

**November 22, 2011  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

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

**ABSENT WITH NOTICE:**

**ABSENT WITHOUT NOTICE:** Andy Rodenhiser

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

The Vice Chairman opened the meeting at 7:00 pm.

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

**Franklin Creek:**

The Board is in receipt of a letter from Tetra Tech dated November 11, 2011. **(See Attached)** The memo references their review of the revised "Road As Built" Plan dated November 1, 2011. The plan was prepared by Land Planning.

The Board is also in receipt of an inspection memo dated November 14, 2011 from Tetra Tech Rizzo. **(See Attached)** The memo references that Steven Bouley from Tetra Tech performed an inspection of the current conditions of the subdivision. The paved section of Franklin Street which was recently paved was not striped. A photo was included. The second comment was in relation to the word "STOP" at the stop line which was not painted.

Residents of this street who were present at the meeting did not feel that the word STOP was needed. Dave Pellegrini of Tetra Tech will check the subdivision regulations and will get clarity about the issue and will report back to the Board. He believes this was shown on the definitive plan.

Dave Pellegrini informed the Board that the whole drainage system did not need to be flushed. When the system gets to 6 inches it needs to be cleaned. This is needed to comply with drainage system operations and maintenance plan. This will be done in the future by the Homeowner's Association.

The Board next reviewed the project closeout checklist. **(See Attached)**. The first five items have been addressed. This included proof that Franklin Creek has established a Homeowner's Association. This was recorded and amended on May 12, 2010 in book 27663, page 29. The

definitive plan was also recorded on May 9, 2007 in plan book 567, pages 42-44. The declaration of protective covenants and private roadway maintenance agreement was recorded on May 9, 2007

There will need to be a water/sewer easement in the roadway granted to the Town. Susy noted this will need to be done by the Homeowners Association since the developer has already deeded the road to the neighbors.

There will also need to be evidence that Franklin Creek neighbors have been informed of their responsibilities to maintain the road and drainage system and have been given the stormwater operations and maintenance plan.

Susy reported that there is \$38,090 left in the bond.

There are also signoffs which will be needed from the various Boards prior to release of bond.

The Town is waiting for evidence that the sewer and water hook-ups for Lots 1 -3 were approved by DPS.

The Conservation Commission is waiting to hear back from Tetra Tech relative to the sediment in the catch basins. Dave did inform all that the drainage system was found to contain minimal amounts of sediment in the catch basins. It was also noted that the orange construction fence, silt fence and construction cones remain at the site and will need to be removed.

The main issue is the paving which was done without any inspections. The paving has been given a warrantee for three years by the contractor. Dave was not able to get in contact with the paver. He has not heard back. Dave spoke to others about the absence of the tack coat. It could be a problem, but no one knows what will happen definitely. There are many variables to consider. The cost to mill and grind would be around \$12,000 (Mass DOT pricing). The repaving cost would be about \$11,000. (MASS DOT pricing). The total rough numbers would be \$23,000. However, the cost for this work to be done privately would be less.

It was suggested that the core samples which were taken should be retested to see if the tack was in there.

The developer, Marko Vajentic, was present at the meeting. He communicated that he was not present when the paving was done. He is not sure and cannot guarantee if the road was tacked in its entirety. The road was swept prior to paving. The surface was clean. The paving date was in August, 2011.

The question in front of the Board is to decide if the paving needs to be retested to see if the tack was in place

Susy noted that the Board can also see how the road looks in the spring, that any problems will manifest themselves by then.

Member Tucker noted that the paving thickness appears to be within reason.

The Board could hold bond money back to see how the road survives the winter.

Member Rogers suggested that the bond remain in place for a year due to the questionable quality of work.

The Board would like Dave Pellegrini to do some more research and summarize the findings with a recommendation to the Board.

Member Spiller-Walsh noted that the stop sign and word “Stop” painted on the road seem excessive for such a small subdivision.

Dave will check into this and report back to the Board.

Susy indicated that the Police Safety officer probably specified that both the sign and word should be installed.

Franklin Creek will be placed on the agenda for December 13, 2011 at 7:15 pm.

A resident asked if the road could be accepted in the future.

Member Rogers noted that it could be accepted in the future.

Susy Affleck-Childs noted that when it was approved it was intended to be a permanent private way.

Jason Roberts reported that he was on site the day the road was paved. He noted that there was no tack at all. He will meet with Dave to go over what he saw on site. He has some photos.

**Discussion on Private Way Standards:**

The Board reviewed the ideas for the Private Way Standards dated November 3, 2011. **(See Attached.)** The information came from the ideas suggested from the Board members at a previous meeting.

The Board discussed and recognized that there needs to be delineation between private roads for small single family home subdivisions and condo developments. There needs to input from DPW in relation to the cul-de-sac roadway diameter for subdivisions with 2&3 lots. It was suggested that an apron be added with gravel driveways.

It was suggested that the Board get input from the Fire Chief in regards to the vertical clearance.

The Board would like to add language about the road composition/materials including the need for an apron with gravel along with including something about the depth from the intersecting right of way.

The language about the street trees needs to be reworked to include maybe 2 trees per 50 feet.

This document will be revised and updated based on the various suggestions noted.

**Comprehensive Land Use Reform Act (CLURPA):**

The Metropolitan Area Planning Council is building a network of supporters to pass zoning reform legislation for Massachusetts. The bill is known as “Comprehensive Land Use Reform and Partnership Act”. The legislation act seeks to update zoning laws to facilitate prompt permitting. (See Attached 1 page summary document.)

**On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to support the legislation for CLURPA by signing and sending a letter of support.**

**495 MetroWest Development Regional Study:**

Consultant Gino Carlucci attended a meeting for the 495 Metro West Development Compact Regional Plan on November 15<sup>th</sup> in Framingham. This meeting provided an overview of the local and regional priority areas in the 495/MetroWest Area. Medway’s Oak Grove/495 Business Park area was not included as a Regional Priority Development Area (PDA). This was a disappointment that the Oak Grove Area was not identified. Susy reports that she will be preparing comments to forward to MAPC.

**SWAP Meeting:**

Consultant Gino Carlucci informed the Board that he attended a SWAP meeting last week which discussed a study which was done by a private company to look at possible picking up a Franklin MBTA line from Foxboro which would reduce the commuting time by ten minutes. There is also discussion about connecting to Hopedale. This would be a great benefit to the region.

**Community Housing Coordinator:**

Susy reported the Town has hired a community housing coordinator. This position will not be shared with any other town. There are 19 hours allocated for this position. Doug Havens was selected for the position.

**Other Reports**

Susy reported that a MetroWest Tourism District has been established. Senator Karen Spilka was instrumental in proposing and securing its creation.

**Minutes:**

**November 8, 2011:**

**On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from November 8, 2011 as amended.**

**Adjourn:**

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

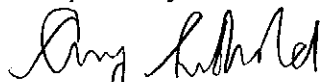
**Future Meetings:**

The next meetings scheduled are: Tuesday, December 13, 2011 and January 10 & 24, 2012.

The Board decided to NOT meet on December 27<sup>th</sup>.

The meeting was adjourned at 9:30 PM.

Respectfully Submitted,



Amy Sutherland

Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs

Planning and Economic Development Coordinator



**TETRATECH**

November 11, 2011

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

**Re: Franklin Creek  
As-Built Plan Review  
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) reviewed the "Road Asbuilt" Plan dated November 1, 2011, prepared by Land Planning, Inc. The Plans were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations. The following is a list of comments generated during the review of the design documents.

1. The lettering height does not meet one-eighth inch (1/8") and the plan is not stamped by a Professional Land Surveyor registered in the Commonwealth of Massachusetts. (Sec. 6.7.3)
2. The applicant shall verify reference to the approved subdivision (Sec. 6.7.4.c)
3. The applicant shall provide a Locus Map (Sec. 6.7.4.d)
4. The applicant shall provide a signature of the Professional Land Surveyor registered in the Commonwealth of Massachusetts. (6.7.4.l)
5. The applicant shall provide actual grading on the site at a 2-foot contour intervals. (Sec. 6.7.4.m)
6. The applicant shall provide actual dimensions and critical elevations of all orifices, weirs, pipe inverts or other devices associated with stormwater control at detention ponds, infiltration systems, or any other stormwater management facility intended to detain or infiltrate stormwater flows. (Sec. 6.7.4.n)

One Grant Street  
Framingham, MA 01701  
Tel 508.903.2000 Fax 508.903.2001



TETRA TECH

7. The applicant shall provide a copy of the final As-Built Plan in digital AUTOCAD format acceptable to the Board of Assessors. The plan shall be referenced to Massachusetts State Plan. (Sec. 6.7.8)
8. Water Service for house #6 is not shown.
9. Sewer Services are not shown.
10. The benchmark elevation provided at hydrant at entrance is not legible.
11. Waterline shall be shown on profile.

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

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

Revised



**MEMORANDUM**

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

**Fr:** Steven Bouley–Tetra Tech

**Re:** **Franklin Creek  
Subdivision Review  
Medway, MA**

**Dt:** 11/14/11

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At the request of the Medway Planning and Economic Development Board, Tetra Tech performed an inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006 and the Certificate of Action dated January 17, 2006 in order to generate a punch list for incomplete construction items and current issues that should be repaired or resolved.

On Monday, November 14, 2011, Steven Bouley from Tetra Tech performed an inspection of the current condition of the subdivision. There are several items to note that should be repaired or maintained before the Town finds the subdivision acceptable as per the approved plans. These items are as follows:

**Roadway (Public-Franklin Street)**

1. The paved section of Franklin Street which was recently paved is not striped. See Photo #1.

**Roadway (Private-Franklin Creek Lane)**

1. The word “STOP” and a stop line are not painted at the stop sign location at the intersection of Franklin Creek Lane and Franklin Street. The stop line and the word “STOP” should be painted. See Photo #2.

**Drainage**

1. The water quality unit at approximate STA 0+55 does not contain enough cover and is protruding from the ground. It also appears that the casting is not secured to the structure. See Photo #3.





TETRA TECH

2. The drainage system was found to contain minimal amounts of sediment (2"-4"±) in the catch basins. The water quality units and outlets appeared to be clean and may contain trace amounts of sediment. A drainage system cleaning is not required at this time.

#### Miscellaneous

1. Orange construction fence, silt fence and construction cones remain at the site. These items should be removed upon receiving a Certificate of Compliance from the Town of Medway Conservation Commission. See Photo #4.

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

Very truly yours,

Steven Bouley  
Civil Engineer



TETRA TECH

Photo #1



Photo #2

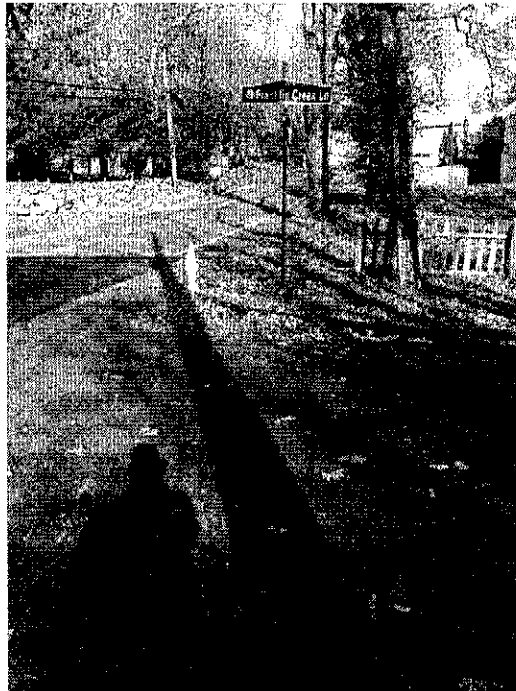




Photo #3



Photo #4



# Medway Planning & Economic Development Board

## Project Closeout Checklist

**SUBDIVISION NAME:** Franklin Creek

**DEVELOPER:** Wood Structure Construction - Marko Vajentic

**ATTORNEY:** Paul Kenney

**STREETS:** Franklin Creek Lane (permanent private way)

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

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

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

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

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

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

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

### List of Easements:

\_\_\_\_\_ Utility Easement on Lot 1

\_\_\_\_\_ Water/Sewer easement in the roadway

### Medway Departmental/Board Reviews

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

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

- \_\_\_\_ Franklin Street roadway paving work @ Franklin Creek Lane approved by DPS
- \_\_\_\_ Sewer and water hookups for Lots 1 -3 approved by DPS
- \_\_\_\_ Sign off/Order of Compliance from Conservation Commission re: Order of Conditions for DEP File # \_\_\_\_\_.
- \_\_\_\_ Sign-Off/Receipt from Treasurer/Collector to verify taxes are current
- \_\_\_\_ Sign-off from SAC re: status of subdivision's Construction Account
- \_\_\_\_ Other Sign-Offs \_\_\_\_\_

**As-Built Plan Information** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recording Information for Deeds & Easements**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Applicability	developments of 3 lots/dwelling units	7.9.1	2 & 3 lots	4 & 5 lots	up to 10 units	more than 10 units
Purpose of roadway	Legal frontage and access	NA	Legal frontage and access	Legal frontage and access	Access	Access
ROW width	STANDARD - 50'	7.9.4 b)	30'; 40'	40'	40'	50'
Cul de sac - outside paved/surfaced roadway diameter	STANDARD - at least 100'	7.9.4.c)	60'	80'	80'	100'
Cul de sac - property line/ROW diameter	STANDARD - at least 120'	7.9.4.c)	80'	100'	100'	120'
Paved (surfaced) width - 2 way road	18'	7.9.7. g)	14"	14'; 16'	16'	18'
Paved (surfaced) width - 1 way road	no standard	NA	NA	NA	14'	14'

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISION Private Way Subdivisions 2 & 3 lots	PROPOSED REVISION Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Vertical Clearance	no standard	no standard	14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)	14' (per fire chief??)
Road composition/materials		7.9.7	natural - pavement not required... if paved then hot mix asphalt/Cape Cod berm; gravel or asphalt; T-base; 10" gravel base with top surface of gravel or bituminous	hot mix asphalt/Cape Cod berm; gravel or asphalt; T-base; 10" gravel base with top surface of gravel or bituminous	hot mix asphalt/Cape Cod berm	hot mix asphalt/Cape Cod berm
Sidewalks within the development	not required	7.13.2	not required	not required	not required	not required; sidewalks or meandering walkways to retain
Walkways/bikeways	at PB's discretion - to connect to adjacent subdivisions	7.22	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions	at PB's discretion - to connect to adjacent subdivisions
Sidewalks on frontage of the existing way on which the property fronts	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	7.13.3	not required	not required	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account



IDEAS FOR PRIVATE WAY STANDARDS  
compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISIED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISIED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Curbing/edge treatment	hot mix asphalt/Cape Cod berm	7.10.2	natural - pavement not required... if paved then hot mix asphalt/Cape Cod berm	not required; hot mix asphalt/Cape Cod berm	hot mix asphalt/Cape Cod berm	hot mix asphalt/ Cape Cod berm
Grass strip between curb and sidewalk	not required	7.13.2	not required	not required	not required	not required
Handicap Accessibility	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB	as required for ADA and AAB
Minimum intersection/corner radii	no standard	NA? apply 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)
Minimum Horizontal Centerline Radii	150'	7.9.2. b)	150'	150'	150'	150'
Maximum Centerline Grade	0.08	7.9.5.b)	0.08	0.08	0.08	0.08

IDEAS FOR PRIVATE WAY STANDARDS

compiled 11-3-2011

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Dead end length	STANDARD - 600' from the centerline of an intersecting through street	7.9.6. b)	400'; STANDARD - 600' from the centerline of an intersecting through street	600'; STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street
Dead end Turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	7.9.6 e)	not required; center landscaped island for cul de sac not required; 20' hammerhead or T shaped turnaround	not required; 20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	20' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround
Design Speed	25 mph	Table CD-1	dna; 25 mph	25 mph	25 mph	25 mph
Driveways	STANDARD	7.11.1	STANDARD	STANDARD	STANDARD	STANDARD
Street Trees	STANDARD - 3 trees per lot set back at least 6' behind the ROW line	7.19.2	dna; landscape required in ROW	STANDARD - 3 trees per lot set back at least 6' behind the ROW line; landscape required in ROW	STANDARD - 3 trees per lot set back at least 6' behind the ROW line;	STANDARD - 3 trees per lot set back at least 6' behind the ROW line

**IDEAS FOR PRIVATE WAY STANDARDS**

compiled 11-3-2011

<b>PERMANENT PRIVATE WAYS - Construction Standards</b>	<b>CURRENT PERMANENT PRIVATE WAY STANDARDS</b>	<b>Applicable section of Subdivision Rules and Regs</b>	<b>PROPOSED REVISED Private Way Subdivisions 2 &amp; 3 lots</b>	<b>PROPOSED REVISED Private Way Subdivisions 4 &amp; 5 lots</b>	<b>PROPOSED for Small Private Way Condo Developments</b>	<b>PROPOSED for Larger Private Way Condo Developments</b>
Stormwater management	STANDARD	7.7	STANDARD; allow drainage to exist within road parcel	STANDARD; allow drainage to exist in road parcel	STANDARD	STANDARD
Street lights	STANDARD	7.21	not required; post lights at end of driveways	not required; post lights at end of driveways; STANDARD	STANDARD	STANDARD
<b>REVISED 11-3-2011</b>						
NOTE - STANDARD means the existing regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature.						
dna = does not apply						
<b>Discussion Issues:</b>						
Evaluating a site and the adjacent vacant area for potential of the smaller private way roadway to have to serve as access to additional units in the future						
Allow for roadway surface to not have to be centered within the ROW so that key site features can be retained						
Allow for periodic pullovers along roadway shoulders in lieu of widely paved roads						

## Susan Affleck-Childs

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**From:** Hove, Eric [EHove@mapc.org]  
**Sent:** Tuesday, November 15, 2011 11:12 AM  
**To:** Suzanne Kennedy  
**Cc:** Susan Affleck-Childs; chanrogers@verizon.net  
**Subject:** zoning reform  
**Attachments:** CLURPA support letter updates.docx; CLURPA Municipal Benefits One Pager FINAL.pdf

Dear Ms. Kennedy,

I am working on the zoning reform campaign and spoke this morning with Susan Affleck-Childs about the Town of Medway's interest in the legislation. She suggested that I contact you to discuss the campaign.

MAPC is building a network of supporters to pass zoning reform legislation for Massachusetts. The bill is known as the "Comprehensive Land Use Reform and Partnership Act" (CLURPA – S. 1019). Earlier this fall we sent a support letter (attached) to the Joint Committee on Municipalities and Regional Government, asking them to consider and pass CLURPA this year. To date, over 70 organizations and individuals signed this letter and we are looking to add more signers. It's increasingly important for the legislators to hear from local officials. If you are amenable, there are two things that would help move this legislation forward:

- 1) Sign the letter of support; and
- 2) Contact the state legislative delegation from Medway to ask for their support for CLURPA.

I'd be happy to discuss the legislation with you or provide anything else that would be helpful. Please let me know if there's anyone else in Medway who I should reach out to on this. Also attached is a one-pager on how CLURPA will help municipalities. Thanks for any assistance you can provide.

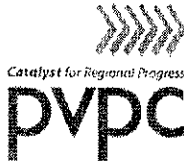
Sincerely,

Eric

**Eric J. Hove**  
Senior Regional Planner  
Metropolitan Area Planning Council  
60 Temple Place, 6th Floor  
Boston, MA 02111  
(617) 451-2770 ext 2071  
[ehove@mapc.org](mailto:ehove@mapc.org)

[www.mapc.org](http://www.mapc.org)

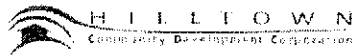




Mass Audubon



American Planning Association  
Massachusetts Chapter  
Making Great Communities Happen



October 11, 2011

Speaker of the House Robert DeLeo

State House Room 356  
Boston, MA 02133

Dear Mr. Speaker,

As advocates for smart growth, sound planning, public health and sustainable development, we ask for your assistance in advancing S. 1019, the Comprehensive Land Use Reform and Partnership Act (CLURPA). This important legislation seeks to update antiquated planning and zoning laws to facilitate prompt and predictable permitting for jobs and housing, strong community planning, and natural resource and public health protection. We would like to see CLURPA advanced out of the Joint Committee on Municipalities and Regional Government this session.

On May 18<sup>th</sup>, the Committee heard overwhelmingly positive testimony regarding the need for zoning reform to be one of the issues the Legislature addresses this session to help make government more efficient and responsive. Having taken the summer to study the issue, the time has come for the Committee to take action by advancing this critical matter to the next stage in the legislative process.

Our organizations support CLURPA as the framework for zoning reform. We respectfully request that you show your support for CLURPA to the Municipalities and Regional Government Committee Chairs and communicate the importance of this balanced and reasonable proposal. Additional information regarding S. 1019 accompanies this request.

Thank you for your consideration.

Sincerely,

Douglas Albertson, Town Planner, Town of Belchertown  
Diego Angarita, Food Systems and Youth Director, Nuestras Raíces (Holyoke)  
Roland Bartl, AICP, Director, Planning Department, Town of Acton  
Henry A Barton, Pioneer Valley Planning Commission Executive Committee Member  
Valerie Bassett, Executive Director, Massachusetts Public Health Association  
Stuart Beckley, City Planner, City of Easthampton  
Bedford Planning Board  
Andrew Bisignani, Town Manager, City of Saugus  
Timothy W. Brennan, Executive Director, Pioneer Valley Planning Commission  
Sue Brown, LA, Principal, Brown Walker Planners, Inc.  
David Bryant, Director of Government Relations, the Trustees of Reservations  
Ken Buckland, President, Massachusetts Association of Consultant Planners  
Thomas Callahan, Executive Director, Massachusetts Affordable Housing Alliance  
Richard Canale, Planning Board Chairman, Town of Lexington  
Gino Carlucci, AICP, Planning Consultant  
Tina P. Cassidy, Planning and Development Director, City of Beverly  
Liz Sheehan Castro, Project Manager, Worcester Food & Active Living Policy Council  
Dave Christopolis, Executive Director, Hilltown Community Development Corporation  
Michelle Ciccolo, Director of Community Development, Town of Hudson  
Jessica Collins, Director, Special Initiatives, Partners for a Healthier Community/Live Well Springfield  
Ian Cooke, Executive Director, Neponset River Watershed Association  
Dennis DiZoglio, Executive Director, Merrimack Valley Planning Commission  
Marc Draisen, Executive Director, Metropolitan Area Planning Council  
Lynn Duncan, AICP, Director, Department of Planning and Community Development, City of Salem  
Larry L. Dunkin, AICP, Town Planner, Town of Milford  
Susan Falkoff, Councilor-at-Large, Town of Watertown  
Wayne M. Feiden, FAICP, Director of Planning and Development, City of Northampton  
D. Anthony Fields, Planning Director, Town of Burlington  
Hector Figarella, Project Director, Holyoke Food and Fitness Policy Council  
Anthony Flint, Author  
Mary Giannetti, Director of Nutrition and Wellness, Fun n' FITchburg/Montachusett Opportunity Council  
Nancy Goodman, Vice President for Policy, Environmental League of Massachusetts  
Aaron Gornstein, Executive Director, Citizens' Housing and Planning Association  
John W. Grande, Planning Board Director, Town of Framingham  
Richard Harris, Town Planner, Town of South Hadley  
Melissa A. Hoffer, Esq., Vice President, Director, Healthy Communities & Environmental Justice  
Program, Conservation Law Foundation  
Angus Jennings, AICP, Director of Land Use Management, Town of Westford  
Meghan C. Jop, AICP, Planning Director, Town of Wellesley (identification purposes only)  
Nat Karns, Executive Director, Berkshire Regional Planning Commission  
Don Keeran, Assistant Director, Association to Preserve Cape Cod  
Joe Kriesberg, President and CEO, Massachusetts Assoc. of Community Development Corps.  
Jeff Lacy, Planning Board, Town of Shutesbury  
Elaine Lazarous, Director of Land Use, Planning, and Permitting, Town of Hopkinton (identification  
purposes only)  
Danny LeBlanc, Executive Director, Somerville Community Corporation

Joan LeBlanc, Saugus River Watershed Council  
Linda Leduc, Town Planner, Town of Palmer  
Andre Leroux, Executive Director, Massachusetts Smart Growth Alliance  
Jeff Levine, AICP, Director, Planning and Community Development, Town of Brookline  
Reverend Bill Loesch, BOLD Teens/Codman Square Health Council  
Dr. Russell Lopez, Northeastern University  
Peter Lowitt, FAICP, Director, Devens Enterprise Commission  
Steve Magoon, Director, Community Development and Planning, Town of Watertown  
Kathleen Marcin, Lowell Downtown Neighborhood Association  
Ron McAdow, Executive Director, Sudbury Valley Trustees  
Maryann McCall-Taylor, Planning Director, Town of Lexington  
Kathy McGrath, Coordinator, Mass Land Trust Coalition  
Heather McMann, Executive Director, Groundwork Lawrence  
Steve Miller, LivableStreets Alliance  
Deirdra Murphy, Healthy Weight Task Force, Greater Lowell Health Alliance  
John Nunnari, Executive Director, American Institute of Architects – Massachusetts  
James O'Connell, Chair, Zoning Reform Working Group  
Linda Orel, Executive Director, Massachusetts Association of Conservation Commissions  
Sarah Parmenter, Community Health Specialist, Southeast Center for Healthy Communities  
Allyson Perron, Senior Government Relations Director, American Heart/Stroke Association  
Russell Preston, President, Congress for a New Urbanism, New England Chapter  
Dr. Anna Rosenquist, MD, American Academy of Pediatrics, Massachusetts Chapter  
William Roth, President, the Massachusetts Association of Planning Directors  
Joel Russell, Principal, Joel Russell Associates  
Jennifer Ryan, Legislative Director, Mass Audubon  
Steven J. Sadwick, AICP, President, the American Planning Association—Mass. Chapter  
Cheryl Sbarra, Senior Staff Attorney, Massachusetts Association of Health Boards  
Mayor William Scanlon, City of Beverly  
Stephen C. Smith, Executive Director, Southeastern Regional Planning and Economic Development District  
Jennifer Van Campen, Executive Director, Watertown Community Housing  
Andrew V. Vorce, AICP, Director of Planning, Nantucket Planning and Economic Development Commission  
Elizabeth Ware, Town Planner, Town of Winchester  
David Weed and Nancy Bonnel, Voices for a Healthy Southcoast  
Margaret Wigglesworth, Executive Director, Boston Society of Architects  
Ralph R. Willmer, FAICP, Senior Planner/Project Manager, VHB (identification purposes only)  
Stephen Winslow, Bike to the Sea, Inc.  
Robert L. Zimmerman, Jr., Executive Director, Charles River Watershed Association  
Michael D. Zehner, AICP, Assistant Planning Director, Town of Wellesley (identification purposes only)

## **FACT SHEET: COMPREHENSIVE LAND USE REFORM AND PARTNERSHIP ACT (CLURPA)**

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**S. 1019 filed by Senator Eldridge and Representative Stephen Kulik**

### **Why We Need To Reform Zoning**

Massachusetts land use laws are antiquated and our local permitting process is unpredictable and contentious. This has led to poor outcomes such as expensive housing, long commutes, and loss of farmland and forests. High transportation and housing costs choke economic competitiveness and residents' ability to prosper. To maintain and promote the Commonwealth's jobs, historic qualities, natural resources, affordable housing and workforce talent, both the state and its municipalities need to be strategic about what we build, where we build it, and how quickly these decisions are made.

CLURPA takes a two-tiered approach to land use and zoning in the Commonwealth – all communities will benefit from statewide reforms, while those communities that choose to “opt in” by changing some local regulations to meet economic development, housing, and natural resource protection goals will receive additional incentives. CLURPA provides cities and towns the tools they need to shape their futures.

### **Key Benefits of CLURPA for Municipalities include:**

- **Powers of Cities and Towns:** explicitly confirms statutory authority relative to the use of impact fees, inclusionary zoning, form-based zoning, transfer of development rights, cluster development, and natural resource protection zoning;
- **Approval Not Required Plans (ANR):** increases local control by providing the option to adopt regulations for “minor subdivisions” in place of ANR provisions. ANR developments are almost unregulated, producing sprawling development patterns. This option will shift the costs of roadway upgrades, drainage improvements, and utilities to those benefitting from the development;
- **Parks and Playgrounds:** allows Planning Boards the option to require the setaside of up to 5% of a subdivision as a park or playground for the new neighborhood;
- **Development Impact Fees:** while standard practice across the United States, impact fees are generally unavailable to Massachusetts communities. This would establish a clear and predictable process for assessing fees to cover eligible impacts such as traffic, stormwater, and water supply;
- **Vested Rights (“grandfathering”):** reduces current excessive grandfathering protections that lock up land for years and serve as a barrier to updating local zoning regulations;
- **Inclusionary Zoning:** provides explicit statutory language allowing municipalities to require the creation of affordable housing in market-rate development projects, which can then count towards the 10% local requirement under Chapter 40B;
- **Variances:** increases local control and provides more flexibility to property owners by expanding the usefulness of the variance to address a wider array of zoning situations. The current variance statute is written so narrowly that, if applied correctly, it is almost unusable to local authorities and landowners;
- **Opt-In Provisions:** grants additional tools and relief to communities that choose to “opt-in” by making a number of zoning changes to be consistent with the state’s Sustainable Development Principles. These benefits include: broader use of impact fees, natural resource protection zoning at very low densities, shorter vesting periods, the ability to regulate the rate of development, and priority for state infrastructure funding;
- **Funding for Planning:** authorizes \$11,000,000 for municipal master and partnership planning.

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