

**July 24, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Bob Tucker, Karyl Spiller-Walsh, Tom Gay, Chan Rogers and Andy Rodenhiser. NOTE – Mr. Rodenhiser joined the meeting when the Bay Oaks public hearing was closed for the evening.

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck-Childs, Planning and Economic Town Coordinator
Dave Pellegrini, Consultant Tetra Tech Rizzo
Gino Carlucci, Consultant PGC Associates
Fran V Hutton Lee, Administrative Secretary

The Vice Chairman opened the meeting at 7:04 pm.

There were no Citizen Comments.

Construction Report Tetra Tech Rizzo - Applegate Farm:

Dave Pellegrini made observations on the earthworks regarding the detention basin. They are waiting for approval. There was a question to Susy if a letter had gone out yet from DPS to Mr. Costello on this matter: she replied that she did not know if one had.

Consultant Report PGC Associates:

Gino Carlucci noted that the Idylbrook Park Grant Application had been submitted. They will be adding a few additional items to the grant application.

Report from Planning and Economic Development Coordinator

74 Main Street – Tri Valley Commons - Susy Affleck-Childs reported on the progress at 74 Main Street, Tri Valley Commons. There was a meeting with a transportation engineer from Tetra Tech Rizzo, Tom Holder from DPS, engineers from GPI (the Town's consulting engineer for the Route 109 project), prospective applicant Roger Calarese and his engineer Bob Poxon and Susy Affleck-Childs to discuss access, traffic lights, concerns, and pros and cons.

Bob Tucker asked if the abutters were involved in the process. Susy replied that they were, and that Mr. Calarese had talked with the owners of Dunkin' Donuts across the street and with the Gould family to discuss how they can make things work. The applicant will need to go before the ZBA for special permits for both the shopping center itself and for the drive through facilities.

Bob Tucker asked if the initial studies that Gino Carlucci put efforts into were being used. Susy Affleck-Childs replied that they were. She noted that the general vision, the shared access to the

adjoining plaza, and moving the driveway were some of the points of the previous study being utilized.

Karyl Spiller-Walsh noted that the Design Review Committee had already hypothesized visuals for the site.

Economic Development Specialist - Susy noted that the EDC Specialist Request for Proposal was underway. They are hoping to bring a contract to the Selectmen in mid September for a 9 month contract starting about October 1st.

Bob Tucker asked if both individuals and firms had been considered. Susy indicated that the EDC had invited three firms to talk with them in phone interviews to see what a firm could offer them, but the EDC is now oriented toward an individual for the position instead of a firm.

Green Community

Susy Affleck-Childs reported on an article that had been in the Boston Globe regarding entire communities entering into cooperation agreements with an energy company. She is looking into it per the request of the Town Administrator.

Other

Susy noted that she and Gino would be going to the August 4th DRC meeting to discuss signage regulations as a possible general bylaw, not a zoning bylaw. Susy has information from eight towns that deal with signage in the general bylaws.

Susy Affleck Childs passed out a publication from the MetroWest Visitors Bureau. It is the summer-fall Events Calendar. The publication will be made available at various locations.

Public Hearing Continuation

Bay Oak Definitive Subdivision Plan, 104 Fisher St:

Vice Chairman Bob Tucker noted at 7:15 pm that the continuation of the public hearing for the Bay Oaks Definitive Subdivision Plan, for Andy Rodenhiser 104 Fisher Street, would begin

Rob Truax, GLM Engineering, engineer for the project, and Andy Rodenhiser, the applicant, were in attendance. Mr. Truax noted that they were keeping things open until they had gathered information from other boards, and that they had not submitted any revised plans, but will do so in the coming week to address the initial review comments of Dave Pellegri and Gino Carlucci, as well as information that comes in from the Safety Officer and Fire Dept.

He also noted that since the last PEDB meeting, the DPW has paved Fisher Street, and wondered if the Board was aware that it had been repaved.

Bob Tucker noted that he'd heard that it was going to be. It was noted that it was a one day pave event. The road was ground down and repaved, but has yet to be striped.

Rob Truax noted that with the new paving, the road was elevated on one side (westerly side) pitching the road towards the catch basins to assist with the drainage.

Bob Tucker noted that this road improvement addressed a pre-existing condition that was not brought on by the recent development or the new development.

Rob Truax noted that an issue had been raised by a neighbor that the water was going across Holliston Street onto her property. He noted that the stormwater pipes are quite large.

Susy Affleck-Childs shared a sketch from Jimmy Smith of the Town of Medway DPW regarding the stormwater pipes and drainage. **See Attached.** There was more discussion among the board regarding the drainage situation near the site.

Susy Affleck Childs referenced the memo from Sergeant Jeff Watson, Safety Officer from the Medway Police Department, and discussed a meeting where she and Dave Pellegrini of Tetra Tech met with him and new Fire Chief Jeff Lynch. They went over the Bay Oaks plan. She also noted it would be a good practice, going forward, to initiate this kind of meeting with all plans under review regarding the safety codes. Bob Tucker agreed that this would be a good idea. Currently developers and applicants approach other departments directly and sometimes those officials are put on the spot.

Susy read the memo from Sergeant Watson into the record. **(See attached.)** It was Sergeant Watson's recommendation to use the name of Dover Lane, to change the two existing Fisher Street addresses to reflect this, and to make sure the house numbers were posted and visible from the street. It was also recommended that there be "yield to pedestrian" signs to increase safety on the roadway as well as stop signs, stop lines, and the clearing of brush on the corners to provide adequate visibility.

Susy then references a note from the Assessor Will Naser **(see attached note and drawing)** who sat in on the beginning of the meeting with Sergeant Watson and Chief Lynch. His recommendation is to use Dover Lane as well, changing the addresses from Fisher Street. The Fire Chief also agreed in the meeting that Dover Lane be used for all addresses.

For the record, and on the advice of counsel, Susy Affleck-Childs also entered the collection of disclosure of Appearance of Conflict of interest statements prepared back in June of 2011 when the applicant was going through the preliminary subdivision plan process. The applicant, Mr. Andy Rodenhiser, is also a member of the Planning and Economic Development Board. Counsel indicated that new statements did not need to be prepared. The statements are those of the four board members, Susy Affleck Childs, Gino Carlucci, and Dave Pellegrini.

The other information included and entered into the record by Susy Affleck-Childs was a collection of various deeds, conveyances, and ANR plans that were compiled during the preliminary plan stage. She also submitted a chronology of land transactions of the site. **(See attached).**

Bob Tucker asked that Susy Affleck-Childs summarize the land conveyances for the audience. She summarized the documents. She noted that this might not represent every document or transaction, but that it covers the highlights. She noted that she is not an attorney, but that she compiled this to help in the hearing and plan review process.

Bob Tucker suggested to the audience that if there were any who felt there was a need to supply the Board with additional documents to be submitted into the record that they compile them and get them into Susy Affleck-Childs, and they will be entered into the record (at a future public hearing).

Deborah Batog, attorney for the Giovanella family (abutters) asked if the opinion from counsel regarding the release of covenant was included in the packet.

Bob Tucker replied that they had no opinions from counsel included in the packet.

Susy also reported that a letter dated July 19, 2012 from Andy Rodenhiser's attorney Jay Aframe had been received. **See Attached.** The letter addressed questions regarding the rights to use existing private ways, and whether the easement would be overburdened by the additional use, and refers to a court case on this. She has forwarded this to Town Counsel who has yet to be able to look at it. Andy Rodenhiser also provided a draft of a homeowner's association document which has also been forwarded to Counsel.

Bob Tucker noted that there were other questions they had wanted forwarded to Town Counsel from the last meeting, as well. Susy Affleck-Childs acknowledged that those issues have been forwarded to counsel. Bob asked if they might have answers by the next meeting, and Susy replied that she hoped so, and it was decided to extend the invitation to Counsel to attend the next meeting as that would be helpful.

Bob Tucker asked Rob Truax if he had any other new information or any other questions for the Board, or for the planning or engineering consultants.

Rob Truax had no new information, and indicated he would speak with Dave Pellegri and Gino Carlucci as the need arose.

Bob Tucker then opened up the hearing to the rest of the board asking if any of the members had any additional questions.

Susy Affleck Childs noted that Gino Carlucci had provided a supplement to his original review letter. That letter is dated July 13, 2012. **See attached.** He stated that at the time of the original plan that the threshold level for affordable housing was 3 lots, but it is now at six, so the affordable housing provisions of the Medway Zoning Bylaw are not applicable to this project.

Chan Rogers asked whose responsibility it was to set the new house numbers.

Susy Affleck Childs noted that it was the responsibility and authority of the Assessor to issue new addresses.

Karyl Spiller-Walsh asked how much of the applicant's property is visible from the end of the street, or how much brush might need to be cleared, and how far down would it need to be cut.

Dave Pellegrini said that he was not sure and it would need to be looked at.

Andy Rodenhiser said it was just brush to be cleared.

Susy reported that it was discussed in the meeting with the Safety Officer Watson and that the brush in the right of way could be cleared, about 20 feet.

Dave Pellegrini noted that there was a stone wall there, and Karyl asked where it was. It was noted that it was well off the roadway.

Karyl Spiller Walsh then addressed the Giovanella family in the audience with the question of what they wanted to achieve, and what was their goal at this time.

Attorney Deborah Batog representing the Giovanella family answered first. She noted that with the waivers, safety concerns, and drainage concerns, the applicant was attempting to make the project, and the right of way, a permanent private way versus a "neighborhood street". She noted that Dover Lane is 60 feet wide (ROW) with 15 feet of slope easements on each side. To the extent that it was developed to an 18 foot width where the retaining walls are, a former planning board had a covenant to say that the property was not going to be further subdivided. The other issue is with regard to a scenic road permit and the entrance to Fisher Street. How is that was going to be handled? It all ties into the attempt to use this right of way for more than what it was constructed to handle. She indicated she understood that waivers are being requested because of a financial issue, but she doesn't think that that supersedes the other concerns.

Karyl Spiller-Walsh noted that she was making an assumption.

Attorney Batog stated that it was an assumption, but that it did not supersede the reason why the Board distinguishes between a neighborhood road and what those requirements are and what the requirements are for a permanent private way. She indicated that the statements from the safety officer and fire chief regarding the renumbering of a house indicated it was a full neighborhood. She stated the only way to address all the issues was to construct a "neighborhood" road. She questioned whether the release of the covenant (issued by a prior planning board) was also a release of the restriction of building.

Bob Tucker requested that she move on to respond to Karyl Spiller-Walsh's question.

Attorney Batog stated they wanted to maintain their rights with regards to using the right of way from Fisher Street. She noted they have two other rights (sic) of way however they are dealing with construction of an inadequate roadway, even for what they are planning to build. The Giovannellas intent with the parcel behind is really for one house lot. They have manners of access which would create a situation of an in and an out. She surmised that the planning board at the time of the original plan only wanted to see two house lots on the property. Ms. Batog noted that the covenant was released, and that town counsel indicated that the release also released the building restriction, but that opinion is appealable, she thinks

Bob Tucker asked if that was her opinion.

Attorney Batog stated that it was.

Bob Tucker then noted that regarding the attitude of the board which passed judgment on this property in the first place, that this (current) board did not know what they were thinking, and that is strictly an assumption on Attorney Batog's part. The Board has no tangible evidence of it before them at this point in time. He stated he wanted to make those two items clear.

Karyl noted that Attorney Batog's thinking was not oblique, but that she has come to a solution, not the solution, but an obvious solution in her mind and perhaps in the mind of others.

Susy Affleck-Childs asked Karyl-Spiller Walsh to clarify her point.

Karyl Spiller-Walsh then stated that Attorney Batog is saying there is a difference between a standard of a private way where we seem to have lots of latitude in deciding what waivers we are going to do and how we want it to look, and how we want it to be safe, and the standard of a neighborhood road under the subdivision control laws.

Susy asked what, then, was the obvious solution.

Karyl Spiller Walsh stated that there was no solution, that this was only an observation of two different standards. Karyl notes that Attorney Batog is saying that she thinks the road should be more to the standard of a neighborhood road, not to the standard of willy-nilly, private road.

Bob Tucker objected to Karyl Spiller-Walsh's description of willy-nilly build as you may.

Karyl Spiller-Walsh stated that she understood that.

Bob Tucker continued noting that there are minimum standards and that they do not waive safety.

Karyl said that they try not to waive safety.

Chan Rogers said that he wanted to note the applicant's attorney's comments that address all of the forgoing discussion about the adequacy of the road. Chan reiterated that his comment was to point out that the applicant submitted a comment by an attorney that quoted a decision by the

land court as to what one or two house lots might do to encumber an easement. Chan thinks that discussion is very appropriate for the discussion of the adequacy of the road itself.

Bob Tucker asked if there were any other comments.

Trisha Letson, 97 Fisher Street

She noted that she lives directly across from (Dover Lane), and that they have had problems with water flowing down the street, across Fisher Street and going into her yard. She noted that there had been a berm in front of her property and driveway. But with the new paving and the new pipes that have been put in with no berm, she was not sure how her drainage problems would be solved.

Karyl Spiller-Walsh tried to explain how the Town did the road paving, and Bob Tucker suggested Dave Pellegrini explain it since he has been out there.

Dave Pellegrini noted that the rain was getting to the catch basins (at the bottom of Dover Lane) during the last heavy rain. He noted that the existing road had a crown in it, and that the crown had been eliminated and the roadway was pitched toward the catch basins. He has pictures of the water flow which he will print and distribute. He explained the intent now is to pitch everything away from her driveway, and benefit the abutters on her side of the road. If there is still water getting down her drive, with the new design, she should let them know.

Ms. Letson asked if the walls will be widened. She expressed her concerns about traffic.

Karyl asked her to explain where her berm was, and what it was made of.

Ms. Letson explained it was an asphalt berm and the water skipped over it.

Dave Pellegrini explained it was not a full berm down the entire street, just in front of her driveway, and the water split and went on both sides as it flowed down the road. He suggested that she see how the new paving and road pitch work for her in the next storm event.

Rob Truax noted that this appears to be an existing problem, not related to the Bay Oaks Plan and the town is addressing it.

Karyl asked what happened to the properties to the south of Ms Letson in a storm.

Ms. Letson indicated that they were far enough away.

Dave Pellegrini noted that water does spread out into their yards.

Rob Truax indicated the water was coming from other places as well.

Bob Tucker suggested they wait for the next storm event and see what is occurring. Bob indicated that it was not the purpose of this meeting to solve the town's issues which DPS was currently addressing.

There was more discussion regarding the properties in the area, including other driveways in the area, and vegetation versus concrete areas.

John Giovanella, 44B Fisher Street

Mr Giovanella stated his family has owned his property since the original planning board put the covenant on the property. When the property was originally divided it was to be three house lots.

Bob Tucker asked Mr Giovanella which lot was to be three house lots.

Mr Giovanella stated that there were three lots up on the cul-de-sac on both sides of the wall, Andy Rodenhiser's 8 acre lot, his 5 acre lot, and another lot owned by Mr. Reed. He reiterated that they had one of the original three lots designated up in there. He stated that they do have a problem with the road being overburdened, and that however long they decide to hold their property to develop it themselves, it could have a bearing on them developing their piece as well. But again, the original lot was for the three homes, exclusively for that cul-de-sac.

Tom Gay noted something he needed resolve. He addressed Mr. Giovanella and pointed out that on the 11-23-1982 ANR plan, it indicates that Lot 2, the 5 acre lot that you are talking about, is non-buildable. Tom sees nothing in the later history that changes that. He indicated he was kind of perplexed by that a little bit, and whether or not it (the adequacy of the road) is a non-issue if their lot is non-buildable.

John Giovanella replied that they never did go and get it approved as a buildable lot.

Tom Gay replied that intent and noted drawings are much different.

Attorney Batog asked to speak to that issue. She noted that in regards to that particular plan it was later superseded. However the town has continued to tax them as it was a buildable lot. No abatement was ever pursued, and subsequent plans don't have that notation in. It may have been that it was a plan filed just with respect to subdividing the block 1 versus lot 2.

Bob Tucker noted that there were still two rights of way up into the Giovanella property, and that there is still certainly the opportunity to develop either of those rights of way and that no one is stopping him from developing the back property.

Mr Giovanella continued noting that they had an original cart path right of way that went straight up to where Mr. Rodenhiser's house is.

Bob Tucker noted that the only rights of way he sees on any of the drawings are the two that are registered that go up the sides of the property, and that he was not talking about cart paths at this point in time. He noted there was a question out to counsel on that issue.

Mr. Giovanella then said that brought him to his next point regarding comment #33. The applicant informed Tetra Tech during the site walk that there is a cart path that is no longer used and that therefore Mr. Rodenhiser didn't see any necessity in relocating it. Mr. Giovanella referenced a deed from 1854 that we own the right of way to that cart path, not just an average cart path that there's no deed or no record to, so as far as Mr Rodenhiser informing anybody that nobody uses that, he is wrong.

Bob Tucker said to go back to what he said earlier . . . that if anyone had additional information that they would like to get on the docket to please submit it, they would get it in on the docket, look at it, and evaluate it. If you don't submit the information to us we can't do anything with it, we don't know it exists. For it to be held back there doesn't do us any good.

Mr Giovanella noted that it was brought up at one of the many previous meetings through his attorney, but that he would submit it.

Mr Tucker said to have his attorney submit it, then.

Dave Pellegrini asked to make a comment on the cart path. He said his comment was that it might be good to relocate it because it currently runs through someone's backyard, and that it might be awkward if it were used a lot.

Mr Giovanella noted that his initial point was that it is still used, as recently as a few months ago, and he would like it to be recognized that the paths are still being used.

Attorney Batog asked to supplement with information that there are three rights of way, because there is the right of way on Dover Lane.

Bob Tucker noted that it was part of one of the rights of way.

Attorney Batog said there is the 60 foot from Fisher across the back of Mr Reed's yard all the way up to the Giovanella parcel, the 50 foot that comes up through lot number 2 maybe, and then Dover Lane itself...so there's three.

Susy Affleck Childs noted that the last two are one in the same. Bob Tucker also reiterated the same point.

Chris Giovanella, 48 Fisher Street

He addressed the 5 acres as not being a buildable lot. He noted that it was because there was no frontage for it. He said that there were plenty of uplands there if they wanted to go before the ZBA and do something like that.

Bob Tucker asked Tom Gay if he had a question about that.

Tom Gay stated he was trying to understand that statement in the record. He noted that it was indicated that the lot was unbuildable, and that intent was a funny thing, and he was trying to

resolve the issues in his mind to know what was going on. He said, “You sit and read that and it is a contradictory statement to what you are telling me, right?” He then said he was just trying to resolve that as part of this hearing so that everyone understands what the deal is.

Chan Rogers noted that if it is a buildable lot or not is a separate and distinct activity that has nothing to do with the board.

Susy noted that it is a separate parcel that has the right to use the right of way that crosses the land, to get to their land.

Chris Giovanella noted that the original intent of the private way or roadway was for the three lots, and their lot was included in that, and if they wanted could go up there and walk around or do whatever they wanted with it. He then referred back to the covenant, noting he did not understand how the statement that the land shall not be further subdivided or developed could be removed from the original covenant.

Susy noted that it wasn't removed from the covenant, but that the whole covenant was released.

Chris Giovanella noted that the way he read it was that the release was to erect a house, a structure, not be a release from everything in the document. He questioned why the board would have put that in, that it not be further subdivided.

Bob Tucker said that he could not speak for that board at that point in time.

Chan Rogers noted that this board has no jurisdiction to change it one way or another, and that whatever they do here is not going to change it one way or another.

Chris Giovanella claimed that the intent for the roadway was for the three lots, and that now they want to increase it for three more lots. The roadway needs to be upgraded. It needs to be a road, not just a private way, because it was, and that it still has to be waived from the beginning.

Karyl Spiller-Walsh noted that it happens all over town.

Chris Giovanella said that he understood, but that he didn't understand how that got waived, the no further subdivision part.

Bob Tucker reiterated that he could not speak to the actions of a previous board, but that as he understood that when a document is released that ends the life of the document. He asked Susy Affleck-Childs to correct him if he were wrong.

Susy Affleck-Childs said yes, that was her understanding. She also noted that what was unusual about that particular document that was called a covenant is that it is a combination document, a subdivision decision and a performance security. This document served two purposes. Normally there are two separate documents, the subdivision decision and the covenant which is the promise to put in the infrastructure before the lots are released, or to put up other security

instead. When the covenant was released, the whole document was released. It was noted by several board members that it was never replaced. Susy Affleck-Childs noted she has not included that in this collection of documents, but would.

Bob Tucker noted that Counsel for the Giovanellas will probably also provide additional documentation for them to get out.

Susy Affleck-Childs asked engineer Rob Truax what his timing was on submitting a revised plan.

Mr. Truax replied that it would be by the end of the week.

Susy indicated that she had expected the Fire Chief's comments that day and that she would follow up on that regard.

Dave Pellegrini added comments regarding the road striping that came up from the meeting with the safety officers. It was discussed and determined that striping for a pedestrian walkway within the roadway would be inadvisable due to the width of the street, as it might push cars too closely together.

Continuation of Hearing:

On a motion made by Chan Rogers, and seconded by Karyl Spiller-Walsh, the public hearing for the Bay Oaks Definitive Subdivision Plan for 104 Fisher Street will be continued August 14, 2012 at 7:15 pm. The motion passed unanimously.

Bob Ferrari and Allison Slack, Affordable Housing Committee

Bob Ferrari and Allison Slack introduced themselves.

Bob Tucker refers to a letter dated July 6, 2012 to the board from the Affordable housing Committee. **(See Attached.)**

Bob Ferrari noted that they were there at the invitation of Susy Affleck Childs to present some possible points to consider in zoning bylaw changes that they have discussed. He noted there was a need to arrive at the goals. Medway was declined from 5.3% to 4.8% affordable housing units, as a result of the new 2010 census numbers. The State's target goal is 10% affordable units.

The following recommendations were presented.

1. Consider zoning that would result in additional rental opportunities. There is evidence to support that trends are shifting towards non-traditional households, and that by 2020 singles and unrelated individuals may comprise 1 in every 3 household, and by 2030 a need for 60 million units of housing. For that goal to be realized there needs to be an increase in rental units. Housing policies will need to be amended to reflect the changing preferences, and what that means on a local level. To deal with the sprawl and low density development

pattern we've had for the past several decade, which is unsustainable economically and environmentally, we need to embrace more compact development, smart growth, and that typically means more apartments.

2. Modify the infill housing provisions in the ARII zoning district to allow affordable units to be constructed on newly created infill lots, not just existing infill lots.

There was discussion among the board on how new lots might be created. As there has not been a lot of infill housing developed it might be suitable for other lots that could be split into a conforming and an infill lot, or other lots combined, split the difference to make two slightly less compliant. Frontage was also discussed, and how that might apply. There was discussion about allowing the new splits to create a local conformance, as well. They asked if those areas could be identified. It was suggested it be looked into further. Allison Slack noted that the inventory of affordable housing would increase if this were allowed.

3. Establish a new Village Residential zoning classification by rezoning some property in ARII. This would apply to properties in the two Medway National Historic Districts - Rabbit Hill and Medway Village. In this new Zone two family dwellings would be allowed by right subject to minimum standards enforced through an administrative site plan review, instead of by special permit now.

Susy noted that the idea here was to allow this in areas where neighborhoods are already not conforming to ARII. A good rule of zoning is that the zoning should match the predominant use of what is on the ground. What those specifics are, such as lot size and frontage, we don't know yet, but much of ARII is clearly non-conforming. The Board discussed other areas where this could be applied, the considerations of parking, off-site parking.

4. Provide a mechanism that would allow the conversion of an existing structure to multi-family units by special permit from this board.
5. Consider establishing a multi-family overlay district in the existing bylaw by special permit from the Planning and Economic Development Board. The only way a small apartment building can be built in Medway right now is through becoming a Chapter 40B project.

Bob Ferrari noted that there is a shift in the national housing policy away from an exclusive emphasis on home ownership to more of a planned mix of affordable home ownership and rental housing units. He suggested we need to be a community that is dealing with this issue.

Allison Slack pointed out accommodating the needs of people in Medway such as teachers, police and firefighters, children who have grown up here and desire to stay, the elderly, and local employers who need to bring in employees.

Susy Affleck-Childs noted she sent notices to various town office, boards, commissions or entities asking if there were zoning issues they wanted to work on.

Chairman Andy Rodenhiser took over chairing the meeting at this point.

Discussion regarding possible Zoning By-Law Amendments (See Attached) – July 18, 2012

Andy Rodenhiser wanted to bring up the issue of fees. He asked Tom Gay about the Fee Structure. Tom said he thinks that they are difficult to administer and do not work right, but that it was not the most pressing item on the Board's agenda. It was the predictability and transparency of the fees that were discussed.

Susy discussed the different fees - departmental filing fees versus construction observation and plan review fees.

Bob Tucker suggested we do need to look at the fees regularly and see how they can be more realistic. Andy Rodenhiser suggested departmental cost accounting. Tom Gay noted that the Board should be self supporting, and cost centre accounting was critical, as well as a pick list with associated costs. It would be easier to explain to applicants what the costs are and where the money goes. It could also trigger behaviors as well if applicants knew what costs may be added if deliverables are not met on time. Andy also noted the behaviors were triggered on part of the board, as well.

Andy asked for people's thought on priorities for work on the zoning issues.

Susy indicated she had noted some priorities.

Parking

Susy Affleck-Childs referred to the parking study that MAPC did for the SWAP community from December 2011. **(See attached.)** Andy Rodenhiser asked if the study addressed parking for multi-families, or off street or off-site parking.

Susy thought it mostly focused on parking standards for businesses.

It was suggested that Gino Carlucci look at the study and come back to the board with ideas and suggestions for its application. They will look at this further at the August 14th meeting.

Site Plan Review

Andy Rodenhiser considered how the parking study might impact site plan review.

Susy Affleck-Childs suggested they consider a new category of site plan review. She noted there are both major and minor site plan reviews but there may also be a place for an administrative site plan review for those situations where small details can be administratively decided without bringing the issue before the entire board. It is a staff function that many towns have.

Bob Tucker gave an example of changing a door in a site plan...a change that need not require the attention of the entire planning board. The Design Review Committee could be brought in, but it does not need to be a public hearing.

Andy Rodenhiser suggested Susy Affleck-Childs make and present the recommendation to the board, and that there appears to be strong support for such a proposal.

Karyl Spiller-Walsh made observation regarding the Site Review process, and clarification was discussed on the scope of such things as might fall under this proposal as a staff function, or in conference with the building commissioner or one board member.

Andy Rodenhiser also noted how this proposal could make affordable housing more feasible for developers. Thresholds can be worked out, and things currently overlooked by any review could be brought under an administrative review.

Village Residential Zoning

Susy Affleck-Childs noted this would be good to consider for the various reasons previously presented by Bob Ferrari and Allison Slack on behalf of the Affordable Housing Committee. We need to consider both language and math.

Andy Rodenhiser asked Gino Carlucci if it would be possible to identify those possible parcels with some descriptive language, and see what areas that would make sense and create a formula that could be used.

Tom Gay asked if there were a map that would show housing density, and identify natural districts.

Susy Affleck-Childs notes that the legal two and multi-families are readily identified, and that the Building Commissioner John Emidy does a regular inspection on the multi-families. She indicated they could be mapped.

Tom Gay reiterated that we may find there are some natural districts already.

Driveways

Chan Rogers noted the idea to establish setback requirements (from property lines) for driveways.

Susy Affleck-Childs and Andy Rodenhiser noted it was brought up by someone as a snow issue. Someone had complained that when a neighbor's drive was plowed the snow went onto his property.

Susy Affleck-Childs indicated it could be addressed with new development.

Andy Rodenhiser noted that the current situation is a pre-existing condition.

Gino Carlucci noted it would be better as a general bylaw than a zoning bylaw. It was suggested that going forward it could be required that driveways be at least 6 feet off the property line or if paved then perhaps moved to comply.

Bob Tucker suggested that if this be looked at seriously that DPS input should be considered, for placement of driveways, curb cuts, and related issued.

Karyl Spiller-Walsh and Tom Gay noted the issue appeared to be a neighbor to neighbor problem, and Susy noted we cannot fix this particular case, but in the context of the other issues it may be worth considering.

Noise Standards

Bob Tucker noted that noise standards are very complex, and questioned whether the town even had the equipment to enforce the regulations. He indicated it is something he would like to drop off the list of items to consider.

Non-permanent (Canvas) Garages

Chan Rogers suggested that regulations for canvas garages should be added to the list.

Bob Tucker notes that they were not covered under the current Building Code, and not required to be under that code.

Susy indicated that Chan was talking about from a zoning perspective.

Chan Rogers noted that they are growing up as permanent installations, and that there are two on some properties. Chan suggested there should be a limit of one per property.

Accessory Family Dwelling

Susy Affleck-Childs noted that she had the Town's summer intern gather information on the accessory family dwellings in the town back through 2004 when the by-law was established. She shared a list of all the legal accessory family dwellings that have a special permit. She reported that the Zoning Board has indicated previously that it would like to review the by-law on accessory family dwelling units.

Bob Tucker suggested finding out what the issue are that the ZBA has, if possible.

Tom Gay noted that Susy-Affleck-Child's notes indicate it needs attention per Town Counsel, and suggested they at least determine what those concerns may be.

Susy Affleck-Childs indicated there may be things in the language of the by-law that could be clarified or improved.

Andy Rodenhiser suggested that Susy Affleck-Childs make a recommendation along that the board could approve.

Gino Carlucci noted that there have been no new applications since 2009. He wondered if there were concerns about approving any new ones because of the by-law's language.

Tom Gay indicated that more than likely they were just happening anyway without approval, and there was agreement with that idea.

Sign Regulations

Per discussions with Gino Carlucci, Susy Affleck-Childs suggested that they might consider taking the sign regulations out of the zoning bylaw and putting them into the general by-laws. There are advantages to doing that, in order to work on a sunset provision and in dealing with non-conforming signs.

Andy Rodenhiser noted that would require a lot of participation from the Business Council, and the Economic Development Committee. Susy noted that a sign appeal board can be created to deal with signs. An advantage in the general bylaw is that there are extremely high standards that have to be met for a variance under a zoning bylaw. There are very few reasons a ZBA can grant a variance such as geography, topography, hardship.

Andy Rodenhiser suggested it be created before implemented, and Susy said it would need to be hand in hand to put it into the general bylaw.

Susy Affleck-Childs asked Gino Carlucci to look at it, at what other communities are doing, and meet with DRC on it and come up with proposals.

Estate Back-lot Zoning

Andy noted this is a proposal that had been begun but tabled, a proposal that would allow a single family home to be constructed on an oversized lot with less frontage. Susy Affleck-Childs noted they were almost done with this proposal.

Commercial IV Boundaries

It was suggested that the boundaries be looked at and cleaned up as needed.

Bottle Cap Lots

Andy asked at what point we would have a recommendation for zoning on the bottle cap lots.

Susy indicated she was expecting a report from the consultant within the next couple of weeks. Andy asked if there would be zoning change recommendations.

Susy replied that she did not know how specific they would be, but she expected there would be some. We will talk about it here and the EDC will also discuss it. On the EDC's next meeting agenda is a discussion re: their own zoning priorities.

Andy asked what the Board's preference was regarding their own priorities. They will work on the list Susy provided of priorities and those areas of consideration already in progress.

The issue of fees was brought up again. Andy noted that it was the board's desire to have a cost based accounting generated for the department we service or who depend on or interact with us.

The hourly cost of running the planning department as a whole can be calculated, and applied to meetings.

Susy noted that it was the administrative fees, or filing fees, that would fall under this. The construction observation and plan review fees are paid by applicants to cover the Board's use of outside consultants. Individual tasks can be time tracked to assist in coming up with realistically based fees.

Tom Gay and Andy Rodenhiser both noted that the goal was to generate a fair amount of funds to cover the work being done on specific projects. Tom suggested application fees cover up these amounts of work, after that another there will be another bill, and what is covered and what activities are done can be explained, and what overheads are covered.

Susy noted that the private sector uses tools methods that municipalities don't have or use, and it would be helpful to know what others use.

Andy noted that a time accounting done once in a while can help bring to light some of the adjustments, or at least give the ability to with say with integrity what things cost. It was noted by Susy Affleck-Childs, Tom Gay and Andy Rodenhiser that there are direct expenses, behind the scene expenses, meetings, public hearings, departmental meetings or activities in other departments relevant to a project, that all incur time or overhead costs.

Tom Gay noted that interesting behaviors can be enforced when you can explain what the direct costs are. He also noted that the Town Administrator challenged them to be able to cover the costs of running the department.

Andy noted that the department has matured considerably over the years in the level of the work being done, that they need to keep pace with the changing times and economic conditions being forced on government too, and to be sure we are generating the appropriate revenue to support the department.

Chan Rogers also noted that there may be competing priorities that Susy receives from the board and Town Administrator that she needs to balance.

Approval of Minutes

Bob Tucker moved that the minutes of June 26 and July, 2012 be approved; Chan Rogers seconded the motion. Andy asked for discussion. It was noted there were two sets of minutes, and it was decided to consider the minutes separately. The motion failed unanimously.

Bob Tucker then moved that the minutes of June 26²⁰¹², regular session, be approved and Chan Rogers seconded the motion. There was no discussion and the motion passed unanimously.

Bob Tucker moved that the minutes of June 26, 2012, executive session, be approved and Karyl Spiller-Walsh seconded the motion. There was no discussion and the motion passed unanimously.

Bob Tucker moved that the minutes of July 10, 2012 be approved and Chan Rogers seconded the motion.

Andy Rodenhiser asked if there were any discussion.

Karyl noted what appeared to be a typo.

Andy Rodenhiser recused himself from the discussion.

There was also discussion about a notice regarding runoff as noted in the minutes, and basins.

Bob Tucker noted a discussion on wells that needed to be in a separate paragraph.

Karyl Spiller-Walsh noted another area where discussion regarding pedestrians walking on the road was not fully recorded.

It was agreed that a vote to approve the minutes would be postponed until they were revised as needed.

Future Meetings:

The next Planning and Economic Development Board meeting will be held on Tuesday, August 14, 2012 at 7:00 pm.

Adjourn:

On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:00 pm.

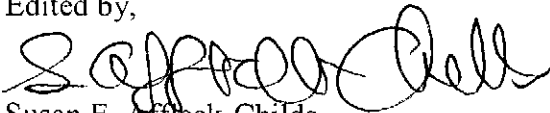
Respectfully Submitted,

Fran V. Hutton Lee



Administrative Secretary

Edited by,



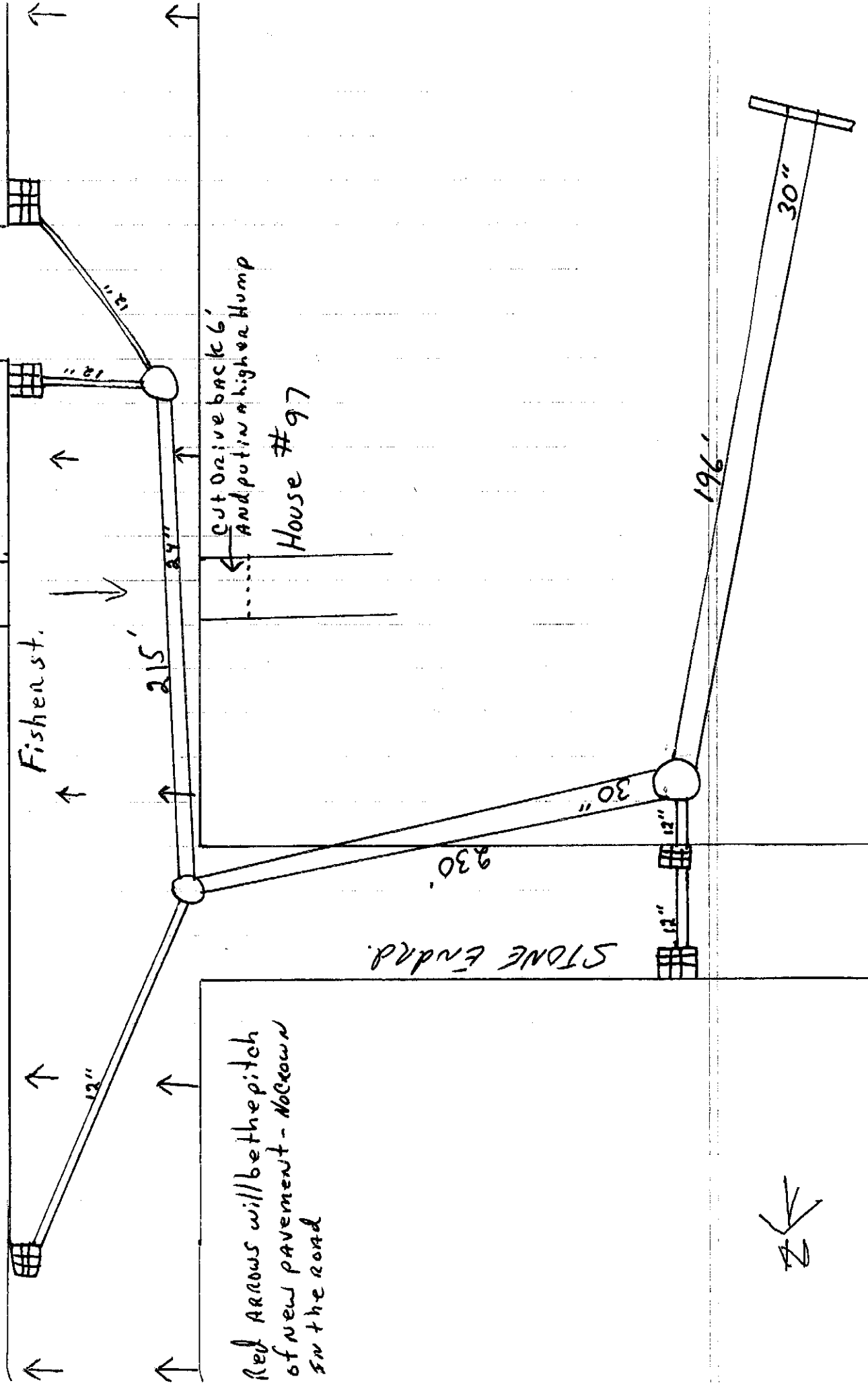
Susan E. Affeck-Childs

Planning and Economic Development Coordinator

WAY VARS SUBDIVISION
 7/18/12 from
 Jimmie Smith, Melway DPS

104+106

108



Red Arrows will be the pitch
 of new pavement - No Crown
 in the road

STONE END RD.





Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

Allen A. Tingley
Chief of Police

July 23, 2012

RECEIVED
JUL 24 2012

TOWN OF MEDWAY
PLANNING BOARD

To: Medway Planning Board

From: Jeffrey W. Watson
Sergeant/Safety Officer
Medway Police Department

Ref: Definitive Subdivision Plan
"Bay Oaks" Dated May 18, 2012

I have looked at the definitive subdivision plan for "Bay Oaks" dated May 18, 2012. It would be the recommendation of the Medway Police Department to utilize the Dover Lane address for all houses located off of this private drive. We understand that two existing dwellings would have to have an address change. This change could alleviate any confusion of emergency personnel responding and create a more efficient and effective response time.

The following are other safety recommendations that would be requested:

We recommend that the number of the house be put in a location that can clearly be seen from the private drive.

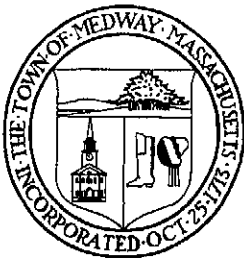
Yield to Pedestrian signs be placed on both ends of the retaining wall.

Stop sign placed at the end of the private road along with a painted stop line.

Street name sign along with the connecting Street (Dover Lane/Fisher Street)

Clearing of brush at the entrance of Dover Lane for sight visibility.

All signs should follow the rules and regulations of the Town of Medway Department of Public Services



TOWN OF MEDWAY
Board of Assessors
155 Village Street
Medway MA 02053
(508) 533-3203

Board Members
J. Peter Manning, Chair
William J. Oldmixon, Member
Open member position

William G. Naser, MAA - Principal Assessor
Terri Balabanis, Administrative Assistant

July 23, 2012

RECEIVED
JUL 23 2012

MEMO

TOWN OF MEDWAY
PLANNING BOARD

TO: *Susy Affleck-Childs, Planning & Eco. Dev. Coordinator*
FROM: *Will Naser, Principal Assessor*

RE: New Lots and New Street off of Fisher Street known as DOVER LANE

Per our discussion today with Town safety officials, I recommend the following location address changes and assignments:

- ◆ changing 106 Fisher Street to **1 Dover Lane**
- ◆ changing 104 Fisher Street to **3 Dover Lane**
- ◆ assigning new Lot 1 as **2 Dover Lane**
- ◆ assigning new Lot 2 as **4 Dover Lane**
- ◆ assigning new Lot 3 as **5 Dover Lane**

Please see attached map with new lot renderings and location address changes and new assignments.

If you need anything further, please let me know.

Land Transaction Chronology of 104 Fisher Street

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
Longo Realty Trust conveys 23.5 acres on the east side of Fisher Street to Edward and Francis Giovanella (as tenants in common)	12/31/1980	NOTE - See Attachment B for Medway Assessors field card and map	Book 5827, Page 80 1-8-1981	A
Giovanellas divide (ANR plan) the 23.5 acre parcel into Lot 1 (18.13 acres with frontage on Fisher Street) and Lot 2 (5 acres of back land with no frontage); Lot 1 has a 60" easement/ROW	11/23/1982	Lot 1 has a 60' wide ROW running along the full length of the northern boundary (approximately 1130 feet) from Fisher Street on the west to Lot 2 on the east. On the ANR plan, Lot 2 is noted as being non-buildable.	Plan Book 300, #911 of 1982 12-3-1982	C
Giovanellas conveys Lot 1 to Racicot Realty Trust	12/3/1982	In conveying Lot 1, the Giovanellas reserve, in common with others entitled thereto, the right to use the 60' wide ROW on Lot 1 for any and all purposes for which public ways are commonly used in the Town of Medway. The Giovanellas retain ownership of Lot 2 in the back (5 acres).	Book 6085, Page 480 12-3-1982	D
Racicot Realty Trust divides lot 1 into 6 lots (ANR plan).	mid December, 1982	5 lots have frontage on Fisher Street. Lot 6 is a 12.373 acre pork chop/flag pole parcel (not buildable) which includes a 50' wide strip of land approximately 320' long connecting the main part of the lot to Fisher Street	Plan Book 300, #911 of 1982 12-16-1982	E

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
<p>Racicot Realty Trust grants Giovanellas an easement over the 50' wide ROW on Lot 6</p>	<p>7/25/1984</p>	<p>The ROW runs east to west in the southern portion of the lot covering the full width of the property between Fisher Street on the west and the Giovanellas property at the back on the east. The ROW is for the benefit of the Giovanellas to be used in common with Racicot (his successors and assigns) for all purposes for which public ways are used in the Town of Medway. In accepting the easement (ROW) the Giovanellas are responsible to share equally with the owner of lot 6 in the cost of maintaining and repairing the ROW.</p>	<p>Book 6489, Page 606 9-5-1984</p>	<p>F</p>
<p>Medway PB approves a Definitive Subdivision Plan for Racicot Realty Trust</p>	<p>Endorsed 4-8-1986; reaffirmed 9-27-1986</p>	<p>The plan divides Lot 6 into 2 house lots (6A and 6B) with a cul de sac for frontage. Lot 6A is shown with a 50' ROW running northeasterly from the end of the cul de sac to the western boundary of the Giovanellas' 5 acre parcel to the east. Lot 6A on the plan does NOT show the 50' ROW previously granted by Racicot to the Giovanellas in 1984 or the 60' easement along the northern edge of the property previously retained by the Giovanellas when they sold the land to Racicot in 1982. NOTE - sac cannot locate the subdivision Certificate of Approval from 1986.</p>	<p>Plan Book 373, #1095 of 1988 10-5-1988</p>	<p>G</p>

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
Subdivision Covenant signed by Racicot Realty Trust and the Medway PB	4/23/1986	This is not the standard subdivision covenant to ensure performance. It looks like a combination of a conventional subdivision covenant and a PB subdivision decision.	Book 8120, Pages 718-720 10-5-1988	H
Medway PB endorses an ANR Plan for Dean Cooperative Bank	4/1/1989 and 11/13/1990	The ANR plan adjusts the boundary line between Lots 6A and 6B; it retains the cul de sac; it removes the ROW shown on the 9-7-1986 subdivision plan; it shows the previously granted ROWs from 1982 and 1984.	Plan Book 396, #874 of 1990 12-6-1990	I
Dean Bank takes ownership of Lot 6	11/9/1989	Foreclosure deed	Book 8515, Page 5 12-18-189	J
Dean Bank conveys Lots 6A (8.7 acres) to Andy and Audra Rodenhiser	12/4/1990	The conveyance is subject to the previously granted ROW easements from 1982 and 1984; Rodenhisers receive one half interest in the private way shown on the plan and the right to use the private way in common with the owner of Lot 6B subject to the owner of the easement/ROW to use the private way, and together with the right to install utilities in the private way. Subject to restriction that the private way will remain a private way. The owners of Lots 6A and 6B shall maintain the way and share costs equally. The premises was conveyed subject to a PB Covenant from April 15, 1986	Book 8804, Page 427 12-6-1990	K

TRANSACTION	DATE	EXPLANATION	RECORDING INFO	ATTACHMENT
PB Releases Subdivision Covenant from April 1986	12/11/1990		Book 9088, Page 414 10-30-1991	L
Audra Rodenhiser conveys Lot 6A to Andy Rodenhiser	6/28/2011		Book 28926, Page 504 5-2011	M
				Updated sac 7-13-2012

5827

50

MASSACHUSETTS UNCLAM DEED SHORT FORM (INDIVIDUAL) DEED

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

County: Massachusetts

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

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

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

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

SOUTHERLY by Fisher Street, to land now or formerly of George W. and Christine M. Scribner; thence

NORTHEASTERLY by land of said Scribner and by land now or formerly of the Estate of Newton to land of William P. Fairbairn; thence

NORTHERLY by said Fairbairn land to the Medway-Holliston Town line; thence

WESTERLY on said Town line to the point of beginning.

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

Fisher Street, Medway, Massachusetts
58 Fisher Street, Medway, Massachusetts

Property Address:
Grantee's Address:

RECEIVED
JUL 26 2011

CANCELLED 6.80
JAN 8 1981 136.80

TOWN OF MEDWAY
PLANNING BOARD

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

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

The Commonwealth of Massachusetts

Norfolk ss. December 31, 1980

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

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

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

Attachment B

Unofficial Property Record Card - Medway, MA

General Property Data

Parcel ID 4-44	Account Number 646
Prior Parcel ID --	
Property Owner GIOVANELLA JO-ANN & JOAN E.	Property Location 0 R FISHER ST
	Property Use POTEN LAND
Mailing Address 44 FISHER STREET	Most Recent Sale Date 1/1/1900
	Legal Reference 5827-80
City MEDWAY	Grantor N/A
Mailing State MA Zip 02063	Sale Price 0
ParcelZoning	Land Area 5.000 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 133,600	Total Value 133,600
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Building Description

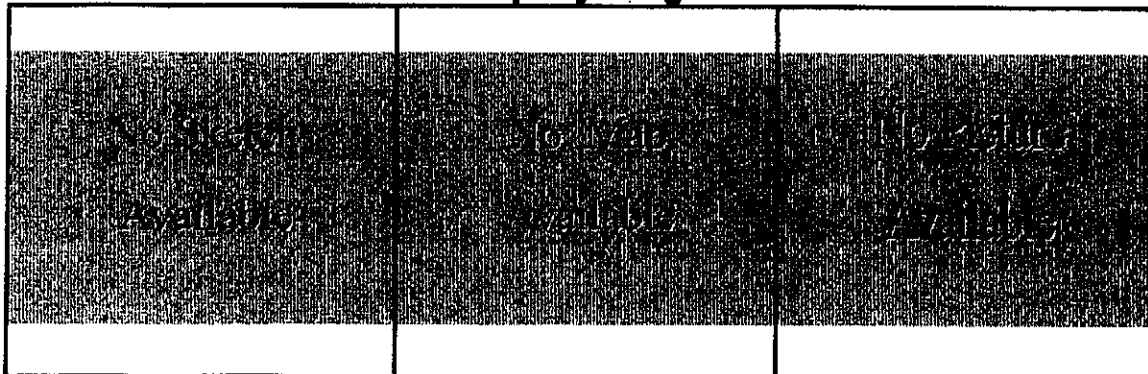
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition Average	Sliding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bemt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 5.000 acres of land mainly classified as POTEN LAND with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



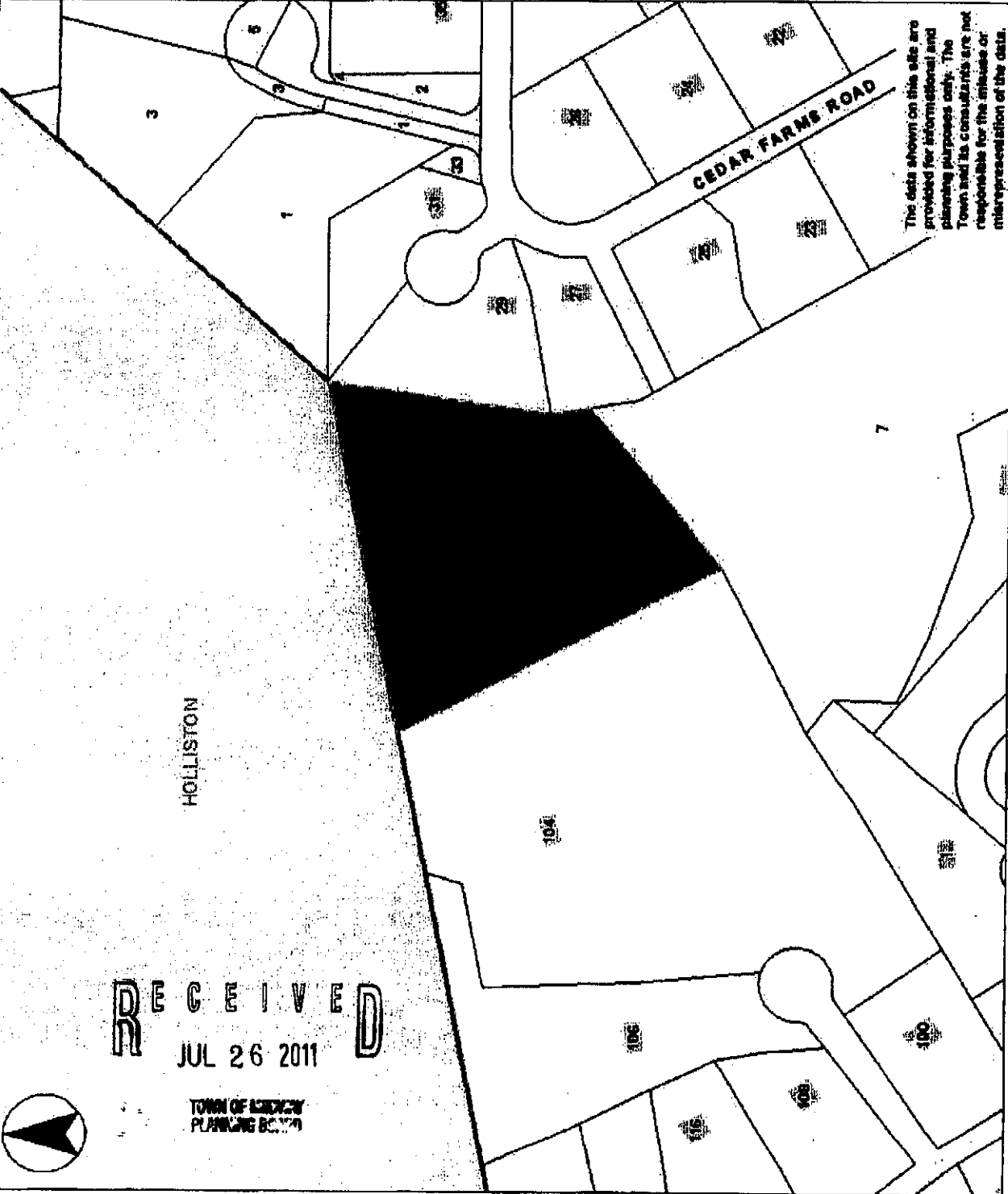
Disclaimer: This information is believed to be correct but is subject to change and does not warrant title.

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD



- Places
- Fire Stations
 - Police Stations
 - Town Halls
 - Public Libraries
 - Schools
 - Commuter Rail
 - Commuter Rail Stations
 - Town Boundary
 - Streets
 - Shading Towns
 - Buildings
 - Parcels
 - Parcels With Aerials



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

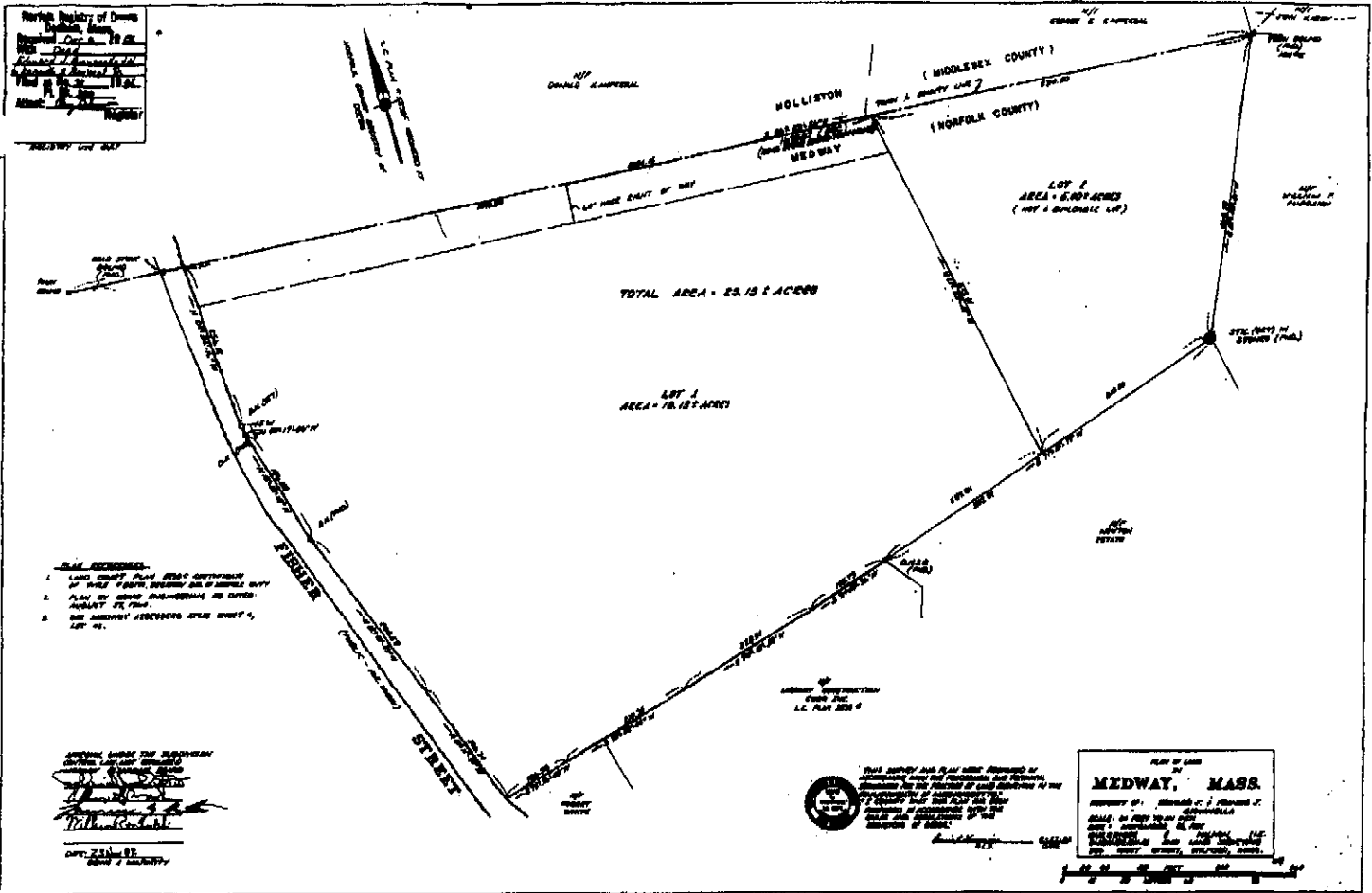
HOLLISTON

RECEIVED
JUL 26 2011

TOWN OF ANDOVER
PLANNING BOARD



0 240 480 FT



RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

6085

460

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 881

We, EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, both of Medway, Norfolk County, Massachusetts ~~for consideration paid~~, and in full consideration of \$116,000.00

grants KENNETH S. RACICOT, Trustee of Racicot Realty Trust under a declaration of trust dated 12/3/82 to be recorded herewith of 295 Washington Street, Sherborn, Middlesex County, Massachusetts with quitclaim covenants

the land situated on the Easterly side of Fisher Street in Medway, Norfolk County, Massachusetts, and being shown as Lot 1 on a plan entitled "Plan of Land in Medway, Mass. Property of: Edward J. & Francis J. Giovanella Scale: 60 feet to an inch Date: November 23, 1982 Guerriere & Halnon, Inc. Engineering and Land Surveying 326 West Street, Milford, Mass.", which plan is to be recorded herewith. Said Lot 1 contains 18.13+ acres according to said plan. Reserving to the grantors, in common with others entitled thereto, the right to use the "60' wide right of way" as shown on the plan hereinbefore referred to, for any and all purposes for which public ways are commonly used in the Town of Medway.

For grantors' title, see Norfolk Deeds Book 5827, Page 80.

Address of Property: Fisher Street (unnumbered), Medway, MA



RECEIVED JUL 26 2011 TOWN OF MEDWAY PLANNING BOARD

Witness OUR hands and seals this 3rd day of December 1982

Edward J. Giovanella

Francis J. Giovanella

The Commonwealth of Massachusetts

Middlesex ss.

December 3, 1982

Then personally appeared the above named Edward J. Giovanella and Francis J. Giovanella

and acknowledged the foregoing instrument to be their free act and deed before me

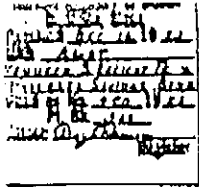
Robert E. Pizzo Notary Public - FARMINGHAM

My commission expires March 10, 1983

RECORDED DEC 3 11 30 AM '82

Attachment E

Exhibit "B"

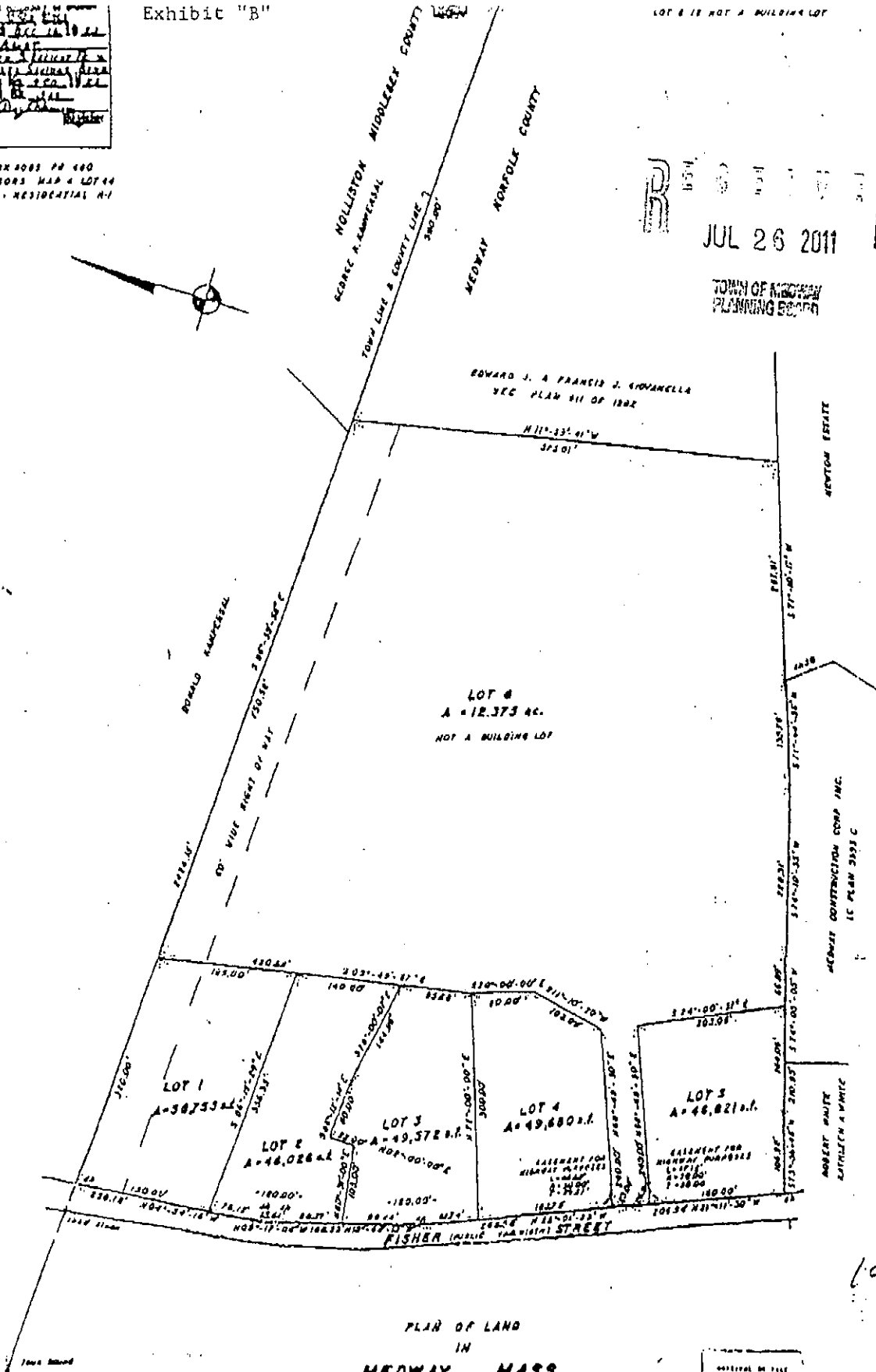


DEED BK 4083 PG 490
ASSESSORS MAP 4 LOT 44
ZONING: RESIDENTIAL R-1

LOT 6 IS NOT A BUILDING LOT

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD



PLAN OF LAND
IN
MEDWAY, MASS.
PROPERTY OF
RACIGOT REALTY TRUST

SCALE 1" = 60' DECEMBER 7, 2012

SURVEYED BY
DRAKE ASSOCIATES INC.
CIVIL ENGINEERS LAND SURVEYORS

I CERTIFY THAT THIS PLAN HAS
BEEN PREPARED IN COMPLIANCE
WITH THE RULES AND REGULATIONS
OF THE REGISTRAR OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.



CONTROL IN FILE

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED.
MEDWAY PLANNING BOARD

Signature and date: 12/11/12

1982

6489

606

RECEIVED RECORDED

1984 SEP -5 AM 9 26

REFER TO PLAN NO. 10359/1984, BOOK 314

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 6486, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Sherborn, Middlesex County, Massachusetts,

in consideration of the payment of the sum of One (\$1.00) Dollar and other good and valuable consideration, grant to EDWARD J. GIOVANELLA and FRANCIS J. GIOVANELLA, their successors and assigns, with quitclaim covenants,

an Easement over the "50' wide right of way" as shown on a Plan of Lot 6 on a plan entitled "Plan of Land in Medway, Massachusetts, property of Racicot Realty Trust, May 30, 1984, Drake Associates, Inc." to be recorded herewith, said "50' wide right of way" for the benefit of and as appurtenant to the Grantee's land, to be used in common with the Grantor, their successors and/or assigns for all purposes for which public ways are used in the Town of Medway.

The Grantees, by acceptance of this easement, consent and agree, for themselves, their heirs and assigns, that they will share equally with the owner of Lot 6, in the cost of maintenance (including snow plowing) and repair of the Right of Way.

For my title see Deed recorded with said District Deeds in Book 6085, Page 480

Witness my hand and seal this 25th day of July, 1984.

Kenneth S. Racicot
KENNETH S. RACICOT, Trustee of
Racicot Realty Trust

William J. Meloff, ss. COMMONWEALTH OF MASSACHUSETTS July 25th, 1984

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

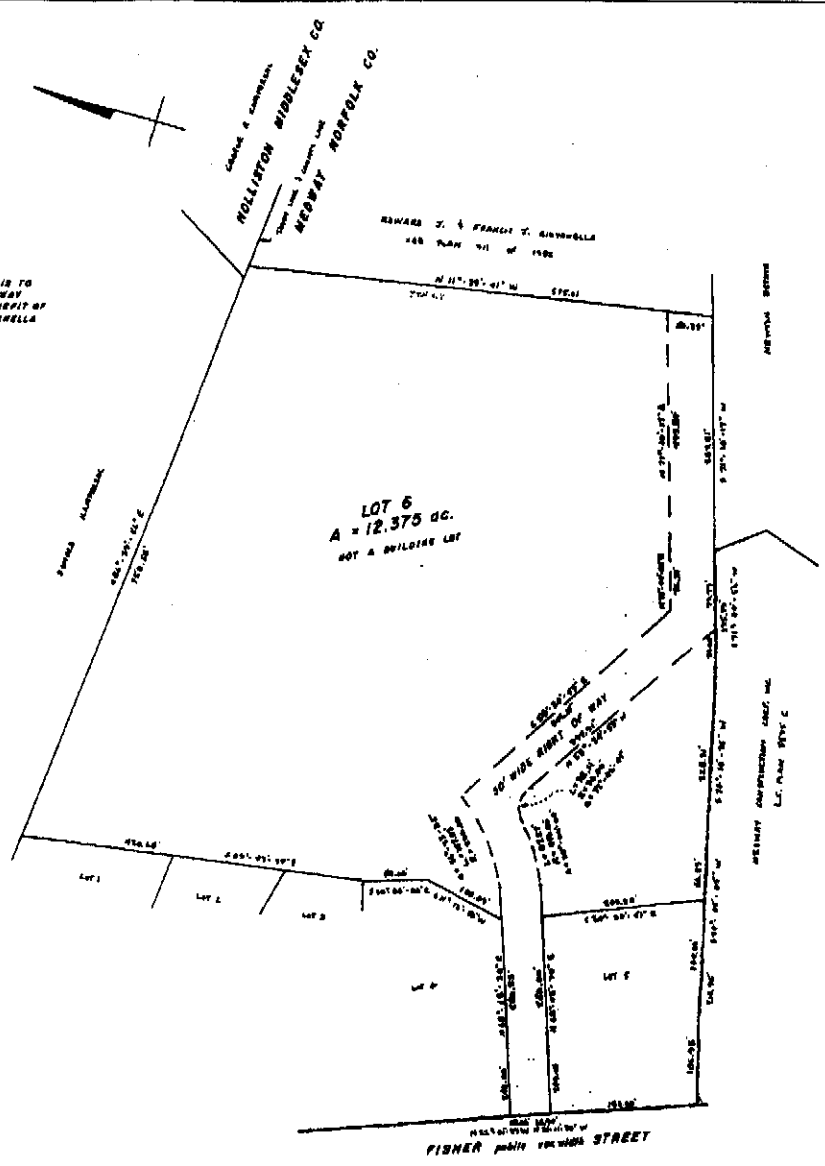
William J. Meloff
Notary Public
My commission expires: 11/1/86

RECEIVED
JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD

Norfolk Registry of Deeds
 Doughty Street
 Received Dec 3 19 27
 With Grant
 Edward J. Biorella Tr. &
 Francis J. Biorella & C.
 Filed in No. 7032 19 27
 Pl. No. 716
 Attest: *[Signature]*
 Register

THE PURPOSE OF THIS PLAN IS TO
 DEFINE A 50' WIDE RIGHT OF WAY
 ACROSS LOT 6 FOR THE BENEFIT OF
 EDWARD J. & FRANCIS J. BIORELLA



RECEIVED
 JUL 26 2011

TOWN OF MEDWAY
 PLANNING BOARD

PLAN OF LAND
 IN
MEDWAY, MASS.

PROPERTY OF
 RACIOTT REALTY TRUST
 SCALE 1" = 80'
 MAY 30, 1994
 DRAWN & SURVEYED BY
 BRADY ASSOCIATES, INC.
 CIVIL ENGINEERS LAND SURVEYORS
 770 GROVE STREET FRANKLIN, MASS.

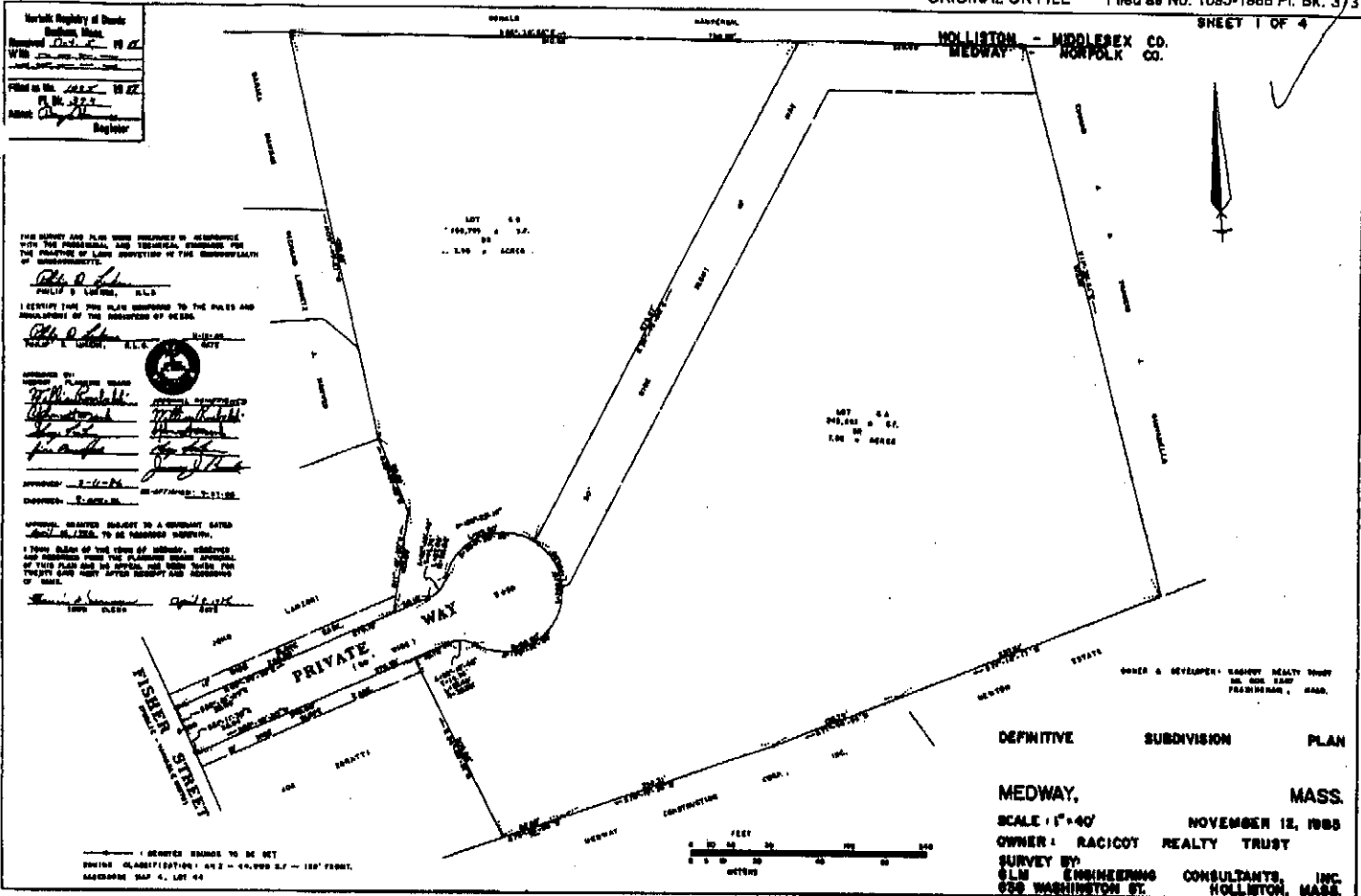
I CERTIFY THAT THE PROPERTY LINES
 SHOWN ARE THE LINES DIVIDING EXISTING
 OWNERSHIP AND THE LINES OF STREETS
 AND WAYS SHOWN ARE THOSE OF PUBLIC
 OR PRIVATE STREETS AND WAYS ALREADY
 ESTABLISHED AND THAT NO NEW LINES
 FOR DIVISION OF OWNERSHIP OR FOR
 NEW WAYS ARE SHOWN

[Signature]
 REGISTERED LAND SURVEYOR 10321

I CERTIFY THAT THIS PLAN HAS
 BEEN PREPARED IN CONFORMANCE
 WITH THE RULES AND REGULATIONS
 OF THE REGISTER OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS.

[Signature]
 REGISTERED LAND SURVEYOR 10321

24,242



Notarial Registry of Deeds
 Suffolk County
 Received *Dec 2 1985*
 File of No. *1095-1988*
 P. Bk. *373*
 Page *373*
 Register

THIS SURVEY AND PLAN HAVE BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS AND TECHNICAL REQUIREMENTS OF THE PROVISIONS OF LAW GOVERNING THE SUBDIVISION OF LAND IN MASSACHUSETTS.

John P. Racicot
 JOHN P. RACICOT, S.L.C.
 I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

John P. Racicot
 JOHN P. RACICOT, S.L.C.
 REGISTER

APPROVED: *John P. Racicot*
 JOHN P. RACICOT, S.L.C.
 REGISTER

APPROVED: *John P. Racicot*
 JOHN P. RACICOT, S.L.C.
 REGISTER

DEFINITIVE SUBDIVISION PLAN
 MEDWAY, MASS.
 SCALE: 1"=40'
 NOVEMBER 12, 1985
 OWNER: RACICOT REALTY TRUST
 SURVEY BY: G.L.M. ENGINEERING CONSULTANTS, INC.
 659 WASHINGTON ST. HOLLISTON, MASS.

RECEIVED
 JUL 26 2011
 TOWN OF MEDWAY
 PLANNING BOARD

8120

718

87266

10-

COVENANT

KNOW ALL MEN BY THESE PRESENTS that whereas I, the undersigned, have submitted an Application with the Town of Medway Planning Board, for approval of a definitive Plan of a certain subdivision entitled "Definitive Subdivision Plan, Fisher St., Medway, MA" by BLN Engineering Consultants, dated November 12, 1985, submitted and owned by Kenneth S. Racicot as Trustee of Racicot Realty Trust, Bellingham, Massachusetts, originally filed with the Planning Board on November 12, 1985 and subsequently extended to March 14, 1986, concerning the property at or about 108 Fisher Street, Medway, and showing 2 proposed lots.

The undersigned, therefore, covenants and agrees with said Planning Board and with the inhabitants of the Town of Medway that no lot in said subdivision shall be sold and no building erected or placed upon any lot therein until the following covenants and conditions have been complied with and satisfied.

1. The ways and municipal services serving each lot have been constructed or installed, all in accordance with the requirements of said Board as set forth in its rules and regulations and as further specified and as modified hereinafter.

2. The proposed way shall be identified as a Private Way and deeds subsequently issued shall note that the way is and shall remain a Private Way to be owned by eventual owners of the lots served.

3. Compliance with Planning Board Rules and Regulations is waived with respect to the following:

- a) Construction of a roadway may be as detailed by the plan with a 16 foot width and Cape Cod berm.
- b) Construction of drainage which crosses Fisher Street will include application of a 4 inch crown to Fisher Street in the immediate vicinity of the entrance of the proposed road to Fisher Street.

4. All drainage easements as shown on said plan, or any revisions thereof, shall include the right to enter thereon and to provide the necessary maintenance thereof.

5. No building or structure shall be built or placed on a lot of land until adequate provision has been made for service thereof with an adequate water supply. Wells shall be installed in the subdivision in accordance with the rules and regulations of the Board of Health of the Town of Medway. The undersigned shall guaranty for a period of one (1) year from the date of conveyance of each lot that the well installed on each lot shall provide a flow of potable water in the amount of at least five (5) gallons per minute.

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TOWN OF MEDWAY
PLANNING BOARD

6. No building or structure shall be built or placed on a lot of land without the approval of the Medway Board of Health.

7. The owner may furnish a bond in an amount sufficient in the opinion of the Board to cover:

- a) The costs of construction and installation of all the ways and municipal services therein (referred to in Item 1) or any unfinished part thereof.
- b) The performance of the requirements contained in this agreement or any portion thereof.

8. Grading on all lots shall be in compliance with the Planning Board Rules and Regulations.

9. Slopes are to be vegetated with sufficient shrubbery to retain slope and prevent erosion.

10. Drainage provisions shall be made, whether they are additional to or modifications of those in the approved plan, as determined by the Planning Board Field Representative to be necessary for the adequate handling of surface water or ground water in the subdivision.

11. The undersigned agrees that the land shall not be further subdivided, and shall not be further developed than as shown on Plan as two buildable lots.

12. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

13. Nothing contained in this covenant shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

14. The premises or any part thereof may be mortgaged by the owner and any such mortgage or mortgages, as well as any title based thereon, shall not be deemed to be a sale.

15. When the requirements of this covenant have been complied with as to a particular lot, then the foregoing restrictions as to the erecting or placing of a building on that lot shall be removed and a certificate of partial compliance duly executed by a majority of the Board waiving this prohibition as to such particular lot(s) shall be filed and recorded in the Norfolk Registry of Deeds.

16. The undersigned represents and covenants that as of the date of recording said plan and this covenant therewith, with the Norfolk County

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TOWN OF MEDWAY
PLANNING BOARD

Registry of Deeds, the undersigned shall be the owner in fee simple of all the land included in the aforesaid subdivision, and that any mortgages covering any of said land recorded therewith or subsequent thereto shall be subject to this covenant insofar as in force and applicable.

17. All utilities to be installed and construction of all roads and sidewalks to be fully completed in accordance with Rules and Regulations of the Town of Medway Planning Board in two years from the date of approval of the plan.

18. Endorsement of the approval is conditional upon the provision of a covenant duly executed and approved, to be noted on the plan and recorded with the Norfolk County Registry of Deeds, said form of guarantee may be varied from time to time by the Applicant subject to agreement on the adequacy and amount of said guarantee by the Board. Modifications must also be shown on the plan before its endorsement and recording.

WITNESS my hand and seal this 16th day of April, 1986.

KENNETH S. RACICOT, Trustee of RACICOT REALTY TRUST, a/k/a The Racicot Realty Trust, under Declaration of Trust dated December 3, 1982, recorded with Norfolk Registry of Deeds, Book 8086, Page 473, as amended by Amendment dated May 16, 1983, recorded with said Deeds, Book 6179, Page 30, of Bellingham, Norfolk County, Massachusetts.

RACICOT REALTY TRUST

By: Kenneth S. Racicot
KENNETH S. RACICOT, Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

April 16, 1986

Then personally appeared the above named KENNETH S. RACICOT, Trustee as aforesaid, and acknowledged the foregoing to be his free act and deed, before me,

Kathryn A. Sanderson
Kathryn A. Sanderson Notary Public
My commission expires: Sept. 24, 1991

WITNESS our hands and seals this 23rd day of April, 1986.

William Rombalaki
Greg. P. Shea
Richard W. Putnam

Members of the Planning Board of the Town of Medway

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TOWN OF MEDWAY
PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

April 23, 1986

Then personally appeared William Rombalaki, one of the above named members of the Planning Board of the Town of Medway, and acknowledged the foregoing instrument to be the free act and deed of the Planning Board as aforesaid, before me,

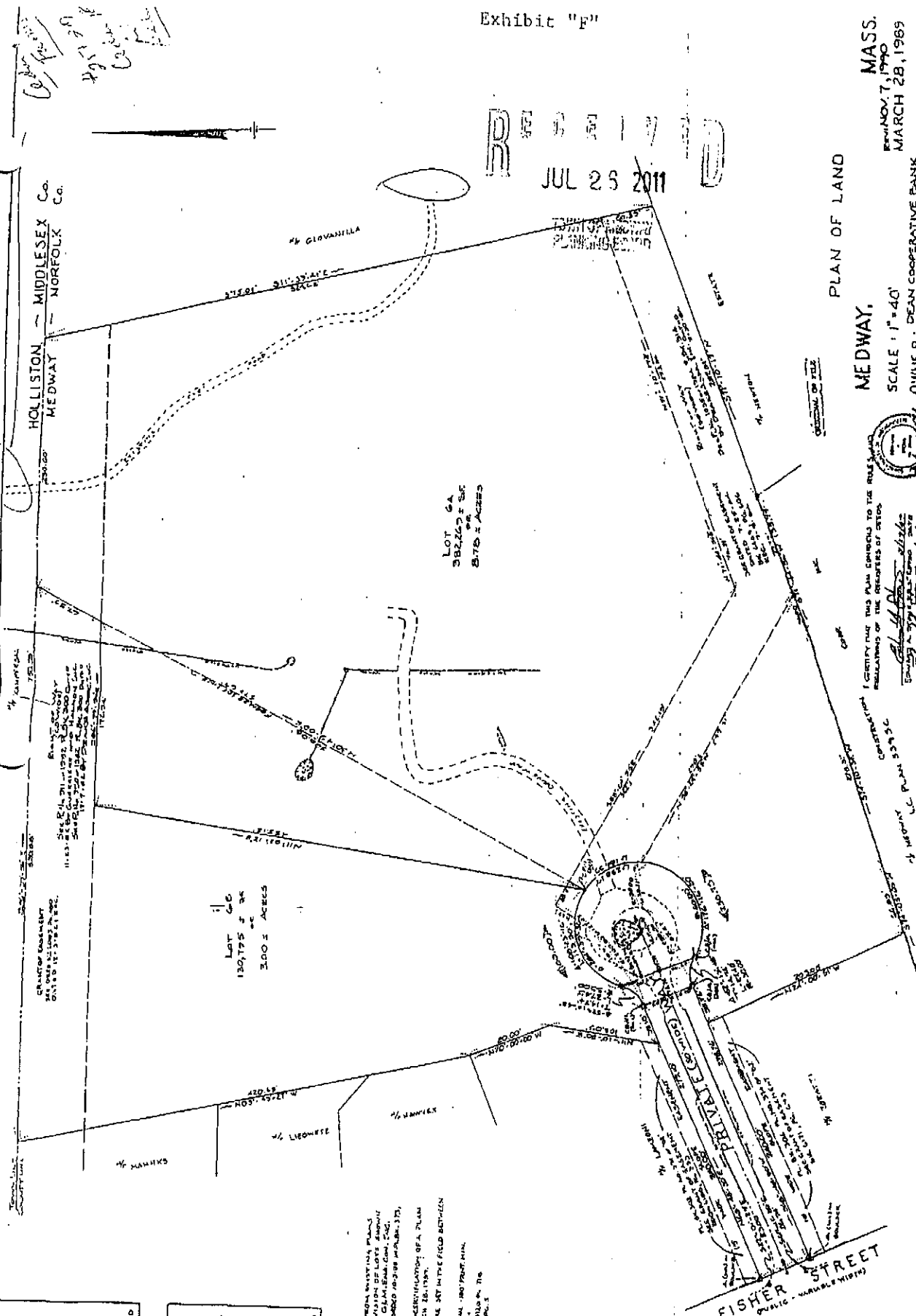
Harold M. Wilbur
Notary Public

My commission expires:

March 12, 1993

Exhibit "F"

RECEIVED
JUL 25 2011



PLAN OF LAND

ME DWAY,

SCALE: 1" = 40'

OWNER: DEAN COOPERATIVE BANK

MASS.
FEBRUARY 7, 1990
MARCH 28, 1989



I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE DEPARTMENT OF STATE PLANNING BOARD.

[Signature]
PLANNING BOARD

APPROVED BY PLANNING BOARD

[Signature]

APPROVED BY PLANNING BOARD

[Signature]

THIS PLAN PREPARED FROM EXISTING PLANS AND SURVEYS. THE LOCATION OF LOTS SHOWN IS BASED ON THE RECORDS OF THE DEPARTMENT OF STATE PLANNING BOARD, DATED MARCH 18, 1989. THIS IS AN UPDATE / RECONSTRUCTION OF A PLAN DATED MARCH 18, 1989. OWNERS SHOULD VERIFY WITH THE FIELD BETWEEN THE 1/2 GIOVANILLA AND 1/2 LIONHEFFE. ANY DISCREPANCY BETWEEN THE FIELD AND THIS PLAN SHALL BE THE RESPONSIBILITY OF THE OWNER.

JURY OF DEEDS
MAY 18 19 22

[Signature]
MAY 18 19 22

8515

MASSACHUSETTS FORECLOSURE DEED BY CORPORATION (LONG FORM) 5

103363

35.00

103364

DEAN COOPERATIVE BANK
a corporation duly established under the laws of Massachusetts

and having its usual place of business at 21 Main Street, Franklin, Norfolk

County, Massachusetts holder of a mortgage

from KENNETH S. RACICOT, TRUSTEE of the RACICOT REALTY TRUST under
Declaration of Trust dated December 3, 1982 and recorded with Norfolk
Deeds in Book 6085, Page 473
to DEAN COOPERATIVE BANK

dated November 25, 1986 recorded with Norfolk Deeds

book 7337 , page 447 , by the power conferred by said mortgage and
every other power, for ONE HUNDRED NINETY-FIVE THOUSAND (\$195,000.00) dollars

paid, grants to DEAN COOPERATIVE BANK, situated at 21 Main Street,
Franklin, Norfolk County, Massachusetts

the premises conveyed by said mortgage.

The land with the buildings thereon, situated in Medway, Norfolk
County, Massachusetts, off the Easterly side of Fisher Street, and
being shown as Lot 6 on a plan entitled "Plan of Land in Medway,
Mass., Property of Racicot Realty Trust, Scale 1" = 60', dated
December 7, 1982, Surveyed by Drake Associates, Inc., Civil Engineers,
Land Surveyors, 770 Grove Street, Framingham, Mass.", said plan re-
corded with Norfolk Deeds as Plan 950 of 1982 in Plan Book 300, to
which plan reference is made for a more particular description.

Containing according to said plan 12.375 acres.

Subject to right of way to Edward Giovanela recorded with Norfolk
Deeds in Book 6489, Page 606.

Property address: Lot 6 off of Fisher St., Medway, MA

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
MEDWAY, MA
BOOK 7337 PAGE 447
5
ANGELI
12/18/89

TAX 889.20
CHCK 889.20

5077A017 1144
EXCISE TAX

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69 DEC 18 AM 11:49

Witness the execution and the corporate seal of said corporation this ninth day of November 19 89

Dean Cooperative Bank

By: [Signature]
Wayne A. Cottle, President & Treasurer

The Commonwealth of Massachusetts

Norfolk ss. November 9, 19 89

Then personally appeared the above named WAYNE A. COTTLE

and acknowledged the foregoing instrument to be their free act and deed of DEAN COOPERATIVE BANK

before me,

Robert W. Simmler [Signature]
Notary Public - [State Seal]

My commission expires February 15, 1996

Recorded Dec. 18, 1989 at 11h.49m. A.M.

) The following is subjoined to the foregoing instrument.

8804

2500
PL 25.00

427

MASSACHUSETTS QUITCLAIM DEED BY CORPORATION (LONG FORM) 708

97177

RECORDED
90 DEC 6 AM 12
BOOK 8170 PL 39

DEAN COOPERATIVE BANK

a corporation duly established under the laws of Massachusetts
and having its usual place of business at 21 Main Street, Franklin, Norfolk County,
County, Massachusetts

for consideration paid, and in full consideration of \$55,000.00

grant to ANDREW S. RODENHISER AND AUDRA J. RODENHISER, husband and wife,
as tenants by the entirety, both
of 20 Highgate Road, Framingham, Middlesex County, Massachusetts
with quitclaim returns

(Description and encumbrances, if any)

The land situated off the Northeasterly side of Fisher Street in
Medway, Norfolk County, Massachusetts, and being shown as Lot 6A on
a plan entitled "Plan of Land in Medway, Mass., Scale: 1" = 40',
dated March 28, 1989, Revised: November 7, 1990, Owner: Dean
Cooperative Bank, Franklin, Mass. Prepared by: E. A. S. Survey, Inc.,
141 Route 6A Salt Pond Bldg., P. O. Box 1729, Sandwich, MA 02563",
said plan to be recorded herewith, to which reference is made for
a more particular description.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Conveyance is made subject to grants of easement recorded with Norfolk
Deeds in Book 6489, Page 606 and Book 6085, Page 480.

Conveyance is also made subject to "existing cart road" as shown on
said plan, and to "existing driveway" as shown on said Plan.

Together with a one-half interest in the private way as shown on
said plan. Together with the right to use said private way in common
with other owner of Lot 6B and subject to the owner of the easement
to use said private way, and together with the right to install utilities
within said Private Way.

Conveyance is made subject to the further restriction that the said
private way will remain a private way and that the owners of Lot 6A
and Lot 6B as shown on said plan, will maintain said way, and share
costs equally.

Said conveyance does not constitute all the assets or a substantial
portion of the assets of said Dean Cooperative Bank and said
conveyance is made in the usual course of business.

For title see Foreclosure Deed of Dean Cooperative Bank recorded
with Norfolk Deeds in Book 8515, Page 5.

The premises are conveyed subject to a Right of Way 50' Wide as shown on said Plan
and a Right of Way 60' Wide as shown on said Plan.

The premises are conveyed subject to a Planning Board Covenant dated April 15, 1986
Recorded with said Deeds in Book 8120, Page 718.

Property address: Lot 6A, Fisher Street, Medway, Massachusetts 02053

90 DEC 6 AM 12

RECORDED

REFER TO PLAN NO. 74-1710 PL BOOK 39

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JUL 26 2011

TOWN OF MEDWAY
PLANNING BOARD



In witness whereof, the said Dean Cooperative Bank
 has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and
 delivered in its name and behalf by Wayne A. Cottle
 its President and hereto duly authorized, this 4th
 Treasurer
 day of December in the year one thousand nine hundred and ninety.
 Signed and sealed in presence of

DEAN COOPERATIVE BANK

by 
 Wayne A. Cottle, President and
 Treasurer of Dean Cooperative Bank

The Commonwealth of Massachusetts

NORFOLK ss.

December 4, 1990

Then personally appeared the above named Wayne A. Cottle
 and acknowledged the foregoing instrument to be the free act and deed of the Dean Cooperative Bank
 before me


 Robert W. Simlar Notary Public - State of Massachusetts

My commission expires February 15, 1996

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 10:00 AM
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 JUL 26 2011

TOWN OF MEDWAY
 PLANNING BOARD

APPROVAL UNDER
THE SURVEYING CHARTER
LAW NOT REQUIRED

[Signature]

DATE: *April 1, 1989*

NEED NOT BE RECORDED

APPROVAL UNDER
SURVEYING CHARTER
LAW NOT REQUIRED

[Signature]

DATE: *April 1, 1989*

NEED NOT BE RECORDED

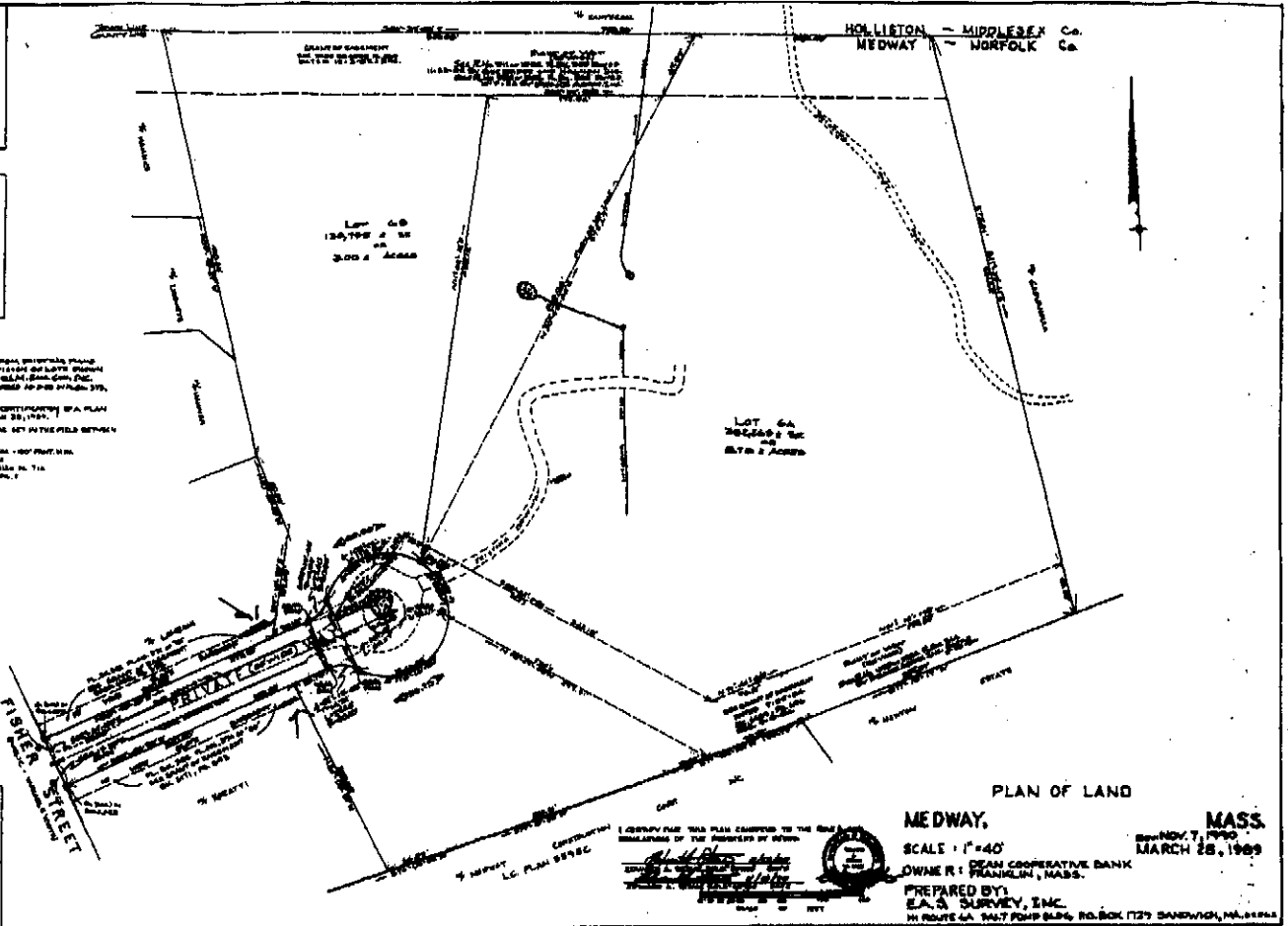
THIS PLAN WAS PREPARED FROM SURVEYING PLANS
OR RECORDS AND IS A SURVEY OF LAND OWNED
OR INTERESTED IN BY DEAN COOPERATIVE BANK,
FRANKLIN, MASS. FOR THE PURPOSES OF THE
PLANNING ACT, 1978, AS AMENDED BY CHAPTER 270A,
PL. 1979 OF 1979.

THIS PLAN IS AN UPDATE OF AN EARLIER PLAN
BY E.A. STONE, DATED MARCH 28, 1989.

ALL DIMENSIONS TO BOUNDARIES NOT INDICATED OTHERWISE
ARE TO THE CENTER OF THE LINE.

REF. EDWARD A. STONE'S SURVEYING PLANS AND RECORDS
ARRANGED INTO A LOT OF
RECORDS (BOOKS 20, 21 & 22)
AND SHEETS 20, 21

Notary Registry of Book
Registry, Mass.
Notary Public, 19 22
Notary Public, 19 22
Notary Public, 19 22
Notary Public, 19 22
Notary Public, 19 22



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JUL 26 2011

SEAL OF MASSACHUSETTS
PLANNING BOARD

9088

414

Lot 6A Fisher St., Medway

909:11

10. -

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 8120 PAGE 718
9088 414
[Signature]

RELEASE OF COVENANT AND CONDITIONS

We, the undersigned, being a majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that lots 6A and 6B on a plan entitled, Definitive Subdivision Plan, Fisher St., Medway, Mass., Subdivision of Land in Medway, Massachusetts, Owner & Developer: Kenneth S. Racicot, Trustee of Racicot Realty Trust, dated November 12, 1985, Surveyed by: GLM Engineering Consultants, which is registered in Norfolk County Registry as Plan No. 1095 of 1988, Plan Book 373, to which reference may be made for a more particular description, is hereby released from the terms, provisions, and conditions as set forth in a covenant between Kenneth S. Racicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986, recorded in Book 8120, Page 718 with said deeds.

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91 OCT 30 AM 11:19

Signed and sealed at Medway, Massachusetts, this 11th day of December, 1990.

[Signatures of James J. Bradley, Allan Fraser, and others]

NORFOLK, SS.

Dated: December 11, 1990

Then personally appeared the above-named Allan Fraser and acknowledged the foregoing instrument to be his free act and deed, before me.

Harold M. W. [Signature]
Notary Public
My commission expires:
March 12, 1993

Bk 28926 Pg 503 #62933
07-05-2011 @ 10:51a

QUITCLAIM DEED

I, AUDRA J. RODENHISER, being an unmarried person, of Medway, Norfolk County, Massachusetts,

in full consideration of less than One Hundred (\$100.00) Dollars, and pursuant to a Judgment of Divorce from the Norfolk Probate and Family Court, Docket No. 10D0376DR,

grant to ANDREW S. RODENHISER, of 104 Fisher Street, Medway, Norfolk County, Massachusetts, individually

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

with QUITCLAIM COVENANTS

CERTIFY

(Description)

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

The land with the buildings thereon situated on the Northeasterly side of Fisher Street in Medway, Norfolk County, Massachusetts, being shown as Lot 6A on a plan entitled "Plan of land in Medway, Mass., Scale 1" = 40', dated March 28, 1989, Revised: November 7, 1990, Owner: Dean Cooperative Bank, Franklin, Mass., Prepared by: E.A.S. Survey, Inc., 141 Route 6A Salt Pond Bldg., P.O. Box 1729, Sandwich, MA 02563" which plan is recorded in Norfolk Registry of Deeds as Plan No. 874 of 1990 in Plan Book 396. Reference is hereby made to said plan on a more particular description to said Lot 6A.

Lot 6A containing 382,269± or 8.7± acres according to said plan.

Subject to grants of easement recorded with said Deeds in Book 6489, Page 606 and Book 6085, Page 480 and subject to "existing cart road" as shown on said plan and to "existing driveway" as shown on said plan.

Together with a one-half interest in the private way as shown on said plan. Together with the right to use said private way in common with the other owner of Lot 6B and subject to the owner of the easement to use said private way, and together with the right to install utilities within said private way. Subject to the further restriction that the said private way will remain a private way and that the owners of Lot 6A and Lot 6B as shown on said plan will maintain said way, and share costs equally.

Subject to Two Rights of Way, one 50' wide & one 60' wide, both shown on Plan No. 874 of 1990 in Plan Book 396 and subject to another 50' wide Right of Way shown on plan filed as Plan No. 1095 of 1988 in Plan Book 373 insofar as same is still in force and applicable.

Property Address: 104 Fisher Street Medway, MA

Subject to a Planning Board Covenant dated April 16, 1986 and recorded with said Deeds in Book 8120, Page 718 as affected by Release of Covenant and Conditions recorded in Book 9088, Page 414.

Being the same premises conveyed to Audra J. Rodenhiser by deed of Andrew S. Rodenhiser and Audra J. Rodenhiser dated February 28, 2003 and recorded with Norfolk Registry of deeds in Book 18331, Page 548.

WITNESS my hand and seal this 22 day of June 2011.

Audra J. Rodenhiser
Audra J. Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

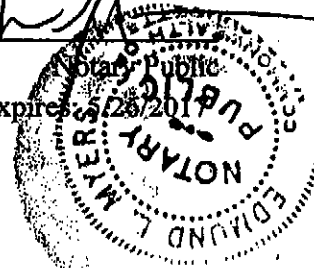
Date: June 22, 2011

On this 22 day of June, 2011, before me, the undersigned notary public, personally appeared AUDRA J. RODENHISER, proved to me through satisfactory evidence of identification, which was by Diana Cicci, to be the person whose name is signed on the within document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Edmund L. Myers

Edmund L. Myers

My commission expires: 5/28/2011



PHILLIPS, SILVER, TALMAN, AFRAME & SINRICH, P.C.

DAVID A. TALMAN
JAY Z. AFRAME
SCOTT S. SINRICH
JESSICA PARENTI
SARAH L. HARRIS
CHRISTINE A. OLIVARI

LAW OFFICES
146 MAIN STREET, 5TH FLOOR
WORCESTER, MASSACHUSETTS 01608-1137
TELEPHONE (508) 754-6852
FACSIMILE (508) 754-1944

SUMNER SILVER
OF COUNSEL
JAMES J. PHILLIPS
OF COUNSEL

July 19, 2012

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

RECEIVED
JUL 19 2012
TOWN OF MEDWAY
PLANNING BOARD

Re: Bay Oaks Subdivision
104 Fisher Street

Dear Board Members:

This office represents Andy Rodenhiser, the owner of 104 Fisher Street, Medway, Massachusetts. As you know, Mr. Rodenhiser filed an application for a preliminary subdivision plan with the Planning & Economic Development Board (the "Planning Board") on July 14, 2011. Mr. Rodenhiser's proposed subdivision would divide the 104 Fisher Street property into four residential lots, for the construction of three single family homes and one for the existing residence. This letter is to address issues concerning the existing private way leading to the 104 Fisher Street property. Currently, the private way provides access to both 104 Fisher Street and 106 Fisher Street, which is owned by Robert Reed.

Under Massachusetts law, Mr. Rodenhiser holds a fee ownership to the center line of the private way abutting 104 Fisher Street. See M.G.L. c. 183, § 58; *Lazarus v. Knowles*, 20 LCR 16 (Mass. Land Ct. 2012).

I would like to make the Planning Board aware of a 2004 Massachusetts Land Court case, *Lane v. Zylanski*, 12 LCR 127 (Mass. Land Ct. 2004), which supports my client's proposed use of the private way to access the intended subdivision. The *Lane* case was affirmed by the Massachusetts Appeals Court.

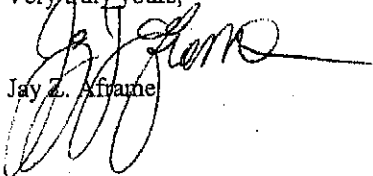
In *Lane*, an individual who owned property off of a private way, though a portion of that road was a public way, wanted to develop the property into 20 residential units. Neighbors raised a number of objections, including one objection that seemed to treat the private way as an easement stating that by adding 20 unit owners to the private way, the developer was overburdening the easement. The Land Court stated, "An increase ... in the number of users of an easement does not constitute an overburdening of the easement, just a change in degree." And in so stating, the Land Court quoted another Massachusetts case which held that, "doubtless, an increase in the number of persons who use the easement in connection with going to and from

the ... property would be a change in degree only, and would not overload the easement." The Land Court, quoting yet a third case, went on to further state that a general right of way obtained by grant may be used for such purposes as are reasonably necessary to the full enjoyment of the premises to which the right of way is appurtenant. Thus, if adding 20 units does not overburden an easement or a private right of way, certainly adding three units, as Mr. Rodenhiser seeks to do, would not constitute an overburdening of the private way.

Finally, it is my understanding that Mr. Reed, who is the only other owner of property accessed by the private way, would consent to Mr. Rodenhiser's proposed subdivision.

Should you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay E. Aframe", written over a horizontal line.

Jay E. Aframe

cc. Andy Rodenhiser.

PGC ASSOCIATES, INC.

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

July 13, 2012

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

Re: Bay Oaks Definitive Subdivision Plan

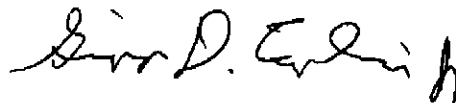
Dear Mr. Tucker:

I wish to supplement the comments in my July 5, 2012 review letter with a comment on the affordable housing provisions of Section V, Subsection X of the Zoning Bylaw. During consideration of the Bay Oaks preliminary plan, there had been considerable discussion about the affordable housing provisions of the Zoning Bylaw as they pertain to Bay Oaks.

As you know, at the time of that discussion, the affordable housing requirements were triggered by developments of 3 or more housing units. At the May 14, 2012 Annual Town Meeting, the affordable housing section of the Zoning Bylaw was amended. Among other changes, the affordable housing requirements are now triggered by developments of 6 or more housing units.

Since Bay Oaks is now under the threshold, the provisions are no longer applicable for this project, and therefore there was no need to mention them in my review letter. However, since the record shows the discussion of those provisions during the preliminary plan stage, it is now appropriate to explain why there was no mention of those requirements in my review letter pertaining to the definitive plan submission.

Sincerely,



Gino D. Carlucci, Jr.



Town of Medway
Affordable Housing Committee
155 Village Street
Medway, MA 02053

July 6, 2012

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

Dear Andy,

We are writing on behalf of the members of the Affordable Housing Committee to provide you and the members of the Planning and Economic Development Board with our consensus recommendations regarding the need for new zoning regulations that would facilitate the number of housing opportunities—especially rental opportunities—for low and moderate income individuals and families who would like to reside in the Town of Medway.

As you may know, this issue has been an ongoing discussion item at several of our meetings and we began a review of zoning proposals that might serve as a basis for increasing our affordable housing stock. As part of this effort, we looked at neighborhood maps of potential residential areas that might be affected by new zoning regulations, considered siting criteria, and drove through existing neighborhoods to observe frontage areas and respective lot sizes. However, we were not able to complete our efforts due our need for additional professional and technical guidance which was not available to us at that point in time. We do believe that we did learn enough to be able to offer some consensus recommendations for your consideration.

The AHC believes that the need for housing opportunities for low or moderate income families has grown more acute. It has been exacerbated by the current recession resulting in high rents—where and when rentals become available—and the slow recovery of the home ownership market as well as the lingering number of bank foreclosures. Therefore, we recommend the following:

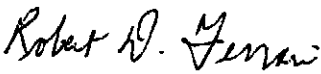
- PEDB should consider zoning regulations that would result in the creation of additional rental opportunities consistent with existing site plan and review processes

Further, the AHC expressed strong support for the following ideas as discussed at its meetings during the 2011-2012 year:

- Modify infill housing provisions in the ARII zoning district to allow for affordable units to be constructed on newly created infill (non-compliant) lots and not just on existing infill lots.

- Establishment of a new Village Residential (VR) zoning classification by rezoning some property from ARII to VR. (*This could apply to property located in the two Medway National Register Historic Districts—Rabbit Hill and Medway Village.*) In the VR zone, two family dwellings would be allowed **by right** subject to minimum standards enforced through administrative site plan review.
- Provide a mechanism to allow for the construction or a conversion of an existing structure to multi-family units (three or more) by special permit from the PEDB.

Sincerely,


Robert D. Ferrari
AHC Co-Chair


Alison Slack
AHC Co-Chair



SWAP Parking Bylaw Project

Funding provided by the
District Local Technical Assistance
program

Prepared for the

Towns of Bellingham, Hopkinton,
Medway, Sherborn and Wrentham
All member communities of the
SouthWest Advisory Planning
Committee (SWAP)

December 30, 2011



Prepared by
Metropolitan Area
Planning Council
60 Temple Place, 6th Floor
Boston, Massachusetts 02111
Tel (617) 451-2770
www.mapc.org

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TASK ONE:

Review of Existing Zoning Regulations

The first task of the project was to review the existing parking requirements in the zoning bylaws of the Towns of Bellingham, Hopkinton, Medway, Sherborn and Wrentham. Town Planners were asked to identify issues to be addressed in the study. In addition to the zoning bylaws, relevant town plans were also reviewed.

Appendix I summarizes this information and provides a baseline of information about the existing parking regulations in the five participating SWAP communities.

TASK THREE:

Model Parking Bylaws

For the final task, MAPC developed draft bylaws for 12 parking strategies organized into three general topic areas. These are:

Topic: Parking for Alternative Vehicles

Strategy # 1 Small Car Parking

Strategy # 2 Motorcycles

Strategy # 3 Bicycles

Strategy # 4 Electric Vehicles

Topic: Managing the Parking Demand

Strategy # 5 Reducing Required Parking

Strategy # 6 Parking Maximums

Strategy # 7 Fees-in-Lieu of Parking Spaces

Strategy # 8 Shared Parking

Topic: Managing the Environmental Impacts of Parking

Strategy # 9 Pervious Paving Materials

Strategy # 10 Parking Reserves

Strategy # 11 Landscaping for Shade and Air Quality

Strategy # 12 Location of Parking

The following Parking Bylaw Report includes a parking overview section and provides an explanation of how to use the Report. Each topic area is introduced by a context section that presents a brief background on the related parking strategies. There is a menu of suggested bylaw language that recognizes:

- The suburban nature of the SWAP subregion, with very limited public transportation
- Village centers with on-street or municipal parking areas
- Shopping mall, strip development, or village center without parking areas
- Employee vs. customer parking (long term vs. short term parking)

The project anticipates that communities will review the topics they are interested in and adapt the suggested bylaw language to suit their requirements. Shaded areas in the text indicate that a decision needs to be reached concerning a range of numbers or a percent, or signals an issue that may require a discussion of planning policy.

MAPC looks forward to working with SWAP communities to incorporate these parking strategies in town zoning bylaws.

Scope of Work: Metropolitan Area Planning Council (MAPC) and SouthWest Advisory Planning Committee (SWAP) Communities relative to Parking Bylaw Revisions using District Local Technical Assistance (DLTA) Funds

Bellingham, Hopkinton, Medway, Sherborn and Wrentham have requested assistance from MAPC to revise existing parking regulations in their town zoning bylaws utilizing state funds from the District Local Technical Assistance (DLTA) program. These five communities are part of the SouthWest Advisory Planning Committee (SWAP) subregion of MAPC.

Goals of the Study

- To develop dimensional parking requirements for alternative types of vehicles such as motorcycles, bicycles, and compact cars. Include incentives for promoting new technologies such as hybrid/electric cars.
- To develop flexible parking requirements for businesses that are pedestrian accessible and/or promote walking within the community. Determine if a reduction in number of required spaces is feasible and/or desirable for pedestrian-accessible locations.
- To examine the potential for incentives for business owners to modify existing parking areas to conform to new parking requirements.
- To reduce the amount of impervious surface required for parking facilities and allow for shared parking alternatives.

MAPC proposes the following Scope of Work:

1. MAPC will review existing zoning regulations in each participating town and solicit issues of concern from the Town Planners and Planning Boards. The participating towns are: Bellingham, Hopkinton, Medway, Sherborn and Wrentham.
2. MAPC will review current Best Practices to address the goals identified above. MAPC will research zoning bylaws that successfully incorporate the Best Practices.
3. MAPC will draft a model parking bylaw that incorporates sections to:
 - a. Promote shared parking
 - b. Reduce impervious surfaces
 - c. Allow for reduced dimensional standards for alternative vehicles such as motorcycles and bicycles and hybrid vehicles
 - d. Reduce parking requirements for businesses that promote access by other modes (transit, bicycle and pedestrian)
 - e. Promote sidewalk construction and connectivity

June 22, 2011

parking or a municipal lot, or for a strip development or area that would need to provide all required parking.

- ***Suggested bylaw language*** Will be shown in italics
- ____ Indicates a **decision** needs to be reached on the exact number or percent. This may include discussing the community's policies relating to land use and/or parking. Where a range or number or percent is given, the figure represents a current best practice and is from an existing parking regulation. **Planners/Planning Board members need to discuss and determine the appropriate number/percentage/policy for their community.**

I. TOPIC: MANAGING THE PARKING SUPPLY
How do we get the most from the spaces we need and/or have?

Context: Providing Parking for Alternative Vehicles

Managing the supply of parking includes making the most efficient use of land devoted to parking, as well as providing for alternate means of travel. SWAP planners requested information on varying the required dimensions of the spaces in order to accommodate different sizes and types of vehicles. The purpose of the suggested bylaws below is to provide flexible parking space requirements in order to accommodate other types/styles of vehicles, such as compact (small) cars, motorcycles, electric vehicles and bicycles.

Not everyone drives a Sport Utility Vehicle. Communities wish to acknowledge that there are a variety of vehicles that require varying amounts of parking. It is anticipated that by allowing developers, property owners, etc., some discretion in number, size and type of parking spaces that must be provided, less land overall will be devoted to parking, permitting additional development and encouraging more sustainable site design.

There are four parking strategies and model bylaws under this Topic:

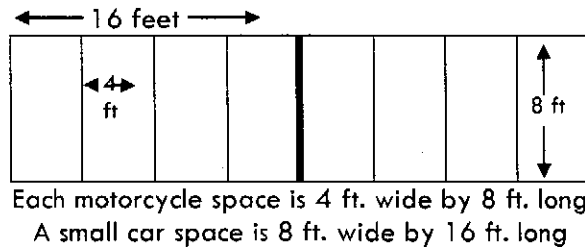
- Strategy # 1 Small Car Parking
- Strategy # 2 Motorcycles
- Strategy # 3 Bicycles
- Strategy # 4 Electric Vehicles

STRATEGY # 1 PARKING FOR SMALL (COMPACT) CARS

It may be preferable to use the term "small car" rather than "compact" because of variations in definitions, for example a "compact SUV" is still not a small car. The purpose of this bylaw is to encourage or require some small car spaces with reduced dimensions. The percentage of spaces that may be reserved for small cars can vary from 10% to 50% of total required spaces. Some communities wish to know how many small cars are registered in town, to gauge demand. Excise tax information available from the Assessor is one way to determine this information.

The benefit of this Strategy is that while the number of required spaces will likely remain the same, there will be a decrease in paved area on the site.

Where parking meters are utilized, and there are separate designated motorcycle spaces, the charge for these spaces should be one-fourth to one fifth (1/4 to 1/5) the rate for an automobile. This is because approximately four to five motorcycles can be parked in the space of one automobile. Seasonally, each group of 4 motorcycle spaces could become one small car space, with the cars parked in parallel. Adjustable signage could be modified, depending on the season, to accommodate either motorcycles or small cars.



Suggested bylaw language: To be adapted for Village Center and/or Strip Development

Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is greater

For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by 2 spaces. Each motorcycle space must be at least 4 feet wide and 8 feet long. Existing parking may be converted to take advantage of this provision.

OR

For parking lots containing more than 50 spaces, 10% of the required spaces may be designed for small car and/or motorcycle use. Small car parking spaces shall be not less than 8 ft. wide by 16 ft. long. Motorcycle spaces shall be not less than 4 ft. wide by 8 ft. long. Spaces designed for small cars and/or motorcycles shall be grouped in one or more contiguous areas and identified by appropriate signage.

STRATEGY # 3 BICYCLE PARKING

There is growing interest in the MAPC region in bicycles as a mode of travel. The success of Boston’s Bikeshare is one example; a growing network of dedicated bicycle lanes as a component of complete streets design is another. It makes sense to include secure bicycle parking in the array of alternate parking provisions. Some jurisdictions differentiate between employee and customer bicycle parking, requiring different accommodations for each. For example, employee (typically long term) would be covered, and could be within a building. Customer bicycle parking would be located near the main entrance door.

Suggested bylaw language: To be adapted for Village Center and/or Strip Development: Specific provisions to be determined by each community. This is a menu of Best Practices.

One bicycle parking space will be provided for each ten (10)(20 is also used) off street automobile spaces required. Each space will be a minimum of 2 feet wide by 6 feet long. Rack(s) will be provided that allow for the bicycle frame and one wheel (some specify two wheels) to be locked to the rack and that support the bicycle in a stable position without damage to wheels, frame or components. All bicycle racks and lockers shall be securely anchored to the ground or building structure.

Suggested bylaw language (Applies town-wide)

Add to **“Definitions”** section of the zoning bylaw, or incorporate the following definitions in a separate section of the bylaw:

Battery Charging Station: An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles at **Charging Level 1, 2 or 3.**

Charging Level: The standardized indicator of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Level 1 is considered slow charging; Level 2 is considered medium charging; Level 3 is considered fast or rapid charging.

Electric Vehicle: Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose, such as a battery electric vehicle or a plug-in hybrid electric vehicle.

Inserted under “Accessory Use” section

Battery Charging Station equipped with Level 1 or Level 2 charging equipment designed for electric vehicles is Allowed as an Accessory Use to any principal use. If only one station is provided, it shall be universally accessible (i.e. provide “Handicap Access”).

As a “Principal Use”

Battery Charging Station is Permitted in Industrial zones, and by Special Permit in Commercial zones. (This Principal Use would be similar to a gas station.)

Key Considerations for Alternative Vehicles

Implementation

The spaces for small cars, motorcycles and bicycles should be clustered and clearly marked. (Small cars with small cars, etc.). It may be desirable to provide a locational advantage by having these spaces near the building’s main entrance. Signage for motorcycles and bicycles could be movable so that good weather demand is met, and perhaps some of the space utilized for small cars in the winter. This could provide an incentive to include these types of spaces.

Challenges

Enforcement is always going to be an issue; we have all seen large pick-up trucks and SUVs parked in spaces designated “compact”. Is there a way to put small car dimensions on the sign? Some lots have spaces painted “compact car” to indicate they are reserved for this vehicle type.

Dimensional Table for Alternative Vehicles			
Standard Parking Space/Stall	9 feet wide	18 feet long	162 sq ft
Small Car Parking Space/Stall	8 feet wide	16 feet long	128 sq ft
Motorcycle Parking Space	4 feet wide	8 feet long	32 sq ft
Bicycle Parking Space	2 feet wide	6 feet long	12 sq ft
Universal Access Space (Handicapped)	12 feet wide	18 feet long	216 sq ft

Note that the parking lot aisles between entire rows of small cars can also be narrower.

- b. *Size and type of proposed uses or activities on site*
- c. *Rate of parking turnover*
- d. *Peak traffic and parking loads to be encountered*
- e. *Availability of on-street parking or municipal parking facility (Village Center) or existing lot (strip mall, shopping mall)*
- f. *Availability of public transportation, bicycle and/or pedestrian facilities such as sidewalks*
- g. *Other factors identified by the Planning Board, Zoning Board of Appeal (SPGA/Site Plan Review entity)*

4. *The SPGA/Site Plan Review entity may or shall consult with the Town building inspector, engineer and/or planner prior to granting any decrease in parking.*

5. *If the Special Permit Granting Authority (SPGA)/Site Plan Review entity allows a decrease in the amount of required off-street parking, the SPGA may require that a portion of the site be reserved to meet the off-street parking spaces required by this bylaw. This reserved area shall not be developed and shall be either landscaped or maintained in a natural state. The reserved area shall not count towards the open space requirements.*

Suggested Additional Bylaw Language for a Village Center

In the Village Business Zone (specify which commercial/business zone applies), legal on-street parking may be credited toward the parking requirements if the spaces are located between the premises side lot lines on the same side of the street.

OR

In the Village Business Zone, the required number of spaces for nonresidential uses shall be 50% of the amount listed in Table or Section____

Off-street parking may be reduced if there is a municipal parking lot within 2 blocks/400 feet of the use.

Off-street parking may be reduced if employees are provided with, and required to use, remote parking.

The following language is for communities with varying intensities of business zoning districts, including a central business district. It allows for a decrease based on the intensity of use:

Off-street parking for non-residential uses must be provided only if the number of required spaces exceeds 20 in the central business district or 5 in the limited business district.

STRATEGY # 6 PARKING MAXIMUMS

The amount of parking mandated by zoning represents the minimum amount required for particular uses. Another approach to manage parking is to establish an upper limit or a cap “a maximum” on the amount of parking that may be built. Establishing parking maximums can prevent developers from building excessively large lots. Providing for parking maximums in a zoning bylaw can assist with the redevelopment of parking lots and/or strip malls and shopping areas where an excess amount of parking has been created. Along with additional development

STRATEGY # 7 FEES-IN-LIEU OF PARKING SPACES

Several of the strategies to manage parking reference municipal parking lots. One of the challenges in many communities is to establish a municipal lot. Obviously, removing existing structures in a downtown or village center is not a preferred method of obtaining municipal parking. There could be vacant lots, however, or opportunities to purchase vacant properties. Fees in Lieu of Parking Spaces can help the community pay for parking. In Lieu Fees can be established as a flat rate per parking space not provided, or per square foot of floor area, or through a case-by-case determination of the development as a whole. Fees may be collected as a property tax surcharge, or when a development is permitted or annually.

Suggested Bylaw Language for Village Centers

The purpose of this bylaw is to support commercial development in the Village Center by establishing a mechanism to provide public off-street parking facilities in lieu of private off street parking.

All or a portion of the required off street parking may be waived by the SPGA by special permit when the property is located within the Village Center District, provided that:

1. The Board finds that there are sufficient publicly-owned parking spaces in the vicinity of the property to justify the waiver without detriment to the public health, welfare and safety; and
2. The owner [or occupant] of the property on which the waiver is to be applied pays to the Town a fee equal to the fair market value of the waived parking spaces (the area of which shall be determined by the number of waived spaces times 200 square feet) plus the cost of converting such spaces into a parking lot, as estimated by the Planning Board with the advice of the Town Engineer/Highway Superintendent.
3. If the property owner donates to the Town a public right-of-way providing an important pedestrian or vehicular linkage in accordance with a downtown plan adopted by the Planning Board, the Board may reduce the fee specified in the paragraph above by an amount equal to the value of the donation, up to the total amount of the fee.
4. Any waiver of off-street parking approved under this Section shall run with the land, and any subsequent changes of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment and/or donation shall be made to the Town in total prior to the issuance of a building permit.

Alternate language:

Where a proposed use in the Village Center cannot meet the off street parking requirements, such requirements may be waived by special permit granted by the SPGA, where the applicant makes a payment in lieu to the Town Parking Mitigation Trust.

Payment in Lieu Payments in lieu shall be calculated using the following formula:

Number of required off-street parking spaces	Annual Payment
1-5 spaces	\$100.00/space
Each additional space 6-15	\$75/space
Each additional space after the first 15	\$50/space

1. Determine the minimum amount of parking required for each land use or destination by time period as if it were a separate use
2. Sum the number of required parking spaces in each time period across all uses
3. Set the minimum requirement at the maximum total across time periods.

Another method is to allow the parties sharing the parking to determine the appropriate number of spaces. The Urban Land Institute has published **Shared Parking**, which offers analytic methods and time-of-day parking utilization curves for local governments and developers to use to calculate parking needs for specific projects.

Suggested Bylaw Language

Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses. The total number of required spaces may be reduced by up to one-half (1/2) if it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. The following requirements shall be met:

1. Evidence of reduced parking needs shall be documented and based on accepted planning and engineering practice satisfactory to the Town Engineer, Planner or Highway Superintendent.
2. The Town Planner shall determine how a combined or multiuse facility shall be broken down into its separate (constituent) components.
3. If a lower total is approved, no change in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if the evidence is not satisfactory, then additional parking shall be provided (either on-site, offsite, or via a fee in lieu of parking) before a change in use is authorized.
5. Evidence of continued availability of common or shared parking areas shall be provided to the Town counsel and shall be documented and filed with the Site Plan if applicable and at the Registry of Deeds.

Alternate Language

Notwithstanding any other parking requirements set forth in this bylaw for individual land uses, when any land or building is used for two or more distinguishable purposes (including joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

1. Multiply the minimum parking requirement for each individual use (as shown in Town Bylaw Section/Chapter____) by the appropriate **percentage** (as shown in the Parking Credit Schedule Chart) for each of the five designated time periods.
2. Add the resulting sums from each vertical column.
3. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

those with an existing parking supply that exceeds their needs to rent or sell it to newcomers who can't add parking to their sites.

In some cases, developers may be constrained by requirements from lenders that they provide a certain amount of parking.

Another challenge with shared parking is working out an agreement between land owners or developers if the uses are not all on the same property. The municipality may wish to provide a model agreement that the parties can use.

Mixed use projects involving residential condominiums that deed specific parking spaces with units would make it impossible to share those spaces unless an agreement was reached with either the individual unit owners or the condominium association. Mixed use rental projects would offer more opportunity for shared parking.

III. MANAGING THE ENVIRONMENTAL IMPACTS OF PARKING

Reduce the Impervious Surface

Context

Parking lots with large amounts of pavement can be detrimental to the environment in a number of ways. Most pavement materials (asphalt and concrete) are impervious, or impermeable.

- The impervious surface does not allow rainwater/stormwater to penetrate into the ground to recharge groundwater; instead, it is usually channeled to storm sewers or directly to streams.
- Oil and other fluids that leak from parked vehicles contaminate the stormwater.
- The pavement absorbs the heat of the sun and causes heat island effects.

Parking can be designed and managed to mitigate environmental impacts, particularly those associated with stormwater run-off. SWAP communities wanted information on how to do this effectively, primarily by decreasing the amount of impervious surface. Improved parking lot design can also promote increased pedestrian access and connectivity.

There are four parking strategies and model bylaws under this Topic:

- Pervious Paving Materials
- Parking Reserves
- Landscaping for Shade and Air Quality
- Location of Parking

STRATEGY # 9 PERVIOUS PAVING MATERIALS

Pervious paving materials are designed so that rainwater is able to infiltrate or penetrate into the soil underneath the parking lot. This is important in order to recharge or renew groundwater. Groundwater provides drinking water for the majority of SWAP communities via aquifers and well systems. Reducing the amount of water running into storm sewers or directly to surface waters is one goal of town bylaws dealing with stormwater.

STRATEGY # 10 PARKING RESERVES

Many parking bylaws require more parking than is actually needed most days of the year. Landscaped parking reserves tries to address this situation by allowing developers to pave and provide a reduced number of parking spaces but set land aside in case the parking is needed in the future. This technique is useful in phased developments, for uses where parking demand is uncertain due to lack of data, or because of unusual operating characteristics. A variation is to allow land to be paved with a permeable surface for overflow parking, those peak monthly or yearly times when the parking is actually needed.

Suggested Bylaw Language: This technique is not suited to village centers because it reduces the development potential, unless the reserve parking provides an amenity, such as pedestrian connectivity or desirable open space (with the understanding this may be a temporary amenity).

The Planning Board may allow the applicant to reserve a number of parking spaces to be designated "Reserve Parking" on the Site Plan, subject to the following:

- *The applicant must provide documentation that the proposed use does not need the number of spaces required under Section ___ of this zoning bylaw.*
- *The Reserve Parking shall not exceed 40%-75% of required parking spaces.*
- *The Reserve Parking may remain as existing natural vegetation or be developed as a new landscaped area, as approved in the Site Plan.*
- *The Reserve Parking is not to be counted toward the minimum open space required.*
- *No structure or mechanical equipment may be placed in the Reserve Parking area.*

Alternate Language

The Planning Board may allow the applicant to reserve a number of parking spaces to be designated "Reserve (or Overflow) Parking" on the Site Plan, subject to the following:

- *The applicant must provide documentation that the use does not typically need the number of spaces required under Section ___ of this zoning bylaw.*
- *The overflow parking will be paved. At least ____% will be paved with a pervious-type paving material unless there are environmental limitations.*

STRATEGY # 11 LANDSCAPING FOR SHADE AND AIR QUALITY

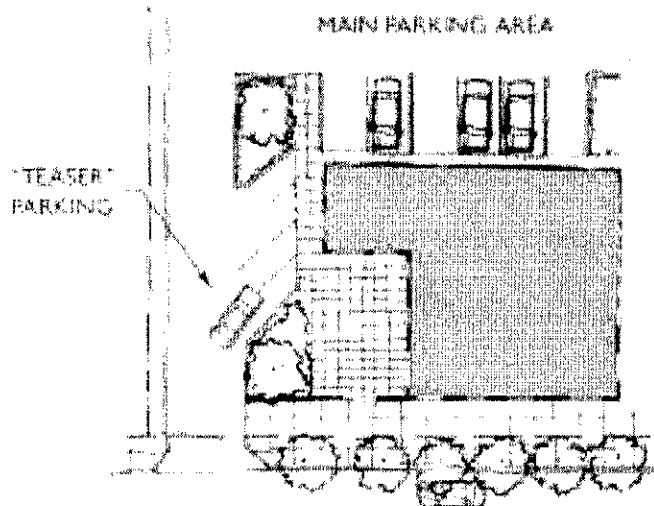
Landscaping in parking lots is a usual component in either site plan or parking bylaws. With additional requirements in Massachusetts to treat storm water run-off, landscaping in parking lots takes on an additional role to help address stormwater control measures. For this reason, any change to landscaping requirements, whether in the site plan or parking section of the bylaw ought to be coordinated with stormwater control regulations. Sometimes these regulations are also in the zoning bylaw, or they may be found within the General Bylaws of a community.

Treed islands provide some shade to reduce heat from the asphalt, and also provide some air quality benefits. They also can be designed to deal with stormwater, through techniques termed Low Impact Development or LID. LID is defined as landscaping and design techniques that attempt to maintain the natural, pre-development ability of a site to manage rainfall. LID

No employee parking shall be permitted directly between the building and the street alignment.

Additional language to require a landscaped buffer between the lot and the street:

A landscaped buffer area at least 20 feet in width as measured from the layout of the roadway providing street frontage shall be established. The buffer area shall be planted with grass, shrubs and trees. As appropriate, street trees shall be planted at least every 40 feet along the frontage. Access ways and walkways may be provided in the landscaped buffer.



From: Van Meter Williams Pollack and Urbsworks, Inc. "Parking Design Issues", Report for the City of Palo Alto, CA, 2004.

Key Considerations for Managing the Environmental Impact of Parking

Implementation

These techniques will usually be implemented during a site plan review or special permit review process.

Challenges

Providing pervious paving materials and parking reserves may be difficult because it could prove costly to a property owner or developer. For changing the location of parking, obtaining "buy in" from merchants and property owners will be a challenge. The idea that shoppers will be willing to park behind a store is a radical departure from the conventional and accepted wisdom. This will be easiest to implement where on-street parking is provided.

INCENTIVES

One of the most difficult challenges is to encourage developers and property owners to include these parking management tools in their projects. The suggested bylaws are written in a permissive rather than prescriptive style. A community could mandate these measures, rather than grant permission to utilize them. Given the economy however, it is likely that communities will be cautious in mandating improvements that could add significantly to development costs. Providing incentives is one way to encourage the use of these techniques. Following are various suggestions for providing incentives to encourage use of the parking strategies.

Potential Incentive for Including Alternative Vehicle Parking

The decrease in paved area devoted to parking could provide additional land for development. Note: While the number of spaces required does not change with small car spaces, the total parking area to be paved is reduced. Any additional allowed development would have to supply some additional parking.

The example below is for a project with 200 required parking spaces

All Standard	200	Standard spaces @ 162 sf x 200	32,400 sf
Compact @ 30%	60	Small car spaces @ 128 sf x 60	7,680 sf
Standard	140	Standard spaces @ 162 sf x 140	22,680 sf
		TOTAL	30,360 sf
		Decrease in paved area	2,040 sf

Potential Incentive for Including Bicycle Spaces

If bicycle parking is provided, parking may be reduced by 10-15% up to a maximum of ___ in a Village Center or a maximum of ___ in strip Mall/Strip Development without access to designated bike lanes. If covered bicycle parking and showers are available for employee use, parking may be further reduced by __.5?_ space per covered bicycle rack.

Potential Incentive for Providing Connectivity

Rather than require a pedestrian path through a mall/strip development parking lot, a community might wish to adjust the required parking if such a path is provided. For example:

If interior pedestrian paths are constructed that link to a continuous sidewalk network, a community path, residential area or otherwise enhance and promote pedestrian access, the number of required parking spaces may be reduced by 5%.

OR

If the development provides a bus shelter, suitable structure to post the bus schedule, and if requested by the bus operator, a bus turn-around, required parking may be reduced by 5%.

APPENDIX I

REVIEW OF EXISTING REGULATIONS

Parking Regulations	Issues	Request to Include in Scope	Other Resources
<p>BELLINGHAM</p> <p>Zoning By-Law (2010))</p> <p>Section 3300</p> <p>3310 Number of Spaces</p> <p>3320 Schedule of Requirements</p> <p>3330 Parking Area Design and Location</p> <p>3340 Loading Requirements</p> <p>Appendix Rules and Regulations for Development Traffic Impact analysis</p> <p>ARTICLE IV. SPECIAL REGULATIONS - 4100. Accessory Uses</p> <p>3400. Major Proposals -</p> <p>3533. Parking Area Plantings</p>	<ul style="list-style-type: none"> • Parking regulations are generally over-designed for retail and industrial uses. • Restaurant and industrial requirements are hard to understand. • Limited flexibility for either the number of spaces or design. • Retail question of how to design for the busiest days (i.e. post Thanksgiving) without over-designing parking. • 2010 Master Plan's Circulation Chapter recommends considering a zoning amendment in requiring bike racks in all large parking lots. • No recent changes to parking regulations • Want to keep Section 3312 allowing the Planning Board to give a waiver for parking regulations under certain circumstances 	<ul style="list-style-type: none"> • Reduce impervious surface while still maintaining appropriate amount of parking. • Allow for alternative dimensions for alternative vehicle parking (motorcycles etc) that would count toward parking spaces. • Encourage more green spaces in parking and alternative parking layouts (i.e. parking in the rear etc, shared parking). • Encourage alternative vehicle spaces (electric, hybrid, bicycles) and give incentives for business in appropriate areas to promote walking (this will only work in the more dense neighborhoods and may not be appropriate to all locations in a town, so it will need to be worded very carefully). • Like and want to continue that the Planning Board can give a waiver for parking regulations under certain circumstances (3312). 	<p>Bellingham Master Plan - 3/25/10</p> <p>Bellingham Library - need to increase parking (p 19)</p> <p>Bellingham Senior Center - parking concerns for future (p 20)</p> <p>Consider a zoning amendment to require bike racks in all large parking lots (p 26)</p>

§ 210-47. Design.

Curb cuts on streets shall be minimized, and to the greatest extent possible, buildings shall be located away from streets and surrounding noncommercial or industrial uses. Parking lots shall include islands with shade trees. Buildings, roadways and parking lots shall be designed to accommodate the landscape and natural site features, and disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets.

§ 210-47. Design.

Curb cuts on streets shall be minimized, and to the greatest extent possible, buildings shall be located away from streets and surrounding noncommercial or industrial uses. Parking lots shall include islands with shade trees. Buildings, roadways and parking lots shall be designed to accommodate the landscape and natural site features, and disturbance to the site shall be minimized so that as many trees and natural features are retained as possible. Outdoor lighting fixtures shall be shielded and directed to prevent illumination from falling onto adjacent lots and streets.

5 APPLICATION FOR PERMITS AND REQUESTS FOR DETERMINATION 5.3 Subdivision

Roadways and Parking Lots - long discussion of impervious surfaces

GOAL: Improve existing recreation facilities and create new facilities to serve the needs of Hopkinton residents. - Provide parking and signage where public hiking trails exist or are being developed. (p 6)

GOAL: Coordinate with regional & state agencies to assist in meeting federal Clean Air Act requirements & other federal and state environmental laws & policies. - Provide all-day parking and/or shuttle service for carpooling and rail commuters. (p 7)

Business District regulations. New regulations approved at the 2006 Annual Town Meeting...regulations...allow a parking facility by special permit in order to provide more off -street parking. (p 43)

GOAL: Develop specific design standards for the business and industrial zoning districts. (p 45) - includes parking needs to develop more trails and provide parking at trail heads. (p 54)

GOAL: Improve existing recreation facilities and create new facilities - Provide parking and signage where public hiking trails exist or are being developed. (p 55)

All day parking near Hopkinton Center and South Street would be required to make a shuttle service viable. - (p 63)

GOAL: Coordinate with regional & state agencies to assist in meeting federal Clean Air Act requirements & other federal and state environmental laws and policies. - Provide all-day parking and/or shuttle service for carpooling and rail commuters. - (p 63)

areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should be hidden to the maximum extent possible and located near the side and rear of the site. Parking should not create a hazard to abutters, vehicles or pedestrians. Where or when parking does exist near the street, plantings or appropriate fences, i.e. picket or post & rail, should be incorporated into the design to screen parking areas and reduce their visual impact.

D. NON-CONFORMING USES

M. INDUSTRIAL DISTRICT I

I. COMMERCIAL DISTRICT III

ARTICLE IV SITE PLAN SUBMISSION

s. 204 -1 Board of Selectmen Submittals

d) Parking Impact

(1)A Parking Impact Assessment is needed if the project proposes the addition of thirty (30) or more parking spaces.

(2)A Parking Impact Assessment documents existing parking conditions,

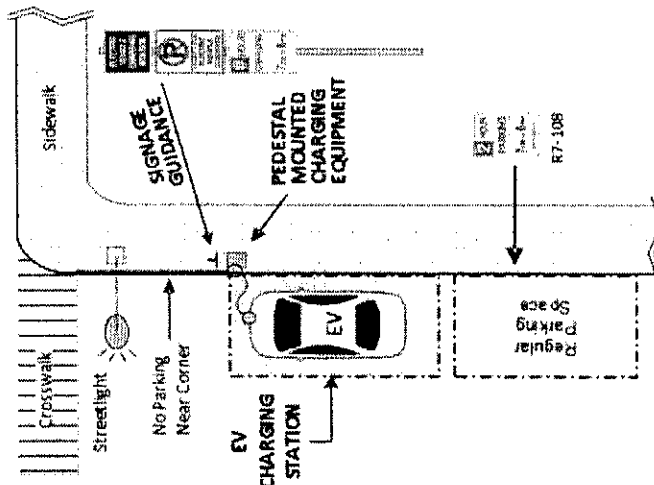

Parking Regulations	Issues	Request to Include in Scope	Other Resources
<p>SHERBORN</p> <p>Zoning By-Law Section 5 - Special Regulations</p> <p>5.1 - Off-Street Parking</p> <p>5.1.1 - Minimum Parking Requirements</p> <p>5.1.2 - Nonconforming Parking Exemptions</p> <p>5.1.3 - Parking Area Plans</p> <p>5.1.4. - Joint Use of Parking Facilities</p> <p>5.1.1.1 - Screening of Parking Areas</p> <p>3.2 - Schedule of Use Regulations - 4) Home Occupation, 5) Professional Occupation, 31A) Accessory Municipal Use</p> <p>4.6 - Application for Special Permit - location of parking spaces</p> <p>5.3 Special Permits in Business Districts (Add. 1981, amend.1987,1994)</p>			<p>Sherborn General Plan (October 2001) Resident's Survey taken in conjunction with the General Plan:</p> <p>Residents did support improved sidewalks to encourage pedestrian and bicycle use [and] interconnected parking areas. (27)</p> <p>Recommendations RE: the Town Center:</p> <ul style="list-style-type: none"> • Ensure that businesses continue to furnish parking for their customers. (p 8) • Linked parking lots would achieve substantial circulation benefits with a minimum of disruption and cost. (p 30) • Businesses have traditionally provided their own parking. • Business parking is presently adequate, but linking lots would improve the efficiency of available parking. Parking for the recreation facilities has also been an issue, and is insufficient at peak times. (pp 30-31) • The Town should work with Town Center property and business owners to secure linked parking. (p 67)

<p>parking plan to identify side street and parking lot opportunities. (p 179) Creating a shared parking plan, to allow needed parking to be used for different purposes throughout the day can benefit the entire Downtown district. (p 183) Town Common, Park & Parking improvements - Public parking is at a premium, and much nearby parking seems to go largely unused through lack of awareness. The study should also seek to craft a shared parking strategy, allowing the flexible use of public and private parking areas by the public through the week, leveraging the utility of parking lots that today may be empty for all but a few hours weekly. (p 185) The Zoning review process should examine the minimum required parking and circulation requirements for vehicles on commercial properties. Satisfaction of these requirements has led to reductions in potential building area and impervious surfaces, with lower developed property values in contrast to larger building masses. Consideration should be given to reduced parking ratios, area shared parking strategies, TDM and other methods of reducing vehicle demands without affecting project and business viability. Site design review can also identify methods to reduce impervious lot coverage, with beneficial environmental aspects. (p 196) A District Shared Parking Plan would help make the available parking areas of the district and nearby areas better able to serve increasing retail trade. (p 198) Appropriate Development Revise parking ratios - high priority (p 203) Town Center - reduce parking ratios and permit and coordinate shared parking - high priority (p 205) Downtown shared parking study and program (p 211) Parking provision on site should be held to the rear of the parcel, without dominating the streets, and parking management should include shared use programs, to maximize its utility and ability to help support other Downtown businesses and uses. (p 239)</p>	
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<p>Bicycles, cont.</p>	<p>feet and add spaces as demand exceeds supply.</p> <p>A community can determine if it wants to provide parking for public facilities, and/or require bike parking for new developments.</p> <p>The type of facilities will depend on the site and the users: short-term users (shoppers) will need convenient parking close to building entrances; long-term users will value security and protection from the elements for their bikes, and employees are likely to value shower and changing facilities.</p>	<p>Medway and Norfolk have bicycle parking in the zoning - look at these</p>	<p>movement is a goal. (SW) What are the current dimensions/standards for regular, compact, electric cars? Provide for next mtg.</p>
<p>Parking Topic</p>	<p>Definition/Concept</p>	<p>Examples</p>	<p>SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham</p>
<p>Flexible Parking Requirements for Businesses that are Pedestrian Accessible and/or Promote Walking within the Community</p> <ul style="list-style-type: none"> • Parking Minimums 	<p>Most communities have standards for the minimum amount of parking required for new developments included in their zoning code. These minimums are generally based on the Institute of Transportation Engineers Parking Generation Handbook and/or other communities' parking requirements. One way to improve parking</p>	<p>Newton has lower minimum parking requirements for state or federally subsidized low-income or elderly housing developments.</p> <p>Braintree allows reductions in required parking as part of a special permit or site plan review based on completion of a parking study and determination that the parking to be provided will be adequate.</p> <p>Belmont allows the Planning Board to reduce parking requirements based on age or other characteristics of site users and on implementation</p>	<p>Check what was just done under the Weymouth Landing Project.</p>

<p>Parking Maximums, cont.</p>	<p>the parking supply can work in places where the benefits, such as rapid transit service, attractive pedestrian environments, or concentrations of businesses and services, outweigh any inconvenience from reduced parking.</p> <p>To improve flexibility, planners can set up the parking maximums as transferable parking entitlements, so that the allowed number of parking spaces can be transferred or sold to another development if they are not needed. This allows for area-wide control of parking supply without restricting developments that need more parking.</p>	<p>Developers pay fees into a municipal parking or traffic mitigation fund in lieu of providing the required parking on site. The fees can then be used to provide centralized public parking. The community may wish to establish the fund so that it can also be used for transit, bicycle, and pedestrian improvements that also reduce parking demand.</p> <p>By consolidating parking in centralized public lots or structures and allowing</p>	<p>Does this work best in business districts?</p>
<p>• Fees-in-Lieu of Parking Spaces</p>	<p>Developers pay fees into a municipal parking or traffic mitigation fund in lieu of providing the required parking on site. The fees can then be used to provide centralized public parking. The community may wish to establish the fund so that it can also be used for transit, bicycle, and pedestrian improvements that also reduce parking demand.</p> <p>By consolidating parking in centralized public lots or structures and allowing</p>	<p>New uses or changed uses on constrained sites in the Town of Braintree Village Zoning District that are unable to meet their minimum off-street parking requirements may be required as part of a Special Permit to pay an annual fee per space to allow the Town to provide the off-street parking.</p> <p>Northampton makes special provisions for the CBD to meet off-street parking requirements: payment of a fee in lieu of providing required off-street parking is allowed by right. The one-time fee of \$2,000 per space is used to add parking spaces, improve the utilization of existing spaces, or reduce the need for new parking in the CBD.</p> <p>Oak Bluffs allows uses proposed for the B-1 Business District that are unable to meet the off-</p>	<p>Does this work best in business districts?</p>

<ul style="list-style-type: none"> • Unbundling 	<p>Unbundling means that parking is rented or sold separately, rather than automatically included with building space.</p> <p>The cost of parking for residential and commercial units is often passed on to the occupants indirectly through the rent or purchase price ("bundled") rather than directly through a separate charge.</p> <p>For example, a three bedroom unit might come with two parking spaces included in the purchase price or rent. This means that tenants or owners are not able to purchase only as much parking as they need, and are not given the opportunity to save money by using fewer parking spaces. The alternative is to unbundle parking - rent or sell parking spaces separately, rather than automatically including them with building space.</p>	<p>The Massachusetts Transit-Oriented Development (TOD) Bond Program awarded funding for a mixed-use affordable housing development, Dudley Village, in Dorchester. The development has unbundled parking and 0.7 parking spaces per unit.</p>	<p>There was a general consensus that this would work in an urban setting, but would not be favorable in a suburban setting. Unbundling is seen as a conflict between planners who want to see no sprawl and the town who would like to see growth.</p> <p>With unbundling, there is the potential to lose control of adequate parking.</p> <p>Instead of unbundling, should instead strive to be as close as possible to <u>designated parking ratios</u>.</p> <p>Unbundling could possibly work in downtown Franklin (Gino).</p> <p>Could be implemented as location specific and would be issued as a special permit or in a specific zoning district.</p> <p>There is an age restricted development in Sherburne with 24 units and 12 garage spaces.</p>
<p>Parking Topic - (Note: The following topics included were well received.)</p>	<p>Definition/Concept</p>	<p>Examples</p>	<p>SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham</p>
<ul style="list-style-type: none"> • Reducing Impervious Surface Required for Parking Facilities • Pervious Paving Materials 	<p>Materials that permit water to enter the ground by virtue of their porous nature or by</p>	<p>Pervious paving materials are part of a demonstration project for a parking lot at Silver Lake Beach in Wilmington. Funded by an EPA</p>	<p>Good idea, but the DPW not interested in pervious paving for public areas—okay with it</p>

<p>Parking Topic</p>	<p>Definition/Concept</p>	<p>Examples</p>	<p>SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham</p>
<p>Promoting New Technologies</p> <ul style="list-style-type: none"> Electric Vehicles 	<p>Encourage infrastructure for electric vehicles which includes the machinery and equipment needed to support an electric vehicle, such as charging stations.</p>	<p>In 2009 the Washington State passed legislation to encourage electric vehicles. The purpose of the law is to encourage the transition to electric vehicle use and requires that all local governments in Washington State allow electric vehicle charging stations in most of their zoning categories. Diagram is an On-Street Electric Vehicle Charging Station</p> 	<p>Hopkinton to have 2 stations: one at Caliper Corp and another at Legacy Farms. (ELL) Incorporate incentives to do this. (SW) Photo and diagram courtesy Puget Sound Regional Council</p> 

Parking Topic	Definition/Concept	Examples	SWAP Meeting Comments 7/27/11 Meeting in Sherborn 8/24/11 Meeting in Wrentham
<p>Regulating Employee Parking</p>	<p>Employee parking programs may include establishing designated lots or portions of parking facilities for employees with a permit program to restrict use and/or require employees to register their cars so that if they park in valuable on-street spaces they can be ticketed. Employee parking areas are generally less conveniently-located than other parking but allow all-day parking and where parking is priced offer a discounted rate. This encourages employees to leave the most convenient spaces for customers.</p>	<p>Lexington has an employee permit parking program for Lexington Center that provides lower-cost parking around the outskirts of the downtown for employees in order to free up meter spaces for visitors. Permits cost \$225-250 for the year, depending on the lot.</p> <p>Brookline has a commercial parking permit program with a limited number of spaces for businesses in Coolidge Corner and Brookline Village. One program allows qualified businesses to purchase a pass guaranteeing a space in an unmetered lot, with a maximum of 2 per business. The other gives a hang tag to businesses that allows employees to park in metered spaces all day, but they must still pay the meter fees plus a small annual fee.</p> <p>Amherst has a Town Center permit parking area that provides permits to people living or working within the designated area. Employers and employees may obtain one vehicle permit per person, and eligible employers or employees may obtain two permits for two vehicles. Fees are \$35 for a single permit and \$45 for two vehicles.</p>	<p>Parking topic is urban in nature and is more of a TMA-type service. May not be directly applicable to the SWAP subregion.</p> <p>Is more part of a site plan review than a by-law.</p> <p>This is done in Needham.</p>
<p>Parking Cash-Out</p>	<p>Many employers offer their employees free parking. Though the parking seems free, the costs may be borne by employees indirectly, so that all employees pay for parking, even if they don't use it. A parking cash-out program offers employees who do not drive the value of a parking space as cash.</p>	<p>Studies in California showed that cashing out employer-subsidized parking reduced driving to work by 11%. In California, state law stipulates that employers who offer free parking must offer cash out programs as an alternative, and that cities must grant reduced parking requirements for developments that offer cash out programs.</p>	<p>Parking topic is urban in nature and is more of a TMA-type service. May not be directly applicable to the SWAP subregion.</p>

Other Comments:

Some of these parking topics are urban in nature and are more TMA-type services.
They may not be directly applicable for the SWAP subregion.

Reduce Parking Requirements for Businesses that Promote Access for Other Modes (transit, bicycle, pedestrian)

What about allowing a reduction in spaces (or some other incentive) if locker rooms or showers are provided to promote people to ride or walk to work? This came about in a discussion with a teenager whose car was not working, and could ride a bike to work, but didn't want to get to work and be sweaty (SW – 8/9/11 e-mail).

Determine if a Reduction in Number of Required Spaces is Feasible and/or Desirable for Pedestrian-Accessible Locations

Examine the Potential for Incentives for Business Owners to Modify Existing Parking Areas to Conform to New Parking Requirements

Promote Sidewalk Construction and Connectivity

Additional information is available from MAPC's Parking Toolkit <http://mapc.org/resources/parking-toolkit> and the State's Smart Growth/Smart Energy Bylaw-Smart Parking Model Bylaw http://www.mass.gov/envir/smart_growth_toolkit/bylaws/SP-Bylaw.pdf

Medway Planning and Economic Development

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

UPDATED 7-18-2012

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

II. Zoning Bylaw Amendment Recommendations from the 2009 Master Plan	NOTES	Target DATE	SAC Priority	PEDB Priority
A. Establish a Transfer of Development rights option	Model bylaw available			
B. Establish a Wildlife Habitat Corridor Overlay Zoning District				
C. Adopt zoning to encourage mixed use development such as apartments above retail	Similar to 40R zoning as noted in Section I-A and I-D. of this document.			
D. Rezone property: <ul style="list-style-type: none"> • along Route 109 near Millis; • at intersection of Routes 109/126 (Commercial V); • around the Police Station (Commercial IV) • Clark and Route 109 (presently zoned AR1) to allow for construction of new office space with residential appearance				
E. Create a new zoning classification for office space and light industry	Location for such a district??			
F. Rezone properties that are no longer suitable for industrial uses	Such as??			
G. Review zoning to assure that design standards are consistent with Master Plan vision				
H. Review/revise zoning for high volume drive thru businesses to reduce or eliminate such uses because of safety concerns	Commercial I district			
I. Review zoning to ensure that aquifers, wellheads and watershed areas are preserved. Expand protection area around wells				
J. Rezone parcels for optimal use and Town benefit such as areas adjacent to currently zoned industrial property	Portion of ARI district that is adjacent to Industrial I district in East Medway			

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

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

IV. Other Zoning Bylaw Amendment Ideas - Continued	NOTES	Target DATE	SAC Priority	PEDB Priority
<p>F. Create a new Village Residential (VR) zoning district for portions of AR11 that are already more dense than the present AR11 standards (150' frontage and 22,500 sq. ft of area)</p>	<p>This would better match the zoning text to the actual uses/sizes on the ground</p> <p>Allow duplexes by right and small multi-family developments by special permit from PEDB.</p>		<p>YES</p>	
<p>G. Sign Regulations</p> <ul style="list-style-type: none"> • Remove sign provisions from zoning bylaw and convert to a general bylaw • Establish specific sign provisions for Medway Mill • Require DRC approval of sign design • Revisit sign regulations for Commercial I zone • Establish a sunset requirement for non-conforming signs • Establish a Sign Appeal Board 			<p>YES</p>	
<p>H. Strengthen buffer requirements in commercial and industrial zoning districts where such are adjacent to residential districts</p>				
<p>I. Establish a setback requirement (from side lot lines) for driveway locations. (Requested by Bob Klein – 533-6212). He suggests a 6' setback.</p>	<p>Is this a zoning matter or would it be better addressed in the <i>Subdivision Rules and Regs</i> and/or the DPS street opening permit requirements</p>			
<p>K. Noise standards</p>	<p>Current noise standards are very minimal</p>			

IV. Other Zoning Bylaw Amendment Ideas - Continued	NOTES	Target DATE	SAC Priority	PEDB Priority
L. Establish another area for Commercial III or IV zoning – West Medway commercial area (west of Mechanic Street)	Presently this area is zoned ARII but it has many commercial uses that are operating as pre-existing non-conforming uses or pursuant to old special permits or use variances			
M. Site Plan Review – Add a provision for administrative site plan review of certain very limited projects such as simple façade renovations that need a building permit but nothing else. This would include review by John Emidy/SAC with input from the DRC. This process could also apply to unsubstantial modifications of previously approved site plan projects.			YES	
N. Develop zoning provisions for outdoor dining/ sidewalk cafes				
O. Revise parking standards – based on MAPC study			YES	
P. Not allow businesses with a Commercial 2 license to operate as a home based business	Recommended by John Emidy			
Q. Allow for commercial solar generation in undevelopable back lot areas of AR1				
R. Expand east side industrial park (Industrial I) by rezoning a portion of ARI to Industrial I				
S. Revise what type of uses are allowed by right in the Industrial III zoning district to encourage highest and best uses	Requested by the BOS			

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

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