \$3,660.00. The scope of services will include the site visit, design review, and meeting attendance. **(A copy is attached.)**

PGC Associates, Inc.:

PGC Associates provided to the Medway Planning and Economic Development Board an estimate dated June 10, 2011 for the Village Estates Definitive Subdivision Plan (272 Village Street). The estimate amount is \$552.50. The estimate includes technical review, comments and attendance at the Planning Board meeting. **(A copy is attached.)**

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to approve the plan review estimates for the Village Estates Definitive Subdivision Plan (272 Village Street) from PGC Associates in the amount of \$552.50 and also an estimate for \$3,660.00 from Tetra Tech Rizzo.

The Steinhoff Building/146 Main Street

The Board is in receipt of a packet dated May 18, 2011 entitled Minor Revision Request Application for 146 Main Street for the Steinhoff Building. **(See attached.)** Mr. Steinhoff and his son Kirk were present at the meeting. Mr. Steinhoff informed the Board that they have been unsuccessful in obtaining the required financing for the total project as originally envisioned and approved by the AUOD Special Permit. His son will now be responsible for the project. The new intent is to reduce the initial scope of the project to renovate the existing building plus add approximately 246 square feet in back for lavatories and computer space on the first floor. The first floor will be occupied by ValuTrack Corporation. The new application will include removing and replacing the existing clapboard, along with replacing the windows.

Mr. Steinhoff also informed the Board that the wind turbine will be put on hold. The wind turbine would need to be a separate special permit application and approval.

The Board reviewed the plans which were provided by Turner Group.

Member Gay inquired about what would be happening with the landscape.

Mr. Steinhoff responded that it is their plan to continue maintaining the landscape. He will also be possibly adding a picnic area for employees. There will be less concrete used.

Consultant Pellegrini indicated that the impervious surface will be increased. There may need to be a revised drainage report.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to acknowledge the revised scope of work for the 146 Main Street project constitutes a minor revision to the 146 Main Street Adaptive Use Overlay District Permit.

The Board will vote at the June 28, 2011 meeting. Susy Affleck-Childs will prepare a draft decision for the Board's review.

The Board did mention that the grass at this property needs to be maintained. Currently, the grass is overgrown.

The applicant assured the Board that the maintenance of the grass will be taken care of.

25 Summer Street Definitive Subdivision Plan

Mike Fasolino (applicant) and David Faist (engineer for Mr. Fasolino) were present.

Susy Affleck-Childs informed the Board that she had edited the first draft of the decision which had been prepared by Stacey Wetstein. That draft was included in the board packet. **A copy of that draft is attached.** The FINDINGS and WAIVERS sections have not been reviewed by Gino Carlucci.

The Board is in receipt of an estimate which was requested at the last meeting. The estimate from Tetra Tech Rizzo is for constructing sidewalks along the Summer Street frontage of the property. The estimate was for \$21,920.00. **See attached.**

David Faist read from the applicable section of the *Subdivision Rules and Regulations* and asked whether this was really applicable to this particular situation as there were already newly constructed sidewalks along the Summer Street frontage of the property.

The Board did discuss the sidewalk fund and does not feel the applicant needs to put money into the Sidewalk Account. However the applicant will have to put in sidewalk and curbing where one of the existing curb cuts is to be eliminated.

Susy Affleck-Childs suggested that on page 9 of the decision, #5 be eliminated. Also it was suggested that #22 needs to have more clarity which is reflected in the email from Dave D'Amico. **(See attached.)** There also needs to be more clarity within the Waiver Findings

and language. findings. Consultant Carlucci will assist with providing more input on the decision.

The Board will discuss a further revised draft decision of the 25 Summer Street at the next meeting which is scheduled for Tuesday, June 28, 2011.

Pine Meadows II:

Gary Feldman representing the owners was present.

The Board is in receipt of a bond reduction estimate from Tetra Tech Rizzo dated May 31, 2011 for Pine Meadows II in the amount of \$60,088. **See attached.**

Member Tucker questioned the pavement marking amount of \$100.00. It is his thought that this is not a realistic number and needs to be increased. The only items left to address are the fence, landscaping, and street trees.

The Board would like to hold off on acting on the bond reduction until there is verification that some of outstanding work has been completed. This includes fencing and equipment removal.

The applicant would like to be placed on the agenda for a July meeting.

104 Fisher Street:

Prior to any discussion about Fisher Street, the Chairman stepped down from his Chairman's seat. He addressed the Board as a private citizen and owner of 104 Fisher Street.

The Vice Chairman will be conducting the Board's business for this agenda item.

Mr. Rodenhiser informed the Board that it is his intention to hold off on discussing any plans for 104 Fisher Street until he is 100% owner of the property. He would like to be placed on the June 28, 2011 agenda for an informal discussion regarding subdividing his property.

Susy Affleck-Childs reported that she had discussed this matter with Town Counsel. Town Counsel has provided some guidance to the Board on this matter which was forwarded to all members this afternoon. Susy strongly encouraged Board members to individually discuss this with Town Counsel. Each member will need to prepare and file a conflict of interest statement.

It was also suggested by Town Counsel that the Board's consultants also fill out a disclosure statement regarding conflict of interest.

Member Rogers asked if anyone goes up to this property, are they trespassing.

Susy Affleck-Childs informs the Board that there is no formal submittal in front of the Board at this time.

Mr. Rodenhiser stated again that he is not prepared to discuss anything at this point.

Meeting Minutes:

May 24, 2011:

The minutes from May 24, 2011 will be tabled until the next meeting held on June 28, 2011.

495/MetroWest Region Meetings:

- Wednesday, June 15, 2011 – Westborough High School (7:00 pm)
- Tuesday, June 21, 2011 – Boxborough Holiday Inn (7:00 pm)

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:15 pm.

Future Meetings:

The next meetings scheduled are:

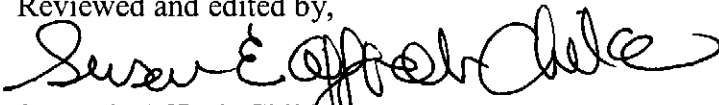
- Tuesday, June 28, 2011

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

Reviewed and edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TETRA TECH RIZZO

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

One Grant Street
 Frammingham, MA 01701
 Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE	Percent Complete	Value Complete	Value Remaining
Gravel Borrow	403	CY	\$25.00	\$10,075	100	\$10,075	\$0
Gripping	1.8	AC	\$15,000.00	\$27,000	100	\$27,000	\$0
**Loam Borrow	311	CY	\$40.00	\$12,440	66	\$8,210	\$4,230
**Seeding	1866	SY	\$1.50	\$2,799	66	\$1,847	\$952
Binder Course	202	Ton	\$78.00	\$15,756	100	\$15,756	\$0
Binder Repair	10	Ton	\$86.00	\$860	0	\$0	\$860
Top Course	122	Ton	\$90.00	\$10,980	0	\$0	\$10,980
Concrete Berm	811	LF	\$5.50	\$4,461	0	\$0	\$4,461
Concrete Bounds	8	EA	\$200.00	\$1,600	0	\$0	\$1,600
12" RCP Drain	79	LF	\$50.00	\$3,950	100	\$3,950	\$0
12" PVC Drain	22	LF	\$60.00	\$1,320	100	\$1,320	\$0
5' Dia. Precast Catch Basin	4	EA	\$2,850.00	\$11,400	100	\$11,400	\$0
4' Dia. Precast Manhole (Sewer)	3	EA	\$3,000.00	\$9,000	100	\$9,000	\$0
8" PVC Sewer	342.4	LF	\$55.00	\$18,832	100	\$18,832	\$0
Water Quality Structure	2	EA	\$7,600.00	\$15,200	100	\$15,200	\$0
Infiltration System	1	LS	\$15,000.00	\$15,000	100	\$15,000	\$0
Oil/Grease Separators (CB Hoods)	3	EA	\$300.00	\$900	0	\$0	\$900
Hay Bale & Sill Fence	365	LF	\$4.00	\$1,460	75	\$1,095	\$365
As Built	425	LF	\$5.00	\$2,125	0	\$0	\$2,125
Stone Retaining Wall	288	SF	\$20.00	\$5,760	100	\$5,760	\$0
Street Signs	1	EA	\$75.00	\$75	100	\$75	\$0
Pavement Marking	1	LS	\$100.00	\$100	0	\$0	\$100
Hydrant	1	EA	\$3,000.00	\$3,000	100	\$3,000	\$0
3/4" Service Tap	3	EA	\$150.00	\$450	100	\$450	\$0
3/4" Water Services/Curb Stop	3	EA	\$275.00	\$825	100	\$825	\$0
6" DI CL Water	395	LF	\$40.00	\$15,800	100	\$15,800	\$0
6" DI Gate Valve	1	EA	\$1,000.00	\$1,000	100	\$1,000	\$0
6" Tapping Sleeve & Gate Valve	1	EA	\$3,400.00	\$3,400	100	\$3,400	\$0
Underground Utilities (Elec., Cable & Tel.)	375	LF	\$40.00	\$15,000	100	\$15,000	\$0
RipRap	5.5	SY	\$77.00	\$424	100	\$424	\$0
2yr Road Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
2yr Snow Ploving	425	LF/YR	\$2.50	\$2,125	0	\$0	\$2,125
2yr Drainage Maintenance	425	LF/YR	\$2.00	\$1,700	0	\$0	\$1,700
Legal Fees	1	LS	\$2,000.00	\$2,000	0	\$0	\$2,000
Total				\$218,516		\$184,419	\$34,097

Contingency (25%)

\$8,524

Recommended Bond Value

\$42,621



*Approved
6-14-2011*

June 10, 2011

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

R E C E I V E D
JUN 13 2011
TOWN OF MEDWAY
PLANNING BOARD

**Re: Application and Plan Review for
272 Village Street Definitive Subdivision Proposal
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed 272 Village Street Definitive Subdivision Plan in Medway, Massachusetts (the Project). The objective of our services is to review the proposed Definitive Subdivision Plan, and associated application materials including, but not limited to, the Stormwater Management Analysis, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

Scope of Services

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

- **Task 1 Site Visit**
 - Perform one (1) site visit to review the site and its surroundings.
- **Task 2 Design Review**
 - Review the proposed Application for Approval of a Definitive Subdivision Plan, prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP dated May 25, 2011;
 - Review the proposed "Village Estates" Definitive Subdivision Plan prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP . dated May 19, 2011;
 - Review the Stormwater Management Analysis and Operation and Maintenance Plan for compliance with the latest Department of Environmental Protection Stormwater Management Standards;
 - Prepare a letter summarizing findings for presentation to the Town of Medway Planning Board;
 - Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications;



TETRATECH

- **Task 3 Meeting Attendance**

- Participate in two (2) meetings with the Town of Medway Planning and Economic Development Board.

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget of \$2,735 for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$310
Task 2	Design Review	\$2,600
Task 3	Meeting Attendance	\$650
	Labor Subtotal	\$3,560
	Expenses (3.5%)	\$100
	Total Fee	\$3,660

Schedule

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

General Terms and Conditions

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



TETRATECH

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Pellegrini'.

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

Date Approved by Medway Planning and Economic Development Board _____

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

PGC ASSOCIATES, INC.

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

June 13, 2011

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

R E C E I V E D
JUN 13 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: **Village Estates Definitive Subdivision Plan**

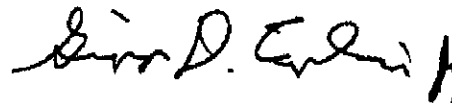
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called Village Estates, submitted by owners Russell and Dorothy Santoro of Medway and prepared by Merriken Engineering of Millis and Colonial Engineering, Inc. of Medway. The plan is dated May 19, 2011.

<u>Task</u>	<u>Hours</u>
Prepare estimate	0.5
Technical review and comment	3.5
Planning Board meeting	2.5
Total	6.5
Cost Estimate (@\$85)	\$552.50

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

Sincerely,



Gino D. Carlucci, Jr.

Steinhoff Realty Trust

Attachment

RECEIVED
MAY 19 2011

TOWN OF MEDWAY
PLANNING BOARD

Minor Revision Request Application

To

Approved AUOD/Special Permit

For

The Steinhoff Building

Located At

146 Main Street, Medway 02053

18 May 2011

Prepared By:
Steinhoff Realty Trust

Overview:

The Medway PEDB approved The Steinhoff Building AUOD/Special Permit located at 146 Main Street earlier in March 2011. Steinhoff Realty Trust then proceeded to successfully obtain quotes from several construction firms to build the approved project. Unfortunately, we have not been able to obtain the required financing for the total project.

We then met with the Medway PEDB on 12 May 2011 on an informal basis to address reducing the initial scope of the project to renovating the existing building plus adding approximately 246 SF in back for lavatories and computer space on the first floor only. The second floor would remain unfinished and be used for storage. The building exterior would be totally refurbished. The first floor office area will be occupied by ValuTrack Corporation. The scope and drawings were revised by The H. L. Turner Group (TTG) who also supported the existing approved plan.

Based on a review of the AUOD By-Laws, Section 505-7, it appears a reduction in scope without changing the basic approved plan falls into Section A: Minor Revisions. Note that Steinhoff Realty Trust is not changing the previously approved Type, Location, Access and Exit Curb Cut, Layout, or Overall Appearance of the building. We are only proposing to reduce the previously approved Complex Size, Overall Parking, and associated Parking Lot Screening, see below description. All other aspects of the PEDB previously approved AUOD Plan/Special Permit remain in effect.

Reduced Scope Description:

The following describes the proposed reduced scope:

- a. Figure 1 & 1-A, (TTG Drawing C2.2 w/expanded view) indicates construction NOT part of the initial construction effort.
- b. Figure 2, (TTG Drawing C2.4) shows the revised lighting plan.

- c. Figures 3, 4, 5 and 6 show the TTG drawing for the south, east, west and north elevations. Note that the existing west addition is now being used but the two entrances are removed. Note also that the approximate 246 SF addition is on the North side as is the Handicap Access.
- d. Figure 7 shows the TTG proposed first floor layout. The second floor is only used for storage. The approximate 246 SF addition on the north side details the 2 restrooms, a mop room and a computer server room.
- e. Figure 8 (TTG Drawing C2.3) details the proposed revised Site Plan.

Recommendation:

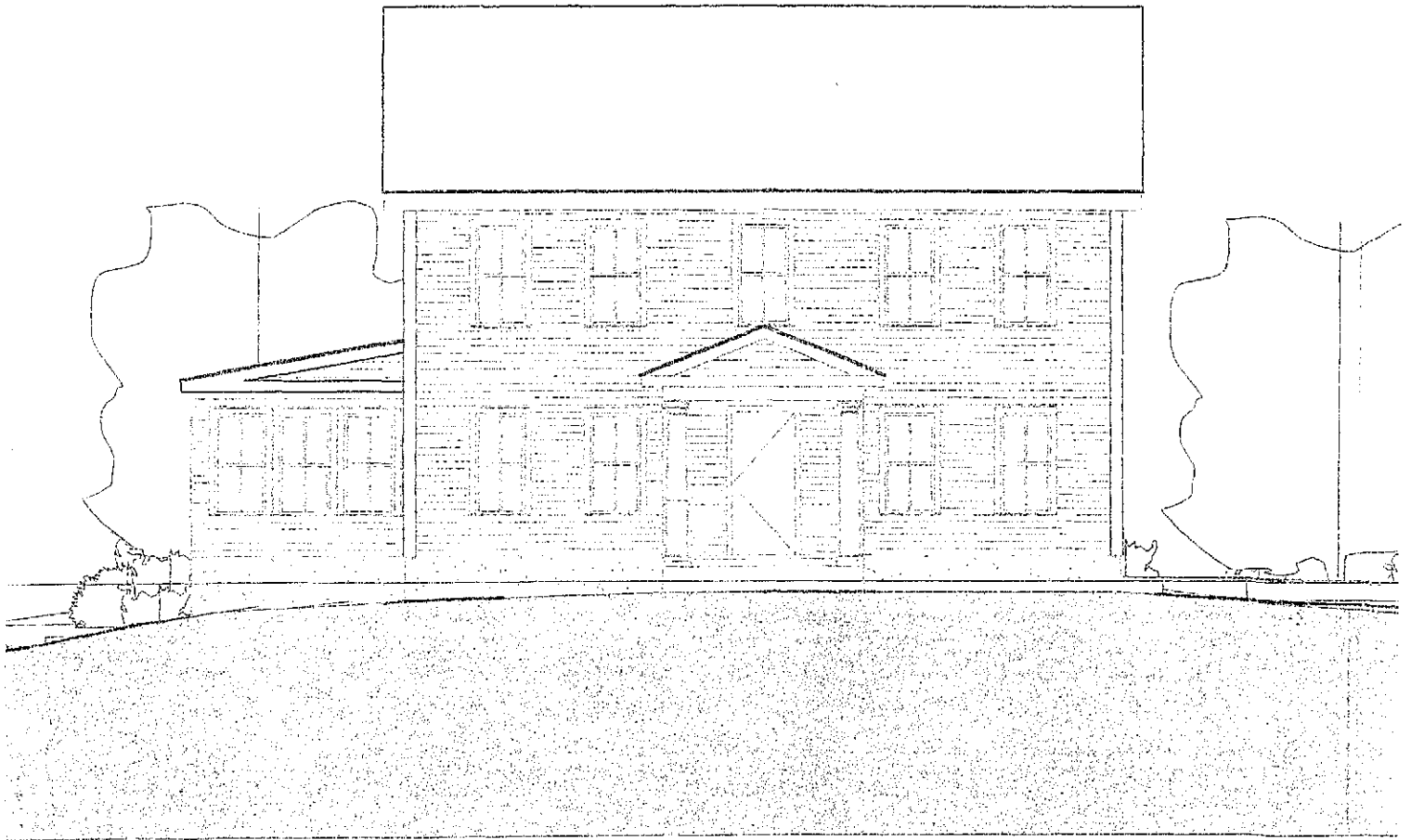
Steinhoff Realty Trust recommends the Medway PEDB approve this Minor Revision request to the approved Steinhoff Building project at 146 Main Street, Medway that:

1. Reduces from a 29 car to an 8 car parking lot with appropriate reduction in lot perimeter landscaping.
2. Only renovates the existing 1840s house and does not include the additional 7,100 +/- SF of new office construction.
3. Adds approximately 246 SF on backside of building for needed facilities and handicapped access.
4. Adheres to all other previously approved AUOD/Special Permit approved conditions

THE VALUTRACK HEADQUARTERS

ELEVATION - SOUTH

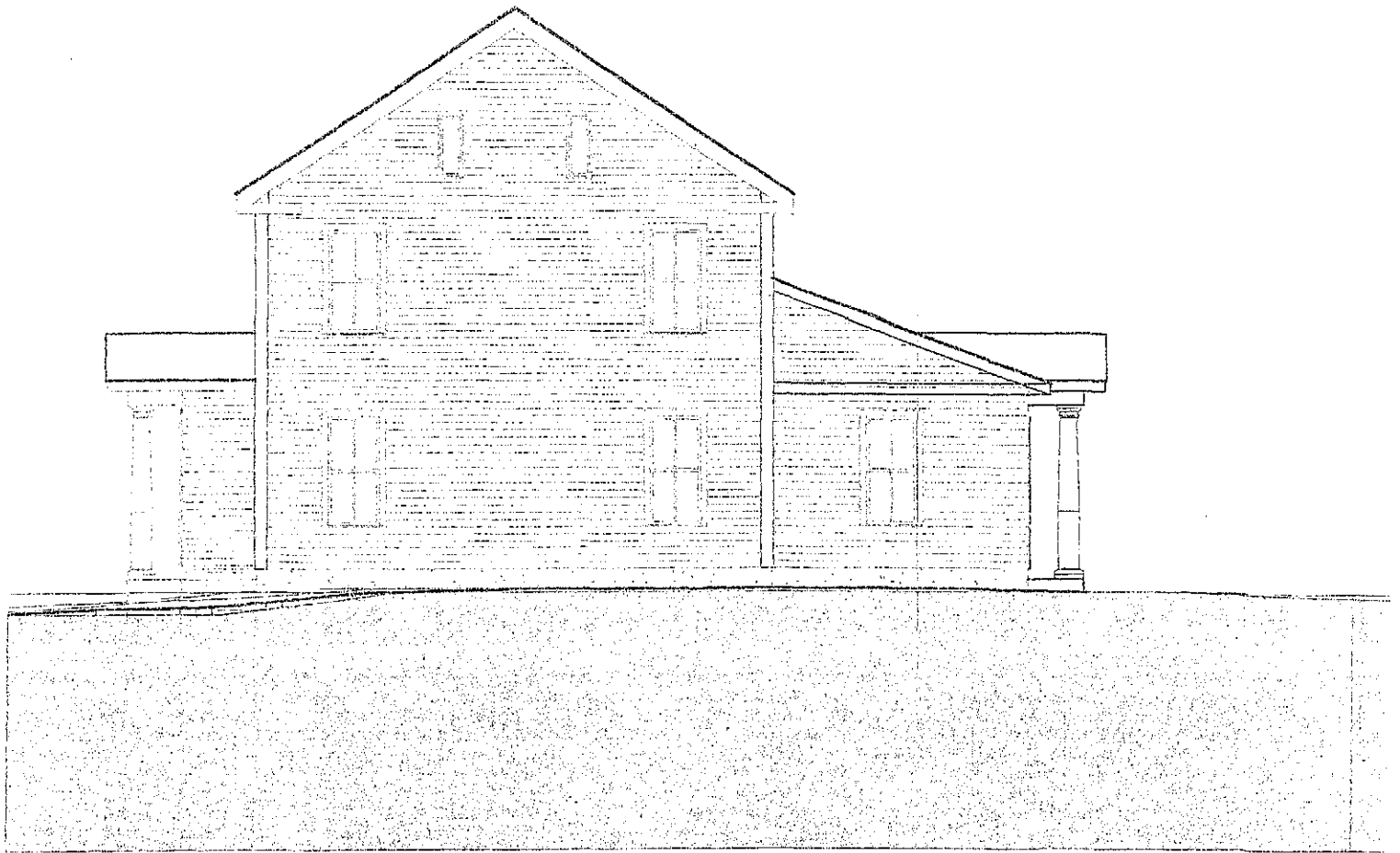
Figure 3



THE VALUTRACK HEADQUARTERS

ELEVATION - EAST

Figure 4



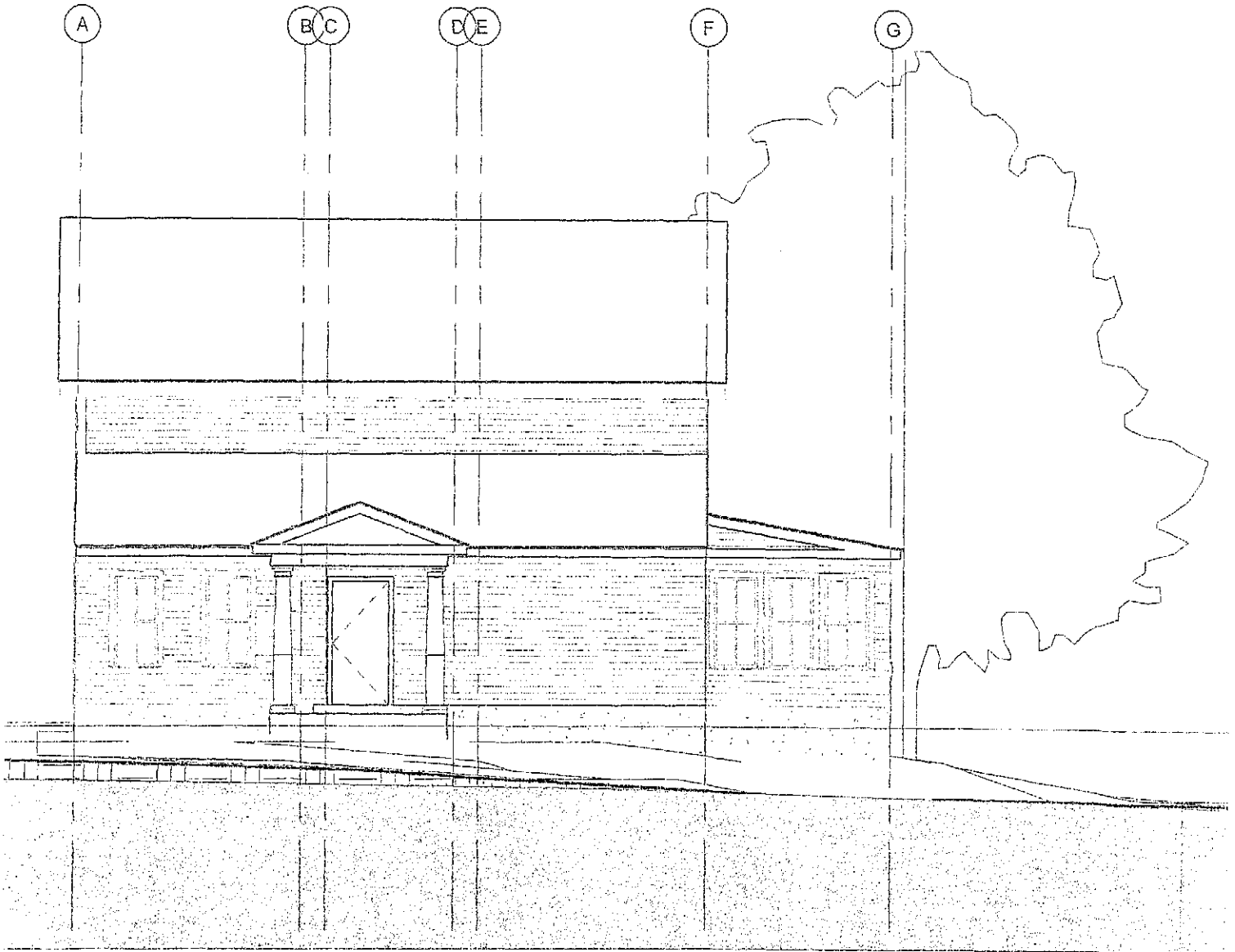
THE VALUTRACK HEADQUARTERS ELEVATION - WEST

Figure 5



THE VALUTRACK HEADQUARTERS ELEVATION - NORTH

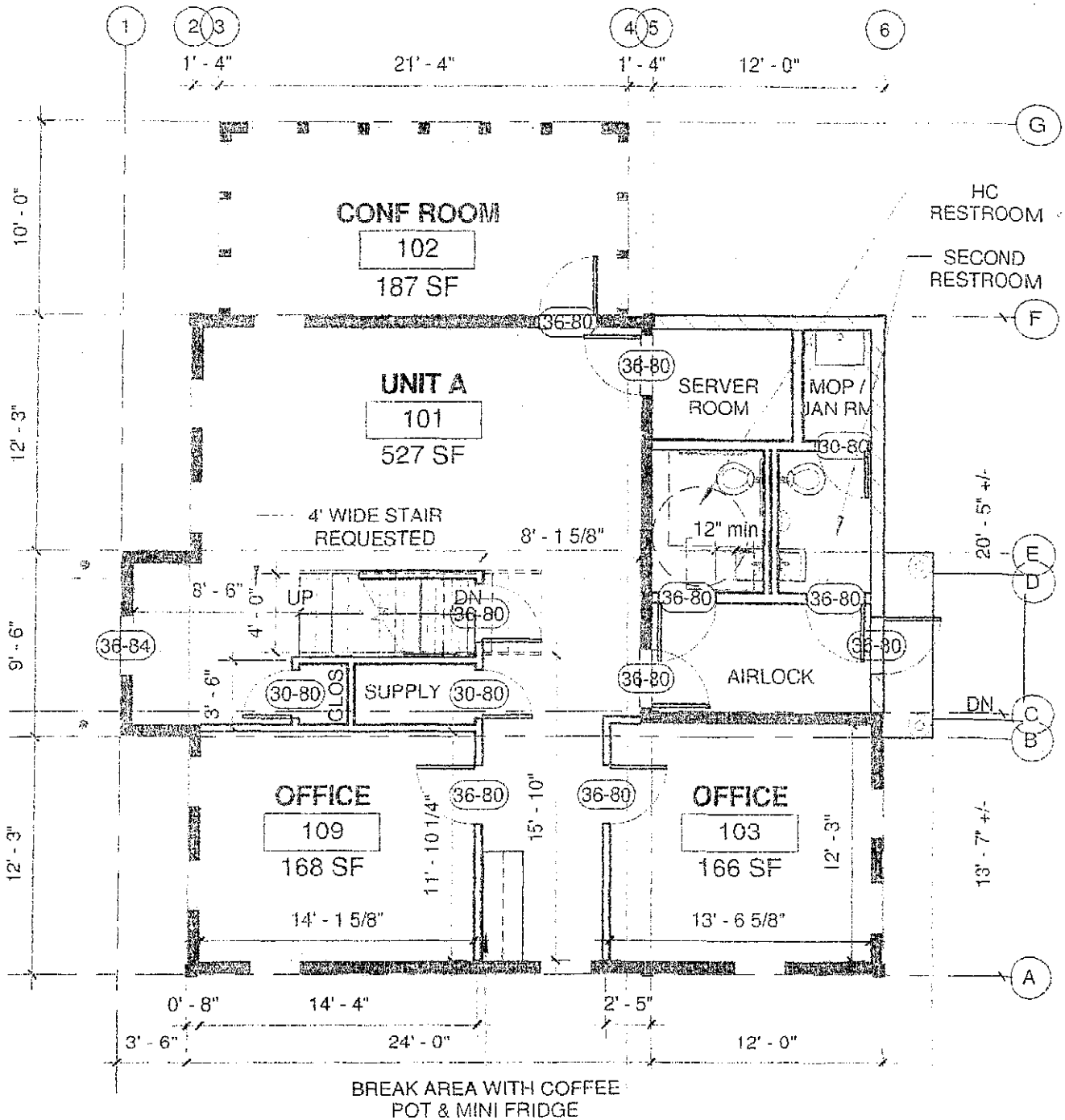
Figure 6

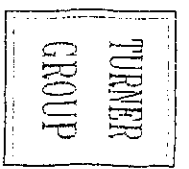


THE VALUTRACK HEADQUARTERS

FIRST FLOOR PLAN

Figure 7





THE HILLTOP GROUP, Inc.
 1000 N. 10th Street, Suite 200
 Lincoln, Nebraska 68502
 Telephone: (402) 441-1111
 Fax: (402) 441-1112

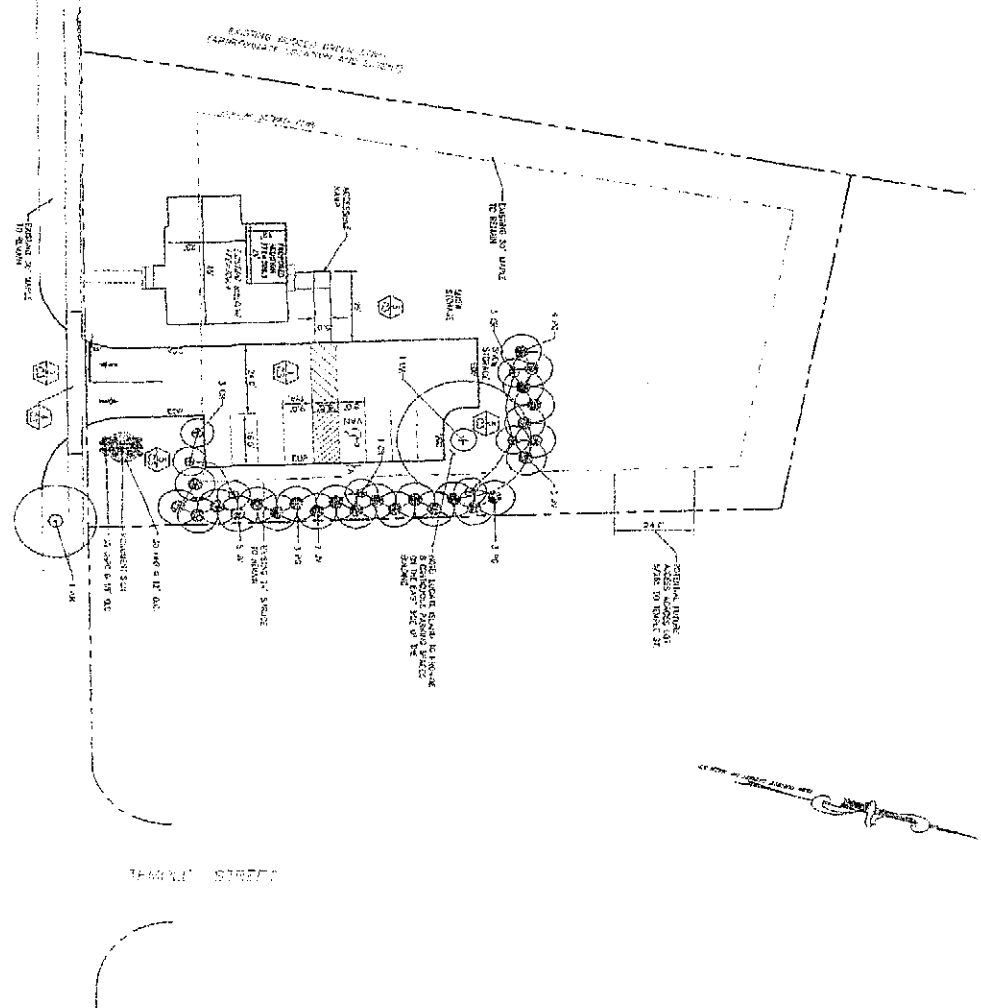
ISSUED FOR PERMITTING

NOT FOR CONSTRUCTION

STEINHOFF REALTY TRUST
 STEINHOFF
 OFFICE BUILDING
 106 MAIN STREET
 NEBRASKA, NE 68502

PHASE I
 SITE LAYOUT &
 LANDSCAPING PLAN

023



PLANT LIST

PLANT LIST	QUANTITY	SIZE	PLANT	PLANT
1	1	12" O.D. IN	AMERICAN	AMERICAN
2	1	12" O.D. IN	AMERICAN	AMERICAN
3	1	12" O.D. IN	AMERICAN	AMERICAN
4	1	12" O.D. IN	AMERICAN	AMERICAN
5	1	12" O.D. IN	AMERICAN	AMERICAN
6	1	12" O.D. IN	AMERICAN	AMERICAN
7	1	12" O.D. IN	AMERICAN	AMERICAN
8	1	12" O.D. IN	AMERICAN	AMERICAN
9	1	12" O.D. IN	AMERICAN	AMERICAN
10	1	12" O.D. IN	AMERICAN	AMERICAN
11	1	12" O.D. IN	AMERICAN	AMERICAN
12	1	12" O.D. IN	AMERICAN	AMERICAN
13	1	12" O.D. IN	AMERICAN	AMERICAN
14	1	12" O.D. IN	AMERICAN	AMERICAN
15	1	12" O.D. IN	AMERICAN	AMERICAN
16	1	12" O.D. IN	AMERICAN	AMERICAN
17	1	12" O.D. IN	AMERICAN	AMERICAN
18	1	12" O.D. IN	AMERICAN	AMERICAN
19	1	12" O.D. IN	AMERICAN	AMERICAN
20	1	12" O.D. IN	AMERICAN	AMERICAN

Figure 8

145 Main Street AUOD modification

I sat down with Dick Steinhoff and went through his changes. There is a provision in the AUOD regs for a modification to an approved AUOD permit that allows for either minor or major changes. The minor changes only need approval from the PB through a vote while the major changes require a public hearing. I've attached the regulations, but I strongly feel the changes do fall under the minor revision. Mr. Steinhoff is only reducing the scale of the project, not changing it. In planning terms, cause for concern is generally increases not decreases in the project size.

Changes in the project:

- Reduction in size of addition(s): the large office addition will not be constructed. Instead, a less than 250 s.f. bathroom / computer room addition will be added.
- Reduction in the parking lot size: the parking lot will be downsized by half. The parking layout, materials, shape, construction, landscaping, access, curb cuts, etc are not being changed.
- The exterior of the existing building, including layout, location, fenestration, materials are not being changed.
- The proposed use as office is not being changed.
- Landscaping, lighting and buffering is not changing, but just being reduced in to match the reduced parking.

Overall, I do think this easily falls under the minor criteria and as such, the PB can vote on it at the meeting. I also recommend waiving any filing fees and peer review fees. There is little review needed for these changes.

For the vote, however, the Board needs to have 4 of 5 people b/c this is a Special Permit modification. If you don't have the quorum, you will need to continue to the next meeting. I checked with Town Counsel and she concurs that you need at least 4 people to vote on it.

APPLICATION TO MODIFY AN
ADAPTIVE USE SPECIAL PERMIT and/or AUOD PLAN

Medway Planning Board
155 Village Street - Medway, MA 02053
508 533-3291

RECEIVED
MAY 18 2011
TOWN OF MEDWAY
PLANNING BOARD

This application to modify an approved Adaptive Use Special Permit and/or AUOD Plan is made pursuant to the Medway Zoning By-Law, Section V. USE REGULATIONS, Subsection W. ADAPTIVE USE OVERLAY DISTRICT

Date: 18 MAY 2011

The undersigned, being the applicant and the owner of all land included within the site

shown on the previously approved AUOD plan entitled STEINHOFF OFFICE Building as last revised dated 1 DECEMBER 2010

prepared by The Turner Group and Steinhoff Realty Trust

herewith submits this application to modify the approved Adaptive Use Special Permit and/or AUOD Plan.

1. Property Location Address: 146 MAIN STREET

2a) Property Owner: STEINHOFF REALTY TRUST

Address: 133 MAIN ST, Ste. 300
Medway, MA 02053-1576

Primary Contact: RICHARD W. STEINHOFF, Trustee

Telephone: 508-446-4183 FAX: 508-533-4936

Email address: rws@energynutraldesign.com

2b) Applicant (if other than property owner): N/A

Address: _____

Primary Contact: _____

Telephone: _____ FAX: _____

Email address: _____

Please check here if you are the equitable owner (purchaser on a purchase and sales agreement.)

P. 1 51 >

2c) NOTE - If someone other than the property owner or the equitable owner is the applicant or will be representing the applicant, then the property owner or equitable owner must designate an Official Representative below:

Official Representative: N/A

Address: _____

Primary Contact: _____

Telephone: _____ Fax: _____

3. Engineer: The H. L. Turner Group

Address: 27 Locke Rd

Concord, NH 03301

Primary Contact: Mr. James Doherty III

Telephone: 603-228-1122 FAX: 603-228-1126

4. Surveyor: O'Driscoll Land Surveying Co.

Address: 44 Cottage St., Melway, MA 02053

Primary Contact: Mr. Daniel O'Driscoll

Telephone: 508-533-3314 FAX: 508-533-3314

5. Architect: The H. L. Turner Group

Address: 27 Locke Rd

Concord, NH 03301

Primary Contact: Mr. James Doherty III

Telephone: 603-228-1122 FAX: 603-228-1126

6. Date of Planning Board Approval of Adaptive Use Special Permit: 22 Mar 2011

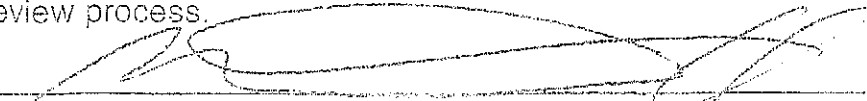
7. Date of Planning Board endorsement of AUOD Plan: 22 Mar 2011

8. Date & Information re: Recording AUOD Plan and Adaptive Use Special Permit at Norfolk County Registry of Deeds.

Decision recorded on 7 Jan 11 in Book 28493,
Page 361 AND PLANS ARE IN PLAN BOOK
605, Pages 28-47

9. Project Description – Please attach a detailed description of how you wish to modify the Adaptive Use Special Permit and/or AUOD Plan. Please explain why you want to change the approved AUOD Plan and/or Adaptive Use Special Permit. (See ATTACHED)

SIGNATURES – I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief. (If Applicable, I hereby authorize _____ to serve as my Official Representative to represent my interests before the Town of Medway with respect to this application to modify an Adaptive Use Special Permit and/or AUOD Plan.) In submitting this application, I also authorize the Planning Board, its agents, and other Town officials to access the site during the site plan modification review process.



Signature of Property Owner
R. W. STEINHOFF, Trustee

18 May 2011

Date

Signature of Applicant (if other than Property Owner)

Date

Signature of Official Representative

Date

SUBMITTAL INSTRUCTIONS – Required Submittals

Town Clerk

- _____ One (1) Adaptive Use Special Permit /AUOD Plan Modification Application form with original signatures
- _____ One (1) set of the proposed revised AUOD Plan prepared in conformance with the AUOD Rules and Regulations (if applicable)
- N/A One (1) copy of revised storm drainage calculations (if applicable)

Planning Board

- _____ One (1) Adaptive Use Special Permit/AUOD Plan Modification Application form with original signatures
- _____ Nine (9) sets of the proposed revised AUOD Plan prepared in conformance with the AUOD Rules and Regulations (if applicable)
- N/A Two (2) copies of storm drainage calculations (if applicable)
- Free *Adaptive Use Special Permit/AUOD Plan Modification Fee – Made payable to the Town of Medway - ~~500~~
- N/A *Advance toward AUOD Plan Review Expenses (if applicable) – Made payable to Town of Medway

~~For projects up to 9,999 sq. ft./gross floor area: \$/ 500~~
~~For projects over 10,000 sq. ft./gross floor area: \$1,000~~

* ~~NOTE – These must be two separate checks.~~

June 29, 2005

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

Revised Draft – 6/10/2011

CERTIFICATE OF ACTION
25 SUMMER STREET – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

I. DESCRIPTION: The proposed 25 Summer Street Definitive Subdivision Plan is a 2-lot, 158 foot private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Faistino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessment Map as Parcel 21000. The proposal also includes use of swales and a small stormwater basin for infiltration and installation of sewer and water to connect to existing systems.

II. APPLICANT:
Faistino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. PROCEDURAL SUMMARY: With respect to the 25 Summer Street Definitive Subdivision Plan, the Planning and Economic Development Board hereby certifies that:

1. On January 19, 2011, it received an application for approval of the 25 Summer Street Definitive Subdivision Plan, dated January 10, 2011 prepared by Faist Engineering of Southbridge, MA. A preliminary subdivision plan was not filed for this project.
2. On February 22, 2011, it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On March 8, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed on February 21, 2011 and March 1, 2011 in the *Milford Daily News*. A butter notice was sent by certified mail on February 16, 2011. The public hearing was continued to April 12, 2011, May 10, 2011 and May 24, 2011 when it was closed.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the 25 Summer Street Definitive Subdivision Plan were conducted over the course of four (4) Planning Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* (dated April 26, 2005), which were in effect at the time the applicant submitted a definitive subdivision plan to the Town in January 2011. Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning Board and is available for public review.

Definitive Subdivision Plan – Faist Engineering, Inc.

January 10, 2011

Revised – April 20, 2011

Drainage Calculations - Faist Engineering, Inc.

January 10, 2011

Revised – April 20, 2011

Waiver Requests

January 14, 2011 letter from Fasolino Home Improvement, Inc.

Revised – April 20, 2011

Town Engineering Consultant Review Letters – Dave R. Pellegrini, P.E., Tetra Tech Rizzo

March 4, 2011

May 4, 2011

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

March 3, 2011

May 5, 2011

Supplemental Information Provided By Applicant

April 8, 2011 letter from Summer & Millers LLC giving permission to tie into the existing sewer system at Smeroni Ave.

Citizen/Resident Letters - None

Citizen/Resident Testimony

Robert Condon, 3 Rustic Road (5-10-11 public hearing)

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc.

Dave R. Pellegrini, P.E., Tetra Tech Rizzo

David T. Faist, P.E., Faist Engineering, Inc. for the applicant

Medway Departmental/Board Review Comments

Dave Damico, DPS, via email dated May 18, 2011

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Medway Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. *NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans. This was not done, and a waiver is requested.*

FINDINGS. The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. The Board finds that this waiver consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.20- Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.

FINDINGS. The applicant is proposing a shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. The Board finds that the granting of this waiver is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.24 – *Location and Species of Proposed Shade Trees* - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.

FINDINGS – The applicant requests a waiver from the installation of new street trees. As this is a shared driveway, the Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

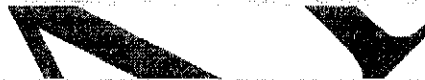
SECTION 5.7.27 – *The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.*

FINDINGS – The applicant requests a waiver from this condition because there are no new streets being proposed. The shared driveway will not have street signs or traffic control signs. We understand the new lot will have a Summer Street address. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.28 - Streetlight Locations – *Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.*

FINDINGS: The applicant proposes a shared driveway with no street lighting, although there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.31 – *Locations of proposed open space – Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L, Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).



SECTION 5.7.32 – *Cul-de-sac Island Landscaping – A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a cul-de-sac with this subdivision. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 5.7.33 – Preliminary Stormwater Pollution Prevention Plan (SWPPP) – This plan shall be prepared in accordance with the requirements outlined in the National Pollutant Discharge Elimination System (NPDES) Permit application for Construction Activities

FINDINGS – The applicant is not required to obtain a SWPP permit as the overall site disturbance will be less than one acre. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 5.20.2(a) – Ways and service to be complete before such lot may be built upon

FINDINGS - DOES THE BOARD WANT TO GRANT THIS WAIVER? WHAT IS THE APPLICANT'S REASON FOR WANTING IT? COMPLETED ROAD AND SERVICES BEFORE LOT RELEASES IS STANDARD POLICY FOR ALL SUBDIVISIONS.

SECTION 6.4.1 – No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

FINDINGS – The Applicant is requesting that the Board to allow for building permits with no occupancy until the completion of the driveway base coat. DOES THE BOARD WANT TO GRANT THIS WAIVER? WHAT IS THEIR REASON FOR WANTING IT?

SECTION 6.8 – Procedure for Street/Infrastructure Acceptance.

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway, the Town will not be accepting this roadway. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.7.2. p) – Stormwater Management Procedure: The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way.

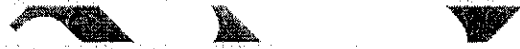
FINDINGS – The Applicant proposes two (2) interconnected dry detention basins located within the separate Parcel "A", which also includes the shared driveway. Each dry basin is located within 10 feet of the property line of both lots, which will benefit from their construction. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.9.5a) – The minimum centerline grade for any street shall not be less than two percent (2%).

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.9.7 g) – The minimum roadway width for a “Permanent Private Way” is eighteen (18) feet.

FINDINGS - The Applicant proposes a single shared driveway fourteen (14) feet in width within the right-of-way. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.10.2 – Curbs: “Permanent Private Way” is hot mix asphalt Cape Cod berm.

FINDINGS - The Applicant proposes to utilize a “country drainage” low impact design using roadside dry detention basins. Curbing will not be proposed along the edges of the shared driveway. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.11.1 – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') wide and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent “Ardmore Circle” private way. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).



SECTION 7.11.2 – The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 14 feet of the existing driveway curb cut. The Board finds that this waiver request is consistent with the Subdivision Rules and Regulations (April 26, 2005).

SECTION 7.13 – Sidewalks: “Permanent Private Way” no sidewalks are required.

FINDINGS – REQUESTING THIS WAIVER DOES NOT SEEM NECESSARY AS THE REGS DO NOT REQUIRE SIDEWALKS ON PRIVATE WAYS PER SECTION 7.13.2 AND THE BOARD WILL MOST LIKELY REQUIRE THE APPLICANT TO PROVIDE SIDEWALKS AS PER SECTION 7.13.3. SO THE BOARD COULD DECIDE NOT TO GRANT THIS WAIVER AS IT RELATES TO SECTION 7.13.3.

SECTION 7.17.1 – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS – The Applicant is not proposing a fire alarm system as both lots have frontage on Summer Street. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.17.2 – Fire hydrants shall not be nearer than twenty-five feet (25') from the intersection of two (2) streets.

FINDINGS – There is an existing fire hydrant located within 300 feet of the property on the west side of Summer Street. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.19.2 – To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision.

FINDINGS – The Applicant is not proposing to install street trees on the private way. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.19.4 – Trees approved for planting are: Shademaster, Honey and Skyline Locust, Sugar Maple, White, Scarlet, Pin and Northern Red Oak, Bradford and Aristocrat Pears, London Planetree or other species if approved in advance by the Tree Warden. At least three (3) species shall be planted in every subdivision and they shall be staggered so that no one species shall be planted next to a like species.

FINDINGS – The Applicant is not proposing street trees. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.20 – *Street and Traffic Control Signs and Names.*

FINDINGS – The Applicant proposes a shared driveway that will not require a street name and signage similar to the “Ardmore Circle” private way. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.21 – *Street Lights.*

FINDINGS – The Applicant proposes a shared driveway that will not require a street lights. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.21 – *Walkways and Bikeways: It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. The Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.25.1 – *Monuments shall be installed along the roadway layout at all points of curvature and angle points. Monumentation shall be provided at easements at each angle point along the easement where the lot line intersects the street right-of-way, and at other points where, in the opinion of the Board, monuments are necessary.*

FINDINGS – The Applicant is proposing the shared driveway to remain private. The Planning Board finds that this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The homeowners Association covenant will require installation of a post light near the end of each driveway.
4. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.
5. The applicant will contribute _____ to the Town of Medway Sidewalk Fund in lieu of constructing sidewalk on Summer Street _____]
6. In lieu of constructing a landscaped island in the side-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
7. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permit from the Medway Zoning Board of Appeal for 2 family dwellings.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ the above noted Waiver Findings. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, 2011, a motion was made by _____ and seconded by _____ to _____ the above noted Mitigation Plan. The motion was _____ by a vote of ___ in favor and ___ opposed.

Action on Waiver Requests - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ to _____ the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was _____ by a vote of ___ in favor and ___ opposed.

VI. DECISION - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 14, 2011, a motion was made by _____ and seconded by _____ to _____ the **25 Summer Street Private Way Definitive Subdivision Plan**, dated _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was _____ by a vote of ___ in favor and ___ opposed.

VII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.
3. *Ownership of 25 Summer Street Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the 25 Summer Street Homeowners Association to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the private driveway including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.
4. The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all easements to the Homeowners Association before the Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
5. Prior to endorsement, the plan set shall be revised to include the following:
 - a. The final plan revision date on the cover;
 - b. Update list of approval waivers on the cover;
 - c. Landscape Plan;
 - d. Removal of northern curb cut and restoration of sidewalk and curbing along Summer Street.
6. Prior to endorsement, a note shall be added to all plan sheets to indicate that present and future owners are subject to *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision*.
7. Prior to endorsement, the Applicant shall provide copies of the recorded deed verifying the Applicant's ownership of all properties comprising the 25 Summer Street subdivision. The Board may refer such documentation to the Board of Assessors for review and confirmation.
9. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of

Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.

10. *The 25 Summer Street Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the 25 Summer Street Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.
13. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street subdivision* – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.
14. *Lot Deeds* -- Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that roadway shown on the 25 Summer Street definitive plan is a private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision*.
15. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the driveway, Parcel A and all easements shown on the plan to the 25 Summer Street Homeowners Association, for review, comment, amendment and approval by Town Counsel.
16. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the 25 Summer Street Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Board with a

receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred

19. *Sidewalk Construction* – In lieu of constructing approximately 238 feet of curbed sidewalk along the west side of Summer Street along the frontage of the subject parcel, the applicant agrees to one of the following options:
 - a. contribute to the Town of Medway Sidewalk Improvement Fund, within one year of the date of plan endorsement, the sum of _____ as estimated by Tetra Tech Rizzo, the Town's Consulting Engineer, based on the most recent average statewide price published by the Massachusetts Highway Department for sidewalk construction (based on 243 linear feet of 5½ foot wide cement concrete sidewalk, concrete curb and 12" gravel borrow) said funds to be used by the Town of Medway for sidewalk construction in the community; or,
20. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the sloped driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the 25 Summer Street Homeowners Association.
21. The Applicant shall close the existing secondary street opening. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work.
22. The Applicant shall not disturb the edge of Summer Street and shall use MassHighway's standards for the gravel borrow. **DAVE I SHOULD REPHRASE...**

General Conditions

21. *Expiration of Appeal Period* - Prior to endorsement, the Planning Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
22. *Payment of Balance of Fees/Charges* - Prior to endorsement, the Applicant shall pay the balance of any outstanding professional review services by any outside consultants retained by the Planning Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
23. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a passbook savings account (with the Town of Medway) at an area financial institution with which the Applicant is placing a cash bond and shall provide the Medway Treasurer with a signed withdrawal slip from said account. The passbook and withdrawal slip shall be retained by the Medway Treasurer.
24. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant*

shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement.

25. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning Board’s approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning Board based on an estimate provided by the Town’s Consulting Engineer.
26. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning Board with a copy of any and all “*Order of Conditions*” as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the “*Order of Conditions*” shall be presented to the Planning Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the “*Order of Conditions*” that may be deemed appropriate by the Planning Board and the Town’s Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk’s office before the Planning Board endorses the plan modification.

Additionally, upon issuance of any “*Order of Conditions*” requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

27. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay construction observation fees to the Town of Medway for such inspections. The amount shall be determined by the Board based on an estimate provided by the Town’s Consulting Engineer. A construction observation account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
28. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11” x 17” paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs,

as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.

29. *Proof of Taxes Paid* - Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
30. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plans in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
31. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MGL requirements, the Massachusetts Wetland Protection Act (Chapter 131B, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

DRAFT

**25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION**

**Date of Action by the Medway Planning & Economic Development Board
June 16, 2011**

AYE:

NAY:

Date Signed: _____

Attest:

Susan E. Ahearn, Medway Planning & Economic
Development Coordinator
Notary Public

Date

Date Filed with the Town Clerk: _____

- Copies To:** Mike Fasano, Applicant
David Faist, Civil Engineering, Inc.
Bill Fisher, Board of Health
Tom Holder, Public Services
Shanne Kennedy, Town Administrator
William Waser, Assessors
Melanie Phillips, Treasurer/Collector
John Emery, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Commission
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech Rizzo

25 Summer Street - Sidewalk Estimate

ITEM NO.	WORK ACTIVITY	QUANTITY	UNIT	UNIT PRICE	TOTAL	COMMENTS
EARTHWORK						
120.1	Unclassified Excavation	66	CY	25.00	\$1,650	
	Subtotal				1,650	
AGGREGATE						
151	Gravel Borrow	49	CY	30.00	\$1,470	
	Subtotal				1,470	
CONCRETE CURB						
520	Cement Concrete Curb	243	LF	30.00	\$7,290	
	Subtotal				7,290	
CONCRETE						
701	Cement Concrete Sidewalk	148	SY	45.00	\$6,660	
701.2	Cement Concrete Wheelchair Ramp	10	SY	75.00	\$750	
	Subtotal				7,410	
LANDSCAPING						
751	Loam Borrow	9	CY	40.00	\$360	
755	Seeding	54	SY	1.60	\$86	
	Subtotal				446	
	Project Summation				18,286	
	Contingency	20%			3,653	
	Site Total				21,920	
	Project Total				21,920	

Notes:

1. Assume two feet of Loam and Seed installed on the side of sidewalk to transition the disturbed areas.
2. Unit prices are taken from the latest information provided on the Massachusetts Highway Department website. They utilize the MassHighway weighted bid prices (Combined - All Districts) for the time period 5/2010-5/2011.
3. Quantities are based on a 5.5' wide sidewalk, 4" thick cement concrete, and 12" gravel borrow.

R E C E I V E D

MAY 26 2011

TOWN OF GARDNER
PLANNING BOARD

from Tetra Tech
Rizzo

Susan Affleck-Childs

From: David Damico
Sent: Wednesday, May 18, 2011 4:07 PM
To: Susan Affleck-Childs
Cc: Jim Smith; Thomas Holder
Subject: 25 Summer St Driveway

Stacey,

Per our discussion, 25 Summer St. driveway can be abandoned, but needs the following work done. Sawcut the gutter even with the curb and sawcut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new curbing at the opening. Repave the sidewalk section. Seal all seams after the work is complete. All of this needs to be done under a Street Opening Permit with appropriate fees and deposits. The applicant can review this with the Highway Superintendent if needed.

Thanks,

Dave
DPS Deputy Director
Check us out on-line at www.townofmedway.org

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

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TETRA TECH RIZZO

Bond Value Estimate
Pine Meadows II
Definitive Subdivision
Medway, Massachusetts
May 27, 2011

RECEIVED
MAY 31 2011

One Grant Street
TOWN OF MEDWAY, MA 01701
PLANNING DEPT. TEL 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Street Signs	1	EA	\$70.00	\$70
Roof Runoff recharge (Std 4 chamber unit)	7	EA	\$1,500.00	\$10,500
Landscaping @ Cul-de-sac Island	1	LS	\$4,200.00	\$4,200
Street Trees	22	EA	\$500.00	\$11,000
4 Ft. High Split Rail Fence	80	LF	\$15.00	\$1,200
Concrete Monuments	23	EA	\$200.00	\$4,600
Pavement Markings	1	LS	\$100.00	\$100
2 year Snow Plowing	800	LF/YR	\$2.50	\$4,000
2 year Road Maintenance	800	LF/YR	\$2.00	\$3,200
2 year Drainage Maintenance	800	LF/YR	\$2.00	\$3,200
As-built Plans	800	LF	\$5.00	\$4,000
Legal Fees	1	LS	\$2,000.00	\$2,000

\$48,070

Subtotal \$48,070

Contingency (25%) \$12,018

Recommended Bond Value \$60,088

* 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 5/2010 - 5/2011.