

**August 14, 2012
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

Chairman Rodenhiser participated in the meeting as a member commencing at 9:05 pm.

ABSENT WITHOUT NOTICE:

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

The Vice Chairman opened the meeting at 7:05 pm.

There were no citizen comments.

Franklin Creek Subdivision – Bond Release

The Board is in receipt of a memorandum from Susy Affleck-Childs dated August 9, 2012 regarding the Franklin Creek Subdivision bond release. **(See Attached.)**

It is recommended that the present bond in the amount of \$10,980 be released.

Dave Pellegrini from Tetra Tech has approved the as-built plans and provided a sign-off that the roadway and infrastructure work is complete. **(See Attached.)**

On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Planning Board voted unanimously to release the performance surety bond for Franklin Creek.

Construction Report Tetra Tech Rizzo:

Applegate Farm:

The work at Applegate Farm has been put on hold since one of the workers was injured. Things were started up at the beginning of this week. Reports will be coming.

Consultant Report PGC Associates:

The Board is in receipt of memorandum from Gino Carlucci re: the SWAP Parking Bylaws Study: dated August 14, 2012. **(See Attached)**

SWAP asked the Metropolitan Area Planning Council to undertake a review of parking bylaws within the SWAP region. The data collected was then used to produce some alternative model bylaws related to various aspects of parking.

The table goes into the topics: parking for alternative vehicles, managing the parking demand, and managing the environmental impacts of parking. Then there was a column of 12 parking strategies. The list was then compiled into a list of the current Medway parking bylaws along with general comments.

Vice Chairman Tucker suggested that we could modify our rules to consider hours of operation for shared parking.

The Board will be discussing this further at another meeting.

The next SWAP meeting is next week. This will be a kickoff event to begin the SWAP area transit study.

July 24, 2012 PEDB minutes:

These will be tabled until the next meeting.

July 10, 2012 PEDB minutes:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from July 10, 2012. (NOTE - Andy Rodenhiser recused himself from this vote.)

PUBLIC HEARING CONTINUATION - Bay Oak Definitive Subdivision Plan, 104 Fisher St:

The Vice Chairman reopened the continued hearing for Bay Oak Definitive Subdivision Plan.

The Board is in receipt of the following submittals included in the board packet which will be placed on the record. (See **Attached documents listed below.**)

- Communications from GLM Engineering
 1. Cover Letter – July 31, 2012
 2. Response to first round of review letters – July 30, 2012
 3. Proposed Mitigation Measures – July 30, 2012
 4. AASHTO Standards re: Lane Width
- Review letter from Fire Chief Jeff Lynch – July 26, 2012
- Revised Bay Oaks Definitive Subdivision Plan – July 30, 2012
- Tetra Tech Rizzo Review Letter on revised plans – August 8, 2012
- PCG Associates Review Letter on revised plans - August 9, 2012
- Information re: previous subdivision covenant for subject property (release of covenant dated 12-11-1990, letter dated 8/9/11 from Attorney Jay Aframe for the applicant, confidential email dated 8/18/2011 from Town Counsel Barbara Saint Andre).
- Photo of Dover Lane – September 2011

- Email Communication from Ed Duggan, 59 Fisher Street – August 9, 2012.

Engineer Rob Truax was present representing the applicant.

Rob indicated that the Board has received revised plans along with a revised drainage report, stormwater pollution prevention plan, letter addressing all comments, letter to address measures to mitigate, and AASHTO Guidelines on Lane width.

Rob explained that he has addressed the various comments from the Tetra Tech Rizzo and PGC Associates review letters.

Rob listed the recent revisions made to the plan:

- Erosion control plan
- Modified slightly the basin at the hammerhead. The shape has been changed to a teardrop.
- Provided a planting plan which included white pine and rhododendrons to screen the drainage basin.
- Road was elevated to one side to capture run-off.

Vice Chairman Tucker indicated that he is in favor of the drainage ditch.

Rob noted that the proposed drainage basin will capture the runoff for a 100 year storm event. The proposed basin will capture runoff via a drainage swale and mitigate surface flows. The proposed drainage trench will capture paved run off and provide infiltration.

Vice Chairman Tucker suggested providing a filter strip to infiltrate into the ground. This is for added protection. It was suggested that maybe a liner with fabric be added to set it up and it is cleaner.

Rob indicated he does not want this lined with fabric. In his experience with the product, it clogs over-time.

Dave Pellegrini agrees that this fabric does at times clog the drainage.

Vice Chairman Tucker indicated that he was thinking about adding this on the upstream, more specifically, on the wall on side closest to road.

Rob does agree that this would work there.

Rob communicated that the next issue is that they need to ask for waivers relative to street construction.

Susy Affleck-Childs and Gino Carlucci are in agreement that the subdivision should be categorized as a neighborhood street per the Subdivision Rules and Regulations. Since it is a 4-lot subdivision, it does not technically qualify as permanent private way (in terms of the number of lots). However, the proposed subdivision road is an extension to an existing private way.

Rob noted that he will need to seek a waiver for that. He further explained that there will be no street trees proposed. There will be four white pine trees and 12 rhododendrons around the detention basin as noted in the consultant report from PGC Associates. The applicant will keep the remaining tree line.

Member Spiller-Walsh was pleased with the retention area.

Vice Chairman Tucker wanted to know if Mr. Truax has seen the letter from the Fire Chief regarding driveways.

The letter from the Fire Department was dated July 26, 2012. It indicated that the turning radius at the driveways must accommodate fire apparatus.

Rob is not sure how to address opening a roadway without asking for a waiver from the regulations.

Vice Chairman Tucker indicated that his concern is for the ambulance.

Rob responded that there is a turnaround at all driveways for an ambulance.

Member Rogers noted that at any emergency, there are usually four to six vehicles including police, fire and ambulance which arrive at scene.

Dave Pellegrini communicated that the turning radii at the driveways have been added to the driveway entrances. However, the applicant needs to explain how it was determined that the radius is sufficient to accommodate the fire apparatus.

Rob responded that there is 3 ft. rounding and we can open it up with 5 ft. radius.

Vice Chairman Tucker wanted the applicant to look at the turning radius and then come back with their resolution.

Member Spiller-Walsh wanted to know what happened with the idea of merging two of the driveways into a common driveway.

Rob noted that he actually pushed the driveways further apart.

Member Spiller-Walsh wanted to know why they are better further apart.

Vice Chairman Tucker indicated that it works better with the easement.

Rob indicated that this affects only two lots and the others are not an issue.

It was also communicated that all the changes with signage have been made as requested by the Police Safety Officer. There will be an address post at the end of the driveway.

Dave Pellegri responded that the addresses should be marked at the end of the driveways if numbers on the houses are not visible from the road. It currently does not appear that this has been addressed on the plan.

Dave Pellegri noted that there should be a condition about the existing trees. The regulations state that the street trees be 12 feet high with a 2 ½ inch caliper at 4 feet above grade. This section specifies that they be located outside the right of way and at intervals of every 40 feet. There are no new trees shown and no waiver is requested.

Andy Rodenhiser indicated that the existing tree along the roadway shall remain. If this is the feeling of the Board, a waiver needs to be granted.

Dave Pellegri wants the full size pre-post plans submitted with labeled area and time of concentration lines to verify the Hydrocad model. Dave indicated that there has been an increase in peak rate and volume toward the Fisher Street analysis point.

Rob Truax responded that he had added swales to the proposed plan and modified the recharge calculations to include the swales; however that information is not reflected in the model.

Dave Pellegri wants the swales added to the model to see the amount of decrease and then determine if the addition of another swale on the opposite side of the roadway is warranted.

Rob Truax indicated the recharge numbers will be updated.

Dave Pellegri recommended replacing the top inches of the proposed gravel base material with 4 inches of dense graded crushed stone to provide a better base. This will make it more stable and it will pack better.

Gino Carlucci of PGC Associates summarized his review letter dated August 9, 2012. **(See Attached)**

The comments from Consultant Carlucci are relative to whether the waivers are required for compliance with the neighborhood streets standards. He is in agreement with Susy Affleck-Childs that this is considered a neighborhood street and that a waiver should be requested for all deviations from the standards for neighborhood streets.

The second issue is in relation to the white pines. It was suggested to select a different type of tree.

Member Spiller-Walsh noted that the applicant could make a quick trot through the Design Review Committee for additional input.

Rob Truax is comfortable changing the tree selection.

Rob Truax will put together the paperwork for the waivers.

Member Rogers has no questions at this point.

Susy Affleck Childs asked if they could elaborate with the AASHTO info for roadway width...

Rob Truax explained that it is not uncommon to have three to five houses on a private way. This is quite common in Medway. He read the regulations about private road standards, but the definition is noted that part of this is an existing private road.

Susy Affleck-Childs clarified that the road classification is based on number of lots.

Gino Carlucci noted that the criteria are the number of lots served.

Dave Pellegri will speak to the Chief again about road width.

Karyl Spiller-Walsh wanted to know when we have the 18 ft. road, why should it be smaller and when is it appropriate to be smaller? It has an element of being site specific, whether the site is on hill or cliff or limiting ledges to move laterally. This is definitely a continuum about what is the extent of travel is and how it relates to the site. Is there a comfort zone there? She is not too comfortable with this. This has an element of site specific with the concrete walls.

Dave Pellegri noted that the Fire Department wanted to see a clear width of 18ft.

The Board received an email communication from Mr. Duggan at 59 Fisher Street. **(See Attached)** The email makes reference that in the original decision for the house at 104 Fisher St. the agreement called for no additional houses to be built.

Susy Affleck-Childs reported she had found the Subdivision Covenant which was executed on 4/23/1986 between Racicot Realty Trust and the Planning Board. The property was foreclosed on 11/9/1989 and Dean Bank took ownership from the Racicots. A lot was sold to the Rodenhiser on 12/4/2012. The Planning Board released the subdivision covenant on 12/11/1990.

Town Counsel Barbara Saint Andre was present to answer any questions.

Barbara clarified that the only document that she has seen was the Covenant and the Release of Covenant and conditions. For whatever reason, there was no separate subdivision approval decision other than what is included in the covenant. She indicated it would have been better to have had a separate decision and covenant. The covenant/decision which was in effect has been released by the board. With that release, there is not much the Planning Board can do to say that they cannot subdivide.

Member Spiller-Walsh wants to know if it is possible that anything else is out there.

Town Counsel noted that it is possible, but nothing has come up from her search.

Attorney Scott Sinrich who represents Mr. Rodenhiser communicated that he did a complete search and nothing more was found.

The Attorney expressed that in regards to private way vs. neighborhood street, he is in agreement with Susy Affleck-Childs and Consultant Carlucci that this is a neighborhood street.

In relation to the Homeowners Association, the new houses need to have an association, but with the existing houses, we do not have jurisdiction over existing property owner Robert Reed. His property is not part of the new subdivision. The Board cannot require that he become part of the new association.

Member Spiller-Walsh wanted to know how the applicant would approach the abutter about becoming part of the neighborhood association.

Mr. Rodenhiser explained that he has drafted a copy of such document and gave it to the abutter and offered to pay for the legal review of this and see if the abutter wants to consider.

Member Spiller-Walsh expressed, "Let's talk about the elephant in the room." She wanted to know from Town Counsel how much can we consider as we look at the applicant and the abutters and the right of way and their appearance at the public hearings during our process and their wish to use the road in the future to access their land in back. Can we consider their plan as an addendum to the current application before us? The discussion took place during this public hearing and it is already part of this application process. They have an interest in the future in using this road to access their land. Can we consider the additional impact of their future development as we approve/consider this application?

Town Counsel stated if your question is does the Board have to consider that there may be additional houses in the back, that question is not in front of the Board at this time. You need to look at what is in front of you now.

Karyl Spiller-Walsh responded that it is not as simplistic as that. We are reviewing part of their interest to develop behind the Rodenhiser property in the future and they made a statement about wanting to develop in the back.

Town Counsel answered that in regards to the land in the back, there are two rights of way and those are shown on the (Bay Oaks) plans. The owner (Rodenhiser) cannot interfere or change these rights of way. One issue is the existing easement rights on record, the records are there. If the back can be developed in the future, the Planning Board cannot try to speculate now on what might be built (in the future). It is the job of the Board to take the subdivisions as they come.

Member Spiller-Walsh responded that we rarely have a voice of concern that the standard of the road be improved during the process.

Town Counsel answered that certainly the abutters are welcomed to voice their opinion, but the standards are set out. That is the standard. You cannot increase standards based on speculation of what might be.

Vice Chairman Tucker wants to make sure the rights of way remain unencumbered and we have done this.

Member Spiller-Walsh wants to know if the Board is knowingly passing on a problem with the existence of the current access road.

Town Counsel communicated that the adequacy is the issue. The Board can look at this and the applicant will need to apply for waivers. The Board will need to vote on this. The Board must act on the basis of what is before you.

Rob Truax responded that the Board can only act on the portion within this project. He said they are not asking for waiver for the existing private way where the retaining walls are.

Member Spiller-Walsh responded, this is clear, we understand that. It is something that I take concern with.

Member Rogers noted that this is not even before us.

Member Gay noted that we cannot create a new conformance off the setbacks.

Town Counsel responded that the house must be set back a number of feet from the right of way. More specifically for Lot #2.

Rob Truax responded that this (the ROW) is not a road, and may never be. This is not his applicant's responsibility to do this.

Town Counsel clarified that the Right of Way is an easement.

Mr. Rodenhiser's attorney communicated that this was created to give flexibility. The neighbors created where this is landlocked. They would need to conform within the regulations.

Susy Affleck-Childs asked if it is a problem that the driveway crosses the right of way in Lot 1 and the roadway crosses.

The Attorney for Mr. Rodenhiser responded that this gives the Giovenellis the right to this way in the future.

Member Rogers wanted to know what prompted the email from Mr. Duggan.

Susy Affleck –Childs indicated that she is not sure why this came in or what prompted this email.

Abutter Mr. Reed (106 Fisher Street) wanted clarification about the deeds.

Vice Chairman Tucker summarized and noted that the previous Planning Board signed off on the release of covenant and it is no longer in effect.

Mr. Reed wanted to know if the deeds were reviewed.

Susy Affleck-Childs responded that they were reviewed.

Abutter Letson @ 97 Fisher St:

Mrs. Letson expressed concerns about water coming onto her driveway and property. She presented photographs for the Board to review.

Dave Pellegrini reported that Fisher ST was recently repaved and the berm was not put in. There are a couple of issues with clogged leaves in the catch basins. The water is getting around the berm. He will go to the site and review this area and report back to the Board.

Rob Truax indicated he will also go out and look this when it rains.

Member Rogers notes that this is a problem for the Medway Department of Public Service. This needs to be addressed through them and not the applicant.

Abutter John Giovanella @ 44B Fisher St:

He communicated that there is run-off going onto another driveway. You can see that the water goes straight down. This is a concern with the three lots. We would like the Board to consider that the wall should be removed.

Vice Chairman Tucker noted that the only thing in front of us is the existing plan (4 lots at the top of the property).

Member Gay noted that the Planning Board is not charged with solving an existing problem, but we need to make sure that this project does not make the situation any worse.

Dave Pellegrini indicated that there is a minor increase in runoff and a swale was put on the side of the road. We will put in the model and see what the increase is.

Susy Affleck-Childs asked what it would take to make this work better.

Dave Pellegrini noted that underground storage on site is a possible resolution, but it is very expensive and this is not a typical resolution and would be difficult.

Rob Truax responded that we could put in additional catch basins on Fisher ST. The underground pipes are larger in the area and could accommodate more water.

Vice Chairman Tucker noted that there will always be leaves on that road and when it rains the leaves will go to the catch basin.

Applicant Rodenhiser responded that the elevation at Stone End is higher.

Abutter Letson @ 97 Fisher St:

Mrs. Letson explained that her driveway is across the street from the road (Dover Lane). Her concern is that people will be driving down the road and the headlights will be shining into her living room.

Member Spiller-Walsh wanted to know what the applicant can do about this. Can we do some offsite landscape?

Rob Truax indicated he will look at this issue.

The Attorney for Mr. Rodenhiser asked to confirm that the legal issues have been answered and he does not need to come back.

Spiller-Walsh noted that she is OK with what Town Counsel has stated this evening.

Continuation of Hearing:

On a motion made by Tom Gay, and seconded by Karyl Spiller-Walsh, the hearing for the Bay Oaks Definitive Subdivision Plan at 104 Fisher Street will be continued to August 28, 2012 at 8:00 pm.

Planning and Economic Development Coordinator's Report:

There will be a Community Signage Project Task Force meeting next Wednesday night. They will be meeting with graphic designers for concept idea. The Committee will make a selection. The target date for installation is March, 2013.

The Economic Development Committee is proceeding to review the EDC Specialist proposals.

Susy Affleck-Childs presented a map of Medway parcels organized by housing density which was dated August 14, 2012. She showed it to the board on paper and projected it on the large screen.

The Board noted that there is real density around the Commercial 3 and Commercial 4 zones. The Board could look at the crossovers and superimpose the layers.

The parcels are categorized by a land use code that is used across the state by assessors in every community to categorize land use.

The Board discussed that they could almost have another category that is different than village zoning. (For example, R3 Zone) for smaller subdivisions (Brentwood).

The idea is to start looking at allowing two families by right in a small village area.

Member Spiller-Walsh suggested including parcels that are not as dense to continue the build outs in those areas instead of mixed use to the dense sections.

Chairman Rodenhiser joined the meeting and discussion at 9:08 pm.

Member Gay suggested preserving the Commercial Area and allowing higher density around it.

Chairman Rodenhiser wanted to know if the parking would need to be addressed in those areas.

It was noted that the Commercial IV boundaries need to be cleaned up.

Member Gay noted that there is a natural village area near Cottage Street.

Member Rogers wanted to know what the red coloring indicated on the map.

Susy reported that the red area is indicative of multiple homes on one parcel.

Susy thanked Tom Gay for his assistance in pursuing the GIS.

Chairman Rodenhiser wanted to know if we can provide an as-built that is integrated with GIS so the layer and infrastructure are noted.

Susy responded that this would be something we will work toward. We are not there yet. She indicated there was a summer intern that scanned in all the as-builts from the Building Department along with the septic and well drawings. The goal would be to have all of these plans on MUNIS for the various departments to use.

Vice Chairman Tucker noted that these plans should be readily available for the Fire Department as well.

Member Rogers noted that there is a problem with the American Legion building. It was suggested that they come in and speak to the Board.

The Goals for Gino and Susy to work on:

- Village Residential Zone
- Look at further groupings
- Clean-up Boundaries for Commercial IV and ARII

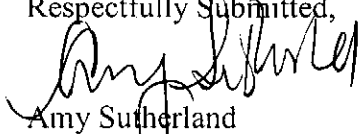
Future Meetings:

The next Planning and Economic Development meeting will be August 28, 2012 at 7:00 pm

Adjourn:

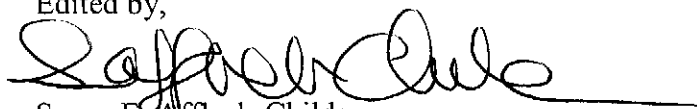
On a motion made by Karyl Spiller –Walsh and seconded by Andy Rodenhiser, the Board voted unanimously to adjourn the meeting at 9:33 pm.

Respectfully Submitted,

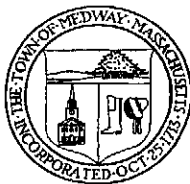

Amy Sutherland
Meeting Recording Secretary

Minutes of August 14, 2012 Meeting
Medway Planning & Economic Development Board
APPROVED – August 28, 2012

Edited by,

A handwritten signature in black ink, appearing to read "Susan E. Affleck-Childs", with a long horizontal line extending to the right from the end of the signature.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

MEMORANDUM

August 9, 2012

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Franklin Creek Subdivision – Bond Release

I recommend the Planning and Economic Development Board vote to release the performance security in full for the Franklin Creek subdivision. The present bond amount is \$10,980 +/-.

The funds are being held by Walpole Co-operative Bank Medway pursuant to a Lender's Agreement executed January 8, 2008 by the Medway Planning Board, Wood Structure Construction, Inc. of Medfield, MA and Walpole Co-operative Bank.

Tetra Tech has approved the as-built plans and provided a sign-off that the roadway and infrastructure work is complete. See attached.

All fees for Tetra Tech inspection services this spring and summer have been paid.

DPS is satisfied with all work.

Taxes are paid in full on the road parcel.



TETRATECH

January 6, 2012

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

**Re: Franklin Creek
As-Built Plan Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) reviewed the "Road Asbuilt" Plan dated November 1, 2011 revised December 14, 2011, prepared by Land Planning, Inc. The plans were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Rules and Regulations and our previous comment letter dated November 11, 2011.

The plan is now satisfactory as submitted and meets all applicable regulations. If you have any questions or comments, please feel free to contact us at (508) 903-2000.

Very truly yours,

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

P:\21583\0800\DOC\2012-01-06 FRANKLIN CREEK REVIEW LETTER.DOC



MEMORANDUM

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

Fr: Steven Bouley–Tetra Tech (TT)

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

Dt: June 25, 2012

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven Bouley'.

Steven Bouley
Civil Engineer

PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: August 14, 2012

RE: Comments on SWAP Parking Bylaw Study

In 2011, SWAP asked the Metropolitan Area Planning Council to undertake a review of parking bylaws within the SWAP region and elsewhere and to use the data to produce some alternative model bylaws related to various aspects of parking.

The final report of that study resulted in 12 “parking strategies” organized 3 topics as follows:

TOPIC	STRATEGY
Parking for Alternative Vehicles	1. Small Car Parking 2. Motorcycles 3. Bicycles 4. Electric Vehicles
Managing Parking Demand	5. Reducing the Required Parking 6. Parking Maximums 7. Fees-in-Lieu of Parking Spaces 8. Shared Parking
Managing the Environmental Impacts of Parking	9. Pervious Paving Materials 10. Parking Reserves 11. Landscaping for Shade and Air Quality 12. Location of Parking

The table on the next page illustrates how Medway’s current parking regulations relate to each of the strategies in the report, and adds other related comments as appropriate regarding potential applicability in Medway. This is intended to be an overview, and we can delve further into any of these measures, as the Board deems appropriate.

STRATEGY	CURRENT MEDWAY PARKING BYLAWS	GENERAL COMMENTS
Parking for Alternative Vehicles		
1. Small car parking	Already allowed for lots with more than 40 spaces up to 30% of total.	Threshold could potentially be lowered to 20 or 30.
2. Motorcycles	No provisions.	Consideration could be given to allowing parking demand to be met with motorcycle spaces. Study suggests up to 5% of total demand.
3. Bicycles	Already requires 1 bicycle space per 20 parking spaces.	Bicycle use is growing fast. Study suggests 1 bicycle per 10 or 20 spaces.
4. Electric vehicles	No provision	Any provisions for these would not substitute for parking demand but location advantages and/or charging stations could encourage their use.
Managing Parking Demand		
5. Reducing the required parking	Already allows reduction by ZBA in C1 district and by PEDB for shared parking	Could consider allowing reductions in any district by special permit. Specific minimum requirements are already in appropriate range, though changes could be considered.
6. Parking maximums	No provision	Maximums are probably not appropriate now but may be in future.
7. Fees-in-Lieu of parking spaces	No provision	This could be useful if the Town were able to provide a municipal lot directly or perhaps through an agreement with a property owner in a prime location suitable to serve multiple businesses. Probably not viable for now.
8. Shared parking	Already provided for with reduction up to 30%, but it is not clear that this is allowed in all districts.	While an agreement between abutting property owners is already allowed, the use of shared parking could be further encouraged where appropriate.

Continued

STRATEGY	CURRENT MEDWAY PARKING BYLAWS	GENERAL COMMENTS
Managing the Environmental Impacts of Parking		
9. Pervious paving materials	Most currently allowed, but site plan regulations “strongly encourage” asphalt surfaces.	Use could be further encouraged, especially for walkways and less-used spaces. Site plan language could be amended to encourage use of pervious materials.
10 Parking reserves	Not specifically allowed, but could be part of ZBA special permit for reduced numbers in the C1 district.	Could be allowed in all districts as part of site plan review.
11. Landscaping for shade and air quality	Site plan regulations require a shade tree for each 6 parking spaces.	
12. Location of parking	Site plan regulations already encourage parking to be to side and rear of building.	Set back changes could facilitate this.

GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 30, 2012

Medway Planning Board
Town Hall
155 Village Street
Medway, MA 02053

RECEIVED
JUL 31 2012

**Re: Bay Oaks Definitive Subdivision Plan
Medway, MA**

TOWN OF MEDWAY
PLANNING BOARD

Dear Board Members,

Our firm revised the plans for the above captioned project to address the comments from the Tetra Tech, dated July 2, 2012; PGC Associates, Inc., dated July 5, 2012; Medway Police Department, dated July 23, 2012 and other comments from board members and abutters. The following is a response to comments:

Tetra Tech comments, dated July 2, 2012:

1. **Revised plan provided street name "Dover Lane", See Sheets 2 & 3 of 7.**
2. **Revised provide bench mark elevation, See Sheet 3 & 4 of 7.**
3. **Revised provided existing woods line location, fences, etc. See Sheet 3 of 7.**
4. **Revised See Sheets 2 & 4 of 7.**
5. **Revised See Cover Sheet 1 of 7.**
6. **Revised See Sheet 4 of 7. Note location is approximate and final location will not be determined by the electric company until endorsement of the plan.**
7. **The site is heavily wooded and the area to be cleared will be minimal. The proposed roadway will be along the existing driveway.**
8. **Revised See Cover Sheet 1 of 7.**
9. **Revised See Cover Sheet 1 of 7.**
10. **Revised See Sheet 4 of 7.**
11. **Revised See Sheet 4 of 7. Note the drainage calculations were modified for the larger roof areas..**
12. **Revised See Cover Sheet 1 of 7.**
13. **Revised See Sheet 7 of 7. Roadway cross section.**
14. **Revised See Sheet 7 of 7. Planting detail.**
15. **The Board shall review.**
16. **The length of the proposed dead end is 5+95 feet to the center of the cul-de-sac from the center line of Fisher Street.**
17. **Revised and Note added to Cover Sheet 1 of 7.**
18. **The fire chief will need to make a determination.**

19. *The proposal is to preserve the existing trees within close proximity of the roadway and provided plantings around the detention basin..*
20. *The existing trees to remain may be inspected after the clearing for the roadway is complete and trimmed as needed.*
21. *No street lights were recommended by the Traffic Safety Officer.*
22. *A narrative has been provided see attached.*
23. *Full size plans have been provided, See Revised drainage report.*
24. *Revised See Revised drainage report.*
25. *The amount of increase is minimal. The proposed plan may be revised to include two foot wide stone trenches along both sides of the roadway in lieu of a grass plot to provide additional mitigation and infiltration.*
26. *See Revised Drainage Report.*
27. *Revised See Sheet 2 of 7.*
28. *Revised See Sheet 3 of 7. Existing bit. Driveway.*
29. *The existing easements and restrictions is to be reviewed by Town Council.*
30. *The silt fence as shown is for the roadway construction only. Lots 2 and 3 will require a separate Notice of Intent filed with the conservation commission for the house, driveway and septic system construction.*
31. *Revised See Sheet 4 of 7.*
32. *There are no certified vernal pools on the locus. The conservation commission has conducted a site inspection and is currently reviewing the project.*
33. *The existing easements and restrictions is to be reviewed by Town Council.*
34. *The existing utilities will need to be verified and new utilities lines will be installed which will include a new connection for the existing dwelling.*
35. *Revised See Sheets 3 & 4 of 7.*
36. *No development of house is proposed within the right of way.*
37. *Revised See Sheet 7 of 7. Detail of roof drainage.*
38. *Revised See Sheet 7 of 7.*
39. *The existing driveway shall be removed and new 12" gravel base shall be installed. See Sheet 7 of 7. Cross Section note added.*
40. *This should be addressed by the Board.*
41. *The Traffic Safety Officer has indicated that proper signage will be needed to be provided.*
42. *The existing walls are shown on Sheet 3 of 7.*
43. *This should be addressed by the Board.*

PGC Associates, Inc., comments, dated July 5, 2012:

1. *Revised See Cover Sheet 1 of 7.*
2. *Revised to indicate the existing septic system. However, there is no information as to the actual locations of abutting septic systems. It appears that the existing abutting systems would be towards the front of the existing houses. The wells are shown on the rear portion of the lot.*
3. *Revised See Sheets 3 & 4 of 7.*
4. *Revised See Cover Sheet 1 of 7.*
5. *Revised See Sheet 5 of 7.*
6. *See drainage report for soil test results.*
7. *See drainage report for "Operation and Maintenance Plan".*
8. *The area around the detention basin is to be planted See Sheet 7 of 7.*
9. *Revised See Sheet 5 of 7.*
10. *No street lights were requested by the Traffic Safety Officer.*
11. *None is proposed.*

12. *Planting information provided See Sheet 7 of 7.*
13. *See Attached SWPPP.*
14. *Revised See Sheet 6 of 7.*
15. *Revised See Sheet 4 of 7.*
16. *Revised See Sheet 6 of 7.*
17. *Board to discuss.*
18. *The Traffic Safety Officer has provided information that the area along Fisher Street in the vicinity of Dover Lane intersection be cleared of brush to provide better site visibility.*
19. *The proposed grade is indicated on the profile view See Sheet 5 of 7.*
20. *The Board should review.*
21. *The Board should review.*
22. *The area around the detention basin is planted as shown and the existing trees along the roadway shall remain.*
23. *No island is proposed.*
24. *No street lights were requested by the Traffic Safety Officer.*
25. *None are proposed.*
26. *The Board should review.*

Medway Police Department, Safety Officer, dated July 23, 2012:

1. *The house number shall be put in a location that can be clearly seen from the private drive. The Board can include a condition of approval.*
2. *Revised See Sheet 5 of 7. Sign provided.*
3. *Revised See Sheet 5 of 7. Sign provided.*
4. *Revised See Sheet 5 of 7. Sign provided.*
5. *Revised See Sheet 5 of 7. Note added.*
6. *See Sheet 5 of 7. Note added.*

Enclosed herewith are copies of the revised plans and drainage report for your review and comment. If you have any questions please don't hesitate to contact our office.

Thank you for your cooperation in this matter.

Yours truly,

Robert S. Truax
Project Manager/Design Eng.

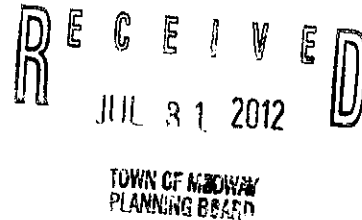
GLM ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

July 30, 2012

Medway Planning Board
Town Hall
155 Village Street
Medway, MA 02053



**Re: *Bay Oaks Definitive Subdivision Plan
Measures to Mitigate Impacts
Medway, MA***

Dear Board Members,

The proposed project "Bay Oaks", Definitive Subdivision, has been designed to minimize impacts to the existing site features. The following "Measures were implemented to Mitigate Impacts":

Maximize stormwater infiltration and groundwater recharge: *The project has been designed to recharge 100 percent of all roof runoff for a 100 year storm event. The proposed drainage basin will capture runoff via a drainage swale and mitigate surface flows. The proposed drainage trench will capture paved runoff and provide infiltration.*

Prevent surface and groundwater contamination: *The proposed surface runoff will mitigate to maximum extent feasible through infiltration systems.*

Reduce detrimental impacts to water quality: *The project does not cause any detrimental impacts to water quality.*

Maintain slope stability prevent erosion: *An erosion control plan will be implemented to protect and maintain erosion from the site.*

Conserve Energy: *The homes will be built to current building code standards.*

Preserve wetlands: *No wetlands will be disturbed during or after construction.*

Preserve wildlife habitats, outstanding ecological or botanical features: *There are sufficient buffers around the wetland area to provide wildlife habitat. The proposed house lots are well in excess of the require zoning area requirements thus allowing for maximum preservation of existing features.*

Protect scenic views: *No scenic views will be disturbed.*

Retain natural landscape features: *The proposed roadway is designed as a permanent private way that will reduce impacts to the natural landscape.*

Design street layouts to facilitate southern orientation of houses: *A portion of the homes will have southern orientation.*

Use curvilinear street patterns: *The proposed roadway is approximately 200 feet in length with a curve to the left.*

RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SITE PLANNING AND DESIGN - PUBLIC WORKS ENGINEERING - SEPTIC DESIGNS - HYDROLOGY AND FLOOD CONTROL - TOPOGRAPHIC SURVEYS - SOIL ANALYSIS - MORTGAGE AND LAND SURVEYS AVAILABLE - WILDLIFE AND ENVIRONMENTAL ANALYSIS - WETLAND DELINEATION - TITLE INSURANCE PLANS AND REPORTS - SITE APPRAISALS - TOWN CONSULTATION SERVICES

Promote pedestrian and bicycle access and safety: *The proposed project does not include any public bike or pedestrian trails.*

Reduce the number of mature trees to be removed: *The proposed roadway alignment minimizing tree clearing.*

Provide green belt/buffer areas: *There is a 15 foot wide buffer provided along the property perimeter where the site abuts existing residential homes.*

Preserve historically important structures and features on the site: *There are no historic structures on the site.*

Retain natural valley flood storage areas: *The existing wetlands/flood storage areas will remain undisturbed and include a 25 foot no disturb buffer.*

Minimize the extent of waterways altered or relocated: *No existing waterways are altered or relocated.*

Reduce the volume of cut and fill: *The proposed roadway construction will not require any significant amount of gravel removal or fill.*

Minimize the visual prominence of man-made elements even if necessary for safety or orientation: *The proposed drainage structure will be screened with plantings and the proposed house will have significant buffering from the proposed road.*

Minimize municipal maintenance frequency and costs: *The proposed roadway shall remain private.*

Reduce building site frontages or driveway egresses onto primary or secondary streets: *All proposed driveways will have access and egress via the private way.*

The proposed project as designed will minimize impacts to the existing site features and surrounding area.

Thank you for your cooperation in this matter.

Yours truly,


Robert S. Truax
Project Manager/Design Eng.



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Lane Width: Flexibility in the AASHTO Guidelines

The AASHTO Green Book (2) recognizes the need for flexibility and provides that flexibility, citing how lane width can be tailored, to a degree, to fit the particular environment in which the roadway functions (e.g., low-volume rural roads or residential areas versus higher volume rural or urban facilities). The formulation of these values demonstrates considerable flexibility. The AASHTO Green Book (2) recognizes the need for flexibility and provides that flexibility, citing how lane width can be tailored, to a degree, to fit the particular environment in which the roadway functions (e.g., low-volume rural roads or residential areas versus higher volume rural or urban facilities). The formulation of these values demonstrates considerable flexibility.

For lower speed, lower volume rural roads and highways with little or no truck traffic, lane widths as low as 9 ft (2.7 m) may be acceptable; lane widths substantially less than 12 ft (3.6 m) are considered adequate for a wide range of volume, speed, and other conditions.

For the reconstruction of rural two-lane highways, the AASHTO Green Book (2) notes that less than 12-ft or 3.6-m lane widths may be retained "where alignment and safety record are satisfactory." In other words, widening a narrow existing highway is not mandated if its safety performance is acceptable. Flexibility is also evident for lower-class roads and streets, with recommended narrower lane widths consistent with lower design speeds on such roads.

The discussion of lane width in the AASHTO Green Book (2) for urban areas also reflects a high degree of flexibility. It is noted that lane widths "may vary from 10 to 12 ft (3.0 to 3.6 m) for arterials." For lower classification facilities, similar flexible language encourages the tailoring of an urban street cross section to site-specific conditions. We believe that our vision for the Beethoven Promenade cannot be implemented without the support of the Miami-Dade County.

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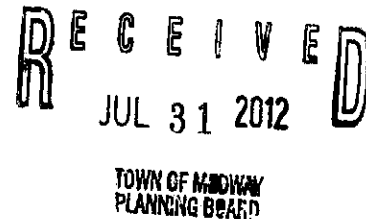
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Author:
American Association of State Highway and Transportation Officials

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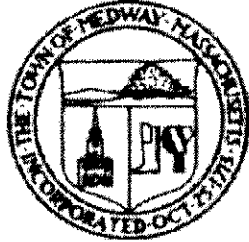
Contributed by:
Elena Madison



Town of Medway Fire Department

Jeffrey P. Lynch, Chief
44 Milford Street
Medway, MA 02053

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



RECEIVED
JUL 31 2012

TOWN OF MEDWAY
PLANNING BOARD

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

Ms. Affleck-Childs,

July 26, 2012

I have reviewed site plans for a subdivision to be located at 104 Fischer Street, Medway, MA.

During the review we discussed the following.

- 1.) The turning radius at the driveways must accommodate fire apparatus.
- 2.) The turning indent at the house end of the driveways should be increased to accommodate the ambulance to be able to turn around without backing the entire length of the driveway.
- 3.) The laneway and driveways will be designed to accommodate 75,000 pound vehicles and will be maintained at all times including snow removal.
- 4.) The road to the subdivision should be named Dover Lane and all houses Dover Lane serves should have Dover Lane addresses.
- 5.) We further had a discussion about water supply to the subdivision. While a viable water supply to the subdivision needs to be addressed, it is a problem throughout town that should be addressed via ordinance or zoning rules. Swimming pools are not generally an option as they are typically located off of a hard surfaced road and access to them with large trucks is usually impossible in all weather scenarios. It would be extremely difficult to address this issue with this subdivision given the time constraints.
- 6.) Addresses should be marked at the end of the driveways if numbers on the houses are not visible from the road.

Any violation of the Massachusetts Fire Code not noted in this review is the sole responsibility of the property owner and will be rectified accordingly.

Thank you for seeking my input and if there is anything else I can do in this matter please let me know. If you have any questions please feel free to contact me at the above number.

Sincerely,

Jeffrey P. Lynch
Chief of Department



TETRA TECH

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AUG 08 2012

TOWN OF MEDWAY
PLANNING BOARD

July 2, 2012
(Revised August 8, 2012)

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

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

Dear Mr. Tucker:

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

TT is in receipt of the following materials:

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

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



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

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

On March 13th, 2012, TT received an updated package including a cover letter providing comment responses, plans, drainage report, and a list of waivers addressing our original comments. We have reviewed this package and have updated our comments, as bulleted below the original comment.

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

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

1. The street name for the existing street should be shown on the plans (beyond just Sheet 1) (Ch. 100 §5.7.1)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
2. The plan shall contain vertical and horizontal benchmarks (Ch. 100 §5.7.4)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
3. The Existing Conditions Plan should show the limits of wooded areas, tree masses, and/or large freestanding trees. (Ch. 100 §5.5.6)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



4. Location of the minimum lines of building setback as required by the Zoning By-Law shall be shown (Ch. 100 §5.5.14)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
5. A list of waiver requests shall appear on the cover sheet. (Ch. 100 §5.5.16)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
6. Proposed layout of electric, telecommunications, natural gas, cable TV, and spare communications conduit shall be shown on the plan. (Ch. 100 §5.5.19)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
7. The plan shall identify specific trees that are to be retained and where new trees are to be planted (Ch. 100 §5.5.24)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
8. Specific lot information shall be shown in tabular form on the first sheet of the Plans. (Ch. 100 §5.5.26)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
9. A note shall be added to the cover sheet of the Definitive Subdivision Plan indicating that all improvements shall be constructed in accordance with Mass Highway handicap requirements and the current ADA/AAB requirements in effect at the time of construction. (Ch. 100 §5.5.34)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
10. Clearing limits shall be clearly shown on the plans. (Ch. 100 §5.5.35)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
11. Location of house footprints shall be shown at forty feet (40') by eighty feet (80'). (Ch. 100 §5.5.36)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



Section 7.0- Design and Construction Standards

12. A note shall be added to the plan stating "No dwelling will be constructed on any lot without first securing from the Board of Health the Disposal Works Construction Permit required by Title 5 of the State Environmental Code" (Ch. 100 §7.6.2(e))
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
13. A detail shall be provided showing the conduit for all private utilities and shall include a spare communication conduit installed in the same trench with electric, telephone and cable conduit for future use by the Town of Medway. (Ch. 100 §7.6.2 (h))
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.
14. Substantial landscaping and planting shall be provided around detention and retention basins and shall be included in the overall design of the drainage system. (Ch. 100 §7.7.2(r))
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction. The board should review the plantings and confirm acceptance.
15. The Board may authorize permanent private ways for subdivisions of up to three lots/dwelling units. The proposed development seems to be in conflict with this requirement. Please clarify at the hearing. (Ch. 100 §7.9.1 (e))
 - **TT 8/8/12 Update:** The PEDB should interpret this regulation and how it applies to this proposed subdivision.
16. The maximum length of a dead end street shall be six hundred feet. (Ch. 100 §7.9.6 (b))
 - **TT 8/8/12 Update:** The proposed roadway is 5+95' to the center of the cul-de-sac from the center line of Fisher Street.
17. Driveway openings shall have a three-foot (3') radius edge treatment. (Ch. 100 §7.11.1)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



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18. A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision. (Ch. 100 §7.17.1)
19. **TT 8/8/12 Update:** There does not appear to be a fire alarm system proposed so the applicant should verify that the sum of money will be paid to the fire department. Trees shall be planted in accordance with Ch. 100 §7.19.2.
 - **TT 8/8/12 Update:** This item has not been addressed and may require a waiver. The intent is to preserve existing trees close to the roadway.
20. Verify that the existing trees designated to remain along street are clear of any branches from the approved grade level to a point seven feet (7') above finish grade. (Ch. 100 §7.19.3)
 - **TT 8/8/12 Update:** A note should be added to the plan to address this.
21. Street lights shall be installed where the Traffic Safety Officer deems they are needed for public safety. (Ch. 100 §7.21.1)
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

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

22. A brief narrative should be attached to the Form F identifying measures that have been taken during design for the items listed in numbers 35 through 55.
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

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

23. Full sized Pre- and Post- plans should be submitted with labeled areas and time of concentration lines to verify the Hydrocad model.
 - **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



24. Infiltration rates for "B" soils in the Cultec System is modeled at 2.40 in/hr. This is consistent with an "A" soil. The model should be revised to reflect the infiltration rate for "B" soils.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

25. There is an increase in Peak Rate and Volume toward the Fisher Street Analysis Point. Will that flow impact the catch basins capacity? Are there any flooding issues at that location historically? While not representing large flows, is there an opportunity to employ additional BMP's to mitigate flows and volume? *I spoke with the applicant about this during the site walk. The applicant stated that he had never known there to be any flooding around these two existing catch basins and therefore didn't anticipate a capacity issue with the minor additional flow.*

- **TT 8/8/12 Update:** The applicant added swales to the proposed plan and modified the recharge calculations to include the swales, however that information is not reflected in the model. We would like the swales added to the model to see the amount of decrease and then determine if the addition of another swale on the opposite side of the roadway is warranted.

26. Supporting documentation has not been submitted showing compliance with MA DEP Stormwater Management Standards. Water Quality volume, Total Suspended Solids, and Drawdown calculations, plus the Stormwater Checklist should be submitted for review.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

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

27. The plan should clarify that the roadway extension is to be a Private Public Way, consistent with the existing roadway.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

28. The material of the existing driveway should be labeled.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



29. What are the restrictions for the existing 50' Right of Way running primarily through Lot 2? Who owns the parcel within the ROW. *The applicant informed TT during the Site Walk that the ROW is for access purposes only and that there are no restrictions that would limit the proposed design.*

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

30. The limits of the silt fence, as shown on Sheet 4, should be extended between the wetlands and the buildings on Lots 2 and 3. The silt fence is shown extending further on Sheet 6.

TT 8/8/12 Update: This item has been addressed to our satisfaction. Silt fence is provided for roadway and is acceptable for that scope of work. Additional silt fence will be provided during the Notice of Intent procedure for the proposed house construction.

31. The roadway cross section shows 2' flat shoulders, however the grading on Sheet 4 does not appear to be consistent with that. Is 2' flat shoulders sufficient for pedestrian access? Would it be better to widen one side?

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

32. GIS information shows two potential vernal pools on the site. This should be clarified further through the Notice of Intent process.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

33. There is an existing path through the rear of the property. What is this path used for? Does the path need be relocated outside of the backyard of the house proposed on Lot 3? *The applicant informed TT during the Site Walk that the path is no longer used, therefore we don't see the necessity of relocating.*

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

34. Existing private utilities should be shown on the plans.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

35. The approximate location of the existing septic system associated with the existing dwelling to remain on Lot 4 should be shown on the plans to confirm that the new lot lines do not create a non-compliance issue with the state sanitation



code. *The applicant identified the location of the existing septic in the field and based on that location there doesn't appear to be any potential conflicts between the required off-set distances and the new property lines. We would still like the existing system to be shown on the plan.*

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

36. How does the Access & Utility Easement for between Lot 1 and 2 affect potential development within the existing 50' wide ROW on Lot 2? *The applicant explained that the easement would not impact this development in any way. If the 50' wide ROW was developed in the future, the driveway to Lot 1 would need to be modified as necessary to accommodate a potential access road.*

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

37. The size and material for the pipe extending between the proposed houses and the cultic chambers should be labeled.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

38. A monument detail should be added to the plans along with a label identifying type of monument to be set.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

39. Please clarify what is happening to the existing driveway and how that is incorporated into the new roadway construction.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

40. Although it's not required by the regulations, we recommend replacing the top 4-inches of the proposed gravel base material with 4" of dense graded crushed stone to provide a better base.

41. The applicant should coordinate with the fire department whether it's necessary to provide signage at the cul-de-sac identifying the house numbers that are located off the new roadway.

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.



42. Existing stone walls should be shown on the plans.

- **TT 8/8/12 Update:** The applicant has stated that the walls are shown on sheet 3, however I believe there are more walls along the property line that are not shown.

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

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

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

- **TT 8/8/12 Update:** This item has been addressed to our satisfaction.

The following items were raised during the public hearing process and do not appear to have been addressed:

44. The turning radius at the driveways must accommodate fire apparatus. (Fire Department Letter dated July 26, 2012)

- **TT 8/8/12 Update:** Radii have been added to the driveway entrances however the applicant shall state how it was determined that the radius was sufficient to accommodate the fire apparatus.

45. We further had discussion about water supply to the subdivision. (Fire Department Letter dated July 26, 2012)

- **TT 8/8/12 Update:** The applicant should discuss this issue with the fire department directly.



TETRATECH

46. Addresses should be marked at the end of driveways if numbers on the houses are not visible from the road. (Fire Department Letter dated July 26, 2012)

- **TT 8/8/12 Update:** It does not appear that this has been addressed on the plan.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'David R. Pellegri'.

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

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PGC ASSOCIATES, INC.

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

August 9, 2012

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

RECEIVED
AUG 09 2012

Re: **Bay Oaks Definitive Subdivision Plan**

TOWN OF MEDWAY
PLANNING BOARD

Dear Mr. Tucker:

I have reviewed the revised subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012 with a revision date of July 30, 2012. The site is within the AR-I district.

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

The original comments from my July 5, 2012 letter are repeated with new comments in **bold** as follows:

Zoning

1. The proposed lots meet the area, frontage and lot shape factor to comply with the zoning bylaw. It should be noted that Lots 2 and 3 include wetlands. While no calculation has been provided, it is clear from the drawings that the wetlands comprise less than 50% of these lots and thus the lots meet the requirement that the minimum required lot area must be at least 50% uplands. **The wetlands calculations have not been provided. OK.**

Subdivision Rules and Regulations

2. Section 5.7.9 requires that existing wells and septic systems on, and within 100 feet of, the property be shown. An existing well is shown but no septic system for the existing dwelling. **The existing septic system on Lot 4 is now shown as well as the existing wells on abutting properties. The applicant explains that the existing septic systems for the abutting lots are not shown, but they appear to be in the front of those lots. OK.**
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subdivision was provided, but the pavement width was not. **The pavement width for Dover Lane is now shown, but the ROW and pavement width of Fisher Street are not.**

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20. A waiver is requested from Section 7.10.2 requiring Cape Cod berms as required on permanent private ways. No berms are proposed in order to allow stormwater to run off into a swale on one side of the road. No crown is proposed either, as the road will be slanted in a single direction. The waiver should be requested from the requirement for sloped granite curb on neighborhood streets. **This comment still stands. Applicant asks that the Board review this.**
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24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested. **As stated previously, safety officer has not requested streetlights. OK.**


25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed. **OK.**

General Comments

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", written in a cursive style.

Gino D. Carlucci, Jr.

414

Lot 6A Fisher St., Medway

90911

10. -

RECORDED
NORFOLK COUNTY REGISTRY OF DEEDS
DATE: 10/30/90
BY: [Signature] 414
NOTARY PUBLIC

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.

RECEIVED
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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 Roy G. Pease]

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. Weather
Notary Public

My commission expires:

March 12, 1993

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

August 9, 2011

Mr. Andrew Rodenhiser
104 Fisher St.
Medway, MA 02053

RE: Covenant Regarding Fisher Street
Medway Property

Dear Andy:

You have asked us to review the Covenant regarding your Fisher Street, Medway property dated April 16, 1986, recorded at the Norfolk County Registry of Deeds at Book 8120, Page 718, and the Release of Covenant and Conditions recorded at said Registry at Book 9088, Page 414. A question has arisen as to whether the Release releases the provisions of paragraph 11. of the Covenant, which states that the land shall not be further subdivided. Attorney Deborah Batog, representing the Giovanella family, owners of abutting property, has put forth the position at the July 26, 2011 meeting of the Medway Planning Board that the Release applies to the restrictions on construction, and not, what she refers to as, restrictions that run with the land.

In paragraph 15. of the Covenant, it states, "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 provision as to such particular lot(s), shall be filed and recorded in the Norfolk Registry of Deeds." That provision suggests that compliance as to certain of the building provisions shall be certified to by a certificate of compliance, not a release, and signed by the Planning Board.

The Release of Covenants and Conditions dated December 11, 1990, by its terms, would be a complete release of all covenants and conditions. It states, "We, the undersigned, being majority of the Planning Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify that Lots 6A and 6B on a plan entitled.... 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. Raicot, Trustee and the Planning Board of the Town of Medway, dated April 16, 1986 recorded in Book 8121, Page 718 with said deeds." This language is very broad, and clearly states that it releases the lots from the terms, provisions and

Susan Affleck-Childs

From: Barbara Saint Andre [bsaintandre@petrinilaw.com]
Sent: Thursday, August 18, 2011 3:01 PM
To: Susan Affleck-Childs
Cc: Suzanne Kennedy
Subject: RE: Bay Oaks Subdivision - 104 Fisher Street -

CONFIDENTIAL

CONFIDENTIAL NOT A PUBLIC RECORD
ATTORNEY CLIENT PRIVILEGE/NOT FOR PUBLIC RELEASE

You have requested an opinion on a number of issues related to the Bay Oaks preliminary subdivision plan. I have reviewed the deeds, covenant, plans, chronology, and letter from the applicant's attorney that you forwarded to me. The questions are set forth below, followed by my responses.

1. What rights do the Giovanellas have in the ROW. In particular, does their right to use the ROW mean they also have the right to improve the ROW (build a road within it to access the back land).

Without performing a title search, I cannot opine on what rights, if any, the Giovanellas have in the various rights of way shown on the plans and described in the deeds. I do note that the deed from the Giovanellas to Kenneth Racicot in 1982 reserved to the Giovanellas the right to use the 60 foot wide right of way shown on the recorded plan "for any and all purposes for which public ways are commonly used in the Town of Medway." Similarly, the easement granted to the Giovanellas by Racicot in 1984 over the 50 foot right of way shown on the 1984 plan granted the right to use it "for all purposes for which public ways are used in the Town of Medway." Generally, the holder of a right of way easement has the right to make reasonable repairs and improvements so as to be able to use the way for its intended use. See Walker v. E. William & Merrill C. Nutting, Inc., 302 Mass. 535 (1939). In addition, by statute, an abutter to a private way who possesses deeded rights of ingress and egress in the way has the right to place, install, or construct in, on, along, under and upon said private way pipes, conduits, manholes, and other appurtenances necessary for the transmission of gas, electricity, telephone, water and sewer service, provided that such facilities do not unreasonably obstruct the private way and subject to certain other provisions. G.L. c. 187 §5. For purposes of the statute, a driveway easement is considered a private way. Barlow v. Chongris & Sons, Inc., 38 Mass. App. Ct. 297 (1995). Thus, generally speaking, the land owner who has the benefit of an easement "for all purposes for which public ways are used" would be able to improve the easement in order to provide ingress and egress.

2. Are the Town's setback requirements applicable to the ROW boundaries or only to property line boundaries? How close can a house, septic, and well be located from a ROW boundary that is not coterminous with a property line?

The zoning by-law provides that "buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line." Section V.E.5. Accordingly, with respect to side and rear lot lines, the setback is measured from the lot line, not any easement that may cross the property. With respect to street lines, the zoning by-law defines a street as: "Public way established by or maintained under public authority or a way shown on a plan approved and endorsed by the Planning Board." In my opinion, the easements shown on the plans discussed above are not "ways" shown on the plan within the meaning of the by-law. Accordingly, the street line would be the cul-de-sac.

3. You have also inquired as to a Covenant recorded at Norfolk Registry of Deeds, Book 8120 page 718. This Covenant is in respect to the Planning Board's approval of a subdivision plan for the property in 1986 which divided the property into a private way with a cul-de-sac and two lots. The Covenant has many of the provisions found in boilerplate subdivision covenants granted under G.L. c. 41 §81U to provide surety for the construction of ways and installation of municipal services in the subdivision. It also contains a number of conditions, including condition no. 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." The Covenant was signed by the owner, Kenneth Racicot, and the planning board.

In 1996, the Planning Board executed a "Release of Covenant and Conditions", which was recorded at the Registry of Deeds, with respect to the Covenant. The Release states: "We...hereby certify that lots 6A and 6B on a plan entitled...is [sic] 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..." This release, on its face, releases the lots from the Covenant in its entirety, including condition number 11 with respect to no further subdivision.

I am informed that there is no other document, such as a planning board certificate of action, setting forth this condition. Generally, all conditions must be inscribed on the plan or contained in a separate document referred to on the plan. Green v. Board of Appeal of Norwood, 358 Mass. 253 (1970). There is a note on the definitive plan that states: "Approval granted subject to a covenant dated April 16, 1986 to be recorded herewith"; there is no note as to conditions or any other document. The covenant, however, has since been released by the broad release that specifically is entitled "Release of Covenant and Conditions". As noted by Professor Bobrowski, "Planning boards should take care to provide for long-term conditions in a separate covenant, distinct from the statutory performance guarantee...these conditions should be stated in a supplemental covenant that will not be released...." Mark Bobrowski, Handbook of Massachusetts Land Use and Planning Law, (3rd ed., 2011) p. 541.

There may be further documents that would shed additional light on this situation, such as planning board minutes or other records. Based only on the Covenant and the Release, it is unlikely that the conditions set forth in the Covenant, including condition number 11, have any continuing vitality.

If you have further questions in this regard, do not hesitate to contact me.

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

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

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

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Monday, August 01, 2011 1:44 PM
To: Barbara Saint Andre
Cc: tucrob@comcast.net; Suzanne Kennedy
Subject: Bay Oaks Subdivision - 104 Fisher Street -

Barbara,

Last Tuesday night, July 26, 2011, the PEDB started its review of the Bay Oaks Preliminary Subdivision Plan. This is the property owned by Andy Rodenhiser at 104 Fisher Street. AR1 zoning district.

A copy of the proposed preliminary subdivision plan is attached for your use. He proposes to divide his property into 4 lots, including one lot for his existing home.

Attending the meeting was Attorney Deborah Batog of Gilmore, Rees and Carlson, P.C. in Franklin. She represents the Giovanella family which owns the property immediately to the east of Mr. Rodenhiser. The property owned by Mr. Rodenhiser was once owned by the Giovanellas. Mr. Rodenhiser's property includes two ROW easements to the benefit of the abutting Giovanella property. Both ROWs come in from Fisher Street. Ms. Batog was present to try to ensure that the Bay Oaks subdivision does infringe on the Giovanellas rights.

CONFIDENTIAL

At the meeting, Attorney Batog submitted a series of land documents to the Board – deeds, easements, plans, covenant, etc. They are attached for your review. Also attached is a chronology I prepared based on those documents.

PED Board member Karyl Spiller-Walsh had several questions she asked me to pose to you.

1. What rights do the Giovanellas have in the ROW. In particular, does their right to use the ROW mean they also have the right to improve the ROW (build a road within it to access the back land).
2. Are the Town's setback requirements applicable to the ROW boundaries or only to property line boundaries? How close can a house, septic, and well be located from a ROW boundary that is not coterminous with a property line?

The PEDB will next discuss this proposed subdivision at its meeting on August 9th. We would appreciate your review of the above noted documents and an opinion on the questions posted.

Thanks for your help.

Susy

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

508-533-3291

saffleckchilds@townofmedway.org

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SEP 29 2011

TOWN OF MERRIM
PLANNING BOARD

Bay Oaks -
Existing Private Roadway

Susan Affleck-Childs

To: Ed Duggan
Subject: RE: Bay Oaks plan

Mr. Duggan,

Thanks for your email communication. I will provide it to the Planning and Economic Development Board and we will enter it into the record at the next public hearing on August 14th. That hearing will begin at 7:15 pm and will take place in Sanford Hall at Medway Town Hall. You are certainly welcome to attend and express your concerns.

I wanted to let you know that the Fire Chief has reviewed the Bay Oaks plans and provided comments to the Board. That is standard practice for any development proposal before the Board. We have also sought and received comments from Medway Safety Officer Sergeant Jeff Watson.

The Board is aware of and has read the agreement you speak of; it has also been reviewed by Medway Town Counsel. It was a subdivision covenant executed on April 23, 1986 between the property owner at the time, Racicot Realty Trust, and the Medway Planning Board. Dean Bank foreclosed on the property on 11/9/1989 and took ownership from Racicot. On 12/4/2012 Dean Bank sold one of the lots to the Rodenhisers. On 12/6/1990, the Planning Board voted to release that covenant. That action served to legally terminate the restriction that you recollect.

Please don't hesitate to contact me if you have any further questions.

Best regards,

Susy Affleck-Childs

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

508-533-3291

saffleckchilds@townofmedway.org

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From: Ed Duggan [<mailto:pjlabels@gmail.com>]
Sent: Thursday, August 09, 2012 5:06 PM
To: Susan Affleck-Childs
Subject: Bay Oaks plan

Board Chairman and members,

I recall when the original plan for the house at 104 Fisher St. was approved,
The agreement called for no additional houses to be built on the balance of the land.
The drive was too narrow and steep but since there was only one house the board approved.
I have never seen the official approval of the plan and may not be recalling the
approval agreement exactly, but could this be reviewed before approving additional houses in
that area.

I would think that the Fire Chief should also review this plan for safety reasons prior to
approval.

Sincerely,

Edward Duggan
59 Fisher St.,
Medway, Ma. 02053

508-533-6900

PGC ASSOCIATES, INC.

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

August 9, 2012

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

R E C E I V E D
AUG 09 2012

Re: **Bay Oaks Definitive Subdivision Plan**

**TOWN OF MEDWAY
PLANNING BOARD**

Dear Mr. Tucker:

I have reviewed the revised subdivision plan submitted by Andy Rodenhiser of Medway for property off Fisher Street. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated May 18, 2012 with a revision date of July 30, 2012. The site is within the AR-I district.

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

The original comments from my July 5, 2012 letter are repeated with new comments in **bold** as follows:

Zoning

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

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23. Sections 7.19.9 requires the center island of a cul-de-sac to be 24' in diameter with a 10' apron around it. No center island is proposed. **Again, applicant states that no center island is proposed. A waiver should be requested.**
24. Section 7.21.1 pertains to street lights. None are proposed and no waiver is requested. **As stated previously, safety officer has not requested streetlights. OK.**

25. Section 7.22 provides the Board discretion to require walkways, trails, and/or bikeways. None are proposed. **OK.**

General Comments

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

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

Sincerely,

A handwritten signature in black ink that reads "Gino D. Carlucci, Jr." The signature is written in a cursive, slightly slanted style.

Gino D. Carlucci, Jr.