

**March 30, 2011
Medway Planning and Economic Development Board
Medway Senior Center, 76 Oakland Street
Medway, MA**

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

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susan Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates Planning Consultant
Thomas Valkevich, attorney for Beth McDonald
John Claffey, Charles River Village LLC

The Chairman opened the meeting at 7:05 pm.

The Chairman asked for any citizen comments. There were no citizen comments.

Susy Affleck-Childs distributed the new informational post card from the Medway Community Farm at 50 Winthrop Street. She also distributed the PowerPoint presentation from the March 28, 2011 Oak Grove Public Forum.

Deliberations on the Charles River Village OSRD and Affordable Housing Special Permit

The Board reviewed the revised draft decision dated March 29, 2011. **(See Attached)**.

Ms. Affleck-Childs reviewed the various changes with the Board. Text to be eliminated is shown with ~~strikethroughs~~. New text is highlighted in grey.

The Board reviewed the **GENERAL FINDINGS** section (pages 6 – 12).

Item 10 (j) on page 11 will be revised to indicate that the 18 foot wide one way loop road within the development will be adequate for on-street parking.

A motion was made by Chan Rogers, and seconded by Bob Tucker to approve the **GENERAL FINDINGS** (pages 6 – 12) as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **AFFORDABLE HOUSING FINDINGS** section (page 12)

A motion was made by Bob Tucker, seconded by Chan Rogers to approve the AFFORDABLE HOUSING FINDINGS (page 12) as presented. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **ADDITIONAL FINDINGS** section (pages 12 & 13)

In the third paragraph under *Question #1 – Is access to the site adequate?*, the text will be revised to insert “*of the*” between standards and American Association.

A motion was made by Chan Rogers, seconded by Bob Tucker, to approve the ADDITIONAL FINDINGS (pages 12 & 13) as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

The Board reviewed the **WAIVERS TO SUBDIVISION RULES AND REGULATIONS** section (pages 13 – 18).

On page 17, in the text regarding Section 7.9.6, the text will be corrected so that “*vehicles have access*”.

The Board reviewed the **CONDITIONS** section (pages 19 – 26).

Considerable discussion took place regarding Condition 3. d) 1) and the language that the applicant will have to provide (during the definitive plan phase) building elevations for 2 sides of the structures instead of all 4 sides as had been recommended by the Design Review Committee.

Member Spiller-Walsh argued in favor of requiring building elevations of all 4 sides of each models as some of them will be able to be viewed from the back. She noted that the PEDB had required this with other OSRD projects. She was opposed to going against the DRC’s recommendation.

A motion was made by Karyl Spiller-Walsh to change the text of this condition so that building elevations would have to be provided for 4 sides instead of 2 sides. The motion was not seconded and died.

After further discussion, it was decided that Condition 3. D) 1) will be revised to read: “. . . *proposed materials and color palette*” The word “*specifics*” is removed.

Condition 3. f) will be revised to read: “*The Landscape Plan, proposed materials and color palette, and any building elevation designs . . .*”.

Condition 4. 3) will be revised to read: “. . . *access and use easement over the Neelon Lane extension . . .*” Susy Affleck-Childs will check with Town Counsel to work out exact language.

Condition 6. g) 4) will be revised to adjust the spacing/justification of the text.

Condition 11. will be revised to eliminate the text: “*As there is very limited room for on-street parking*”.

Condition 12. B) will be revised for the condition to be applicable to the “2nd” dwelling unit in the development.

Condition 18. Protection of Abutting Properties During Construction is eliminated and the remaining conditions 19 – 23 are renumbered accordingly to 18 – 22.

New Condition 13. Restriction on Construction Activities is revised as follows: Eliminate “Prior to any blasting” and note that the list of requirements be specified as “*including but not limited to*”. The text should reference that any required state and local permits must be obtained before blasting.

Susy Affleck-Childs suggested the Board consider another Condition regarding the existing trees in or adjacent to Neelon Lane. This could address what to do if the trees were damaged or removed during the reconstruction of Neelon Lane. The developer would be required to mitigate that loss by planting new trees.

Consultant Gino Carlucci noted it is important to try to save the trees. He suggested the Decision be further revised to require the developer, during the definitive plan process, to include an evaluation of the status of the trees and an identification of ways to preserve or mitigate against their loss. This could be added as a new item in Condition 3. d)

The Board concurred with this approach.

A motion was made by Bob Tucker, seconded by Chan Rogers, to grant an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Charles River Village LLC and to approve the Charles River Village OSRD Concept Plan prepared by Faist Engineering and O’Driscoll Land Surveying dated July 28, 201, last revised December 30, 2010 to be further revised as described in the Decision, to develop a thirteen unit OSRD including 2 affordable dwelling units, subject to the decision’s Conditions and Limitations as amended during the course of the meeting. The motion was approved by a vote of 4 in favor (Rodenhiser, Gay, Tucker and Rogers) and 1 opposed (Spiller-Walsh).

Susy Affleck-Childs noted that the Decision would be finalized and filed with the Town Clerk on March 31st or April 1st.

Public Hearing Continuation – Proposed Amendments to the Medway Zoning Bylaw

The Chairman asked if there were any additional comments. No one from the public was in attendance.

A motion was made by Chan Rogers, seconded by Karyl Walsh, to close the public hearing. The motion was unanimously approved.

Board Deliberations on Proposed Zoning Bylaw Amendments

OSRD Bylaw (See Attached.)

Member Spiller-Walsh expressed her disappointment that the proposed revised language changes the existing requirement for a landscape architect to conduct the 4 step design process. She feels this is a step backwards.

Other members noted that the proposed amendment requires a landscape architect to be included in the 4 step design process but that others can be involved as well.

Member Spiller-Walsh indicated that there needs to be dialogue about what is supposed to happen in the pre application phase of an OSRD. She feels the site analysis needs to occur earlier on. She feels these changes do not reflect the purposes of the OSRD bylaw. She stated she is not comfortable with having the bonus units.

NOTE – Bob Tucker leaves at 9:30 p.m.

In Paragraph 8. Item e), it was decided that detached accessory buildings such as garages “*up to 2 bays and 1 story*” or sheds “*of a size not requiring a building permit*” shall not be considered in calculating distances between buildings.

In Paragraph 10. item j), it was decided to further amend the text to specify that the three required off street parking spaces could include garage spaces.

A motion was made by Chan Rogers, seconded by Tom Gay to recommend approval of the proposed OSRD bylaw changes, as further amended as noted above. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Sign Regulation (See Attached.)

The Board decided in Paragraph 6, item t) to specify that signs using LED for internal illumination would be prohibited.

A motion was made by Tom Gay, seconded by Chan Rogers, to recommend approval of the proposed Sign Regulations changes, as further amended as noted above. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Amend Zoning Map for Commercial III (See Attached).

A motion was made by Tom Gay, seconded by Karyl Spiller-Walsh, to recommend approval of the proposed changes to the Medway Zoning Map pertaining to the Commercial III zoning district as presented. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Adaptive Use Overlay District (AUOD) (See Attached)

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers, to recommend approval of the proposed changes to the Adaptive Use Overlay District provisions as presented. The motion was approved 4 in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Karyl Spiller-Walsh) and 0 opposed.

Adjourn:

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

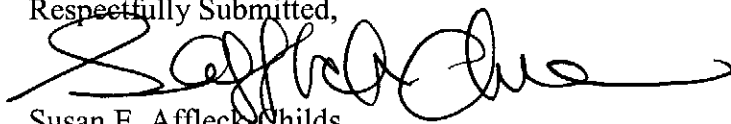
Future Meetings:

The next meetings scheduled are:

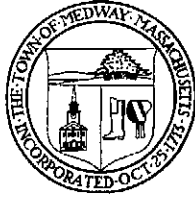
- Oak Grove Public Forums – Monday April 11, 2011 at 7:00 pm – Medway Public Library
- Regular PEDB Meeting April 12 & 26, 2011
- 2011 Annual Town Meeting – originally scheduled for Monday, May 9, 2011- changed to June 13, 2011.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291

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

Revised Draft – March 29, 2011

PLANNING & ECONOMIC DEVELOPMENT BOARD DECISION

Charles River Village

Open Space Residential Development (OSRD) Special Permit – _____
Open Space Residential Development (OSRD) Concept Plan – _____
Affordable Housing Special Permit - _____

Name/Address of Applicant: Charles River Village, LLC
Mr. John Claffey
PO Box 1
Medway, MA 02053

Name/Address of Property Owner: Michael Acquafresca & Carol Supenor
Executrix of Helen Grudzinkas
71 A Timrod Drive
Worcester, MA 01603

Official Representative: Patriot Real Estate
159 Main Street
Medway, MA 02053

Engineer: Faist Engineering, Inc.
600 Charlton Street
Southbridge, MA 01550

Land Surveyor: O'Driscoll Land Surveying, Co.
46 Cottage Street
Medway, MA 02053

Landscape Architect: Lowell Robinson, A.S.L.A.
92 Seekonk Street
Norfolk, MA 02056-1113

Landscape Architect: W. Philip Barlow, A.S.L.A.
TO DESIGN, LLC
114 West Main Street
New Britain, CT

Plan Dated: July 28, 2010, last revised December 30, 2010

Location: 6 Neelon Lane

Assessors' Reference: Map 1-7, parcel 1D/33

Zoning District: AR-II

Purpose:

To construct a 13 dwelling unit, cottage style residential community

PROJECT DESCRIPTION

The subject property is a 7.61 acre site at the end of Neelon Lane adjacent to the Charles River. The proposal is for a 13 unit, detached single family home residential condominium community to be known as Charles River Village on Parcel A (3.43 acres) including 2 affordable dwelling units and 4.18 acres of protected open space accessible to the general public (Parcel B). Vehicular access to the site is proposed from the end of Neelon Lane (off of the south side of Village Street, a Medway Scenic Road).

The applicant plans to upgrade the entire existing length of Neelon Lane to a full-depth, 18' paved width and construct a 150' long southerly extension of Neelon Lane including a turnaround at the end. From the "new" end of Neelon Lane at the turnaround, the proposal is to construct approximately 600 additional linear feet of an 18' wide, private roadway to access the 13 dwellings. Within the roadway loop serving dwelling units 6 – 12, the road will be one way only. Connections to Town sewer and water and the installation of two fire hydrants are also planned along with emergency access/egress and a sidewalk to Cherokee Lane.

PROCEDURAL BACKGROUND

In accordance with the provisions of Section V., Sub-Section T. and X. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws, an application dated July 28, 2010 for an Open Space Residential Development (OSRD) special permit was filed by Charles River Village, LLC with the Planning and Economic Development Board and the Town Clerk on July 28, 2010. The companion application for an Affordable Housing Special Permit was submitted on September 7, 2010.

The public hearing was scheduled to begin on August 24, 2010, at which time comments would be received from the general public, municipal boards and/or departments and the Planning and Economic Development Board's consultants. The public hearing noticed was filed with the Medway Town Clerk on August 2, 2010 and posted to the Town of Medway web site on the same day. The public hearing notice was published in the *Milford Daily News* on August 9, 2010 and August 17, 2010. Notices were sent by certified mail to parties of interest and the Planning Boards of all adjacent towns on August 2, 2010. .

On August 2, 2010, a transmittal memo from the Planning and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on August 24, 2010 and requested comments by that date.

On August 24, 2010 the public hearing was convened and continued to September 28, 2010. Subsequent to the August 24th public hearing, it was discovered that the video recording equipment in the meeting room did not function properly during the August 24th meeting and consequently no videotape of the session was produced. This was particularly problematic as one of the members of the Planning and Economic Development Board could not attend the August 24, 2010 public hearing and therefore would not be able to participate in the review and vote on this project because there was no videotape to view. On August 30, the Board informed the applicant of the problem; On September 7, 2010, the applicant notified the Board that he was withdrawing the application and wished to refile and start the public hearing process anew. The "new" public hearing was scheduled for September 28, 2010. The notice for the "new" public hearing was filed with the Medway Town Clerk on September 8, 2010 and posted to the Town of Medway web site on the same date. Notices of the public hearing were published in the *Milford Daily News* on September 13 and 21, 2010. Notices regarding the "new" public hearing were sent by certified mail sent to parties of interest and the Planning Boards of all adjacent towns on September 9, 2010.

The Planning and Economic Development Board convened the "new" public hearing in the Sanford Room of Town Hall. The public hearing was continued to October 12, 2010, November 9 & 16, 2010, December 14, 2010, January 11, 2011 and February 8, 2011, at which time the public hearing was closed. A site walk

was conducted on September 9, 2011. At the public hearings, comments were received from abutters and their representatives, municipal boards and/or departments, PGC Associates (the Town's planning consultant), Tetra Tech Rizzo (the Town's consulting engineer), the applicant, and members of the applicant's development team. All persons in attendance were provided the opportunity to comment and present evidence.

All members voting on this Special Permit were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

EXHIBITS – PLANS and DOCUMENTS - The following exhibits were submitted for the Board's review and deliberations.

The **Application Package** consisted of:

- An application and related materials dated July 28, 2010 for an OSRD and affordable housing special permits;
- A plan entitled "Charles River Village" – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated July 28, 2010 prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA.
- OSRD Project Narrative dated July 28, 2010 prepared by Paul Yorkis, Patriot Real Estate.
- Yield Plan Summary "Charles River Village", dated July 28, 2010 prepared by Faist Engineering
- Description of Easements and Agreement.
- Development Impact Report – Form F dated July 28, 2010 prepared by Faist Engineering.
- Form F Addendum – Utilities and Municipal Services
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated July 28, 2010.
- Assessor's Locus Map
- "Charles River Village" Special Permit – Concept Plans, Open Space Residential Development (OSRD) dated July 28, 2010

Subsequent to the application package, the applicant submitted the following additional items.

- A letter from Dan O'Driscoll, O'Driscoll Land Surveying Co., dated October 20, 2010.
- Charles River Village Special Permit Concept Plan - revised date September 24, 2010
- Charles River Village Special Permit Concept Plan - revised date December 30, 2010
- Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering, dated October 29, 2010
- A letter dated January 7, 2011 with supplemental documents from Attorney Donald Quinn
- Memo and associated documents from Brian Beisel, Conley Associates, dated September 2, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated September 21, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated November 4, 2010.
- REVISED Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering revised date December 29, 2010.

PUBLIC HEARING TESTIMONY & EVIDENCE

Other Information/Evidence

- Minutes from the January 26, 2010 Planning and Economic Development Board.
- Planning Board decision of September 26, 2011 for Charles River Acres OSRD Special Permit – Granted, OSRD Concept Plan – Approved

- Minutes from March 23, 2010 Planning and Economic Development Board.
- A letter from Paul Atwood, PLS, Guerriere & Halnon, Inc., dated November 12, 2010.
- Report of September 9, 2010 Site Visit by Medway Planning and Economic Development Board
- Applicant's PowerPoint presentation at public hearing dated September 28, 2010.
- A letter from Paul Yorkis to Medway Town Clerk Maryjane White, dated September 29, 2010. (public disclosure)
- An email from Paul Yorkis, official representative of the applicant, dated December 9, 2010.
- A letter dated December 10, 2010 and attached plan "Assessor's Map Density Estimate - Charles River Village" dated December 8, 2010. prepared by Faist Engineering
- Medway Town Clerk - Certification dated August 9, 2010 that Neelon Lane is an accepted street
- Medway Town Clerk - Certification dated August 24, 2010 that Neelon Lane is on list of accepted streets
- Approval Not Required Plan of Land, dated November 6, 1959, pertaining to the division of land owned by William S. McDonald at 221 Village Street
- A series of deeds pertaining to the history of conveyances of 6 Neelon Lane
- Medway Town Clerk certification of transcription of minutes from the April 6, 1863 Medway Town Meeting (received August 12, 2010)
- A copy of the Town of Medway Assessor's Field Card for Map 1D, Parcel 33.
- Minutes from a 12/3/2010 meeting of the applicant and its development team with Tetra Tech Rizzo, abutter Beth McDonald and staff from Guerriere and Halnon, prepared by David Pellegrini of Tetra Tech Rizzo, dated December 14, 2010.
- Certification of the Mullin Rule, member Thomas Gay, dated January 20, 2011.
- Certification of the Mullin Rule, member Robert Tucker, dated January 25, 2011.
- Certification of the Mullin Rule, member Karyl Spiller-Walsh, dated February 14, 2011.

Written Comments/Review Letters – Medway Municipal Departments/Boards/Committees & Consultants

- Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 3, 2010 (for application completeness) and August 17, 2010.
- Sergeant Jeffrey Watson, Medway Police Department – Review memo dated November 16, 2010
- Medway Open Space Committee – Review letter dated September 14, 2010
- Medway Design Review Committee – Review letter dated September 17, 2010
- Medway Fire Department – Email memorandum on behalf of Chief Paul Trufant, dated November 16, 2010
- Medway Department of Public Works – A letter dated August 24, 2010
- A letter from Robert Daylor, Tetra Tech Rizzo dated December 10, 2010.
- A letter from Robert Daylor, Tetra Tech Rizzo dated February 4, 2011.
- Medway Conservation Commission – A letter dated February 24, 2011
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 8, 2010.
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 15, 2010.

Professional Commentary

- David Faist, P.E., Faist Engineering, Southbridge, MA
- Gino Carlucci, A.I.C.P., PGC Associates, Franklin, MA
- Dave Pellegrini, P.E. Tetra Tech Rizzo, Framingham, MA
- Daniel A. O'Driscoll, PLS, O'Driscoll Land Surveying, Medway, MA.
- Attorney at Law, Thomas J. Valkevich, Saugus, MA.
- Robert Daylor, P.E., PLS, Senior Vice President, Tetra Tech Rizzo, Framingham, MA.
- Paul Atwood, PLS, Guerriere & Halnon, Franklin, MA.
- Lowell Robinson, A.S.L.A.
- W. Philip Barlow, A.S.L.A.
- John Sarkis, Sarkis Development and member of West Newbury, MA Planning Board

Applicant Commentary

- John Claffey, Charles River Village LLC, Medway, MA

Citizen Commentary

- Abutter, Beth McDonald, 6 Neelon Lane, Medway, MA.
- Abutter, Richard & Susan DiIulio, 7 Massasoit Street, Medway, MA.
- Abutter, Marielainia Kaplan, 221 Village Street, Medway, MA.
- Abutter, Peter and Michelle Newell, 2 Neelon Lane, Medway, MA.
- Abutter, Ken Bancewicz, 223 Village Street, Medway, MA.
- Abutter, Joanne Kramer, 231 Village Street, Medway, MA.

Written Testimony from Abutters

- A letter with photographs from abutter Joanne Kramer, 231 Village Street, dated October 12, 2010 and November 15, 2010.
- A letter from the Charles River Neighborhood Alliance dated November 16, 2010.
- A letter and photographs from abutter Peter and Michelle Newell, 2 Neelon Lane, dated October 12, 2010 and November 21, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated November 15, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated February 8, 2011.
- A letter from Charles River Neighborhood Alliance dated January 27, 2011
- A letter with photographs from abutter Richard and Susan DiIulio, 7 Massasoit ST, dated November 15, 2011.

Professional Written Comments

- A letter from Attorney Thomas J. Valkevich, dated August 24, 2010,
- A letter from Attorney Thomas J. Valkevich, dated September 28, 2010
- A letter from Attorney Thomas J. Valkevich dated November 16, 2010.
- A letter from Guerriere & Halnon dated November 16, 2010.
- A letter from John T. Gillon, PE, Gillon Associates dated November 16, 2010.
- A letter from Attorney Thomas J. Valkevich dated December 14, 2010.
- An email from Attorney Thomas J. Valkevich dated January 10, 2010.
- A letter from Attorney Thomas J. Valkevich dated January 31, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 3, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 8, 2011.

FINDINGS

To make its findings, decision and conditions of approval, the Planning and Economic Development Board, hereafter referred to as the Board, reviewed the proposed plan, dated July 28, 2010 as last revised December 30, 2010 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and analyzed the general purpose of the OSRD and Affordable Housing provisions of the Medway Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits

- A. After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, and in light of the conditions imposed as part of this decision, the Board, on _____, made the following **GENERAL FINDINGS**, as conditioned by this decision, regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Medway Zoning Bylaw:

1. Purpose and Intent – The Board finds that the proposed Charles River Village OSRD as conditioned by this decision meets the Purpose and Intent of Subsection T.1 of the Zoning Bylaw in that the development:
 - a) Uses flexibility and creativity in its design as a more compact development;
 - b) ~~Protects community water supplies by protecting the riparian zone of Hopping Brook;~~
 - b) Minimizes disturbance on the site by limiting it to less than 3.5 acres;
 - c) Permanently preserves 4.18 acres of open space including property along the Charles River;
 - d) Uses land more efficiently in its compact design;
 - e) Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;
 - f) Facilitates construction and maintenance of housing, streets, utilities and public service by developing the site in a more compact style and providing private maintenance of roadways and infrastructure.
 - g) Preserves and enhances community character by preserving open space;
 - h) Does not protect agricultural land because none is present on or adjacent to the site;
 - i) Protects real property values by providing buffers to adjacent property;
 - j) Provides housing types (single family detached condominiums) that increase the diversity of the community's housing stock, plus two affordable units will be provided.
2. Site Eligibility – The Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development. The tract size of 7.63 acres is acceptable as this parcel abuts the Charles River.
3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on July 28, 2010.
4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the January 26, 2010 Planning and Economic Development Board meeting. A site visit took place on September 9, 2010.
5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architects Lowell Robinson of Norfolk, MA and W. Phillips Barlow of TO Design, LLC of New Britain, CT was retained to function as part of the applicant's development team. Mr. Robinson and Mr. Barlow are registered landscape architects in the Commonwealth of Massachusetts. The four-step design process is documented in that a Registered Landscape Architect was part of the design team and a Site Context and Analysis Plan identified the sensitive natural resources on the site. House and road locations were then kept away from the resources. Step 4 was not necessary in this case because it is condominium development with no lot lines.
6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to Town boards/departments for review and comment. Additionally, the application was reviewed by the Town's planning consultant.
7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 11 units. However, since two affordable units are being provided

pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to two additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 13. The applicant proposes to construct thirteen single family residences on one lot. The Planning and Economic Development Board finds that the construction of thirteen dwelling units complies with this requirement.

8. Reduction of Dimensional Requirements – The Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because the project is proposed as a condominium project as allowed under Section T.2 (c) of the Zoning Bylaw and no individual subdivision lots are created.

- (e) *Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.*

The plans as revised through December 30, 2010, demonstrate that a distance of at least 30 feet between structures is achieved. However, no landscape buffer between houses is shown on the plans. Therefore, this requirement is met through Condition 3. d) 3) herein that requires such a landscape buffer to be included on a Landscape Plan incorporated into the definitive plan.

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

RE: setback of garage doors - There are 11 garages shown on the Concept Plan (2 of the 13 units are shown with no garages). Of those, 10 are 2-car garages and one is a 1-car garage. Regarding the 5-foot setback, Units 8 and 10 do not meet the setback requirement. The Board hereby waives the requirement for garages to be set back 5 feet from the front wall of the principal building for a maximum of 2 of the dwelling units in order to allow for some diversity of housing styles within the development. However, as we need to require the 2 affordable units to also have garages, the Board needs to decide whether it will waive this 5' setback standard for those garages as well.

RE: location of garage doors vis-à-vis the street - Assuming that each garage space will have an individual door, there will be 21 garage doors within the development as presently proposed. The garage doors of Units 1, 7, 8, 9 and 10 clearly face the street for a total of 9 out of 21 doors. Units 2 and 3 are functionally (though not technically) on a "corner" since the garage facades are at a 90-degree angle from the house facades. The garages for Unit 11 and 13 clearly do not face the street. The Unit 5 garage and house face what is essentially a common driveway that serves only Units 4 and 5. Unit 4 is similar, but is more a borderline case. The house clearly faces the main access road for the development that everyone will use. However, the garage is accessed from, and faces, the common driveway and not the main access road. Therefore, 9 out of 21 garage doors is less than 50% and the Board finds that this criterion is met. With the addition of garages for the affordable units, how will these doors be oriented?

9. Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that

such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD tract: **7.61 acres**

Total Area of Open Space: **4.18 acres** As a % of total land area: **54.9%**

- (a) *The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.*

As indicated by this requirement, the minimum of 50% open space is constrained by the additional requirement that the minimum must include no greater percentage of wetlands than the tract as a whole. The tract has an area of 7.61 acres so the minimum required open space is 3.805 acres. Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.805 acres, or .3805 acres so a minimum of 3.4245 (which rounds to 3.42) acres of the open space must be upland. The open space includes 3.42 acres of uplands so this requirement is met. It should also be noted that no more than 50% of any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before the open space calculations can be finalized.

- (b) *The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.*

Since the open space is provided in a single parcel, the Board finds that this requirement is met.

- (c) *The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.*

The applicant proposes to leave the open space area in its natural state except to add establish a public access trail from the end of Massasoit Street to connect with an existing cart path and to establish a public access trail from the end of Neelon Lane to connect to the existing cart path. Public access is also proposed from the ends of Cherokee Lane, Riverview Street and Massasoit Street. Two public parking spaces are proposed at the end of Neelon Lane and another two (gravel) spaces within the Massasoit Street right-of-way are also proposed. Therefore, the Board finds that this requirement is met.

- (d) *While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.*

The slope of the land and its proximity to the Charles River preclude any significant playground use of the open space. However, the river, existing cart path, proposed trail connection and access from 4 points, provide significant value to the use of the parcel for passive recreation. The Board finds that this requirement is met.

- (e) *Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.*

The Board finds that this requirement is not applicable since no wastewater nor stormwater system components are proposed within the open space.

- (f) *Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:*

- (1) *The Town or its Conservation Commission, upon its agreement;*
- (2) *A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;*
- (3) *A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval, and shall thereafter be recorded.*

The applicant proposes to convey the open space to the Town of Medway under the care and custody of the Conservation Commission. At its February 17, 2011 meeting, the Medway Conservation Commission voted unanimously to support the future donation of Open Space Parcel B to the Town. The Board concurs with this proposal and therefore this requirement is met.

10. Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.*

The most sensitive portions of the site, the river, wetlands, floodplain and slope have been identified by the required four-step design process and they are included within the open space. The developable area consists of the flattest portion of the site so topographical changes are minimized. No significant grade changes deviating from the general appearance of neighboring developed areas are proposed, though this is subject to the definitive plan following a more detailed analysis of the site, especially pertaining to drainage issues. Subject to Condition 8 B) herein, the Board finds that this requirement is met.

- (b) *Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.*

The location of the proposed street shown on the Concept Plan does maintain and preserve natural topography. No significant landmarks are disturbed, and cuts and fills are minimized since the road is on the flattest portion of the site. It is possible that a better design could have been developed that preserved and enhanced views to a greater extent. It is also true that dimensional requirements of the bylaw constrained the design somewhat. The street itself provides closer access to views of the open space while the building locations inhibit those views. While an actual road design will not be provided until the definitive plan stage, the Concept Plan does indicate that this requirement can be met.

- (c) *The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.*

By locating the houses on the flattest portion of the site and preserving the slope, wooded areas and land closest to the Charles River, the development does relate harmoniously to the terrain. The development proposes single-family cottages of a scale similar to those of other houses in the vicinity. The architecture is not incompatible with the surrounding neighborhoods. The buildings maintain adequate setbacks from abutting properties and those that abut the open space have decks to enhance the views. However, as indicated in the Design Review Committee letter of September 17, 2010 only limited information about the building design concepts have been provided so it cannot make a recommendation as to design at this stage. Therefore, the Board finds that this requirement is met subject to Conditions 3. d) 1) and e. f) herein that require additional information and details regarding the building designs as well as additional review by the Design Review Committee at the definitive plan stage.

- d) *All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.*

The proposed open space already exists so it will not add to the visual amenities of the area, and its visibility from nearby properties will not change. While the internal road is a private way, persons passing by on it will have a closer view of the open space (looking between the proposed houses) than from Village Street or the existing Neelon Lane. The circular road will have a rain garden in the middle, which will add to the visual amenities of the area. The Board finds that this requirement is met.

- (e) *The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.*

No historic, traditional or significant uses, structures or architectural elements will be removed or disrupted. An existing house on the property will be razed, but it is not of a historic nature. Therefore, the Board finds that this requirement is met.

- (f) *Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.*

Since the development consists entirely of single-family homes, the Board finds that this requirement is met.

- (g) *Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.*

The development, as proposed, includes a shared driveway for Units 2 and 3, and another for Units 4 and 5. The Board hereby allows these shared driveways and encourages the applicant to consider additional shared driveways in its definitive plan. The Board finds that this requirement is met.

- (h) *Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.*

Since 8 of the 13 units have direct access to the open space and the remaining 5 units have reasonable access, the Board finds that this requirement is met.

- (i) *A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.*

A minimum 15-foot buffer is provided around the perimeter of the developable area. Adjacent to Units 6, 7, 11, 12, and 13 the buffer area may be coterminous with the open space strips that abut the property line in those areas. The type of visual buffer to be provided within these areas is a detail that shall be provided as part of the definitive plan (See Condition 3. d) 8) herein. However, at a minimum it shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation. Therefore, the Board finds that this condition is met.

- (j) *The Planning Board may require additional off-street parking areas for use in common by residents and guests. Locations for additional guest parking shall be shown on the Concept Plan. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.*

The Concept Plan indicates a minimum of 2 off-street parking spaces per dwelling unit. Condition 11 herein specifies that each unit shall have at least 3 off-street parking spaces which may include garage spaces. The 18 foot on-way loop road is adequate for on-street guest parking. Therefore, the board finds that this condition is met.

- (k) *Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public*

Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.

The Charles River Village parcel has approximately 93 feet of frontage along several existing Town ways – Cherokee Lane, Massasoit Street and Riverview Street. There is also 25 ft. of frontage along the parcel's property line at Neelon Lane, which is a statutory private way. This totals 118 linear feet. No sidewalks are proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane. The Board finds that this requirement is met subject to Condition 9 herein regarding a payment to the Medway Sidewalk Special Account.

B. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Board on _____ made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section V. USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Board finds that the Charles River Village OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X. as follows:

1. The plan includes the construction of two affordable dwelling units on the subject site. As the total number of dwelling units is 13, the provision of two affordable units meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – Subject to the provisions of Condition 6 herein, the Board finds that the affordable units are suitably sited within the development.
3. Minimum Design and Construction Standards – Subject to the provisions of Condition 6 herein, the Board finds that these standards are met.
4. Two market rate bonus units are authorized.

C. As indicated above, based on After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on _____, made the following **ADDITIONAL FINDINGS** regarding this application.

1. *Is access to the site adequate?*

The adequacy of Neelon Lane to serve the new development has been a major focus of discussion during the public hearing process. The Board has heard and reviewed testimony from several engineers and surveyors and lawyers provided by the applicant, abutters and hired directly by the Planning and Economic Development Board. The discussion involved two major issues.

First, is the exact location of the Neelon Lane right-of-way established? The Board finds that establishing the exact location is not within the purview of the Board's authority. However, sufficient evidence has been submitted to provide a significant level of confidence that the easterly boundary of the right-of-way can be established and it is quite clear that the width of the right-of-way is 25 feet.

Second, is an 18-foot roadway adequate to serve the 13-unit development plus the existing houses on the street? The Board has reviewed testimony from traffic engineers and concludes that the proposed 18-foot width is adequate. In particular, the applicant's traffic engineer cites the standards American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highway and Streets." That document states that an 18-foot roadway is sufficient to accommodate up to 400 vehicles per day. The estimated traffic, based on the 8th edition of Trip

Generation, published in 2008 by the Institute of Traffic Engineers, is 152 vehicles. This is well below the maximum.

The Board finds that the radii at Village Street and Neelon Lane are substandard, but adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate.

Therefore, the Board finds that the proposed access to the site is adequate for the size and nature of the development and it can be located within the right-of-way of Neelon Lane.

2. *Is the 18-foot wide road within the development adequate?*

As stated above, an 18-foot road width is adequate for up to 400 vehicles per day. Therefore, presumably if the access TO the site is adequate at 18 feet, then an 18 foot wide roadway WITHIN the site should be adequate as well. However, the concept plan shall be revised to clarify that traffic around the loop is restricted to one-way and the definitive plan shall include appropriate signage and details to ensure this result.

Therefore, while this is a detail that would normally addressed at the definitive plan stage, the Board finds that the 18-foot road provides adequate access within the development with the stipulation that travel around the loop be one-way only.

3. *Should the open space be accessible to the public?*

The Board finds that:

- Public access to the Charles River is a goal of the Medway Master Plan and the Medway Open Space and Recreation Plan
- Existing residents adjacent to the subject parcel who are impacted by this development would get mitigation by having access to the open space and river
- As more abutting land is acquired, a continuous path along the Charles River could be developed
- One of the public benefits of an OSRD is access to open space.

Accordingly, the Board finds that the proposed open space shall be accessible to the public. However, in order to limit the impacts of public access to the open space on the current adjacent neighborhoods, no additional parking for access to the open space shall be provided either on or off site.

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the Charles River Village OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the specific *Subdivision Rules & Regulations* from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

Section 5.6.3

All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).

Explanation – The applicant requests a waiver from this regulation. The plans reference NGVD 1929 which corresponds to the current Town of Medway FEMA Flood Plain Mapping effective June 18, 1980.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.7.19

Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.

Explanation –The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. NSTAR does not begin the design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.20.2 (a)

A restrictive Covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot may be built upon or conveyed.

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance –The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As general guidance however, the Board will not waive the requirement for a restrictive Covenant. However, as has been the case in past practice, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

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.

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance – The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As guidance to the applicant and as noted above, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

6.3

Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.

Explanation – Applicant requests a waiver from this regulation as the development roadway will be a Private Roadway when constructed to be owned and maintained by the condominium association.

Guidance – The Board is not inclined to grant this waiver. The future OSRD Definitive Plan decision will specify minimum construction work to be completed before any performance guarantee is adjusted.

Section 6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Explanation – Applicant requests a waiver from this regulation as the development roadway be a Private Roadway when constructed and therefore these items are not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Explanation – Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed, the Town will not be accepting the road as a public way and therefore, the requirement for a street acceptance fee does not apply to this development. Therefore, no fee is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.3 Street Acceptance Plan

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, the requirement for a street acceptance plan does not apply to this development. Therefore, a street acceptance plan is not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the various town boards and departments do not need to conduct such inspections.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for the particular site.

Section 6.8.6 Street Acceptance - Planning Board Recommendation

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Planning Board does not need to make any recommendation regarding street acceptance.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.7 Street Acceptance Town/Meeting Warrant

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, this matter does not need to be included on a warrant for town meeting consideration.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Board of Selectmen does not need to approve a roadway layout.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.9 Approval of Street Acceptance Plans

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action to approve a street acceptance plan is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.10 Street Acceptance/Town Meeting Acceptance

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. As no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting, no recording is necessary.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots/dwelling units.

Explanation - The Applicant requests a waiver from this regulation. Although the development roadway will serve thirteen dwelling units, the roadway will be private and will not conform to all of the construction standards for a *Local Street*.

Guidance - Based on the information that has been provided, the Planning and Economic Development Board cannot provide any guidance to the applicant on this waiver request. Although the applicant has requested that the Town's Local Street subdivision construction standards not apply to this development, the applicant has not specified what construction standards are proposed instead.

Section 7.9.4 The minimum right of way width of any permanent private way, neighborhood, minor or secondary street will be fifty feet.

Explanation - The applicant requests a waiver from this regulation. The roadway will be a permanent private way to be owned by the Charles River Village Condominium Association. The roadway is planned to be eighteen feet paved with and one way only on the loop. The roadway will not exist as a separate parcel but as a piece of the development parcel. While there is not a right-of-way of any width per se, there is a functional ROW of 30 feet to allow for snow storage and possible future roadway widening by the Condominium Association if needed.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.6 Dead End Streets - The maximum distance of a dead end street shall be six-hundred feet (600')

Explanation - The applicant proposes to rebuild and extend Neelon Lane and construct a loop road within the development site. This results in a dead end street longer than allowed by the *Rules and Regulations*. However, an emergency access to Cherokee Lane will be constructed as part of the project.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site. The applicant has provided information from a traffic engineer indicating that the constructed Neelon Lane will be sufficient for the additional traffic generated by the development, and the emergency access to the development through Cherokee Lane will ensure that public safety vehicle have access to the site from 2 directions.

Section 7.9.7.g Minimum Paved Roadway Width - 26' for a Local Street; 20' for a Neighborhood Street & 18' for a Private Way

Explanation - The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and would be need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with a pavement width of eighteen feet.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.10.2 **Curbs/Berms - Sloped Granite Edging (Type S-B) for a Local Street**

Explanation – The applicant proposes to utilize a low impact drainage design to manage stormwater. Curbing is not proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes, cape cod or bituminous style curbing will be used.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.2 **Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.**

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and its sidewalk would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with no internal sidewalks.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.3 **Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways . . . (or make a payment in lieu of sidewalk construction to the Town of Medway for off site sidewalk construction.)**

Explanation – The applicant requests a waiver from this regulation. The applicant states that no sidewalk is proposed on Neelon Lane due to limitations of the existing 25' right of way.

Findings – The Board finds that this parcel does have frontage along 3 public ways – Cherokee, Massasoit and Riverview Streets, for a total of 92 feet. The parcel also has 25 feet of frontage on Neelon Lane. Total frontage on a public way = 117 feet.

Guidance – As specified in Condition 9 herein, the applicant is required to make a payment in lieu of sidewalk construction. Accordingly, it appears that this waiver request can be granted.

Section 7.19.2 **Street Trees shall be planted on each side of the street (at least three trees per lot).**

Explanation - The applicant requests a waiver from this regulation. This development will not be divided into individual house lots. Instead there will be one development parcel with thirteen residential structures. The applicant, in compliance with the OSRD Bylaw and as specified in Condition 3 f) herein, will prepare and submit a landscape plan for the entire project during the OSRD Definitive Plan phase. That landscape plan will include street trees for the private roadway.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may ~~shall~~ be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:
 - a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms. ~~and garages comparable to the majority of the market rate units.~~
 - b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
 - c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.
2. **OSRD Concept Plan Modifications** – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated July 28, 2010, last revised December 30, 2010 shall be further revised to incorporate the following items:
 - a. ~~The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 2010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set~~
 - b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.
3. **OSRD Definitive Plan**
 - a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and the *Site Plan Rules and Regulations* in effect at the time of application.
 - b) ~~Except for a demolition permit for the existing structure at 6 Neelon Lane,~~ no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
 - c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plans *(as specified in SECTION V., Subsection T. 12. of the Zoning Bylaw)*.

d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:

- 1) ~~Details of front and typical side building elevations from all 4 sides for all unit types. floor plans. including materials specifics and color palette.~~
- 2) Street name.
- 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.
- 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
- 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.
- 6) Bench and light post specifications.
- 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.
- 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.
- 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.

e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.

f) The Landscape Plan, ~~building materials specifications for exteriors,~~ and any building elevation designs submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

4. Open Space

a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the

DRAFT PROPOSED REVISIONS TO OSRD BYLAW
Further revised 2-28, 2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:

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

- a) *Pre-Application Review* -The purpose of the pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development. The applicant is required to schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to attend the informal pre-application review. At the pre-application review, the applicant shall
- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
 - 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
 - 3) review potential open space, trails and trail connections
 - 4) present a preliminary concept for handling stormwater runoff
 - 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
 - 6) and set a timetable for submittal of a formal application.

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

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

Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:

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

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate Conservation Areas. This includes:

- a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
- b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views.

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

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

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Parcel Lines*

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

Delete Paragraph 6. a) in its entirety and replace it as follows:

6. OSRD Application

a) Contents - An application for an OSRD Special Permit shall include

- 1) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
- 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development. (Revised June 15, 2009)
- 3) *Yield Plan* – See Paragraph 7 herein.
- 4) *Design Plan* – The *Design Plan* shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
- 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
- 6) Narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.
- 7) *Other Information* - The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:

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

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

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

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

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

In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:

- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
 - 2) Sub-surface drainage, septic and leaching systems per Article 5
 - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
 - 4) Land within thirty feet (30') of any dwelling unit
 - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
 - 6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
 - 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
 - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:

i) A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:

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

In Paragraph 10, Design Standards, add item l) and m) as follows:

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

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

In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l)

Or to act in other manner relating thereto.

Planning and Economic Development Board

DRAFT

2-22-2011 draft – sac

Warrant Article : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or to act in any manner relating thereto.

Planning and Economic Development Board

Zoning Map Changes

Revised 3-1-2011

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries follow parcel lines:

- from AR2 to Commercial III:
 - 1B-111 7 Sanford Street
 - 1B-112 139 Village Street
 - 1B-113 131 Village Street

- from AR1 to Commercial III
 - 1B-6 45 Broad Street
 - 1B-5 43 Broad Street
 - 1B-4 41 Broad Street
 - 1B-3 & 3A 39 Broad Street
 - 1B-7 42 Broad Street
 - 1B-7a 40 Broad Street

- from AR1 to split AR1 and Commercial III
 - 1B-2 0-R Broad Street
 - (That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B-3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)*

- from split AR2 and Commercial III to being completely in Commercial III
 - 1B-41 25 Barber Street
 - 1B-52 35 Broad Street
 - 1B-97 171 Village Street
 - 1B-98 169 Village Street
 - 1B-100A 155A Village Street
 - 1B-119 125 Village Street
 - 1B-164 136 Village Street
 - 1B-165 144 Village Street
 - 1B-198 16 Broad Street
 - 1B-207 3 Barber Street

- from split AR2 and Commercial III to being completely in AR2
 - 1B-42 23 Barber Street
 - 1B-43 21 Barber Street
 - 1B-44 19 Barber Street
 - 1B-46 23 North Street
 - 1B-117 3 John Street
 - 1B-118 1 John Street

1B-202	15 Barber Street
1B-203	11 Barber Street
1B-203-1	13 Barber Street
1-47	12R River Street

- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line

1B-51 37 Broad Street

(That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-52 is zoned Commercial III)

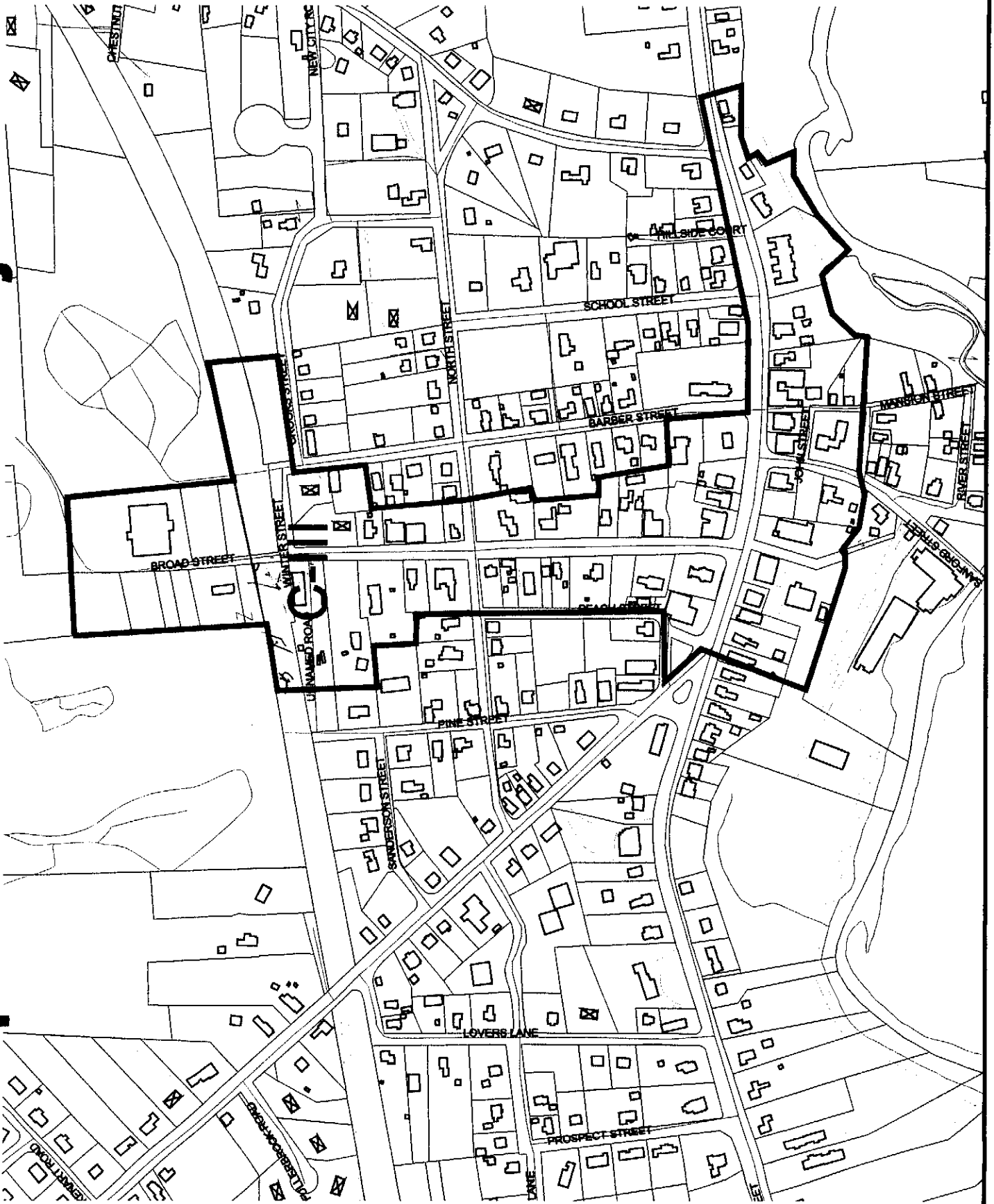
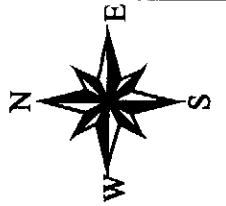
All as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

Planning and Economic Development Board

DRAFT

Proposed C-III District Adjustment



Proposed AUOD District

Warrant Article 24

June 13, 2011
Medway
Town Meeting

Prepared by:

PGC Associates, Inc.

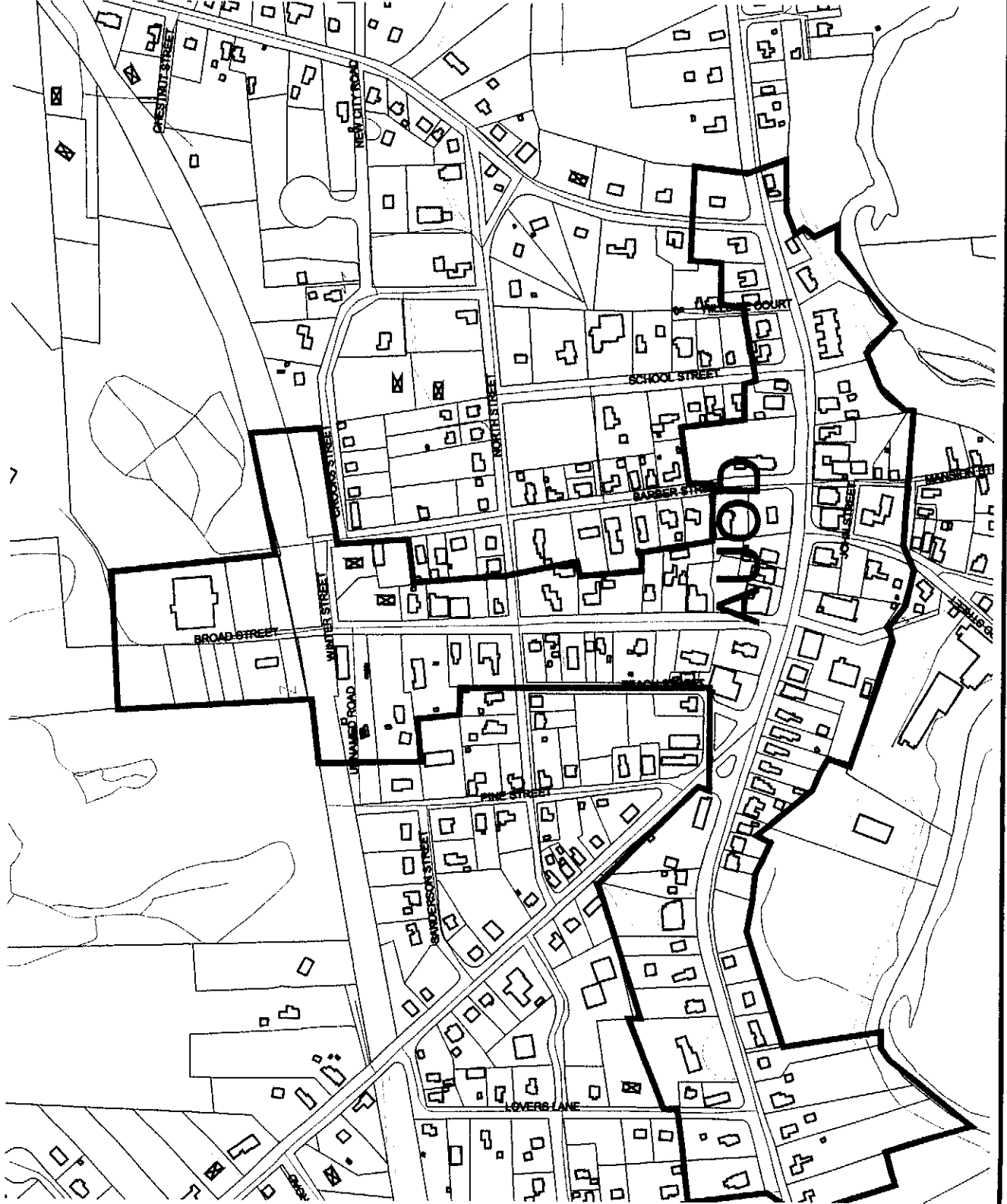
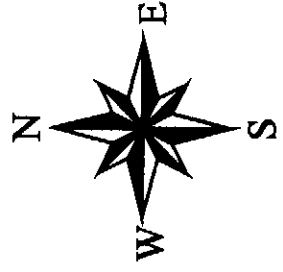
for the

Medway Planning

and

Economic Development Board

February 17, 2011



Revised sac draft 3/1/2011
AUOD

WARRANT ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:

- a) Location: The Adaptive Use Overlay District is superimposed on:
- 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main Street and the western boundary of the Commercial I zoning district at Elm Street; and
 - 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

To delete item b) in Paragraph 2 General Requirements and replace it as follows:

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

To add new items j) and k) in Paragraph 5 Site Development Standards as follows:

- j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.
- k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

AND to amend the Medway Zoning Map to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or to act in any manner relating thereto:

Planning and Economic Development Board

Proposed AUOD District

