

**September 13, 2011
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ABSENT WITH NOTICE: Bob Tucker

ABSENT WITHOUT NOTICE:

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

The Chairman opened the meeting at 7:00 pm.

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

Engineering Consultant's Report:

Evergreen Meadow:

Tetra Tech Representative Dave Pellegrini indicated that the entire drainage system at the site has been flushed. This was the last thing on the punch list.

Susy Affleck-Childs informed the Board that she attended the Board of Selectmen meeting to discuss taking the first step in the roadway layout process for Iarussi Way at Evergreen Meadow. There will need to be title work completed which is now required by Town Counsel.

Member Rogers noted that the trailer had been moved and the good side of the trailer is looking into the neighborhood. This is acceptable and is an improvement.

Speroni Acres:

Dave Pellegrini noted that the as-built plans appear to be pretty good. The overlay is completed. The next step will be to have Merrikin Engineering respond to the original comments and compare with the new comments. Dave also wants to make sure that Merrikin aligns the recommendations with the State Regulations.

It was noted by Dave that detention basin #2 falls outside of the utility easement on the top of cul-de-sac. This was constructed in the wrong location (not as shown on the definitive subdivision plan) due to the moving of the wetland delineation. The basin is currently 85% inside of the easement.

The easement may need to be modified later down the line. This is the responsibility of the developer during the street acceptance process.

The Board discussed that the applicant should explain how they will clear up the basin issue. Dave will ask Merrikin to provide a proposal on how to address this issue.

Tetra Tech Rizzo will provide a comment letter.

This item will be placed on the October agenda.

Franklin Creek:

Tetra Tech Rizzo Representative Dave Pellegrini communicated to the Board that there is an issue with the pavement. The paving slips have been provided. These slips did not match up. It appears to be relatively low. Dave is ready to propose that some cores samples be taken. The results will be provided to the Board. Once the results of the core samples come in, Dave will then recommend what action may need to be taken.

It was recommended that a letter be sent to the landowners so they are aware of the road paving issues.

DPS requested they patch Franklin Street. DPS requested the patch go from curb to curb.

It was suggested that there could be two letters one coming from DPS and one from PB. The bond will be checked.

SWAP:

The SWAP Legislative Breakfast is scheduled for September 16, 2011 from 8:00 am to 10:00. This meeting will take place at the Bellingham Senior Center. The discussion topics of regional interest will include economic development, job creation, state budget/legislator priorities and land use and zoning reform.

SWAP is preparing a proposal to the Metropolitan Area Planning Council for funding to produce a greater SWAP Area Public Transit Feasibility Study. This application is being made in response to MAPC'S recent request for proposal for "place based" projects for its sustainable communities initiative to implement the Metrofuture Regional Plan. There will be 10 projects funded. The deadline application is September 14, 2011. **(See Attached Synopsis.)**

The Board is in support of sending a support letter.

On a motion made by Chan Rogers and seconded by Tom Gay, the Board voted unanimously to support the application for the MAPC's recent request for proposal for "place based" projects for its sustainable and support sending a letter.

Meeting Minutes - August 23, 2011

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from August 23, 2011 with the noted revisions on page 6 and 7.

Route 109 Committee

Tom Holder, Paul Yorkis, and Chan Rogers will be giving a presentation next Friday to the Boston MPO to secure inclusion of the Medway Route 109 project on the TIP list.

There will be a Walkability workshop taking place on October 5, 2011. This will take place at 5:30 pm and will start at Charles River Bank.

Bay Oaks Preliminary Subdivision Plan – 104 Fisher Street:

Chairman Rodenhiser recused himself at 8:00 pm.

Member Tom Gay took over as Chairman in the absence of Vice Chairman Tucker.

Susy Affleck-Childs provided the Board with a draft of the comments/questions dated September 12, 2011 based on the discussions during the Board's review of the preliminary subdivision plan. **(See Attached)**

The Board is also in receipt of information from Attorney Deborah Batog on behalf of the Giovanella family relative to the history of cart paths on this parcel. **(See Attached)**

Applicant Rodenhiser did not receive a copy of the cart path information.

Susy Affleck-Childs informed all that this process started in July and the Board and residents have provided input for the applicant. This information included in the draft document was compiled and created from the minutes of the previous meetings. She created a collection of draft comments and a listing of the things which need to be addressed at the future submittal of the definitive subdivision plan. There are 13 bullet items noted. There is a description of the right of way easements along with a listing of folks who spoke at the public briefings.

Member Gay noted that the document was created from information gathered starting back in July. This is the input for the applicant and a listing of the items which would need to be addressed during the definitive plan submittal along with others which may come up. The bullet items cover a range of topics from Conservation Commission issues, retaining wall issues, no disturb zone, plan deficiencies, review and approval by the Fire Chief.

Member Gay asks the members of the Board if they have any other items which need to be addressed.

Member Spiller-Walsh wanted to know which item addressed the existing retaining walls. These walls made an impression on her after driving up to the site. She inquired about the width of the retaining wall. She feels the road is extremely narrow between the two retaining walls.

Member Gay noted that the roadway width between the walls is 18 ft.

Member Spiller-Walsh wants to know if this is passable with two big trucks. There is no bail out area because of the wall.

Member Gay noted that the Fire Chief will be providing input at the next stage of the submittal process.

Member Rogers notes that Fisher Street is less than 18 feet wide. It is not reasonable to think this wall could be modified. It would be expensive to move.

Member Spiller-Walsh responded that there are no retaining walls on Fisher Street.

Member Gay asked whether we add something else to this document from a safety basis, but on the other hand there would be a small number of vehicles using the roadway on a regular basis. There would be a use of four units.

Member Spiller-Walsh notes that there may be possibly two more lots (if the Giovanellas ever developed their property).

Susy Affleck-Childs noted that if two more units were proposed in the future (Giovanella property), the adequacy of the roadway would have to be addressed then.

Applicant Rodenhiser noted that he can pass the trash truck on the driveway with his CHEVY Suburban.

Member Gay asked if there were any other questions.

Karyl Spiller-Walsh responded that the site distance on Fisher Street is doable.

Consultant Carlucci did not have further comments.

Member Spiller-Walsh would like on site demonstration provided under Item 12 so she could see two large vehicles passing each other.

Member Rogers does not agree with the request by member Spiller-Walsh. He indicated that the Board does not do this with other projects.

Member Spiller-Walsh does not think such a demonstration is impossible.

Member Gay noted that it does not hurt to make sure that this concern is verified. This is not a public hearing. The notation about the distances belongs in #13. The Board could include the need for documentation. Clarity is a good thing.

Dave Pellegri noted that there are specifications for smaller roadways in relation to the roadway width and clear width.

Member Spiller-Walsh inquired what the applicant would do to address people who are walking next to the retaining walls. She suggested providing a meandering pathway or trail from Fisher Street into the property to get into the cul-de-sac behind (outside) the retaining walls. She would like to see this included with the Definitive Plan submittal.

The standards for a private way do not require a walkway or pathway or trail. The applicant could include a pathway or trail outside of the retaining wall in the definitive plan submittal.

Member Rogers does not think a path is necessary.

Member Gay notes that outside the rules and regulations, the homeowners association would cover the maintenance. The rules do not require any type of pathway for this type of road.

The retaining walls run 200 ft. into the property.

Member Rodenhiser noted that residents were concerned about noise. There is a sound buffer with the traveled way and the retaining walls provide a buffering of sound. He asks the Board to weigh the options.

Member Spiller-Walsh thinks a meandering path or walkway is an option.

Member Rogers noted that Fisher Street has no sidewalks and people walk, run and push baby carriages on this street.

Dave Pellegrini comments that there may be an issue with ADA access.

Member Spiller-Walsh suggests that the members take a drive up the driveway.

Member Rogers notes that this needs to also be profitable for the applicant. This is unnecessary putting applicants through things that are not part of the rules and regulations. People in that area love that street and it serves over 100 houses.

Consultant Carlucci noted that there could be a middle ground with this relative to the retaining walls. The Board could ask the applicant to consider doing a path of some sort.

Member Gay asks the public for comments.

Abutter Giovanella. Mr. Giovanella commented that his big concern is about the safety for the children going to the bus. There is not room to step aside safely. The Board should be a preliminary walk through. There is no room to step aside safely with the retaining walls.

Member Gay notes that a site walk is part of our process.

Attorney Batog communicated that documentation regarding the cart path was provided to the Board. There is also additional documentation about covenant issue. She indicates that it is inappropriate for a board to consider the profitability of the project for the applicant. This is not the Planning Board's place to make judgement on this. There is an issue about access. Why does this applicant not have to upgrade the roadway, but the impact is greater on the next applicant that comes along.

Member Gay states this is a matter of timing for the improvements and that private roads need ongoing maintenance.

Attorney Batog said the new lots would have to be part of the homeowners association and would benefit from the use of the private road and this applicant is not doing what is necessary to benefit the additional lots.

Member Gay stated the concern about the HOA in the document does say the entire right of way should be owned by a single association of all owners which directly abutting the right of way.

Member Rogers notes that he is thinking specifically about the client. He feels that Attorney Batog misinterpreted his views and the use of the word profitability. He is concerned that others to be able to develop their land. He does not think it is fair to charge someone \$100,000 to build a retaining wall.

Attorney Batog notes that the Board's discussion is that this is passed on to the next owners of the lots. The Board is worried about these 4 lots and not the other two lots (possible future).

Member Gay does not think that we can require the applicant to undertake construction to accommodate future development that is not even proposed. The Board can ask to not create any further impediments to future development.

Susy Affleck-Childs notes that the language in the rules and regulations notes that the adequacy of the existing way leading to a proposed subdivision is a factor in the board's review of a proposed development. Any modifications become the responsibility of the subsequent developer.

Attorney Batog notes that this is prejudicial for her client to do anything in the future. Is this feasible for 4 lots, and possible 2 more in the future?

Member Rogers does not appreciate the Attorney making interpretation of his views when he is looking after the abutters and the other property owners.

Dave Pellegri noted that when the definitive plan application officially comes to the Board, the safety standards will be reviewed and the site evaluated for safety. This will be a yes or no answer from the safety standpoint.

Member Spiller-Walsh notes that the easements currently exist and go through the actual lots. This is hard to ignore. These are considered access. The Board must consider the safety of the road for the additional lots.

Attorney Batog communicated that she is looking to preserve the rights of her clients relative to the use of the easement and the rights of their property.

Member Rogers responds that the Board has an obligation to do that as well.

Attorney Batog communicated that her client tried to work with the applicant about relocating the easements which would be a win/win. This has gone nowhere. The cart paths are now noted. The development in the future is not infringed upon. The plan currently shows those rights of ways.

Member Gay notes that there is specific information relative to the matter of easements and cart paths and those would be part of that discussion.

Mr. Rodenhiser noted that the discussion which took place with the Gionovellios was relative to Mr. Rodenhiser purchasing the land from the abutter. We could not agree on price. There was no need to spend the money to relocate the easements. They exist on paper now. The three new lots are essentially presold. This does not impact anything.

Member Gay wants to make sure easements and the maintenance of those do not create a hardship for the development of abutting property.

Resident Rodenhiser noted that the easements exist as they are.

Susy Affleck-Childs will rework this document and will resend it to the Board.

Member Rogers noted that the easements cannot be changed without all the parties involved. The easements will continue to exist regardless of what the board does.

Village Estates Definitive Subdivision Plan – 272 Village Street:

The continued Public Hearing for Village Estates Definitive Subdivision Plan was opened at 7:15 pm.

Mr. DeSimone was not present at the meeting, applicant Russ Santoro informed the Board that Mr. DeSimone was planning to attend. After waiting an hour the Board decided to continue the hearing.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the public hearing for Village Estates until Tuesday, September 27, 2011 at 7:15 pm.

The Board would like a letter sent to the applicant.

Claybrook II Subdivision:

The Town received information that Middlesex Savings Bank will provide the surety money to the Town.

Sustainable Neighborhood Road Design:

Dave Pellegri will be doing research on how the current private way regulations line up with the guidebook for Massachusetts Cities and Towns.

The booklet will be sent out to the Board electronically.

Member Spiller –Walsh asked if the book will be purchased for the Board members to review.

Thayer Development Concept: (See Attached)

Dan Hooper, chairman of the Thayer Development Committee was present. The Committee secured \$30,000 from the Community Preservation fund for Thayer site design development. The development concept plan was provided to the Board. The maintenance and function room scheduling will be the responsibility of the caretaker. The addition will be a function room, caterer's kitchen, and bathrooms. The main function room will be 1600 square feet. This room will be used for things such as nature's classroom, larger municipal meetings, etc. There will also be a patio to accommodate indoor/outdoor events with the use of tents. The primary access road will be Mechanic Street. It was proposed to create a connector road from Main Street to Choate Park/Thayer. It would be the hope that 2013 would be the completion of phase #1.

This Committee will be going to Design Review Committee in the future.

There is plenty of demand for this type of facility.

Susy Affleck-Childs noted that this project will require a site plan review.

The Committee looked at other facilities in Framingham, & Lincoln to help with this process.

The square footage of the whole addition is 3600 square feet. This will be open timber frame.

Susy Affleck-Childs noted that there would probably be a need for some type of elevator.

All members discussed that there are still many questions which need to be answered and it was recommended that this not be presented at the fall 2011 town meeting.

25 Stable Way – Duggan:

The Board is in receipt of a memo dated September 12, 2011 from Heaney & Small, LLP.
(See Attached)

The letter is requesting a partial release of restrictive covenant form.

The Board reviewed the packet which was provided.

On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the Board voted unanimously to remove the lot from the subdivision covenant. The board signed the document.

Fall Town Meeting – November 14, 2011

The Board was advised from an email that the primary purpose of Fall Town Meeting is to attend to financial matters. Any zoning articles are not recommended to be placed in this warrant.

The Board does not agree that zoning articles should not be placed on the warrant.

Susy Affleck-Childs suggested this be discussed with the Board of Selectmen.

Adjourn:

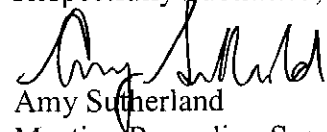
On a motion made by Karyl Spiller-Walsh, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 10:30 pm.

Future Meetings:

The next meetings scheduled are: Tuesday, September 27, 2011.

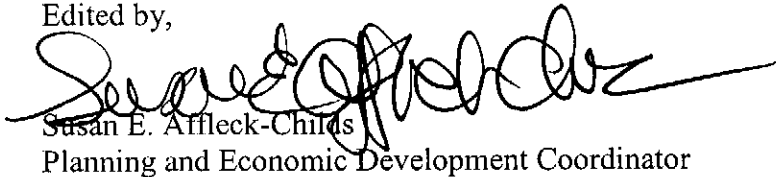
The meeting was adjourned at 10:30 PM.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291
planningboard@townofmedway.org

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

DRAFT - September 12, 2011

CERTIFICATE OF ACTION
Bay Oaks Preliminary Subdivision Plan
104 Fisher Street

You are hereby notified that at a duly called and properly posted meeting held on September 13, 2011, the Town of Medway Planning and Economic Development Board (PEDB) concluded its review of the Bay Oaks Preliminary Subdivision Plan, prepared by GLM Engineering of Holliston, MA dated July 12, 2011 and last revised August 9, 2011, for the 8.78 acre property located at 104 Fisher Street. The Board also approved the filing of this document with the Medway Town Clerk.

BACKGROUND – An application with a preliminary subdivision plan was filed with the PEDB by Andy Rodenhiser, owner of 104 Fisher Street, on July 14, 2011. The 8.78 acre subject property (Medway Assessors Map 4, Parcel 44A-6A) is located in Medway's Agricultural-Residential I zoning district. Upon receipt of the application, a Public Briefing was scheduled to occur during the PEDB's next regular meeting on July 26, 2011.

DISCLOSURE - The applicant, Andy Rodenhiser, is presently an elected member of the Medway Planning and Economic Development Board and serves as its chair. Before submitting any preliminary subdivision application documents to the Town, Mr. Rodenhiser consulted with Medway Town Counsel Barbara Saint Andre and the Massachusetts Ethics Commission regarding conflict of interest issues. As a result of those discussions, the following actions were taken:

1. Mr. Rodenhiser recused himself from sitting on the PEDB during the public briefings on his proposed subdivision. He departed the Board table and sat across from the Board, as is customary for all applicants, during the proceedings,
2. Statement of Disclosure of Appearance of Conflict of Interest – On the advice of Town Counsel, the remaining 4 PEDB members (Robert Tucker, Tom Gay, Karyl Spiller-Walsh, and Chan Rogers) along with Planning Consultant Gino Carlucci,

Engineering Consultant Dave Pellegrini, and Medway Planning and Economic Development Coordinator Susan Affleck-Childs prepared Disclosures of Appearance of Conflict of Interest as required by MGL c 268A, section 23 (b) (3). PEDB member disclosure statements were filed with the Medway Town Clerk; staff and consultant disclosure statements were filed with the Medway Town Administrator's office. The existence of such disclosure statements was announced during the July 26, 2011 Public Briefing.

SUMMARY OF PROPOSAL - The proposed Bay Oaks Preliminary Subdivision Plan shows the division of the subject property into 4 house lots (three for construction of new single family detached homes and one for the existing residence) and the extension of the existing private way to a maximum total length of 600' to create the necessary frontage for the new house lots to comply with the Medway Zoning Bylaw. The applicant intends to request waivers from the road construction standards of the *Subdivision Rules and Regulations*. Instead of constructing a full public roadway, a privately owned common driveway is proposed to be constructed within the ROW extension. It would be owned and maintained by a homeowners' association. The stormwater drainage design would be low impact. There are wetlands on site and both septic systems and wells would have to be installed.

SUBJECT PROPERTY – The 8.78 acre subject parcel was created through action of the Medway Planning Board in 1986 when a 2 lot subdivision was approved. The subject property was conveyed to Andy and Audra Rodenhiser in December 1990.

To the best of our understanding, the parcel is subject to a number of existing right-of-way easements including:

- A 60' wide ROW which starts at the western edge of the adjacent Giovanella property to the east (0-R Fisher Street/ Medway Assessors 4-44) and runs approximately 403' along entire northern edge of the Rodenhiser property, continues onto the adjoining property to the west at 106 Fisher Street owned by Robert Reed, and extends across other properties all the way to Fisher Street. The total length of this easement is 1070 feet. The easement was expressly established in December 1982 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway.
- A 50' wide ROW that runs approximately 1057' long starting from Fisher Street and running easterly, southeasterly and westerly again on Lot 6, a 12.3 acre parcel that was created as shown on an ANR plan from December 1982 for Racicot Realty Trust. This easement was expressly established in July 1984 to the benefit of Edward and Francis Giovanella to be used for any and all purposes for which public ways are commonly used in the Town of Medway. NOTE – The Lot 6 referenced herein is the lot from which the Rodenhiser subject property was first created in 1986.
- A 50' ROW on Lot 6A as shown on a Definitive Subdivision Plan endorsed in April 1986 and affirmed in September 1988 (and recorded in October 1988). The ROW extends from the eastern end of the 350' long private way as shown on the Definitive Subdivision Plan and runs northeasterly then easterly for approximately 805' to the western edge of the Giovanella property. There is no

evidence of an express grant of this easement to the Giovanellas. NOTE – A subsequent ANR Plan recorded in December 1990 refines the Definitive Subdivision Plan. It shows only a very small portion of the above noted ROW easement.

ABUTTER NOTIFICATION – Pursuant to the *Medway Subdivision Rules and Regulations*, the PEDB sent a first class mail notification regarding the application and the 7/26/2011 Public Briefing for the Bay Oaks Preliminary Subdivision Plan to the abutters (owners of property within 300 feet of the subject parcel). See attached Abutter Notice. Abutters in both Medway and Holliston were notified. The notice was also posted with the Medway Town Clerk and to the Medway web page on July 14, 2011.

REVIEW PROCESS – The Board began its review of the proposed preliminary subdivision plan at its meeting on July 26, 2011. The discussion continued at the Board meetings on August 9 & 23, 2011 and September 13, 2011 when it concluded.

The Bay Oaks Preliminary Subdivision Plan was reviewed by the Town's Planning Consultant, Gino Carlucci of PGC Associates and by David Pellegrini of Tetra Tech/Rizzo, the Town's Engineering Consultant. Those review letters are attached.

Based on questions raised by both the Board and abutters during the public briefing, the Board sought the review and opinion of Medway Town Counsel Barbara Saint Andre of Petrini & Associates. Those confidential communications were provided to Board members (except for Andy Rodenhiser).

Concerns were raised by Attorney Deborah Batog of Gilmore, Rees & Carlson of Franklin, MA representing the Giovanella family, owners of the approximately 5 acre parcel (0-R Fisher Street/ Medway Assessors 4-44) immediately to the east of the applicant's property. The concerns pertained to preserving her clients' rights in the subject property.

The applicant sought guidance from the PEDB regarding the affordable housing requirements pursuant to the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section X Affordable Housing. A guidance memo dated July 26, 2011 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs was provided and discussed, A copy is attached.

During the course of the various meetings, abutters were provided an opportunity to comment. Email communications were received from:

- Stephen and Krista Digregorio, 108 Fisher Street (7-26-2011)
- Katherine and Larry Presswood, 92 Fisher Street (7-22-2011)

During the course of the various public briefings, verbal comments were offered by:

- Robert Reed, 106 Fisher Street (7-26-2011)
- Attorney Deborah Batog of Gilmore, Rees & Carlson (7-26-2011, 8-9-2011, 23, 2011, ??????)
- Katherine Presswood, 92 Fisher Street (8-9-2011)
- Peter Rapp, 100 Fisher Street (7-26-2011)

CONCERNS/ISSUES –With this document, the PEDB neither approves nor disapproves the Bay Oaks Preliminary Subdivision Plan. Based on the discussions during the public briefings, the Board has identified the following issues and concerns and directs the applicant and his development team to fully address these matters in preparation for submitting an application for approval of the Bay Oaks Definitive Subdivision Plan.

1. Full review by the Conservation Commission will be required with a filing for the subdivision.
2. Applicant needs to provide a proposal regarding the home owners association's responsibilities for maintaining the existing and proposed extended roadway and the associated utilities, infrastructure and drainage facilities. The Board would prefer to have the entire roadway ROW (existing and new) owned by a single home owners association comprised of all owners of property which directly abut the ROW.
3. Due to the ledge on the property, blasting may be needed to install infrastructure and construct homes. The applicant should provide a proposal on how any blasting process will be managed and how any impacts will be mitigated.
4. Stormwater facilities must be located on a separate parcel. They cannot be located on a house lot.
5. Board of Health review and approval will be required for septic systems and wells; all required setbacks shall be applied.
6. The definitive plan application shall include a full Request for any Waivers of the Subdivision Rules and Regulations. The form of such request shall be as specified by the Board.
7. The definitive plan shall show the location of all easements and cart paths and any other restrictions to which the property is subject.
8. The condition of the substantial retaining wall on either side of the existing roadway is of concern as it is at least 20 years old. As part of the definitive plan submittal, the applicant should provide an inspection report from a structural engineer regarding the wall's condition. It is understood that the Board may require improvements to the wall as part of the definitive subdivision plan decision.
9. To provide maximum buffers with the abutting neighbors, the definitive plan should show a no disturb zone of at least 15 feet on the house lots which abut existing residential properties.
10. The Board affirms the applicability of the affordable housing provisions of the Zoning Bylaw to this project. The Board is not authorized to waive such provisions; the only local board to which the applicant may appeal the affordable housing provisions is the Zoning Board of Appeals. The applicant should provide a proposal to the Board with the definitive plan application to describe how the affordable housing requirements will be met.
11. All preliminary plan deficiencies noted in the review letters dated 7-21-2011 from PGC

Associates and Tetra Tech Rizzo should be thoroughly addressed/resolved in the definitive plan submittal.

12. The Fire Chief has not provided review comments on the preliminary subdivision plan. The applicant is advised that during the definitive subdivision plan process, the Fire Chief's approval of the roadway design and turnaround is required.
13. The applicant is reminded that a detailed Existing Conditions plan is required as part of the Definitive Plan submittal (Section 5.7.6 of the Subdivision Rules and Regulations). The Board urges the applicant to make the fullest effort possible to preserve the site's existing significant features.

Attest:

Susan E. Affleck-Childs, Planning & Economic Development Coordinator

cc: Andy Rodenhiser, applicant
Rob Truax, GLM Engineering
Suzanne K. Kennedy, Town Administrator
John Emidy, Building Commissioner/Zoning Enforcement Officer
Maryjane White, Town Clerk
Tom Holder, DPS Director
Karon Skinner-Catrone, Conservation Agent
Will Naser, Chief Assessor
Melanie Phillips, Treasurer/Collector
Karen Sherman, Holliston Town Planner
Paul Trufant, Fire Chief
Sergeant Jeff Watson, Medway Police

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Tuesday, September 13, 2011 2:05 PM
To: 'Deborah E. Batog'
Subject: RE: Bay Oaks-cart path research

Thanks for the clarification. I expect the applicant and his engineer will appreciate having this information.

Susy

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

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RECEIVED
SEP 19 2011

TOWN OF MEDWAY
PLANNING BOARD

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-----Original Message-----

From: Deborah E. Batog [mailto:DBatog@grcpc.com]
Sent: Tuesday, September 13, 2011 2:05 PM
To: Susan Affleck-Childs
Cc: rtruax@glmengineering.com; Christopher Giovannella
Subject: RE: Bay Oaks-cart path research

Hi,

I apologize for the miscommunication. I was referring to my request at the last briefing that the plan be revised to show all of the rights of way and carpaths. I thought this was being done prior to today.

The attached is merely documents as to research on where the carpath goes and who may have rights in it.

Best,
Deb

Deborah E. Batog, Esquire
Gilmore, Rees & Carlson, P.C.
1000 Franklin Village Drive
Franklin, MA 02038

Tel: (508) 520-2200
Fax: (508) 541-8453
dbatog@grcpc.com

-----Original Message-----

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, September 13, 2011 2:00 PM
To: Deborah E. Batog
Cc: rtruax@glmengineering.com
Subject: RE: Bay Oaks-cart path research

Hi Deborah,

Thanks for forwarding this information along to us.

At this late date and time, the Planning and Economic Development Board would NOT expect the applicant's engineer revise the preliminary subdivision plan with this new information for presentation to the Board this evening.

However, we will certainly include language in our comments on the preliminary subdivision plan that all such cart path information should be shown on the definitive subdivision plan when/if it is submitted in the future.

Best regards,

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
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Sent: Tuesday, September 13, 2011 1:58 PM
To: Susan Affleck-Childs
Cc: rtruax@glmengineering.com; Christopher Giovanella
Subject: Bay Oaks-cart path research

Hi,

I apologize for getting the attached to you so close to the hearing, but I wasn't able to find anything definitive on the holder of the cartpath rights. However, my research was limited. I have copied Mr. Rodenhiser's engineer on this e-mail, as he had indicated that he was going to locate the cart paths on the property and in connection therewith, maybe he can add information/documentation.

What I have attached are following:

Medway Assessors Map- which shows the cartpath running from the Holliston townline over Mr. Rodenhiser's property, the Giovanella property to Cedar Farms Road through the depicted ROW. It think it is the Newton parcel that it crosses from the Giovanella property to Cedar Farms.

Deed in chain of title for Giovanella and Rodenhiser parcels. Book 4495, Page 686. The Kampersal family also owned the property in Holliston over the town line from the Giovanella and Rodenhiser parcels. I have included this Deed because the legal description of the larger tract references Fisher and Mann as abutters.

Typed version of recorded cartpath from Fisher to Mann.

Older Assessor map identifying Fairbairn and Newton

Current Deed to Giovanella parcel with bounding description referencing Fairbairn and Newton.

Based upon the attached, it appears that this cartpath runs from the Holliston town line (formerly Smith/Kampersal property) through the following parcels: Rodenhiser, Giovanella, Newton Estate, Cedar Farms, Ozella (now John Giovanella), Giovanella (Joann) and to Fisher Street.

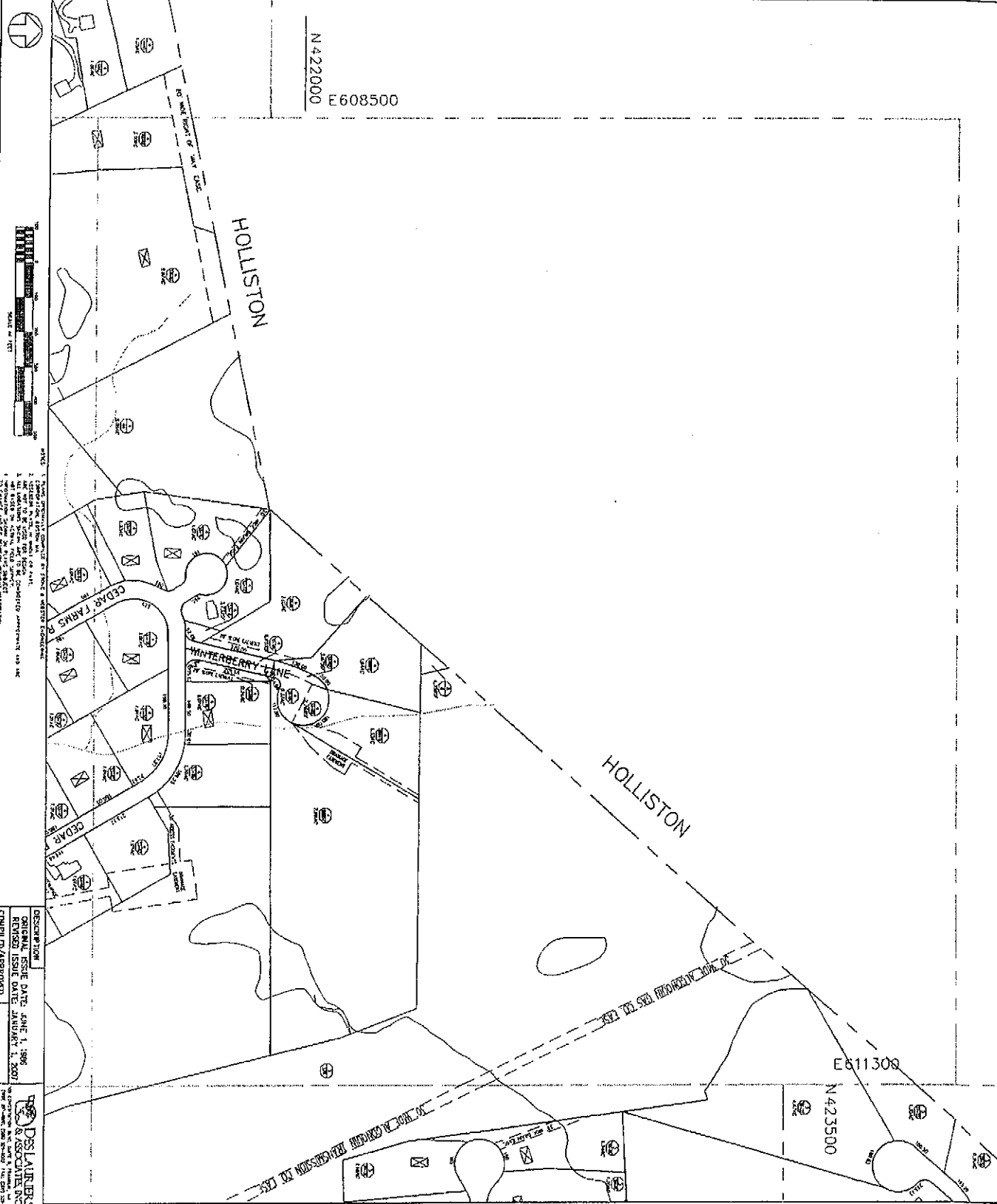
I look forward to seeing the revised Plan showing all the rights of way/cartpaths affecting the property at tonight's meeting.

Best,
Deb

Deborah E. Batog, Esquire
Gilmore, Rees & Carlson, P.C.
1000 Franklin Village Drive
Franklin, MA 02038
Tel: (508) 520-2200
Fax: (508) 541-8453
dbatog@grcpc.com

-----Original Message-----
From: copier [mailto:Toshiba@grccpc.com]
Sent: Tuesday, September 13, 2011 1:23 PM
To: Deborah E. Batog
Subject: Scanned from Toshiba723 09/13/2011 13:23

Scanned from Toshiba723.
Date: 09/13/2011 13:23
Pages:8
Resolution:200x200 DPI



NOTES: 1. THIS MAP IS A GENERALIZATION OF THE DATA SHOWN ON THE ORIGINAL RECORDS AND IS NOT A SUBSTITUTE FOR A FIELD SURVEY. 2. THIS MAP IS A GENERALIZATION OF THE DATA SHOWN ON THE ORIGINAL RECORDS AND IS NOT A SUBSTITUTE FOR A FIELD SURVEY. 3. THIS MAP IS A GENERALIZATION OF THE DATA SHOWN ON THE ORIGINAL RECORDS AND IS NOT A SUBSTITUTE FOR A FIELD SURVEY.

DESCRIPTION: ORIGINAL ISSUE DATE: JUNE 1, 1986
 REVISION ISSUE DATE: JANUARY 1, 2007
 COMPILED / APPROVED:

DISCLAIMERS
 ASSOCIATES
 THE INFORMATION ON THIS MAP IS FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND.

MEDWAY ASSESSORS'
 ATLAS MAP NO. 4-1
 REV. NO. 3

LEGEND

- Parcel Identification (A/E/S/T) NO.
- Iron boundary
- Intermittent stream or road or way
- Water boundary
- Electric
- Structure or bridge
- Land or park
- Water of state
- Public right
- Other boundary
- Point boundary
- Notes: shaded on lot and not actual location

MAP INDEX

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GENERAL NOTES

1. REFER TO THE PARCEL MAP FOR THE LOCATION OF THE PARCEL.
2. THE "OWNER ASSASSINATOR" HAS BEEN DETERMINED BY THE PARCEL MAP.
3. THE "OWNER ASSASSINATOR" HAS BEEN DETERMINED BY THE PARCEL MAP.
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10. THE "OWNER ASSASSINATOR" HAS BEEN DETERMINED BY THE PARCEL MAP.

686

Notary Public
By virtue of this writ, I this day of the 28th day of Feb. 1968
attached of the right, title and interest that the within named
A. C. Ryley Realty Trust and A. C. Ryley Trustees of A. C. Ryley Trust
jointly and severally
had by deed to say and of Real Estate in the County of Norfolk

Thomas J. May
Deputy Notary

Atty: Joseph A. D'Agostino, Ocean St, Marshfield

Recorded Feb. 28, 1968 at 11h. 11m. A.M.

I, ANNIE P. SMITH, having no husband, of Holliston, Middlesex
County, Massachusetts, for consideration paid, grant to REIN
KAMPERSAL, of said Holliston, with WARRANTY COVENANTS, the land
in said Holliston, with the buildings thereon, comprised of two
parcels severally bounded and described as follows:-



A tract of land, with the buildings thereon, situated on the
road from Braggville to Medway, now called Fisher Street, bounded
beginning at the southeast corner of the premises on said road,
four feet west of the edge of Hopping Brook, so-called, and thence
running North 15° East by land formerly of Appleton Bragg eleven
rods nine links, in a line four feet from the edge of said Brook;
thence by land formerly of said Bragg North 72° West about thirty-
three rods to said road; thence by said road fifty-three rods, more
or less, to the place of beginning; being the same premises describ-
ed in a deed from Appleton Bragg to George F. Claflin, dated Decem-
ber 21, 1807 and recorded with Middlesex So. Dist. Deeds, Book
1029 page 154. said parcel contains about 2 1/2 acres of land.

A tract of land situated on said road, near the Braggville
Station of the Boston & Albany Railroad Co., bounded; beginning at
the westerly corner of the premises at the above parcel, thence run-
ning northerly on the easterly line of said road 60 feet to a
bound; thence easterly by land formerly of William A. Bragg, on the
line of a fence and ditch, 450 feet, more or less, to Hopping
Brook; thence southerly by said Hopping Brook 165 feet, more or
less, to the above described tract; thence westerly by said tract
500 feet, more or less, to the point of beginning; being the same
premises described in a deed from William A. Bragg to George Claflin
dated Nov. 21, 1891, recorded with said Deeds, Book 2101 page 159.
said tract contains about 1 acre of land.

Also another tract of land located near the foregoing parcel,
situated partly in said Holliston and partly in Medway in the County
of Norfolk, containing forty acres, more or less, and bounded and
described as follows: beginning at a town bound between said Med-
way and Holliston and thence running southerly and bounded easterly
by land formerly of Ebenezer Fisher to land formerly of Kerell
Loving; thence westerly on said Loving land to land formerly
of Hugh McGowan; thence westerly on said McGowan land to the town
road leading from Holliston to Bellingham, now called Fisher Street;
thence northerly on said road to land formerly of Lewis Fisher; thence
northerly on said Fisher land to land formerly of James Mann; thence
easterly, southerly, easterly and southerly on said Mann land to
the first mentioned bound, or however otherwise bounded and described;
being the same premises described in a deed from William Claflin Jr. to
George F. Claflin, dated April 15, 1852, recorded with Norfolk Deeds,
Book 235 fol. 15, also recorded with said Middlesex So. Dist. Deeds,
Book 233 page 151

For title see probate of George F. Claflin with Middlesex Pro-
bate records and Middlesex Registry of Deeds records.

Said premises are hereby conveyed subject to mortgages thereon
to Holliston Savings Bank and to Alfred A. Asperquak, and to taxes
assessed thereon for the year 1942, all of which the grantee as-
sumes and agrees to pay.

WITNESS my hand and seal this twenty-eighth day of May, 1942:

Annie P. Smith

Fisher St. Holliston, Mass.

Whereas in the lifetime of Ebenezer H. Fisher, late of Medway, deceased, negotiations between him and James Mann of said Medway were had respecting a passageway for the use and benefit of him, the said James Mann, across land of said Ebenezer H. Fisher which negotiations were never completed.

Now know all persons whom it may concern that S. Simon Fisher, Administrator of the Estate of said Ebenezer H. Fisher and in the capacity of guardian of Lewis L. Fisher, the only surviving child and heir to the estate of said Ebenezer H. Fisher, in consideration of \$7.50 paid to me by said James Mann, I do in said capacity of guardian as aforesaid bargain, sell and convey and grant to him, the said James Mann, his heirs and assigns, forever, a right and privilege of a cartway from the public road passing by the house of Nathan Adams across the land of said Ebenezer H. Fisher, deceased, about 40 rods to a land of said James Mann entering said land of said Fisher, deceased, on the easterly side of a wall about 10 rods from the house of said Nathan Adams, said cartway to be as near to said wall as convenient.

In Witness Whereof, I have hereunto set my hand and seal this 18th day of April, 1854 in presence of Simon Fisher (seal) guardian. In presence of Christophe Slocomb.

Norfolk County, April 28, 1854.

Then personally appeared the within named Simon Fisher as guardian and acknowledged the within instrument to be his free act and deed before me, A.M.B. Fuller, Justice of the Peace, dated May 17, 1854.

that the attorney or agents of the said grantor do hereby authorize
 fit in the exercise of a full discretion to sell and convey to said grantees and
 execute and deliver valid and proper deeds thereof with all the incidents
 pay the said dues and demands and all expenses and charges thereunto
 become due as aforesaid till the close of the said association and the balance
 if any to pay to the said executor his heirs or assigns I do hereby
 witness at the said Parish Pastorage here at New York and date
 this fourth day of April in the year eighteen hundred and fifty two David
 Fishers and James Mann and delivered in presence of John H. Fisher
 Commissioner of the said Massachusetts Justice of the Peace personally
 appeared the above named David Fishers and James Mann and they
 instrument to be his first and final before me John H. Fisher Justice of the
 Peace. May 1852. Act entered & recorded by _____

Whereas in the City of New York

Fisher and Mann
 to
 Mann

Fisher late of New York deceased negotiations between him and James
 Mann of said New York were had respecting a passage way for the use
 benefit of him the said James Mann across lands of said George H. Fisher
 which negotiations were never completed. Now know all persons whom
 it may concern that I David Fisher administrator of the estate of said
 George H. Fisher under the capacity of guardian of David S. Fisher

the only surviving child and heir to the estate of said Ebenezer H. Fisher
 in consideration of seven dollars and fifty cents paid to me by said James
 Mann. I do in said capacity of guardian aforesaid bargain sell and
 convey and grant to him the said James Mann his heirs and assigns forever
 a right and privilege of a cartway from the public road passing by the
 house of Natham Adams across the land of said Ebenezer H. Fisher deceased
 about forty rods to land of said James Mann entering said land of
 said Fisher deceased on the easterly side of a wall about ten rods
 from the house of said Natham Adams said cartway to be as near to said
 wall as convenient — In witness whereof I have hereunto set my hand
 and seal this eighteenth day of April eighteen hundred and fifty four
 in presence of Simon Fisher (son of) guardian In presence of Christopher
 Mearns
 Norfolk: April 28. 1854. Then personally appeared
 the within named Simon Fisher as guardian & acknowledged the
 within instrument to be his free act and deed before me A. M. B. Fuller
 Justice of the Peace —

May 17. 1854. Received entered and
 Examined by *Amos Fernsby*

Know all men by these presents that
 William Wright of Medway in the county of Norfolk & Commonwealth
 of Massachusetts woman in consideration of nine hundred and seventy
 five dollars paid by Alpheus O. Grant of Medway aforesaid woman the
 receipt whereof is hereby acknowledged do hereby give grant bargain sell

14.2 A.

William F. Fairbairn
12.3 A.

Newton Estate
9.4 A.

Owner Unknown
4.2 A.

6.5 A.

ROBERT RD.

8.3 A.

27 A.

William F. Fairbairn
12.0 A.

William F. Fairbairn
23.5 A.

8.4 A.

1,220,000

Barbara W.
1.6 A.

3.6 A.

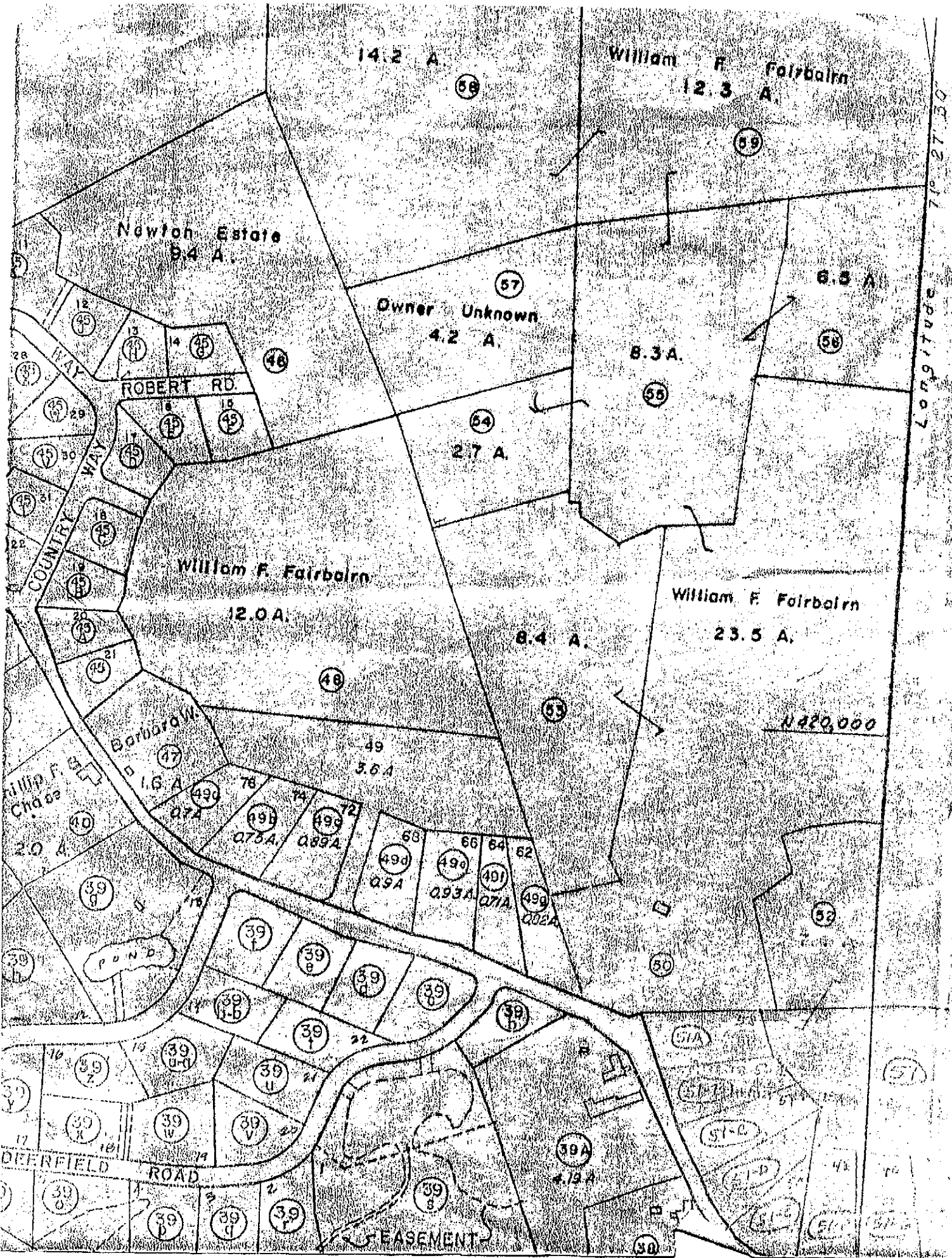
William F. Chase
2.0 A.

POND

DEERFIELD ROAD

EASEMENT

Longitude 71° 27' 30"

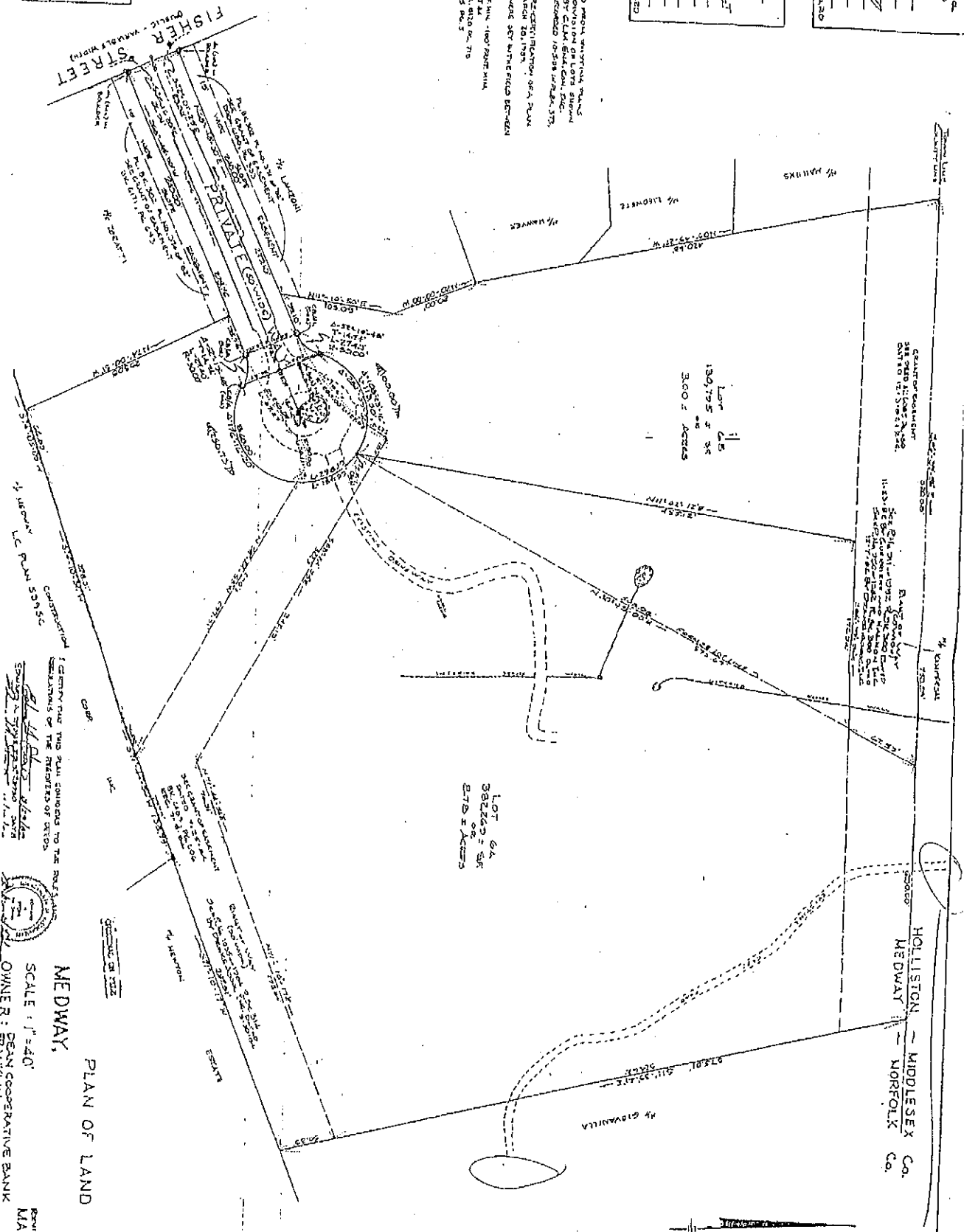


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Registry of Deeds
 Boston, Mass.
 Sept. 6, 18 52
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]



I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE
 REQUIREMENTS OF THE REGISTERED ACTS
 [Signature]
 [Signature]



NE DWAY,
 SCALE: 1" = 40'
 OWNER: DEAN COOPERATIVE BANK

MASS.
 NOV 7, 1990
 MARCH 28, 1989

Exhibit "F"

MASSACHUSETTS NOTULAR DEED SHORT FORM (INDIVIDUAL USE)

We, Samuel V. Longo and Joseph J. Renda, Jr., both of Milford, Worcester County, and Benjamin G. Longo, of Millis, Norfolk County, Massachusetts, Trustees of Longo Realty Trust, under Declaration of Trust dated October 31, 1975, recorded with Norfolk Deeds, Book 5176, Page 641

rk

~~CONFIDENTIAL~~

~~Instrument~~ for consideration paid, and in full consideration of \$60,000.00

grants to Edward J. Giovanella and Francis J. Giovanella, as tenants in common both of Medway, Norfolk County, Massachusetts with quitclaim returns

the land said Medway, situated on the Easterly side of Fisher Street, said to contain approximately 23.5 acres, bounded and described as follows:

Beginning at a point on the Easterly side of Fisher Street at Holliston-Medway Town line; thence

- SOUTHERLY by Fisher Street, to land now or formerly of George W. and Christine M. Scribner; thence
- NORTHEASTERLY by land of said Scribner and by land now or formerly of the Estate of Newton to land of William F. Fairbairn; thence
- NORTHERLY by said Fairbairn land to the Medway-Holliston Town line; thence
- WESTERLY on said Town line to the point of beginning.

Being the same and all of the same premises conveyed to the grantors by deed of John J. Longo et al, Trustees, dated October 31, 1975; recorded with Norfolk Deeds, Book 5176, Page 655.

Court Vol. 6637 P. 490
CERT VOL. 11005 P. 379

Property Address: Fisher Street, Medway, Massachusetts
Grantee's Address: 58 Fisher Street, Medway, Massachusetts

CANCELLED 36.80
JAN 8 1981 136.80

Witness our hand and seal this 31st day of December 1980

Samuel V. Longo
Joseph J. Renda Jr.
Benjamin G. Longo
Trustees as aforesaid

The Commonwealth of Massachusetts

Norfolk ss. December 31, 1980

Then personally appeared the above named Benjamin G. Longo as Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed before me

P. Joseph Kenney
P. Joseph Kenney Notary Public
My commission expires September 22, 1983

Recorded Jan. 8, 1981 at 12h. 20m. P.M.

Thayer Development Concept

Thayer Development Committee

10. September 2011

Concept Overview

The Thayer Development Committee, after securing \$30,000 from the Community Preservation fund for Thayer site design development, has spent the last 10 months meeting and working with a landscape and architectural consultant team to provide a development concept for the site. Our agreed upon objectives:

1. The open spaces and vistas - both inward and outward to and from the site - are to be preserved and enhanced; the historical significance of the House and site should be emphasized.
2. A rented caretaker's apartment should be constructed to provide on site, residential presence and security.
3. Any addition to the facility should be designed sympathetic to the history, the area's beauty and the scale of the site while providing broad demographic functionality to the community. Additionally, programmatic components of the development – rentable apartment and function room space - should generate sustainable funds through fees and rent enough to offset the site's ongoing maintenance costs.

Site Use

Primary features of the concept:

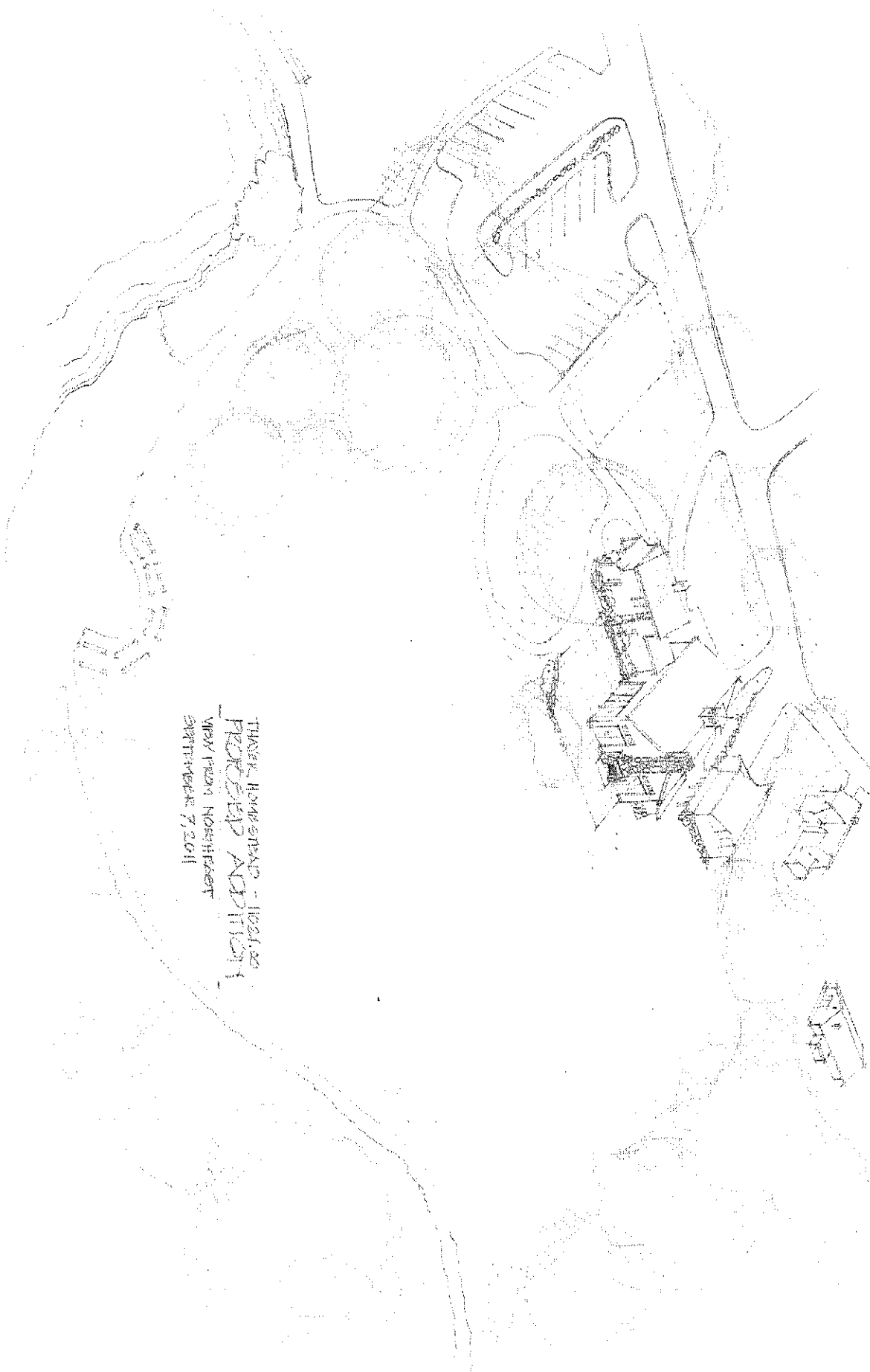
1. Renovation of the 2nd and 3rd floors of the Thayer House into a caretaker's apartment. Continued residential presence on site will likely create a more secure site. Caretaker responsibilities may include low-key building maintenance and function room scheduling (TBD).
2. The proposed 1st floor of a renovated Thayer House will be "opened up", creating a small meeting space, small office space, a storage room and a small bathroom. It is envisioned that this meeting space could accommodate smaller municipal meeting needs especially during the weeknight hours.
3. A proposed sympathetic addition will house a modestly sized function room, a caterer's kitchen and fully accessible men & women's restrooms. The function room floor space would be approximately 1,600 sf. Midweek uses are envisioned to be municipal, educational and non-profit in nature, e.g., nature's classroom, larger municipal meetings, girl scout troupe gatherings, etc. Weekend uses might include fee-based, private functions housing around 60-65 people banquet-style and nearly 100 via theatre-style seating.
4. A patio is proposed to accommodate indoor/outdoor events during fair climate seasons allowing for the possibility of erecting small function tents (max 25' x 30' to the east of the room) or very large function tents to the north of the room on into the "green"/lawn.
5. Other site uses: The Town annually hosts events such as the Air Force band concert and Holiday Fireworks on or near this site but with inadequate facilities to handle the number

of participants well. Medway's Tricentennial celebration could host a number of events here as well. Fundraising events that like antique and car shows or cultural events like fall fests and modest outdoor trade shows or markets could take advantage of the attractive vistas and venue amenities. As proposed, moderately small weddings or parties could be hosted indoors. With the addition of tents, larger capacity events could be held as well. A location for erecting temporary staging on the Thayer property with a backdrop being Choate Pond is being considered, with staging components likely to be portable and storable.

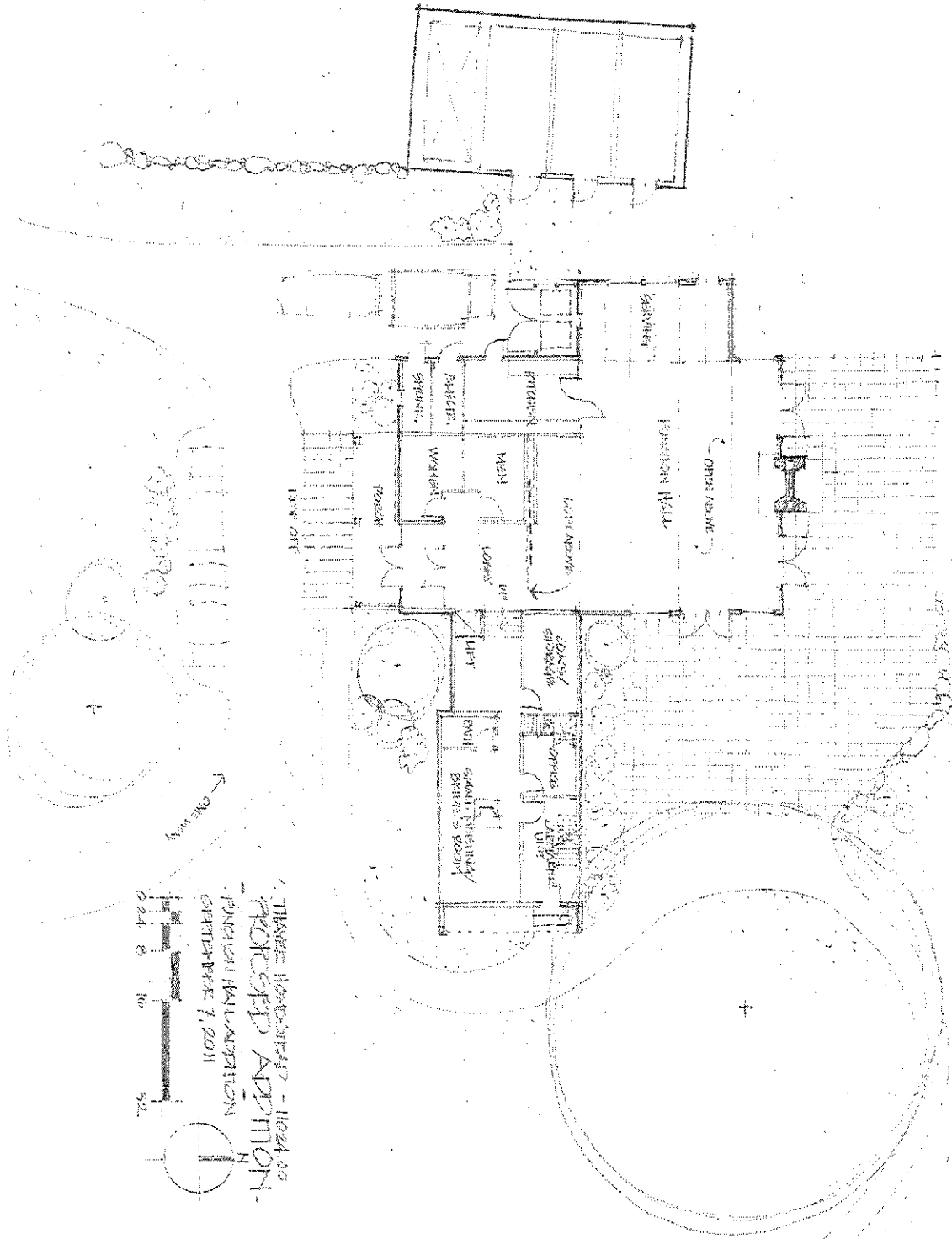
Vehicular and Pedestrian Movement in and around the Site

Currently, Mechanic Street is the primary access road to the Thayer site as well for Choate Park. The Rt. 109 Design project proposes to create a connector road from Main St. to Choate Park/Thayer. Best case scenario for the Rt. 109 project's completion would be 7-8 years out. In the meantime, the recommendation for completing a phase #1 construction for Thayer would be by summer/fall 2013, in time for a grand opening during the Tricentennial celebration. •To accommodate any event parking at Thayer, we are proposing a piggy-back approach to the existing Choate Park lot west of Chicken Brook. A looped access between each property at the north end of the lot would provide a safer and more logical one-way route to expand capacity and serve better the parking needs (see Site Plan). The capacity currently conceptualized would essentially increase the current capacity there from 11 to 27 cars with an allowance for overflow parking further to the west on the Thayer front lawn. An additional 2 spaces for handicapped parking would be provided on the Thayer entry drive at the front door, and parking for catering vehicles would be located at the kitchen entrance. The caretaker's apartment would have access to caterer's kitchen parking during the week. Pedestrian accessible paths are proposed from all parking spaces to the front entry, to the patio to the north, to existing Choate Park paths and bridge and to Oak St.

Though not part of the initial concept plans, site amenities would include signage on property and likely a "wayfinding" sign on Main St. to direct Rt 109 travelers to the site. Additionally, parking lot lighting, sensitive to both the neighborhood, the site's historical setting and to dark sky lighting practices, would be located for pedestrian safety and site functionality and security. We understand that at least one municipal security camera is planned for the Choate Park/Thayer site as well. Provisions relating the site's general use and lease agreements will dictate hours of operation, sound levels, police detailing requirements, use intensity, building and site capacities, alcohol permitting, etc. These are all details that are acknowledged to be important but have yet to be fully outlined at this stage in the concept development. Engineering issues of site and parking lot drainage and other site complexities will be addressed in the construction document phase of the development effort, if the Town Meeting approves funding for such.

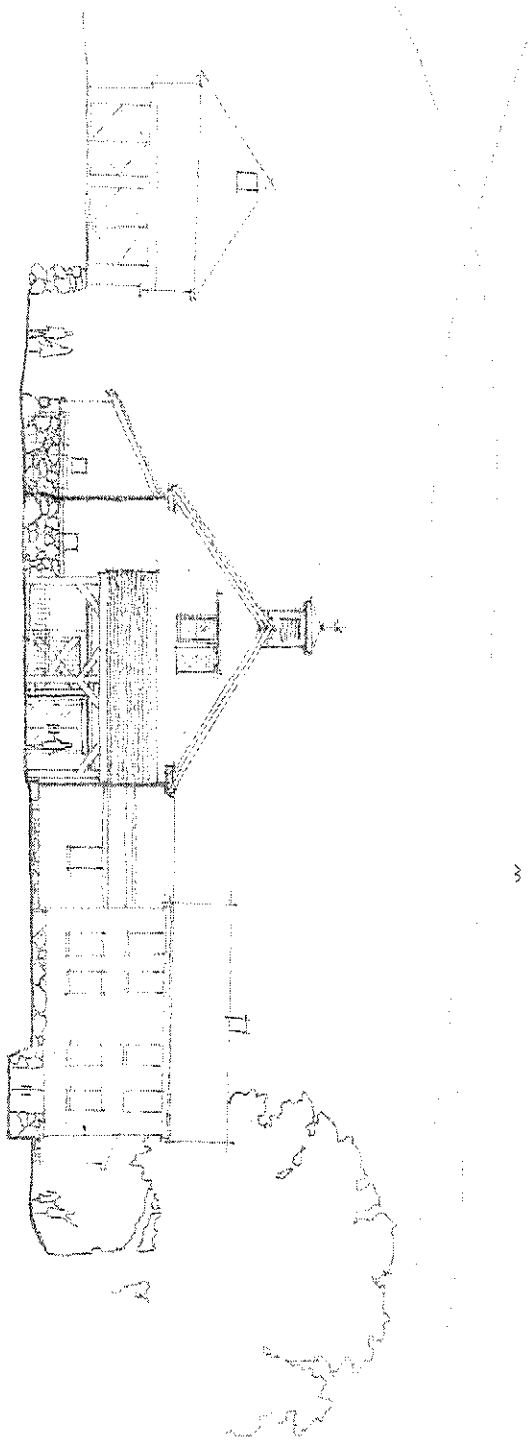


THAYER HOMESTEAD - 1824, 20
PROPOSED ADDITIONS
VIRAY TRUMAN NORTHEAST
SPRINGFIELD 7, 2011



THAYER HOMESTEAD - 11024.00
 PROPOSED ADDITION
 FUNCTIONAL ADAPTATION
 SEPTEMBER 7, 2011





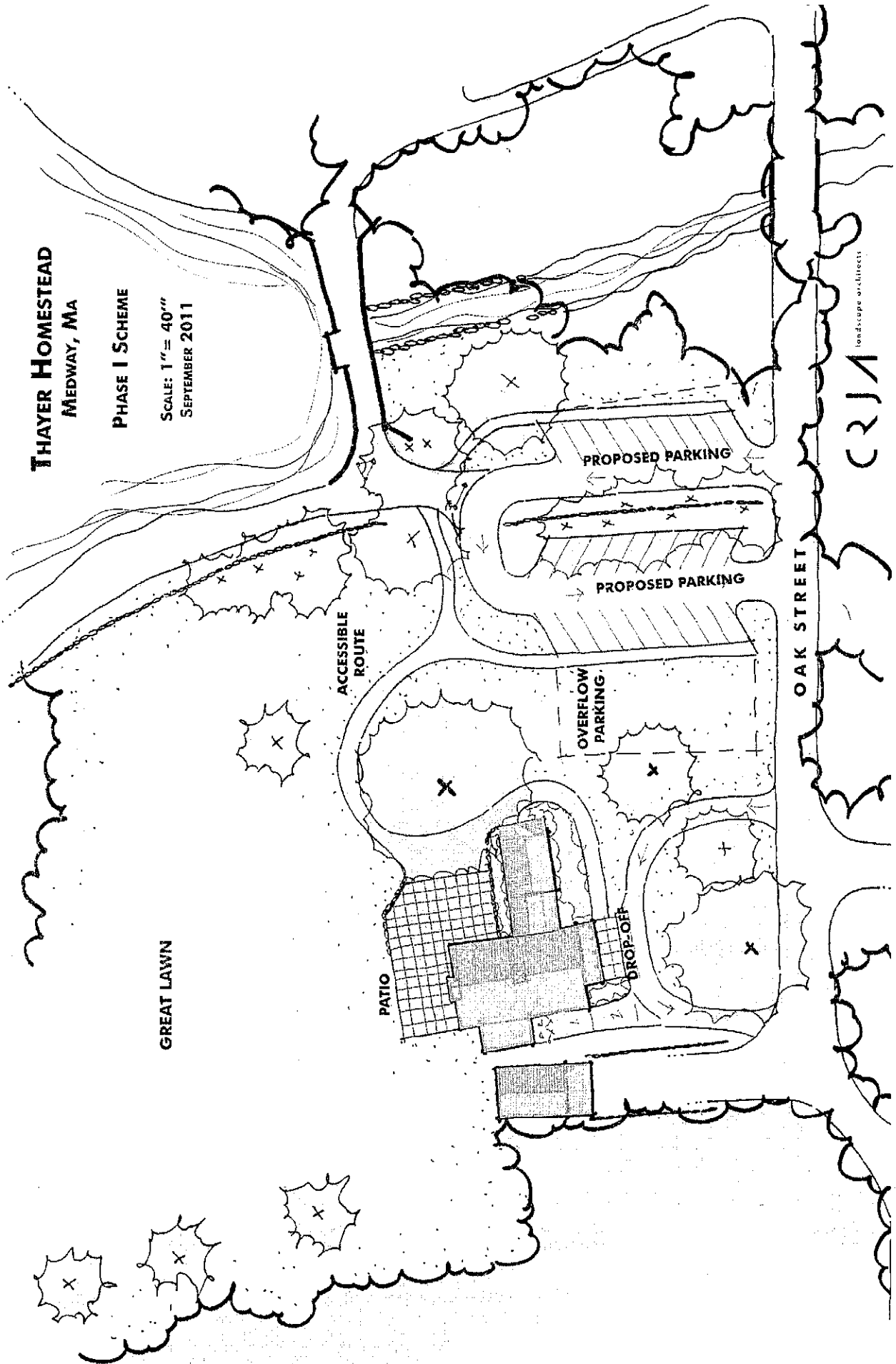
THAYER HOMESTEAD - 1824-1825
 PROPOSED ADDITION
 SOUTH ELEVATION
 SEPTEMBER 7, 2011



THAYER HOMESTEAD
MEDWAY, MA

PHASE I SCHEME

SCALE: 1" = 40'
SEPTEMBER 2011



GREAT LAWN

ACCESSIBLE ROUTE

PROPOSED PARKING

PROPOSED PARKING

OVERFLOW PARKING

PATIO

DROP-OFF

OAK STREET

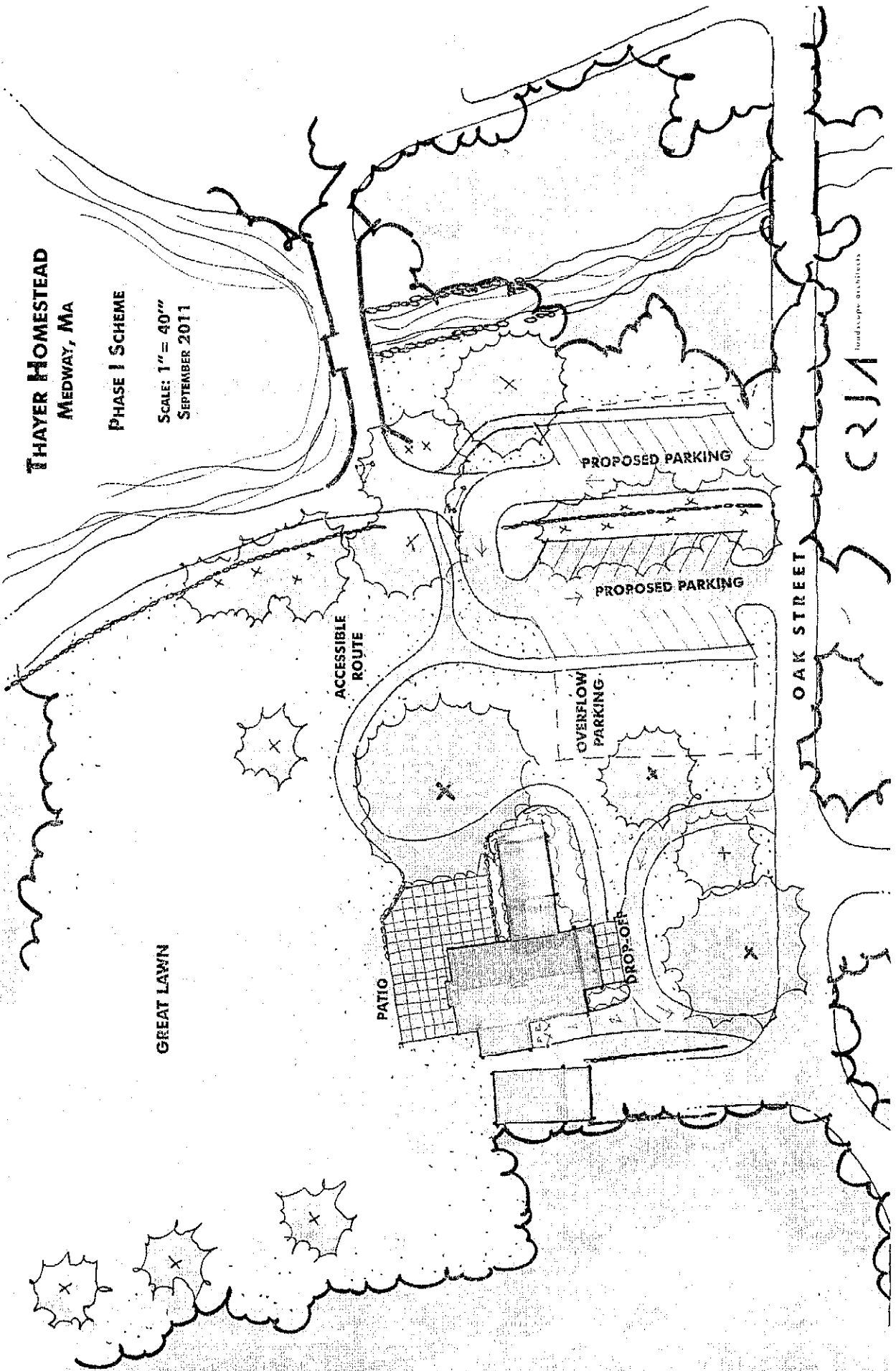
landscape architects

CRJA

THAYER HOMESTEAD
MEDWAY, MA

PHASE I SCHEME

SCALE: 1" = 40"
SEPTEMBER 2011



landscape architects

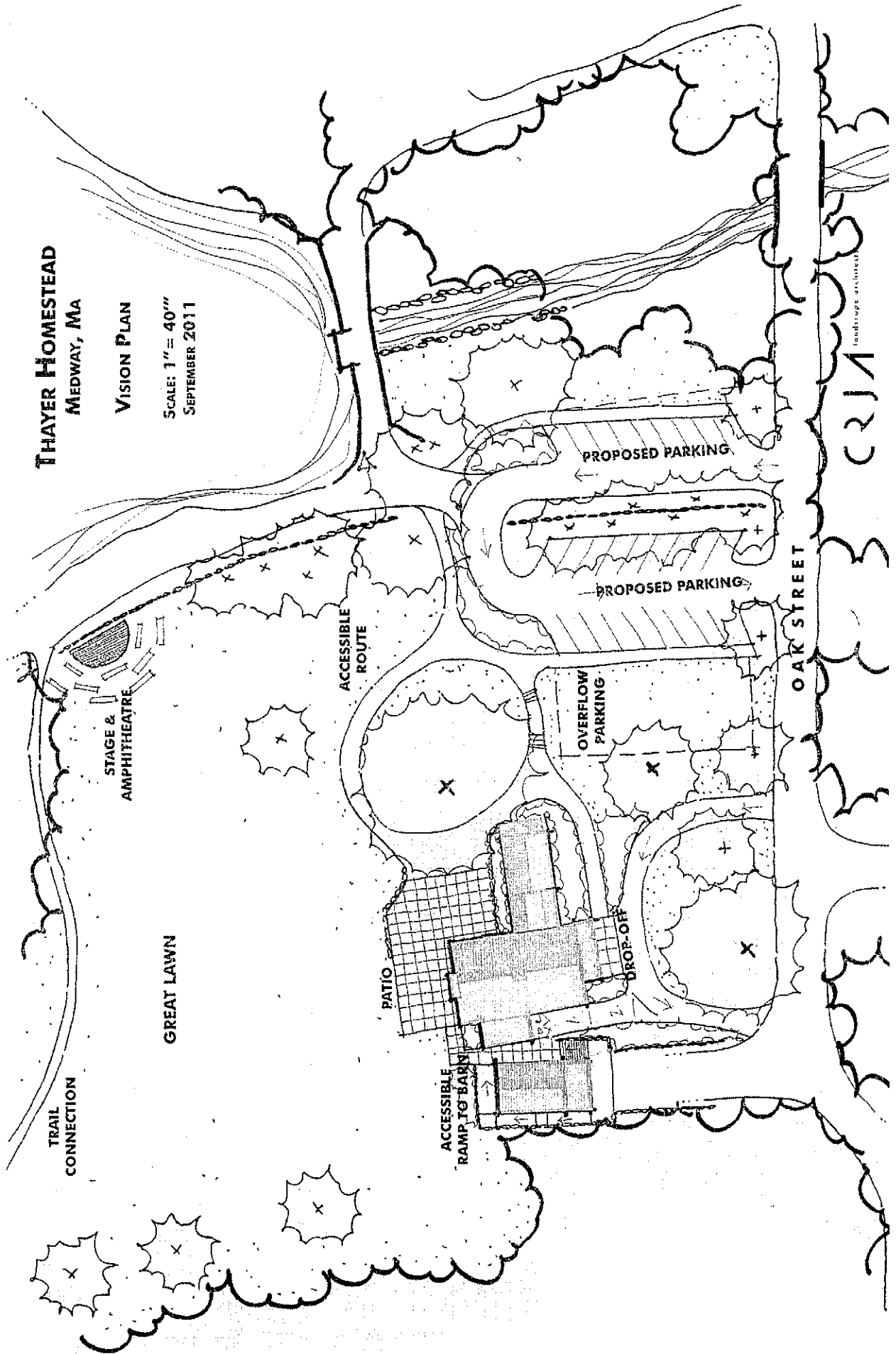
CRJA

OAK STREET

THAYER HOMESTEAD
MEDWAY, MA

VISION PLAN

SCALE: 1" = 40"
SEPTEMBER 2011



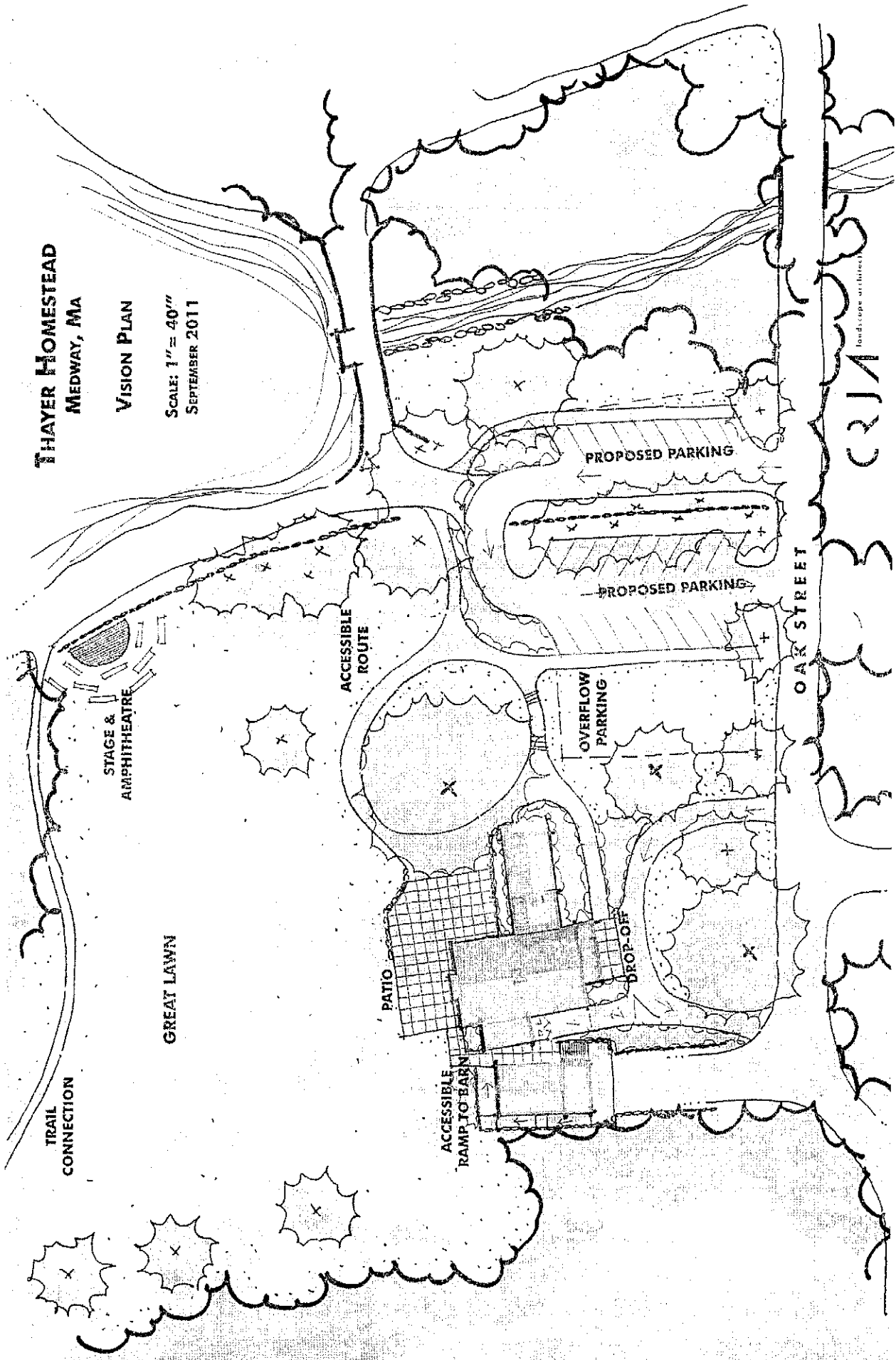
landscope architects

CRJA

**THAYER HOMESTEAD
MEDWAY, MA**

VISION PLAN

SCALE: 1" = 40'
SEPTEMBER 2011



landscape architects

CRJA

LAW OFFICES
OF
HEANEY & SMALL, LLP
24 ASYLUM STREET
Milford, MA 01757
Telephone number (508) 473-2777
Fax number (508) 473-0367

R E C E I V E D
SEP 12 2011

TOWN OF MEDWAY
PLANNING BOARD

September 12, 2011

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

Re: Dugan- 25 Stable Way, Medway, MA


Dear Ms Childs:

Please be advised that this office represents Mr. and Mrs. Brian Dugan in the connection with the sale of the above referenced property scheduled for September 16, 2011. I have been advised that there is an outstanding Planning Board Covenant on title.

I have attached a Partial Release of Restrictive Covenant Form for consideration for the meeting scheduled for September 13, 2011. I understand this is very short notice but I do not want to hold up this closing

I want to thank you very much for taking my call today and your professionalism and getting this to me as soon as you did.

Very Truly Yours,



Michael E. Heaney

Partial Release of Restrictive Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 20 (also known as 25 Stable Way) on a definitive subdivision plan entitled Broad Acres Estates in Medway, MA, with a final revision date of June 1, 1997, prepared by DeSimone & Associates, which is recorded with the Norfolk County Registry of Deeds as Plan Number 773 of 1998 in Plan Book 461-4, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning Board and W. Gregory Whelan, Antoinette M. Cuning, Michael DelGenio and Pauline DelGenio dated August 4, 1998 and recorded with the Norfolk County Registry of Deeds in Book 12972, Page 444.

Executed under seal this 13th day of September, 2011.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

On this _____ day of September, 2011 before me, the undersigned notary public, personally appeared _____

proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License, to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:

168006

BK 12972PG444

C 10

P 100

TOWN OF MEDWAY, MASSACHUSETTS

COVENANT

The undersigned, W. Gregory Whelan of Millis, Massachusetts, and Antoinette M. Cunning, Michael DelGenio and Pauline DelGenio of Medway, Massachusetts, hereinafter called "Covenantor", having submitted to the Medway Planning Board application for approval of a Definitive Plan of a subdivision entitled "Broad Acres Estates", dated June 1, 1997, and prepared by DeSimone & Associates does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to Sec. 81-U, Chapter 41, G.L. (Ter. Ed.) as amended that:

1. Except as otherwise expressly provided in Sec. 81-U of Ch. 41, G.L., no lot included on such plan shall be built upon or conveyed until the work on the ground for construction of the way and for municipal services necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Medway or a performance bond or other security in lieu of completion has been accepted by the Planning Board and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - a) Application for Approval of Definitive Plan dated June 1, 1997.
 - b) The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval of a Definitive Plan with Waivers issued by the Planning Board and dated June 30, 1998.
2. It is the intention of the covenantor and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid Subdivision and shall operate as restrictions upon said land, and shall be binding upon the executors, administrators, devisees, heirs, assigns, and successors in title to the premises.
3. The Covenantor is the owner of record of the premises shown on said plan and states that there is no outstanding mortgage on the premises.
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or all lots not previously released by the Planning Board without first providing such ways and services.
5. This covenant shall take effect upon approval of said plan.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

RECEIVED RECORDED
NORFOLK COUNTY
98 NOV 13 PM 12:59

REFER TO PLAN NO. 773 of 1998
PLAN BOOK NO. 461-4 SHEETS

RECORDED
NORFOLK COUNTY REGISTRY OF DEED
DEDHAM, MA
BOOK PAGE
47787

Barry T. Hannon
BARRY T. HANNON, REGISTER

In witness whereof, the undersigned covenantors do hereunto set their hands and seals this 4th day of August, 1998.

W. Gregory Whelan
W. Gregory Whelan, Applicant

Antoinette M. Cunning
Antoinette M. Cunning, Owner

Michael DelGenio
Michael DelGenio, Owner

Pauline DelGenio
Pauline DelGenio, Owner

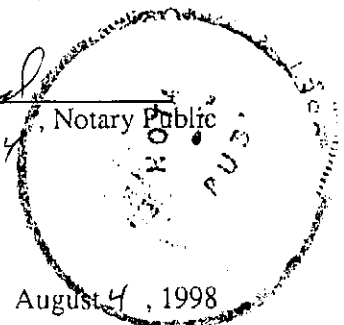
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

August 4, 1998

Then personally appeared the above-named W. Gregory Whelan who acknowledged the foregoing instrument to be his free act and deed, before me.

Tracy A. Bayl, Notary Public
My Comm. Exp.: 10-15-2004



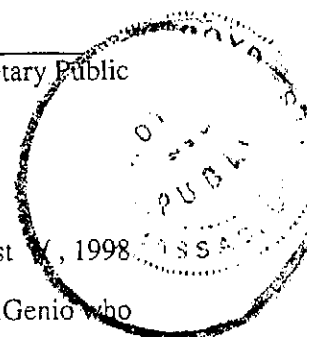
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

August 4, 1998

Then personally appeared the above-named Antoinette M. Cunning who acknowledged the foregoing instrument to be her free act and deed, before me.

Tracy A. Bayl, Notary Public
My Comm. Exp.: 10-15-2004



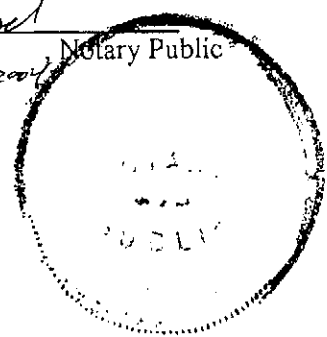
COMMONWEALTH OF MASSACHUSETTS

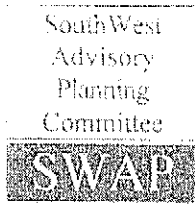
Norfolk, ss.

August 4, 1998

Then personally appeared the above-named Michael DelGenio and Pauline DelGenio who acknowledged the foregoing instrument to be their free act and deed, before me.

Tracy A. Bayl, Notary Public
My Comm. Exp.: 10-15-2004





C/O METROPOLITAN AREA PLANNING COUNCIL
60 TEMPLE PLACE, BOSTON, MA 02111
617-451-2770

SWAP LEGISLATIVE BREAKFAST SEPTEMBER 16, 2011

8:00 AM TO 10:00 AM

BELLINGHAM SENIOR CENTER

40 BLACKSTONE ST., BELLINGHAM, MA 02019

You are cordially invited to join local legislators and community leaders for coffee and pastries and a facilitated discussion of topics of regional interest, including:

- Economic Development/Jobs Creation
- State Budget/Legislators' Priorities
- Land Use and Zoning Reform

Please save the date, and RSVP to:

Cynthia Wall
MAPC SWAP Coordinator
cwall@mapc.org

617-451-2770 ext. 2058

SWAP promotes cooperative action on land use, transportation and economic development in the subregion. Plan to take advantage of this opportunity to meet with area legislators.

Bellingham *Franklin* *Hopkinton* *Milford* *Norfolk* *Wrentham*
Dover *MAPC* *Medway* *Mills* *Sherborn*