

**December 11, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Chan Rogers, and Tom Gay.

ABSENT WITH NOTICE: Karyl Spiller-Walsh

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Town Coordinator
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

Planning and Economic Development Coordinator's Report:

Susy Affleck-Childs provided a status update as follows:

Zoning Bylaw Books:

The members were provided with an updated Zoning Bylaw with. It includes the amendments approved at the May 2012 town meeting which were approved by the Attorney General. This will also be sent electronically to the members who request such. This document has also been loaded to Town's website and all links go to this version.

Charles River Village OSRD:

Susy has received the Definitive Plan application for the Charles River Village OSRD. The public hearing will begin January 8, 2013. The abutter notifications will go out next week.

Norwood Acres:

The Norwood Acres plan will be ready for plan endorsement on January 8, 2013.

Fiscal 2014 Budget:

The Fiscal 2014 budgets are due January 18, 2013.

Green Community Annual Report:

Susy has completed and submitted Medway's Green Community Annual Report to the Mass Department of Energy Resources.

Daniels Village ARCPUD:

Susy met with a prospective developer who is very interested in doing an ARCPUD on this site (west side of Winthrop Street south of Lovering Street). This developer asked whether the permit extension law applies. Town Counsel is looking into this. Barberry Homes was the previous applicant.

Fox Run Farm Subdivision Security:

The Board is in receipt of a performance secured lender's agreement for the Fox Run Farm 40B development. **(See Attached)** The document was signed by Rockland Trust Company.

The developer has paid the current invoice for construction services for \$11,000. The bond agreement has been reviewed by Town Counsel. The bond amount recommended by Tetra Tech is \$88,825.00

The Board agreed that they have fulfilled all of their requirements.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to approve and sign the Tri-Party Agreement with Mujeeb Ahmed and Rockland Trust.

NOTE – Three originals were signed.

The Board also signed the Release of the Subdivision Covenant.

9 & 11 Cedar Farms Road: ANR Plan

Mr. Brian Nelson of MetroWest Engineering was present.

The Board is in receipt of an ANR Plan for 9 and 11 Cedar Farms Road dated December 3, 2012. **(See Attached)**

The Board is also in receipt of paperwork submitted by Metrowest Engineering dated December 5, 2012. **(See Attached).**

The Chairman disclosed that on occasion he does business with MetroWest Engineering.

The applicant is looking to do a land swap for properties located at 9 & 11 Cedar Farms Road. The two residents were seated in the audience.

The plan is to reconfigure the common lot line between the two properties. Both lots will have adequate area, frontage and access off of Cedar Farms Road. The properties are located in the Agricultural-Residential District 1.

Consultant Carlucci indicates that this does fully comply and the noted technical issues have been addressed. This is noted in his memo dated December 10, 2012. **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to endorse the ANR plan for Applebaum-Cunha as presented with a revised plan date of December 11, 2012.

25 Main Street: ANR Plan – Redwing Properties

The Board is in receipt of an ANR application and plan for 25 Main Street dated December 5, 2012. **(See Attached)**

The property consists of 7.52 acres, and is to be divided into 2 lots and 2 parcels. All are labeled as LOTS on the plan. The plan was drawn by Paul DeSimone from Colonial Engineering. The owner is Toni Biocchi. He is taking and carving off a piece to make a buildable lot for his son. He is leaving the back as a non-buildable.

Member Rogers wants to see the flood plan lines drawn in the right and accurate way.

Member Gay would like to see the applicant lay this out in a better way. He is not comfortable with the creation of a swamp lot. He does not want to see the Town creating useless pieces of property. Member Gay is comfortable with Lot 4 as shown.

The applicant will revise this making it three lots instead of four. The applicant asked to withdraw the application without prejudice so that he can resubmit.

On a motion made by Tom Gay and seconded by Chan Rogers, the Board voted unanimously to accept the applicant's request to withdraw the application for the ANR plan for 25 Main Street without prejudice.

The applicant will need to submit a new plan noting the various recommended revisions relative to Parcel A & B and flood plan line. The applicant would like to be placed on the January 8, 2013 agenda.

Possible Rezoning - 32 Summer Street:

Paul Yorkis was present to speak on behalf of Berry's Greenhouses at 32 Summer Street. It was suggested that this parcel could be rezoned from ARII to Commercial V.

The Board is in receipt of a copy of the Town of Medway Map #56. The parcel was noted with an orange x. **(See Attached)**

There is a building which can be used for residential purposes. The building on the property is not being actively used. It is being used as a residential structure.

The Board discussed that a rezoning would need to go on the warrant for town meeting vote. It could be initiated by the Planning Board or by the owner.

Chairman Rodenhiser communicates that this makes sense from an Economic Development perspective to change the zoning.

Member Rogers has no problem supporting this, but he does not want the Board to initiate since it is a single lot.

Member Tuckers notes that if this were not adjacent to the existing Commercial IV, it would not make sense, but it is and it makes sense.

It was discussed that this whole area should be looked at in terms of rezoning. Perhaps there are other parcels along this part of Route 126 that should be rezoned to Commercial V.

Susy responds that this will need some analysis for the comprehensive approach of making this area all commercial. This might be more than we can manage for the spring town meeting with the other priorities the board has taken on. This could be a joint endeavor with the Economic Development Committee.

It was suggested that Mr. Yorkis send a letter requesting that the Planning Board sponsor the article for the May town meeting.

Possible Revisions to Williamsburg Condominium Decisions/Plans:

The Board is in receipt of a memo dated December 6, 2012 from Mr. Paul Yorkis, president of Williamsburg Condominium Corporation. **(See Attached)**

The developer wants to reduce the number of affordable units from the currently required three units to two units. The other changes would include adding garages to two affordable units. This would require a waiver.

Mr. Yorkis explained that he did discuss this matter with the Medway Affordable Housing Trust and the Affordable Housing Committee and they have indicated their support. A letter will be coming from the various committees. He further explained that there are State (DHCD) guidelines and not policies about affordable houses having garages.

Susy explained that this change may need a modification to the OSRD special permit and/or the definitive plan decisions. She wants to take this new information and provide it to Gino for review. The language in both the Special Permit decision and definitive plan decision will probably need to be modified. This will need to have a public hearing.

This item will be added to the agenda item for January 8, 2013.

Bob Ferrari, Co-Chairman of the Affordable Housing Committee was present. They have taken a position to endorse this proposed change.

Consultant Estimates for Charles River Village Definitive Plan

The Board is in receipt of consultant estimates for plan review services pertaining to the Charles River Village Definitive Plan.

PGC Associates Inc. review estimate dated December 6, 2012. (See Attached)

Tetra Tech Rizzo review estimate dated December 5, 2012. (See Attached)

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted to approve the consultant estimate from PGC Associates in the amount of \$1,170.00 and from Tetra Tech Rizzo in the amount of \$5019.00 for Charles River Village Definitive Plan. (Chan Rogers chose to not vote.)

Susy communicated to the Board that the estimates from Tetra Tech Rizzo are more detailed as had been requested.

Continuation of Planning and Economic Development Coordinator's Report

Parking Regulations Analysis:

The Board is in receipt of a document dated December 5, 2012 entitled "Existing Medway Parking Requirements/Standards per Medway Zoning Bylaw. (See Attached). This document was created by Susy Affleck-Childs. It is an inventory of Medway's existing parking requirements district by district. The document will be shared with Paul Yorkis and Claire O'Neill along with the Economic Development Committee.

Marijuana Dispensaries:

The Board is in receipt of a letter dated November 27, 2012 from the Town of Walpole. **(See Attached)** The Board is also in receipt of paperwork entitled “MMA Seeks Delay of Marijuana Dispensaries” dated November 20, 2012. **(See Attached)**.

This item will be placed on the January 8, 2013 agenda.

Streamlined Street Acceptance:

The Town of Medway sponsored an initiative to the Legislature to streamline the street acceptance process. This has made it through one of the two houses and it looks promising. Allison from the Town Administrators office has been monitoring this.

Zoning Board of Appeals:

The Board is in receipt of a notice that the Zoning Board of Appeals will hold a public hearing on December 19, 2012 for a Special Permit for Calarese Properties for 72 Main Street for the Tri Valley Commons shopping center.

Susy also informed the members that she sent an email to the Chairman of the Zoning Board of Appeals asking if they are interested in working on refining the accessory family dwelling unit provisions of the zoning bylaw.

Capital Improvements Committee:

Susy informed the Board that she presented to the Capital Improvement Committee. Susy, Fran and Dave provided a demonstration of the GIS work which has been completed. This included a presentation of the various maps.

Joint Meeting with BOS

There will be a joint meeting with the Board of Selectmen on Tuesday, January 15, 2013 at 7:00 pm to discuss zoning ideas.

Oak Grove Title Work:

The Oak Grove Title work is completed. There will be an executive session with Board of Selectmen on December 17th to discuss the information. There will be an update provided to the Board.

People GIS – ON-Line Permitting:

The staff had a demonstration with People GIS showing a mock online permitting application. This continues to proceed forward.

MAPC:

The Town of Medway has been selected to receive technical assistance from MAPC. Cynthia Wall will be doing some work to draft mixed use zoning for the Oak Grove area.

Integrated Water Resources Management Program Task Force:

The Board is in receipt of a letter from the Tom Holder, Department of Public Services dated December 6, 2012. (See Attached)

The letter explains that the DPS has begun a project to evaluate water resource management in the community. DPS is interested in having representation from the Planning Board to serve on the Advisory Committee.

Andy Rodenhiser and Chan Rogers are both interested in assisting on this committee.

Upper Charles Conservation Land Trust:

The Board received a note from Jim Wieler, the Chairman of the Upper Charles Land Trust.

Minutes:

October 23, 2012:

These will be tabled until the next meeting.

November 27, 2012

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted to approve the minutes from the November 27, 2012 meeting.

Adjourn:

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:45 pm.

Respectfully Submitted,


Amy Sutherland
Meeting Recording Secretary

Edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Performance Secured by Lender's Agreement
Planning & Economic Development Board – Town of Medway, MA

This agreement is entered into this _____ day of December, 2012, between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Fox Run Development Group LLC ("Applicant"), and Rockland Trust ("Lender") to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on May 4th 2011, after a duly noticed public hearing, the Board of Appeals approved a Modification to Comprehensive Permit Subdivision Lotting Plan showing 12 lots, which is entitled Fox Run Farm, prepared by Outback Engineering Inc, dated May 24th, 2011 and recorded at the Norfolk County Registry of Deeds in Plan Book 610 Page 62 (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 122 Holliston Street and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 599 Page 64; or is registered in _____ as Document No. _____ and noted on Certificate of Title No. _____; and

WHEREAS, the Applicant has recorded a first mortgage with the Lender dated November 26, 2012 and recorded in the Norfolk County Registry of Deeds, Book 30731 Page 525 covering the land shown on the Subdivision Plan as security for the payment of a note in the principal sum of \$500,000; and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$88,825, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this subdivision; the application submitted for approval of this

subdivision; the Board's Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Approval; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:

_____ (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than ___ years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on June 15th 2011, and therefore the required completion date is _____.

3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board to the Lender upon completion of the work by the Town of Medway.

4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Applicant without the prior written release of said funds by the Board.

5. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W. No signature by Lender of this Agreement shall be deemed a consent by Lender under the provisions of G.L. c. 41 §81W.

6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this agreement in full or in part. Upon receipt of a written notice of reduction or release, such reduced or retained funds shall be available to the Lender, who may retain or may disburse the Retained Funds, or portion thereof, to the Applicant, as Lender so determines.

7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six

months prior to said release. This agreement does not expire until released in full by the Board.

8. Failure to complete construction of the ways and installation of the municipal services by the required completion date shall result in automatic rescission of approval of the Subdivision Plan. Such rescission shall be in accordance with G.L. c. 41 §81W. No signature by Lender of this Agreement shall be deemed a consent by Lender under the provisions of G.L. c. 41 §81W.

9. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 2012.

PLANNING & ECONOMIC DEVELOPMENT BOARD – TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of _____, 2012, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board _____

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Notary Public
My commission expires: _____

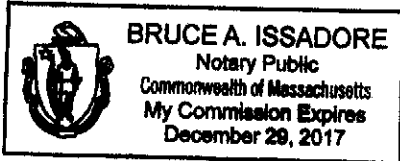
APPLICANT

By: Mujeebuddin Ahmed
Mujeebuddin Ahmed
Title/Position: Member
Organization: Fox Run Development Group LLC

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 26th day of November, 2012 before me, the undersigned notary public, personally appeared the above-named Mujeebuddin Ahmed, proved to me through satisfactory evidence of identification, which was (personal knowledge) (~~Massachusetts~~ driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.



B. A. Issadore
Notary Public: Bruce A. Issadore
My commission expires: 12.29.2017

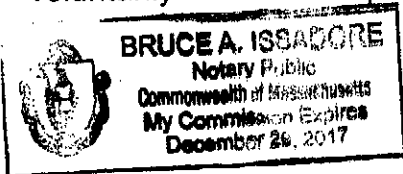
LENDER

By: [Signature]
Title/Position: First Vice President
Organization: Rockland Trust Company

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 26th day of NOVEMBER, 2012, before me, the undersigned notary public, personally appeared the above-named JOHN DAVIDSON proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.



B. A. Issadore
Notary Public:
My commission expires: 12/29/17

LAND SUBDIVISION - FORM A

RECEIVED
DEC 05 2012

Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.

Your absence may result in a delay in its review.

12/03, 2012

TO: The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: PLAN OF LAND #9 & #11 CEDAR FARMS ROAD IN MEDWAY, MASS

Prepared by: METROWEST ENGINEERING, INC. & ROBERT A. GEMMA

P.E. or P.L.S registration #: P.L.S. # 37046 Plan Date: DECEMBER 3, 2012

PROPERTY INFORMATION

ANR Location Address: #9 AND #11 CEDAR FARMS ROAD

The land shown on the plan is shown on Medway Assessor's Map # 4-2 Parcel # 53 & 53-3

Total Acreage of Land to be Divided: 2.26

Subdivision Name (if applicable): N.A.

Medway Zoning District Classification: (AR-1) AGRICULTURAL - RESIDENTIAL DISTRICT 1

Frontage Requirement: 100 FEET Area Requirement: 44,000 SQUARE FEET

Is the road on which this property has its frontage a designated Medway Scenic Road? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: SEE ATTACHMENT to _____ dated _____ and recorded in Norfolk County Registry of Deeds, Book: _____ Page _____ or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: #11 CEDAR FARMS ROAD MATTHEW & NICOLE APPELBAUM #9 CEDAR FARMS ROAD GARY & TINA CUNHA

Applicant's Signature: Matthew Appelbaum Gary Cunha

Applicant's Address: 11 CEDAR FARMS ROAD #9 CEDAR FARMS ROAD

Applicant's Telephone: _____

Applicant's Email: _____

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: _____

Address: _____

The Owner hereby appoints _____ to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 12/3/2013

Gary Cunha
Owner's Signature
Matthew Appelbaum
Owner's Signature

#9 CEDAR FARMS ROAD

#11 CEDAR FARMS ROAD

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: (Check all that apply.)

- 1. The accompanying plan does not show a division of land.
- 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on CEDAR FARMS ROAD (name of way(s), which is:
 - a. A public way. Date of street acceptance: _____
 - b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)

✓ c. A way shown on a definitive subdivision plan entitled DEFINITIVE
SUBDIVISION OF CEDAR FARMS II
that was previously endorsed by the Planning & Economic
Development Board on 12/09/1986
and recorded at the Norfolk County Registry of Deeds on
04/24/1987. Provide detailed recording information.

PLAN # 438 OF 1987

____ d. A private way in existence on the ground before 1952 when the
Subdivision Control Law was adopted in the Town of Medway,
which has, in the opinion of the Planning & Economic
Development Board, adequate width, suitable grades, and
adequate construction to provide vehicular access to the lot(s) for
their intended purpose of _____
and to permit the installation of municipal services to serve the
lot(s) and any buildings thereon.

____ 3. The division of land shown on the accompanying plan is not a "subdivision" for
the following reasons: THIS PLAN IS A PARCELSWAP. NO NEW BUILDING
LOTS ARE BEING CREATED. BOTH BUILDING LOTS HAVE
FRONTAGE AND ACCESS OFF CEDAR FARMS ROAD, A
CONSTRUCTED PRIVATE WAY.

ANR PLAN FILING FEE

\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.

Please prepare two checks: one for \$80 and one for the balance.
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

APPLICATION CHECKLIST - All items must be submitted

- ✓ 2 signed original ANR applications (FORM A)
- ✓ 3 prints of ANR plan
- ✓ Project Explanation
- ✓ Application/Filing Fee

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: 10/5/2010


ANR Application/Filing Fee Paid: Amount: \$950 - Check # 1488 #80
1489 ~~#170~~ #170

MATTHEW APPLEBAUM 11/03 1488
NICOLE MARIE APPLEBAUM
 11 CEDAR FARMS ROAD
 MEDWAY MA 02053

5-7017/2110
 794

12/4/12
 Date

Pay to the Order of Town of Medway \$ 80.00
Eighty 00/100 Dollars

 **Citizens Bank**
 Massachusetts

For Land Subdivision Neal Appleba

⑆ 211070175 ⑆ 1139456390 ⑆ 1488


Security Features. Details on Back.

MATTHEW APPLEBAUM 11/03 1489
NICOLE MARIE APPLEBAUM
 11 CEDAR FARMS ROAD
 MEDWAY MA 02053

5-7017/2110
 794

12/4/12
 Date

Pay to the Order of Town of Medway \$ 170.00
One hundred + Seventy 00/100 Dollars

 **Citizens Bank**
 Massachusetts

For Land Subdivision Neal Appleba

⑆ 211070175 ⑆ 1139456390 ⑆ 1489

Security Features. Details on Back.



MetroWest Engineering, Inc.

**Proposed Parcel Exchange
9 & 11 Cedar Farms Road
Medway, MA 02053**

RECEIVED
DEC 05 2012

TOWN OF MEDWAY
PLANNING DEPARTMENT

Approval Not Required Plan (ANR)- Attachment A

Property Information

Project Location: 9 & 11 Cedar Farms Road, Medway MA

Applicant

Matthew and Nicole Applebaum
11 Cedar Farms Road
Medway, MA 02053
(508) 494-2108

Owners

Gary & Tina Cunha
9 Cedar Farms Road
Medway, MA 02053

Matthew and Nicole Applebaum
11 Cedar Farms Road
Medway, MA 02053

Land Surveyor & Owner Representative

MetroWest Engineering Inc.
75 Franklin Street
Framingham, MA 01702
(508) 626-0063

Record Title Information

9 Cedar Farms Road
Assessor's Map 4-2, Lot 53-3
Deed from N.P. Dodge Jr. to Gary and Tina Cunha, dated July 30, 2009
Deed Book 26941, Page 572

11 Cedar Farms Road
Assessor's Map 4-2, Lot 53
Deed from Deborah Walis to Matthew and Nicole Applebaum, dated November 16, 2007
Deed Book 25304, Page 03

Project Explanation-ANR Plan, 9 and 11 Cedar Farms Road, Medway

The project site is located on the westerly side of Cedar Farms Road near the intersection of Rockwood Road in the town of Medway. The ANR application and plan of land pertain to a parcel swap between the properties known as 9 and 11 Cedar Farms Road in Medway.

The plan reconfigures the common lot line between the two properties through the creation of Parcels A and B. Parcel A is a triangular piece of land located between the properties and has an area of 2,314 square feet. Parcel A is to be conveyed from #9 cedar Farms Road and combined with the premises at 11 Cedar Farms Road (Lot 1A-1) to create one building lot with an area of 49,296 square feet and having a total frontage of 264.51-feet.

Parcel B is a rectangular shaped piece of land that has an area of 2,286 square feet of land and is located at the rear of the properties. Parcel B is to be conveyed from #11 Cedar Farms Road and combined with the premises at 9 Cedar Farms Road to create one building lot with an area of 44,692 square feet and having a total frontage of 224.48-feet.

Both lots will have adequate area, frontage and practical access off of Cedar Farms Road. Cedar Farms Road is a constructed private way.

PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: December 10, 2012

RE: Cedar Farms Road-Applebaum-Cunha ANR

I have reviewed the ANR plan submitted for endorsement by Matthew and Nicole Applebaum and Gary and Tina Cunha, all of Medway. The plan was prepared by Metrowest Engineering, Inc. of Framingham. The plan proposes to adjust the lot line between two abutting properties by swapping roughly equal areas. I have comments as follows:

1. Section 3.2.2 of the regulations requires that the Registry block and signature block be in the upper right hand corner of the plan. These are in the lower left corner of the plan.
2. Section 3.2.6 requires that the names of abutters across the street be included on the plan. The direct abutters are shown but not the ones across the street.
3. Section 3.2.11 requires a statement as to whether the subject property is classified as Chapter 61A or 61B land. No statement about this is on the plan.

The plan qualifies for ANR endorsement. Since the technical deficiencies are minor and the plan is simply a lot line adjustment, I recommend that it be endorsed.

COLONIAL ENGINEERING, INC.
Surveying and Engineering

11 AWL STREET
MEDWAY, MA. 02053
(508) 533-1644
(508) 533-1645 FAX

December 3, 2012

Medway Planning Board
155 Village Street
Medway, Ma. 02053

RECEIVED
DEC 05 2012

TOWN OF MEDWAY
PLANNING BOARD

Re: 25 Main Street

Dear Board Members,

25 Main Street consists of 7.52 acres, to be subdivided into 4 lots. Two nonconforming and two conforming lots. Of the two conforming lots one will have the original homestead and garage. If you have any questions please do not hesitate to call.

Sincerely



Paul F. DeSimone GM

LAND SUBDIVISION – FORM A

RECEIVED
DEC 05 2012
TOWN OF MEDWAY
PLANNING BOARD

Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)

Planning Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two signed originals of this Application and one copy of the ANR Plan to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, seven (7) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning Board.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant authorizes the Planning Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application and ANR plan. You or your duly authorized agent will be expected to attend the Planning Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application. Your absence may result in a delay in its review.

Dec 3, 2012

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

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Planning Board and requests its determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Title: Plan of Land in Medway, MA

Prepared by: Paul J. Desimone

P.E. or P.L.S registration #: 30466

Plan Date: Sept 26 2012

PROJECT EXPLANATION

Provide a cover letter or attach an additional sheet with a detailed explanation of what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPLICANT INFORMATION

Applicant's Name: Anthony Biocchi
Applicant's Signature: [Signature]
Applicant's Address: 25 Main St
Medway MA 02053
Applicant's Telephone: 508 561 1502 (cell)

PROPERTY OWNER INFORMATION (if not Applicant)

Property Owner Name:
Address:

The Owner hereby appoints Anthony Biocchi to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 12/3/12
Owner's Signature: [Signature]

PROPERTY INFORMATION

ANR Location Address: 25 MAIN ST.
The land shown on the plan is shown on Medway Assessor's Map # 32 Parcel # 033
Total Acreage of Land to be Divided: 7.52±
Subdivision Name (if applicable): N/A

The owner's title to the land that is the subject matter of this application is derived under deed from: James A. Sig. Trustee to Red Wing Properties dated Oct 28, 2010 and recorded in Norfolk County Registry of Deeds, Book 23212 Page 433 or Land Court Certificate of Title Number Land Court Case Number registered in the Norfolk County Land Registry District Volume Page

Medway Zoning District Classification: AR 1
Frontage Requirement: 180' Area Requirement: 44,000 S.F.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that Planning Board approval under the Subdivision Control Law is not required for the following reasons: (Check all that apply.)

- 1. The accompanying plan does not show a division of land.
2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on (name of way(s), which is:
a. A public way. Date of street acceptance:
b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)

_____ c. A way shown on a definitive subdivision plan entitled _____
that was previously endorsed as an approved plan by the Planning Board on _____ subject to the following conditions _____

_____ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, having, in the opinion of the Planning Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____

_____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.

✓ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: _____

NO NEW WAYS OR STREETS


ANR PLAN FILING FEE

\$250 for a plan involving two (2) or fewer lots or parcels.

\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed \$750.

Check to be made payable to: Town of Medway

Fee approved 11-9-04

Date Form A and ANR Plan Received by Planning Board: 12/8/2018 

ANR Application/Filing Fee Paid: Amount: \$250- Check # 1293

Date Form A and ANR Plan Received by Town Clerk

PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

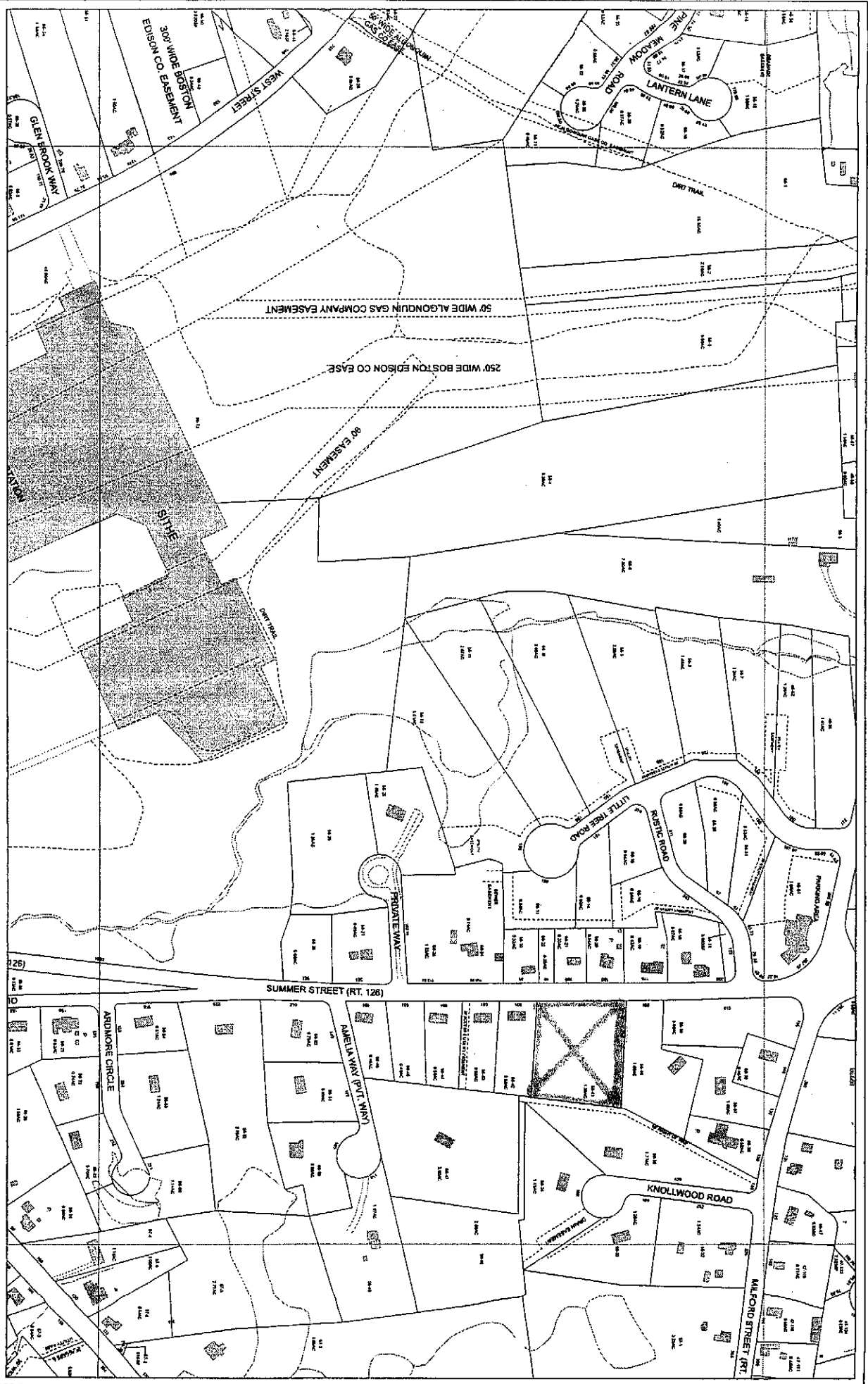
PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

PROPERTY MAP
TOWN OF MEDWAY
 NORFOLK COUNTY, MASSACHUSETTS

1 INCH = 311 FEET
 0 25 50 100 FEET



MAP 56



PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

PARCEL MAP LOT NUMBER: 143
 SUBDIVISION LOT NO.: 143
 VACANT LOT WITH STREET NO.:
 ZONING LIMITS:

PROPERTY MAP
TOWN OF MEDWAY
 NORFOLK COUNTY, MASSACHUSETTS

1 INCH = 311 FEET
 0 25 50 100 FEET



MAP 56

Williamsburg Condominium Corporation
159 Main Street
Medway, MA 02053

December 6, 2012

Mr. Andy Rodenheiser
Chair
Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02053

RECEIVED
DEC 06 2012

TOWN OF MEDWAY
PLANNING BOARD

Dear Mr. Rodenheiser:

By way of this letter and the attachment prepared by David Faist, Faist Engineering, I would like to have a discussion with the Planning and Economic Development Board regarding Williamsburg Condominiums.

Specifically, I would like to discuss the reduction in the number of affordable units from the currently approved three (3) units to two (2) units.

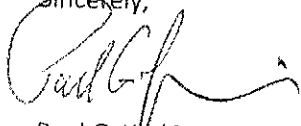
Other changes include adding garages to two (2) affordable units, changing a lot line to make sure the open space conforms to the recent changes to the OSRD bylaw, and two waivers both relating to garages.

I will be happy to review with the Planning and Economic Development Board all aspects of this request.

Please note that I have discussed this matter with the Affordable Housing Trust and Affordable Housing Committee and they have indicated their support for the request pending their receipt of a letter and documentation relating to the request.

Thank you in advance for your consideration.

Sincerely,



Paul G. Yorkis
President
Williamsburg Condominium Corporation

FAIST ENGINEERING, INC.

67 Hall Road - Sturbridge, MA 01566

Mr. Paul Yorkis
 President – Williamsburg Condominium Corporation
 159 Main Street
 Medway, MA 02053
 Phone: 508-533-2292

December 06, 2012

RE: 2012 OPEN SPACE RESIDENTIAL DEVELOPMENT & AFFORDABLE HOUSING CHANGES
“Williamsburg Condominiums - OSRD” West Street - Medway, MA

Dear Mr. Yorkis:

It is our understanding that the *Williamsburg Condominium Corporation* is requesting an amendment to the January 20, 2010 Town of Medway Planning and Economic Development Board’s “Certificate of Action Williamsburg Condominium Open Space Residential Development (OSRD) Definitive Plan” based on your proposed building configuration changes, recent interaction with the State of Massachusetts Department of Housing and Community Development, and 2012 changes to the Town of Medway Zoning By-Law.

Faist Engineering, Inc. (FE) is writing this letter to summarize our review of the proposed changes to the project as they relate to the 2012 revisions to the Town of Medway Zoning By-Law Section V. Use Regulations Sub-Section T. **Open Space Residential Development (OSRD)**, date June 14, 2012.

We believe the following OSRD By-Law sections include changes that require a new waiver or an amendment to the January 20, 2010 Certificate of Action based on your proposed building layout changes.

8. Adjustment of Dimensional Requirements

- **Modification of Existing Waiver** - 8(f) Garage doors set back a minimum of 5 ft. more than the front wall of the principle building.

Proposed Unit 7 will have front load garage similar to “F” Style Units 13 & 19. January 19, 2010 Cert. of Action page 13 - waiver was granted for “a maximum of two “F” style building are acceptable”. This would need to be modified to allow for three (3) front load garages with less than 5 ft. minimum setback.

- **New Waiver** – 8(f) No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed.

Applicant’s proposal to provide 2-car garages for all Units, including Affordable Units, development area space only provides for at total of eight (8) side load garages (44%). Original Plan did not provide garages for two affordable and two regular units. A waiver is necessary from the 2012 regulations to allow for construction of 56 % of garage doors to face the street.

9. Open Space Requirements

9(e) – The following shall not qualify toward the required minimum open space area:

(4) Land within thirty feet (30') of any dwelling unit.

Units 1/3, 17/19, and 21/23 are within 30' of the existing Open Space Parcel B.

(7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.

A 15 ft. wide strip of land is currently utilized as Open Space along the western property boundary with land N/F Wickis.

• **Proposed Modification of OSRD Property Line**

Williamsburg Condominium Corporation is proposing to eliminate the 15' wide strip of Open Space land along the western property boundary with land N/F Wickis and reconfigure two (2) lot lines behind Units 9/11 & 13/15 resulting in no net change to either lot area. This is necessary to address the above noted changes to the Open Space requirements.

This will require the preparation of a plan by a licensed state of Massachusetts land surveyor in accordance with all applicable State of Massachusetts property & registry of deeds requirements. In addition, the easement for the existing roof drain piping along this property line will be adjusted to match its as-built location. The roof drain piping and manholes were installed further inside the development parcel to preserve the mature trees in this area and will not be within the revised open space parcel.

January 19, 2010 – Certificate of Action Specific Condition #15

- **Proposed Modification of Existing Specific Conditions- Affordable Housing** - Proposal to decrease number of affordable units from three (3) to two (2) based on Town of Medway Zoning By-Law Section V. Sub-Section X. Affordable Housing, date June 14, 2012 as it relates to the "Williamsburg Condominiums – Open Space Residential Development (OSRD)" on West Street in Medway, MA (the "Site").

Unit # 12 & Unit #5 are now proposed as the two (2) affordable units. A "Proposed OSRD Building Layout Revision Sketch Plan" showing existing as-built buildings and proposed building / affordable unit locations is included as **Attachment A**.

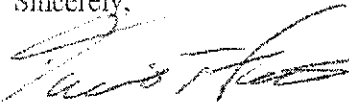
A summary letter by Faist Engineering, Inc. dated October 23, 2012 re: "2012 Affordable Housing Changes to Required # of Affordable Dwelling Units Williamsburg Condominiums – OSRD" is included as **Attachment B**.

This letter represents our professional opinion of the 2012 Zoning By-Law revisions we believe apply to your proposed changes to the Williamsburg Condominium-OSRD project. The project substantially complies, to the best of our knowledge, with all other engineering design aspects of the approved January 19, 2010 "Certificate of Action" and 2012 Town of Medway OSRD By-Law.

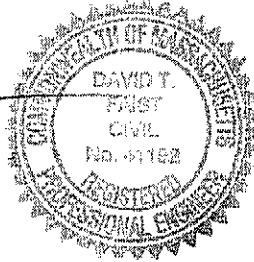
Please note all requests for project changes are subject to review and approval by the Medway Planning and Economic Development Board. We understand that the project is currently only partially complete and will require a finally as-built and engineering review to insure all work is complete in accordance with the approved plans.

Please contact us at (508) 864-6802 with any questions or if you need additional information. Thank you.

Sincerely,

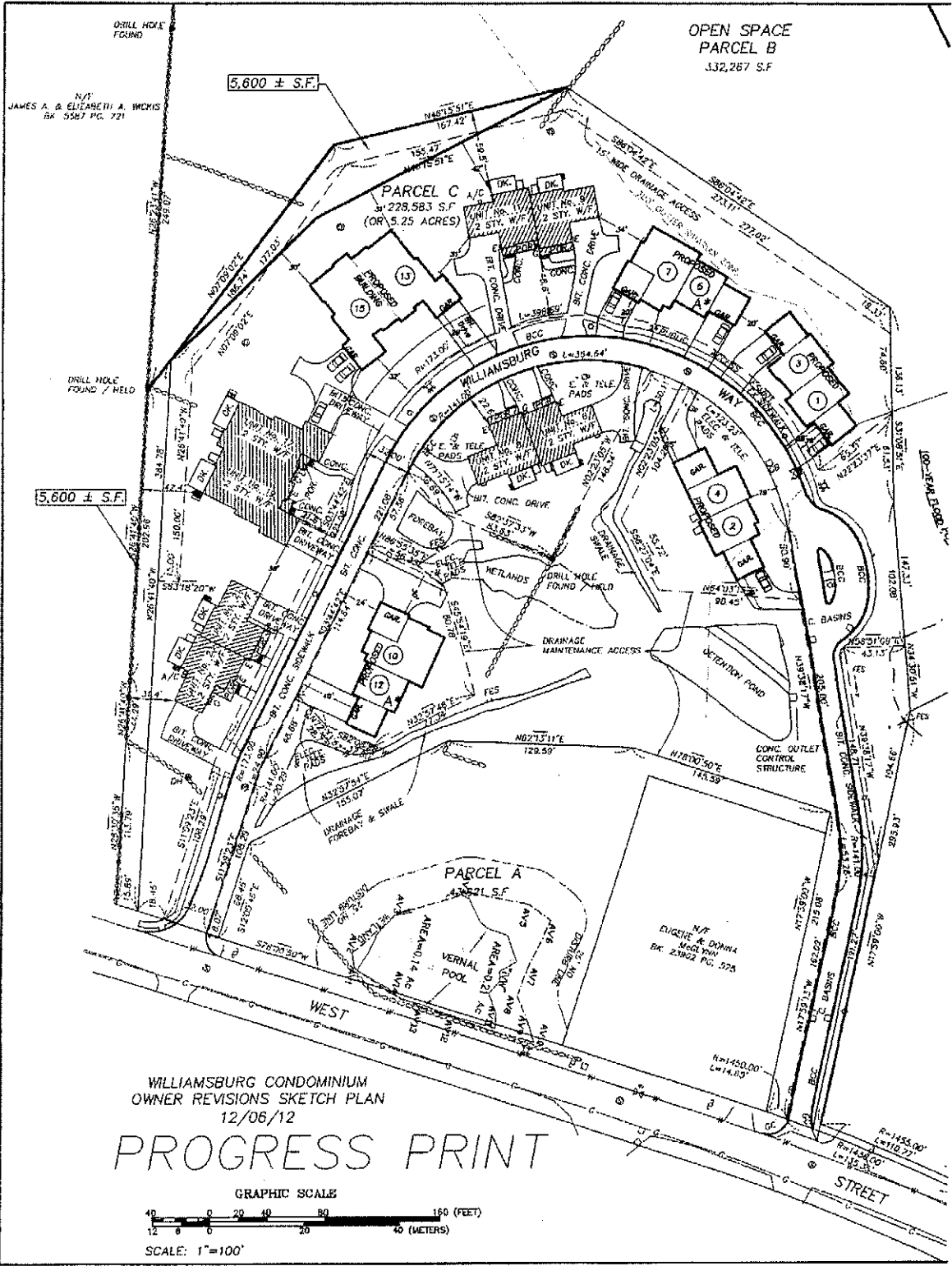


David T. Faist, P.E.
Principal Engineer
Attachments



ATTACHMENT A

**Williamsburg Condominium OSRD
2012 – Proposed OSRD Building Layout Revisions
Sketch Plan**



N/T
 JAMES A. & ELIZABETH A. SMITHS
 BK 5587 PG. 721

OPEN SPACE
 PARCEL B
 332,287 S.F.

5,600 ± S.F.

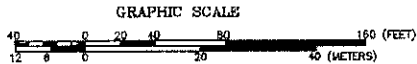
PARCEL C
 228,583 S.F.
 (OR 5.25 ACRES)

5,600 ± S.F.

PARCEL A
 4,321 S.F.

WILLIAMSBURG CONDOMINIUM
 OWNER REVISIONS SKETCH PLAN
 12/06/12

PROGRESS PRINT



SCALE: 1"=100'

ATTACHMENT B

10/23/12

**2012 Affordable Housing By-Law Changes
Letter**

ATTACHMENT B

June 2, 2008

Affordable Housing By-Law

**Chart - "Required # of Affordable Dwelling Units to be
Provided Based on 15% (rounded up)"**

JUNE 2, 2008
AFFORDABLE HOUSING

Chart Below is for Informational Purposes Only and pertains to units constructed pursuant to paragraph 9 a) only.

Proposed # of Dwelling Units	Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)	# of Additional Market Rate Units Allowed as a Density Bonus	Total # of Market Rate and Affordable Dwelling Units	Overall Affordable % Achieved
3	.45 > 1	+1	4	25%
4	.6 > 1	+1	5	20%
5	.75 > 1	+1	6	16.7%
6	.9 > 1	+1	7	14.3%
7	1.05 > 2	+2	9	22.2%
8	1.2 > 2	+2	10	20%
9	1.35 > 2	+2	11	18.2%
10	1.5 > 2	+2	12	16.7%
11	1.65 > 2	+2	13	15.4%
12	1.8 > 2	+2	14	14.3%
13	1.95 > 2	+2	15	13.3%
14	2.1 > 3	+3	17	17.7%
15	2.25 > 3	+3	18	16.7%
16	2.4 > 3	+3	19	15.8%
17	2.55 > 3	+3	20	15%
→ 18	2.7 > 3	+3	21	14.3%
19	2.85 > 3	+3	22	13.6%
20	3	+3	23	13%
25	3.75 > 4	+4	29	13.8%
30	4.5 > 5	+5	35	14.3%
35	5.25 > 6	+6	41	14.6%
40	6	+6	46	13%
45	6.75 > 7	+7	52	13.46%
50	7.5 > 8	+8	58	13.8%

PLANNING BOARD

be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time.

14. **Water Infrastructure** - At the request of the Medway DPW, the applicant has agreed to install additional water infrastructure:
- A. One (1) Hydrant and associated valve and appurtenances to Town Specifications (Hydrant provided by Town)(Valve and appurtenances to be provided by applicant)
 - B. One (1) gate valve for placement within the Williamsburg development for the provision of main-line isolation. (Materials to be provided by applicant)

Exact installation locations are to be coordinated with the Medway DPW. This change to be shown on the as-built plan.

15. **Affordable Housing**
- A. Three dwelling units within the Williamsburg Condominiums will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
 - B. Affordable dwelling units are hereby designated as units # 9, 11 and 17. The Affordable units shall have three bedrooms.
 - C. Prior to the issuance of the occupancy permit for the first dwelling unit, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development and the Williamsburg Condominium Corporation, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
 - D. Prior to the issuance of the occupancy permit for the first dwelling unit, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for Planning and Economic Development Board approval. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.
 - E. A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town and the Massachusetts Department of Housing and Community Development shall be recorded with the deeds for the affordable units.

- F. The Williamsburg Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory

 - G. Minimum design and construction standards for affordable housing units – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet and three bedrooms excluding basement space.

 - H. The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.

 - I. All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub- Section X. Affordable Housing shall apply.
16. **Condominium Documents** - Prior to the issuance of an occupancy permit for the first unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
- A. Williamsburg Condominium Master Deed, Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - B. Declaration of Trust of the Williamsburg Condominium organization
 - C. Open Space/Conservation Restriction applicable to Parcel A.

ATTACHMENT C

June 14, 2012

Affordable Housing By-Law

**FIGURE 1 - "Required # of Affordable Dwelling Units to be
Provided Based on 10% of A (rounded up)"**

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

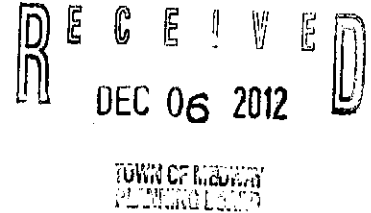
A	B	C	D	E
Net increase in Number of Lots or Dwelling Units	Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)	# of Additional Market Rate Units Allowed as a Density Bonus Based on +.5 market rate unit for every 1 required affordable unit (rounded up)	Total # of Market Rate and Affordable Dwelling Units (A + C)	Overall Affordable % Achieved Based on the number of affordable units as a % of the total # of units (B/D)
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

December 6, 2012

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



Re: **Charles River Village Condominiums Review Estimate**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called Charles River Village, submitted by Charles River Village LLC of Medway. The owners are the Estate of Michael Aquafresca and the Estate of Carol Supenor. The plans were prepared by Faist Engineering, Inc. of Sturbridge, O'Driscoll Land Surveying Co. of Medway and TO Design of New Britain, CT. The plan is dated November 20, 2012. It proposes 13 units including 2 affordable units.

<u>Task</u>	<u>Hours</u>
Technical Review and comment	4.5
Review of revisions	2.0
Planning Board meetings	3.5
Review/assist in drafting decision	3.0
Total	13.0
Cost Estimate (@\$90)	\$1170.00

If there are any questions about this estimate, please call me.

Sincerely,

A handwritten signature in black ink that reads "Gino D. Carlucci, Jr." in a cursive style.

Gino D. Carlucci, Jr.



December 5, 2012

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

**Re: Open Space Residential Development Definitive Plan Review
Planning and Economic Development Board
Charles River Village
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Charles River Village Open Space Residential Development (OSRD) Definitive Plan submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed OSRD Plan submittal package, including but not limited to the Plans, Application (Form C-2), Special Permit Conditions Assessment, Waivers Worksheet, and the Stormwater Management Report, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of the Subdivision, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice. Upon request we have excluded from our scope, the review of the application package as they relate to the OSRD requirements in the Town of Medway Zoning By-Laws.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 Site Visit

- A. We have visited the site during past phases of this project and therefore a site visit is not required;
- Budget Assumption: \$0

Task 2 Design Review

- A. Review the proposed Application for Approval of an OSRD Definitive Plan, Special Permit Conditions Assessment, and the Waivers Worksheet, prepared by Faist Engineering, Inc. (Faist) and O'Driscoll Land Surveying Co. (O'Driscoll), and incorporate comments into review letter in item D below;
- Budget Assumption: 1 hours @\$155=\$155.



TETRA TECH

B. Review the proposed "Charles River Village" OSRD Definitive Plans prepared by Faist and O'Driscoll dated November 20, 2012;

- Budget Assumption: 4 hours @ \$155=\$620
6 hours @ \$115/hr= \$690
6 hours @ \$90/hr= \$540
Total= \$1,850

C. Review the Stormwater Management Report prepared by Faist and dated November 20, 2012 for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;

- Budget Assumption: 5 hours @ \$115/hr=\$575.

D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;

- Budget Assumption: 3 hour @ \$155/hr=\$465
1 hours @ \$90/hr= \$90
Total= \$555

E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:

- Budget Assumption: 3 hour @ \$155/hr=\$465
2 hour @ \$115/hr= \$230
1 hour @ \$90/hr=\$90
Total-\$785

Task 3 Meeting Attendance

A. Participate in four (4) meetings with the Town of Medway Planning and Economic Development Board.

- Budget Assumption: 4 Meetings
1.5 hrs/meeting @ \$155/hr= \$930

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:



TETRA TECH

Task	Task Description	Fee
Task 1	Site Visit	\$0
Task 2	Design Review	\$3,920
Task 3	Meeting Attendance	\$930
	Labor Subtotal	\$4,850
	Expenses (3.5%)	\$169
	Total Fee	\$5,019

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,

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

Date Approved by Medway Planning and Economic Development Board _____

Certified by: _____ Date _____
Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
ARI	No parking requirements
ARII	5. and 6. Two family dwellings (new construction and conversion) that are authorized by special permit from the ZBA are required to have 2 off street parking spaces
	9. 6) Infill construction authorized by special permit from the PEDB is required to have 2 off street parking spaces
Commercial I	<p>2. g) Off Street Parking as follows:</p> <p>1) For restaurants and other establishments providing food and beverages, at least 1 off-street parking space for each employee and at least 1 off-street parking space for every three seats</p> <p>2) For other uses allowed by right, at least 1 off-street parking space for every 300 sq. ft of gross floor area</p> <p>3) The ZBA may reduce or vary the foregoing parking requirements by special permit upon a finding that such a r reduction or variation is adequate for the proposed use(s) and is in the best interests of the Town to do so.</p> <p>4) For special permit uses, off-street parking spaces as required by the Special Permit Granting Authority, based on industry standards.</p>
Commercial III	4. g) Off Street Parking: For every 300 sq. ft of gross space, at least 1 off-street parking space.
Commercial IV	4. g) Off Street Parking: For every 300 sq. ft of gross space, at least 1 off-street parking space.
Commercial V	<p>2. h. Off-Street Parking</p> <p>1) For every 200 sq. ft of gross retail floor space, at least 1 off-street parking space. For every 250 sq. ft of gross floor space for business or professional offices, at least 1 off-street parking space.</p> <p>2) For each employee, 1 off-street parking space and for each three seats in restaurants or other establishments providing food and beverages, at least 1 off-street parking space</p> <p>3) For all other permitted uses, off-street parking as required by the Planning and Economic Development Board</p> <p>4) All off-street parking spaces shall be located on the same lot as the principal use they re intended to service and each space shall consist of approximately 300 sq. ft of appropriate dimensions for the parking of an automobile, including maneuvering area.</p>

Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
Business Industrial	2. g) Off-Street Parking
	1) For restaurants and other establishments providing food and beverages, at least 1 off-street parking space for each employee and at least 1 off-street parking space for every three seats
	2) For other uses allowed by right, at least 1 off-street parking space for every 300 sq. ft of useable floor area
	3) The ZBA may reduce or vary the foregoing parking requirements by special permit upon a finding that such a reduction or variation is adequate for the proposed use(s) and is in the best interests of the Town to do so.
	4) For special permit uses, off-street parking spaces as required by the Special Permit Granting Authority, based on industry standards.
Industrial I	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Industrial II	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Industrial III	2. g) Off-Street Parking: 1 space for each 2 persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and 1 additional space for each 1,000 sq. ft of floor space.
Accessory Family Dwelling Units	3. e) As authorized by special permit from the ZBA, at least 1 off-street parking space shall be provided for the accessory family dwelling unit. No extra curb cut is allowed.
Exempt Uses Child Care Facilities	1. c) One off-street parking space with a minimum dimension of 9' by 18' for every paid and unpaid employee who does not reside on the premises, so that there is no on-street parking by employees.
Exempt Uses Religious Facilities	2. b) 1) One off-street parking space for every paid and unpaid employee
	2. b) 2) One off-street parking space for every 3 seats of 100 sq. ft of gross floor space in the largest assembly area, whichever is greater.

Zoning District	Existing Medway Parking Requirements/ Standards per Medway Zoning Bylaw
Exempt Uses Educational Facilities	3. b) 1) One off-street parking space for every paid and unpaid employee
	3. b) 2) One off-street parking space for every 400 square feet of gross floor area
Open Space Residential Developments (OSRD)	10. k) Three off-street parking spaces per dwelling unit. PEDB may require additional off-street parking for common use by residents and guests.
Adult Retirement Community (ARCPUD)	4. e) 8) Two off-street parking spaces for each dwelling unit. PEDB may require additional off-street parking for common use by residents and guests.
	4. 3) 9) One off-street parking space for each 500 sq. ft. of gross building area occupied by a permitted Local Convenience Retail Use. This may be reduced by the PEDB.
Adaptive Use Overlay District (AUOD)	5. h) 1 off street parking space for every 300 square feet of gross floor area. PEDB may authorize a lesser number based on site characteristics and proposed use.
	5. i) At least 2 off-street parking spaces for every residential unit in a building with multiple residences or in a mixed use building (commercial and residential) . PEDB may authorize a lesser number of parking spaces based on site characteristics and proposed use
compiled 12/5/2012 - sac	

BOARD OF SELECTMEN

Eric A. Kraus, Chair
Michael C. Berry, Vice Chair
Mark E. Gallivan, Clerk
Christopher G. Timson
Nancy S. Mackenzie



*Walpole Town Hall
135 School Street
Walpole, MA 02081
Phone (508) 660-7277
Fax (508) 660-7303
EMAIL: bos@walpole-ma.gov*

TOWN OF WALPOLE
COMMONWEALTH OF MASSACHUSETTS

November 27, 2012

The Honorable James Timilty
Massachusetts House of Representatives
State House Room 206
Boston, Massachusetts 02133

Dear Senator Timilty:

On behalf of the Walpole Board of Selectmen, I respectfully request your assistance with an issue that has Statewide impacts relative to the passage of Ballot Question #3.

At our most recent Selectmen's meeting, with the new law taking effect in roughly 45 days, the possibility of individuals or firms seeking locations for marijuana "dispensaries" in Walpole or any other Town is of great concern. We are simply not prepared for such a development, and there is no way we can be prepared in that short amount of time. We understand that applications to DPH can not be filed until the Department of Public Health promulgates their regulations, however the need for a community to address its zoning needs is critical yet time consuming. What we are not sure of is whether a building or occupancy permit can be submitted to Walpole or any other City or Town after January 1st but before the DPH regulations are promulgated thereby by-passing potential Spring Town Meeting Zoning. We obviously want to avoid this occurring. In order to put any new zoning in place we need to have a 2/3 Town Meeting vote. Our next Town Meeting is scheduled for the Spring of 2013, and it is doubtful that we could pull together new zoning in 45 days, let alone schedule and hold a special Town Meeting (at a cost of several thousand dollars) in that amount of time. According to Police Chief Richard Stillman, there may be some discussion in your Chambers of State Legislation that would delay the effective date of Question #3. If so, we request and urge our delegation to support this effort and get such legislation passed.

The Walpole Selectmen voted to send a letter to you and the rest of our State delegation requesting legislation delaying Question #3's effective date and to send the letter to other Towns asking for their support. As you may know, our Board, and in particular Selectman Timson, has done a lot of work with the Walpole Coalition For Drug and Alcohol Awareness and set up a Selectmen's Task Force to assist the Coalition. We have been making great strides and can see the positive results of this program already. However, what message will we as legislative and community leaders be sending to the youth of Walpole and other

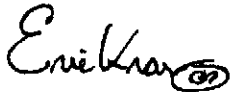
Towns if a dispensary opens in Walpole Center or at the Walpole Mall? The passage of Question #3 no doubt requires a redoubling of the efforts of the Coalition and Task Force. Please do not allow the task to be made even more difficult by not allowing Towns the time needed to put appropriate zoning in place.

There are additional reasons to support a delay. In order for DPH to put forth regulations that are well thought out, we would like you/our State Delegation to ask that a DPH Medical Marijuana Regulation Committee comprised of local health, state health, fire, police, medical people, zoning and members from some of the Coalitions around the State in order to share ideas and put together comprehensive, well thought out regulations that could be enforced.

After DPH puts out draft regulations (hopefully with the input and assistance of the Committee suggested herein), DPH should hold hearings around the State, have a comment period and then time to tweak the regulations based upon the input received from the proposed hearings. We would respectfully suggest that this would take more than just May 1st to do this task properly.

As always, we are most appreciative of your service to our community, and the leadership you have demonstrated on Walpole's behalf. We appreciate your consideration of this concern, and thank you for making every effort to provide us with an appropriate amount of time to prepare for the implementation of Question #3 and the impacts it will undoubtedly have on our community. If you should have any questions, please do not hesitate to call on me.

Very truly yours,



Eric A. Kraus,
Chairman

cc: Police Chief Richard Stillman
Walpole Planning Board
Health Director Robin Chapell



William Francis Galvin
Secretary of the Commonwealth of Massachusetts

[HOME](#) [DIRECTIONS](#) [CONTACT US](#)

Search [sec.state.ma.us](#)

2012 Information For Voters

QUESTION 3: Law Proposed by Initiative Petition

Medical Use of Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

Go to:

[A Message from Secretary Galvin](#)

[Offices on the Ballot in 2012](#)

[Question 1](#)

[Question 2](#)

[Question 3](#)

[Military and Overseas Voters / Special Status](#)

[How to Register to Vote](#)

[Voting...](#)

[Voting by Absentee Ballot](#)

[Massachusetts Voters' Bill of Rights](#)

[Voter Checklist](#)

[Audio Version](#)

[Elections Home](#)

MMA seeks delay of marijuana dispensaries



November 20, 2012

Following the Nov. 6 passage of a state initiative legalizing the sale of marijuana for certain medical conditions, the MMA is calling for more time to allow cities and towns to adequately prepare for the new law.

A number of processes and regulations must be established before the law goes into effect. For example, the Department of Public Health must establish what constitutes a 60-day supply of the drug, the maximum that patients will be allowed to purchase at any one time.

The Department of Public Health must also register dispensaries that intend to cultivate marijuana and register each dispensary's agents. Fees for applying for dispensary licenses must be set, and patients will need registration cards to procure marijuana. The DPH must also issue hardship cultivation registrations to individual patients.

The law calls for state regulations to be in place by April 1, but the MMA is advocating for an effective date of July 1.

The law allows for up to 35 cultivation dispensaries authorized by the state in the first year. There must be at least one dispensary in each county, but no more than five. Registration fees for dispensaries will be set to make the law cost-neutral to the state.

Following voter approval of the ballot initiative, several cities and towns have taken, or plan to take, steps to prohibit or restrict the location of marijuana dispensaries in their communities.

On Nov. 15, town meetings in Wakefield and Reading approved zoning bylaws prohibiting marijuana dispensaries. In Reading, nearly three-quarters of town meeting members supported the ban. Support was even higher in Wakefield, which has an open town meeting.

The city of Melrose held a public hearing on banning dispensaries on Nov. 19.

Neighboring Malden, by contrast, has scheduled a Dec. 12 hearing on the possibility of establishing a medical marijuana dispensary in the city. The hearing will focus on a proposal by two city councilors to establish use regulations and parking requirements, among other conditions for a dispensary.

Since marijuana was decriminalized in Massachusetts four years ago, more than 80 cities and towns have strengthened penalties for smoking marijuana in public, according to Ruth Clay, the health director for Melrose, Wakefield and Reading.

While marijuana remains a Schedule 1 drug under the Federal Controlled Substances Act, the U.S.

Department of Justice has issued an informal directive not to pursue federal prosecutions when state laws allow medical usage.

Massachusetts is the 18th state to legalize medical marijuana.

Written by MMA Legislative Analyst J. Catherine Rollins



[HOME](#) [DIRECTIONS](#) [CONTACT US](#)

Search sec.state.ma.us

2012 Information For Voters

QUESTION 3: Law Proposed by Initiative Petition

Medical Use of Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

Go to:

[A Message from Secretary Galvin](#)

[Offices on the Ballot in 2012](#)

[Question 1](#)

[Question 2](#)

[Question 3](#)

[Military and Overseas Voters / Special Status](#)

[How to Register to Vote](#)

[Voting...](#)

[Voting by Absentee Ballot](#)

[Massachusetts Voters' Bill of Rights](#)

[Voter Checklist](#)

[Audio Version](#)

[Elections Home](#)

MMA seeks delay of marijuana dispensaries



November 20, 2012

Following the Nov. 6 passage of a state initiative legalizing the sale of marijuana for certain medical conditions, the MMA is calling for more time to allow cities and towns to adequately prepare for the new law.

A number of processes and regulations must be established before the law goes into effect. For example, the Department of Public Health must establish what constitutes a 60-day supply of the drug, the maximum that patients will be allowed to purchase at any one time.

The Department of Public Health must also register dispensaries that intend to cultivate marijuana and register each dispensary's agents. Fees for applying for dispensary licenses must be set, and patients will need registration cards to procure marijuana. The DPH must also issue hardship cultivation registrations to individual patients.

The law calls for state regulations to be in place by April 1, but the MMA is advocating for an effective date of July 1.

The law allows for up to 35 cultivation dispensaries authorized by the state in the first year. There must be at least one dispensary in each county, but no more than five. Registration fees for dispensaries will be set to make the law cost-neutral to the state.

Following voter approval of the ballot initiative, several cities and towns have taken, or plan to take, steps to prohibit or restrict the location of marijuana dispensaries in their communities.

On Nov. 15, town meetings in Wakefield and Reading approved zoning bylaws prohibiting marijuana dispensaries. In Reading, nearly three-quarters of town meeting members supported the ban. Support was even higher in Wakefield, which has an open town meeting.

The city of Melrose held a public hearing on banning dispensaries on Nov. 19.

Neighboring Malden, by contrast, has scheduled a Dec. 12 hearing on the possibility of establishing a medical marijuana dispensary in the city. The hearing will focus on a proposal by two city councilors to establish use regulations and parking requirements, among other conditions for a dispensary.

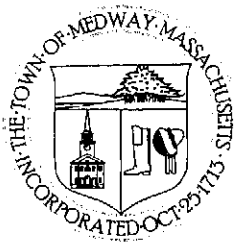
Since marijuana was decriminalized in Massachusetts four years ago, more than 80 cities and towns have strengthened penalties for smoking marijuana in public, according to Ruth Clay, the health director for Melrose, Wakefield and Reading.

While marijuana remains a Schedule 1 drug under the Federal Controlled Substances Act, the U.S.

Department of Justice has issued an informal directive not to pursue federal prosecutions when state laws allow medical usage.

Massachusetts is the 18th state to legalize medical marijuana.

Written by MMA Legislative Analyst J. Catherine Rollins



TOWN OF MEDWAY
DEPARTMENT OF PUBLIC SERVICES
MEDWAY, MASSACHUSETTS

*Entrusted To
Manage The
Public
Infrastructure*

THOMAS M. HOLDER
DIRECTOR

DAVID D'AMICO
DEPUTY DIRECTOR

*Andy R.
John R.*

December 6, 2012

Andy Rodenhiser, Chair
Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02053

**RE: Membership – Community Advisory Task Force
Integrated Water Resources Management Program**

The Department of Public Services has begun a project to evaluate water resource management in the community. The Integrated Water Resources Management Program (IWRMP) will look comprehensively at drinking water, wastewater and stormwater resources and needs, and the Town's capacity to meet those needs, over the next twenty years. A **Citizens Advisory Task Force (CATF)** is being created to provide guidance during progress of the work and ensure that residents and business owners in Town have input throughout the process. Representatives from interested stake-holder organizations are being invited to participate in the IWRMP through attendance at CATF meetings and workshops, dates and times for which will be established during the course of the project. We are very interested in having representation from your organization on this important advisory group.

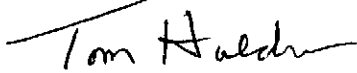
The IWRMP will be undertaken in phases. During Phase I, the focus will be on stormwater, which has become a much greater infrastructure management responsibility of communities under the federal National Pollutant Discharge Elimination System (NPDES) program. IWRMP Phase I activities will include mapping the system, understanding where it currently discharges, and prioritizing areas to focus on eliminating non-stormwater discharges to improve water quality of Medway's surface water bodies. Future phases will address new NPDES requirements and look at opportunities for Medway to implement sustainable / green solutions for stormwater treatment. During Phase II, the IWRMP process will evaluate needs and options for drinking water conservation, supply, and treatment. Wastewater management issues to be explored include continued reliance on on-site septic systems, innovative/alternative systems, shared community systems or satellite treatment facilities with groundwater discharge, and in-depth evaluation of the current regional wastewater treatment plant capacity to meet future needs.

In knowing that everyone is busy with personal and professional obligations, we have structured the CATF so as not to place too great of a burden on participating members. Phase I of the project is anticipated to last approximately 6 months and include two daytime CATF meetings. Phase II is anticipated to last approximately 18 months, and include three CACTF daytime meetings and two community workshops. The initial meeting of the CATF is expected to take place in January 2013. Organization, roles/responsibilities and the schedule for subsequent meetings will be discussed at that time.

HIGHWAY - WATER - SEWER - FLEET - PARKS - FACILITIES - SOLID WASTE

We are hopeful that you or someone from your organization is able to join us for the development of sustainable water, wastewater and stormwater programs in the Town. Please feel free to contact me with any questions you may have regarding this endeavor and I look forward to hearing of your interest in participating with this progressive project.

Respectfully,

A handwritten signature in black ink that reads "Tom Holder". The signature is written in a cursive style with a horizontal line above the first few letters.

Thomas Holder | Director
Department of Public Services
tholder@townofmedway.org
508-533-3275

Ecopy: Suzanne Kennedy – Town Administrator
Dave D’Amico - Department of Public Services
Kirsten Ryan – Kleinfelder Northeast