

**October 25, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser (arrived 8:15 p.m.) Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

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

Vice Chairman Bob Tucker opened the meeting at 7:00 pm.

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

Bob Tucker announced that the public hearing continuation for Village Estates was delayed until Member Rodenhiser arrives.

Engineering Consultant's Report

Speroni Acres:

The Board is in receipt of a letter dated October 21, 2011 from Merrikin Engineering. **(See Attached)**

Dave Pellegri from Tetra Tech Rizzo communicated that he did not receive the letter from Merrikin Engineering until this evening and has not had a chance to review it. He did indicate that Merrikin Engineering appears to be on the right track. Dave will review the letter and provide feedback back to the Board.

The Board next discussed setting up a meeting with neighbors to discuss the status of the situation along with options to remedy the problems.

Dave Pellegri has a reviewed the old comments from VHB. He has also reviewed all the data and will look at how this data may vary. He suggested doing a joint presentation with Merrikin Engineering.

The difficult situation clearly involves the drainage easements.

It was recommended that Tom Holder have someone from DPS at the meeting on November 22, 2011.

The Board discussed that the situation becomes more difficult to rectify since the standards have changed relative stormwater.

Susy Affleck-Childs informed the Board that they could impose a higher standard since it has been so long since the subdivision was first approved.

The Board created a list of discussion items for the November 22, 2011 meeting.

- Easements
- Drainage
- Sewer main
- Force main
- Ownership and maintenance
- Homeowners Association.

The neighbors will be made aware that the town is not responsible for this.

The group may need to organize a Homeowners Association. This will not be a function of the Planning and Economic Development Board.

The Board also discussed that the construction account is currently out of money. The Town will need to invoice Owen Sullivan. An estimate will need to be given to Owen Sullivan.

This will be discussed further at the next meeting which is scheduled for November 8, 2011.

Williamsburg Condominium

The Board is in receipt of an email dated October 20, 2011 from Gerald Swanson relating to the wattage on the street lighting on Williamsburg Way. He resides on 67 West Street. The lights are very bright. He spoke with the developer who told him to contact the Board.

Dave Pellegri from Tetra Tech Rizzo will check the levels and report back to the Board.

Franklin Creek Subdivision

The repaving on Franklin Street adjacent to Franklin Creek Lane will start tomorrow. Dave Pellegri plans to be on site.

Other Reports

Evergreen Meadows/Iarussi Way Street Acceptance

Susy Affleck-Childs reported that street acceptance for Evergreen Meadow/Iarussi way is proceeding. This has been placed on the warrant for the 11-14 fall town meeting. The

Conservation Commission concurs with the donation of the open space. There are sign offs from all the Boards and Committees. The deeds are in good order.

There was discussion about the condition of the open space parcel with public access. Recently, the developer cleaned up at the site. The area was trimmed and new gravel was spread. This will not be maintained by an association. The Town will be responsible for maintaining this area once the open space parcel is conveyed to the Town.

Susy spoke with Tom Holder to let him know this parcel is coming to the town.

There will need to be a discussion at a later date about how to maintain the other open space parcels that will be coming to the town.

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to recommend street acceptance of Iarussi Way as a public way in its entirety. (Andy Rodenhiser was not present to vote)

Susy reported that the Board of Selectmen did not include our proposed zoning articles on the warrant for the fall town meeting. These will be submitted for the spring town meeting. The Board will still work on the OSRD and a frontage definition in preparation for spring town meeting.

Request for Bond Release Cedar Farms II Joe Griffiths:

The Board is in receipt of a letter dated August 24, 2011 from Joe Griffiths. **(See Attached)**

The letter is in relation to the road bond for Cedar Farms. There is a small portion of Cedar Farms which is not accepted. This is a small piece. There are approximately 3 to 4 house lots.

The letter requests a willingness to convey whatever is necessary to get his bond back.

Susy has not yet looked through the folder. A portion of the subdivision included a paper street for a cul-de-sac for legal frontage. This was back in 2003 and 2004. There was a question of ownership. The Board at the time tried to seek +guidance from the Town Administrator.

Susy will give a background report on this for the next meeting.

There is very little money in the construction account for this subdivision. Money will need to be deposited into the construction account to pay for the services provided by Tetra Tech Rizzo.

It was noted in the record that Joe Griffith is the developer of the street which Bob Tucker lives.

Informal ANR Discussion – 6 Neelon Lane:

The Board has been advised not to discuss this item on the agenda due to pending litigation (McDonald vs. Planning and Economic Development Board (Charles River Village OSRD))

This will be tabled until an executive session on November 8, 2011.

Design Review Committee Goals and Objectives 2011/2012:

Matt Buckley, Chairman of the Design Review committee prepared a memo dated October 24, 2011 with the goals and objectives for 2011-2012. **(See Attached).**

The Design Review Committee would like to attract design professionals to join the team. There are currently 5 active members. The Committee would like to have someone that has a background in architecture. The Committee has been pleased to have a laptop computer. The Committee would also like to purchase or acquire two peripheral devices for the laptop - a portable hand held scanner and a projector.

The Design Review Committee wishes to have a budget of \$1500. Susy Affleck-Childs indicated that she feels that this is doable. The Committee will need to have their numbers ready for the spring. The Committee would also like to be able to send members to seminars.

The Design Review Committee has worked with John Emidy to address any infractions to the bylaw.

One of the wish list items is to receive necessary training for MIT Open courseware. The Committee would also like to create a pamphlet for the residents to use as a tool along with livening up the website.

There was discussion about doing a mailing to the sign companies and also sending a letter to departments informing them of the DRC's services.

Susy communicated that the Design Review Committee is not a subcommittee of the Planning Board, but is more than that. The DRC has its own bylaw that specifies its responsibilities. In fact, the DRC provides support to the Planning Board but it is involved with other items such as sign reviews.

NOTE – Member Rodenhiser arrives at 8:15 p.m.

Village Estates Subdivision Public Hearing Continuation

The Chairman reopened the continued public hearing of the Village Estates Subdivision. Reference is made to updated plans dated October 21, 2011.

Susy noted that Chan Rogers is able to participate in the discussion but cannot vote since the video and audio did not take place at the meeting he was absent.

Paul Desimone started his presentation by referencing sheet 5 of 8. He communicated that to lessen the runoff, there will be an import of loam into the existing backyard to re-grade the backyard. This will allow the runoff to flow in a westerly direction around the existing garage and to the front yard. The natural flow was from back to front. There will also be a shallow rip-rap swale along the property to the rear of the site to ensure that any re-grading associated with

the new dwelling will not discharge runoff onto the abutting property. To the right, there is a proposed 6 inch deep rip rap swale grading from north to south.

Dave Pellegri indicated that the revised plan does represent the compromise.

Mr. Brundage noted that there is still roof off and the flow has changed.

Paul Desimone feels that the issue has been addressed.

Dave Pellegri indicated that the new grading is coming up a foot and will pitch down.

Member Tucker has a concern that it looks like the driveway into existing house will be under water.

Dave Pellegri noted that the water will flow across the driveway.

Member Tucker would like to see stone put under the driveway.

Paul DeSimone responded that that could be a condition put within the decision.

Susy Affleck-Childs wanted to know how do we protect the flowage pattern.

Dave Pellegri communicated that there is gradual run off and is not confined to a swale.

Susy Affleck-Childs asked if there is no easement, could we put an easement on this area to protect the flowage. There could be a flowage easement for a purpose. If the flow is what makes it work, this must be protected.

Paul indicated that there could be a flowage easement around the backyard. He also communicated that there could put a deed restriction placed on the back lot so that no grading can be done on Lot #1. This will be put in the deed.

The Board is in agreement.

Paul DeSimone said he had received clarification in regards to the street signs. The signs will put in as double sign. There will be a permanent private way sign.

Dave Pellegri communicated that there should be a specific type of gravel indicated within the decision since there is a waiver from the gravel driveway.

Susy Affleck-Childs wanted entered into the record a Mullins Rules disclosure from Karyl Spiller Walsh that she has reviewed the tape and minutes from the meeting held on October 11, 2011.

The Board reviewed the draft Certificate of Action which was dated October 20, 2011. **(See Attached)** and draft FINDINGS for waivers prepared by PGC Associates dated 10-24-2011 **(See Attached.)**

Within the findings section on page seven, the Board would like language added about the post lights at the end of the walkway. It was felt that including the reference to the Zoning Bylaw Section would be helpful.

Another finding was in relation to section 5.16.2. The Board noted that there should be language that the safety officer has provided review.

Section 5.16.5 should within the findings section should be revised that the Fire Chief and Safety Officer have provided input.

On page 10, the date of the plans needs to be changed to October 21, 2011.

There was a discussion whether something should be included about landscape. Mr. Desimone indicated that it will all be undergrowth and will grow wild.

Mr. Brundage wanted it noted that it was a pasture and not a garden.

The Board is in need of another deadline extension for action on this plan. On behalf of owner Russ Santoro, official representative Paul DeSimone submitted a written request.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to grant an extension until November 30, 2011.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the hearing until November 8, 2011 at 7:30 pm.

Other Business – Claybrook II

The Board is also in receipt of a memo from the Claybrook Homeowners Association dated October 21, 2011. **(See Attached)**. The homeowners are eager for the Town to accept the streets. Susy reported there was a check secured in the amount of \$42,190 for the surety bond from Middlesex Bank that the Town has received.

Troubled Subdivisions:

The Board is in receipt of a memo from Susy Affleck-Childs dated October 19, 2011. **(See Attached)**

The memo along with the attached handout is a list of the unaccepted subdivisions throughout town. It was the original goal of the Planning Board to work on at least one troubled subdivision per year. After considerable discussion, the Board agreed that the next subdivision to work on would be Claybrook II.

Susy will do some background work on this. She and Andy Rodenhiser will be meeting with the Board of Selectmen on November 7, 2011 to discuss this and recommend Claybrook II.

Minutes:

September 13, 2011:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from September 13, 2011.

(Member Tucker recused from vote)

September 27, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from September 27, 2011.

(Member Rogers recused from vote)

October 11, 2011:

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from October 11, 2011.

(Member Rodenhiser and Spiller-Walsh recused from vote)

Private Way Standards:

The Board is in receipt of a matrix titled Private Way Standards. This matrix was created by both Susy Affleck Childs, and Dave Pellegrini. **(See Attached)**

The matrix included information about the current permanent private way standards along with the applicable section of the subdivision rules and regulations. It provided columns for 2-3 lot private way subdivisions, 4-5 lot private way subdivisions, small condo development private ways and larger condo development private ways. The Board felt that it would make sense to have each member review the matrix and email any comments and suggestions back to Susy by next Tuesday. She will compile.

The Board was pleased with all the work that has been done on this since there were no standards in place prior to 2005.

Resignation:

The Board is in receipt of a letter from Jim Sullivan relating to his resignation from the Open Space Committee. **(See Attached)**

Fincom Meeting:

Susy Affleck-Childs will be attending the FinCom Public hearing which will take place on Wednesday, November 2, 2011. This is in regard to the Board's warrant article to accept Iarussi Way for consideration at the 11-14-2011 town

OTHER BUSINESS

The Board would like a letter sent in support of the proposal for \$150,000 in CPA funds to be used toward the schematic design for the Thayer House project. Susy will prepare for the Board's review at the 11-8 meeting.

There will be a 495/MetroWest Development Compact meeting on Wednesday, November 9, 2011 in Worcester and also on November 15, 2011 in Framingham.

Adjourn:

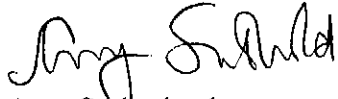
On a motion made by Karyl Spiller-Walsh, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 11:00 pm.

Future Meetings:

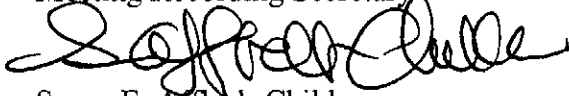
The next meetings scheduled are: Tuesday, November 8 & 22nd, 2011.

The meeting was adjourned at 11:00 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Merrikin Engineering, LLP

Consulting Engineers

730 MAIN STREET
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8883
FAX (508) 376-8823

October 21, 2011

Town of Medway
Planning Board
Town Offices
Medway, MA 02053

RECEIVED
OCT 25 2011

TOWN OF MEDWAY
PLANNING BOARD

Ref: Speroni Acres, review response

Dear Members of the Commission:

We would like to respond to the comments from VHB Dated July 12, 2011. In general, the original drainage design was not in accordance with the current Stormwater Regulations since it was approved in 1998. We are attempting to determine how the constructed system can comply within the current stormwater regulations, especially in the as-built condition since the forebays, and basins are well established and fully vegetated, with no indication of erosion, siltation or overtopping visible on the ground.

1. We have not reviewed a copy of the originally approved drainage report for the project, however, we assumed that there was no infiltration incorporated in the original design since it was before current stormwater regulations where infiltration is a requirement. Under the current regulation, however, there are requirements for infiltration, where feasible, within drainage facilities. Under these current stormwater regulations, there are infiltration rates which may be used that are based on soil types (Rawls Rate). We have utilized this rate based on the Norfolk County soil Study identification of soil types on the site.
2. Examining the developed flows in the 2-year storm, we find that the uncontrolled flows from drainage areas P7, P8 and P10, exceed the predevelopment flows in this small storm. In that case, no amount of additional control will reduce the post development flows significantly. We suspect that the reason is because the pre-development calculation has a single drainage area, while the post development is divided into many smaller drainage areas. An attempt to divide the pre-development condition into smaller drainage areas did not resolve the issue. Our opinion is that the post development increase in the 2-year storm is minor, and does not reflect a significant increase in flow.
3. Under the current proposed design, the basins could be considered extended detention basins as a treatment system. The outlets, as constructed and with proposed modifications include a lower 2" outlet, and a higher v-notch weir as a primary outlet. If the 2" outlet is considered a primary outlet, the following discussion applies.

The proposed outlet of Basin III, is the lowest outlet about 17" above the bottom of the basin, providing approximately 2,200 cf of storage, below the outlet. The WQV of this

drainage area is 670 cf, so this basin provides the required treatment under the Stormwater regulations. Basin II has a WQV of 1,243 which would require raising the lowest outlet to elevation 224.6 to treat the WQV. The current design is to have the outlet at the bottom, however it could be raised as noted. Basin I has a WQV of 1,572 cf and would require an outlet at about 226.1, 2' higher than the proposed lower outlet. If we consider that the 2" outlets are the low flow outlets intended to drain the basins between storms and that the v-notch weirs are the primary outlets, then each basin treats more than the required WQV (Basin I - about 8,000 cf, Basin II - about 5,000 cf and basin III - about 9,000 cf.).

4. We have measured the forebays and note the following:

Basin I forebay contains about 231 cf with a 12" high outlet dike. The required volume is 314 cf. Raising the outlet dike about 4" will provide the required 314 cf. of volume. Raising this dike is a feasible option.

Basin II forebay contains about 121 cf with a 12" high outlet dike. The required volume is 249 cf. which would require raising the dike to about 20"

Basin III forebay contains about 324 cf with a 30" high dike. The required forebay volume is 134 cf so the forebay complies with the regulations.

5. This is an unusual project approach to the Stormwater regulations. Since the development predated current stormwater regulations, The current drainage system was not designed (or approved) with the current standards in mind. Our approach to this project has been to (a) make an analysis of a "predevelopment condition" which existed prior to development. Off-site modifications in the watershed areas made after this project was built, have been accounted for in the "existing condition" calculations, and (b) the proposed condition actually models the existing drainage system (piping and basins) with proposed modifications which we have noted, to equate with the existing system. Finally, we have determined how the current condition meets (or not) the current Stormwater Standards. This is a reasonable approach since the project may not actually need to meet any of the current standards. The only feasible way to address a condition like this in the "Stormwater regulations" is to call it a redevelopment which is not required to meet all standards. In addition, the lots are fully developed around the basin areas, and all property, except possibly the roadway, has been transferred to current lot owners. Because of this, wholesale modifications to the basins are not possible.

6. Each primary outlet consists of a 4' square box outlet unit, 6 high, with a wide v-notch weir from the top down 3'. Flows from this weir drop to the bottom of the outlet structure where a 12" opening allows flows to discharge. A wide, open top v-notch weir is a non-clogging outlet which can perform as the "emergency overflow". With respect to the actual dikes around the detention basins. Much of the dike outside surfaces are rip-rap and would be stable in case of a overflow. Creating an "emergency overflow" would probably only require lowering a small section of the dike top (or using the dike low point), adding rip-rap at the top of a dike. This would be in a section where existing rip-rap sides already exist. As stated above, this work must be limited to hand work since access to the rear of the basins is very limited.

Medway Planning Board
October 21, 2011
Page 3 of 3

We suggest that we meet with TTR to discuss the best approach for the Town and the Applicant to address any remaining issues with the drainage system. We can then address the final issues with plans and/or calculations and present them to the Board and abutters at a public meeting.

Please do not hesitate to contact me if you have any questions or comments. We will await your suggestions.

Sincerely,

MERRIKIN ENGINEERING, LLP

A handwritten signature in black ink, appearing to read "Richard F. Merrikin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard F. Merrikin P.E.

cc: File 682-01
TTR
Owen Sullivan

August 24, 2011

To: Medway Planning Board
From: Joe Griffiths (Tri Valley Realty Tr)
Re: Cedar Farms Road Bond

RECEIVED

AUG 24 2011

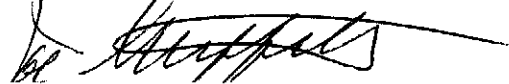
TOWN OF MEDWAY
PLANNING BOARD

In October 2002 as built plans for the final phase of Cedar Farm road was submitted and reviewed by VHB, the Deans agent.

To the best of my recollection all punch list items were complete except for status of the ownership disposition of an unbuilt culdesac on 11/6/2002 this issue was raised by Diane Bengett to the town administrator for which I never heard his response.

I am willing to convey whatever fee interest I may have returned if that is what is required to secure release of my bond amount.

Please advise 508-243-6193



It is the role of the Design Review Committee (DRC) to provide sound, design based recommendations to the Planning and Economic Development Board, Medway businesses, residents, municipal Boards and Committees in regard to subdivisions, site plans, and sign proposals using the Medway Master Plan and the Design Review Handbook as a guide.

GOALS/PRIORITIES

1. To attract design professionals to our team such as architects, community planners, environmental engineers, graphic designers, landscape and site designers, who are a Medway residents with a strong sense of commitment to maintaining and improving the quality of life in the Town of Medway.
 - A note has been placed on the Town website to this effect.
 -
2. The DRC has been very pleased by the acquisition of a laptop computer. It is the DRC's wish to acquire two peripheral devices for the laptop computer to further enhance our capabilities.
 - A portable hand held scanner. This device, which is slightly larger than a pen, will allow images to be acquired from applicants on the spot and brought to the laptop in real time. These products are priced around 100 dollars
 - A miniature USB projector to enable images on the computer to be shown to the group as whole. The products are priced around 200 dollars.
3. The DRC has begun the process of updating the Town seal. This process will mainly involve the creative resources of the committee during the inception. The intention is to have the seal ready for the 300th Anniversary events in 2013. With this in mind the DRC intends to have the proposed seal ready for review at the spring 2012 town meeting. As the process moves toward completion, the DRC wishes to employ the services of a professional design company for the purposes of putting finishing touches to the seal and making it print ready.
 - The DRC wishes to allow a budget up to 1500 dollars for these important services.
 - The DRC wishes to work in closely with the PEDB to produce an estimated cost structure for the rolling-out of an updated Town seal

4. The DRC has been very pleased with the availability of the Library conference room. It is an ideal and convenient location. The DRC wishes to request the use of a small two-drawer file cabinet for the storage of documents and related materials. The DRC will appeal to the Library Board that this cabinet be stored in the conference room.
 -

5. To address the situation of infractions to the bylaw, and non-conforming signs put up after Design Review.
 - Send a list of infractions periodically to the Zoning Enforcement Officer.
 -

6. In order to raise design standards within the Town of Medway, we shall establish a DRC liaison to municipal departments, Boards and Committees.
 - Speak first with Suzanne Kennedy, the Town Administrator.
 - Establish a list of contacts, and match with DRC members.
 -

7. To obtain necessary training in areas where our committee is weak in expertise such as architecture, and buffer zones, and community planning.
 - MIT Open courseware
 - Local Architects, Landscape Architects
 -

8. Outreach to high school students.
 - Student Government
 - Art Club

9. Update Design Guidelines - We would like to freshen up the Design Guidelines and include graphic illustrations. This will make it more understandable and user friendly.

Town of Medway, Massachusetts

CERTIFICATION
PURSUANT TO G. L. c. 39, SECTION 23D
OF PARTICIPATION IN A SESSION OF AN
ADJUDCATORY HEARING
WHERE THE UNDERSIGNED MEMBER MISSED
A SINGLE HEARING SESSION

Note: This form can only be used for missing one single public hearing session.
This cannot be used for missing more than one hearing session.

[Signature] (name), hereby certify under the pains and penalties of perjury as follows:

- 1. I am a member of Medway Planning Board
- 2. I missed a public hearing session on the matter of Village Estates
Oct. 11'11
which was held on _____

3. I have reviewed all the evidence introduced at the hearing session that I missed which included a review of (initial which one(s) applicable):

- a. audio recording of the missed hearing session; or
- b. video recording of the missed hearing session; or
- c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 25 day of Oct., 2011.

[Signature]
Signature of Board Member

Received as part of the record of the above matter:

Date: 10-05-2011
By: [Signature]
Position: Planning & Economic Development Coordinator



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

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

DRAFT – October 20, 2011

CERTIFICATE OF ACTION
VILLAGE ESTATES – A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

Name/Address of Applicant: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Name/Address of Property Owner: Russell & Dorothy Santoro
372 Village Street
Medway, MA 02053

Official Representative: Paul DeSimone
Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Engineer: Merrikin Engineering, LLP
730 Main Street
Millis, MA 02054

Land Surveyor: Colonial Engineering, Inc.
11 Awl Street
Medway, MA 02053

Plan Dated: May 19, 2011, last revised _____

Location: 272 Village Street

Assessors' Reference: Map 1C – Parcel 114

Zoning District: AR-II

I. PROJECT DESCRIPTION: The proposed *Village Estates Definitive Subdivision Plan* includes 2 residential house lots and a 219 linear foot single-access, permanent private roadway to be known as Bedelia Lane, to be developed on a 2.026 acre parcel of land located at 272 Village Street, a Medway Scenic Road. The parcel is presently owned by Russell and Dorothy Santoro of Medway, MA. The proposal includes construction of an underground stormwater drainage area to comply with Massachusetts DEP stormwater management requirements and extension of Town water and sewer. A portion of the site is in Wetlands Resource Area. The parcel includes one existing single family house which will be retained on Lot 1 and which will derive its legal frontage from Village Street and a portion of the new Bedelia Lane. The applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a two-family dwelling on Lot 2.

II. PROCEDURAL SUMMARY: With respect to *The Village Estates Definitive Subdivision Plan*, the Planning and Economic Development Board hereby certifies as follows:

1. On May 31, 2011, it received an application for approval of the *Village Estates Definitive Subdivision Plan*, dated May 19, 2011 prepared by Colonial Engineering, Inc. of Medway, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan, which the Planning and Economic Development Board reviewed on January 25, 2011.
2. On June 16, 2011, it circulated the Village Estates Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On June 28, 2011, it commenced a public hearing on the plan. The public hearing was duly noticed in the *Milford Daily News* on June 13 and 21, 2011. Notice was sent by certified sent mail on June 9, 2011 to abutters within 300 feet of the property and to parties of interest. The public hearing was continued to August 9, August 23, September 13, September 27, October 11 and to October 25, 2011 when it was closed.
4. On August 9, 2011, the Planning and Economic Development Board approved the Applicant's request to extend the deadline for the Board's action to September 30, 2011. On September 27, 2011, the Board approved the Applicant's request to extend the deadline for the Board's action to October 30, 2011. On October 25, 2011, the Board approved the Applicant's request to extend the deadline for Planning and Economic Development Board action to _____.
5. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

III. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the Village Estates Definitive Subdivision Plan were conducted over the course of seven Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in December 2010.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the

Planning and Economic Development Board and is available for public review.

Definitive Subdivision Plan Application Materials

Form C – Definitive Subdivision Plan application Dated May 25, 2011
Form D – Designer’s Certificate – Dated May 25, 2011
Form F – Development Impact Report – Dated December 15, 2010
Street Naming Application – Dated May 24, 2011
Property Deed (Johnson for Dill Family Trust to Santoro) – Dated January 24, 2008
WPA Form 4B – Order of Resource Area Delineation by Medway Conservation Commission for MassDEP file # 2160780 – October 2010

Definitive Subdivision Plan – Colonial Engineering, Inc.

May 19, 2011
Revised – July 25, 2011
Revised – September 19, 2011

Drainage Calculations – Merrikin Engineering, LLP

May 19, 2011
Revised – July 20, 2011

Request for Waivers from Subdivision Rules and Regulations – Colonial Engineering

July 27, 2011
September 27, 2011

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech

June 23, 2011 letter
August 3, 2011 letter
September 12, 2011 report of 8/25/2011 site visit
September 22, 2011 letter
October 11, 2011 email

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

June 23, 2011
August 1, 2011

Supplemental Information Provided By Applicant’s Consultants

Merrikin Engineering, LLP – Letter dated July 21, 2011 from Dan Merrikin in response to June 23, 2011 Tetra Tech review letter

Colonial Engineering, Inc. – Letter dated July 25, 2011 from Paul DeSimone in response to June 23, 2011 review letters from PGC Associates and Tetra Tech.

Colonial Engineering, Inc. - Revised roadway layout showing road moved 2 feet easterly – received August 15, 2011

Merrikin Engineering, LLP – Letter dated October 10, 2011 from Dan Merrikin with additional drainage analysis in response to questions raised at the September 27, 2011 public hearing

Citizen/Resident Letters - None

Citizen/Resident Testimony

Wayne Brundage, 268 Village Street (6/28/11, 8/9/2011, 8/23/2011,)

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA

David Pellegrini, P.E., Tetra Tech – Framingham, MA

Paul DeSimone, Colonial Engineering, Inc. – Medway, MA

Medway Departmental/Board Review Comments

Memo dated September 26, 2011 from Paul Trufant, Medway Fire Chief

Email communication dated October 5, 2011 from Medway Police Department Safety Officer Sergeant Jeffrey Watson

Email communication dated August 4, 2011 from Thomas Holder, Medway DPS Director

Letter dated September 26, 2011 from William Donahue, Superintendent Water & Sewer Division, Medway DPS

Letter received May 31, 2011 from Building Commissioner/Zoning Enforcement Officer John F. Emidy.

The Board is also in receipt of several confidential email communications from Town Counsel Barbara Saint Andre of Petrini & Associates.

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

SECTION 7.6.2 b) Water Facilities Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

FINDINGS –

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS

SECTION 7.9.2 d) Alignment – Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28'), or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.

FINDINGS

SECTION 7.9.7 h) ROADWAY CONSTRUCTION – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

FINDINGS –

SECTION 7.10.2 CURBS AND BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.

FINDINGS –

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

FINDINGS –

7.21 STREET LIGHTS (entire section)

FINDINGS -

Mitigation Plan

1. The new road will be private in perpetuity, owned and maintained by a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner’s association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site’s wetlands and other natural resources. The use of compacted gravel instead of hot mix asphalt will _____.
5. ~~The applicant will contribute \$4,700 to the Town of Medway Sidewalk Fund in lieu of constructing sidewalk on Franklin Street. This amount is based on 99 linear feet of 5.5 foot wide hot~~

mix asphalt sidewalk with a 6.5 foot grass strip, 2 cement concrete wheelchair ramps, and 99 linear feet of hot mix asphalt berm Type A.

6. The applicant has agreed to specify Selective Cut Zones on lots 1-3 to be shown on the plans and to be referenced in the Homeowner's Covenant.

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

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

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

V. PROJECT EVALUATION CRITERIA - Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ___ in favor and ___ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS - The Planning Board finds that the submissions were complete and technically accurate.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS -

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS -

5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS –

5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS –

5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS –

5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS –

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____ a motion was made by _____ and seconded by _____ to _____ the *Village Estates Private Way Definitive Subdivision Plan*, prepared by Colonial Engineering Inc. dated _____, last revised _____, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the following sections of the *Subdivision Rules and Regulations* dated April 25, 2005.

Insert list of waivers

The motion was _____ by a vote of ___ in favor (*list names*) and 0 opposed (*list names*).

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

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 2 residential house lots. It is understood the applicant intends to apply for a special permit from the Medway Zoning Board of Appeals to construct a 2 family structure on Lot 2. As a permanent condition of this plan, no further subdivision of the property beyond these 2 lots will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning and Economic Development Board, within three (3) years of the date of endorsement of the plan.
3. It is understood that the existing curb cut for 272 Village Street will be eliminated. Access for Lots 1 and 2 will come from Bedelia Lane.
4. *Ownership of Bedelia Lane* - It is understood that Bedelia Lane shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Village Estates Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the definitive subdivision plan. The Association shall ultimately own and maintain the parcel with the private roadway to be known as Bedelia Lane including snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain _____.

5. The Applicant shall specifically reserve to itself ownership of the fee in Bedelia Lane and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and all easements to the Village Estates Homeowners Association before the Planning and Economic Development Board approves the final bond release or, if there is no bond, then approval of the as-built plan.
6. Prior to endorsement, the plans dated September 19, 2011 shall be revised to include the following references:
 - a note shall be added to all plan sheets to indicate that present and future owners are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision*
 -
7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
8. ~~*Selective Cutting Zone*~~—Prior to endorsement, the plan shall be revised to include a drawing depicting ~~Selective Cutting Zones on Lots 1, 2 and 3. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system, underground utilities, pool, shed, agricultural buildings and fencing. In addition, living and growing vegetation shall be retained and may not be removed except for the installations previously noted. Dead, damaged or harmful vegetation may be removed from the Selective Cutting Zone. This Condition should not be construed as preventing a property owner from routine maintenance and upkeep.~~
9. ~~*Landscaping*~~—Prior to endorsement, the plans shall be revised to show a landscaped area within the roadway's cul-de-sac layout east of the hammerhead roadway bend in the area around the 30" and 18" maple trees. This is in lieu of a landscaped island within a cul-de-sac. The landscape materials shall include low maintenance, 4 season, mixed variety vegetation.
10. *The Village Estates Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing The Village Estates Homeowners' Association to be reviewed and approved by the Planning and Economic Development Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Bedelia Lane and the stormwater management system.
11. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance*

Agreement Governing the Village Estates subdivision – The future owners of lots 1 and 2 are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Village Estates Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.

12. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall specifically refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Bedelia Lane is a private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Village Estates Subdivision*.
13. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Bedelia Lane and all easements shown on the plan to the Village Estates Homeowner's Association, for review, comment, amendment and approval by Town Counsel.
14. *Scenic Road Work Permit* - Prior to endorsement, the Applicant shall secure a Scenic Road Work Permit from the Medway Planning and Economic Development Board. Any conditions or tree planting requirements of the Scenic Road Work Permit shall be depicted on the final definitive subdivision plan presented for endorsement.
15. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Village Estates subdivision*, any articles of association establishing the Village Estates Homeowner's Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred
16. *Sidewalk Construction* –

17. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of Village Estates Lane and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Village Estates Homeowners Association.

General Conditions

18. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
19. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property owned in Medway by the applicant.
20. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant will place a cash bond. The applicant shall provide the Medway Treasurer with a signed withdrawal slip from said account which shall be retained by the Medway Treasurer.
21. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.
22. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning and Economic Development Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
23. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning and

Economic Development Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the “*Order of Conditions*” that may be deemed appropriate by the Planning and Economic Development Board and the Town’s Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk’s office before the Planning and Economic Development Board endorses the plan modification.

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

24. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer. A construction observation account shall be established with the Medway Planning and Economic Development Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning and Economic Development Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
25. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11” x 17” paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.
26. *Proof of Taxes Paid* - Prior to the Planning and Economic Development Board’s approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
27. *Pre-Construction Meeting*
28. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning and Economic Development Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs,

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

29. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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**VILLAGE ESTATES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF PLANNING AND ECONOMIC DEVELOPMENT
BOARD ACTION**

Date of Action by the Medway Planning and Economic Development Board:

AYE:

NAY:

Date Signed:

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

Date Filed with the Town Clerk:

Copies To: Russ and Dorothy Santoro
Paul DeSimone, Colonial Engineering, Inc.
David D'Amico, Public Services
John Emidy, Building Commissioner
Bill Fisher, Board of Health
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Assessor
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone
Paul Trufant, Fire Chief
Sergeant Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech

VILLAGE ESTATES
10-24-2011 Draft Text for FINDINGS ON WAIVERS
(Prepared by PGC Associates)

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

SECTION 7.6.2 b) Water Facilities Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use. Water facilities must conform to the Medway Water Rules and Regulations, which are under the jurisdiction of the Water and Sewer Department. Proper connections shall be made with existing public water systems. Water lines shall be at least 8-inch diameter cement-lined ductile iron, Class 52 or greater, or as currently required by the Town of Medway Water and Sewer Department and shall be furnished with adequate valves and appurtenances to the specifications of the Town of Medway Water and Sewer Department. Water pipes shall be extended and connected to form a loop type system. Easements across lots shall be used to eliminate dead ends.*

FINDINGS – The applicant requests that these requirements be waived and proposes instead that a common 2” water line or two 1 ½” water lines be installed to serve the proposed duplex house. The Board finds this acceptable since no fire hydrant will be located on the proposed new way and the Water and Sewer Division of the Department of Public Services has approved the proposed water services subject to compliance with its Water and Sewer Regulations.

SECTION 7.7.2 p) Stormwater Management – Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30’) from its lot/parcel line and any right-of-way. The limits of a detention pond are characterized by a distinct break in the proposed grading. For a pond cut into the existing grade, the limit is defined as the top of the proposed slope where it meets the existing grade. For a pond built above the existing grade using berms, the limit is defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade.

FINDINGS – The applicant requests that the proposed detention basins be allowed to be located within the right-of-way and less than 30 feet from lot lines. The Board finds that the proposed drainage system is designed in accordance with LID standards as well as DEP Stormwater Management standards. Furthermore, the closest basin is about 45 feet from the foundation of the proposed new house and its bottom elevation is close to the bottom elevation of the foundation so it pose no danger to that foundation. The applicant also proposes landscaping to help the basins blend into the site better than a conventional detention basin.

SECTION 7.9.2 d) Alignment – Property lines at a street intersection shall be rounded or cut back to provide a property line radius of twenty-eight feet (28'), or for a curb radius of not less than forty feet (40'), whichever is more stringent or as required to provide a distance between street pavement and property lines.

FINDINGS – The applicant proposes a 24' curb radius on the west side of the proposed permanent private way because the property line on that side is perpendicular to the Village Street right-of-way so there is insufficient room for the required 40' curb radius. Due to the limited traffic on this permanent private way, the Board finds this design is acceptable.

SECTION 7.9.7 h) ROADWAY CONSTRUCTION – Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement. The material and construction methods for laying pavement shall conform in every way to the applicable sections of Section 400 and Section M of the Standard Specifications except that no such construction shall be undertaken before April 15th of any year, not after November 15th of any year. Pavement on minor and secondary residential subdivision streets shall be laid to a compacted depth of four inches (4") and laid in two (2) courses. The intermediate (binder) course shall consist of Dense Binder and be compacted to two and one-half inches (2-1/2"); the surface shall consist of Top Course and shall be compacted to one and one half inches (1-1/2").

FINDINGS – The applicant proposes to construct the road with gravel only, and not pave it. A paved apron is proposed at the intersection with Village Street within the Village Street right-of-way and for a distance of approximately 20 feet onto the site. The Board finds this acceptable due to the limited traffic on the permanent private way, the protection provided by the paved apron and because the drainage design is based on a paved road so it will continue to be valid in the event the owners pave the road in the future.

SECTION 7.10.2 CURBS AND BERMS – Hot mix asphalt Cape Cod Berm shall be provided along the full length of a permanent private way.

FINDINGS – The applicant proposes to eliminate a Cape Cod berm along the edge of the proposed roadway. Since most of the road will be gravel, there is no need for a berm along the edge so the Board finds this acceptable. However, a cape Cod berm will be required along the edges of the paved portion of the roadway.

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

FINDINGS – The applicant proposes to not install a fire alarm system in the private way. The Fire Department is converting to a new system. Therefore, the Board finds this waiver to be acceptable subject to a payment in-lieu of the system into a Fire Department fund for installation of the new system in an amount to be determined by the Fire Chief.

7.21 STREET LIGHTS *(entire section)*

FINDINGS – The applicant proposes not to install street in the subdivision. Due to the limited traffic on the permanent private way, the existing street lights along Village Street and the fact that the character of the way is similar to a driveway, the Board finds this acceptable.

VILLAGE ESTATES
10-24-2011 Draft Text for
FINDINGS ON PROJECT EVALUATION CRITERIA
(Prepared by PGC Associates)

V. PROJECT EVALUATION CRITERIA – Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____ to _____ the Project Evaluation Findings noted below. The motion passed by a vote of ____ in favor and ____ opposed.

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning Board finds that the submissions were complete and technically accurate.

5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS – The Board finds that the proposed street is safe and convenient. It has been reviewed by both the Fire and Police Chiefs and the Town's consulting engineer. As a permanent private way, it will handle a minimum amount of traffic.

5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the site distances from the proposed road are adequate. The site will be tied into Town water and sewer, and erosion controls will be in place during construction. The Town's safety officer has reviewed the plans and has not found any unwarranted safety deficiencies.

5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – The site of the subdivision is not within a Priority Habitat area and the wetlands at the rear of the site will be protected. Stormwater management has been adequately addressed and only a single-family house or duplex is proposed to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment.

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The Board finds that the proposed roadway is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic, subject to the changes required by the Town’s Safety Officer, The roadway will be built according to the Board’s specifications for a permanent private way, except as waived herein. The plans have been reviewed by the Fire Chief as well as the Town’s Safety Officer.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning By-Law, including minimum area and frontage requirements.

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because it meets the requirements for a permanent private way, except for the reasonable waivers that have been granted herein with good cause.



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

MEMORANDUM

October 19, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Next Steps for Troubled Subdivisions

Now that portions of Hunter and Ivy Lane in the Birch Hill subdivision have been accepted and conveyed to the Town, it is time to decide which of the “troubled” subdivisions we will work on next. Attached is an updated listing of the various unaccepted streets. Andy Rodenhiser and I are scheduled to meet with the BOS on November 7th to discuss this matter. I would like to go into that meeting with a recommendation from the PEDB.

I would ask that the Board discuss the following “troubled” subdivisions as you decide which one to recommend to the BOS to be the next one subdivision to focus on for street acceptance.

- Candlewood/Island Drive – Candlewood and Island
- Cedar Farms II (portion) – Cedar Farms Road
- Claybrook II – Wildebrook, First Colony and the northern portion of Summit
- Forest Road – Forest Road
- The Meadows - Cardinal and Goldenrod
- Willow Green/Green Acres - Azalea

Claybrook Homeowners Association
161 Summer Street
Medway, MA 02053

RECEIVED
OCT 21 2011

October 21, 2011

TOWN OF MEDWAY
PLANNING BOARD

Planning Board
Town of Medway
155 Village Street
Medway, MA 02053

Board of Selectmen
Town of Medway
155 Village Street
Medway, MA 02053

RE: CLAYBROOK II SUBDIVISION

Dear Sirs/Madams:

We are pleased to hear that the town has secured the \$42,190 surety bond from the Middlesex Bank related to the Claybrook II subdivision and feel it's a great step towards Wildebrook Rd, First Colony Drive and Summit Rd. being accepted by the town.

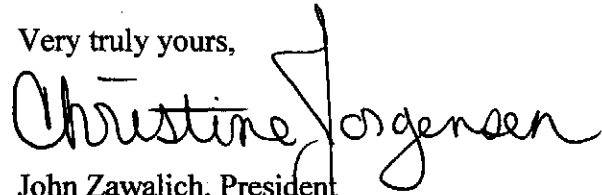
Please let us know if you have received any response from the developers to your letter dated June 2, 2010 demanding an additional \$23,677 in surety to cover the total expense estimated by Tetra Tech Rizzo (5/7/2010 report to Susan Affleck-Childs) to complete the work necessary for street acceptance.

We also have a few questions related to this issue:

- What are the specific steps that need to be covered in order for the town to grant acceptance for the three streets in our subdivision?
- What happens if the developer refuses to pay the additional \$23,677 surety or whatever additional amount is required after a new inspection of the roads is completed?
- Is there anything the homeowners can specifically do to support your efforts?
- Can some of the work required on the roads and detention basin be completed and funded from the \$42,190 surety the town has retained?
- Can the town assist in installing a street sign at First Colony Drive as soon as possible?
We feel this is an issue of safety and would appreciate your help to get this taken care of.

Thanks for the support you've given us in this matter. This has been a long 14 year process for the homeowners and we would appreciate your help to get this resolved and have our streets accepted as soon as possible.

Very truly yours,

A handwritten signature in black ink that reads "Christine Jorgensen". The signature is written in a cursive style with a large, prominent initial "C".

John Zawalich, President

Karen Nowicki, Treasurer

Christine Jorgensen, Secretary

/kln

cc: DPW



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

MEMORANDUM

October 19, 2011

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Next Steps for Troubled Subdivisions

Now that portions of Hunter and Ivy Lane in the Birch Hill subdivision have been accepted and conveyed to the Town, it is time to decide which of the “troubled” subdivisions we will work on next. Attached is an updated listing of the various unaccepted streets. Andy Rodenhiser and I are scheduled to meet with the BOS on November 7th to discuss this matter. I would like to go into that meeting with a recommendation from the PEDB.

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Discussion on Private Way 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 how many units? | size??? |
| 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) | | | | |
| Cul de sac - outside roadway diameter | STANDARD - at least 100' | 7.9.4.c) | | | | |
| Cul de sac - property line diameter | STANDARD - at least 120' | 7.9.4.c) | | | | |
| Paved width - 2 way road | 18' | 7.9.7.g) | | | | |
| Paved width - 1 way road | no standard | NA | | | | |
| Road composition/materials | | 7.9.7 | | | | |
| Sidewalks within the development | not required | 7.13.2 | | | | |
| Walkways/bikeways | at PB's discretion - to connect to adjacent subdivisions | 7.22 | | | | |
| | | | | | | |
| | | | | | | |

Discussion on Private Way Standards

| PERMANENT PRIVATE WAYS - Construction Standards | CURRENT PRIVATE WAY STANDARDS | Applicable section of Subdivision Rules and Regs | PROPOSED | PROPOSED | PROPOSED for | Proposed for |
|--|---|--|--|--|--------------------------------------|---------------------------------------|
| | | | REVISIED Private Way Subdivisions 2 & 3 lots | REVISIED Private Way Subdivisions 4 & 5 lots | Small Private Way Condo Developments | Larger Private Way Condo Developments |
| 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 | | | | |
| Curbing/edge treatment | hot mix asphalt/Cape Cod berm | 7.10.2 | | | | |
| Grass strip between curb and sidewalk | not required | 7.13.2 | | | | |
| Handicap Accessibility | as required for ADA and AAB | as required for ADA and AAB | | | | |
| Minimum Intersection/corner radii | no standard | NA | | | | |
| Minimum Horizontal Centerline Radii | 150' | 7.9.2. b) | | | | |
| Maximum Centerline Grade | 8% | 7.9.5.b) | | | | |
| Dead end length | STANDARD - 600' from the centerline of an intersecting through street | 7.9.6. b) | | | | |

Discussion on Private Way Standards

| PERMANENT PRIVATE WAYS - Construction Standards | CURRENT PRIVATE WAY STANDARDS | Applicable section of Subdivision Rules and Regs | PROPOSED REVISED | | PROPOSED REVISED | | PROPOSED for Small Private Way Condo Developments | Proposed for Larger Private Way Condo Developments |
|---|--|--|-------------------------------------|-------------------------------------|------------------|--|---|--|
| | | | Private Way Subdivisions 2 & 3 lots | Private Way Subdivisions 4 & 5 lots | | | | |
| Dead end Turnaround | STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround | 7.9.6 e) | | | | | | |
| Design Speed | 25 mph | Table CD-1 | | | | | | |
| Driveways | STANDARD | 7.11.1 | | | | | | |
| Street Trees | STANDARD - 3 trees per lot set back at least 6' behind the ROW line | 7.19.2 | | | | | | |
| Stormwater management | STANDARD | 7.7 | | | | | | |
| Street lights | STANDARD | 7.21 | | | | | | |
| <i>revised 9-7-11 sac</i> | | | | | | | | |

NOTE - STANDARD means the regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature.

Susan Affleck-Childs

From: Tina Wright [Tina.Wright@tbrassociates.com]
Sent: Wednesday, October 19, 2011 6:27 PM
To: Susan Affleck-Childs
Subject: FW: Open Space

RECEIVED
OCT 20 2011

FYI

TOWN OF MIDWAY
PLANNING BOARD

From: Jim & Cindy Sullivan [mailto:sullijc96@comcast.net]
Sent: Wednesday, October 19, 2011 6:00 PM
To: Tina Wright; Jim & Betty; pccmarble@gmail.com; pmchallam@quinobequingis.com; mikefrancis75@verizon.net; bruceh508@yahoo.com; glennmurphy@verizon.net
Subject: Open Space

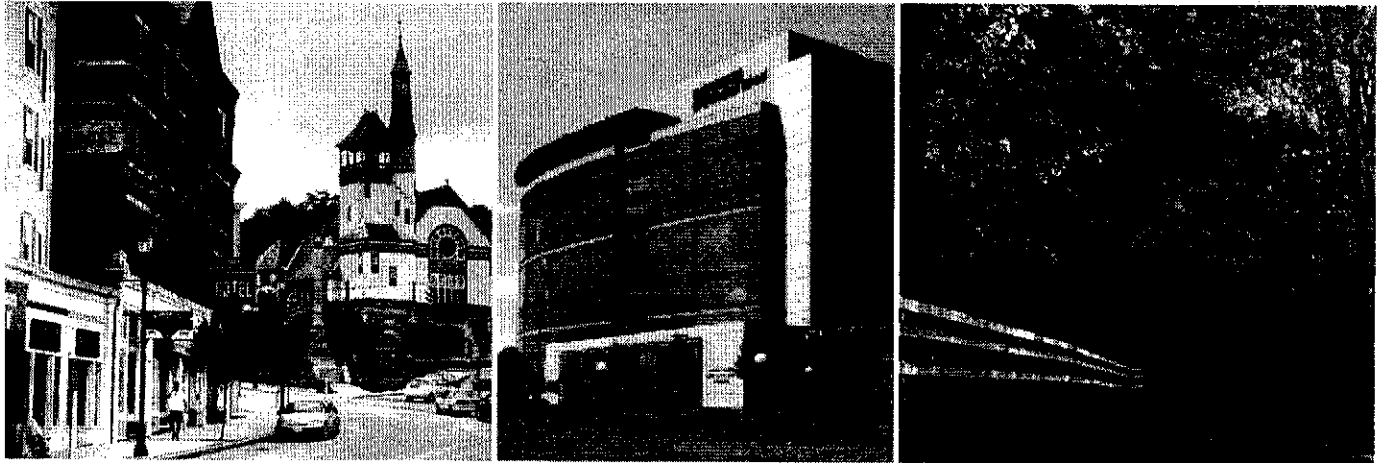
Hi,

I have to apologize for being absent for the past 5-6 months. I did not plan to be out of touch for so long but various items have crept in and unfortunately, I have to limit where I spend time. It has been a pleasure to serve with you for the past year and a half! But it has come time to resign my position on Open Space. You are a dedicated group and I know my absence causes issues with voting on issues so this is in the best interest of all.

I'm sure we'll see each other around. Good luck with the amphitheater and the trails!

Best Regards,
Jim Sullivan

See the vision for economic prosperity, open space preservation, and improved transportation



in the 495/MetroWest region

Wednesday, November 9

Union Hall

Second floor at Union Station, Worcester
(parking available at Union Station
Parking Garage, 225 Franklin St.)
Open House 6–7 p.m.
Public Meeting 7–9 p.m.



Tuesday, November 15

Nevins Hall

Framingham Town Hall
150 Concord St., Framingham
Open House 6–7 p.m.
Public Meeting 7–9 p.m.

Join us for evening presentations about a regional vision for economic prosperity, preservation of open space, and improved transportation in the 495/MetroWest region. The **495/MetroWest Development Compact** kicked off in the spring in 2011. Through meetings with each city and town and regional forums, input was gathered on priorities for preservation and development. That input is the foundation for a regional vision intended to guide the investment of limited public sector resources in the future.

At either presentation, learn more about the vision for the 495/MetroWest region; see maps and other information to help us plan for the future; and hear perspectives from a panel of experts in conservation, transportation, local government, and private sector development.

RSVP to info@495partnership.org

For parking information and other event details visit www.495partnership.org/compactmeetings



Executive Office
of Housing and
Economic Development



The **495/MetroWest Development Compact** is an initiative of the Patrick-Murray Administration through the Executive Office of Housing and Economic Development and the above agencies and organizations to create a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 municipalities within the study area.