

**May 8, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ABSENT WITHOUT NOTICE:

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

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

CITIZEN COMMENTS

Mr. Paul Yorkis spoke to the Board about his views regarding proposed amendments to the OSRD Bylaw (Article #44). It is his opinion that the Board is asking the applicant to take a significant gamble when pursuing an OSRD Special Permit.

Mr. Yorkis referenced page 37 (b) of the warrant for the 5-14-2012 annual town meeting relative to the pre-application. You mention it is the intention that the pre-application information can come from existing sources of information. To get to the (pre-application) table, the applicant will have to spend \$10,000-\$15,000. Mr. Yorkis states that this is a lot of money that he thinks is going to discourage some folks from pursuing an OSRD application. To get to where you want, the applicant has to hire a landscape architect, a surveyor and civil engineer. They have to gather, analyze data and present data to you. For this to be done well and professionally, it is quite expensive.

Mr. Yorkis further expressed that this is a gamble and we have talked about this in the past. The Board has the opportunity to create a formula and you have revised the formula to be more specific. You are indicating that the Board does not have to authorize the yield from the formula. The Board is encouraging a person to do a good job up front and spend money up front and then be at the mercy of the Planning Board to get the actual number of units which would be proposed. That is a substantial gamble. The applicant would need to look at the infrastructure, land and engineering cost and legal cost and divide that to see how they can make a profit. By having this in, you are saying to an applicant to take gamble with us that the Board will be reasonable in giving you a number. I get it that it is a special permit. I understand. I have been through it 2 ½ times. I think it is far better to say here is the formula and here is the yield.

Mr. Yorkis recommended that the developer know what the yield is first. The core of the whole project is how much money can be generated based on the number of dwelling units. The emphasis of the yield being discretionary on the part of the board is a substantial a risk and gamble for the applicant which is not in the community's best interest. The OSRD concept is a great one and it results in more open space for the community.

Each site has its costs and they are substantial. I want to share this with you. I feel better having shared it with you so you understand there is a genuine concern.

I am not sure I would encourage an applicant to go the OSRD route the way this is structured.

Member Rogers wanted clarity about what in the bylaw is specifically objectionable.

Mr. Yorkis responded referencing page 42 (Item 7). He recommended striking new item b so it is clear to the applicant what the formula is. The affordable housing unit is a loss and the developer loses with this language. Mr. Yorkis did want it noted for the record that he does support the importance of affordable housing. We need it and a diverse housing stock and I want to continue to support that.

Your upfront goal of data gathering and analysis I can't find fault with it. But I disagree with you asking the applicant to take a substantial gamble with it written the way it is.

Mr. Yorkis next referenced page 46 (Item 10C) re: design. This section notes the criteria for design. The applicant wants to be successful and would have to have a project with good design criteria, but the more parameters you impose, the less creative approach the applicant has, the more you tie the applicant's hands and the more difficult it is to do the project. It is his opinion that general goals for overall design are helpful and can be achieved but this section is incredibly specific.

Chairman Rodenhiser indicated that when Mr. Yorkis has represented someone before the Board, you will say to us, "No, I am not going to do that." When we try to engage in the give and take we are looking for, you are very emphatic against doing things we suggest. The Board sits here and we struggle with the text we have. We try to do mitigation to make all parties happy. It comes down to marketability for you or it may be an aesthetics matter that will cost too much.

Mr. Yorkis states that the applicant is coming forward with a plan. The way this is written is that the abutters and the people passing by have greater value than the people who are living there or the developer.

Susy Affleck-Childs stated she disagrees with Mr. Yorkis that the text gives them more input.

Member Tucker said he disagrees.

Chairman Rodenhiser asked where are you referring.

Susy Affleck-Childs responded it is paragraph 10 c re: criteria.

Mr. Yorkis indicated that he doesn't agree that a passerby should be able to say that they want a vista maintained. The people who are going to be living there have a greater stake.

Susy Affleck-Childs responded that the open space is for the benefit of the general public.

Mr. Yorkis states that "that" is not what it says.

Member Gay says it mentions residents of the development. That is pretty clear to me.

Member Spiller-Walsh responds to Mr. Yorkis noting that the text in Section 10 (c) indicates "*to the fullest extent practicable*"; in the opinion of the people granting the special permit which would be the Planning Board.

The Chairman responded to Mr. Yorkis by noting that the applicant has to provide evidence that something is practical or impractical. We want to see property developed in a fair and equitable way that benefits the community and the residents and the developer and the neighborhood.

Member Gay noted our goal (with the proposed revisions) was to try to address the concerns of all those involved in the process.

Chairman Rodenhiser added that the applicant must show that the project is practical or impractical. We are fair to the person investing the money for the project.

Member Gay noted that the Board needs to pay attention to every group investing in this process. The changes are reflective of the last project which gathered input from citizens who live nearby and some of our concerns about the last few projects. This was not undertaken in any reactionary way. There was stricter language that didn't make it in here which was not included to meet the needs of everyone.

Chairman Rodenhiser responded that the Open Space Committee wanted this bylaw to be more open to encourage OSRD development.

Member Gay responded that the Open Space Committee had actually wanted more restrictions to get the yield down.

Mr. Yorkis responded that he is not faulting or arguing with the criteria that you are asking the applicant to supply. The cost is substantial. The gamble on the number of units is a real negative in the way this is being proposed. The formula is there, you can calculate it but then you may or may not get it.

Member Tucker responded that how you get it and how it is presented is important and we want to see some creativity out there. It is difficult to put creativity into a body of language that you are going to design from. Not all creativity comes equally from all developers.

Chairman Rodenhiser says he asking for more specifics on the unit count but not on the other wide with the design criteria.

Mr. Yorkis responded that you go with a formula and if applicant complies, he knows what they have to work with.

Member Tucker responds that what we have seen with other OSRDs is that the formula alone does not give you the results of what we want to see. The formula does not always work.

Dave Pellegrini indicated that without a formula, wouldn't you still run that risk?

Mr. Yorkis responds that he wants the formula upfront.

Chairman Rodenhiser indicated that with the last project, the formula was prescribed but some of the design criteria weren't achieved.

Mr. Yorkis said that with some of the changes you have made, there will be better design.

Member Gay said we have tested the new formula against some previous projects.

Susy Affleck-Childs responds that by changing the affordable dwelling requirement from 15% to 10% this would help and not be such a burden for the applicant especially with a smaller project where you wouldn't have a public subsidy.

Mr. Yorkis responded that the number of units is the key and this determines how to place and plan the design in such a way that it is aesthetically good and meets the criteria. And there are always negotiations back and forth. You need to know what number to expect at a minimum. It is a dollar issue and you need to know what you can expect at a minimum. Go with the formula and stick with the yield it generates.

Member Gay responds that it is clearer now. He asks what is your fear.

Mr. Yorkis states the fear is that the formula generates 15 and you cut it back to 12. The margins are incredibly close and that is just how it is and it will stay that for the foreseeable future.

Chairman Rodenhiser asked doesn't that affect the land price?

Mr. Yorkis states in this market, a developer is not getting what one would generally consider to be a reasonable return on investment. Many builders today are building simply to stay in business knowing that they will make a relatively small profit. The alternative is to go out of business.

Chairman Rodenhiser states what you are talking about is a per unit cost issue, not land acquisition cost.

Mr. Yorkis states he is talking about the acquisition of land, the legal costs, the infrastructure costs, NSTAR is now charging for everything and you are spreading that out over x number of units. The difference between 12 units and 10 units is not doing the project.

Chairman Rodenhiser asked why wouldn't the shortfall come out of the land cost before the deal even goes forward. The value of land may really be less.

Mr. Yorkis says it depends on the nature of the negotiations between the landowner and the applicant. And every project and set of negotiations is different.

Member Gay - The formula and discussion about yield has been one of the biggest issues in every one of the projects. We have cut back on the number of required affordable units and that was a significant amount of work with the Affordable Housing Committee. It doesn't say guaranteed yield, it says maximum yield.

Member Gay says this is information you are going to have to look at anyway to even begin to determine if the project is viable.

Susy Affleck-Childs indicated that she believes Mr. Yorkis wants the maximum possible allowed to be a guarantee.

Member Spiller-Walsh references the bottom of page 35. This language was taken (borrowed) from Hopkinton's bylaw. *"It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan."*

Consultant Carlucci reiterated that the initial information in the pre-application is derived from existing data and information which can be easily obtained. The one possible exception is the calculation of density within 2500 feet (of the site). I don't think that is a huge burden.

Mr. Yorkis asked about page 39. You indicate that you need to delineate primary and secondary conservation areas. Secondary conservation areas are defined as including all other land that is not primary. So the development area has to be in the secondary conservation area.

Susy Affleck-Childs noted that this language about primary and secondary conservation areas has not changed from the previous.

Mr. Yorkis stated he is just pointing out that the land to be developed has to by default be in the secondary conservation areas. What other land is there that you are asking to be developed?

Member Gay stated that is a topic we can discuss the next time around.

Gino Carlucci noted that this language being discussed came from the model bylaw itself and was not what the board had developed. The intent was that there might be certain features in the secondary conservation areas that would be nice to preserve and incorporate into the development plan like steep slopes, specimen trees, etc.

Chairman Rodenhiser noted that it has always been our goal is to work with people who utilize these bylaws on a regular basis and if there is an issue we are ready to look at it and work on it

and be fair. We can look at these further in the future. But right now we are under the pressure of deadlines. But that doesn't mean we can't have a discussion in the future and I think you will find that we are open. But we can't do anything now until after town meeting. I would invite you to give us more specifics. I can give you that opportunity to talk.

Susy Affleck-Childs noted that we have committed to begin work on next year's zoning bylaw amendments over the next few months so we will have more time.

PUBLIC HEARING CONTINUATION - 25 Summer Street Definitive Subdivision Plan Modification

The Chairman opened the continued public hearing for the proposed modification to the 25 Summer Street Definitive Subdivision Plan.

The items which the Board had to review for the record were:

DRAFT DECISION - Modified Definitive Subdivision Plan - 25 Summer Street (May 2, 2012) (See Attached)

Letter and Title Report from Attorney Paul Kenney (April 27, 2012) (See Attached)

Email communication from Attorney Paul Kenney to Town Counsel Barbara Saint Andre regarding the grant of easement. (May 7, 2012) (See Attached)

Further email communication from Attorney Paul Kenney (May 8, 2012) (See Attached)

Memo from Fire Chief Trufant noting that after review of the revised plans, the plans are acceptable from the access and safety perspective. Mr. Trufant recommended a fee of \$1,000 be paid in lieu of fire alarm provision. (May 8, 2012) (See Attached)

Email note from Board of Health Agent Stephanie Bacon (May 8, 2012) (See Attached)

The Board requested confirmation that the Lynches (15 Little Tree Road) have in fact agreed to grant an easement on their property to allow the subject properties for the 25 Summer Street subdivision to connect to the Speroni Acres sewer system on their property.

The Chairman communicated that this will not be resolved nor will the public hearing be closed until Medway's Town Counsel responds back to the Board.

The Chairman asks the Board, if it turns out that this can't be generated, what does the Board want to do?

Susy Affleck-Childs responds that based on the Speroni Acres as-built plans, it can be concluded that the connection stubs exist.

The Chairman responds that it was intended to be designed for this. Are we hurting anyone if we approve this?

Member Spiller-Walsh responds that potentially the homeowners in Speroni Acres could be hurt if the sewer system fails.

The Chairman asks what if the system never fails, then who has been damaged.

Chairman Rodenhiser notes that if a group or homeowners association is formed by the Speroni Acres neighbors and by the applicant, this provides protection.

Mr. Fasolino responds that he has already done this.

The Chairman asked Mike Fasolino if he could provide the Board with what he has in writing regarding a Home Owners Association.

The Board agreed to hold the next meeting on May 14, 2012 at 6:30 pm. If all information is provided the hearing could be closed.

Susy Affleck-Childs requested that a letter from the Lynches be provided indicating that they are agreeable to the easement.

OTHER BUSINESS

The Board agreed that there will be no meeting on the May 22, 2012 as it is Election Day in Medway.

The Board decided to hold a special meeting on May 29, 2012 at 7:00 pm at which point the draft decision for 25 Summer Street could be voted on.

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for the proposed modification to the 25 Summer Street definitive subdivision plan to May 14, 2012 at 6:30 pm at High School.

Franklin Creek:

Dave Pellegri indicated that the paving at Franklin Creek was to be done today, but due to the weather it was cancelled.

Applegate Farms:

Dave Pellegri indicated that the sewer connection work will be started. He was on site and everything went well. There were specifics about the temporary driveway installed from Ellis Street to the house facing Applegate Road. The driveway will be ripped out when the road is installed.

A123 Systems Site Plan

The Board will endorse the site plan for A123 Systems for 34 West Street at the conclusion of the meeting.

Zoning Bylaw Amendment Ideas:

The Board is in receipt of memo dated May 2, 2012 regarding the next steps for future zoning work. There was an updated master list of possible zoning bylaw amendments. The Board reviewed the zoning TO DO list. **(See Attached.)**

The Board discussed changing over sign regulations from zoning to a general bylaw and the idea of establishing sunset sign provision. This could be a task for the Board to work on over the next several months. The Board would like Susy to compile a list or inventory of non-conforming signs throughout town.

Member Spiller-Walsh requested a new zoning bylaw book for each member for the Design Review Committee.

Susy has recommended that formal outreach is done with the Board of Selectmen, Town Administrator, Zoning Board of Appeals, Economic Development Committee, and Open Space Committee, Affordable Housing Committee, and Affordable Housing Trust and Town Counsel to seek their input on zoning work.

Susy Affleck-Childs will provide an update status report of the 40R.

REPORTS

There will be an Oak Grove meeting on June 19, 2012.

There will be a workshop on June 4, 2012 at Dean College with the presenter being Randall Arendt.

Minutes April 10, 2012:

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from April 10, 2012.

Minutes April 24, 2012:

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from April 24, 2012.

Zoning Articles for 5-14-2012 Town Meeting:

The Board is in receipt of a copy of the 5-2-2012 report of the Planning Board re: its recommendations on the Zoning Bylaw amendments. articles 30-48. **(See Attached)**

Adjourn:

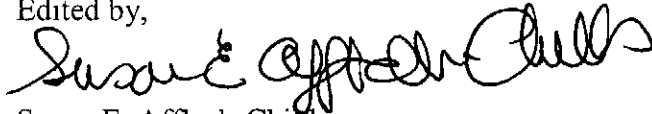
On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.

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

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

DRAFT – May 2, 2012

CERTIFICATE OF ACTION
25 SUMMER STREET – MODIFIED DEFINITIVE SUBDIVISION PLAN
A PERMANENT PRIVATE WAY
(APPROVED with Waivers and Conditions)

I. PROJECT DESCRIPTION: The proposed MODIFIED *25 Summer Street Definitive Subdivision Plan* shows a 2-lot, 158 foot, permanent private way residential subdivision on a 1.98 acre parcel located at 25 Summer Street in the Agricultural Residential II zoning district. The parcel is owned by Fasolino Home Improvements, Inc. of Medway, MA and is shown on Medway Assessor's Map as Parcel 2B-7.

The proposal includes:

- creation of an approximately 173' long private road/right of way to provide conforming legal frontage for one of the two house lots. (*The other lot has sufficient frontage on Summer Street*);
- construction of a common driveway within the right of way to provide access to two new houses;
- use of swales and a small stormwater basin for drainage and infiltration;
- installation of sewer service to connect to the existing private system on Lot ___ (15 Little Tree Road) in the adjacent Speroni Acres neighborhood; and
- installation of water service to connect to the municipal water system on Summer Street.

The private roadway will be known as Summer Valley Lane.

II. APPLICANT:

Fasolino Home Improvements, Inc.
164 Main Street
Medway, MA 02053

III. BACKGROUND: On June 28, 2011, the Medway Planning and Economic Development approved a Certificate of Action for the 25 Summer Street Definitive Plan. The plan was never presented to the Board for endorsement nor was the Certificate of Action ever recorded at the Norfolk County Registry of Deeds.

The proposed plan MODIFICATION pertains to a needed change in the layout of the house lots and road right of way based on an additional wetlands area identified by the Medway Conservation Commission in late 2011. This extent of change to the plan constitutes a major modification.

IV. PROCEDURAL SUMMARY: With respect to the *MODIFIED 25 Summer Street Definitive Subdivision Plan*, the Planning and Economic Development Board certifies as follows:

1. On February 28, 2012, it received an application for approval of the *25 Summer Street Definitive Subdivision Plan MODIFICATION*, dated February 28, 2012 prepared by Faist Engineering of Southbridge, MA. A separate preliminary subdivision plan was not filed for this plan modification.
2. On March 1, 2012, it circulated the MODIFIED Definitive Subdivision Plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On March 27, 2012, it commenced a public hearing on the plan. The public hearing notice was filed with the Medway Town Clerk on March 1, 2012 and posted to the Town's web site on the same date. The hearing was advertised in the *Milford Daily News* on March 12 and 20, 2012. Abutter notice was sent by certified sent mail on March 5, 2012. The public hearing was continued to April 10, 24 and May 8, 2012. It was closed on _____.

IV. PUBLIC HEARING SUMMARY: The public hearing and the Board's review of the 25 Summer Street Definitive Subdivision Plan MODIFICATION were conducted over the course of _____ Planning and Economic Development Board meetings during which substantive information was presented and evaluated. The plan was reviewed by the Town's engineering and planning consultants for compliance with the *Medway Zoning Bylaw* and the *Subdivision Rules and Regulations* (dated April 26, 2005) in effect at the time the application was filed with the Town in February 2012.

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

Definitive Subdivision Plan MODIFICATION – Faist Engineering, Inc.
February 28, 2012, last revised _____.

Stormwater Calculations & Design: Two (2) Lot Definitive Subdivision Modification - 25 Summer Street, Medway, MA - Faist Engineering, Inc.
February 28, 2012

Other Application Materials

- Form D – *Designer's Certificate*, February 28, 2012, signed by David Faist, PE and Daniel O'Driscoll, PLS
- Deed conveying 25 Summer Street from John and Veronica Clark to Fasolino Home Improvements, Inc., November 19, 2008, recorded at the Norfolk County Registry of Deeds on November 19, 2008, Book 26159, Page 264.

- *Long-Term Operation and Maintenance Plan – Site Stormwater Management System*, February 28, 2012 prepared by Faist Engineering.
- Form E – Certified List of Abutters & Owners within 300’, February 28, 2012, signed by

Waiver Requests

February 28, 2012 list prepared by Faist Engineering; revised April 18, 2012

Town Engineering Consultant Review Letters – Dave R. Pellegrini, P.E., Tetra Tech Rizzo

March 21, 2012

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

March 20, 2012

Supplemental Information Provided By Applicant

- Revised Landscape Plan for 25 Summer Street provided by Fasolino Landscape Design and Construction, received _____.
- Communication dated March 2, 2012 from Veronica Clark, the holder of the mortgage on the property at 25 Milford Street, consenting to the submittal of an application to modify the previously approved Definitive Subdivision Plan for 25 Summer Street.
- Letter dated April 9, 2012 from Bruce Eaton, P.E. of Civil Environmental Consultants LLC of Peabody, MA re: the adequacy of the pressure sewer system in the adjacent Speroni Acres subdivision
- *As-Built Plan* for Speroni Acres Subdivision, Sheet 1, dated 1/24/2004, last revised 4/5/2007, prepared by CEC Land Surveyors of Peabody, MA.
- Letter dated 4-27-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement on 15 Little Tree Road and an associated title report.

Information Entered Into the Record by the Planning and Economic Development Board

- *Certificate of Action* on the original 25 Summer Street Definitive Subdivision Plan, dated June 28, 2011.
- April 8, 2011 letter from Sumner & Milford LLC (Owen Sullivan) giving permission to Mike Fasolino to connect to the existing sewer system at the adjacent Speroni Acres subdivision.
- *Medway Subdivision Rules and Regulations*, April 26, 2005, pages 48 & 49
- *Massachusetts Land Use and Planning Law*, by Mark Bobrowski, 2002, pages 538-539.
- Minutes of the January 24, 2012 Planning and Economic Development Board Meeting held with the Speroni Acres subdivision neighbors.

Other Information

- CONFIDENTIAL email communication dated February 9, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: whether the proposed changes constituted a plan modification Mass General Laws, Chapter 41, s.81W.
- CONFIDENTIAL email communication dated March 12, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: connecting to the private sewer system in the adjacent Speroni Acres subdivision.
- Something else from Town Counsel

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc., for the Town of Medway
Dave R. Pellegri, P.E., Tetra Tech Rizzo for the Town of Medway
David T. Faist, P.E., Faist Engineering, Inc. for the applicant
Daniel O’Driscoll, PLS, O’Driscoll Land Surveying, Inc. for the applicant

Medway Departmental/Board Review Comments

Email communication from Karon Skinner-Catrone, Conservation Agent, dated March 7, 2012 re: the Conservation Commission’s Order of Conditions for the subject parcels.

Something from the Board of Health

Something from the Fire Chief

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

SECTION 5.7.19 - Proposed layout (including plans and profiles) of street construction, storm drainage and stormwater management facilities, water supply, and sewage disposal system, including grades, and the proposed electric, telecommunications, natural gas, cable TV, and spare communications conduit. *NOTE – The applicant or his representative will be responsible for field locating all utility installations during construction so they can be accurately represented on the as-built plans.*

FINDINGS: The applicant requests a waiver from showing the electrical, telecommunications and cable TV lines on the plans. Instead the applicant plans to show the underground services on the subdivision as-built plans. Since NStar will not design the underground utilities until the subdivision plan is approved, the Board grants this waiver subject to the applicant showing the location of the underground utilities on the as-built plan.

SECTION 5.7.20- Existing roadway profiles of the roadway centerline drawn in fine black solid line and proposed profile of the finished center-line drawn in heavy black solid line will be provided for all proposed streets at a horizontal scale of one inch (1") equals forty feet (40') and vertical scale of one inch (1") equals four feet (4'). At least two (2) benchmarks are to be shown on each plan and profile sheet, and proposed grade elevations shall be shown at 50 foot (50') station intervals except on vertical curves where elevations shall be shown at twenty-five foot (25') station intervals. Proposed intersections, sidewalks and probable location of driveways on lots shall be shown. Profiles shall extend across intersections to the outer layout line and to the layout line of the cul-de-sacs. The Board may require additional profile data when grading extends beyond the layout.

FINDINGS: The applicant is proposing a permanent private way/shared driveway. The cross section detail for the driveway is shown on Sheet 5 of 5. Since this is a permanent private way to serve only two lots, the Board finds that the cross-section detail for the shared driveway is sufficient for this project and the waiver is granted.

SECTION 5.7.24 – Location and Species of Proposed Shade Trees - The Definitive Subdivision Plan shall specify which existing trees are to be retained, where new trees are to be planted, planting details, planting schedule, and the maintenance program.

FINDINGS – The applicant requests a waiver from the installation of new street trees on the new roadway. As this is a Permanent private way/shared driveway and since there are existing trees along the Summer Street frontage and since the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway splits off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 5.7.27 – The proposed location and approval of all street signs and traffic control signs on the proposed street, as well as, with the intersecting streets will be shown. The Town Safety Officer's correspondence will be required prior to endorsement by the Board.

FINDINGS – The applicant requests a waiver from this regulation because they wish to use Summer Street addresses. However, the addresses of 23 and 27 Summer Street are already in use. The Board finds that there is a need for a separately named roadway to provide suitable addresses for these two house lots. Therefore a street sign will be needed. This waiver request is denied.

SECTION 5.7.28 - Streetlight Locations – Proposed and existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of the developer shall also be shown on the plan.

FINDINGS: Since the applicant proposes a private roadway/shared driveway serving 2 houses, the Board finds that no street lighting is needed for this subdivision. Furthermore, there is an existing streetlight on Summer Street about 50 180 feet south of the shared driveway. Since this is actually a shared driveway, the Board believes that lighting along Summer Street is adequate and that no additional street light is necessary and therefore ~~The Board~~ grants this waiver request. [OR] Therefore, the waiver is denied and an additional light is required on the existing utility pole just south of the driveway entrance.

Note: The existing streetlight was about 50 feet (actually more like 60) from the original driveway location. However, that light is now about 180 feet south of the new location. There is a utility pole about 50 feet north of the driveway and another one about 40 feet south of the new driveway but they do not have street lights. The Board may wish to reconsider or still let it go. I have drafted it both ways.

SECTION 5.7.31 – Locations of proposed open space – *Proposed park or open space areas suitably located within the subdivision for playground or recreation purposes or for providing light and air in accordance with M.G.L. Chapter 41, Section 81-U.*

FINDINGS – The applicant is not proposing any open space with this subdivision and none is required. The Board finds that there is no need for open space or a park in this 2 lot subdivision so this waiver request is granted.

SECTION 5.7.32 – Cul-de-sac Island Landscaping – *A landscape design plan, prepared by an experienced landscape designer, which shall include a plan view and a list of all plant and inorganic materials. The Board may require use of a professional landscape architect registered in the Commonwealth of Massachusetts.*

FINDINGS - The applicant is not proposing a fully paved cul-de-sac with this subdivision so there is no island. However, the applicant has provided a landscape plan for the area within the cul-de-sac right-of way. Therefore, the Board grants this waiver request.

SECTION 6.8 – Procedure for Street/Infrastructure Acceptance

FINDINGS - The Applicant proposes that 25 Summer Street will be constructed as a permanent private roadway; the Town will not be accepting this roadway. Therefore, the Board finds that there is no need for a street acceptance process and this waiver request is granted. An as-built plan for the roadway, drainage system and landscaping in accordance with Section 6.7 of the *Subdivision Rules and Regulations* is still required.

SECTION 7.7.2. p) – Stormwater Management Procedure: *The limits of detention and retention basins and related structures shall not be closer than thirty feet (30') from its lot/parcel line and any right-of way.*

FINDINGS – The Applicant proposes to install one dry detention basin within the separate Parcel A which also includes the shared driveway. The dry basin is located within 10 feet of the property line of both Lots #1 and #2 which will benefit from its construction. Due to the minimal size of the basin as well as the distance from the elevation of the proposed houses, the Board finds that this design is acceptable for this subdivision and the waiver request is granted.

SECTION 7.9.5. – *The minimum centerline grade for any street shall not be less than two percent (2%). A leveling area with a maximum grade of 2% for the first 100 feet of a street from an intersection shall be provided.*

FINDINGS - The Applicant proposes utilizing the existing driveway which has a grade between 5-8%. The Board finds that using the existing driveway will reduce the disturbance needed to construct the subdivision and is acceptable since the driveway will serve only one additional house. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets

(a) Dead end streets are not permitted except in the following circumstances: 1) A parcel of land would be rendered completely undevelopable if a dead-end is not allowed

FINDINGS - The applicant has proposed a permanent private roadway that is 158 feet long. The creation of Lot #2 is not feasible without the proposed dead-end street. Also, there is no possible roadway connection between this subdivision and the adjacent Little Tree Road. Therefore, the waiver request is granted.

SECTION 7.9.6 Dead End Streets

(d) To accommodate emergency vehicles, dead-end streets shall be provided at the closed end with an adequate turnaround acceptable to the Fire Chief.

(e) Turnarounds shall be designed in one of the two following ways: 1) A cul-de-sac turnaround . . . 2) A hammerhead or T-shaped turnaround.

FINDINGS - The proposed road is, in reality, a shared driveway serving two houses. The “Y” where the driveways separate serves a hammerhead function. Also, both private sections of the driveways have turnarounds. The Fire Chief has reviewed the plans and does not object to this feature. Therefore, the waiver is granted.

SECTION 7.9.7 g) – *The minimum roadway width for a “Permanent Private Way” is eighteen (18) feet.*

FINDINGS - The Applicant proposes a single shared paved driveway/private roadway that will have fourteen (14) feet paved width within the right-of-way. The Board finds that this proposed paved width is acceptable in that it will serve only two houses. The waiver request is granted.

SECTION 7.10.2 – Curbs: *“Permanent Private Way” is hot mix asphalt Cape Cod berm.*

FINDINGS - The Applicant proposes to utilize a “country drainage” low impact design using roadside dry detention basins. Curbing is not proposed to be used along the edges of the shared driveway. The Board and its consulting engineer have reviewed the proposed drainage design and have found it acceptable. Therefore, this waiver request is granted.

SECTION 7.11.1 – Driveways shall be at least ten feet (10') wide and shall not exceed twenty-five feet (25') in width and shall have a three-foot (3') radius edge treatment consistent with the specific type of road construction.

FINDINGS - The Applicant proposes to utilize the existing curb cut that is within the Summer Street right-of-way, similar to the adjacent “Ardmore Circle” private way. The Board finds that since the curb cut already exists and leaving it as is will reduce the impact on the newly reconstructed Summer Street, the design is acceptable and this waiver request is granted.

SECTION 7.11.2 – The construction of driveway openings shall not be within sixty-five feet (65') of the intersection of the centerline of intersecting streets or within fourteen feet (14') feet of a catch basin...

FINDINGS – There is an existing catch basin located within the Summer Street right-of-way that is within 28 feet of the existing driveway curb cut. Since the curb cut and catch basin already exist in the current locations, the Board finds that leaving the curb cut as is will reduce the impact of the subdivision’s construction on the newly reconstructed Summer Street. Therefore, this waiver request is consistent with the *Subdivision Rules and Regulations* (April 26, 2005).

SECTION 7.13.3 – Sidewalks shall be provided along the entire frontage of a subdivision parcel along existing Town ways . . . In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other public improvements.

FINDINGS – As there is a newly-constructed sidewalk along the entire Summer Street frontage of the property, no new sidewalk construction is needed nor is a payment in lieu of sidewalk construction appropriate in this instance. Therefore, the Board grants this waiver request.

You may wish to REVISIT THIS ONE – Approving this waiver request is NOT consistent with what the Board required for the 2 lot Village Estates private way subdivision at 272 Village Street. The Board previously granted this waiver in the original 25 Summer Street decision because both lots had some Summer Street frontage. With the modified plan, Lot #2 does not have Summer Street frontage.

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

FINDINGS – The Applicant is not proposing to install a fire alarm system.

NOTE – The Fire Chief has determined that a payment of \$1,000 in lieu of fire alarm installation is appropriate.

SECTION 7.19.2 – *To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision ...*

FINDINGS – The Applicant requests a waiver from the installation of new street trees. As this is a shared driveway and a permanent private way and since there are existing trees along the Summer Street frontage and the applicant has proposed a landscaping plan creating a vista in the area where the shared driveway split off to the two houses, the Board finds that this proposal is an acceptable substitute and the waiver request is granted.

SECTION 7.21 – *Street Lights.*

FINDINGS – The Applicant proposes a private roadway/shared driveway serving only 2 homes. The Board finds that no street lighting is needed for such a small subdivision. Furthermore, there is an existing street light on Summer Street about 50 feet north of the private roadway/shared driveway. Therefore the Board grants this waiver request.

SECTION 7.22 – *Walkways and Bikeways: It is the policy of the Board to maximize opportunities for pedestrian and bicycle access. Pedestrian walkways or trails and/or bikeways are required to ensure connections between adjacent subdivisions and between the subdivision and nearby schools, playgrounds, parks, shopping areas, public transportation, open spaces and/or other public facilities or community services or for such other reasons as the Board may determine...*

FINDINGS – The Applicant is proposing only one additional house lot. There is an existing sidewalk across the front of the subdivision on Summer Street and there will be minimal vehicular use of the shared driveway. Therefore, the Board finds that pedestrian and bicycle access is sufficient and no further measures are necessary.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of a homeowner's association, thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site's wetlands and other natural resources.
4. In lieu of constructing a landscaped island in the cul-de-sac right of way, landscaping shall be provided within the roadway layout to the west of the driveway split of Parcel A.
5. The applicant has agreed that both house lots will be used only for single family residences. The applicant will not seek any special permits from the Medway Zoning Board of Appeals to use the house lots for 2 family dwellings.

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

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

Action on Waiver Requests – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____, to act on the Applicant's request for all of the above noted waivers from the *Subdivision Rules and Regulations* as specified in the Findings for each waiver request. The motion was approved by a vote of ___ in favor () and ___ opposed ().

VI. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on _____, a motion was made by _____, seconded by _____, to approve the **25 Summer Street Private Way Definitive Subdivision Plan** MODIFICATION dated February 28, 2012, last revised _____, prepared by Faist Engineering, 600 Charlton Street, Southbridge, MA, subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the sections of the *Subdivision Rules and Regulations* dated April 26, 2005 as listed above.

The motion was approved by a vote of ___ in favor () and ___ opposed ().

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

Specific Conditions

1. *Scope of Project* - It is expressly understood that this subdivision is authorized for no more than 2 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. *Time for Completion* - The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Board, within three (3) years of the date of endorsement of the plan.
3. *Ownership of Summer Valley Lane* - It is understood that the private way at 25 Summer Street shall remain private in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. There shall be established the Summer Valley Road Homeowners Association, to be comprised of the owners of lots 1 and 2 as shown on the MODIFIED 25 Summer Street Definitive Subdivision Plan. The Association shall ultimately own and maintain Parcel A (the private roadway/shared driveway), be responsible for snowplowing and sanding, maintain and operate the stormwater detention/infiltration system and related infrastructure, and maintain all landscaping, including the area west of the driveway split.
4. *Roadway Fee* - The Applicant shall specifically reserve to itself ownership of the fee in all roadway and easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadway and all drainage easement to the Summer Valley Lane Homeowners Association before the Board approves the final bond release or, if there is no bond, then before approval of the as-built plan.
5. Prior to endorsement, the MODIFIED 25 Summer Street Definitive Subdivision Plan last dated _____ shall be further revised to include the following:
 - a. The final plan revision date on all plan sheets.
 - b. Update list of approved waivers on the cover sheet
 - c. Sheet 6 shall be modified to include the revised 25 Summer Street Landscape Plan produced by Fasolino Landscape Design and Construction.
 - d. Removal of the existing northern curb cut and details showing the restoration of sidewalk and curbing along Summer Street.
 - e. Show location of street and traffic control signs.
 - f. Reference the sewer easement document with the Lynchs at 15 Little Tree Road
 - g. Add a Sheet #7 to include the approved Stormwater Operation and Maintenance Plan dated _____.
6. Payment in lieu of Fire Alarm system . . .
7. Additional street light?

7. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Board before the Board will endorse the definitive subdivision plan.
8. *The Summer Valley Lane Homeowners Association* - Prior to endorsement, the Applicant shall provide a proposed Articles of Association or Incorporation establishing the Summer Valley Lane Homeowners' Association to be reviewed and approved by the Board and Town Counsel. At a minimum, the document shall include provisions for membership by the owners of Lots 1 and 2, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of the shared driveway, landscaping and the stormwater management system.
9. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision* – The future owners of lots 1 and 2 are subject to a *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the 25 Summer Street Subdivision* shall include language regarding the property owners' responsibility through a homeowners' association for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, landscaping and the operation and maintenance of the stormwater management system.
10. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. Each deed shall clearly state that Summer Valley Lane as shown on the 25 Summer Street Definitive Plan is a permanent private way, not ever to be owned by the Town of Medway. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the 25 Summer Street Subdivision*.
11. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Board with a copy of the proposed deed to convey the Parcel A (the private roadway/shared driveway) and all easements shown on the plan to the Summer Valley Lane Homeowners Association, for review, comment, amendment and approval by Town Counsel. Easement TO THE TOWN FOR WATER??

12. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the 25 Summer Street subdivision, any articles of association establishing the Summer Valley Lane Homeowners Association, with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred
13. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of the shared driveway and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Summer Valley Lane Homeowners Association.
14. The Applicant shall abandon the existing driveway opening onto Summer Street and reconstruct the opening as follows to match the existing Summer Street sidewalk conditions and materials: saw cut the gutter even with the curb and saw cut the section of sidewalk. Raise the granite curbing on either side of the opening. Install new granite curbing at the opening. Repave the sidewalk. Seal all seams after work is complete. The Applicant shall obtain a street opening permit from the Medway Department of Public Services for this work and pay all applicable fees and deposits.
15. The 2 houses in the subdivision will be connected to the sewer pipeline system that was installed by the developer of the adjacent Speroni Acres subdivision. This is a privately-owned, force main sewer system that will not be maintained by the Town of Medway. The applicant has represented and provided an engineering opinion that the Speroni Acres force main sewer system was designed to accommodate connection from his property. The applicant has also provided an easement document that will be recorded at the Registry of Deeds granting a for ensuring that any such agreements pertaining to such tie-in as well as the ongoing operation and maintenance of the pipeline system are a private matter between the applicant, the owner of that system and the adjacent property owner at 15 Little tree Road. The transmittal of the wastewater to and its treatment at the Charles River Water Pollution Control District plant shall be charged by the Town in the same manner as any property which sends its wastewater into that system. WHAT ABOUT REQUIRING THESE 2 LOTS TO FINANCIALLY SUPPORT THE SPERONI ACRES HOMEOWNERS ASSOCIATION, IF SUCH IS EVER FORMED, TO MANAGE AND MAINTAIN THE FORCE MAIN SEWER SYSTEM??

General Conditions

16. *Expiration of Appeal Period* - Prior to endorsement, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
17. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from

the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision

18. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant is placing a cash bond.
19. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning and Economic Development Board within three (3) years of the date of plan endorsement.
20. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer.
21. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Board by the Applicant, for review and approval as a modification to the Definitive Subdivision Plan. The Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification.

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

22. *Construction Observation and Fees* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections and for services of other outside consultants as may be needed during construction and project close-out. The amount shall be determined by the Board based on an estimate provided by the Town’s Consulting Engineer. A construction account shall be established with the Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection and other outside consultant services, upon invoice from the Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
23. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11” x 17” paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.
24. *Proof of Taxes Paid* - Prior to the Board’s approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
25. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor’s maps relative to this subdivision.
26. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

**25 SUMMER STREET DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION**

Date of Action by the Medway Planning & Economic Development Board

AYE:

NAY:

Date Signed: _____

Attest:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

- Copies To:** Mike Fasolino, Applicant
David Faist, Faist Engineering, Inc.
Stephanie Bacon, Health Agent
Tom Holder, Director of Public Services
Suzanne Kennedy, Town Administrator
Will Naser, Principal Assessor
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings
Barbara Saint Andre, Town Counsel
Karon Skinner-Catrone, Conservation Agent
Paul Trufant, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Dave Pellegrini, Tetra Tech Rizzo

Date Filed with the Town Clerk:

RECEIVED
APR 27 2011

TOWN OF MEDWAY
PLANNING BOARD

Kenney & Kenney
ATTORNEYS AT LAW

STEPHEN J. KENNEY
PAUL V. KENNEY

PETER J. KENNEY (1973-1980)

181 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
TEL: (508) 533-6711
FAX: (508) 533-6904
EMAIL: kenney@kenney-law.com

April 27, 2012

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

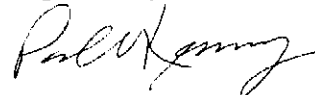
RE: Fasolino Home Improvements, Inc.
"Summer Valley Lane"
25 Summer Street, Medway

Dear Members:

Enclosed please find my Title Report for the property located at 15 Little Tree Lane, Medway, which property abuts the above referenced subdivision. Based on my examination of title, Sean Lynch and Shelley Lynch, as the owners of said property, have the right and obligation to maintain the sewer infrastructure which lies within the Utility Easement on their lot as shown on Plan No. 242 of 1998, Plan Book 455. As the owners of said property, Mr. & Mrs. Lynch also have the right to grant an Easement to Fasolino Home Improvements, Inc. to connect to the existing sewer stubs which are located within the utility easement referenced above. I find no encumbrances which would preclude Mr. & Mrs. Lynch from granting said Easement to Fasolino Home Improvements, Inc. for the purpose of connecting to the existing sewer stubs.

If there are any questions, please let me know.

Very truly yours,



Paul V. Kenney

SJK/sac

TITLE REPORT

OWNER: Sean Lynch and Shelley Lynch
Deed dated 4-20-04
Book 20930, Page 430

PROPERTY: 15 Little Tree Road, Medway, MA 02053
Lot 9, Plan Book 455, Plan No. 242

ENCUMBRANCES:

1. Wells Fargo Bank 9-28-10 Bk. 28077, Pg. 148
2. RBS Citizens, NA 1-27-11 Bk. 28551, Pg. 116

RESTRICTIONS/CONDITIONS
EASEMENTS:

1. Subject to and with the benefit of all easements, restrictions and rights as shown on Plan No. 242 of 1998, Plan Book 455.
2. Grantee is responsible for the maintenance, repair and replacement of the grinder pump and force main serving said lot.
3. Declaration of Protective Covenants dated August 11, 1998, recorded in Book 12742, Page 188.

Examined Thru: 4-20-12



Paul V. Kenney

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Tuesday, May 08, 2012 10:48 AM
To: Barbara Saint Andre
Cc: Susan Affleck-Childs
Subject: Re: Summer Valley Lane, Medway
Attachments: GRANT OF EASEMENT.doc

Barbara,

I believe it was the intent of the developer, Owen Sullivan, of the Speroni's Acres subdivision to provide access to the owners of the abutting properties to the utility easement along Summer Street to tie into the sewer system. In fact, he provided sewer stubs to each of those abutting properties, and I am informed that he met with the prior owners of my client's property and assured them that they would be allowed to tie in to the system. Mr Sullivan has also given permission for my client to tie in. The properties along Summer Street existed at the time of the creation of the Utility Easement, and, therefore, I do not believe there is an overburdening of the easement. With regard to the Lynches, I've been in contact with them and they requested a revision to the easement, which I attach hereto. With regard to the assent of the mortgagees, I would argue that the mortgages are subject to the existing Utility Easement, and, therefore, assents should not be necessary. Please review and let me know your thoughts. Thank you.

Paul Kenney

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

From: [Barbara Saint Andre](#)
To: [Paul Kenney](#)
Cc: saffleckchilds@townofmedway.org
Sent: Tuesday, May 08, 2012 9:27 AM
Subject: RE: Summer Valley Lane, Medway

Paul, I have reviewed the proposed grant of easement and have a few comments. First, the Town will need confirmation that the Lynches have in fact agreed to grant this easement. Also, according to your title report there are two mortgages on the property, so both mortgagees will have to assent to the grant of easement.

More fundamentally, it is not clear what easement rights the Lynches have in the Speroni private sewer system, and whether they may grant an easement for another land owner to use the sewer easement. It is the long-established rule in the Commonwealth that after-acquired property may not be added to the dominant estate without the express consent of the owner of the servient estate. Randall v. Grant, 210 Mass. 302, 304 (1911). The cases further make clear that, "absent such consent, use of an easement to benefit property located beyond the dominant estate constitutes an overburdening of the easement." McLaughlin v. Board of Selectmen of Amherst, 38 Mass. App. Ct. 162, 169 (1995). See also Gordon v. Damon, 2005 WL 473588 (Land Court 2005) ("In this case the court confronts a long-standing property law rule, which prohibits the use of an easement to serve land not part of the dominant estate at the creation of the easement. The court concludes that the rule is in force in Massachusetts...") Thus, the proposed grant of easement and title report does not address the underlying issue as to whether the adjacent land owner, Fasolino Home Improvements, may be granted an easement to tie into the private sewer system in Speroni Acres by one of the lot owners.

Barbara J. Saint André
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
bsaintandre@petrinilaw.com

<http://www.petrinilaw.com/>

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IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with the requirements imposed by the IRS, Petrini & Associates, P.C. hereby provides notice to the recipient(s) of this e-mail that any U.S. tax advice herein contained in this communication, including any attachments hereto, is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Paul Kenney [<mailto:pkenney@kenney-law.com>]

Sent: Monday, May 07, 2012 1:32 PM

To: Barbara Saint Andre

Cc: saffleckchilds@townofmedway.org

Subject: Summer Valley Lane, Medway

Hi Barbara,

I wanted to follow up with you to see if you had a chance to review the Grant of Easment from Lynch to Fasolino' Home Improvements for the tie in to the sewer stubs for the Summer Valley Lane subdivision. My client is hoping to finalize any outstanding items at tomorrow evening's meeting, including the easement. Please advise. Thank you.

Paul Kenney

508-533-6711

Town of Medway Fire Department

Paul L. Trufant, Chief
44 Milford Street
Medway, MA 02053

Tel: (508) 533-3213
Fax: (508) 533-3254



RECEIVED
MAY 08 2012

TOWN OF MEDWAY
PLANNING BOARD

DATE: May 8, 2012

TO: Medway Planning Board

FROM: Fire Chief *P.L.T.*
Paul Trufant

RE: 25 Summer St. Modified Sub-division Plan

Please note that I have reviewed the revised plans and find them to be acceptable from an access and safety perspective. Also, a fee of \$1000.00 should be paid in lieu of fire alarm provision.

If you have any questions please contact me.

Sincerely,
Paul Trufant

Susan Affleck-Childs

From: Paul Kenney [pkenney@kenney-law.com]
Sent: Tuesday, May 08, 2012 10:48 AM
To: Barbara Saint Andre
Cc: Susan Affleck-Childs
Subject: Re: Summer Valley Lane, Medway
Attachments: GRANT OF EASEMENT.doc

Barbara,

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Paul Kenney

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

From: [Barbara Saint Andre](#)
To: [Paul Kenney](#)
Cc: saffleckchilds@townofmedway.org
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Subject: RE: Summer Valley Lane, Medway

Paul, I have reviewed the proposed grant of easement and have a few comments. First, the Town will need confirmation that the Lynches have in fact agreed to grant this easement. Also, according to your title report there are two mortgages on the property, so both mortgagees will have to assent to the grant of easement.

More fundamentally, it is not clear what easement rights the Lynches have in the Speroni private sewer system, and whether they may grant an easement for another land owner to use the sewer easement. It is the long-established rule in the Commonwealth that after-acquired property may not be added to the dominant estate without the express consent of the owner of the servient estate. Randall v. Grant, 210 Mass. 302, 304 (1911). The cases further make clear that, "absent such consent, use of an easement to benefit property located beyond the dominant estate constitutes an overburdening of the easement." McLaughlin v. Board of Selectmen of Amherst, 38 Mass. App. Ct. 162, 169 (1995). See also Gordon v. Damon, 2005 WL 473588 (Land Court 2005) ("In this case the court confronts a long-standing property law rule, which prohibits the use of an easement to serve land not part of the dominant estate at the creation of the easement. The court concludes that the rule is in force in Massachusetts....") Thus, the proposed grant of easement and title report does not address the underlying issue as to whether the adjacent land owner, Fasolino Home Improvements, may be granted an easement to tie into the private sewer system in Speroni Acres by one of the lot owners.

Barbara J. Saint André
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From: Paul Kenney [<mailto:pkenny@kenney-law.com>]

Sent: Monday, May 07, 2012 1:32 PM

To: Barbara Saint Andre

Cc: saffleckchilds@townofmedway.org

Subject: Summer Valley Lane, Medway

Hi Barbara,

I wanted to follow up with you to see if you had a chance to review the Grant of Easment from Lynch to Fasolino Home Improvements for the tie in to the sewer stubs for the Summer Valley Lane subdivision. My client is hoping to finalize any outstanding items at tomorrow evening's meeting, including the easement. Please advise. Thank you.

Paul Kenney

508-533-6711

Susan Affleck-Childs

From: Stephanie Bacon
Sent: Tuesday, May 08, 2012 2:05 PM
To: Susan Affleck-Childs
Subject: 25 Summer Street

Dear Suzy,

It is my perspective that all questions raised by our board have been satisfied through your correspondences with me. I will bring all of the information you provided me with, to our next board meeting on May 15th. If the board has any other concerns, I will notify you immediately. If you should need more of a formal response from the board, please let me know.

Sincerely,
Stephanie Bacon
Health Agent

Susan Affleck-Childs

From: Stephanie Bacon
Sent: Monday, April 30, 2012 6:42 PM
To: Susan Affleck-Childs
Subject: RE: capacity of Speroni Acres sewer system

Thank you Suzy, I believe you have answered all of the Board's questions. Just keep me posted if anything new should arise. We appreciate the attachments :)

From: Susan Affleck-Childs
Sent: Monday, April 30, 2012 4:45 PM
To: Stephanie Bacon
Subject: capacity of Speroni Acres sewer system

Stephanie,

Attached is an as-built plan of the Speroni Acres infrastructure. It shows the sewer system layout. Also attached is a letter from the design engineer indicating that there is enough capacity to handle the sewerage from 2 additional houses at 25 Summer Street.

Let me know if there is any other info I can provide.

Cheers.

Susy

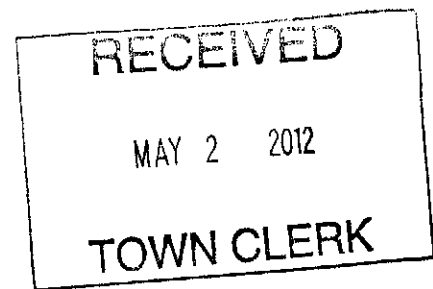
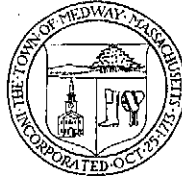
Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
155 Village Street
Medway, MA 02053

508-533-3291

saffleckchilds@townofmedway.org

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

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

May 2, 2012

Report of the Planning & Economic Development Board
May 14, 2012 Annual Town Meeting
Proposed Zoning Bylaw Amendments
Warrant Articles 30 - 48

BACKGROUND – The warrant for the May 14, 2012 Annual Town Meeting includes eighteen articles with proposed amendments to the Medway Zoning Bylaw. These are Articles 30 – 48. All were prepared and submitted by the Planning and Economic Development Board (PEDB) to the Board of Selectmen for inclusion on the Town Meeting warrant.

ARTICLE SUMMARIES

Article 30 – This article deletes a five paragraph sub-section pertaining to the purpose of having restrictions/standards on adult uses. In 2009, Town Meeting approved revisions to the adult use regulations of the Zoning Bylaw by allowing adult uses “by right” only in the Industrial I zoning district. The proposed language to be deleted is “left over” language from the previous adult use provisions which dated back to the mid 90’s and applied to the Commercial I zoning district.

Article 31 – This article includes a series of new definitions for terms used in the Zoning Bylaw. The Building Commissioner had asked the PEDB to develop definitions for commonly used words.

Article 32 – This article pertains to the Agricultural-Residential I zoning district. It adds “kennel” as a special permit use from the ZBA.

Article 33 – This article pertains to the Agricultural-Residential II zoning district as follows:

- adds “kennel” as a special permit use authorized by the ZBA
- specifies that any “single family” dwelling constructed in the district must have 150’ of continuous frontage and a lot area of 22,500 sq. ft.

Article 34 – This article pertains to the Commercial I zoning district as follows:

- references the new definition for “retail sales”
- adds “kennel” as a special permit use authorized by the ZBA
- deletes “automobile service station” and adds “vehicle fuel station” and “vehicle repair” as special permit uses authorized by the ZBA
- adds “local convenience retail with associated vehicle fuel station” as a special permit use from the Planning and Economic Development Board
- replaces “minimum lot width” with “minimum lot frontage”

Article 35 - This article pertains to the Commercial III zoning district as follows:

- references the new definition for “retail sales”
- adds “home based business as a “by-right” use.
- adds “kennel” as a special permit use authorized by the ZBA
- replaces “minimum lot width” with “minimum lot frontage”

Article 36 – This article pertains to the Commercial IV zoning district as follows:

- references the new definition for “retail sales”
- adds “home based business as a “by-right” use
- adds “kennel” as a special permit use authorized by the ZBA
- replaces “minimum lot width” with “minimum lot frontage”

Article 37 - This article pertains to the Commercial V zoning district as follows:

- references the new definition for “retail sales”
- adds “kennel” as a special permit use authorized by the ZBA
- replaces “minimum lot width” with “minimum lot frontage”

Article 38 - This article pertains to Accessory Family Dwelling Units as follows:

- adds “accessory family dwelling units” by special permit from the ZBA in Commercial III and IV zoning districts.
- deletes the lengthy provisions re: “accessory family dwelling units” that are included in ARI and repeated again in ARII with a simple reference in each zone that “accessory family dwelling units” are allowed by special permit from the ZBA
- establishes a new Sub-Section specific for “Accessory Family Dwelling Units” to include the existing regulations, an added statement of purpose, and several minor revisions.

Article 39 – This article pertains to the Industrial I zoning district as follows:

- adds “contractor’s yard”, “vehicle repair”, and “outdoor storage. . .” as by right uses
- adds “kennel” as a special permit use authorized by the ZBA
- replaces “minimum lot width” with “minimum lot frontage”

Article 40 – This article pertains to the Industrial II zoning district as follows:

- adds “outdoor storage. . .” as a by right use
- adds “kennel” as a special permit use authorized by the ZBA
- replaces “minimum lot width” with “minimum lot frontage”

Article 41 - This article pertains to the Industrial III zoning district as follows:

- adds "outdoor storage. . ." as a by right use
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum lot frontage"

Article 42 – This article pertains to the Flood Plain/Wetland Protection District sub-section by deleting the existing provisions and replacing them with new provisions which comply with the Federal Energy Management Agency (FEMA) and the Massachusetts Department of Conservation and Recreation. This will ensure that Medway residents are able to secure flood insurance.

Article 43 – This article pertains to the Sign Regulations and provides that the Design Review Committee will review and provide a recommendation letter re: signs 6 square feet and larger before a sign permit can be issued.

Article 44 – This article pertains to the Open Space Residential Development (OSRD) provisions by deleting and replacing paragraphs 1 – 11. These changes pertain to:

- OSRD purpose
- Minimum parcel size
- Pre-application process
- 4-step site design process
- Application information & open space requirements and plan
- Dwelling unit yield formula
- Decision criteria

Article 45 – This article pertains to the Business Industrial District as follows:

- deletes "automobile service station" as a special permit use and replaces it with "vehicle repair" as a special permit use authorized by the ZBA
- adds "outdoor retail sales" as a special permit use authorized by the ZBA
- adds "kennel" as a special permit use authorized by the ZBA
- replaces "minimum lot width" with "minimum continuous frontage"

Article 46 – This article will delete the existing one sentence provision that requires a special permit from the ZBA for a kennel located in any Medway zoning district. This text is presently "hidden" in the General Requirements section of the zoning bylaw. It will be replaced by specific language in each of the individual zoning district sub-sections as described in Articles 32 – 37, 39-41 and 45.

Article 47 – This article pertains to the Affordable Housing requirements. It deletes the existing sub-section and replaces it with a new sub-section. The changes pertain to:

- Purpose
- Size of development project to which the affordable housing requirements apply
- Adjustment in the % of a residential development that must be affordable

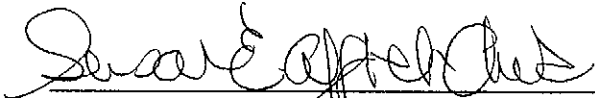
Article 48 – This article modifies the Home Based Businesses provisions to specify that the sub-section also applies to home based businesses in the Commercial III and IV zoning districts.

PUBLIC HEARING – Massachusetts General Laws require a municipal planning board to conduct a public hearing on any proposed amendment to the local zoning bylaw. The Planning and Economic Development Board scheduled its hearing for March 21, 2012. On March 3, 2012, the public hearing notice was filed with the Town Clerk's office and posted to the Town of Medway web site. The legal notice for the public hearing was advertised in the *Milford Daily News* on March 6 & 24, 2012. The public hearing was opened and closed on March 21st.

During the public hearing, John Emidy, the Medway Building Commissioner/Zoning Enforcement Officer provided verbal testimony in support of a series of new Definitions which he had recommended. Written comments were provided by one resident and were entered into the record. Those comments addressed aspects of almost all of the proposed amendments and included some very constructive recommendations for revised language to improve the proposals. The Board was able to revise the text of a number of its proposed articles to reflect those suggestions. The final warrant reflects those changes. No other verbal or written testimony was offered.

RECOMMENDATION – On April 24, 2012, the Planning and Economic Development Board voted to recommend approval of the proposed Zoning Bylaw amendments as represented in Articles 30 – 48 as printed in the warrant for the May 14, 2012 Town Meeting.

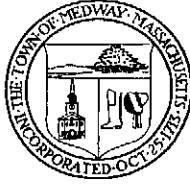
ATTEST:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

5-2-2012

Date



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

MEMORANDUM

May 2, 2012

TO: Planning and Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Next steps for future zoning work

Attached is an updated master list of possible zoning bylaw amendment work. As always, it is a big list.

Recommendation – We should contact the BOS/TA, ZBA, EDC, OSC, AHC/AHT, Town Counsel and others we may identify to solicit their requests/suggestions/ recommendations for Zoning Bylaw amendment work for the upcoming year. I would suggest we make these contacts immediately so we can consider their needs in establishing a clear FY 13 zoning work plan for ourselves by July 1, 2013.

Medway Planning and Economic Development

IDEAS for ZONING BYLAW AMENDMENTS & OTHER POSSIBLE TOWN MEETING WARRANT ARTICLES

UPDATED 5-2-2012

I. Substantive Zoning Work	NOTES	Target DATE	Lead Person	Priority
A. Town Center/Commercial Mixed Use – 40R Overlay	Recommended in 2009 Master Plan			
B. Rezone area on Route 126/Main/Village Streets near Bellingham for business uses	What kind of uses would you want here? This would be a new district.			
C. Traditional Neighborhood Design Overlay District	Draft completed by Gino Carlucci (2007 Smart Growth Technical Assistance Grant); Recommended in 2009 Master Plan			
D. Oak Grove/Bottle Cap Lots - 40R Overlay	Recommended in 2009 Master Plan			

II. Zoning Bylaw Amendment Recommendations from the 2009 Master Plan	NOTES	Target DATE	Lead Person	Priority
A. Establish a Transfer of Development rights option	Model bylaw available			
B. Establish a Wildlife Habitat Corridor Overlay Zoning District				
C. Adopt zoning to encourage mixed use development such as apartments above retail				
D. Rezone property: <ul style="list-style-type: none"> • along Route 109 near Millis; • at intersection of Routes 109/126 (Commercial V); • around the Police Station (Commercial IV) • Clark and Route 109 (presently zoned AR1) to allow for construction of new office space with residential appearance				
E. Create a new zoning classification for office space and light industry				
F. Rezone properties that are no longer suitable for industrial uses				
G. Review zoning to assure that design standards are consistent with Master Plan vision				
H. Review/revise zoning for high volume drive thru businesses to reduce or eliminate such uses because of safety concerns	Commercial I district			
I. Review zoning to ensure that aquifers, wellheads and watershed areas are preserved. Expand protection area around wells				
J. Rezone parcels for optimal use and Town benefit such as areas adjacent to currently zoned industrial property				

III. Zoning Bylaw Amendment Recommendations from the 1999 Master Plan That Haven't Been Implemented	NOTES	Target DATE	Lead Person	Priority
<p>A. Look at Commercial III (around Town Hall) and Commercial IV (around the Police Station) zones.</p> <ul style="list-style-type: none"> • Evaluate the possibility of expanding the boundaries of these zones and ways to strengthen the "village characteristics", • encourage the preservation adaptive use and allow for mixed uses • Interface with Medway Historic Commission re: the new Medway Village National Register Historic District in the Commercial District III area. • Allow for construction of residential duplexes and mixed uses by right 	<p>The boundaries of the Commercial III district were revised/cleaned up at the 6-13-2011 town meeting.</p> <p>A new AUOD district was established in the Medway Village area at the 6-13-11 town mtg.</p> <p>NOTE – These districts do not provide for any residential uses other than the construction of new single family homes</p>			
<p>B. Rezone contaminated lands for economic development.</p>				
<p>C. Establish option for Neighborhood Conservation Districts</p>	<p>Is this zoning or a general bylaw?</p>			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Target DATE	Lead Person	Priority
A. Work on Accessory Family Dwelling Units section <ul style="list-style-type: none"> • Establish a maximum size • Legality of occupancy rules 	<p>This needs attention per Town Counsel</p> <p>This is also a very important topic for the ZBA</p>			
B. Revise Commercial I <ul style="list-style-type: none"> • link special permits to site plan review; criteria, etc. to streamline and consolidate review process; • change authority so special permits are issued by the PB when done in conjunction with site plan review so to streamline and consolidate review process (business friendly) • revise zoning setback requirements 	<p>Work with Karen Johnson @ Charter Realty & Development</p>			
C. Establish Use & Dimensional Tables – Requested by John Emidy	<p>Previous draft is available for review</p>			
D. Modify Affordable Housing Infill Bylaw to allow it to be used on undersized (<i>but neighborhood compatible</i>) parcels that are newly created thru the ANR process	<p>Work with Affordable Housing Committee and Trust</p>			
E. Estate/Back Lot Zoning – Allow a single family home to be constructed on an oversize lot with less frontage than normally required with an automatic permanent deed restriction against future subdivision	<p>Many samples available from other towns.</p> <p>Previous draft available for review and discussion</p>			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Target DATE	Lead Person	Priority
F. Create a new Village Residential (VR) zoning district for portions of ARII that are already more dense than the present ARII standards (150' frontage and 22,500 sq. ft of area)	This would better match the zoning text to the actual uses/sizes on the ground Possibly allow duplexes by right and small multi-family by special permit.			
G. Sign Regulations <ul style="list-style-type: none"> • Remove sign provisions from zoning bylaw and convert to a general bylaw • Establish specific sign provisions for Medway Mill • Require DRC approval of sign design • Revisit sign regulations for Commercial I zone • Establish a sunset requirement for non-conforming signs 				
H. Strengthen buffer requirements in commercial and industrial zoning districts where such are adjacent to residential districts				
I. Establish a setback requirement (from side lot lines) for driveway locations. (Requested by Bob Klein – 533-6212). He suggests a 6' setback.	Is this a zoning matter or better addressed in the <i>Subdivision Rules and Regs</i> and/or the DPS street opening permit requirements			
K. Noise standards	Current noise standards are very minimal			
L. Establish another area for Commercial III or IV zoning – West Medway commercial area (west of Mechanic Street)	Presently this area is zoned ARII but it has many commercial uses operating as pre-existing non-conforming uses or pursuant to an old special permit/use variance			

IV. Other Zoning Bylaw Amendment Ideas	NOTES	Target DATE	Lead Person	Priority
M. Site Plan Review – Add a provision for administrative site plan review of certain very limited projects such as façade renovations that need a building permit but nothing else. This would include DRC review plus input from John Emidy/SAC. This process could also apply to minor modifications of previously approved site plan projects.				
N. Develop zoning provisions for outdoor dining/sidewalk cafes				
O. Revise parking standards – based on MAPC study				
P. Not allow businesses with a Commercial 2 license to operate as a home based business	Recommended by John Emidy			
Q. Allow for commercial solar generation in undevelopable back lot areas of AR1				
R. Expand east side industrial park (Industrial I) by rezoning a portion of ARI to Industrial I				
S. Revise what type of uses are allowed by right in the Industrial III zoning district to encourage highest and best uses	Requested by the BOS			

V. Zoning Map - Clean-Up Zoning District Boundaries	NOTES	Target DATE	Lead Person	Priority
A. South side of Coffee Street near Main Street (Change from ARI to ARII)				
B. Southeast corner of Summer and Highland Streets. (Change from ARI to ARII)				
C. Refine ARI and ARII boundary near Brandywine Terrace east to Winthrop Street				
D. Refine ARI and ARII on east side of Winthrop Street north of Adams Street up to Lovering St.				
E. Refine boundary of ARII district along Lovering Street				
F. West side of West Street south of Edison easement - change from AR2 to Industrial 2				
G. Clean up/revise/expand boundaries of Commercial IV zone (near police station)				
H. Expand Industrial I zone – rezone a portion of AR1 to Industrial I				
I.				
J.				
K.				

VI. OTHER POSSIBLE TOWN MEETING WORK	NOTES	DATE	Lead Person	Priority
A. General Bylaw/or article to authorize BOS to accept conveyance of land or interests therein when such is already provided for in a decision by the PB, ZBA or ConCom (instead of having to go to town meeting) – Medfield example; recommended by Mark Cerel				
B. General Bylaw - Right to Farm (<i>recommended in 2009 Medway Master Plan</i>)	Work with “to be established” Agricultural Committee			
C. General Bylaw – Ban underground sprinkler systems (<i>recommended in 2009 Medway Master Plan</i>)	Discuss with DPS			
D. Something on business hours of operation – Prohibit or regulate 24 hour operations.	Probably a general bylaw			
E. Something to limit hours for outside construction				