

**June 12, 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 Pellegrini, Tetra Tech Engineering  
Gino Carlucci, PGC Associates (consulting planner)

The Chairman opened the meeting at 7:07 pm.

There were no Citizen Comments.

**Norwood Acres Definitive Subdivision Plan (61 Summer Street) – Plan Review Estimate:**

The Board is in receipt of proposals from Tetra Tech Rizzo and PGC Associates for professional engineering services for Norwood Acres Estates in the amount of \$4,111.00 for Tetra Tech Rizzo and PGC Associates for \$680.00. (See Attached.) This is for the Definitive Plan Submittal review.

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the proposal for professional services for Norwood Acres Estates for \$4,111.00 for Tetra Tech Rizzo and \$680.00 for PGC Associates.**

The public hearing for 61 Summer Street will begin June 26, 2012.

**Engineering Consultant Report:**

**Franklin Creek Subdivision**

Consultant Pellegrini indicated that the paving improvements have been completed. The developer still needs to seal the joints. There was a message left informing the developer.

This needs to be sealed with asphalt.

A sign off letter will not be provided until this is completed.

**Applegate Farms:**

The sewer is continuing to be installed. The permits were sought to finish sewer by next week. Stormwater will be started next.

Susy expressed that she wanted to keep tight control relative to money in the construction account. There were 13 construction reports that were provided by Tetra Tech.

Dave Pellegri indicated that there were more inspections for sewer than anticipated. The estimates are done by schedule.

It was agreed that we need to notify the owner that we are going over the original schedule and estimate for construction inspection services.

The VHB proposal was originally high, and we agreed back then that we would only get half of the money.

Susy reported that the original construction observation fee was so high that she had agreed that they only had to pay half. It is probably time to invoice them for the balance.

The proper step for Dave is to email Susy with the hours required and Susy will provide a new construction invoice to the developer.

Dave thinks there is a week and a half of work over budget.

### **25 Summer Street Definitive Subdivision Plan – Modification Public Hearing Continuation**

The Board has received three additional documents which have been submitted in support of the application.

1. Attorney Paul Keeney prepared an affidavit from the Clarks (former owners of 25 Summer Street) re: their conversations with Speroni Acres developer Owen Sullivan who had agreed to allow their property to connect to the Speroni Acres sewer system. **(See Attached)**
2. Copy of the grant of easement from the Lynches to allow the Fasolino properties at 25 Summer Street to connect to the sewer system on their property (15 Little Tree Road). **(See Attached).**
3. Confirmation from Paul Kenney that he not able to find separate sewer easement document for the Speroni Acres subdivision at the Norfolk County Registry of Deeds. **(See Attached)**

Susy Affleck-Childs communicated that she attended the Board of Health meeting. The Board of Health reviewed all documents relative to 25 Summer Street. The Board of Health has signed off on the necessary paperwork.

A letter from the Board of Health dated June 12, 2012 was received and reviewed. This will be placed into the record of documents.

**(See Attached)**

Susy Affleck-Childs explains that this concludes all the written documentation for the record.

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to close hearing.**

The next step will be to finalize the draft decision to include the testimony and findings.

The Board will review the draft decision for 25 Summer Street at the June 26, 2012 meeting. The plan is to file the signed decision the next day which is June 27, 2012.

**Planning Consultant Report:**

Consultant Carlucci is working on a mini-master plan for the Town owned Amphitheatre property behind the Sanford Mills condominium. The concept plan is for the completion of a trail and a few parking spaces. The intent is not to use the area as an actual amphitheatre. There are limits on what can be done there. We cannot build any structures. It rises to behind houses along Village Street. One corner is to be a meadow and rest will remain wooded. Some culverts empty out onto the property. There are gullies that run down and there is a thought to do a rain garden. Steps have been put down there for a canoe launch.

Consultant Carlucci is also applying for PARC grant for the Idylbrook area. The thought was to create trails within the open space and connect to neighborhoods and to install irrigation for the sports fields and playground equipment. Unfortunately we found out that the grant can only be used on parks property and not on conservation land. At Idylbrook, there are three parcels and one is part of the parks and other two are under the conservation commission's jurisdiction.

The premise is to apply for \$225,000 for irrigation and playground. The state would pay 61%.

Susy noted that this has been a great collaboration with the various boards and committees (Parks, Open Space and Conservation).

There will need to be a warrant article submitted for the fall town meeting to authorize the full amount of money. It can be made contingent about seeking the grant.

**ANR Plan for 13 and 15 Chestnut Street for Lawrence Tenney:**

The Board is in receipt of a packet of documents dated May 31, 2012 relative to the ANR Plan for 13 & 15 Chestnut Street. **(See Attached)**

Attorney Kenney was present to represent his client, Lawrence Tenney.

It was indicated the Mr. Tenney obtained a variance from the Zoning Board of Appeals dated February 17, 1987 to divide the property. The applicant is has owned this property since 1947. It is pre-existing, nonconforming property with respect to the frontage requirement.

The applicant's plan was submitted to identify the portion of the abandoned railroad bed which is owned by Mr. Tenney based on the Land Court case referenced in the paperwork. There was a previous ANR plan on record from 1988.

Consultant Carlucci provided review comments to the applicant **(See Attached)** and the recommended revisions have been incorporated into a revised plan which was presented. There are no sewer easements within the noted section.

Member Gay wanted to know who owns to the middle of the railroad right of way.

Mr. Kenney noted that the abutters own to the center line of the railroad bed. He further explained that the new parcel will have some frontage on Oakland Street. The owner was granted a variance for frontage back in 1988.

Consultant Carlucci indicated that he looked at the revised plan brought to tonight's meeting and he is comfortable with what has been provided.

Susy Affleck-Childs wanted to know if there was a new revision date on the plan.

Attorney Paul Kenney indicated that the new revision date on the plan is June 11, 2012.

Member Spiller-Walsh wanted to know what the variance was granted for.

There was clarification that the 1988 variance was to allow for no frontage. The ZBA decision was included with the application materials.

Another portion of the land was taken from a tax taking.

This piece of property has been there a long time.

**On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to endorse the revised ANR Plan for 13 and 15 Chestnut Street with a revised plan date of June 11, 2012.**

**Announcements/Reports:**

Susy reported that the Bay Oaks subdivision plan was filed as expected. This is being processed. The public hearing will begin in July.

The Economic Development Committee is scheduled to meet with Board of Selectmen on Monday night, June 18<sup>th</sup>. The Committee will provide a presentation about the recommendations for the spending of money which was authorized at the town meeting. The EDC recommends that the Town pursue an independent contractor employee, not a consulting firm.

Susy Affleck-Childs has updated the most recent Town Meeting approved version of the OSRD Bylaw. It was included in the board packet. She noted that it has not been certified by the Attorney General's Office.

The Board was made aware that Charles River Village is getting ready for the submittal of the OSRD Definitive Plan.

Susy checked with Town Counsel and they must stay with OSRD bylaw as it was when the permit was issued. They are not able to pick and choose. They may request a modification to the decision but it would have to comply with the new bylaw.

There will be an inter department meeting on Monday June 18, 2012 with Roger Calarese who is the buyer of the property at 72 Main Street and intends to develop Tri-Valley Commons. Susy noted this is just for Town staff.

Susy Affleck-Childs will be going to Boston on Wednesday to provide a report to the Inter-Agency Permitting Board. She will be speaking about the Town's progress in spending the 43D Expedited Permitting grant. One of the planned activities for the grant had been to have land use permits able to be completed on line. We are not capable of doing that with the MUNIS version we have. This will be changed and an updated conversion will be completed in fall.

**Inactive Construction Accounts:**

The Board is in receipt of a memo dated June 7, 2012 from Susy Affleck-Childs regarding longstanding inactive construction observation accounts. **(See Attached).**

The memo is a list of older completed subdivision projects for which the town is still holding some construction observation funds. They can be refunded.

It is recommended that the Board refund \$8,065.13.

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve refunding \$8065.00 in unexpended construction observation funds plus interest.**

The Board noted that we can send a letter to Mr. Whelan asking him to apply this to his debt.

The Board would like Susy to check if the money in Mr. Whelan's account can be used to pay back any other items which may be owed to the Town.

Susy will follow-up with the numbers relative to the little bond accounts and she would like to close these out as well.

**Economic Development Committee Appointments:**

The Board was made aware of the resignation of Kent Scott from the Economic Development Committee. He is currently working on Medway's 300th birthday celebration and is doing video productions for this project. He has been instrumental with the discussions this year on the Economic Development Specialist position.

The Board reviewed a memo from Susan Affleck-Childs dated June 7, 2012 with recommendations on appointments. **(See Attached).**

**On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted unanimously to appoint Ken Bancewicz, Ray Himmel, and Paul Yorkis to the Economic Development Committee through June 30, 2014.**

**Open Space Committee:**

The Board reviewed a memo from Susan Affleck-Childs dated June 7, 2012 with recommendations on appointments. (See Attached).

**On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted unanimously to appoint Jim Wickis, Glenn Murphy, and Bruce Hamblin to the Open Space Committee through June 30, 2014.**

**Minutes:**

**May 8, 2012:**

**On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from May 8, 2012.**

**May 29, 2012:**

**On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the minutes from May 29, 2012.**

**Randall Arendt - Conservation Subdivision Design Workshop:**

This workshop was well represented by Medway.

Susy will be getting a DVD which will be available for those who want to view it. The DVD is of a similar presentation to the one which Mr. Arendt delivered in Franklin.

Susy indicated a community in Vermont requires that any developer who wants to apply for an OSRD must view the DVD.

Susy explained that the workshop attendees were broken up into groups and did some neat exercises using the principles of four step design process. All groups were given the same drawing of land which identified key site features and yield count of 36 units. Each group had to do a layout of 36 housing units.

**Board Reorganization:**

**On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to appoint Andy Rodenhiser as the Chairman for the Planning Board and Bob Tucker as Vice Chairman and Tom Gay as Clerk. All parties agreed.**

**Lawrence Waste Site Plan, 49 Alder Street:**

The Board will endorse and sign the plans at end of meeting.

**Village Estates Definitive Subdivision Plan:**

This will be signed at the next meeting.

**Oak Grove Meeting:**

The Oak Grove meeting on June 19, 2012 at 7:00 pm at the Medway Public Library is cancelled.

The Chairman indicated that the law firm that the Town hired through Town Counsel to undertake the Oak Grove research work was redirected to do other tasks as a higher priority on behalf of the Town. This title research work will not be complete.

The Chairman noted that this is embarrassing and he is ashamed and he does not want to do anything further with the Oak Grove project. This should have not been our responsibility to clear the Oak Grove titles. He does not have the energy to keep working on this.

Member Rogers noted that this project is key to the Town to get a broader tax base. This should be a top priority for the Town.

Member Rogers reported to the Board that he is resigning his involvement as Medway's representative to the MAPC. He would be happy to help with the Oak Grove venture.

Member Tucker notes that the Economic Development Committee should lead the charge on this. This is more appropriate to go into a subgroup and follow up with the Planning Board later.

Susy notes that there are a lot of hands involved in this project.

Member Tucker notes that someone needs to be the point person and if one is not appointed, it will disappear.

Susy noted that the vision of the project started with Planning Board and it is perceived that we are the ones to spearhead this.

Chairman Rodenhiser disagrees. The Board of Selectmen said it was a priority with the intent to create a wider commercial base. The Economic Development Committee said it was a priority. Andy does not want to be connected with it anymore.

Susy suggests that a realignment of the Planning Board's Representative to the Economic Development Committee may be in order in light of Andy's decision.

**On a motion made by Bob Tucker, and seconded by Karyl Spiller-Walsh, the Board votes unanimously to appoint Chan Rogers as the Board's representative to the Economic Development Committee.**

Susy noted that there is some accountability on her for this work not getting this done. There were challenges with this at some points and she should have intervened earlier to let decision makers know the importance of the work and the timetable.

MASS Development is pushing hard since they gave us another year to do this project. We told them that we were getting this done. They have to get this planning study off their books by the end of June.

We will take possession of the planning study without all the land ownership details being concluded. The planning consultants have agreed to come out and provide a presentation in the fall with the Economic Development Committee. Susy suggests including the Board of Selectmen and Planning Board as well.

When title work is done, Susy indicated that she and Will would issue a separate report on the findings.

**Applegate Farm Subdivision/Virginia Road drainage**

Susy reported that she and Bob Tucker had met with Tom Holder and Dave Pellegri to talk about the Virginia Road drainage and impact on Applegate Subdivision. There is a proposal from Unique Homes on how to proceed. The information is being reviewed. She suggests having the Board discuss this further. Ralph will be submitting the proposals with assessment values. The Town is currently reviewing this. The town needs to look at legal positioning. The sidewalk is still in there and part of the decision. A value of assessment is being looked at. Virginia Road was accepted in the early 1960's. This is an existing condition. Discussion on this will take place at the meeting on June 26, 2012.

Susy will check with Town Counsel if we need to talk about this in executive session because it might involve possible litigation.

**Other Reports:**

Dave Pellegri asked about whether he could walk the Norwood Acres site. Has that been authorized?

Susy reported that in signing a subdivision application, an applicant is giving permission to the Town to walk the site. She asked that Dave Pellegri inform the applicant when they plan to walk the site.

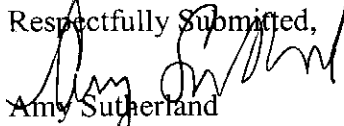
Karyl Spiller-Walsh indicated that she felt the board should walk the site.

**Future Meetings:**

The next Planning and Economic Development meeting will be Tuesday, June 26, 2012 at 7:00 pm.

**Adjourn:**

**On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 8:45 pm.**

Respectfully Submitted,  
  
Amy Sutherland  
Meeting Recording Secretary



*Minutes of June 12, 2012 Meeting*  
*Medway Planning & Economic Development Board*  
*APPROVED – June 26, 2012*

Edited by,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs", written in a cursive style.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



TETRA TECH

June 6, 2012

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

RECEIVED  
JUN 07 2012

TOWN OF MEDWAY  
PLANNING BOARD

**Re: Definitive Subdivision Plan Review  
Planning and Economic Development Board  
Norwood Acres  
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 Norwood Acres Definitive Subdivision Plan submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed Definitive Subdivision Plan submittal package, including but not limited to, the Application (Form C), Development Impact Report (Form F), Request for Waivers (Form Q), Soil Suitability Assessment, and the Hydrologic and Hydraulic Report, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice.

### Scope of Services

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

#### Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings;
- Budget Assumption: 2 hours @\$155/hr=\$310

#### Task 2 Design Review

- A. Review the proposed Application for Approval of a Definitive Subdivision Plan, Development Impact Report, Request for Waivers, Order of Resource Area Delineation, and the Soil Suitability Assessment, prepared by Guerriere & Halnon, Inc. and incorporate comments into review letter at item D below;
- Budget Assumption: 2 hours @\$115=\$230.



**TETRA TECH**

- B. Review the proposed "Norwood Acres" Definitive Subdivision Plan prepared by Guerriere & Halnon Inc, dated June 1, 2012;
- Budget Assumption: 2 hours @ \$155=\$310  
4 hours @ \$115/hr= \$460  
8 hours @ \$90/hr= \$720  
Total= \$1,490
- C. Review the Hydrologic & Hydraulic Report for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;
- Budget Assumption: 4 hours @ \$115/hr=\$460.
- D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;
- Budget Assumption: 2 hour @ \$155/hr=\$310  
2 hours @ \$90/hr= \$180  
Total= \$490
- E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:
- Budget Assumption: 1 hour @ \$115/hr= \$115  
2 hour @ \$90/hr=\$180  
Total-\$295

**Task 3 Meeting Attendance**

- A. Participate in three (3) meetings with the Town of Medway Planning and Economic Development Board.
- Budget Assumption: 3 Meetings  
1.5 hrs/meeting @\$155/hr= \$697

**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:

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**TETRATECH**

<u>Task</u>	<u>Task Description</u>	<u>Fee</u>
Task 1	Site Visit	\$310
Task 2	Design Review	\$2,965
Task 3	Meeting Attendance	\$697
	Labor Subtotal	<b>\$3,972</b>
	Expenses (3.5%)	\$139
	<b>Total Fee</b>	<b>\$4,111</b>

**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. Pellegrini, 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

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**PGC ASSOCIATES, INC.**

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

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June 7, 2012

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

**R E C E I V E D**  
JUN 07 2012

TOWN OF MEDWAY  
PLANNING BOARD

**Re: Norwood Acres Definitive Subdivision Plan Modification**

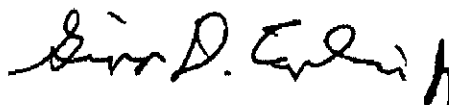
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive-subdivision plan called "Norwood Acres" submitted by Wayne Marshall of Medway. The owners are Andrew and Matthew Marshall of Medway. The plan was prepared by Guerriere and Halnon, Inc. of Milford. The plan is not dated, but was signed by the engineer and surveyor on June 1, 2012.

<u>Task</u>	<u>Hours</u>
Technical review and comment regarding conformance with Zoning, subdivision regulations and general planning issues.	2.5
Planning Board meetings	2.0
Review of any plan revisions	1.5
Review of/input into Certificate of Action	2.0
Total	8.0
<b>Cost Estimate (@\$85)</b>	<b>\$680.00</b>

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

Sincerely,



Gino D. Carlucci, Jr.

**Susan Affleck-Childs**

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**From:** Paul Kenney [pkenney@kenney-law.com]  
**Sent:** Thursday, June 07, 2012 11:31 AM  
**To:** Susan Affleck-Childs  
**Subject:** 25 Summer Street, Medway  
**Attachments:** Aff & Easement.pdf

**R E C E I V E D**  
JUN 07 2012

**TOWN OF MEDWAY  
PLANNING BOARD**

Susy,  
Attached are the Clark Affidavit and Lynch Easement. If there are any questions, please let me know.  
Paul Kenney

**AFFIDAVIT**

We, John W. Clark and Veronica Clark, husband and wife, both of Medway, Norfolk County, MA do under oath depose and say as follows:

1. We are the prior owners of the property located at 25 Summer Street, Medway, MA 02053
2. We sold said property to Fasolino Home Improvements, Inc. by deed dated November 19, 2008, recorded with Norfolk Deeds Book 26159, Page 264.
3. We owned the property at the time of the approval of the Speroni Acres subdivision in 1997.
4. Prior to the approval of the subdivision, we met with the developer, Owen Sullivan, to discuss the connection of our property to the sewer system which would service the subdivision.
5. Mr. Sullivan assured us that a Utility Easement abutting our property would be included on the subdivision plan, and that accompanying sewer stubs would be provided to our property for connection to said sewer system.

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Signed under the pains and penalties of perjury this 7<sup>th</sup> day of June 2012.

  
\_\_\_\_\_  
John W. Clark

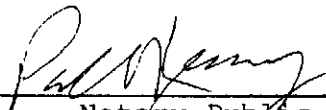
  
\_\_\_\_\_  
Veronica Clark

COMMONWEALTH OF MASSACHUSETTS

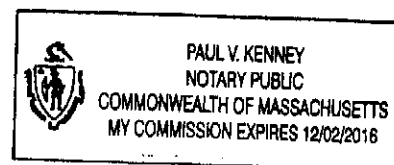
Norfolk, SS.

June 7, 2012

On this 7<sup>th</sup> day of June, 2012, before me, the undersigned notary public, personally appeared John W. Clark and Veronica Clark and proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose names are signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

  
\_\_\_\_\_  
Notary Public

My commission expires:





## GRANT OF EASEMENT

We, Sean Lynch and Shelley Lynch (collectively, "Grantors"), husband and wife, both of 15 Little Tree Road, Medway, Norfolk County, MA for consideration of One and 00/100 (\$1.00) Dollar grant with quitclaim covenants to Fasolino Home Improvements, Inc. ("Grantee") a Massachusetts corporation with a principal place of business at 164 Main Street, Medway, MA 02053, its successors and assigns, an easement for the sole and exclusive purpose of laying a sewer pipe from Grantee's Property (as defined below) and to connect the same to a sanitary sewer line with any pipes, conduits and other appurtenances, in, over, under, through, across, upon and along a Utility Easement as shown on a plan entitled "Definitive Subdivision Plan For Speroni Acres in Medway, MA" dated 9/16/97, revised 11/24/97, revised 12/17/97, C.E.C. Land Surveyors, Inc., which plan is filed with Norfolk Deeds as Plan No. 242 of 199, Plan Book 455, and to which plan reference may be had for a more particular description.

The easement granted to the Grantee is for the sole and exclusive purpose of entering upon grantors land to enable Grantee's sewer pipes to reach the Utility Easement in order to connect to the existing sewer stubs for the benefit of Lots 1 and 2 as shown on a plan entitled Modified "Summer Valley Lane" Definitive Subdivision Plan in Medway, Massachusetts, Scale: 1"=40', December, 2011, Revised April 24, 2012, O'Driscoll Land Surveying Co. ("Grantee's Property"), to be recorded herewith and to which plan reference may be had for a more particular description. The Grantee, its successors and assigns, shall be solely and fully responsible to install, repair and replace any pipes, conduits and other appurtenances running from the Utility Easement to Grantee's Property as shown on said plan. Upon completion of any work within the easement area, the grantee shall promptly and at its sole cost and expense restore Grantor's property and adjacent areas to their prior condition.


Grantee, its successors and assigns, by acceptance of this easement, shall be solely and exclusively responsible for the maintenance, repair and replacement of the grinder pump and force main serving Grantee's Property and for any pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement. Grantee, and its successors and assigns, shall indemnify and hold harmless grantors and their respective successors and assigns for any and all claims, demands, assessments, losses, liens, and/or liabilities of any kind whatsoever that arise as a result of or in connection with the pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement.

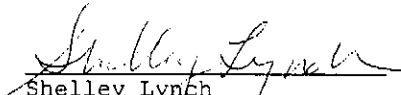
Grantors, and their successors and/or assigns, shall have no responsibility and or liability whatsoever with respect to, or arising as a result of, or in connection with any defects and/or repairs to, any pipes, conduits and other appurtenances running from Grantee's Property to the aforementioned sewer line located in the Utility Easement.

This easement shall be binding upon Grantee and all of Grantee's successors and/or assigns and shall run with Grantee's land for the benefit of Grantors and their successors and assigns.

For grantors' title, see deed of Kenneth W. Smith and Allyson A. Smith dated April 20, 2004 as recorded with Norfolk Deeds Book 20930, Page 430.

Witness our hands and seals this 6<sup>th</sup> day of June 2012.

  
Sean Lynch

  
Shelley Lynch

COMMONWEALTH OF MASSACHUSETTS

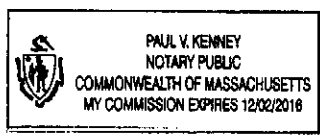
Norfolk, SS.

June 6, 2012

On this 6<sup>th</sup> day of June, 2012, before me, the undersigned notary public, personally appeared Sean Lynch and Shelley Lynch, and proved to me through satisfactory evidence of identification, which were driver's licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

  
Notary Public

My commission expires:



## Susan Affleck-Childs

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**From:** Paul Kenney [pkenney@kenney-law.com]  
**Sent:** Tuesday, May 29, 2012 8:21 AM  
**To:** Susan Affleck-Childs; Mike Fasolino  
**Cc:** David Faist ; Andy Rodenhiser  
**Subject:** Re: 25 Summer Street

Susy,  
I apologize for the delayed response, but I was away last week. As you know, Barbara Saint Andre reviewed the revised easement from the Lynch's and agreed to the revisions requested by the Lynch's. I am in the process of working with the Lynch's to obtain the assents of their mortgage holders to the easement. I will prepare the Homeowners Association document incorporating language requiring to property owners to join the Speroni's Acres homeowners association, if one is ever formed, and forward to Barbara for review. With regard to the original sewer easement for Speroni's Acres, the only documentation on record is the subdivision plan showing the easement. If there are any questions, please let me know. Thanks.  
Paul Kenney

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

**From:** Susan Affleck-Childs  
**To:** Mike Fasolino  
**Cc:** Paul Kenney ; David Faist ; Andy Rodenhiser  
**Sent:** Wednesday, May 23, 2012 6:32 PM  
**Subject:** 25 Summer Street

Hi,

I am preparing the board packets for the 5/29 meeting of the Planning and Economic Development Board. You are scheduled for a public hearing continuation at 7:15 pm. The meeting will be held here at Town Hall.

What additional information do you have to provide to the Board? I recollect you were going to provide a letter or something from the Lynches agreeing to the easement. Of course, we would like to see the assents from the Lynches mortgage companies. Also, I believe something from Mike indicating he was would require the future property owners of the two lots to become members of the Speroni Acres Homeowners Association if such is ever established.

Will you be able to provide any documentation re: the original sewer easement for Speroni Acres? Was such an easement ever recorded? Please provide the book/page number.

You have the note from the Board of Health that I forwarded to you. Their concerns really have to be addressed.

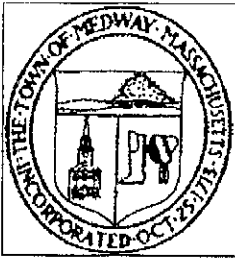
Many thanks.

Susy

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

508-533-3291

[saffleckchilds@townofmedway.org](mailto:saffleckchilds@townofmedway.org)



Stephanie Bacon  
Health Agent

OFFICE OF  
**BOARD OF HEALTH**  
155 VILLAGE STREET  
MEDWAY, MASSACHUSETTS 02053  
Office (508)321-4923 – Fax (508)533-3276  
sbacon@townofmedway.org

6-12-12

Susy Affleck-Childs  
Planning and Community Development

**RECEIVED**  
JUN 12 2012

**TOWN OF MEDWAY  
PLANNING BOARD**

Dear Susy,

The Board appreciated you meeting with them last night to give a briefing on unresolved issues the Board had with this project. The Board felt more comfortable that within each homeowners deeds of Speroni Acres, they agree to be responsible for the maintenance, repair and replacement of the grinder pump and force main serving their own lot. We also received the copy of the letter from Owen Sullivan granting permission to allow Fasolino to tie into the existing sewer system as well as a copy of the letter from the engineer of Speroni Acres, stating that there is sufficient capacity to allow for more tie ins. The Board was also pleased to see a grant of easement from Sean and Shelley Lynch to Fasolino Home Improvements. We also understand that Paul Kenney, Fasolino's attorney, is also in the process of working on a document to require 25 Summer Street to be part of any Homeowners Association ever formed by Speroni Acres. With this overview from Planning Board, at our meeting on 6-11-12, Mike Heavey made a motion to allow the project to go forward with no objections from the Board, Jack Mill seconded, all in favor. We thank you for involving us with this project and for providing the answers we needed for our reassurance. If you should have any questions, please do not hesitate to ask.

Sincerely,

Stephanie Bacon  
Health Agent

*Kenney & Kenney*  
ATTORNEYS AT LAW

STEPHEN J. KENNEY  
PAUL V. KENNEY

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

PETER J. KENNEY (1973-1980)

May 31, 2012

In Hand

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



RE: 13 & 15 Chestnut Street, Medway  
ANR Plan

Dear Members:

Enclosed please find the following in connection with the above referenced property:

1. Two (2) signed original Applications;
2. Two (2) Project Explanations; and
3. Eight (8) copies of the ANR Plans.

I also enclose two (2) checks in the amount of \$80.00 and \$170.00 payable to the Town of Medway in payment of the filing fee.

Please place this matter on your agenda for the meeting scheduled for June 12, 2012.

Thank you for your attention in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul V. Kenney".

Paul V. Kenney

*PVK/sae*

RECEIVED  
MAY 31 2012

LAND SUBDIVISION - FORM A

TOWN OF MEDWAY  
PLANNING BOARD

Application for Endorsement of Plan  
Believed Not to Require Subdivision Approval (ANR)  
Planning & Economic Development Board - Town of Medway, MA

**INSTRUCTIONS TO APPLICANT/OWNER**

The applicant is hereby notified that the Medway Planning Board Subdivision Rules and Regulations require that the applicant submit two (2) signed originals of the Application and ANR Plan to the ANR Plan and (3) Project Explanation to the Town Clerk. The original ANR Application shall be stamped by the Town Clerk with the Project Registration and (3) Copies of the ANR Plan and the Project Explanation shall be filed to the Medway Planning & Economic Development Office.

The applicant is hereby notified that the information included in this Application is to be considered the responsibility of the applicant including the property, title, and other information.

The applicant shall remain responsible for the property during the Planning Board review process. The applicant and Property Owner shall be responsible to address the site during the review process.

The Planning Board will review the Application, Project Explanation, and ANR Plan and will schedule a hearing before the Planning & Economic Development Board. The applicant is expected to attend the Board meeting. The ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may require in connection with the Application. Your absence may result in a delay in its review.

May 31, 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 in Medway, Massachusetts Prepared For: Lawrence Tenney  
Prepared by: J.D. Marquedant & Associates, Inc.  
P.E. or P.L.S registration #: 27873 Plan Date: 4-5-07 Rev. thru 5-17-12

**PROPERTY INFORMATION**

ANR Location Address: 13 & 15 Chestnut Street, Medway, MA 02053  
The land shown on the plan is shown on Medway Assessor's Map # 6 Parcel # 426 & 426B  
Total Acreage of Land to be Divided: 2.32 Acres  
Subdivision Name (if applicable): N/A  
Medway Zoning District Classification: AR-I and AR-II  
Frontage Requirement: 180' Area Requirement: 44,000 S.F.  
35' 22,500 S.F.

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: \_\_\_\_\_ 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 \_\_\_\_\_. See attached

**APPLICANT INFORMATION**

Applicant's Name: Lawrence E. Tenney  
Applicant's Signature: Lawrence E. Tenney  
Applicant's Address: 13 Chestnut Street  
Medway, MA 02053  
Applicant's Telephone: 508-533-8506  
Applicant's Email: \_\_\_\_\_

**PROPERTY OWNER INFORMATION (if different than applicant)**

Property Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

The Owner hereby appoints Paul V. Kenney, Esq. to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: 5-31-12  
Lawrence E. Tenney  
Owner's Signature  
\_\_\_\_\_  
Owner's Signature

**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 \_\_\_\_\_ (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 by the Planning & Economic  
Development Board on \_\_\_\_\_  
and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_  
Provide detailed recording information.

\_\_\_\_\_ 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.

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

\_\_\_\_\_ See attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ANR PLAN FILING FEE**  
\$170 plus \$100 per acre for a plan involving three (3) or more lots/parcels  
and not exceeding a maximum of \$750.  
Please prepare two checks, one for \$170 and one for the balance.  
Both checks should be made payable to Town of Medway.  
Fee approved 1-2-08

**APPLICATION CHECKLIST - All items must be submitted**  
Application for ANR applications (1-10-11/12)  
Form of ANR plan  
Project explanation  
Project site plan

\*\*\*\*\*

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic  
Development Board: 5-31-2012

ANR Application/Filing Fee Paid: Amount: \_\_\_\_\_ Check # \_\_\_\_\_

\$80 plan review Ch # 23105  
\$170 filing fee Ch # 23106

## PROJECT EXPLANATION

The applicant, Lawrence E. Tenney, owns the properties located at 13 and 15 Chestnut Street, Medway. Title to the property at 13 Chestnut Street is held by the Tenney Family Trust by deed dated February 2, 1994, recorded with Norfolk Deeds, Book 10373, Page 495. Title to the property at 15 Chestnut street is held by the Lawrence Tenney trust by deed dated February 2, 1994, recorded with Norfolk Deeds, Book 10373, Page 490.

Mr. Tenney obtained a variance to divide the property from the Zoning Board of Appeals dated February 17, 1987, which decision is recorded with Norfolk Deeds, Book 8183, Page 218, a copy of which is attached hereto as Exhibit A. In addition, the Planning Board endorsed an Approval not Required Plan of the property dated June 15, 1988, which plan is recorded with Norfolk Deeds as Plan No. 625 of 1988, Plan book 369, a copy of which is attached hereto as Exhibit B.

Mr. Tenney was also a named plaintiff in Land Court Case No. 162850 vs. the Town of Medway, which sought a declaration of the rights of the parties to the former Penn Central railroad bed which abuts the property. The parties to that action entered a Settlement Agreement whereby the Town of Medway withdrew any and all claims of ownership it may have in and to that portion of the abandoned railroad bed that abuts the real property owned by each of the plaintiffs. Said Settlement Agreement is recorded with Norfolk Deeds, Book 16267, Page 366, a copy of which is attached hereto as Exhibit C.

Mr. Tenney has owned this property since 1947. It is a pre-existing, nonconforming property with respect to frontage requirements. The applicant's plan is submitted to identify the portion of the abandoned railroad bed owned by Mr. Tenney based on the above referenced Land Court case. The plan establishes 68.97' of frontage on Oakland Street, which did not exist prior to the abandonment of the railroad bed.

Mr. Tenney is in the process of selling the house located at 15 Chestnut Street. Based on the pre-existing, non-conforming status of the property, and the previously endorsed Approval Not Required plan from the Planning Board, the applicant is entitled to ANR endorsement of this plan.

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA. (here-in-after the Board) acting under the Zoning By-Laws of the Town of Medway and Massachusetts General Law C40A, as amended, in which the petitioner Lawrence E. Tenney of 15 Chestnut Street, Medway, MA. seeks a variance to convert an existing shed on the present lot into a small house and divide the lot into two houselots where one of his children would reside at premises 15 Chestnut Street, Medway, MA.

Following the giving of notice as required by law, a public hearing was held on February 17, 1987 at 7:00 P.M. by the Board in the Hearing Room of the Medway Town Hall.

The petitioner was present and spoke in favor of the petition stating his present lot, on which he has lived forty years, consists of approximately 146,000 square feet. He requests to convert a 700 square foot shed into a house composed of a 10'x12' bedroom, a 16'x18' living room, 10'x12' kitchen and a 10'x6' bathroom (approximately) for one of his children. Furthermore petitioner requested to sub-divide his present lot into two lots of approximately 54,000 and 92,000 square feet for his current home at 15 Chestnut Street and the proposed house lot respectively. Petitioner provided a hand drawn plot plan which reflected his property is abutted on three sides by town and cemetery property. Petitioner related that access to 15 Chestnut Street and the proposed lot is a dirt road which, should this petition be granted, will be extended to the proposed lot in the form of a right of way. Petitioner informed the Board that he is presently selling sand, being excavated, from the rear of his property and is considering to offer the property, consisting of approximately 48,000 square feet, to the Conservation Commission or some other (unspecified) town groups in the Town of Medway.

Speaking in favor of the petition and petitioner were Fred Paulet'e and GERALD Tracy, 37 and 42 Oakland Street, respectively.

No one spoke in opposition to Mr. Tenney's requests.

The Board, upon conducting a short discussion of its agreement with the petition, voted unanimously to grant this petition subject to the following conditions:

1. That the extension of the dirt road (right of way) Chestnut Street, used to approach the proposed lot must be a minimum of 10 feet from the lot lines bordering on the south of Tenney's property.

Exhibit "A"

-2-

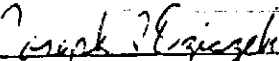
TENNEY

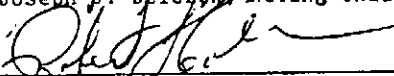
2. That the width of this extension be twenty feet or that width as required by law and
3. that the extended road not be extended more than 100 feet in the westerly direction.

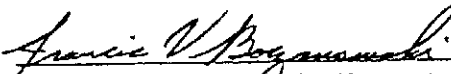
Further, that the petitioner abide by all rules and regulations of all Town of Medway Boards, Officers and Committees having jurisdiction of any sort over the change of use of the property mentioned herein.

The Board hereby authorizes the Building Inspector to issue any necessary permits in accordance with the decision as required by his office.

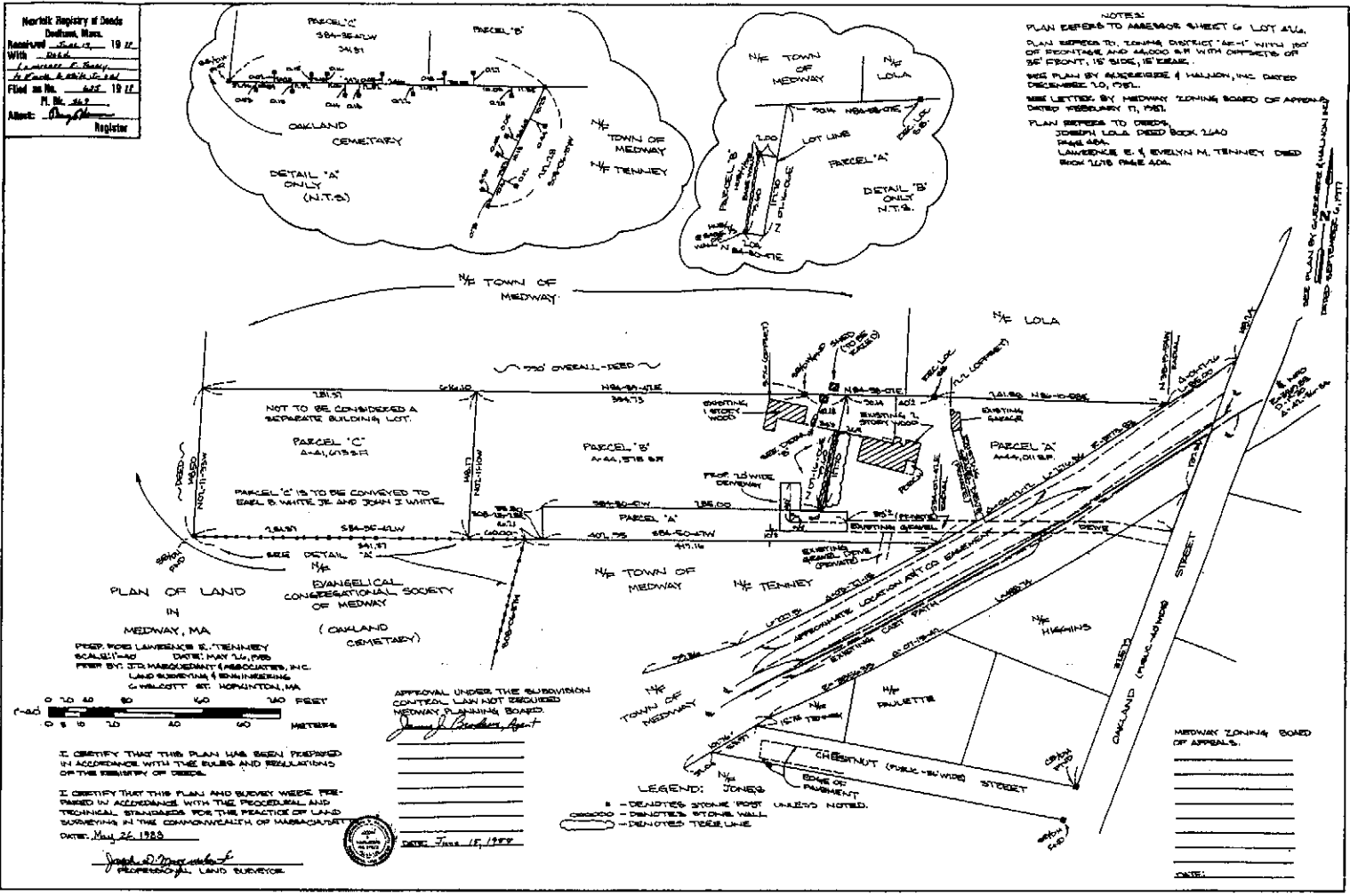
The Board hereby makes a detailed record of its proceedings relative to the petition, directs that this decision be filed in the office of the Town Clerk and be made a public record, and that a notice of this decision be made forthwith to each party of interest.

  
 \_\_\_\_\_  
 Joseph D. Dziczek, Acting Chairman

  
 \_\_\_\_\_  
 Robert L. Collum, Clerk

  
 \_\_\_\_\_  
 Francis V. Boczanowski, Alternate

1002 VOL 211  
 11-1  
 11-1  
 11-1



North: Registry of Deeds  
 Duxbury, Mass.  
 Received        19     
 With         
 Landed         
 Filed as No.        19     
 P. M.         
 About         
 Register

NOTES:  
 PLAN REFERS TO AMENOR SHEET G LOT 11A.  
 PLAN REFERS TO TOWN DISTRICT "A-1" WITH 10' OF FRONTAGE AND 140.00 & 11' WITH CORNERS OF 26' FRONT, 15' SIDE, 15' DEEP.  
 SEE PLAN BY AUGUSTINE J. HALLON, INC. DATED DECEMBER 10, 1981.  
 SEE LETTERS BY MEDWAY ZONING BOARD OF APPEALS DATED FEBRUARY 17, 1982.  
 PLAN REFERS TO DEEDS: JOSEPH LOA DEED BOOK 2140 PAGE 344. LAWRENCE E. & EVELYN M. TENNEY DEED BOOK 1218 PAGE 344.

PLAN OF LAND  
 IN  
 MEDWAY, MA  
 PREPARED BY LAWRENCE E. TENNEY  
 SCALE: 1"=40' DATE: MAY 11, 1987  
 PREPARED BY JTD MARQUENANT ASSOCIATES, INC.  
 LAND SURVEYING & ENGINEERING  
 5 WILLOTT ST. NORWICH, MA

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

I CERTIFY THAT THIS PLAN AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

DATE: May 26, 1988

Joseph J. Jones  
 PROFESSIONAL LAND SURVEYOR

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
 MEDWAY PLANNING BOARD  
Joseph J. Jones, Agent

DATE: June 11, 1987

LEGEND:  
 - DOTTED LINE = JONES  
 - DOTTED STROKE FOOT = UNKIND NOTED  
 - DASHED STROKE WALL = UNKIND NOTED  
 - DOTTED TELELINE = UNKIND NOTED

MEDWAY ZONING BOARD OF APPEALS

DATE: \_\_\_\_\_

Exhibit "B"

10/20

LAND COURT

(SEAL)

DEPARTMENT OF THE TRIAL COURT

Norfolk, ss.

Miscellaneous Case No. 162850

Brenda J. Bosma, Raymond F. Kelley,  
Louis H. Bisson, Paula P. Bisson, et al,  
Plaintiffs

vs.

Town of Medway,

Defendant

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA  
CERTIFY

*Paul D. Harold*  
PAUL D. HAROLD, REGISTER

033143

02 FEB 22 AM 11:40

CERTIFICATE

This case was filed in the Land Court on May 21, 1991 seeking a declaration by the Court of the rights of the parties in and to a certain parcel of land in Medway, Norfolk County, Massachusetts. Specifically, Plaintiffs claimed to possess ownership interests in certain parcels of land conveyed to the Defendant, Town of Medway, by Penn Central Railway in deeds recorded at the Norfolk County Registry of Deeds in Book 6100, Page 325, Book 6194, Page 362 and Book 6598, Page 599. A lis pendens concerning this case was recorded at said Norfolk County Registry of Deeds in Book 8932, Page 300.

Answers and other pleadings were filed by the parties, and after due proceedings in the Court, all of which appear of record, a Settlement Agreement and an Agreement for Judgment were filed with the Court on September 19, 2001 whereby the parties agreed to their respective rights in the disputed land. No further pleadings have been filed.

In testimony whereof I have this day set my hand and affixed the seal of said Land Court, this twenty-second day of January, A.D. 2002.

By the Court.

Attest:

Charles W. Trombly, Jr.  
Recorder

ATTEST  
ATTST

CWT/ef

*Charles W. Trombly, Jr.*  
RECORDER

10/22

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT  
CIVIL ACTION NO. 162850

BRENDA J. BOSMA, RAYMOND F. )  
KELLEY, LOUIS H. BISSON, PAULA )  
P. BISSON, ET AL, )

PLAINTIFFS )

VS. )

TOWN OF MEDWAY, )  
DEFENDANT )

SETTLEMENT AGREEMENT

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*Paul D. Harold*  
PAUL D. HAROLD, REGISTER

01 SEP 13 PM 1:10

LAND COURT  
FILED

033144

02 FEB 22 AM 11:40

Now come the parties in the above entitled action and hereby agree to the following terms and conditions as a full and final settlement of the said action.

1. The defendant Town of Medway shall forthwith withdraw any and all claims of ownership it may have in and to that portion of the abandoned Penn Central railroad bed that abuts the real property owned by each of the plaintiffs, or their heirs, successors and assigns.

2. The plaintiffs acknowledge that the said railroad bed is encumbered by two (2) easements, both of which are below grade, which shall remain in place and shall remain undisturbed. The plaintiff shall not take any action to discontinue, disrupt, terminate or otherwise interfere with the two said easements, described as follows:

- a. Municipal sewer line, and
- b. A T & T long line telephone cable.

I HEREBY ATTEST AND CERTIFY ON  
JAN 23 2002 THAT THE  
FOREGOING DOCUMENT IS A FULL  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

CHARLES W. TROMBLY, JR.  
RECORDER  
LAND COURT  
BY *Charles W. Trombly, Jr.*  
RECORDER



3. The parties shall each be solely responsible for any and all legal costs and expenses incurred by them in commencing, maintaining and investigating this action and neither party shall seek, request or require the other party to pay for or reimburse it or them for any part of such costs and expenses.

4. Nothing contained herein is intended to, nor should it be interpreted or construed to, mean, suggest or otherwise indicate that the Town of Medway is in any way relinquishing, releasing or withdrawing its claim of ownership in any other portions of the said railroad bed.

5. This Settlement Agreement is contingent and conditioned upon the full and complete confidentiality by each of the parties to this agreement. It is agreed and understood that no party shall discuss, transmit, publish or in any way make public the terms of this Settlement Agreement. Any party plaintiff may assert title to that portion of the railroad bed abutting their property and may refer any inquiry regarding such title to this Land Court action.

6. This Settlement Agreement shall constitute a full and final release of any and all rights, claims and actions the plaintiffs and defendant may now have against each other except for those claims necessary to enforce the terms of the agreement.

7. The parties hereto hereby authorize their respective attorneys to enter into and file an Agreement for Judgment with the Court that reflects the terms of the agreement to the extent it is necessary or appropriate to do so.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this Settlement Agreement, meaning and intending that it take effect as an agreement under seal, this day of June, 2001.

PLAINTIFFS

Robert A. MacSwain  
Robert A. MacSwain

Barbara M. MacSwain  
Barbara M. MacSwain

James V. Bacchiocchi  
James V. Bacchiocchi

Edna E. Bacchiocchi  
Edna E. Bacchiocchi

James R. Brundage  
James R. Brundage

Wayne Brundage  
Wayne Brundage

Malcolm B. Osborne, Sr.  
Malcolm B. Osborne, Sr.

James H. Osborne  
James H. Osborne

Theodore P. Kramer  
Theodore P. Kramer

Joanne M. Kramer  
Joanne M. Kramer

PLAINTIFFS

Raymond F. Kelley  
Raymond F. Kelley

Brenda J. Bosma  
Brenda J. Bosma

Louis H. Bisson  
Louis H. Bisson

Paula Bisson  
Paula Bisson

Lawrence E. Tenney  
Lawrence E. Tenney

Frederick J. Tingley  
Frederick J. Tingley

Margaret C. Tingley  
Margaret C. Tingley

Mary L. Staples  
Mary L. Staples

Jeffrey J. Zinchuk  
Jeffrey J. Zinchuk

Resellyn I. Zinchuk  
Resellyn I. Zinchuk

Witness as to plaintiffs

TOWN OF MEDWAY  
By its Board of Selectmen

John P. Wilby  
Ralph A. Rosen  
John J. Moran  
George C. Lepore  
John J. Rosen

William J. Rosen  
Witness as to Board of Selectmen

Kevin M. Keating  
Kevin M. Keating, Esq.  
Attorney for Plaintiffs  
1040 North Shore Road  
Revere, MA 02151  
(781) 286-5800  
B.B.O. #

R.D. Maciolek  
R.D. Maciolek, Esq.  
Attorney for Defendant  
Kenney & Maciolek  
181 Village Street  
Medway, MA 02053  
(508) 533-6711  
B.B.O. # 311240

10/20

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

LAND COURT  
CIVIL ACTION NO. 162850

01/22/22  
REC-110

033145

BRENDA J. BOSMA, RAYMOND F. )  
KELLEY, LOUIS H. BISSON, PAULA )  
P. BISSON, ET AL, )

PLAINTIFFS )

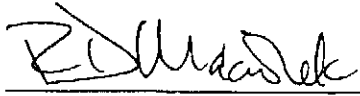
AGREEMENT FOR JUDGMENT

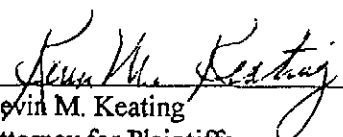
VS. )

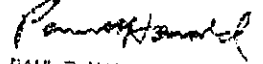
TOWN OF MEDWAY, )  
DEFENDANT )

Now come the parties in the above captioned action and, in accordance with a Settlement Agreement entered into by the parties which is incorporated herein and made a part hereof, agree that Judgment may enter declaring that the plaintiffs are owners of the fee of that portion of the abandoned railroad bed that abuts their property.

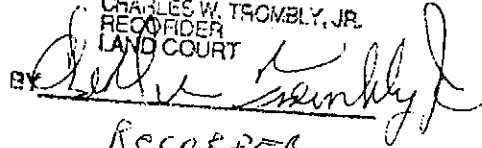
02 FEB 22 AM 11:40

  
R.D. Maciolek  
Attorney for Defendant  
Kenney & Maciolek  
181 Village Street  
Medway, MA 02053  
(508) 533-6711  
B.B.O. #311240

  
Kevin M. Keating  
Attorney for Plaintiffs  
1040 North Shore Road  
Revere, MA 02151  
(781) 286-5800  
B.B.O. #

RECEIVED AND RECORDED  
HONOLULU COUNTY  
REGISTRY OF DEEDS  
JEDHAM, MA  
CERTIFY  
  
PAUL D. HAROLD, REGISTER

I HEREBY ATTEST AND CERTIFY ON  
JAN 28 2022 THAT THE  
FOREGOING DOCUMENT IS A FULL  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

CHARLES W. TROMBLY, JR.  
RECORDER  
LAND COURT  
BY   
RECORDER

---

**PGC ASSOCIATES, INC.**

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

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**MEMO TO:** Medway Planning Board

**FROM:** Gino D. Carlucci, Jr.

**DATE:** June 7, 2012

**RE:** Tenney Property on Chestnut and Oakland Streets

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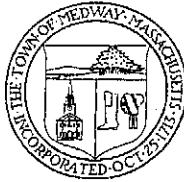
I have reviewed an ANR plan prepared for Lawrence Tenney of 15 Chestnut Street Medway for lots on Chestnut and Oakland Streets. The plan was prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, and is dated April 5, 2007.

There are already dwellings on each of the pre-existing nonconforming lots shown on the plan. A variance for the 2 lots was granted by the ZBA in 1987. Also, in 2001, there was a settlement of a lawsuit in which the Town withdrew claims of ownership of the former railroad right-of-way. This plan incorporates a portion of that right-of-way into one of Mr. Tenney's lots and adjusts the lot lines between them. No new lots are being created.

I have comments as follows:

1. Section 3.2.5 requires that easements be shown. An AT&T easement is shown but a sewer easement referred to in the documentation is not shown on the plan.
2. Section 3.2.6 requires that abutters names be on the plan, including those across the street from the property. The abutters across Oakland Street are not shown.
3. Section 3.2.7 requires that the status of the street as to whether or not it is a scenic road be indicated on the plan. This was not done.
4. Section 3.2.11 requires that the plan indicate whether or not the land is classified as Chapter 61A. This was not done.

I recommend that the above technical deficiencies be corrected and that the plan then be endorsed.



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

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**MEMORANDUM**

June 7, 2012

TO: Planning and Economic Development Board  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: Longstanding Inactive Construction Observation Accounts



I am trying to take care of some long overdue items that I have neglected!!

Attached is a list of older, completed subdivision projects for which we are still carrying some construction observation funds that were never refunded. You will recollect that CO funds are maintained in a revolving fund and carried over year to year. The Planning and Economic Development Board's CO funds are maintained in an interest bearing account at TD Bank - #824-1226823.

I recommend that the Board approve refunding \$8,065.13 in unexpended construction observation funds, plus interest.

The overall balance in the CO account as of 4/31/2012 was \$28,079.51.

For the second meeting in June, I will ask you to address the plan review balances that we are carrying. Then in July, I would like to close out a few bond accounts for projects that never went forward. Stay tuned!



**Bank**

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STATEMENT OF ACCOUNT



019418 06CD1Q02 1 000000  
TOWN OF MEDWAY  
PLANNING BRD SUB CONST OBSERVATION  
ATTN TREASURERS OFFICE  
155 VILLAGE ST  
MEDWAY MA 02053

Page: 1 of 2  
Statement Period: Apr 01 2012-Apr 30 2012  
Cust Ref #: 8241226823-804-T-\*\*\*  
Primary Account #: 824-1226823

**MAKING A GREENER STATEMENT!**

YOU MAY NOTICE A SLIGHT DIFFERENCE TO YOUR STATEMENT THESE DAYS. AS PART OF OUR ONGOING COMMITMENT TO THE ENVIRONMENT, WE ARE ALWAYS LOOKING FOR WAYS TO REDUCE PAPER USE WHILE STILL PROVIDING YOU WITH ALL THE DETAILS OF YOUR ACCOUNT. WITH A FEW SIMPLE SPACING ADJUSTMENTS WE HOPE TO SAVE ABOUT 32 MILLION SHEETS OF STATEMENT PAPER EACH YEAR! THERE'S NO CHANGE TO YOUR INFORMATION...ONLY TO A GREENER LANDSCAPE!

**Pooled Plus Money Market**

TOWN OF MEDWAY

PLANNING BRD SUB CONST OBSERVATION

Account # 824-1226823

**ACCOUNT SUMMARY**

Beginning Balance	26,497.63	Average Collected Balance	28,079.51
Deposits	2,500.00	Interest Paid this Period	4.60
Other Credits	4.60	Interest Paid Year-to-Date	18.87
Electronic Payments	858.00	Annual Percentage Yield Earned	0.20%
Ending Balance	28,144.23	Days in Period	30

**DAILY ACCOUNT ACTIVITY**

**Deposits**

POSTING DATE	DESCRIPTION	AMOUNT
4/9	DEPOSIT	2,500.00
<b>Subtotal:</b>		2,500.00

**Other Credits**

POSTING DATE	DESCRIPTION	AMOUNT
4/30	INTEREST PAID	4.60
<b>Subtotal:</b>		4.60

**Electronic Payments**

POSTING DATE	DESCRIPTION	AMOUNT
4/25	WEBEXPRESS TRANSFER DB, MONTHLY EXPENSES	858.00
<b>Subtotal:</b>		858.00

**DAILY BALANCE SUMMARY**

DATE	BALANCE	DATE	BALANCE
3/31	26,497.63	4/25	28,139.63
4/9	28,997.63	4/30	28,144.23

V1-B-4/e-1-47438

019418 06CD1Q02 002743

Call 1-800-747-7000 for 24-hour Bank-by-Phone services or connect to [www.tdbank.com](http://www.tdbank.com)

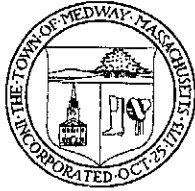
Bank Deposits FDIC Insured | TD Bank, N.A. | Equal Housing Lender

**Medway Subdivisions  
Construction Observation Account Balances**

Subdivision Name	Developer	\$ Remaining in Construction Observation Account	Streets
Camelot Subdivision	Greg Coras	\$ 1,559.33	Queen, Villa, Gable, King & Crestview
Evergreen Meadow	Taniel Bedrosian	\$ 978.35	Iarussi Way
Granite Estates	George Papadopolous	\$ 99.99	Tulip and Daffodil
Grapevine Estates	Tony Leland	\$ 901.93	Grapevine
Hawk Ridge Subdivision	Wayne Marshall	\$ 1,896.04	Bayberry and Hookset
Oak Hills	Greg Whelan	\$ 797.90	Winterberry
Redgate II	Jonathan Bruce	\$ 61.63	Field Road (extension)
Knollwood Acres	John Sullivan	\$ 549.11	Shamrock Lane
Village Acres	Jim Reardon	\$ 1,220.85	Sledding Hill Way
TOTAL		\$ 8,065.13	

*prepared by sac 6-7-2012*





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

June 7, 2012

TO: Planning and Economic Development Board  
FROM: Susy Affleck-Childs  
RE: Appointments to Medway Economic Development Committee (EDC)

The term of office for the following members of the EDC expires on June 30, 2012.

Ken Bancewicz  
Ray Himmel  
Kent Scott  
Paul Yorkis

Ray Himmel, Ken Bancewicz and Paul Yorkis have asked to be reappointed. Kent Scott does not wish to continue at this time, but may be open to a future appointment after the Medway 300<sup>th</sup> activities are concluded.

I recommend the Planning and Economic Development Board reappoint Ray Himmel, Ken Bancewicz, and Paul Yorkis to the Medway EDC for a two year term through June 30, 2014.

NOTE – FYI . . . the other continuing EDC members are: Ann Sherry, James Byrnes, and Andy Rodenhiser (*as the PEDB representative to the EDC*).

ALSO – The Medway General Bylaw which established the EDC provided for up to 11 members. So, we clearly are in need of some more people to serve on the EDC. I would suggest we outreach directly to the Medway Business Council to ask for a representative. But that is not enough. What other ideas do you have for possible candidates to serve on the EDC?



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

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**MEMORANDUM**

June 7, 2012

TO: Planning & Economic Development Board Members  
FROM: Susy Affleck-Childs  
RE: Appointments to the Open Space Committee

The term of office for the following members of the Open Space Committee expires on June 30, 2012.

- Jim Wickis
- Glenn Murphy
- Bruce Hamblin

All parties would like to continue their participation and have asked to be reappointed. The new term of office would be through June 30, 2014.

NOTE – FYI . . . the other members of the Open Space Committee include Tina Wright, Patrick McHallam, Mike Francis and Paul Marble. Their terms expire on June 30, 2013.

ALSO . . . the Medway General Bylaw which established the Open Space Committee provides for membership up to 9 people. As the group presently has 7 members, there is room for 2 more people. It is always good to be on the outlook for new members.

Thanks.