

**June 26, 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
Gino Carlucci, PGC Associates
Dave Pellegri, Tetra Tech

The Chairman opened the meeting at 7:07 pm.

There were no Citizen Comments.

Bay Oak Definitive Subdivision Plan, 104 Fisher St – Plan Review Fee Estimates

The Chairman recused himself for any discussion relative to Bay Oak Subdivision as he is the applicant.

The Board is in receipt of a memo from PGC Associated dated June 19, 2012. The cost estimate was to review and comment on the Definitive Subdivision Plan “Bay Oaks” in the amount of \$977.50. **(See Attached)**

The Board is also in receipt of a plan review estimate dated June 18, 2012 from Tetra Tech Rizzo for Bay Oaks. The cost estimate is for \$4,111.00. **(See Attached)**

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted to accept the cost estimate for PGC Associates in the amount of \$977.50 and the estimate from Tetra Tech Rizzo in the amount of \$4,111.00.

Susy Affleck-Childs announced the public hearing for the Bay Oak Definitive Subdivision Plan is set to begin July 10, 2012.

Engineering Consultant Report

Franklin Creek Subdivision

The Board is in receipt of a memo from Tetra Tech Rizzo dated June 25, 2012. **(See Attached)**

This memo references that the final inspection of the Franklin Creek Subdivision was completed by Tetra Tech Rizzo. All items have been completed to the satisfaction of Tetra Tech Rizzo.

Susy Affleck-Childs communicated that the bond release will be placed on the agenda for the July 10, 2012 Planning and Economic Development Board meeting.

Applegate Subdivision

Consultant Pellegrini indicated that the pressure testing of the sewer and main was completed. Test pits will be done tomorrow. (Further discussion of Applegate will take place in Executive Session)

Planning Consultant Report:

Consultant Carlucci communicated that he attended a workshop in Acton. This presentation focused on promoting walkable neighborhoods. This presentation was by Mark Fenton who is an engineer in the field.

Report of Planning and Economic Development Coordinator

Solar Metering Credits RFP

Susy is continuing her work on the request for proposals for solar net metering credits. She and Dave D'Amico have a working draft and she is forwarding it to Frank Faist, chairman of the Energy Committee, for feedback. This will need to be published in the Central Register.

Economic Development Committee

The Economic Development Committee met with the Board of Selectmen on June 18th regarding moving ahead with the part-time specialist position. The BOS gave their blessing to proceed.

The Economic Development Committee will meet tomorrow night (6-27-12) to discuss the eight job descriptions which will be recrafted to meet the needs of Medway. The Committee will also lay out first year projects for this person to complete. It is the hope to have someone start in October.

PARC Grant Application:

Susy communicated that there was a Public Briefing on June 25, 2012 on the PARC grant application regarding improvements to Idylbrook. This grant has a deadline date of July 12, 2012 and will be written by Gino Carlucci. The meeting has a good gathering of about 10 people. They provided feedback on preferred locations for playground equipment. There were suggestions about improvements to the gates. The Board of Selectmen has also given their blessing to proceed with submitting the grant application.

Norwood Acres Definitive Subdivision Plan Public Hearing

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to open the public hearing for Norwood Acres at 7:15 pm and to waive the reading of the public hearing notice.

The Public Hearing notice was date stamped June 7, 2012 with the Town Clerk. (See Attached)

The Project Engineer is Paul Atwood from Guerriere and Halnon who was present along with Peter Lavoie.

The property is owned by Andrew and Matthew Marshall who were also present. The applicant and developer is Wayne Marshall, their father.

The engineer explained that the preliminary plan was presented to the Board a few months prior. The applicant is proposing a 2-lot private way residential subdivision on a 7.78 acre parcel located at 61 Summer Street.

The construction will include a 524' long and 18' wide paved permanent private roadway. They propose a 4.49 acre open space parcel which includes a large wetland area.

The project will include the installation of stormwater management facilities and connections to town sewer and water.

The Board is in receipt of a plan review letter dated June 22, 2012 from PGC Associates. **(See Attached)**

Consultant Carlucci indicated that allowing the easement area of the abutting White lot to be double-counted as frontage and area for that lot as well as part of the right-of-way could set a precedent that might allow misuse of this option on other properties.

The Engineer will address this issue.

The second comment which needs to be further clarified is that the abutting property has two buildings on it that are within the setback area of the proposed right-of way. A subdivision cannot make an adjacent lot non-conforming. There was discussion that a narrow strip parcel be added between the right-of-way and the abutter to eliminate the setback issue.

The Board is also in receipt of a plan review letter from Tetra Tech Rizzo dated June 21, 2012. **(See Attached)**

The review noted that the sewer system will extend from the existing infrastructure within the on-site sewer easement, while all other utilities will extend from Summer Street.

The stormwater design will be two proposed basins that will collect and detain run-off from the proposed development prior to discharging to the adjacent wetlands.

The applicant had been in front of the Medway Conservation Commission.

There will be an 8 ft. gravel drive. This is elevated and going in one direction. The engineer communicated that they are going to preserve the trees along the property lines. The trees will stay undisturbed and a swale will go into a small settling basin.

The Engineer responded that a tree within the right of way would need to be removed, but it is their intent to leave as many trees as possible.

Dave Pellegrini communicated that the limit of clearing line coincides with the limit of work line. There will not be an increase in any runoff into the wetland.

The Board likes the idea of saving the trees.

There is an existing fire hydrant on Summer Street but it will be relocated to north of the drive towards Lot 62. The Engineer will not do any work within the roadway. The existing water line will be connecting the two homes. A new utility pole will be installed.

Dave Pellegrini indicated that the standard size of the water main shall be reduced to six inches in certain circumstances with termination of a hydrant. There is not a hydrant at the termination and the size is proposed to be four inches.

The list of requested waivers is provided within the packet. **(See Attached).**

The Board indicated that there are guidelines for the widths of private ways. The right of way must be 50 ft.

Member Tucker has a concern about house lot numbers 63 and 59 are now creating frontage on the additional lot line. This would make them subject to the zoning requirements and they would need to have 35 ft. frontage and we cannot make a nonconforming lot.

The concern is if there is a requirement for a 50 ft. easement.

Susy Affleck-Childs noted that the width of ROW can be waived and is flexible.

The plan would need to be revised so that there is no frontage for the abutters.

Consultant Carlucci noted that the strip would need to begin at or beyond the point at which the White property would retain frontage in compliance with the Zoning Bylaw.

The Engineer will work to revise the plan.

A waiver for reducing the width of the right of way will need to be granted.

Member Spiller-Walsh asked if the stone wall will be retained.

It was communicated to the applicant that the Board typically requires for small permanent ways, that the drainage becomes one parcel. The subdivision decision would need to reference a subdivision's homeowners association and the road parcel which would be conveyed to the homeowners association.

The language of the homeowners association will need to be written at a later date.

Member Spiller-Walsh notes that she would like to see some type of landscape plan on the basins which are proposed on the cul-de-sac area.

Consultant Carlucci commented regarding the area which is counted twice. The simple solution would be to have the Whites convey the radius area to the applicant and swap it for equal area and would complete the frontage for the White property. The shape factor has not been looked at closely.

The Board would like to get a copy of the old ANR Plan.

The Engineer does have a copy of the old ANR Plan and supplied it to Susy Affleck-Childs.

Consultant Carlucci noted that the detention basin needs a landscaping plan in lieu of planted island in the center. Suggest this is provided around basin.

Dave Pellegrini wanted information about the sewer easement.

The Board would like to see text description of the agreements about the easements.

The Engineer does have copies of the easement.

Dave Pellegrini communicated that comments should be provided by Tom Holder relative to the sewer, and gates for water.

There will be private utilities which will go overhead to pole and then underground.

Dave Pellegrini wants to get further information about the discrepancy in the groundwater.

Member Spiller-Walsh questioned if the length of the hammerhead is long enough for emergency vehicles. In her opinion it looks short.

The Board would need to get input on this from the Fire Department.

Susy Affleck-Childs noted that the applicant is requesting a waiver from the fire alarm system requirement. The practice is to have the applicant make a payment in lieu of into a special fund. The payment would be \$1,000.00.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to continue the public hearing to July 10, 2012 at 8:30 pm.

Charles River Village OSRD – Status Report

The Board is in receipt of an email from Peter Paulousky regarding the LLC Certificate of No Appeal. (See Attached).

Mr. Claffey was present and he presented the Town Clerk's Certificate of No Appeal for Charles River to Susy Affleck-Childs.

Mr. Claffey communicated that he is going to the Definitive Stage portion of this project and his intent is to go with the concept plan as it was approved.

EXECUTIVE SESSION

The Chairman communicated that the Board needs to go into executive session to discuss the purchase, exchange, lease or value of real property at the Applegate Subdivision (northeast corner of Coffee and Ellis Streets. Andy declared that discussing this matter in open session may have a detrimental effect on our negotiating ability.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to go into executive session to consider the purchase, exchange, lease or value of real property at the Applegate Subdivision, and to return to the regular meeting upon conclusion of the executive session.

Roll Call Vote:

Andy Rodenhiser	aye
Bob Tucker	aye
Chan Rogers	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye

The Board returned from Executive Session at 9:11 pm.

Certificate of Action – 25 Summer Street:

The Board is in receipt of the Certificate of Action for the 25 Summer Street Modified Definitive Subdivision Plan – a permanent private way with waivers and conditions. **(See Attached revised draft dated June 22, 2012.)**

The roman numerals within the decision need to be fixed.

The language on page 14 #10 will be revised to not call out specifically the Speroni Acres Home Owners association but to indicate instead – a home owners association established

Action on Waiver Findings:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Waiver Findings as written for 25 Summer Street.

Action on Mitigation Plan:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Mitigation Plan as written for 25 Summer Street.

Action on Waiver Requests:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Wavier Requests as written for 25 Summer Street.

Action on Additional Findings:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Action on Additional Findings as written for 25 Summer Street.

Decision:

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the Decision as written for 25 Summer Street.

CPC Meetings:

Member Tucker communicated that the CPC met and the committee is reviewing proposals for the 300 monuments. There was a lengthy discussion about funding of this.

Design Review Committee Meeting:

The Design Review Committee had a meeting and one of the tasks was to work on continued designs for a new Town Seal.

Goals for the Upcoming Year:

Susy will be meeting with Suzanne in early July to establish her goals for the year.

The Board will continue to have Susy work on Zoning Bylaw amendments. Member Tucker noted that he would like to know the prioritization of other activities which are not Planning Board that the Town Administrator is giving Susy. Member Tucker wanted to know what the time allotment of these other projects are.

Member Spiller-Walsh would like to look at the vision of the Town and just one example is road width.

Another goal would be updating the Subdivision Rules and Regulations. It would be great to include some ideas from the workshop which was just held to help people think outside the box.

The Town will also need to go out for bids for the consulting engineer and planner.

Susy reported that the Board of Selectmen and Town Administrator are initiating a process for a strategic plan for the Town. There will be opportunities for discussion and sharing of insight. The PEDB will have a role in this process.

The Board has met with allied Boards and Committees (Open Space, Design Review Committee and Economic Development Committee) in the past and would like to continue with this activity.

Susy indicated the Affordable Housing Committee would like an opportunity to come in and speak to the board.

Continued work on troubled subdivisions will be another goal.

Susy is working with the Economic Development Committee on facilitating the process for creating the EDC specialist. She will be guiding this.

There is funding in the FY 13 Capital Budget for a community signage program. Susy will work on getting this underway. They will be going to Design Review Committee. Town meeting will need to vote on the new Town Seal.

The phase two of GIS will continue. The funding was approved at Town Meeting

Inactive Plan Review Accounts:

The Board is in receipt of a memo from Susy Affleck-Childs dated June 19, 2012 relative to the inactive plan review accounts. (See Attached).

The funds are used to pay the cost of services provided by outside consultants during the plan review stage of development project.

The funds are maintained in an interest bearing account.

On a motion made by Chan Rogers, and seconded by Bob Tucker, the Board voted to refund the \$21,461.31. (Vote fails)

Member Tucker suggested that Susy Affleck-Childs discuss if some of the money can be rolled over into the construction accounts for some of the accounts.

Susy Affleck-Childs will provide further information at the next meeting.

Endorse Lawrence Waste Site Plan, 49 Alder Street:

The Board endorsed (signed) the site plan for Lawrence Waste Site Plan at 49 Alder Street.

Meeting Minutes:

June 12, 2012:

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from June 12, 2012 as presented.

Future Meetings:

The next Planning and Economic Development meeting will be Tuesday, July 10, 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 9:45 pm.

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

PGC ASSOCIATES, INC.

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

July 5, 2012

Mr. Bob Tucker, Vice Chairman
Medway Planning Board
155 Village Street
Medway, MA 02053

R E C E I V E D
JUL 05 2012

**TOWN OF MEDWAY
PLANNING BOARD**

Re: **Bay Oaks Definitive Subdivision Plan**

Dear Mr. Tucker:

I have reviewed the preliminary subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012. The site is within the AR-I district.

The plan proposes to construct an extension to a private way cul-de-sac in order to create frontage and divide an existing 8.78-acre lot with an existing house on it into 4 lots. The existing house on the property would remain on one of the 4 lots with an area of 118,395 square feet. The new lots would have areas of 44,005 (Lot 1), 82,165 (Lot 2) and 120,626 (Lot 3) square feet.

I have comments as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands.

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling.
3. Section 5.7.12 requires that the ROW and pavement width of streets within 700 feet of the subdivision be provided. A locus plan was provided but the ROW and pavement width information was not. The ROW width for the existing private way leading to the proposed subdivision was provided, but the pavement width was not.
4. Section 5.7.16 requires that waiver requests be listed on the cover sheet. No waivers are listed, but three waivers were requested separately.

5. Section 5.7.19 requires that electrical, telecommunications and cable TV lines be shown on the plan. This was not done, and no waiver is requested.
6. Section 5.7.22 requires soil tests be provided indicating ledge, water table, etc. It is not clear if this was provided. The locations of the tests are shown on the plan so it is presumed that the results have been provided.
7. Section 5.7.23 requires stormwater information including a long-term operations and maintenance plan to be shown on the plans. This was not done. A waiver is requested to allow steeper slopes on the detention basin, but much of the proposed road has an elevation lower than the proposed detention basin. It is unclear how runoff from that section will be handled.
8. Section 5.7.24 requires information on street trees. This was not done, and no waiver is requested.
9. Section 5.7.27 requires that street and traffic control signs be shown on the plans. This was not done, but given the nature of the proposed subdivision (i.e. extending an existing cul-de-sac) it is likely that no signs are necessary.
10. Section 5.7.28 requires that streetlights be shown on the plans. This information was not provided, and no waiver has been requested.
11. Section 5.7.31 requires open space to be shown. None is proposed and since it is not required, no waiver is needed.
12. Section 5.7.32 requires cul-de-sac landscaping. No actual cul-de-sac is proposed. Typically, the Board requests a landscape plan for the area of the bulb where the detention basin is located and driveways form a "hammerhead" turnaround.
13. Section 5.7.33 requires a Preliminary Stormwater Pollution Prevention Plan. This was not done, and a waiver is requested.
14. Section 5.7.35 requires that clearing and grading limits be shown on the plan and stockpile areas be marked. Tree lines are indicated but clearing limits are not shown on the plan.
15. Section 5.7.36 requires that house footprints of 40' x 80' be shown. The footprints shown appear to be smaller and no waiver is requested.
16. Section 7.5 requires an Erosion and Sedimentation Control plan. This was not provided.
17. Section 7.7.2 (p) requires detention and retention basins to be on a separate parcel. A waiver is requested from this requirement. However, the detention basin is shown to be within the proposed road layout and this has been accepted as a "separate parcel" in previous projects.
18. Section 7.9.3 requires that intersection sight distances be shown on the plan. This was not done, and no waiver is requested. While sight distance information is not needed where the

proposed new road extension meets the existing cul-de-sac, it should be provided for the Fisher Street intersection.

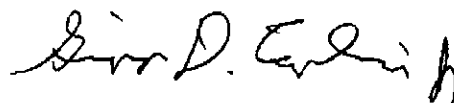
19. A waiver is requested from Section 7.9.5 requiring a minimum centerline grade of 2%, but the proposed grade is not indicated.
20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets.
21. Section 7.13 specifies the requirements for sidewalks. No sidewalks are shown and no waiver is requested.
22. Section 7.19.2 requires that street trees be 12 feet high and with a 2 ½ inch caliper at 4 feet above grade. This section also specifies that they be located outside the right-of-way and at intervals of every 40 feet. No new trees are shown. No waiver is requested.
23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed.
24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested.
25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed.

General Comments

26. While the plans are labeled "4-lot residential subdivision," the design appears to be nearly in compliance with the requirements for a permanent private way (and the waiver request for curbing is from the requirement for a permanent private way. However, since it is a 4-lot subdivision, it does not qualify as permanent private way. Furthermore, the subdivision is an extension to an existing private way that probably could qualify as one. Therefore, this subdivision should be categorized as a neighborhood street serving 5 abutting residences. Waivers should be requested for all deviations from the standards for neighborhood streets.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.



TETRA TECH

RECEIVED
JUL 02 2012

TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012

Mr. Robert Tucker
Vice Chairman-Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: Bay Oaks
Definitive Subdivision Plan Review
Medway, Massachusetts**

Dear Mr. Tucker:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of a four lot subdivision off of Fisher Street, near the Holliston Town Line. The project proposes to extend the existing private way cul-de-sac to create three additional house lots. The existing site is approximately 8.7 acres and is primarily wooded, with one existing single family house. The three new residential buildings will require private utility connections gas, electric, and telecommunications. The sewer will be serviced through the use of on-site septic systems and the water will utilize on-site wells. The stormwater design will primarily consist of a swale running along the proposed roadway which will then discharge to a small drainage basin located adjacent to the proposed roadway. The roof runoff will be collected and discharged into below ground infiltration chambers.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Definitive Subdivision of Bay Oaks in Medway Massachusetts", dated May 18, 2012, prepared by GLM Engineering Consultants, Inc. (GLM).
- A stormwater report entitled "Stormwater Report, Bay Oaks", dated May 18, 2012, prepared by GLM.
- Application for Approval of a Definitive Subdivision Plan-(Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GLM.
- Additional miscellaneous application material including a Designer's Certificate (Form D), and a Development Impact Report (Form F), prepared by GLM.

Engineering and Architecture Services
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001



The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

On June 27, 2012 at 4:00 PM, Tetra Tech met the applicant on-site to perform a site walk and review the existing conditions on the plan versus the field conditions. At that time, we discussed several comments that were generated in a draft of this review letter. Although the applicant answered some of the questions below during the site walk, we've left them on the list for the Planning and Economic Development Board's review, along with the information provided by the applicant (shown in italics following several of the comments).

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)
2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)
3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)
4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)
5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)
6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)
7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)



8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)
9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)
10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)
11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))
13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))
14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))
15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))
16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))
17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)
18. 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.
(Ch. 100 §7.17.1)

19. Trees shall be planted in accordance with Ch. 100 §7.19.2.
20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)
21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)

The following items were found to be not in conformance with the requirements of the Land Subdivision-Form F, or requiring additional information:

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.
24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.
25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*
26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.



The following items were found to be not in conformance with good engineer practice or requiring additional information:

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.
28. The material of the existing driveway should be labeled.
29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*
30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.
31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?
32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.
33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*
34. Existing private utilities should be shown on the plans.
35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*



36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*
37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.
38. A monument detail should be added to the plans along with a label identifying type of monument to be set.
39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.
40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4" of dense graded crushed stone to provide a better base.
41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.
42. Existing stone walls should be shown on the plans.

The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.7.2 (M)-Stormwater Management-Side Slopes.
Section 7.7.2 (P)-Stormwater Management-Separate Basin Parcel
Section 7.10.2-Curbs and Berms

43. The waiver request states that a waiver to section 7.10.2 is to allow country drainage swale along the roadway, however the grading does not reflect this. Only one section of roadway appears to sheet off to a basin or swale, approximately from STA 5+50 to 6+50).



TETRA TECH

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

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

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TETRA TECH

MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley–Tetra Tech (TT)

Re: **Franklin Creek
Subdivision Review (Punchlist)
Medway, MA**

Dt: June 25, 2012

At the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a final inspection of the Franklin Creek Subdivision against the approved Definitive Subdivision Plan for Franklin Creek dated July 22, 2005 revised January 15, 2006, the Certificate of Action dated January 17, 2006 and our previous Punch List Memo dated April 11, 2012. All items have been completed to the satisfaction of TT.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

Steven Bouley
Civil Engineer

Susan Affleck-Childs

From: Pellegrini, David [david.pellegrini@tetrattech.com]
Sent: Monday, June 25, 2012 10:13 AM
To: Susan Affleck-Childs
Cc: Bouley, Steven
Subject: FW: Franklin Creek Punch List
Attachments: Memo-Franklin Creek Punch List 2012-06-25.pdf

Susy,

As you know, over the past month we have been coordinating the final repairs required at the Franklin Creek subdivision to comply with the approved plans and conditions. The final remaining punch list items included minor paving improvements and sealing the existing core hole joints within the roadway with an asphalt emulsion. The paving improvements were completed earlier in the month, however they did not seal the core holes at that time. Two weeks ago, all but one of the core holes were sealed with the asphalt emulsion, however the emulsion dripped over the roadway during the process and presented a messy appearance. Finally, this weekend, the final core hole was sealed and the emulsion that had dripped over the other areas was cleaned to our satisfaction. At this time we feel that all our previous punch list items have been addressed to our satisfaction. Please see our final inspection letter attached. If you require additional information please let me know. With your approval, we will forward this letter to the applicant for their files.

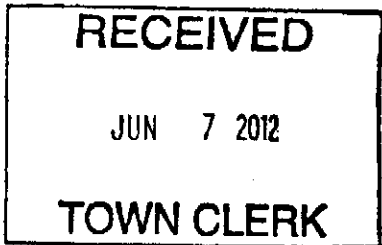
Thanks,
Dave

From: Bouley, Steven
Sent: Monday, June 25, 2012 10:00 AM
To: Pellegrini, David
Subject: Franklin Creek Punch List

Steven Bouley, E.I.T. | Engineer II
Direct: 508.903.2382 | Main: 508.903.2000 | Fax: 508.903.2001
steven.bouley@tetrattech.com

Tetra Tech | Framingham Office
Grant Street | Framingham, MA 01701 | www.tetrattech.com

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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

June 7, 2012

NOTICE OF PUBLIC HEARING
Norwood Acres Definitive Subdivision Plan
June 26, 2012

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that **the Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, June 26, 2012 at 7:15 p.m. in the Sanford Room of Town Hall, 155 Village Street, Medway, MA to consider the application of Wayne Marshall of Medway, MA for approval of the Norwood Acres Definitive Subdivision Plan.** The plan is dated May 21, 2012 and was prepared by Guerriere & Halnon, Inc. of Milford, MA.

The applicant proposes to develop a 2-lot, private way residential subdivision on a 7.78 acre parcel located at 61 Summer Street (*Medway Assessors Map 49 – Parcel 010*) (*formerly known as Medway Assessors Map 5 – Parcel 11*) in the Agricultural Residential I zoning district. The property is owned by Andrew and Matthew Marshall. It is bounded on the east by Summer Street and land owned by White and Tennant; on the south by property owned by Snow, the Woodside Condominium Association and the Town of Medway Conservation Commission; on the west by land owned by Potenza, Ference and Feldman; and on the north by land owned by Sistrand and Lindsey.

The plan shows the division of land into two residential lots with a single family home to be built on each, the construction of an approximately 524' long and 18' wide paved permanent private roadway to create legal frontage for the two house lots and a 4.49 acre open space parcel which includes a large wetland area. The project will include the installation of stormwater management facilities and connections to Town water and sewer.

The application, associated documents and the *Norwood Acres Definitive Subdivision Plan* are on file with the Medway Town Clerk at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Mon. – Thurs. from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 am to 1:00 p.m. It is also available at the Medway Planning and Economic Development office at Town Hall.

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to planningboard@townofmedway.org. For additional information, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser

Chairman

Telephone: 508-533-3291

planningboard@townofmedway.org

Fax: 508-341-3287



TETRA TECH

RECEIVED
JUN 21 2012

TOWN OF MEDWAY
PLANNING BOARD

June 21, 2012

Mr. Andy Rodenhiser
Chairman, Planning and Economic Development Board
Medway Town Hall
155 Village Street
Medway, MA 02053

Re: **Norwood Acres
Definitive Subdivision Plan Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Permanent Private Way Plan for the above-mentioned project. The project includes the construction of a two lot subdivision on a permanent private road proposed off of Summer Street (Route 126). The site is primarily wooded, with open areas vegetated with brush. The new residential buildings will require utility connections including sewer, water, gas, electric, and telecommunications. The sewer services will extend from the existing infrastructure within the on-site sewer easement, while all other utilities will extend from Summer Street. The stormwater design will primarily consist of the construction of two proposed basins that will collect and detain runoff from the proposed development prior to discharging to the adjacent wetlands.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Norwood Acres, Definitive Subdivision Permanent Private Way in Medway Massachusetts", dated June 1, 2012, prepared by Guerrier & Halnon, Inc. (GHI).
- A hydrologic and hydraulic report (Drainage Report) entitled "Hydrologic & Hydraulic Report, dated June 1, 2012, prepared by GHI.
- Application for Approval of a Definitive Subdivision Plan (Form C) and Request for Waiver from Rules and Regulations (Form Q), prepared by GHI.
- Additional miscellaneous application material including an Order of Resource Area Delineation, Designer's Certificate (Form D), Development Impact Report (Form F), and a Soil Suitability Assessment, all prepared by GHI.

Engineering and Architectural Services
One Grant Street
Framingham, MA 01701
Tel: 508/905-2000 Fax: 508/905-2001



The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulation, the MA DEP Storm Water Management Standards (Revised January 2008), Town of Medway Water/Sewer Department Rules and Regulations, and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

The following items were found to be not in conformance with the Rules and Regulations for the Review and Approval of Land Subdivisions (Chapter 100), or requiring additional information:

Section 5.0- Procedures for Submission, Review and Action on Definitive Subdivision Plans

1. The applicant shall provide a letter from a traffic engineer registered in the Commonwealth of Massachusetts containing the Sight Distance calculations (Ch. 100 §5.5.13)
2. The Riverfront areas shall be shown on the plan (Ch. 100 §5.7.7)
3. The proposed location of the street sign shall be shown on the plan. (Ch. 100 §5.5.27)
4. Please verify that the Limit of Clearing line coincides with the Limit of Work line. If they are different, the Limit of Clearing shall be shown also. (Ch. 100 §5.5.35)
5. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)

Section 7.0- Design and Construction Standards

6. Several of the Waiver Requests, including items 7.6.2, 7.7, and 7.9.7 as listed on the cover sheet of the plans, require more specificity to identify exactly what provision is to be granted a waiver.
7. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))



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8. An independent drainage system shall be provided to collect and discharge subsurface runoff from the foundation perimeter drains for the houses along the proposed ways. (Ch. 100 §7.7.4 (d))
9. The curb radii at the intersection should be labeled to determine if the property lines provide a curb radius of not less than forty feet. (Ch. 100 §7.9.2(e))
10. The applicant shall verify with the Fire Chief that the gravel drive to Lot #2 provides an adequate turnaround in lieu of a typical hammerhead. (Ch. 100 §7.9.6 (d))
11. Trees shall be planted in accordance with Ch. 100 §7.19.2.
12. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)
13. Monuments shall be installed along the roadway layout at all points of curvature and angle points. (Ch. 100 §7.25.1)
14. Monument details shall be provided on plans. (Ch. 100 §5.5.36)
15. Each lot line shall be completely defined by placing permanent monuments at each point of change in direction of that line. (Ch. 100 §5.5.36)
16. Elevations shall refer to North American Vertical Datum of 1988 (NAVD88). (Ch. 200 §204-4.D)

The following items were found to be not in conformance with the Town of Medway Water/Sewer Department Rules and Regulations, or requiring additional information:

17. There shall be three (3) valves at every roadway intersection. (Article V-Item 5)
18. All mains shall be at least eight (8) inches at a depth of 4.5'. The water main proposed is 4 inches. (Article V-Item 8)
19. The standard size main shall be reduced to six (6) inches in certain circumstances with termination of a hydrant. There is not a hydrant proposed at the termination, and the size is proposed to be four inches. (Article V-Item 10)



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20. Hydrants shall not be spaced more than 500 feet apart. The proposed water main is approximately 475 feet so the applicant shall get approval from the fire and water departments for the absence of an additional hydrant. (Article V-Item 6)
21. A hydrant detail shall be added to the plans.

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information:

22. The description for drainage area 1A doesn't match the figure. The figure shows half the roadway included but the description is previous area only.
23. Drainage area 1B states that 18 feet of roadway width is included. The figure shows half the roadway.
24. The description for drainage area 2 states that the runoff is collected by catch basins and conveyed to an underground detention basin. This does not reflect the design.
25. In the description for standard #3, the recharge volume provided in basin 1 does not match the recharge volume in the supporting calculations.
26. TSS removal worksheets are both labeled drainage Area 1 B. In addition the treatment trains are not accurate.
27. Proposed hydro CAD model - (P-1) Time of concentration should not be less than 5 minutes. Also, please verify the TC for P-1A. It appears longer than expected.
28. Pre development HydroCAD model has a contributing acreage of 4.99 AC. The post model has 5.58 AC. Both models should be the same.
29. Basin 2 outlet configuration does not appear to be modeled accurately. 12" outlet should be modeled as three primary and and the two 6" vertical orifices should be modeled as Devices to the primary. There is also a 6" vertical orifice modeled at elevation 252.50 that is not detailed on the drawings.

The following items were found to be not in conformance with good engineer practice or requiring additional information:

30. With the road against the property line, will this cause zoning complications for adjacent property?



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31. Please provide additional information regarding the existing sewer easement running through the site, including the existing registered easement documentation to identify ownership and ensure the ability and right to connect.
32. What is the intent of the existing sewer easement running parallel with Trail Drive at the rear of Lot #1.
33. Please label the waterline services with size and material information.
34. If a gravel roadway is approved, we recommend installing a 4-inch layer of processed material such as a dense graded crushed stone meeting state specifications in lieu of the bituminous concrete pavement, and maintaining the 12-inches of gravel borrow below.
35. Is there a reason that one house's sewer connects directly to a manhole while the other connects to the pipe, within the easement. Typically entities and municipalities prefer one or the other.
36. What is the size of the existing water main in Summer Street?
37. Why are we connecting the existing hydrant to the new 4-inch line instead of the existing 6-inch line which it was originally connected to? Is this a problem from a pressure or state regulation standpoint?
38. A stop line and sign is required at the end of the proposed roadway.
39. Is there any landscaping proposed? Since the project is cutting a lot of trees in the area, the planting of some trees along the proposed roadway or property lines may be appropriate.
40. There are some smaller trees near the carport on the adjacent property. Please clarify what property these are on and if they will be saved.
41. Please clarify existing and proposed curb and sidewalk at the intersection of Trail Drive and Summer Street. There is an existing curb cut at this location but I believe the proposed entrance is wider and will require additional curb removal.
42. The method of connection for the waterline should be provided.
43. The applicant should verify that the existing water gate is on the main and not on the hydrant service.



44. What type of pipe (material) is to be used for stormwater?
45. What is "H.Q. Drain Pipe"?
46. What is the "Typical Trench Detail" to be used for, since there is additional trench details provided for PVC, H.Q., and DI pipe.
47. With the grading Basin #2, is it necessary to modify the rim elevation of the existing SMH in that area?
48. The size and type of the pipe used for the sewer services shall be labeled.
49. Please confirm that the electric/telephone/cable will travel overhead to the proposed utility pole at the entrance to the project, and then go underground from that point on. Is the installation of this new utility pole allowed in the Right of Way easement? Assuming the utility company will own this pole, will they be granted access rights to the right of way easement.
50. Please identify the width of the grass strip between the edge of roadway and the swale. We would like to ensure that there is a level grass strip on either side for pedestrians while maintaining the existing trees and utilizing the swale.
51. The detail for the outlet control structure references a DMH detail for the construction of the structure, however there is no DMH detail. Please add the necessary information to the outlet structure detail.
52. Any cuts in Summer Street required for the utility installation at the intersection shall conform to the requirements of the required street opening permit obtained through the Department of Public Services. That permit will most likely require that the cuts be backfilled with excavatable controlled density fill. A note should be added to the plan to differentiate this approach from the standard utility trench or Ductile Iron Pipe Trench Section.
53. Please be prepared to explain at the meeting what you attribute the large differences in groundwater elevations between Test Pits 1&2, and 3&4.
54. The waiver request for 7.6.2(b) states that the design is proposing the installation of a 4-inch DI pipe with loop system. The system does not appear to be looped as currently designed.



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The following Waivers were requested on Form Q and therefore the current non-compliance of these items with the regulations were not included in the comments above:

Section 7.10.2-Curbs and Berms
Section 7.9.7-Roadway Construction
Section 7.7.2(p)-Stormwater Management Procedures
Section 7.6.2(b)-Water Facilities Installation
Section 7.17.1-Fire Alarms
Section 7.21-Street Lights
Section 6.8-Street Acceptance
Section 5.7.28-Streetlight Locations
Section 5.7.31-Location of Open Space

These comments are offered as guides for use during the Town's review. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

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

PGC ASSOCIATES, INC.

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

RECEIVED
JUN 22 2012

TOWN OF MEDWAY
PLANNING BOARD

June 22, 2012

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

Re: Norwood Acres Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the Definitive subdivision plan submitted by Wayne Marshall of Medway for property on Village Street. The owners of the property are Andrew and Matthew Marshall. The plan was prepared by Guerriere and Hanlon, Inc. of Milford, and is dated June 1, 2012.

The plan proposes to construct a straight private way cul-de-sac right-of-way in order to create frontage and divide a 7.78-acre parcel on Summer Street into two lots of 56,515 and 50,630 square feet respectively plus a 4.49-acre parcel to be conveyed to the Conservation Commission or to have a conservation restriction placed on it. Lot 1 has a driveway perpendicular to the right-of-way and Lot 2 has a driveway that intersects at an angle with the right-of-way and could be used as a hammerhead style turnaround.

I have comments as follows:

Zoning

1. The lots in the subdivision as shown on the plan comply with the area, frontage and shape factor requirements of the zoning bylaw.
2. It should be noted that the existing parcel has only 22.4 feet of frontage on Summer Street. The proposed road right-of-way extends onto an abutter's property with an easement. No dimensions are given, but using a scale it appears that the abutter's property may be either exactly at or just short of the required 180 feet of frontage.
3. Allowing the easement area of the abutting White lot to be double-counted as frontage and area for that lot as well as part of the right-of-way could set a precedent that might allow misuse of this option on other properties. I would suggest that an attempt be made to transfer ownership of the easement area to the subdivision owner in return for an equivalent portion of proposed Lot 1. The lost frontage could be regained from the new private way.

4. The abutting property has 2 buildings on it that are within the setback area of the proposed right-of-way. In past projects, a narrow strip parcel between the right-of-way and the abutter was created to eliminate the setback issue. If this were to be pursued, the strip would need to begin at or beyond the point at which the White property would retain frontage in compliance with the zoning bylaw.

Subdivision Rules and Regulations

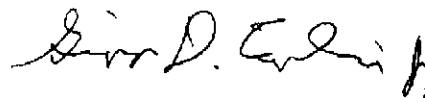
5. Section 5.7.27 requires street and traffic control signs be shown on the plan. Though a street name is shown, no street sign nor stop sign or stop line are shown.
6. Section 5.7.28 requires street light locations to be shown. A waiver from this requirement is requested. If there is an existing street light near the proposed entrance, this request would be justified.
7. Section 5.7.32 requires cul-de-sac island landscaping. No formal "island" is proposed, but there are 2 detention basins within the cul-de-sac divided by one of the driveways. A landscaping plan for this area (as has been required in the past) would be in order.
8. Section 7.9.4 requires that a permanent private way have a right-of-width of 50 feet. The proposed right-of-way meets this requirement, but only if the proposed easement area at the entrance is included.
9. Section 7.9.7 specifies road construction standards. The applicant requests a waiver from these requirements to allow an unpaved gravel roadway with 12" of gravel rather than the specified 16," plus no curbing in order to allow a low-impact drainage system with roadside swales leading to the detention basins.

General Comments

10. Since only two lots are proposed, this subdivision would qualify as a permanent private way. In considering whether there is a possibility of extending the way onto adjacent developable land, due to wetlands, conservation land and already-developed land, extension does not appear to be likely.
11. It should be noted that while this is not an open space subdivision, a tract of land that abuts land already under the control of the Conservation Commission will either be conveyed to the Commission or placed under conservation restriction.

If there are any questions about these comments, please call or e-mail me.

Sincerely,



Gino D. Carlucci, Jr.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 5.7.28 - Streetlight Locations
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Proposed & existing streetlights shall be shown on the plan. Existing streetlights to be relocated at the expense of developer shall be shown on the plan.
What aspect of the Regulation do you propose be waived?	There are not any proposed lights for this project, nor any existing lights
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision with private way; street lights are not warranted for such a small project.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of a light pole, fixtures, & wiring
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain an unnecessary streetlight.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining streetlight & wires
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer - Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summer Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 5.7.31 - Location of Open Space
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Park or Open Space areas suitable located w/in the subdivision for play-ground or recreation purposes or for providing light and air in accordance with Mass GL Chapter 41 Section 81-U
What aspect of the Regulation do you propose be waived?	Creation of Open Space or Park
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	This Project consists of a two-lot subdivision; creation of an Open Space or Park area would unnecessarily disturb more area than is needed to develop the property - destroying wildlife habitat.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of clearing an area and providing recreational facilities
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Approval of waiver allows for a smaller impact on the natural landscape of the development.
What is the impact on the development if this waiver is denied?	A larger impact on the natural landscape & wildlife habitat than is currently proposed.
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Preservation of natural landscape & habitat areas
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Project Manager Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 6.8 - Street Acceptance
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	At the time the street is ready for acceptance & after the Board has approved the As-Built plan, the developer may request that the Town accept the subdivision streets.
What aspect of the Regulation do you propose be waived?	Proposed street will remain a Private Way & not be accepted by the Town
What do you propose instead?	Owner(s) of the proposed homes shall maintain the Private Way
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Street will remain a permanent private way.
What is the estimated value/cost savings to the applicant if the waiver is granted?	None
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town will not need to maintain the roadway as a Public Way
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining the roadway as a Public Way
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	N/A
What is the estimated value of the proposed mitigation measures?	
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012

Questions?? - Please contact the Medway PED office at 508-533-3291.

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.6.2(b) – Water Facilities Installation
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Water mains w/ hydrants, valves & other fittings... shall be at least 8-inch dia. cement lined ductile iron, Class 52 or greater.... water pipes shall be extended & connected to form a loop-type system.
What aspect of the Regulation do you propose be waived?	Water line to be 8-inch diameter and water pipe to be connected to form a loop-type system
What do you proposed instead?	Installation of a 4-inch DI pipe with loop system
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Water will be supplying only two lots.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of larger pipe & cost of length of pipe to install a loop-type system.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	None
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
7/8/2011	

**Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations**

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.7.2(p) - Stormwater Management Procedures
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Detention / Retention basins shall be located on separate parcels & not included on individual house/bldg. lots. Limits of basin shall not be closer than 30-feet from its lot/parcel line & any right-of-way.
What aspect of the Regulation do you propose be waived?	The aspects listed above.
What do you proposed instead?	Install the stormwater basin within the right-of-way
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project is a Permanent Private Way; project is proposed to be only two (2) house lots, leaving no parcel available to be on a separate parcel.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of one of the two house lots
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows for both proposed lots to be developed
What is the impact on the development if this waiver is denied?	Will change the development to only one lot, which may not be economically feasible for the applicant
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
7/8/2011	

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.9.7 – Roadway Construction
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Roadway to be constructed in accordance to Medway Subdivision Rules & Regulations Section 7.9.7(a) thru (k)
What aspect of the Regulation do you propose be waived?	Typical road cross-section to be modified
What do you proposed instead?	Super elevated road with no pavement & no berm
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	To save trees along abutters' property line. Ability to use country-style drainage.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of pavement, berm, clearing of trees
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows roadway to remain similar to that of a scenic road, preserving trees and natural landscape
What is the impact on the development if this waiver is denied?	Destruction of trees and natural landscape along abutting property lines
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
7/8/2011	

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.10.2 – Curbs & Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Curbing shall be provided the full length of all streets along each side of the roadway. for private ways, curbing shall be hot mix asphalt Cape Cod Berm.
What aspect of the Regulation do you propose be waived?	Installation of curbing
What do you proposed instead?	No curbing in subdivision
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision with a private way, which essentially is to be built as a common driveway.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of curbing
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Allows roadway to remain similar to that of a scenic road, preserving trees and natural landscape
What is the impact on the development if this waiver is denied?	Destruction of trees and natural landscape along abutting property lines
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	None
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	N/A
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Install vertical granite curbing at entrance to subdivision
What is the estimated value of the proposed mitigation measures?	cost of vertical granite curbing
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	
7/8/2011	

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations
 Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.17.1 - Fire alarms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	A fire alarm system shall be installed as direct by Medway Fire Dept 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 Dept for capital purchase.
What aspect of the Regulation do you propose be waived?	Not to install the fire alarm system nor pay the Town the cost of a system.
What do you propose instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consist of a two-lot subdivision with a private way; project is too small to justify the cost of installation & maintenance of a fire alarm system.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of a fire alarm system.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	None
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain the fire alarm system
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? - Please contact the Medway PED office at 508-533-3291.	

Medway Planning and Economic Development Board
FORM Q – Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	Norwood Acres
Property Location:	61 Summers Street
Type of Project/Permit:	Definitive Subdivision / Permanent Private Way
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Section 7.21 – Street Lights
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Install streetlights within the subdivision at the entrance, at all intersections, sharp turns, or other areas as directed by Traffic Safety Officer.
What aspect of the Regulation do you propose be waived?	Installation of any street lights
What do you proposed instead?	Nothing
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Project consists of a two-lot subdivision accessed by a Private Way; street lights are not warranted for such a small project.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Cost of installation of street light(s), fixtures, wiring.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	N/A
What is the impact on the development if this waiver is denied?	None
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	Town would not have to maintain an unnecessary streetlight
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	Cost of maintaining streetlight
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
What is the estimated value of the proposed mitigation measures?	N/A
Other Information?	
Waiver Request Prepared By:	Peter M. Lavoie, Proj Engineer Guerriere & Halnon, Inc.
Date:	May 31, 2012
Questions?? – Please contact the Medway PED office at 508-533-3291	

Susan Affleck-Childs

From: Peter Paulousky [PJP@dcdclaw.com]
Sent: Friday, June 15, 2012 1:09 PM
To: Susan Affleck-Childs
Cc: PGYORKIS@aol.com
Subject: Charles River LLC, Request to be placed on Agenda for June 26, 2012
Attachments: Cert of Organization.pdf

RECEIVED
JUN 15 2012

**TOWN OF MIDDLETOWN
PLANNING BOARD**

Susan,

Thank you for speaking with Paul and myself today. This email is a request for Charles River Village LLC to be placed on the Planning Board agenda for June 26, 2012.

As requested, I have attached the LLC Certificate of Organization as on file with the Secretary of the Commonwealth. Paul Yorkis has the original Certificate of No Appeal to present to the Board. The purpose for requesting a slot on the June 26, 2012 agenda is:

1. Presentation of the Certificate of No Appeal and affirmation that the definitive plan can now be prepared and submitted pursuant to the decision;
2. Modification of the Board Decision dated March 30, 2011, (the "Decision") approving the Concept Plan. The purpose of the Modification is to affirm the Decision as assigned to Charles River Village, LLC formed on September 27, 2011;
3. Answer any clean up questions that the Board may have.

Thank you for your courtesy and cooperation. Please call with any questions.

Peter

Peter J. Paulousky



Doherty, Ciechanowski,
Dugan & Cannon, P.C.

124 Grove Street, Suite 220
Franklin, MA 02038

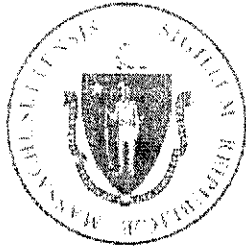
WEB : www.dcdclaw.com
TEL: 508-541-3000
FAX: 508-541-3008
PJP@dcdclaw.com

 Please consider the environment before printing this email.

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The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information exempt from disclosure under applicable law. If you are not the intended recipient, please notify Doherty, Ciechanowski, Dugan & Cannon P.C. immediately at 508-541-3000 or select reply on your email program and destroy all copies of this message and any attachments.

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The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Federal Employer Identification Number: 001061908 (must be 9 digits)

1. The exact name of the limited liability company is: CHARLES RIVER VILLAGE LLC

2a. Location of its principal office:

No. and Street: 800 WASHINGTON STREET
 City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 800 WASHINGTON STREET
 City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

THE GENERAL CHARACTER OF THE BUSINESS OF THE LLC IS TO HOLD, OWN, IMPROVE, OPERATE, MANAGE, SERVICE, LEASE, MORTGAGE AND ENCUMBER, SELL, INVEST AND REINVEST AND OTHERWISE DEAL WITH PROPERTY, BOTH REAL AND PERSONAL, TANGIBLE AND INTANGIBLE; TO ENGAGE IN ANY ACTIVITIES DIRECTLY OR INDIRECTLY RELATED OR INCIDENTAL THERETO; AND TO CARRY ON ANY LAWFUL BUSINESS, TRADE, PURPOSE OR ACTIVITY.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: JOHN F. CLAFFEY
 No. and Street: 800 WASHINGTON STREET
 City or Town: HOLLISTON State: MA Zip: 01746 Country: USA

I, JOHN F. CLAFFEY resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name	Address (no PO Box)
	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
MANAGER	JOHN F CLAFFEY	800 WASHINGTON STREET HOLLISTON, MA 01746 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name	Address (no PO Box)
	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name	Address (no PO Box)
	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
REAL PROPERTY	JOHN F CLAFFEY	800 WASHINGTON STREET HOLLISTON, MA 01746 USA

9. Additional matters:

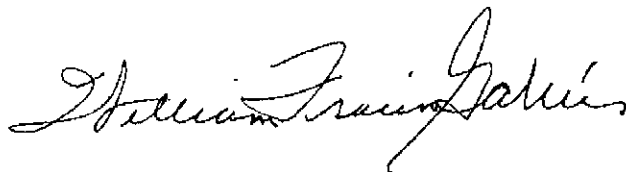
SIGNED UNDER THE PENALTIES OF PERJURY, this 27 Day of September, 2011,
JOHN F. CLAFFEY
(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

September 27, 2011 03:06 PM

A handwritten signature in cursive script that reads "William Francis Galvin".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



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

REVISED DRAFT – June 22, 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. The Medway Assessor's records show this as parcel 24 on Map 56 (formerly 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. (*Summer Street provides the legal frontage for the other house lot*);
- 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, to be privately owned and maintained;
- installation of sewer service and connect at 15 Little Tree Road to the existing private force main sewer system which serves the adjacent Speroni Acres subdivision; 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.
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. A butter notice was sent by certified sent mail on March 5, 2012. The public hearing was continued to April 10 & 24, May 8, 14 & 29, and June 12, 2012 when it was closed.
4. On May 21, 2012, the applicant filed a request to extend the deadline by which the Board was required to act on the application. The Board had previously agreed to such an extension at its May 14, 2012 meeting.

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 7 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.

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
- Form E – Certified List of Abutters & Owners within 300', February 28, 2012
- 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.

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 April 5, 2012.
- 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.
- Email communication dated 5-29-2012 from Attorney Paul Kenney of Medway, MA regarding sewer easement as shown on the original Speroni Acres Definitive Subdivision Plan (Plan 242 of 1998, Plan Book 455 – Norfolk County Registry of Deeds).
- Affidavit signed June 7, 2012 by John and Veronica Clark, prior owners of 25 Summer Street, re: their understanding from Speroni Acres developer Owen Sullivan that the property would be allowed to connect to the Speroni Acres sewer system.
- Grant of Easement signed June 6, 2012 by Sean and Shelley Lynch of 15 Little Tree Road, granting Fasolino Home Improvements an easement to lay a sewer pipe on their property to connect the property at 25 Summer Street to the sewer system shown on the Definitive Subdivision Plan for Speroni Acres recorded at the Norfolk County Registry of Deeds (Plan 242 of 1998, Plan Book 455).

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.
- *As-Built Plan for Speroni Acres Subdivision*, drawn 1/24/04, revised 4/13/04 and 4/5/07, prepared by C.E.C. Land Surveyors, Inc. of Peabody, MA
- Email communication dated May 11, 2012 from David Pellegrini of Tetra Tech Engineering summarizing his review of the sewer system as shown on Sheet 5 of Definitive Subdivision Plan for Speroni Acres (endorsed by the Medway Planning Board on 3/31/1998).

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 subdivision plan modification under 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.
- CONFIDENTIAL email communication dated May 2, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: a grant of easement from Sean and Shelley Lynch at 15 Little Tree Road to Fasolino Home Improvements to connect to the Speroni Acres sewer system.
- CONFIDENTIAL email communication dated May 16, 2012 from Town Counsel Barbara Saint Andre of Petrini & Associates, Framingham, MA re: Board's potential liability for allowing the applicant to connect to the Speroni Acres sewer system on the Lynch property at 15 Little Tree Road.

Citizen/Resident Letters - None

Citizen/Resident Testimony - None

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc., for the Town of Medway
Dave R. Pellegrini, 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.

Communications dated May 8, May 22 and June 12, 2012 from Stephanie Bacon, Health Agent with comments regarding the applicant's plan to connect the 2 subject house lots to the force main sewer system for Speroni Acres on the Lynch property at 15 Little Tree Road.

Memorandum dated May 8, 2012 from Fire Chief Paul Trufant indicating that the revised plans are acceptable from a safety and access perspective and that the applicant must pay a fee of \$1,000 in lieu of providing a fire alarm system for the subdivision. NOTE – Said funds will be directed to the Fire Department's special capital account.

Email communication from Town Treasurer Melanie Phillips, dated May 9, 2012, indicating that the applicant has not paid the May 1, 2012 taxes owned the Town.

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: The applicant proposes a private roadway/shared driveway to serve 2 houses. There is an existing streetlight on Summer Street about 180 feet south of the private roadway/shared driveway. The Board believes that lighting along Summer Street is adequate and that no additional street light is necessary and therefore grants this waiver request.

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.

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. The Fire Chief has determined that a payment of \$1,000 in lieu of fire alarm installation is appropriate. Therefore this waiver is NOT granted.

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 – *Installation of Street Lights.*

FINDINGS – The Applicant proposes a private roadway/shared driveway serving only 2 homes. There is an existing street light on Summer Street about 180 feet south of the private roadway/shared driveway. The Board finds that no additional street lighting is needed for such a small subdivision. 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. The waiver is granted.

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. OTHER FINDINGS — Based on the evidence presented during the course of the public hearing which is documented herein, the Board makes these additional findings.

- A. It was the intent of the original developer of Speroni Acres (Owen Sullivan) that adjacent properties on Summer Street could connect to the subdivision's force main sewer system. The private force main sewer system in the adjacent Speroni Acres subdivision was designed and constructed to accommodate additional connections for 25 Summer Street.
- B. The applicant has provided sufficient documentation in the form of an easement to be recorded to verify that the adjacent property owners at 15 Little Tree Road have authorized him to access the Speroni Acres sewer system through a connection on their property.

5. Prior to endorsement, the MODIFIED 25 Summer Street Definitive Subdivision Plan last dated February 28, 2012 shall be further revised to include the following:
 - a. The final plan revision date on all plan sheets.
 - b. A 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. Remove the existing northern curb cut on Summer Street and provide details showing the corresponding restoration or replacement of sidewalk and curbing along Summer Street. *See Condition #14.*
 - e. Show location of street and traffic control signs.
 - f. Reference the recorded sewer easement document with the Lynchs at 15 Little Tree Road
 - g. Add a Sheet #7 to display the full text of the approved Stormwater Operation and Maintenance Plan.
 - h. Those items specified in the March 21, 2012 technical review letter issued by Tetra Tech Engineering and agreed to in the April 18, 2012 response letter from Faist Engineering. These pertain to TT comments 2, 24, 26, 31, and 32.
 - i. Revise Sheet 2 to shift the ROW to the south to provide for a 1' wide strip of land between the proposed right-of-way and the lot line of the adjacent property to the north (N/F Heuklom).
6. 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.
7. *Payment in Lieu of Fire Alarm System* – Before the Board releases any lots for construction; the applicant shall provide \$1,000 to the Fire Department's special capital account.
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. The document shall include a requirement for the owners of the Summer Valley Lane lots to financially support, in a fair and reasonable manner, a Speroni Acres Homeowners Association, if such is established, to contribute toward the management and maintenance of the force main sewer 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

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. *Connection to Speroni Acres Sewer System* - 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 in which Michelle and Sean Lynch of 15 Little Tree Road grant an easement to access the private force main sewer system on their property. The applicant has agreed that any 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.
16. *Easement with Lynches/15 Little Tree Road* – Prior to endorsement, the applicant shall provide proof of assent of mortgagees on 15 Little Tree Road [Wells Fargo (mortgage) and Citizens Bank (line of credit)]. The applicant shall also record the subject easement at the Norfolk County Registry of Deeds before plan endorsement so that the recording information may be included on the final definitive plan.

General Conditions

17. *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.
18. *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
19. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall provide \$250 to the Town of Medway to establish a statement savings account at an area financial institution for the project.
20. *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

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.

25. *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.
26. *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.
27. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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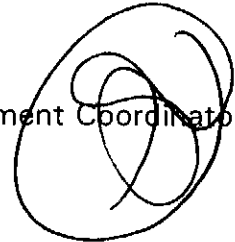


TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

June 19, 2012

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Inactive Plan Review Accounts



I am continuing to try to address some overdue items.

Attached is a list of older development projects for which we are still carrying some plan review funds that were not used. You will recollect that PR funds are maintained in a revolving fund and carried over year to year. The funds are used to pay the cost of services provided by outside consultants such as the Town's Consulting Planner and Engineer, and more recently, Town Counsel. The Planning and Economic Development Board's PR funds are maintained in an interest bearing account at TD Bank - #824-1226815.

In some cases, the plan review funds were initially provided for review of preliminary subdivision plans and the balances were held over in anticipation of a forthcoming filing of a definitive subdivision plan. Many applicants never took that next step.

In most other instances, the applicants never specifically contacted the PEDB to request a refund of their unspent PR funds.

I recommend that the Board approve refunding \$21,461.31 in unexpended plan review funds, plus interest.

According to the bank statement, the overall balance in the PR account as of 5/31/2012 was \$126,407.25.

In July, I would like to close out a few bond accounts for projects that never went forward. Stay tuned!

Medway Development Projects Plan Review Account Balances

Project Name	Developer	\$ Remaining in Plan Review Account	Streets	Notes
<i>Subdivisions</i>				
Cassidy Acres	Mark Investments	\$ 1,810.50	Main ST	Land subdivision for Walgreens
Charles River Acres	Dunn McKenzie	\$ 70.00	off Neelon Lane	not built
Forest Edge	Guerriere & Halnon	\$ 339.00	Field Road extension	project completed
Franklin Creek	Tim Sheehan & John Early	\$ 177.19	Franklin Creek Lane	sold to M
Hopping Brook Estates	Paul Zonghi/Summit Homes	\$ 215.00	off of West ST	never built
India Heights	R. Koudinya	\$ 436.00	off of Lovering ST	never built
Kazijian	James Kazijian	\$ 97.81	end of King's Lane	never built
Park Lane	Park & Gittings	\$ 542.40	???	never built
Village at Pine Ridge	John Claffey	\$ 470.23	Pine Ridge Dr	constructed
Knollwood Acres	John Sullivan	\$ 165.00	Shamrock Lane	constructed
The Meadows	Ralph Costello	\$ 315.80	Goldenrod & Cardinal	constructed
Pine Meadow	Pine Meadow LLC	\$ 476.10	Pine Meadow Rd & Lantern Lane	under construction
Village Acres	Jim Reardon	\$ 275.00	Sledding Hill Way	constructed
<i>Site Plan Projects</i>				
A123 Systems		\$ 2,323.99	34 West Street	plan endorsed
Little Gym	NACOG	\$ 360.00	Gould's Plaza	project completed

Medway Development Projects Plan Review Account Balances

Project Name	Developer	\$ Remaining in Plan Review Account	Streets	Notes
John's Auto Body	John Solari	\$ 606.25		project completed
Lawrence Waste	Lawrence Waste	\$ 2,028.38	49 Alder Street	plan to be endorsed 6-26
51 Alder ST - Verizon	Conroy Dev	\$ 375.00	51 Alder Street	project completed
2-4 Main ST	Bob Potheau	\$ 723.51	2-4 Main Street	project completed
51 Alder ST - AZZ/CGIT	Manguel Architects	\$ 475.00	51 Alder Street	project completed
155 Main ST	Tara Werlich & David Ryan	\$ 321.25	155 Village Street	project completed
159 Main ST	Paul Yorkis	\$ 114.59	159 Main Street	project completed
CVS Site Plan Modification		\$ 212.50	Main ST - Medway Commons	project completed
Marc & Jayar Roads	Ellen Realty Trust	\$ 156.25		project completed
McDonalds	McDonalds	\$ 1,860.61	Main ST - Medway Commons	project completed
Medway Gardens/Xtra Mart	Drake Petroleum & Cummins Nursery	\$ 2,677.50	Summer and Milford	never built
Medway Senior Center	Town of Medway	\$ 77.50	Adams St	project completed
Swenson Granite	Swenson Granite	\$ 625.00	Main Street	project completed
ARCPUD Projects				
River Bend/Walnut Grove on the Charles	Abbott Real Estate	\$ 2,000.00	off of Village Street	never built
Shelter Island	Shelter Island Fund	\$ 500.00	Coffee/Ellis ST	never permtted

**Medway Development Projects
Plan Review Account Balances**

Project Name	Developer	\$ Remaining in Plan Review Account	Streets	Notes
AUOD Projects				
127 Main Street	Ted Reardon	\$ 163.72	Main ST	project completed
OSRD Projects				
Village at Pine Ridge	John Claffey	\$ 470.23	Pine Ridge Drive	almost completed
TOTAL		\$ 21,461.31		