

**June 28, 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 Affleck Childs, Planning and Economic Development Coordinator
Gino Carlucci, Town Consultant
David Pellegrini, 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:

Tetra Tech Rizzo consultant, Dave Pellegrini had a meeting on site with Tom Holder. There was discussion about the making a connection between the outlet drainage pipe at the end of Virginia Road at Ellis Street and the drainage system for Applegate. It was recommended that there needs to be calculation figures about how much water is delivered. This will then need to be reevaluated. There still will need to be negotiations. There may need to be a series of basins. The existing basins are currently not working. The engineer needs to look at the amount of water that is coming from Virginia Road onto Ellis Street. GLM should do the design since I had done the drainage design for Applegate. We need to see if the catch basins are simple dry wells. This will be added to the cleaning schedule.

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

Susy noted that the Applegate drainage design was done to also accommodate the ANR Lots (along Coffee and Ellis Streets). The applicant has communicated that he wants relief from the sidewalk mitigation condition from the original decision if this extra drainage installation is to occur. The Board discussed that some negotiation needs to take place.

PUBLIC HEARING - Village Estates Definitive Subdivision Plan

The Chairman read prepared opening remarks which introduced the Board members and described the process of the public hearing requirements along with explaining the presentation format.

(The public hearing notice is attached.)

(See attached application for definitive subdivision plan date stamped May 25, 2011 and the proposed definitive plan dated May 19, 2011 prepared by Merrikin Engineering and Colonial Engineering.)

On a motion made by Bob Tucker and Chan Rogers, the Board voted unanimously to waive the reading of the public hearing notice.

The applicant is Russell and Dorothy Santoro of 372 Village Street in Medway. The plan is dated May 19, 2011 and was prepared by Paul Desimone from Colonial Engineering and Merrikin Engineering. The applicant was not present. Mr. DeSimone was present.

Susy Affleck-Childs informed the members that the new street will be named Bedelia Lane as requested by Mrs. Santoro. The Street Naming Committee met last week and approved the name.

The applicant proposes to develop a 2-lot, private way residential subdivision on a 2.026 acre parcel located at 272 Village Street. This is located on assessor map 1c/parcel 114 in the Agricultural Residential II zoning district.

The plan shows the division of land into two residential lots. One lot contains an existing dwelling at 272 Village Street. The second lot would be for new residential construction. The plan includes construction of an approximately 219 foot long, 18 feet wide permanent private roadway including an underground drainage area and the installation of municipal water and sewer service. A portion of the site is in a wetland resource area. This proposal is for “by right” use in this zoning district.

The Board is in receipt of a review letter from Tetra Tech Rizzo dated June 23, 2011 regarding Village Estates. (**See attached**). A copy of the letter was provided to Mr. DeSimone.

Mr. Desimone communicated that the Medway Conservation Commission has approved this project. He also explained that in regards to the water, there will be three valves at the roadway intersection. Mr. Desimone also explained that there will be no catch basins but swales. There is also going to be sewer and water lines from the houses to the end of the street.

Dave Pellegrini from Tetra Tech indicated that the trench plan is provided but it does not meet the requirements for sewer trenching. Separate details should be provided for the individual utilities proposed for the project.

The Board then discussed the memo which was written by John Emidy the Building Commissioner, which was date stamped May 31, 2011. (**See attached**.) The letter notes that based on the information from Town Counsel, the adjacent parcel to the west at 274 Village Street should not be considered a corner lot as defined in the Zoning By-Law, and therefore will not be in violation of the frontage setback requirements. However, the existing buildings that are encroaching into the proposed “road” on the development site will be required to maintain the 35’ minimum setback.

Member Tucker would like to see if more is written to understand the logic and to understand this and then draw a conclusion. He asked Susy to secure a copy of any written communication from Town Counsel about this matter.

Member Rogers communicates that there is no setback and the Planning Board needs to waive this when granting the approval.

Consultant Carlucci expressed that that the letter from the zoning enforcement officer indicates that this will not be in violation.

Member Tucker wants to make sure that the Board remains consistent.

Susy Affleck-Childs warns the Board to be careful when granting lot releases and be sure to get security early on. This development is an instance where the lot with the existing house will get some of its legal frontage from the “new” roadway. She reminded the Board about the problems at 25 Milford Street (Rolling Hills subdivision – Olga Guerrero).

Consultant Carlucci provided a review letter dated June 23, 2011 with recommendations. (**See attached.**) It is recommended that a landscape plan be provided. Another recommendation is that the infiltration trenches be less than 30 feet from the lot line. No waivers have been requested.

Member Spiller-Walsh communicates that the rip rap is an eye sore and there is currently no land (separate parcel) to put the stormwater facilities. She feels the Board needs to decide if we are going to allow stormwater facilities in these small private way subdivisions to be included in the roadway. This is a big policy.

Member Tucker agrees and would like to see something other than rip rap.

Consultant Carlucci continued explaining that there are no bounds shown on the plan. He also recommended that the applicant meet with the Board of Assessors since the houses require numbers.

Another item mentioned by Consultant Carlucci is relative to the driveways. The new road will overlap one of the existing curb cuts, but there should be a condition to require that the other curb cut is removed and that the curbing and sidewalk on each side be connected across this opening in accordance with DPS requirements. It was also noted that the owner of Lot 1 should also be part of a homeowners association responsible for maintenance of the new roadway.

Susy Affleck-Childs wants to see all owners be part of the homeowners association and not just one owner.

Susy Affleck-Childs would like to see an evaluation of the condition of the Village Street sidewalk. She also notes that Village Street is a Medway Scenic Road and the distance for disturbance need to be clarified.

Paul Desimone indicated that he will be putting together a list of waiver requests.

Abutter Wayne Brundage, 268 Village Street:

Mr. Brundage provided photographs to the Board showing the water that runs onto his property since the land was disturbed and regraded last year after Mr. Santoro acquired the property. The water is currently flowing into his property.

The Board asks if this has been addressed with the applicant. Mr. Brundage responded no.

The Board next asks why the applicant is not present to address this issue. The applicant is requested to attend the next meeting.

It was also suggested that a site walk be set up to look at the site.

Mr. Desimone did state that the fields were harrowed and the land turned over. There is a high water table.

The Board would like comments from the Fire Department relative to this project.

On a motion made Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue this hearing until August 9, 2011 at 7:15 pm.

Susy Affleck-Childs informs the applicant that any new material needs to be submitted by July 26, 2011 for review.

25 Summer Street Definitive Subdivision Draft Decision:

The Board is in receipt of the draft Certificate of Action for 25 Summer Street for a Private Way Definitive Subdivision Plan. The most recent revision date is June 23, 2011. (See attached.)

Findings:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the findings for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Mitigation Plan:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the mitigation plan for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Waivers:

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve the waivers requested for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

Decision:

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve the decision for 25 Summer Street as written.
(Andy Rodenhiser and Tom Gay abstained from vote)**

146 Main Street – AUOD Special Permit – Review of Draft Decision:

The Board is in receipt of the revised adaptive use special permit decision for Steinhoff Realty Trust for 146 Main Street. The most recent revised date is June 27, 2011. (See attached.)

Findings:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve 8 parking spaces as acceptable for the proposed use of the site for the AUOD Special Permit for 146 Main Street as written.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board votes unanimously to approve the findings for the AUOD Special Permit for 146 Main Street as written.

Waivers:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to grant the waivers for the AUOD Special Permit for 146 Main Street as written.

Decision:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to grant the revised AUOD Special Permit for 146 Main Street subject to the waivers and conditions.

Evergreen Meadows Subdivision – Bond Reduction:

The Board is in receipt of a memo dated June 22, 2011 from Tetra Tech Rizzo relating to the Evergreen Meadows Subdivision. (See Attached).

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board votes unanimously to approve reducing the subdivision bond for Evergreen Meadows to the minimum required bond amount of \$40,000 and to take \$3,000 of that reduction for the subdivision's construction account.

45 Milford Street – Amendment to Site Plan Decision:

Mr. Yorkis was present to speak informally with the Board regarding a possible amendment to the site plan decision for 45 Milford Street.

The Board is in receipt of an email from Mr. Yorkis dated June 23, 2011. (See attached.) The email notes the following items for discussion:

1. The deck area for consumption of food and beverages
2. Signs on the two adjacent private ways
3. Parking on the Restaurant 45 Site
4. Restaurant 45 seating capacity

The Board is also in receipt of a portion of the original site plan decision from April 26, 2006 relative to the condition regarding no outdoor dining. (See attached)

The Board is also in receipt of a letter to the Building Commissioner, John Emidy. The letter is dated June 27, 2011. **(See attached.)** The letter notes that the total occupancy of 214 persons cannot be increased without additional parking spaces or zoning relief. It is his opinion that the use of the deck area for seating requires a minor modification to the conditions of the approved site plan.

Mr. Yorkis began by informing the Board that the applicant wants to amend the language of the site plan decision for Restaurant 45 to permit the serving and consumption of food and beverages on the deck. The applicant is not proposing any change to the approved site plan itself.

Mr. Yorkis distributed additional information to the Board for its review. **(See attachment)**

The owner is also proposing seating for 40 persons on the deck even though a physical capacity of 49 has been identified.

Mr. Yorkis indicated that there would be no increase to the restaurant's overall seating capacity of 214 occupants. The attachment includes information showing the maximum capacity plan under the state building code.

Mr. Yorkis further explained that the owner will need to apply for an occupancy permit for outdoors.

The Board next discussed the parking. Mr. Yorkis communicated that there is no change to the parking. The site currently has 110 regular spaces, 5 handicap, and 5 motorcycle spots.

The applicant will be submitting an application to the Board for the modification to the site plan decision.

Susy Affleck-Childs indicated that this could be included on the agenda for the July 12 meeting. 7:30 p.m.

The applicant will be placing the no parking signs up prior to the July 12, 2011 meeting.

104 Fisher Street, Informal Discussion re: Possible Subdivision

Chairman Rodenhiser stepped down from the Chairman's seat as he is the owner of 104 Fisher Street. Vice Chairman Bob Tucker ran the meeting from this point.

Mr. Rodenhiser sat across the table to speak to the Board as a resident and property owner.

Prior to any discussion taking place, Susy Affleck-Childs noted for the record that PEDB members Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers along with Dave Pellegri, Tetra Tech Consultant, Gino Carlucci, PGC Associates Consultant, and Susy Affleck Childs, Planning and Economic Development Coordinator have all signed full disclosures of potential of conflict of interest. These documents have been sent provided to the Town Clerk and the Town Administrator's office. **(See attached).**

Mr. Rodenhiser did inform the Board that he did speak with the State Ethics Commission and he learned that he could speak as an applicant for this project.

Susy Affleck-Childs communicated that this is an informal discussion regarding a prospective application. Nothing has been officially submitted.

Mr. Rodenhiser presented to the Board a document dated June 28, 2011 which referenced a quitclaim deed for property located at 104 Fisher Street. **(See attached.)** This document explains that he is the sole owner of the property.

The Board was also presented with a plan dated April 27, 2011 which was titled “Conceptual Layout Cluster, 104 Fisher Street.” This was prepared by GLM Engineering Consultant, Inc. **(See attached.)** Mr. Rodenhiser indicated that the parcel is 8.9 acres with an existing house. He would like to divide the property into five lots. The existing house will be considered one of the lots. The reason for this is part of a settlement.

Mr. Rodenhiser wanted clarity in relation to the applicability of the affordable housing requirements and the provision of the bonus lot. He would like to consider the option of making a payment in lieu of constructing an affordable unit. How would that be determined?

Susy Affleck-Childs communicated that an estimate of the Equivalent Affordable Housing Unit Value would need to be determined. She read and referenced the definition from the Zoning Bylaw.

Consultant Carlucci noted that the Board of Assessors and the Mass Department of Housing and Development could assist with the calculation of difference. Another option is to make a donation of land. These options would need to be done through the appraisal of the property. Section 9 of the Affordable Housing section of the zoning bylaw was referenced.

Member Spiller-Walsh communicated that it may be better to reduce the # of lots (to avoid the affordable housing requirement.) It may be difficult to get 4 lots to perc.

Mr. Rodenhiser noted that he would be selling off lots.

Member Gay notes that this concept plan is a basic plan which was done for the bank.

Mr. Rodenhiser indicated that the soil testing was being done tomorrow.

Member Rogers indicated that it is going to be quite expensive to develop this site with all the ledge.

Consultant Carlucci also indicated that a 33,000 square foot lot would be a three bedroom home since the private well septic require 10,000 per bedroom.

The Board next discussed the road.

Susy Affleck-Childs indicated that the road would not be a permanent private way but a public road due to the number of housing units that would be served. NOTE – presently the roadway is a private way.

Mr. Rodenhiser indicated that there is a mutual easement across the back of the property. The easement is shared equally.

Mr. Rodenhiser thanks the Board for their time and will be meeting with GLM to put together a preliminary subdivision plan.

The Chairman retook his seat as chairman at 10:25 pm.

43 D Expedited Permitting Grant:

Susy Affleck-Childs prepared and presented a report on the status of the 43 D Expedited Permitting grant. (See attached.) The original grant amount is \$148,850.

Task One: The current approved grant budget for task one is \$14,775.00.
The current expenditures for task one is \$13,080.00.
This leaves an unexpended balance of \$1,695.00.

Task Two: The current approved grant budgeted for task two is \$46,500.00
The current expenditures for task two is \$11,460.00
This leaves an unexpended balance of \$35,040.00

Task Three: The current approved grant budgeted for task three is \$87,575
The current expenditures for task three is \$89,973.47
This leaves a negative balance of (\$2,398.47)

Overall, there is \$32,884.03 remaining in the account.

(Susy reports that the Town's accounting office records show an available balance of \$58,635.37. She will try to resolve the differences between the two!)

The Board would like to have using up these funds as a goal for FY 2012.

Susy noted the big remaining task is getting all the various permit applications on the town's web site and able to be completed on line.

Board Reorganization:

Chairman:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to appoint Andy Rodenhiser as the Chairman of the Planning and Economic Development Board. (Andy Rodenhiser recused from vote.)

Vice Chairman:

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Bob Tucker as the Vice Chairman of the Planning and Economic Development Board. (Bob Tucker recused from vote.)

Clerk:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Tom Gay as the Clerk of the Planning and Economic Development Board. (Tom Gay recused from vote.)

Committee Appointments:

Appointments to the Design Review Committee, Open Space Committee and Economic Development Committee will be held over until the next meeting.

Boards/Committee Liaisons:

The Board is in receipt of a memo from Susy Affleck-Childs relative to the liaison assignments for the 2011-2012 year. (See attached.) The only change noted would be that Tom Gay is not able to be the ZBA liaison.

On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board votes unanimously to accept the liaison assignments as agreed to.

Meeting Minutes

June 13, 2011:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the minutes from the June 13, 2011 special meeting as written.

June 14, 2011:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to approve the June 14, 2011 as written.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:45 pm.

Future Meetings:

The next meetings scheduled are:

- Tuesday, July 12th & 26th and August 9th and 23rd, 2011

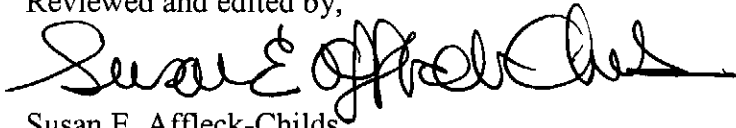
The meeting was adjourned at 10:45 PM.

Respectfully Submitted,

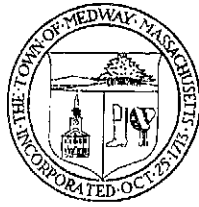


Amy Sutherland
Meeting Recording Secretary

Reviewed and edited by,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

RECEIVED

JUN 01 2011

TOWN CLERK

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Village ST →
— Bedetia lane

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

NOTICE OF PUBLIC HEARING
Village Estates Definitive Subdivision Plan

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that **the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, June 28, 2011 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Russell and Dorothy Santoro, of Medway, MA for approval of the Village Estates Definitive Subdivision Plan.** The plan is dated May 19, 2011 and was prepared by Colonial Engineering, Inc. of Medway, MA and Merrikin Engineering LLP of Mills, MA.

The applicant/owner proposes to develop a 2-lot, private way residential subdivision on a 2.026 acre parcel located at 272 Village Street (*Medway Assessors Map 1C / Parcel 114*) in the Agricultural Residential II zoning district. The property is bounded on the north and east by property owned by Brundage; on the west by property owned by Dowley; and on the south by Village Street. The plan shows the division of land into two residential lots (one containing an existing dwelling at 272 Village Street and a second lot for new residential construction), the construction of an approximately 219 foot long, 18' wide permanent private roadway including an underground drainage area, and the installation of municipal water and sewer service. A portion of this site is in a Wetlands Resource Area. This proposal is for a "by right" use in this zoning district.

The *Village Estates Definitive Subdivision Plan* is 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 am to 1:00 p.m. It is also available for viewing at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser, Chairman

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

LAND SUBDIVISION - FORM C

Application for Approval of a Definitive Subdivision Plan
Planning Board - Town of Medway, MA

RECEIVED
MAY 31 2011

TOWN OF MEDWAY
PLANNING BOARD

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit three signed originals of the Application, one copy of the Definitive Plan, one copy of the Traffic Study, and one copy of the Development Impact Report to the Town Clerk who will date stamp all three original Applications. Submit two signed original Applications, one copy of the Definitive Plan and one set of Soil Survey, Percolation and High Groundwater Tests to the Board of Health, which will date stamp the two original Applications. Provide one original Application date stamped by the Town Clerk and Board of Health, eighteen copies of the Definitive Subdivision Plan, all other required documents and the appropriate Definitive Subdivision Plan Filing Fee and advance of the Plan-Review Fee to the Medway Planning Board.

The Town's Planning and Engineering Consultants will review the Application and Definitive Subdivision Plan. You or your duly authorized Agent/Official Representative will be expected to attend the Planning Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence may result in a delay in its review.

MAY 25, 2011

TO: The Planning Board of the Town of Medway, MA

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

DEFINITIVE SUBDIVISION PLAN INFORMATION

Title: VILLAGE ESTATES

Prepared by: PAUL J. DESIMONE

Of: COLONIAL ENGINEERING, INC.

Plan Date: MAY 19, 2011

A Preliminary Subdivision Plan was was not filed prior to this Definitive Plan.

If filed, the date of filing of the Preliminary Subdivision Plan was: December 15, 2010

The Preliminary Subdivision Plan was:

approved

approved with the following modifications/conditions: PUBLIC HEARING HELD NO ACTION TAKING BY PLANNING BOARD.

disapproved for the following reasons: _____

APPLICANT INFORMATION

Applicant's Name: RUSSELL S. & DOROTHY P. SANTORO
Applicant's Address: 372 VILLAGE STREET
MEDWAY, MA. 02053
Name of Primary Contact: PAUL DESIMONE
Telephone: 508-533-1644 FAX: 508-533-1645
Email address: COLONIAL.ENG@VERIZON.NET

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: _____
Address: _____
Primary Contact: _____
Telephone: _____ FAX: _____

CONSULTANT INFORMATION

Engineer: MERRIKIN ENGINEERING LLP.
Address: 730 MAIN STREET SUITE 2C
MILLIS, MA. 02054
Primary Contact: DAN MERRIKIN
Telephone: 508-376-8823 Fax: 508-376-8823 Email: DAN@MERRIKIN
ENGINEERING.COM

Surveyor: COLONIAL ENGINEERING, INC.
Address: 11 AUL STREET
MEDWAY, MA. 02053
Primary Contact: PAUL DESIMONE
Telephone: 508-533-1644 Fax: 508-533-1645 Email: COLONIAL.ENG@
VERIZON.NET

PROPERTY INFORMATION

Location Address: 272 VILLAGE STREET, MEDWAY
The land shown on the plan is shown on Medway Assessor's Map 16 Parcel # 114
Total Acreage of Land to be Divided: 2.026 ACRES
General Description of Property: EXISTING 1 FAMILY HOUSE ON PROPERTY.
PROPOSE PERMANENT PRIVATE ROAD FOR NEW DWELLING
IN BACK OF PROPERTY.

Medway Zoning District Classification: AR II
Frontage Requirement: 150 FT Area Requirement: 22,500 SQ. FT.

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?
 Yes No If yes, please name: VILLAGE STREET

Wetlands

Is any portion of the site within a Wetland Resource Area?
 Yes No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?
 Yes No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?
 Yes No

The owner's title to the land that is the subject matter of this application is derived under deed from: JUDITH ANN JOHNSON to RUSSELLS. & DOROTHY P. SANTORO dated JAN 24, 2008 and recorded in Norfolk County Registry of Deeds, Book 25456 Page 529 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

PROJECT INFORMATION

Subdivision Name: VILLAGE ESTATES

This is a: Residential Subdivision Non-Residential Subdivision

Do you plan for the proposed street (s) to be: privately owned publicly accepted

The plan shows the division of land into 2 building lots numbered 182 and 0 parcels not intended for building thereon.

The plan shows the following *existing* ways that are being proposed as lot frontage:

ROAD 'A' as frontage for lot(s) 182

_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

The plan shows the following *proposed* ways that are being proposed as lot frontage:

ROAD 'A' as frontage for lot(s) 182

_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway: 219,57 FT

Are the new roads proposed to be public or private ways? Public Private

Proposed Utilities:

water well

sewer septic

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 PAUL DESIMONE to serve as my Agent/Official Representative to represent my interests before the Medway Planning Board with respect to this Definitive Subdivision Plan application. I agree to abide by the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions and complete construction of the subdivision in accordance with the Rules and Regulations and the approved Definitive Subdivision Plan within three (3) years of the date of plan endorsement. In submitting this application, I authorize the Planning Board, its staff and agents, to access the site during the plan review process. In conveying subdivision lots, I will retain the fee in the streets shown on the plan. Upon construction of the streets and installation of services, I will grant to the Town the fee in such streets, any drainage or other easements, and any open space and drainage parcels as may be shown on the approved Definitive Subdivision Plan.

[Signature]
Signature of Property Owner

5/19/11
Date

[Signature]
Signature of Agent/Official Representative

5/25/11
Date

DEFINITIVE SUBDIVISION PLAN FEES

Filing Fee - \$1,000 plus \$1.75/linear foot of street centerline proposed
 Advance on Plan Review Fee - \$2,500

Submit 2 separate checks each made payable to: Town of Medway

Fee approved 11-9-04

Date Form C and Definitive Subdivision Plan Received by Planning Board: 5-31-2011

Definitive Subdivision Plan Filing Fee Paid
Amount: 3,048.93 Check # 92

Advance on Plan Review Fee Paid:
Amount: 2,500.00 Check # 90

Date Form C & Definitive Subdivision Plan Received by Town Clerk

Date Form C & Definitive Subdivision Plan Received by Board of Health

DEFINITIVE SUBDIVISION PLAN SUBMITTAL DOCUMENTS CHECKLIST

Town Clerk

- One (1) signed original Definitive Plan Application – Form C
- One (1) copy of Definitive Subdivision Plan
- One (1) copy of the Stormwater Management Analysis
- One (1) copy of Traffic Study *(for subdivisions of 20 or more dwelling units)*
- One (1) copy of Development Impact Report – Form F

RECEIVED

MAY 23 2011

TOWN CLERK

Board of Health

- One (1) signed original Definitive Plan Application – Form C
- One (1) copy of Definitive Subdivision Plan
- One (1) copy of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*

5-26-11
William Fisher

Planning Board

- One (1) signed Original Definitive Plan Application – Form C *(Date Stamped by Town Clerk & Board of Health)*
- Eighteen (18) Copies of Definitive Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Subdivision Rules and Regulations*
- Designer's Certificate – Form D
- Certification of Abutters – Form E
- Written Request for Waivers of *Subdivision Rules and Regulations* *on plan*
- Two (2) copies of Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations*
- Long Term Operation and Maintenance Plan for drainage and stormwater management facilities.
- Two (2) copies of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*
- Development Impact Report - Form F

N/A Two (2) copies of a Traffic Study *(for subdivisions with 20 or more dwelling units)* prepared in accordance with Section 5.5.12 of the *Subdivision Rules and Regulations*

Sight Distance Computations for all proposed new intersections *on plan*

ANRAD Determination from Medway Conservation Commission

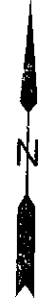
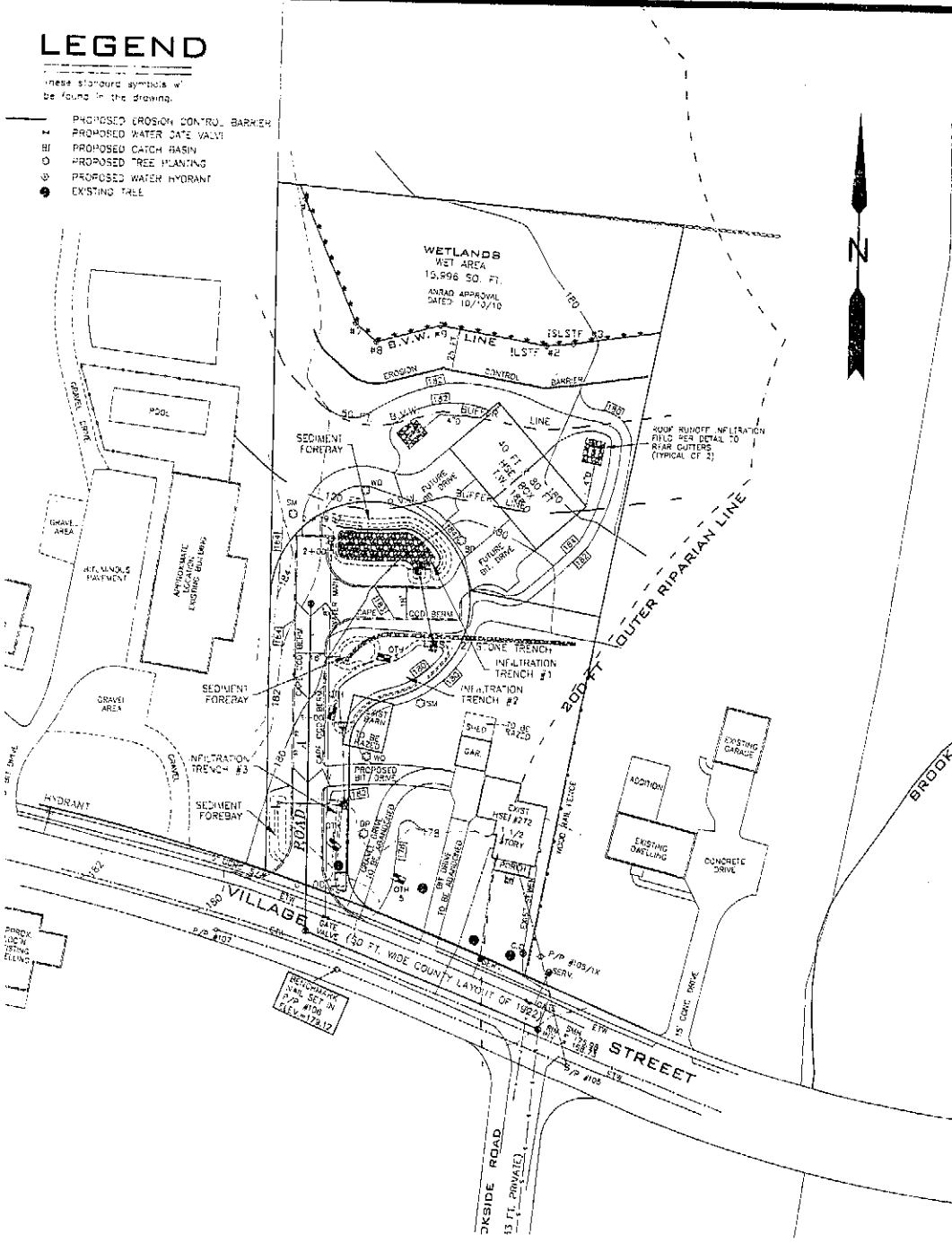
Deed Proof of existing or pending ownership of all land within the proposed subdivision

Definitive Subdivision Plan Filing Fee (\$1,000 plus \$1.75/linear foot of street centerline proposed) – Payable to Town of Medway

Advance of Plan Review Fee (\$2,500) – Payable to Town of Medway

LEGEND

- These standard symbols will be found in the drawing.
- PROPOSED EROSION CONTROL BARRIER
 - PROPOSED WATER GATE VALVE
 - PROPOSED CATCH BASIN
 - PROPOSED TREE PLANTING
 - PROPOSED WATER HYDRANT
 - EXISTING TREE



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

DATE: _____

DATE APPROVED: _____

MEDWAY PLANNING BOARD

DATE ENDORSED: _____

APPROVED _____, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY

DATED _____ AND TO BE RECORDED HERewith.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE: _____

TOWN CLERK

VILLAGE ESTATES DEFINITIVE SUBDIVISION PERMANENT PRIVATE WAY

PLAN OF LAND
IN
MEDWAY, MA

MAP 1C PARCEL 114

ZONING AR II DISTRICT

OWNER: RUSSELL S. & DOROTHY P. SANTORO
372 VILLAGE STREET
MEDWAY, MA 02053

DATE: MAY 19, 2011
SCALE 1" = 40'

COLONIAL ENGINEERING, INC.
11 AWL STREET
MEDWAY, MA 02053
508-533-1644

MERRIKIN ENGINEERING LLP
730 MAIN STREET (SUITE 2)
MILLIS, MA 02054
508-376-8883



PROPOSED GRADING
SHEET 5 OF 7

NAVD 1988 DATUM



TETRA TECH

*Acemic Road
Construction*

RECEIVED
JUN 32 2011

TOWN OF MEDWAY
PLANNING BOARD

June 23, 2011

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

*Need review
by Fire Dept -*

**Re: Village Estates
Definitive Subdivision Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above - mentioned project. The project includes the construction of a new roadway to service one new residential house lot and an existing single family house currently on the property. The roadway is proposed to be a permanent private way upon completion of the project. The existing house is designated to remain, although the existing gravel driveway and barn will be demolished, with access now being proposed from the new roadway. The new house lot will require utilities servicing the parcel including sewer, water, private utilities, and stormwater. The stormwater design will incorporate the runoff from the proposed roadway and both parcels. The sanitary sewer will need to be extended from the intersection of Village Street and Brookside Road, within Village Street and through the end of the proposed "Road A" to service the new house lot.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Village Estates, Definitive Subdivision, Permanent Private Way", dated May 19, 2011, prepared by Colonial Engineering, Inc. and Merrikan Engineering, LLP.
- A drainage report (Drainage Report) entitled "Stormwater Report: 272 Village Street, Medway, Ma, 2-Lot Residential Subdivision", dated May 19, 2011, prepared by Merrikan Engineering, LLP.

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations, Zoning Bylaw (ZBL) (Updated on September 18, 2007), the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway



Water/Sewer Department 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.

The following items were found to be not in conformance with Town of Medway, Massachusetts Zoning Bylaw & Map, or requiring additional information:

No comments

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0-Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. Calculations for proposed piping system using the Rational Method for the 25-year storm event shall be provided (Ch. 100 §5.5.9 (h))
2. Present widths of existing streets and Private ways within 700' shall be provided. (Ch. 100 §5.7.12)
3. The existing and proposed location of the Base Flood Elevation shall be shown on the plans if encountered within 700' of the subdivision. (Ch. 100 §5.7.13)
4. The calculation of the lot shape factor shall be provided. (Ch. 100 §5.7.14)
5. Proposed layout of electric, telecommunications, natural gas, cable, and spare communications conduit shall be shown on the plans. (Ch. 100 §5.7.19)
6. At least two benchmarks are to be shown on each plan and profile sheet. (Ch. 100 §5.7.20)
7. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass DOT handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.7.34)

Section 7.0-Design and Construction Standards

8. Water pipes shall be extended and connected to form a loop type system. (Ch. 100 §7.6.2 (b))



9. A spare communication conduit shall be installed in the same trench with electric, telephone, and cable conduit for future use by the Town of Medway. The board shall determine if this applies to private roadways. (Ch. 100 §7.6.2 (h))
10. Infiltration systems shall be located on separate parcels. The board shall determine if this applies to private roadways. (Ch. 100 §7.7.2 (p))
11. Substantial landscaping and planting shall be provided around detention and retention basins to the satisfaction of the board. We believe that the intent of this regulation extends to large infiltration trenches such as that proposed on this project. (Ch. 100 §7.7.2(r))
12. The width of the Right of Way should be noted on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (a))
13. Diameter of the cul-de-sac shall be provided on the plans and meet the minimum requirements. (Ch. 100 §7.9.4 (c))
14. The applicant shall ensure that an adequate turnaround acceptable to the fire chief is provided. (Ch. 100 §7.9.6(d))
15. Vertical granite curbing shall be installed at the intersection. A note and detail shall be provided on the plans. (Ch. 100 §7.10.1)
16. Sidewalks exist along the entire frontage of the subdivision parcel along the existing Town way, however the board shall review and determine the ability of the existing sidewalk to provide safe pedestrian access and meet accessibility requirements. (Ch. 100 §7.13.3)
17. Fire alarm system shall be installed and shown on plan. (Ch. 100 §7.17.1)
18. To enhance the aesthetic quality of the streetscape, street Trees shall be planted. (Ch. 100 §7.19.2)
19. No street lights are proposed. (Ch. 100 §7.21)
20. Monuments shall be installed along the roadway layout at all points of curvature and angle points. They shall also be installed along easements at each angle point. (Ch. 100 §7.25.1)
21. A detail of the monument shall be provided on the plans. (Ch. 100 §7.25.2)



The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The Infiltration Trench #2 Detail is noted twice on the plan. This should be revised to include Infiltration Trench #3 Detail.
23. All infiltration trench details should note the groundwater elevation.
24. The 3-3" diameter holes in the outlet headwall for infiltration trench #1 should be routed through device 4 (12" culvert) and not modeled as primary outlet.
25. The outlet headwall detail for infiltration trench #1 and infiltration trench #2 notes an 8 inch thick wall however in the hydrocad model the weir has a width of 0.5 feet.
26. Redox was observed in hole OTH#3 at 15 inches (elev.178.05). The bottom elevation of infiltration trench #2 is 180.00; this only provides 1.95 feet separation.
27. A mounding analysis shall be provided for all infiltration trenches and all infiltration fields since separation to groundwater is less than 4 feet.

The following items were found to be not in conformance with the Town of Medway – Water/Sewer Department Rules and Regulations, or requiring additional information:

Water

28. Water hydrant shall be clearly identified on plan. It appears that there is a hydrant symbol located at the end of Road "A" but it is not labeled. (Construction Methods-1)
29. There should be three valves at the roadway intersection unless otherwise approved by the Department of Public Works (Construction Methods-5).
30. A hydrant detail should be provided. The detail should identify the hydrant be backed by ¼ yard of concrete against trench wall and be surrounded with ¼ yard of ¾ inch stone for drainage. (Construction Method-7).
31. It is unclear by looking at the profiles whether or not the waterline is set to a depth of 4.5 feet below proposed grade. If not, the drawing shall be modified to reflect this minimum cover requirement. (Construction Method-8)



32. Where will the electric and gas services be located? Water Services shall be 3' away. Private utilities should be added to the plans to determine the sufficient spacing. (Construction Method-14)
33. The size of the existing waterline in Village Street shall be noted.
34. The method of connection between the existing and proposed waterlines shall be noted.
35. Water service to the building should be shown on the plans.

Sewer

36. Sewer service to the building shall be shown on plans. (Construction Method-1)
37. ¾-inch crushed stone shall be installed six inches over and below the sewer pipe. A typical trench detail is provided, however it does not meet the requirements for sewer trenching. Separate details should be provided for the individual utilities proposed on the project.

The following items were found to be not in conformance with good engineering practice or requiring additional information:

38. How will Village Street be repaired upon completion of the utility work? The plans should show sawcut lines, limits of pavement, curb, and sidewalk repairs. Private utility connections should also be shown since those locations may drive the limits of repair.
39. Existing trees/brush should be shown on plans. It's unclear what trees/brush fall within the project limits on the southwest corner of the site. If there are additional trees identified for demolition, they should be noted on the plans.
40. Is there existing vegetation (other than lawn/garden) designated for removal on Lot 2? If so, we would like to see some replacement trees/vegetation be added.
41. Please provide fine grading at entrance to Road "A". It is currently difficult to understand how water will be directed towards the sediment forebay and not out to Village Street.
42. We would recommend some landscaping be proposed around large infiltration trenches.
43. Are easements required in Private Roadway for public utilities?



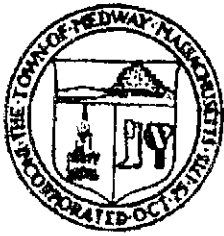
TETRA TECH

44. Verify that the Water/Sewer board and/or the Medway Department of Public Works has confirmed sufficient capacities in both the existing water and sewer lines within Village Street to accept the additional flows from the proposed development.
45. Verify that silt fence is not required by the Conservation Commission.
46. Please provide a note that the 12-inches of gravel below the proposed roadway shall meet the Massachusetts Department of Transportation specifications for gravel borrow.
47. The majority of the house is within the 100-foot buffer zone. The applicant should update the Planning Board regarding the status of the Conservation Commission review.
48. A waiver is being requested for a reduction in radius for the curbing at the entrance to the site. The applicant should provide testimony from the fire department that this waiver will not negatively impact emergency vehicles.
49. One of the future driveways extends over bituminous berm. This should be modified or clarified.
50. A Flared End section detail should be provided.
51. A Thrust Block detail should be provided.

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,

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



TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-533-3252
jemidy@townofmedway.org

RECEIVED
MAY 31 2011

TOWN OF MEDWAY
PLANNING BOARD

Susan Affleck-Childs
Planning & Economic Development Coordinator
Town of Medway

Re: Village Estates

Dear Susy,

In regards to the above referenced location, I am revising my opinion in light of the new information I recently obtained. This new information I received was from Barbara St. Andre' after carefully reviewing the Zoning By-Law. Based on this new information, 274 Village Street should not be considered a corner lot as defined in the Zoning By-Law, and therefore will not be in violation of the frontage setback of thirty five (35) feet. However, the existing buildings that are encroaching into the proposed "Road" will be required to maintain the 35' minimum setback.

Please contact me if you have any questions.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: file

* They
Need to provide
a waiver list

PGC ASSOCIATES, INC.

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

June 23, 2011

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

RECEIVED
JUN 23 2011

TOWN OF MEDWAY
PLANNING BOARD

Re: Village Estates Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the definitive subdivision plan submitted by Dorothy and Russell Santoro of Medway for property on Village Street. The plan was prepared by Merriken Engineering of Millis and Colonial Engineering, Inc. of Medway, and is dated May 19, 2011.

The plan proposes to construct a permanent private way cul-de-sac in order to create frontage and divide a lot on Village Street with an existing house on it into two lots. The existing house on the property would remain. The new lot exceeds 30,000 square feet so it qualifies for a duplex (subject to granting a special permit by the ZBA) and a duplex house is shown on the plan. The total size of the parcel is 2.026 acres.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan comply with area, frontage and lot shape requirements of the Zoning Bylaw.

Subdivision Rules and Regulations

2. Section 5.7.32 requires landscaping of a cul-de-sac island. No island is proposed since the dead-end street is proposed to have a hammerhead turnaround (as allowed for permanent private ways). However, an island effect is created by the proposed two driveways for each side of the duplex winding around opposite sides of a detention basin (labeled as Infiltration Trench #1) within the cul-de-sac right-of-way. While the presence of the basin will limit possibilities, consideration should be given to requiring a landscaping plan for this area.

3. Section 7.7.2 (p) requires drainage basins or other elements of a drainage system to be 30 feet from a lot line. All three infiltration trenches are less than 30 feet from the lot line and no waiver has been requested.

4. Section 7.25.1 requires that bound be placed on all points of curvature and angle points along the roadway layout. No bounds are shown on the plan.

✓ 5. Section 4.6.11 requires that a proposed street name be shown on the plan. No name is shown. Since this is a permanent private way adding 2 (possibly 1) residences and since the existing house already has a Village Street address, it may be preferable to leave the way without a name and assign Village Street addresses. However, since the existing house is #272 and the property next door is #274, the new dwelling units would need to be 272 with a letter attached.

Bedeia Lane

General Comments

6. In considering whether there is a possibility of extending the way onto adjacent developable land, the abutting lots on both sides have excess land, but the lot to the east is mostly wetlands and the lot to the west has a second dwelling unit on it already.

7. The existing house currently has two driveways to Village Street. One is paved and one is gravel. A new driveway from the proposed new street is proposed for the existing house, and both existing driveways are proposed to be abandoned. The new road will overlap one of the existing curb cuts, but there should be a condition to require that the other curb cut is removed and that the curbing and sidewalk on each side be connected across this opening in accordance with DPS requirements.

8. The plan states that the owner of Lot 2 will own the roadway layout. However, since the existing house on Lot 1 will also be accessed from the new roadway, there should be, at a minimum, an access easement on the new roadway in favor of Lot 1. The owner of Lot 1 should also be part of a homeowners association responsible for maintenance of the new roadway.

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

Sincerely,



Gino D. Carlucci, Jr.

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 and Economic Development 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) 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 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 & Milford LLC giving permission to tie into the existing sewer system at Speroni Acres

Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction.

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. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

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 permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

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 on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

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 regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.



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: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about 50 feet south of the shared driveway. The Board grants this waiver request.



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 and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.



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 fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

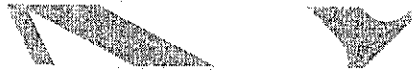
SECTION 5.7.33 – Preliminary Stormwater Pollution Prevention Plan (SWPPP) – This plan shall be prepared in accordance with the requirements outlined in the National Pollutant Discharge Elimination System (NPDES) Permit application for Construction Activities.

FINDINGS – The applicant is not required to obtain a SWPP permit as the planned overall site disturbance will be less than one acre and the SWPP does not apply in such circumstances. Therefore, the Board grants this waiver request.



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

FINDINGS - While this is only a 2 lot subdivision with a private way/shared driveway rather than a complete public street, the Board finds that it is in the best interest of the Town to ensure that sufficient infrastructure is in place prior to releasing any lots for house construction. This includes that portion of the roadway within the street right-of-way to be paved with a binder course as well as a functioning drainage system. Therefore, this waiver request is denied.



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. As stated above, the Board requires that a binder course for the driveway and functioning drainage system be in place prior to the release of lots for house construction purposes. Therefore, this waiver request is denied.

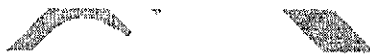


SECTION 6.8 – Procedure for Street/Infrastructure Acceptance.

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the Subdivision Rules and Regulations is still required.

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. Due to the minimal size of the basins as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.



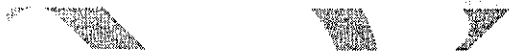
SECTION 7.9.5a) – *The minimum centerline grade for any street shall not be less than two percent (2%).*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.



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 paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses and the waiver request is granted.




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 is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.


SECTION 7.11.1 – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width 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 since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.




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 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision's construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the Subdivision *Rules and Regulations* (April 26, 2005).



SECTION 7.13.3 – Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.

FINDINGS – As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.



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 to install a fire alarm system as both lots already have frontage on Summer Street. The Board finds that there is no need for a fire alarm system for this 2-lot subdivision. Therefore, this waiver is granted.

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

FINDINGS – No new fire hydrant is proposed to be installed within this subdivision as there is an existing hydrant located within 300 feet of the property on the west side of Summer Street. Therefore, the Board finds that this waiver request is unnecessary and thus is denied.

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 requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

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 – Since the Board has granted a waiver request from the requirement to plant street trees, this regulation is not applicable and the waiver request is thus denied.

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

FINDINGS – As plan provides a shared driveway/private roadway, the applicant proposes that the two house lots have Summer Street addresses and therefore has requested a waiver from the street sign requirements. However, the addresses of 23 and 27 Summer Street are already in use. Therefore, the Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots; this waiver request is denied.

SECTION 7.21 – *Street Lights.*

FINDINGS – Since the Applicant proposes a private roadway/shared driveway serving only 2 homes, the Board finds that no street lighting is needed for the subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet south of the private roadway/shared driveway. Therefore the Board grants this waiver request.

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. Since the subdivision's 2 lots have frontage on Summer Street which has a brand new sidewalk as well as shoulders to accommodate bicycles, the Board finds that no additional facilities for pedestrians or bicycles are warranted and this waiver request is granted.

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 and feels the monumentation requirement is not necessary. However, The Board finds that it is important for the right-of-way and the various easements to be clearly identified where maintenance responsibilities will be shared by the owners. Therefore, the Board denies this waiver request.

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 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.
4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals for to use the two house lots 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 28, 2011, a motion was made by BKD and seconded by Chaw to _____ the above noted Waiver Findings. The motion was _____ by a vote of 3 in favor and 0 opposed.

no Andy

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob and seconded by Chaw to App the above noted Mitigation Plan. The motion was _____ by a vote of 3 in favor and 0 opposed.

Action on Waiver Requests - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by Bob and seconded by Paul to approve the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations*. The motion was Appuel by a vote of 3 in favor and 0 opposed.

VI. DECISION - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on June 28, 2011, a motion was made by _____ and seconded by Bob to Chaw 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 3 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* _____ - 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 _____ Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared 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 25 Summer Street Definitive Subdivision Plan last dated April 20, 2011 shall be further revised to include the following:
 - a. The final plan revision date on all plan sheets.
 - b. Update list of approved waivers on the cover sheet.
 - c. The 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction shall be added to the plan set.
 - d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
 - e. Insert the street name for the new private roadway/shared driveway on all plan sheets. Show location of street and traffic control signs.
 - f. Note 5 on the Cover Sheet shall be revised to specifically reference a Subdivision Covenant.
 - g. Another note shall be added to the NOTES section on the cover sheet to indicate that present and future owners are also subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision*.
6. 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.
7. 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.
8. The Sumner Valley Homeowners Association - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the _____ 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.

9. *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 Council 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.
10. *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 Council. 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 _____ as shown on the 25 Summer Street Definitive Plan is a permanent 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*.
11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the _____ Homeowners Association, for review, comment, amendment and approval by Town Council.
12. *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 _____ 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
13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the _____ Homeowners Association.

14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.
15. The 2 houses in the subdivision will have their sewer tied into the pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned pipeline system intended to be owned, operated and maintained by a homeowners association, not the Town of Medway. The applicant has represented that the system was designed for a tie-in from his property and that he has rights to such a tie-in. Therefore, the applicant is wholly responsible for ensuring that any such rights are valid. Furthermore, the applicant's obligations regarding any costs or responsibilities pertaining to such tie-in as well as ongoing operation and maintenance of the pipeline system are a private matter between the applicant and the owner of that system. The transmittal of the wastewater to, and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system.

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development 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.
18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant is placing a cash bond.
19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development 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 and Economic Development Board within three (3) years of the date of plan endorsement.

20. *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 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 Board based on an estimate provided by the Town’s Consulting Engineer.
21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the 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 Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The 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 Board and the Town’s Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the 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 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 Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.
22. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee 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.
23. 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.

24. *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.
25. *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 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.
26. *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, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, 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 28, 2011*

AYE:

NAY:

Date Signed: _____

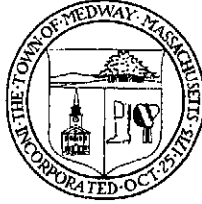
Attest:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

- Copies To:** Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Bill Fisher, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech Rizzo

Date Filed with the 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 (Chan) Rogers, P.E.

DRAFT – June 27, 2011

REVISED ADAPTIVE USE SPECIAL PERMIT DECISION
Steinhoff Realty Trust for 146 Main Street

Name/Address of OwnerApplicant: Steinhoff Realty Trust
133 Main Street
Medway, MA 02053

Designer: The H.L. Turner Group
27 Locke Road
Concord, NH 03301

Plan Date: April 26, 2011

Project Location: 146 Main Street

Assessor's Reference: MAP 5, Parcel 5/264.

Zoning: Agricultural Residential II and Adaptive Use Overlay District

Purpose: Amend a previously approved AUOD Special Permit and Plan. The project development scope is substantially reduced to involve only the renovation of the existing 1,632 sq. ft. residential structure, the construction of a 250 sq. ft. addition, and associated parking and drainage. All space to be used for professional offices.

NOTE – This is a replacement AUOD Special Permit

This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the May 18, 2011 petition of Steinhoff Realty Trust (hereafter “Applicant”) of 133 Main Street, Medway, MA 02053, to REVISE the previously approved Adaptive Use Overlay District (OSRD) Special Permit and Plan for property located at 146 Main Street owned by Steinhoff Realty Trust of Medway, MA. (hereinafter “Property”). The original AUOD Special Permit was secured pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District* of the *Town of Medway Zoning Bylaw* and other relevant provisions of the *Zoning Bylaw*. The proposed revisions to the AUOD Special Permit and Plan for 146 Main Street are sought pursuant to Section 505-7 of the Medway Planning Board’s *Adaptive Use Overlay District Rules and Regulations*, adopted July 26, 2005.

This Decision includes the following sections:

- I. *Background*
- II. *REVISED Project Description*
- III. *Decision of the Board*
- IV. *Procedural History*
- V. *Findings*
- VI. *Waivers*
- VII. *Conditions, Limitations*
- VIII. *Appeal*

I. BACKGROUND

The previous AUOD Special Permit for the subject property at 146 Main Street was authorized November 16, 2010 by the Medway Planning and Economic Development Board. The approved scope of work involved the substantial renovation/reconstruction of the existing 1,632 sq. ft residential structure on the site, the construction of a 2-story, 7,045 sq. ft addition, and extensive site improvements including associated parking, drainage, lighting, landscaping and connections to Town water and sewer services. All space was to be used for professional offices.

The previously approved AUOD Special Permit for 146 Main Street was recorded at the Norfolk County Registry of Deeds on January 11, 2011 in Book 28493, page 361. The AUOD Plans were recorded in Plan Book 605, pages 28 – 47.

All documents associated with the previous special permit decision and plans for 146 Main Street are hereby acknowledged and made part of the record for this proposed revised project.

II. REVISED PROJECT DESCRIPTION

The Petitioner seeks to revise the previously approved permit, plan and scope of work for the subject property at 146 Main Street

The Applicant proposes to substantially renovate/reconstruct the existing 1,632 foot structure as originally proposed while adding a modest 1-story addition at the northwest corner of the back of the building on the north façade. The approximately 250 sq. ft. addition would be used to house for 2 lavatories, a mop room and a computer server room. It would also serve as the primary and handicap access to the building. The building would be used only for professional offices. The first floor would

become headquarters for ValuTrack Corporation, presently located at 133 Main Street in Medway, MA. The existing 187 sq. ft, 1-story addition to the western part of the main building would remain and be renovated; the existing doors would be removed and replaced with windows so the space could function as a conference room. The parking lot would be reduced in size from 29 spaces to 8 spaces. There is no change proposed in the access or curb cut from Main Street from the previously approved plan. The drainage design will be modified but will comply with local and state regulations.

III. DECISION OF THE BOARD - After reviewing the application and information gathered during the public meetings when the proposed revision was considered, the Medway Planning and Economic Development Board, at a duly posted meeting on June 28, 2011, on a motion by _____ seconded by _____, voted ___ in favor and ___ against to grant a revised Adaptive Use Special Permit to Steinhoff Realty Trust for the subject property at 146 Main Street, Medway, MA. for the revised scope of work as represented in the application, as described at Board meetings and as shown on the revised plans, subject to the waivers, conditions, safeguards and limitations specified herein. This special permit is general and runs with the land. It is the decision of this Board, as evidenced by its vote herein, that the aforesaid Property is a proper parcel to be developed under *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)* in that it meets all the requisite site development standards and special permit criteria.

<u>Voting Planning & Economic Development Board Member</u>	<u>Grant/Not Grant</u>
--	------------------------

Karyl Spiller-Walsh	
Andy Rodenhiser	
Cranston Rogers	
Robert K. Tucker	
Thomas A. Gay	

IV. PROCEDURAL HISTORY

On May 18, 2011, Steinhoff Realty Trust filed with the Board an application to revise a previously approved Adaptive Use Overlay District Special Permit and Plan for 146 Main Street. The application consisted of:

- an application to Modify an Adaptive Use Overlay District Special Permit and/or AUOD plan dated May 18, 2011.
- Steinhoff Office Building plans prepared by The H.L. Turner Group, Inc of Concord, NH.
 - ✓ Sheet C2 Site Plan - April 26, 2011
 - ✓ Sheet C2.2 Phase 1 - Site, Grading and Utility Plan - Date????
 - ✓ Sheet C2.3 Phase 1 – Site Layout and Landscaping Plan - DATE????
 - ✓ Sheet C2.4 Phase 1 – Site Lighting Plan – Date???
- The following additional sheets, all prepared by The H.L. Turner Group, Inc.
 - ✓ A1.1 First Floor Plan – April 28, 2011
 - ✓ A5.1 Elevation – East – April 25, 2011
 - ✓ A5.2 Elevation – North – April 25, 2011
 - ✓ A5.3 Elevation – South – May 3, 2011
 - ✓ A5.4 Elevation – West – May 3, 2011

- a project narrative describing the reduced scope of work prepared by Steinhoff Realty Trust, dated May 18, 2011

Upon receipt of the Applicant's petition, the Town's planning and building department staff and the Town's planning consultant reviewed the Board's *Adaptive Use Overlay District Rules and Regulations (July 26, 2005)*. Pursuant to Section 505-7 of the AUOD Rules and Regs, staff concluded that the scope of the proposed change constituted a Minor Revision to the previously approved AUOD special permit and plan because the scale of the project and associated site work were being substantially reduced.

The Board's review of the proposed revised AUOD plan was scheduled as an agenda item for the May 24, 2011 Board meeting. As the full contingent of the Board was not present on May 24th, it was decided to postpone discussion of the application. It was rescheduled as an agenda item at the Board's June 14, 2011 meeting. That agenda was posted with the Town Clerk and on the Town's web site on June 10, 2011. Present for the June 14 meeting were Board members Gay, Rodenhiser, Rogers, Spiller-Walsh and Tucker. The applicant reviewed the proposed changes with the Board and the Town's engineering and planning consultants. The Board voted unanimously to determine that the proposed revisions were Minor in nature. The Board continued the discussion to the June 28, 2011 meeting at which time the Board reviewed and voted on a new AUOD special permit.

Richard Steinhoff, the petitioner, was present at the June 14, 2011 meeting. Kirk Steinhoff, the petitioner's son, was present at both the June 14 and 28 meetings.

The Board carefully reviewed the various plan revision submittals and all associated materials and information. Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings on the previous application. The Board carefully analyzed the general purposes of the Adaptive Use Overlay District provision of the *Zoning Bylaw* and its specific requirements and standards as well as the requirements of Section 9 of Chapter 40A, M.G.L. specifically relating to Special Permits in making its findings, conditions of approval and decision.

V. FINDINGS – On June 28, 2011, based on the evidence and testimony presented at the public meetings as documented in the application materials and the detailed record of this case, the Board, on a motion by _____, seconded by _____ voted ___ in favor and ___ against to make the following findings regarding this application in accordance with *SECTION V. Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (last amended November 19, 2007)*.

1. The Subject property, located at 146 Main Street, is located within the Adaptive Use Overlay District. The property has 165.95 feet of frontage on Main Street. *(This complies with the Zoning Bylaw requirement for a minimum of 50 feet of Main Street frontage for an adaptive use project.)*

2. The primary building existing on the parcel at the time of application was constructed in 1880. *(This complies with the Zoning Bylaw requirement for the site to have on it an existing building constructed before June 28, 2004.)*

3. The proposed use of the Property for offices for business and professional uses is allowed pursuant to *SECTION V, USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, 3. b)* of the *Medway Zoning Bylaw (as last amended November 19, 2007)*. Overall, the subject parcel is in a portion of Main Street in which residential, professional and commercial uses historically and presently co-exist.

4. The Project preserves the overall residential character of the buildings along this stretch of Main Street/Route 109 as the original building is being maintained/renovated and the small addition is designed in complementary fashion. The change in use of the existing vacant and deteriorated residential structure to an office for professional businesses will establish a new economic viability for the existing structure.

5. The Project as proposed includes improvements to the existing historic residential building which has gone into extreme disrepair over recent years and does not presently enhance Main Street as a building of its age and character should. Planned work includes replacement of the siding, gutters and woodwork to maintain and enhance the structure's original architectural integrity and installation of modern services. The Medway Design Review Committee provided significant input to the overall building and site design plans. The Board finds the design of the small addition is compatible with the existing structure and the residential character of the adjacent properties. The combination of the building improvements and landscaping plan enhances the aesthetic appeal of the primary building and the site. The impact of the project on Main Street's visual character is positive.

6. A professional landscape plan has been prepared. Extensive landscaping is planned to enhance the existing structure and its new addition. The proposed landscaping serves as a buffer zone to adjacent residential properties on the east, north and west of the subject parcel.

7. The site is adequate for the proposed use for professional offices.

8. *Parking* – The applicant has proposed to provide 8 off-street parking spaces. All proposed parking is shown to be at the rear (north) and side (east) of the building. The proposed parking layout shows the required 50 feet between the first parking space and the edge of roadway pavement on Main Street. One (1) handicap accessible space is labeled on the plan. The Board finds that the provision of _____ parking spaces is _____ (adequate??) for the proposed uses of the site and the 2,000 sq. ft. size of the renovated building and new addition @ one space per 300 sq. ft of gross floor space.

9. *Lighting* – As presented, the parking lot lighting plan is residential in character as the light posts are 10' in height. A photometric analysis has been conducted and shows that lighting is adequate for the parking areas but results in 0 foot-candles at the property lines.

10. *Vehicular Access* - Provisions for traffic are adequate based on the Property's proposed use. Sole vehicular access to this site shall be provided from Main Street. Although no new curb cuts are being added, the existing 12' wide curb cut is being expanded to 24' (2 lanes – one in and one out). The Board finds this enlargement is necessary to ensure safe access into and egress from the property.

11. *Pedestrian and Bicycle Access* – The proposed provisions for pedestrian and bicycle accesses are adequate based on the building, site and planned use and the provisions of Condition #6 herein.

The property already has an existing sidewalk across the Main Street frontage. However, the sidewalk has experienced heaving and cracking and could benefit from improvement. It is anticipated but cannot be guaranteed that new Main Street sidewalks and curbing will be installed by fiscal year 2014 as part of the Route 109 Reconstruction project. The applicant's plans for 146 Main Street also show the construction of a new sidewalk from the front door of the building on the south façade to the existing Main Street sidewalk. In addition, a sidewalk will be installed alongside the entrance driveway up to the main entrance of the building at the north façade of the building.

12. *Provision of Utilities* - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. The original stormwater management design was reviewed by Tetra Tech Rizzo, the Town's consulting engineer. The Project provides for adequate on-site retention and treatment of stormwater in compliance with Massachusetts' Stormwater Management Policy and the Board's *Subdivision Rules and Regulations*. The sewer and water connections were reviewed by the Medway Department of Public Services and determined to be adequate.

13. The proposed Project complies with the purposes of SECTION V, USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005). The Project implements certain goals of the Medway Master Plan including encouragement of economic development, protecting small town character, and preserving historic sites.

V. **WAIVERS** – The Board, on November 16, 2010, on a motion by Chan Rogers, seconded by Bob Tucker, voted 5 in favor and 0 against to grant a series of waivers as specified in the first special permit decision. On June 28, 2011, the Board, on a motion by _____ seconded by _____, voted to affirm the granting of those same waivers as specified below with only very minor changes to reflect the reduced scope of work.

The applicant has requested waivers from the following sections of the Site Plan Rules and Regulations:

1. Section 204-4 B requires a scale of 1 inch = 20 feet. The applicant requests a scale of 1" = 20' to improve site drawing clarity and a finer resolution.

The Board grants the waiver because 1"=20' provides greater detail and a finer resolution.

2. Section 204-4 D requires use of the North American Vertical Datum (NGVD) of 1988. The applicant requests the use of NGVD 1929 in order to match the recent survey of Main Street completed by the Norfolk County Engineers.

The Board grants the waiver because matching the survey done by Norfolk County Engineers makes sense and will eliminate confusion in the future.

3. Section 204-5.B.4 requires existing topography to be shown at 2-foot intervals. The applicant requests that topography at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

The Board grants the waiver because 1-foot contours provide greater detail and a finer resolution.

4. Section 204-5.C.1 requires that existing conditions be shown within 100 feet of the subject property. The applicant requests that this be waived, at least as it pertains to manmade features because providing this information would require an extensive survey effort and would not add to the project or to any greater understanding of the project.

The Board grants the waiver because it has a clear understanding of the context of the project and its impact on its surroundings. In this instance, the additional surveying effort required to comply will not add materially to the Board's understanding of the project

5. Section 204-5.D.4 requires site grading to be shown at 2-foot intervals. The applicant requests that site grading at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

The Board grants the waiver because site grading at 1-foot intervals provides greater detail and a finer resolution.

6. Section 204-5.D.6 requires that site utilities be shown on the plan. The applicant requests that the electric, cable, fire alarm and telephone service at the entrance to the building not be shown because the utility companies will connect to the building.

The Board grants the waiver because the utility companies will have some discretion as to the location of these utilities. However, the location of these utilities shall be shown on the as-built plan (See Condition 15 B (2)).

7. Section 205-6.G.3.a requires parking spaces to be 10' x 20'. The applicant requests spaces to be 9' x 18' for regular spaces. This will allow for a safer parking lot by providing a full 50 feet between the street pavement and the first parking space.

The Board grants the waiver because the proposed 9' x 18' size of the regular spaces is a standard size that reduces impervious surface. The reduced size conforms to that allowed by the Zoning Bylaw, and the smaller spaces reduce impervious surface while maintaining the required number of spaces and allowing a 50-foot distance between the street pavement and the first space resulting in a safer lot.

8. Section 205-6 H requires vertical granite curb along the perimeter of parking lots. The applicant requests that the vertical granite curbing be required only on the building side of the parking lot and no curbing on the remainder in order to facilitate site drainage and provide a softer, more aesthetically beneficial design.

The Board grants the waiver in order to allow the low impact design drainage system and to soften the aesthetic look of the parking lot in a residential district.

The Board finds that a waiver is needed from the following section of the *Site Plan Rules and Regulations*:

9. Section 205-3, D. 3 requires that existing pedestrian ways shall be maintained and improved.

The Board finds that the existing sidewalk at 146 Main Street is deteriorated showing evidence of cracking and heaving. However, the Board grants this waiver as provisions for improvements to the sidewalk are included in Condition #6.

The applicant has requested a waiver from the following section of the *Subdivision Rules and Regulations*

10. Standard Detail CD-12 requires a 7” curb reveal. The applicant requests a 6” curb reveal to facilitate compliance with ADA and Architectural Access Board regulations pertaining to slopes due to the distance between the building and parking areas.

The Board grants the waiver since a 6” reveal is the Massachusetts Department of Transportation standard and using it will allow compliance with the AAB slope requirements.

The applicant has requested a waiver from the following sections of the *Adaptive Use Overlay District Rules and Regulations*

11. Section V. W. 5. e. of the Zoning Bylaw requires that no curb cut be added and no existing curb cut be expanded unless the Planning Board finds that such changes are necessary to ensure safe access to the property.

The Board grants the waiver because the planned use of the property as an office building for professional businesses necessitate that the curb cut be expanded in order to ensure safe access to the property.

VII. CONDITIONS/SAFEGUARDS/LIMITATIONS OF APPROVAL

1. *Scope of project* - The property shall not be altered or used except for the renovation of the existing building, the construction of an addition not to 250 sq. ft. on the north façade for entrance, lavatories and a computer server room and the associated site improvements.
2. *Uses* - The entire space shall be used for professional office space. No other use of this building/site is permitted. Any other uses will require the filing of a new AUOD special permit application.
3. *Plan Endorsement* - The Medway Planning & Economic Development Board shall endorse its approval of the Adaptive Use Special Permit on all sheets of the Steinhoff Office Building plan for 146 Main Street. Within 30 days after the Board files this Special Permit decision with the Town Clerk, the Applicant shall submit a final and complete AUOD plan reflecting all required revisions for the Board’s review prior to endorsement.

The endorsed Adaptive Use Overlay District (AUOD) Plan is considered part of the Special Permit and shall be recorded therewith. ***Prior to Board endorsement, the Steinhoff Office Building plan for 146 Main Street shall be revised as follows:***

- A. Title Sheet including an index to all sheets in the plan set and a reference that the plan is subject to an Adaptive Use Overlay District Special Permit to be recorded with the plan.
- B. A signature block with 5 lines for each member of the Planning and Economic Development Board shall be included on all sheets in the plan set.

- C. All references to Phase I construction shall be deleted from the notes, titles and any other text on all plan sheets associated with this project.
3. This approval is conditioned on project completion in full compliance with the Steinhoff Office Building plan for 146 Main Street will be endorsed by the Planning and Economic Development Board.
4. *Parking* – The Project shall include at least 8 parking spaces, which shall be a permanent condition of this permit.
5. *Lighting* must comply with the Medway Zoning Bylaw, SECTION V. B. 7 Exterior Lighting Regulations. The exterior parking lot lights shall be turned off by 9:30 p.m.
6. *Main Street Sidewalk* – Dependent on federal and state funds, the Town plans to undertake a Route 109 Reconstruction Project that will include improvements in the right-of-way at 146 Main Street (approximately 166 linear feet). However, as federal and state construction funding has not yet been specifically authorized, there is no guarantee that the Route 109 Reconstruction Project will take place. The Board must hold the applicant responsible for the current sidewalk condition in the instance that the Route 109 Reconstruction Project does not occur. The applicant can meet this obligation in one of two ways:
- A. By replacing as part of this development project, the existing sidewalk along the entire frontage of the property with a 5' wide, fully ADA/AAB compliant concrete sidewalk. If this option is selected, the project plans need to be revised to include this sidewalk construction before the Board endorses the plan.
- or/
- B. By depositing in a joint savings account with the Town of Medway, before an occupancy permit is issued, an amount equal to what the Town's cost would be (\$6,938) to replace the entire length of sidewalk in front of 146 Main Street as estimated by Tetra Tech Rizzo, the Town's Consulting Engineer based on Mass Highway pricing. The Board will authorize the release of the funds held in the account with any interest accrued to Steinhoff Realty Trust within 30 days after the Town of Medway has executed a Mass Transportation Improvement Program (TIP) contract with the Massachusetts Department of Transportation for the purpose of constructing Route 109/Main Street including the area in front of 146 Main Street. If, after 2 years of the date of this decision, said contract has not been executed, the Board will transfer the funds to the Medway Sidewalk Special Account. Any interest earned on the joint savings account shall accrue to Steinhoff Realty Trust.
7. *Fees* - Prior to plan endorsement by the Board, the Applicant shall pay:
- A. the balance of any outstanding plan review fees owed to the Town for review of the plans by the Town's engineering, planning or other consultants; and

- B. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning Board to withhold plan endorsement.

8. The applicant shall make no further site improvements/changes that would alter the site's drainage patterns or characteristics as indicated on the plan approved by the Board.
9. Collection of garbage and trash shall be the responsibility of the applicant subject to Board of Health *Rules and Regulations*.
10. The hours of operation for professional offices in this building shall be limited such that there will be no customer access to the building after 9:30 p.m.
11. This Special Permit shall lapse unless exercised within two years of its recording.
12. No expansion, addition, or any change of use(s) of any building or portion of the property at 146 Main Street shall be permitted without an amendment to or issuance of a new Adaptive Use Special Permit by the Board.
13. Inclusion of a design for the free-standing development sign as shown on Sheet A5:2 does not constitute approval of the sign by the Town of Medway Building Department.
14. *Wind Turbines* - The original Steinhoff Office Building plan from 2010 showed possible locations of wind turbines as the applicant expects to install small wind electric generation turbines on this property in the future. The revised plans do not. The Board's approval of this permit and the plan does NOT constitute an approval of either the future use or location of such small wind system turbines on this property. After the building is constructed and if the applicant wishes to install wind turbines, the applicant is required to apply to the Zoning Board of Appeals for a special permit to install small wind energy generation devices on this property. At that time, those plans shall be reviewed by the Medway Design Review Committee.
15. *Construction Inspection*
 - A. Duly authorized agents of the Town of Medway including but not limited to members of the Planning and Economic Development Board and its agents, staff or consultants shall have the right to enter upon the property at any time to inspect the site to ensure compliance with the terms and conditions of this Special Permit.
 - B. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 - C. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written

report of each inspection and provide a copy to the Planning Board within 5 days of inspection.

- D. In the event the applicant seeks an occupancy permit before all site work is satisfactorily completed (see Condition 18 B. herein), the Applicant shall establish a construction inspection account with the Medway Planning & Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Board based on an estimate prepared by the Town's Consulting Engineer. The funds may be used at the Board's discretion to retain professional outside consultants to inspect the site, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Completion* (see Condition 17 herein). Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Completion* is issued shall be returned to the applicant.

16. *During Construction*

- A. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
- B. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that loose gravel/dirt does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway within twenty-four (24) hours of its occurrence.
- C. All erosion and siltation control measures shall be installed and observed by the Board's consulting engineer or the Conservation Commission prior to the start of construction, and maintained in good repair throughout the construction period.
- D. *Construction Time* – Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
- E. *Construction Traffic/Parking* – All parking for construction vehicles and construction related traffic shall be maintained on the subject property. No parking of construction and construction related vehicles shall take place on nearby public or private ways.

17. *Project Completion*

- A. This permit shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved work shall be completed by the

applicant or its assignees within two years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration of this permit, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the special permit shall lapse and may be reestablished only after a new filing, hearing and decision.

B. Prior to issuance of a final occupancy permit, the Applicant must secure a **Certificate of Completion** from the Board and provide the **Certificate** to the Inspector of Buildings. The **Certificate** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure the **Certificate** of Completion, the applicant shall:

- 1) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed plan, and any modifications thereto; and
- 2) Submit six (6) copies of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original plan and any modifications thereto, as well as the location of all underground utilities. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

18. *Plan Compliance*

- A. The Applicant shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
- B. No occupancy permit shall be granted until the Board has provided a written communication to the Inspector of Buildings that the project, as constructed, conforms to the approved AUOD plan and that any conditions including construction of any required on and off-site improvements, have been completed to the Board's satisfaction OR unless suitable security/performance guarantee has been provided to the Town of Medway, in a form and amount to the Board's satisfaction, to cover the cost of all remaining work.
- C. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
- D. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject

to the appropriate fine. Any work that deviates from the approved plan and permit shall be a violation of the Zoning Bylaw.

VIII. APPEAL – Appeals, if any, shall be pursuant to Section 17 of Chapter 40A, M.G.L., as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. After the appeals period has expired, the Applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Norfolk County Registry of Deeds with this special permit and the endorsed plan. A copy of said recording must be returned to the Town Clerk and the Board to complete the file.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11,
NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE
TAKES EFFECT UNTIL RECORDED AT THE REGISTRY OF DEEDS.**

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

Attest: _____
Town Clerk

Date

- cc: Richard Steinhoff, Steinhoff Realty Trust
- Town Administrator/Board of Selectmen
- Board of Assessors
- Building Commissioner/Zoning Enforcement Officer
- Department of Public Services
- Design Review Committee
- Economic Development Committee
- Fire Department
- Historical Commission
- Police Department
- Zoning Board of Appeals



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

MEMORANDUM

June 22, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Evergreen Meadow Bond Reduction

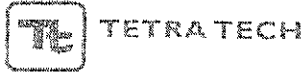
HISTORY

10-11-2005	Bond Established:	\$153,638
11-28-2006	Bond Reduction to:	\$100,000
6-12-2008	Bond Reduction to:	\$ 80,062

The 6-13-2011 TTR recommended bond reduction value for work remaining = \$ 32,463

NOTE – Section 6.6.1 of the *Subdivision Rules and Regulations* provide that the Board shall require a minimum bond be retained until street acceptance by affirmative vote of Town Meeting. On September 8, 2008, the Board established \$40,000 as the minimum bond amount to be retained.

reduce to
\$ 40,000 -
we take \$ 3,000 for
CO act.



**Bond Value Estimate
Evergreen Meadow
OSRD Definitive Subdivision
Medway, Massachusetts
June 13, 2011**

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Street Signs ²	1	EA	\$70.00	\$70
Roof Runoff recharge	6	EA	\$1,500.00	\$9,000
Pavement Markings ³	1	LS	\$500.00	\$500
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

\$25,970

Subtotal	\$25,970
Contingency (25%)	\$6,493
Recommended Bond Value	\$32,463

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 6/2010 - 6/2011.

² Per recommendations by the Medway DPS, street sign should be extruded and not the "Arched Scenic Way" sign as is currently on site.

³ Per recommendations by the Medway DPS, a crosswalk should be painted at the location of the handicap ramps at approximate STA 8+25. Pricing for this item also includes the painting of the stop line and the word "STOP".

Susan Affleck-Childs

From: PGYORKIS@aol.com
Sent: Thursday, June 23, 2011 1:18 PM
To: Susan Affleck-Childs
Subject: Restaurant 45 Outside Dining - A Discussion

On behalf of the owners of Restaurant 45, 45 Milford Street, Medway I am requesting the opportunity to discuss each of the following topics:

1. The deck area for the consumption of food and beverages that are served on the deck.
2. Signs on the two adjacent private ways
3. Parking on the Restaurant 45 site
4. Restaurant 45 seating capacity
5. Other related topics

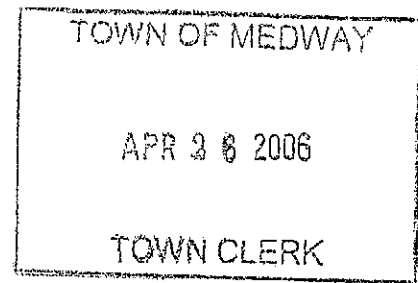
My hope would be that a discussion could take place to gain a full understanding of all of the topics above and to see what action, if any, would need to be taken by the owners of Restaurant 45 that would not only permit but encourage outside dining at the facility.

Thank you in advance for your consideration.

Paul G. Yorkis
President
Patriot Real Estate, Inc.
Energy Star Certified
Loss Mitigation Specialist
Certified Buyer Representative
159 Main Street
Medway, MA 02053
Cell - 508-509-7860
Office - 508-533-4321
Fax - 508-533-2295



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



Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.
John Schroeder
Eric Alexander, Associate Member

April 25, 2006

SITE PLAN DECISION
Restaurant 45 Site Redevelopment Plan
45 Milford Street
Approved with Waivers and Conditions

You are hereby notified that on April 25, 2006, at a duly called and properly posted meeting, the Medway Planning Board, after reviewing the application and information compiled during the public review process which commenced December 7, 2005, (*the date of application submittal*), on a motion by Andy Rodenhiser, seconded by Karyl Spiller-Walsh, voted unanimously to approve with waivers and conditions as specified herein, the site plan application of PMAM Group, LLC of Medway, MA for new construction, site improvements, drainage, parking and landscaping at 45 Milford Street, an approximately 1.66 acre parcel located at the southwest corner of the intersection of Route 126/Summer Street and Route 109/Milford Street, in the Commercial V zoning district, as shown on Medway Assessors Map 2, parcel 24. The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review*.

This Decision includes the following sections:

- I. Summary of Site Plan
- II. Procedural Summary
- III. Index of Site Plan documents
- IV. Testimony
- V. Findings
- VI. Waivers
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval

I. **SUMMARY OF SITE PLAN** - The application for site plan approval proposed the following scope of work:

- A. Construct a new, one-story, 5,150 sq. foot building to be used for retail purposes allowed in the Commercial V zoning district.

Telephone: 508-533-8200 Fax: 508-533-8187
email: medwayplanningboard@townofmedway.org

- D. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
- E. *Construction Traffic/Parking* – All parking for construction and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on Rustic or Little Tree Roads.
- F. *Snow Plowing/Trash Removal* - The Applicant shall be responsible for providing snow plowing and trash pick-up with respect to the subject property.



- G. *Use of Outdoor Deck* - The outdoor deck shall be used only as a waiting area with no food or beverage service allowed.

- H. *Deliveries* - Deliveries shall occur between 8 am and 8 pm. The present delivery/loading area for the restaurant shall be retained. Deliveries for tenants in the new building shall be conducted through the main customer entrance.



- I. *Parking* – No customer or employee parking for any businesses at this location is allowed on Rustic and Little Tree Roads. The Applicant shall purchase and install *No Parking* regulatory signage as depicted in the 1/13/06 Proposed Sign Plan prepared by Faist Engineering. Until such time as Rustic and Little Tree Roads are accepted by the Town of Medway as public ways, the Town is not responsible for enforcement of the no parking restrictions on Rustic and Little Tree Roads.

- J. *Landscaping* – It is understood that landscaping on the Summer Street side of the site will be installed in conjunction with the Route 126 Reconstruction project and may not be completed when an occupancy permit is sought for the new retail building. In such case, the Applicant shall be required to provide suitable security/performance guarantee to the Town of Medway, in a form and manner to the Planning Board's satisfaction, to cover the cost of the remaining work.

K. *Construction Inspection*

1. The Department of Public Services will conduct inspections for site plan work in the Town's right-of-way in conjunction with the Town of Medway Street Opening Permit.
2. The Town's Consulting Engineer, VHB, Inc. shall inspect the construction of site improvements located outside of the Town's right-of-way. This shall include but not be limited to the stormwater drainage system, parking, sidewalks, and landscaping. Prior to plan endorsement, the Applicant shall establish a construction observation account with the Medway Planning Board. The Applicant shall pay a construction observation fee to the Town of Medway in an amount to be determined by the Planning Board based on an estimate provided by VHB Engineering. The Applicant shall provide supplemental payments to the Town, upon invoice, as needed for reasonable inspection services until the site work is completed and the as-built plan has been reviewed and determined to be satisfactory.

PATRIOT REAL ESTATE

159 Main Street
Medway, MA 02053
Tel: 508-533-4321
Fax: 508-533-2295
www.patriotrealestate.com

RECEIVED
JUN 28 2011

TOWN OF MEDWAY
PLANNING BOARD

June 27, 2011

Mr. John F. Emidy
Building Commission
Town of Medway
155 Village Street
Medway, MA 02053

Dear Mr. Emidy:

I am writing you as the official representative of the owner/management of Restaurant 45.

As you know the owners of Restaurant 45 are in the process of requesting approval from the Town of Medway Planning and Economic Development Board (PEDB) to serve food and beverages on the deck immediately adjacent to the restaurant.

Part of the approval process from the PEDB requires the submission of an application to Modify/Revise a Site Plan Decision. Specifically, the application asks for the Building Commissioner's Determination – Scope of Proposed Modification/Revision and a copy of the Building Commissioner's written determination.

The owner/management is requesting of the PEDB the following:

The owner/management respectfully requests that the Town of Medway Planning and Economic Development Board amend the language of the site plan approval for Restaurant 45 to permit the serving and consumption of food and beverages on the deck at Restaurant 45.

The owner/management is NOT proposing any change to the approved site plan (see attachment #1).

The owner/management proposes seating for 40 persons on the deck even though a capacity of 49 has been identified by Michael Blanchette, architect (see attachment #2). This is the only proposed change, seating for 40 persons on the deck.

The owner/management is NOT proposing to increase the overall seating capacity of 214 now approved by the Town of Medway Building Commissioner (see attachment #3) which is based upon the approved site plan (see attachment 1) and the maximum capacity plan under the state building code prepared by by Michael Blanchette, architect (see attachment #4) .

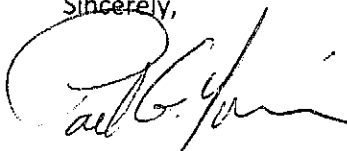
The owner/management will monitor the seating capacity inside and outside to ensure that the seating capacity does not exceed the permitted capacity approved by the Town of Medway Building Inspector of 214 persons. The applicant will modify indoor seating capacity to take into consideration the proposed outside seating capacity. Please see attached Plan A (attachment #5) which reflects indoor capacity only and Plan B (attachment #6) which reflects indoor and outdoor capacity.

The owner/management understands and recognizes that the Town of Medway Building Commissioner, Fire Department, and Police Department may monitor the actual number of patrons at Restaurant 45 at any time. In addition, the applicant's insurance carrier may also monitor the actual number of patrons at any time.

I am meeting with the PEDB on Tuesday evening. As soon as you are able to review this request, please call me on my cell phone, 508-509-7860, and I will be happy to respond to your questions and comments.

Thank you in advance for your assistance.

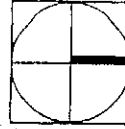
Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Yorkis". The signature is fluid and cursive, with a large initial "P" and "Y".

Paul G. Yorkis
President

ATTACHMENT 1

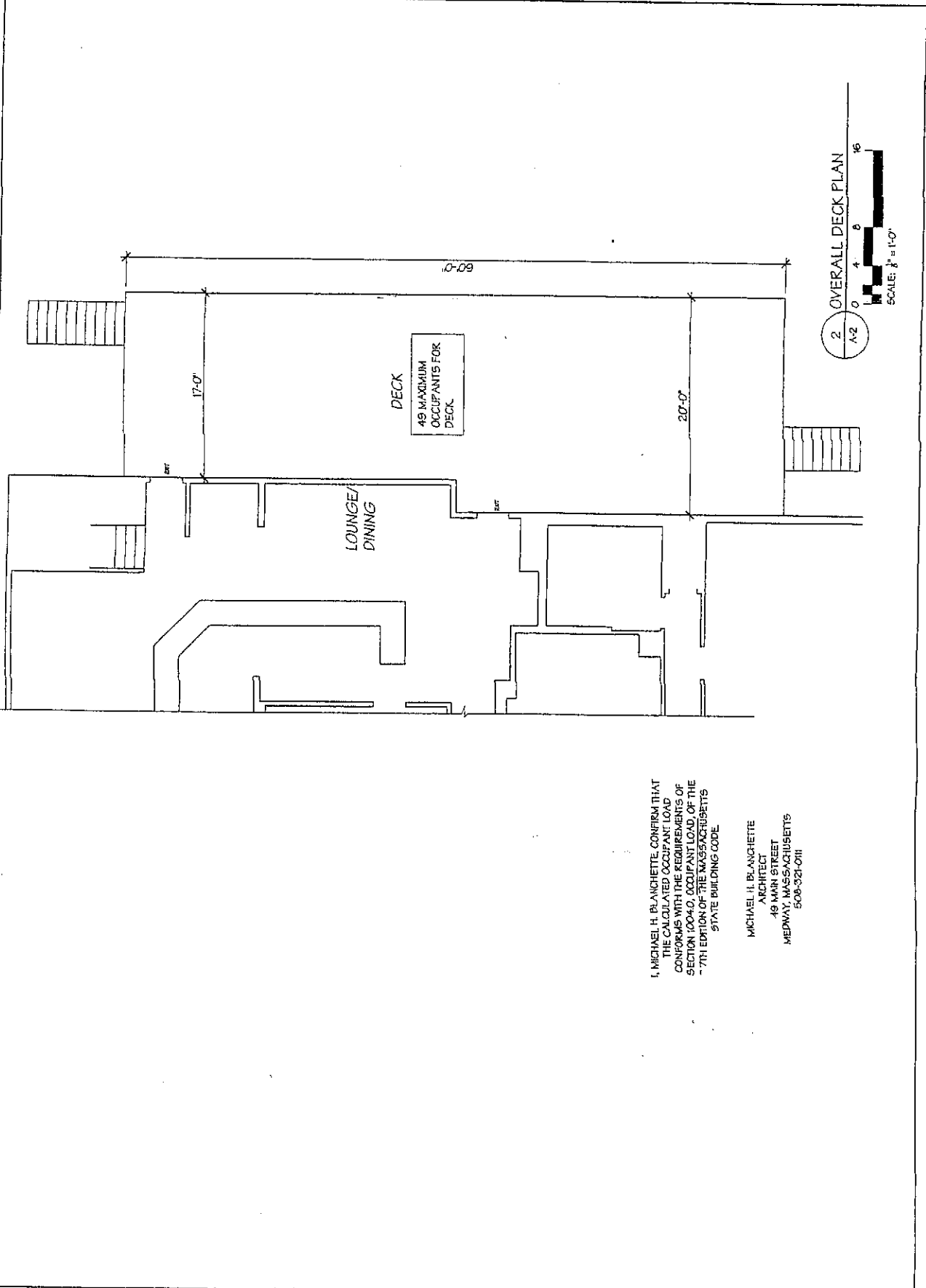
ATTACHMENT 2



RESTAURANT 45
45 MILFORD STREET
MEDWAY, MASSACHUSETTS

Michael H. Blanchette
Architect
49 Main Street
Medway, Massachusetts
508-321-0111

NO.	DATE	INTL. DESCRIPTION	REVISION



I, MICHAEL H. BLANCHETTE, CONFIRM THAT THE CALCULATED OCCUPANT LOAD CONFORMS WITH THE REQUIREMENTS OF SECTION 1004.0, OCCUPANT LOAD, OF THE 7TH EDITION OF THE MASSACHUSETTS STATE BUILDING CODE.

MICHAEL H. BLANCHETTE
ARCHITECT
49 MAIN STREET
MEDWAY, MASSACHUSETTS
508-321-0111

ATTACHMENT 3

Commonwealth of Massachusetts Town of Medway

In accordance with the Massachusetts State Building Code, Section 106.5, this

Certificate of Inspection

Issued to: Pauline Lambirth

I CERTIFY that I have inspected the premises - Use Group (A-3) known as: Restaurant 45
Located at: 45 Milford Street in the Town of Medway, County of Norfolk, and Commonwealth of
Massachusetts. The means of egress are sufficient for the following number of persons.

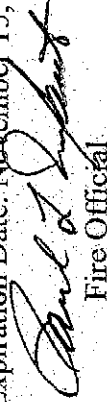
Place of Assembly:	Location:	Capacity:	Place of Assembly:	Location:	Capacity:
First Floor	Main Dining Room	100	Function Room		58
First Floor	Lounge	36	Waiting Area		20

Certificate Number 10-259

Issue Date: November 15, 2010

Expiration Date: November 15, 2011


Building Commissioner


Fire Official

POST IN A CONSPICUOUS PLACE

ATTACHMENT 4

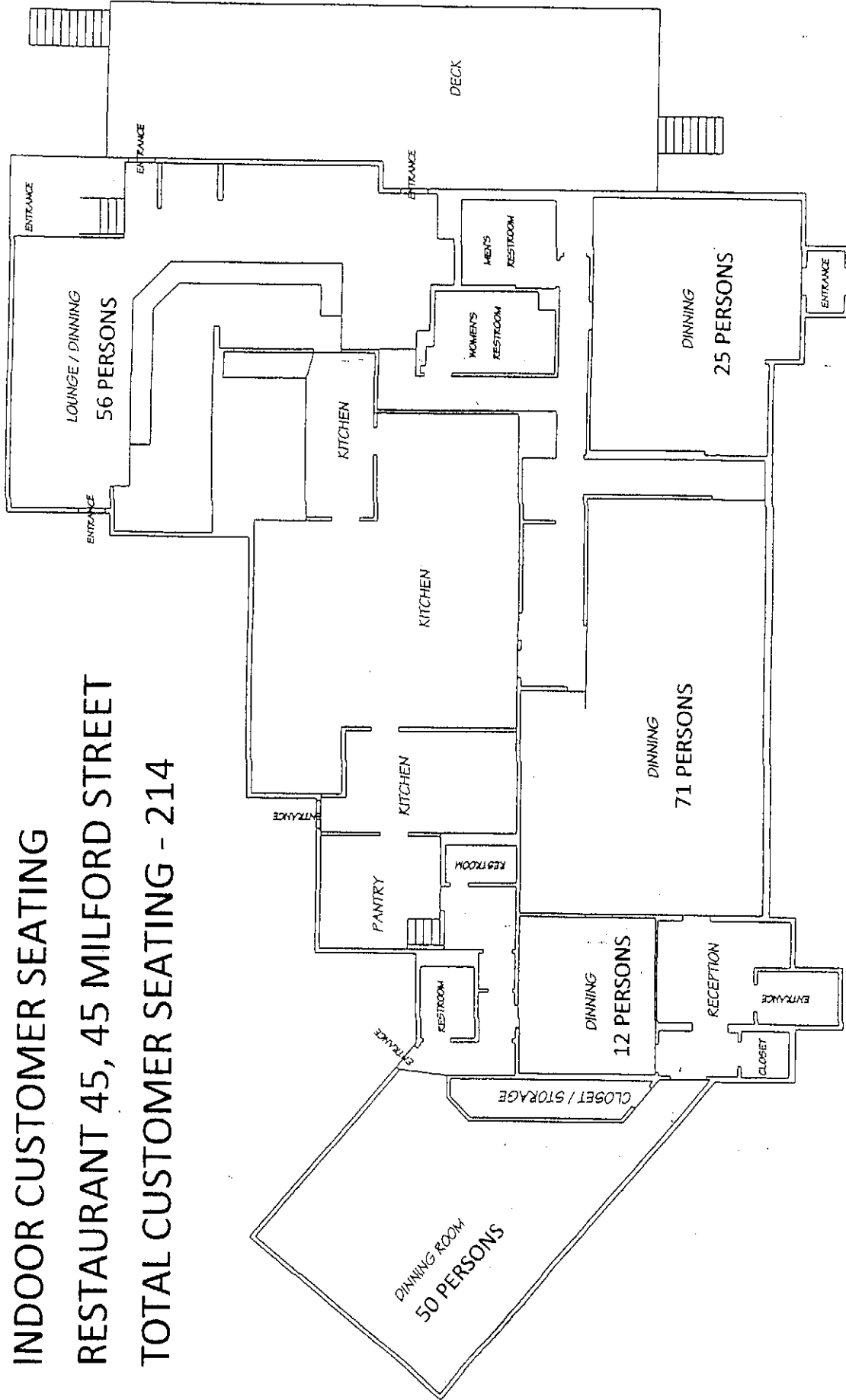
ATTACHMENT 5

PLAN A

INDOOR CUSTOMER SEATING

RESTAURANT 45, 45 MILFORD STREET

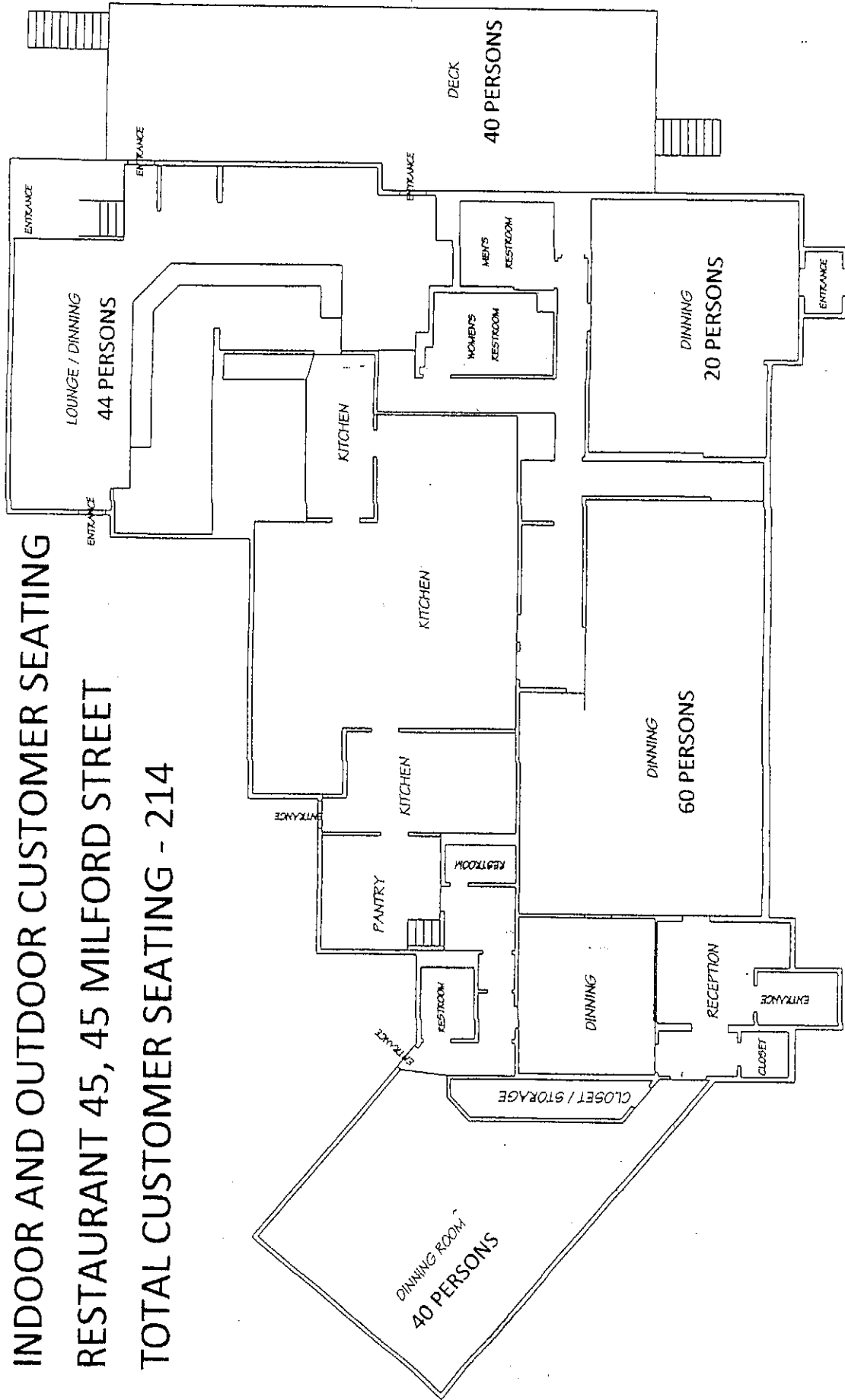
TOTAL CUSTOMER SEATING - 214

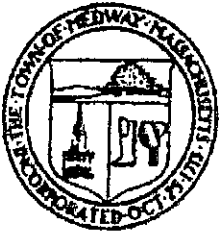


ATTACHMENT 6

PLAN B

INDOOR AND OUTDOOR CUSTOMER SEATING RESTAURANT 45, 45 MILFORD STREET TOTAL CUSTOMER SEATING - 214





TOWN OF MEDWAY
BUILDING DEPARTMENT
155 VILLAGE STREET
MEDWAY MASSACHUSETTS
PHONE 508-533-3253
FAX-508-533-3252
jemidy@townofmedway.org

June 28, 2011

Mr. Paul G. Yorkis, President
Liberty Real Estate
159 Main Street
Medway, MA. 02053

Re: 45 Milford Street

Dear Mr. Yorkis:

I am in receipt of your letter dated June 27, 2011 regarding the above referenced location. It is my understanding that the owners seek to use the outside deck area that seats 40 persons. On April 26th 2006, the Medway Planning Board approved a site plan and stipulated several conditions. Condition G. expressed the limited use of the deck as a waiting area only. Currently, the Certificate of Inspection, as issued by the Building Department has a total seating of 214 persons for the restaurant. Seating may be decreased in areas of the restaurant with the difference applied to accommodate 40 persons for the deck area. The total numbers of 214 persons cannot be increased without additional parking spaces or zoning relief. Therefore, it is my opinion that the use of the deck area for seating requires a minor modification to the conditions of the approved site plan.

Please contact me if you have any questions regarding this matter.

Respectfully,

John F. Emidy C.B.O.
Building Commissioner
Zoning Enforcement Officer

JFE

Cc: Selectmen, S. Kennedy, PEDB, file

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 2011

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 Debra Walsh
Public Office or Position: Planning Board, DRC
Address: 168 Hellaton St Phone: 508-553-8440
City or Town: Methuen, Mass

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

I realize that my relations
as a member of Planning Board
will be appearing before PRC
a "recused" Applicant

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.

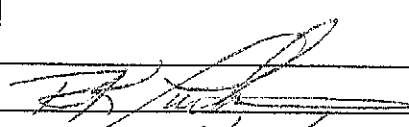
Signature: Paul Debra Walsh Date: 6/20/11

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 PLANNING BOARD
Agency/Department:	
Agency address:	
Office Phone:	
I publicly disclose the following facts (Attach additional pages if necessary):	<p>I KNOW THE CHAIRMAN, ANDY KIDENWISER IS GOING TO APPEAR BEFORE THE BOARD WITH A PROPOSED SUBDIVISION.</p> <p>I CAN REVIEW THAT WORK W/O SHOWING FAVORITISM</p>
Signature:	
Date:	6/22/11

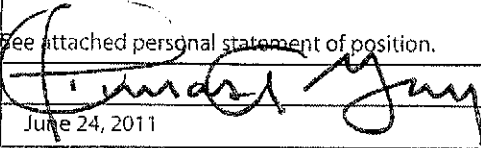
G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly 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.

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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
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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> <p>See attached personal statement of position.</p>
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.

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.

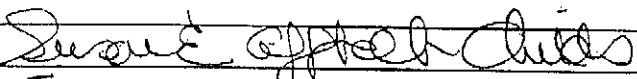
Generally speaking, my approach to performing my duties is that as soon as an application for any type of decision comes before the PEBD, the applicant becomes just that... an applicant. My position is completely neutral and stance is one of "is this good or bad for the town" as described by the rules, 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.


6-24-11

**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 I 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:	
Date:	June 20, 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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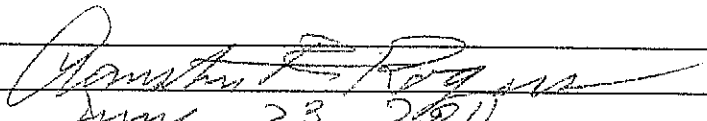
RECEIVED

JUN 20 2011

TOWN CLERK

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AS REQUIRED BY G. L.C.268A §23(b)(3)**

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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):	<p>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.</p> <p>I believe I can act fairly and without prejudice in these proceedings.</p>
Signature:	
Date:	June 23, 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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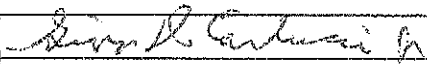
JUN 23 2011

Attach additional pages if necessary.

TOWN CLERK

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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, I 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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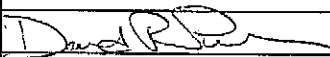
Attach additional pages if necessary.

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. Pellegrì
Title or Position:	Civil Engineer Technical Consultant for the town of Medway
Agency/Department:	Tetra Tech
Agency address:	1 Grant Street Framingham, 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.

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.

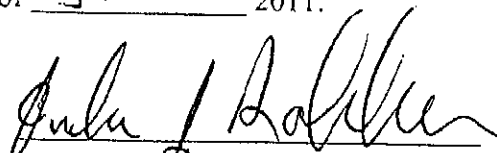
Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 104 Fisher St. Medway MA

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 Jun 2011.

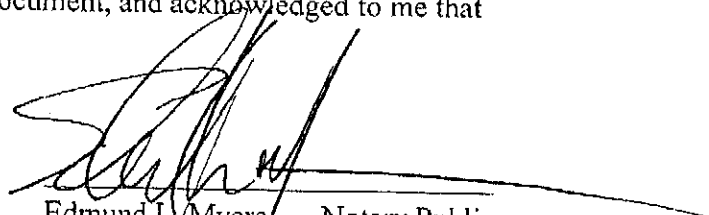

Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Date:

On this 22 day of Jun, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by Drew King, 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

43D Expedited Permitting Grant Report - 6/22/2011

43D GRANT AMOUNT = \$148,850

Approved Grant Budget	*Expenditures thru 6-22-2011
UNEXPENDED BALANCE	

TASK 1

**Planning Consulting Services
(Vendor - PGC Associates/Gino Carlucci)**

A.	Review Existing Rules and Regs	\$ 2,500.00	\$ 2,500.00
B.	Convene DRCC Meetings	\$ 900.00	\$ 450.00
C.	Follow-up Meetings with Boards, Committees and Departments	\$ 1,875.00	\$ 1,480.00
D.	Prepare PDS Rules & Regs	\$ 4,000.00	\$ 3,750.00
E.	Prepare Application Package	\$ 3,500.00	\$ 2,900.00
F.	Review and Update Medway Development Handbook	\$ 1,500.00	\$ 1,500.00
G.	Identify other potential PDS sites	\$ 500.00	\$ 500.00
	Total Task 1	\$ 14,775.00	\$ 13,080.00

TASK 2

**Technology Consulting Services
(Vendor - Infamation Networks/Kevin Wittman)**

A.	Review and Evaluate Permit Tracking Software	\$ 4,500.00	\$ 10,970.00
B.	Develop Electronic Versions of Application Forms	\$ 24,000.00	\$ -
C.	Update Town Web site	\$ 12,000.00	\$ -
D.	Determine Hardware & Software Needs	\$ 4,000.00	\$ 490.00
E.	Implementation of and Training for New Software	\$ 2,000.00	\$ -
	Total Task 2	\$ 46,500.00	\$ 11,460.00

\$ 35,040.00

Approved Grant Budget *Expenditures thru 6-22-2011 UNEXPENDED BALANCE

TASK 3 Purchase and Install Hardware and Software

A.		Prepare Bid/Proposal Packages - Inframation Networks/Kevin Wittman	\$	2,000.00	\$	-	
B.		Select Vendors, Award Contracts and Complete Installation					
B1		Permitting Software plus training, conversions, project mgmt, etc. (Tyler Technologies)	\$	50,000.00	\$	66,880.87	
B2		Server Hardware & Licenses (2)	\$	10,000.00	\$	10,518.00	
B3		Workstation hardware plus field hardware for Building Dept & various inspectors	\$	12,900.00	\$	-	
B4		Public Presentation Equipment in Sanford Hall to link to public access/Cable TV	\$	4,825.00	\$	-	
B5		Printer	\$	-	\$	-	
		Large scale scanner	\$	-	\$	3,840.00	
B6		Larger scale plotter	\$	3,000.00	\$	4,963.00	
B7		Laptop Computer (mac) and Design Software for DRC	\$	-	\$	3,242.60	
B8		Installation/system integration/setup - Inframation Networks*	\$	1,200.00	\$	-	
B9		Other Miscellaneous Software)*	\$	2,650.00	\$	-	
		Firebox Firewall*	\$	1,000.00	\$	-	
		Power supplies, switches & cables, tapes	\$	-	\$	529.00	
		Total Task 3	\$	87,575.00	\$	89,973.47	(2,398.47)

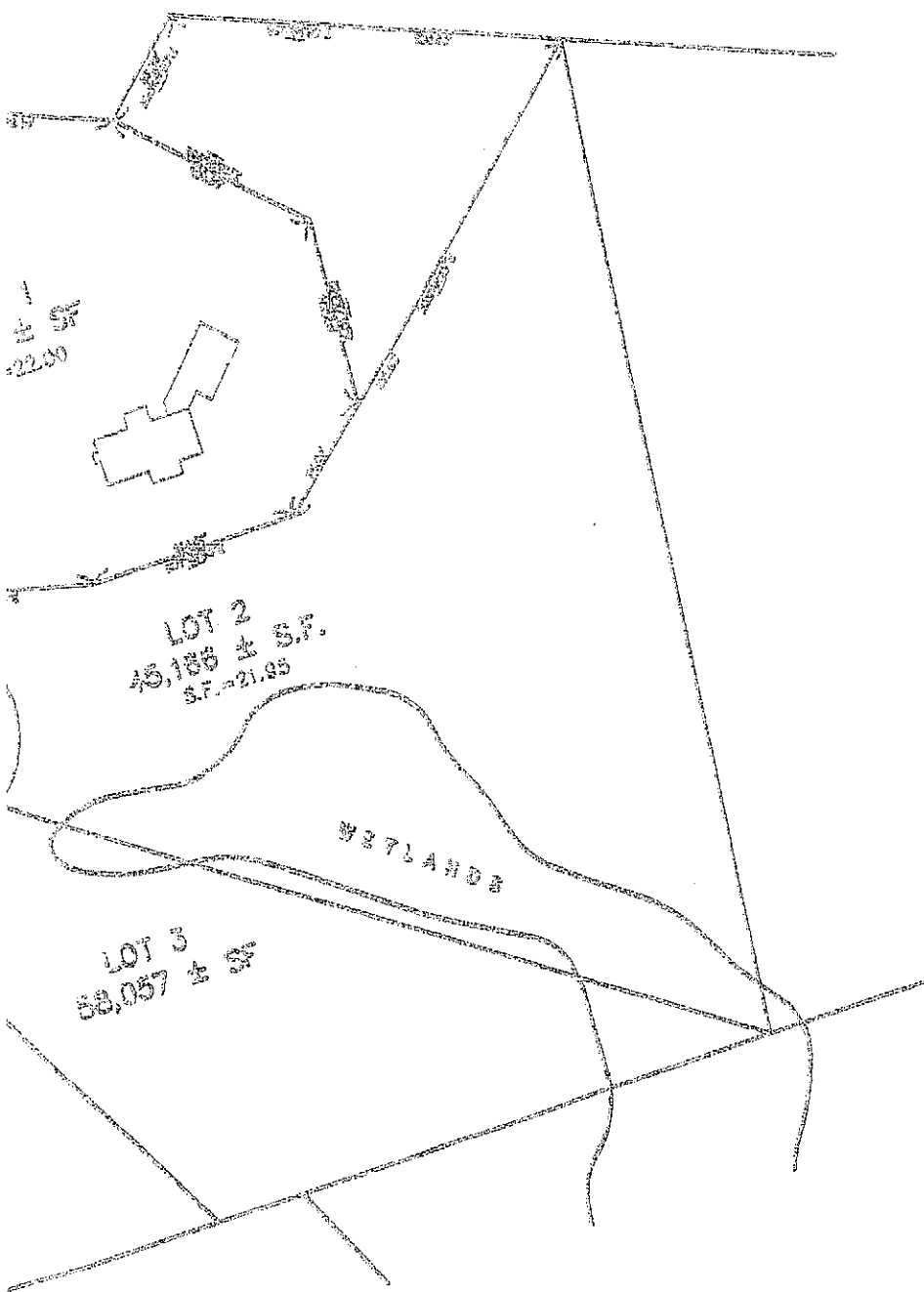
OTHER EXPENSES

Legal Expenses/Petrini Associates (for contract reviews) \$ - \$ 1,452.50

Miscellaneous \$ - \$ 1,452.50

TOTAL \$ **148,850.00** \$ **115,965.97** \$ **32,884.03**

BALANCE - 6/22/2011 (per sac records) \$ \$ \$ **32,884.03**



8.9 acre parcel

Concept plan
 this was drawn for
 the bank

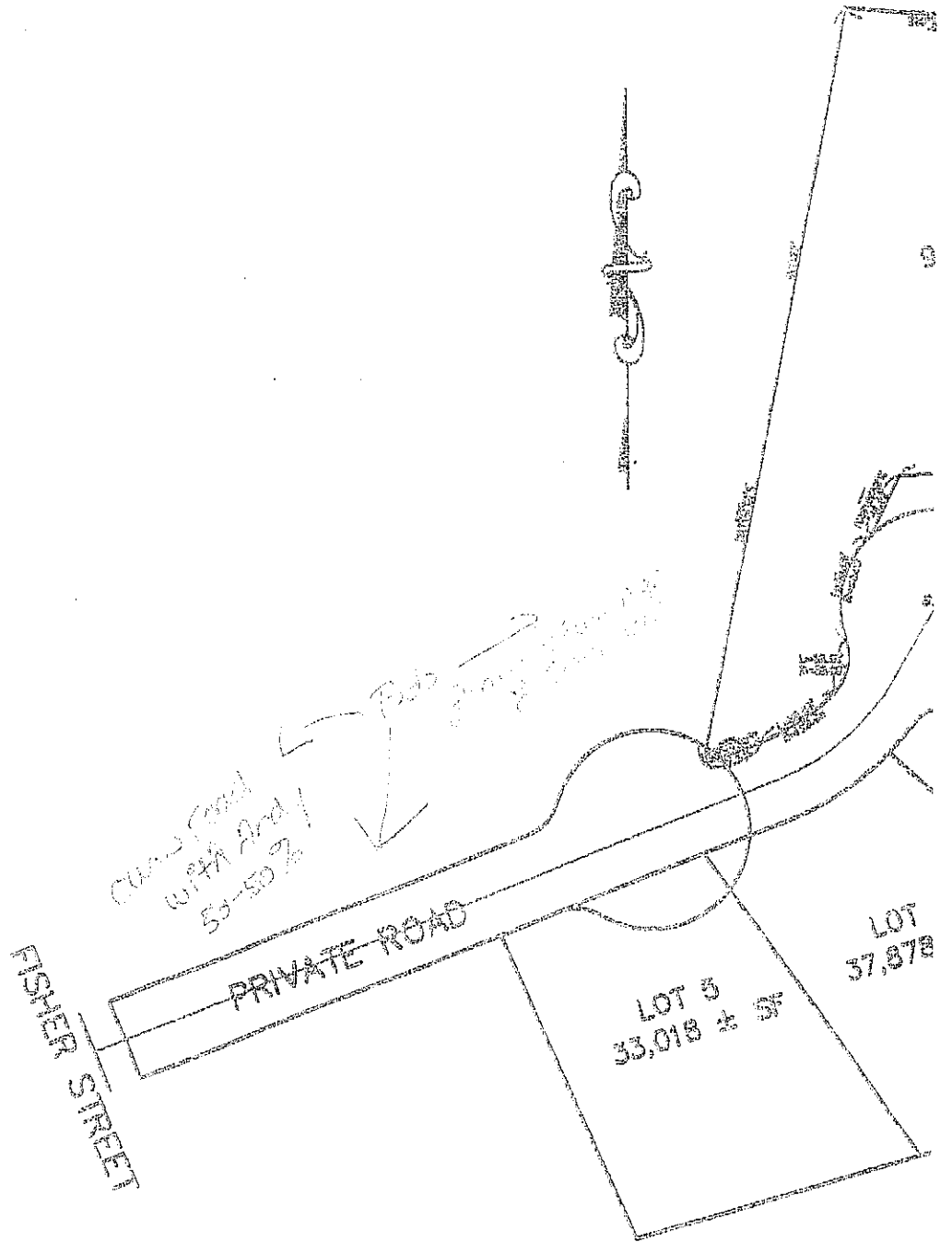
RECEIVED
 JUN 08 2011

TOWN OF MEDWAY
 PLANNING BOARD

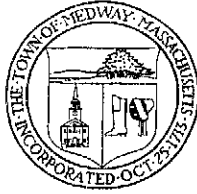
ENGINEERING
 CONSULTANTS, INC.
 ORANGE STREET
 MASSACHUSETTS 01748
 Tel: (508) 448-7140

CONCEPTUAL LAYOUT CLUSTER
 104 FISHER STREET
 MEDWAY, MASSACHUSETTS
 PREPARED FOR
 ANDY ROOENISER
 104 FISHER STREET

MAP No.
 1111
 DATE
 Apr. 22, 2011
 PLAN No.
 SHEET No.
 1 of 1



REVISIONS				FIELD
No.	DATE	DESCRIPTION	DES. ORAL	DESIGN BY:
				DRAWN BY:
				CHECKED BY:



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

June 20, 2011

TO: Planning & Economic Development Board Members
 FROM: Susy Affleck-Childs
 RE: Board/Committee Liaisons

We need to consider PEDB membership and PEDB liaison assignments with other Town boards and committees. Please review the list below and be prepared to discuss at the 6/28/2011 PEDB meeting.

Presently Assigned

FY 12

The PEDB has official representation on the following committees:

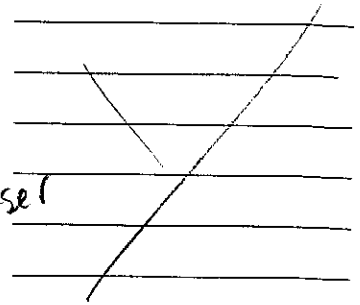
Community Preservation Committee	Bob Tucker	_____
Design Review Committee	Karyl Spiller-Walsh	_____
Street Naming Committee	Susy Affleck-Childs	_____
Economic Development Committee	Andy Rodenhiser	_____
Town Facilities Study Committee	Tom Gay	Tom Gay

Board/Committee Liaisons

Affordable Housing Committee & Trust	Susy Affleck-Childs	_____
Board of Assessors	Andy Rodenhiser	_____
Board of Health	Andy Rodenhiser	_____
Board of Water/Sewer Commissioners	Chan Rogers	_____
Capital Improvements Planning	Chan Rogers	_____
Conservation Commission	Bob Tucker	_____
Disability Commission	Susy Affleck-Childs	_____
Energy Committee	Susy Affleck-Childs	_____
FinCom	Andy Rodenhiser	_____
GIS Task Force	Tom Gay	_____
Historical Commission	Vacant	_____
Medway Business Council	Andy Rodenhiser	_____
Medway 300 th Anniversary	Vacant	_____

Open Space Committee
Route 109 Reconstruction
SWAP
Town Administrator/Board of Selectmen
ZBA
2B Oak Street/Thayer House Committee

Karyl Spiller-Walsh
Chan Rogers
Chan Rogers
Andy Rodenhiser
~~Andy Rodenhiser~~ Andy Rodenhiser
Karyl Spiller-Walsh



Done