

**January 8, 2013
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ABSENT WITH NOTICE: Tom Gay

ALSO PRESENT:

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

The Chairman opened the meeting at 7:05 pm.

There were no Citizen Comments.

The Meadows Subdivision - Request for Bond Reduction:

There is a memo from Dave Pellegri dated December 19, 2012 regarding “The Meadows”. **(See Attached)** The punch list items have been completed with the exception of the fire alarm box.

Fire Chief Jeff Lynch has indicated that he is comfortable with a payment of \$1,000.00. Susy recommends that the Board seek \$2,000.00.

Susy reported that the applicant is requesting a 100% bond reduction.

The Board discussed that they had previously agreed to some reduction but it was not 100%.

Susy noted that there are no outstanding issues. The as-built plans have been verified. This will be ready for spring road acceptance. The title research work has been done. Susy suggests reducing the bond to \$5,000.

The Board would like to wait until next Tuesday, January 15, 2012 to get a cost estimate from Tetra Tech Rizzo for a comparable fire alarm box if such were to be installed.

Public Hearing - Charles River Village Open Space Residential Development (OSRD) Definitive Plan – 6 Neelon:

The Chairman opened the public hearing for Charles River Village – Open Space Residential Development Definitive Plan by reading a document dated December 12, 2012. **(See Attached)**

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted unanimously to dispense with reading the public hearing notice.

The Board is in receipt of the following documents:

The public hearing notice dated December 12, 2012. **(See Attached)**.

Form C-2 Land Subdivision Application for Approval of an OSRD Definitive Plan dated November 30, 2012. **(See Attached)**

Waiver Request Worksheet – Charles River Village OSRD dated November 30, 2012. **(See Attached)**

Letter dated December 10, 2013 from Engineer David Faist on behalf of the applicant. **(See Attached)**.

Notes received November 30, 2013 from Paul Yorkis explaining how the special permit conditions have been addressed in the definitive plan. **(See Attached)**.

A plan review memorandum from Tetra Tech dated December 21, 2012. **(See Attached)**

A plan memorandum from PGC Associates dated January 3, 2013. **(See Attached)**

Planning and Economic Development Board’s OSRD Special Permit Decision for Charles River Village dated March 30, 2011. **(See Attached)**

Development Team:

The development team was introduced - Official Representative Paul Yorkis, Engineer David Faist, Land Surveyor Dan O’Driscoll, and applicant John Claffey.

Engineer Faist went over the general project plan. He explained that the plan has not changed from the original OSRD concept plan. The topography of the land was completed and the wetlands were verified and are in same location as originally expected.

Drainage Area:

Engineer Faist explained that the drainage system for the Charles River Village shall comply with current Massachusetts DEP Stormwater policy. The system is designed to include low impact development techniques which will include the use of a rain garden, roof runoff collectors and other suitable measures. There will be an overflow catch basin for larger storms. The drainage will minimize the impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground. The detention basin system shall be designed into the site's topography and natural features. The property drains in three areas and the majority slope downhill. Mr. Faist indicated that they want to control roadway drainage without increasing it. The roof runoff will be collected and discharged separately either through ground infiltration chambers or overland discharges.

It was recommended that the overflow dispersion be reviewed for erosion. The concern is that channels will be created. There will also be splash pads.

Consultant Pellegri noted that there will be focus on the splash pad and there will be monitoring during construction. This should work and more rip rap could be added. This should be noted on the plan.

Utilities:

The discussion next moved to the proposed utilities which will be located underground. The utilities will loop from Village Street through Cherokee to Charles River road. There will need to be a meeting with DPS to discuss the water and sewer tie ins.

Landscape Plan:

A landscape plan is included. There will be buffer areas between the structures. The landscape plan will show significant trees along with where new trees will be proposed. The landscape plan shows a buffer on the North with evergreen plantings. This area is bare and proposed supplemental plantings will be included behind units six and seven.

The applicant will go to the Design Review Committee to seek input on the landscape design.

Member Spiller-Walsh communicated to the applicant that the Planning Board has specific standards relative to construction for a conventional subdivision which references that the detention and retention areas be on a separate parcel. This fell outside original consideration. She feels the center of the road loop with the implied rain garden has fallen short. She was hoping for something interesting and dynamic to look at. This design falls so short of a vision of what we intended. This design is a great disappointment. She hopes that this caliber of design never happens again.

Chairman Rodenhiser wanted to know if this area can be mowed and suggested the maintenance agreement should address this.

Mr. Faist communicated that it can be mowed.

Member Rogers responds that he disagrees with member Spiller-Walsh and the rain garden is a better solution to the problem.

The Chairman next welcomed comments from the public.

Resident/Abutter Richard Diulio, 7 Massasoit:

Mr. Diulio communicated that this is intended to be minor drainage but a lot of water comes out and goes to the tennis club and also onto his property. He also inquired about if grading is going to be done. He asked what recourse is there if this situation gets worse.

The Chairman responded that you could sue the Condo Association.

Mr. Faist responded that we have made an effort to force water downward and the plantings will not change. The flow will not be increased.

The Chairman communicated that we can make sure more water does not come off the site.

Mr. Yorkis responded that we have tried to do everything to make sure that the water is handled appropriately. We are not responsible for the existing conditions with drainage issues with the tennis club.

Member Tucker referenced that the materials can be changed and a lip could be created to assist with water getting to the pipe.

Mr. Faist indicated that he will look into this.

Resident/Abutter, Susan Diulio, 7 Massasoit Street:

Mrs. Diulio indicated that there is presently stormwater run-off from both streets. She is questioning if the culvert can handle any additional water. She further inquired if there will be a guarantee that there will be no additional water. If there is additional water, what is the recourse by the abutters?

The Chairman explained that the Planning Board has both a Consultant and Engineer who have experience with these this type of drainage and that the applicant's plans are reviewed.

Member Tucker responded that the Board also has two engineers with experience from all over the country which provides for further review to minimize any issues.

Consultant Pellegrini also communicates that the State has design guidelines which are created by historical evidence and data. The applicant has to meet those guidelines.

Mr. Yorkis responds that he has heard the concerns which have been raised. They are genuine and legitimate, but this is the beginning of the process and there will be revisions made to the plans and at some point that there will be an approved set of plans. The team is making every effort to make sure there are no issues.

Property Owner Ken Bancewicz, 223 Village St:

Abutter Bancewicz wanted to know if there will be any restrictions regarding phosphorous running off into the river.

Consultant Carlucci communicated that phosphorous is now prohibited in Massachusetts.

Joanne Kramer, 231 Village St:

Mrs. Kramer wanted to know if the consultants will be doing site visits of the rain storms in the spring.

Consultant Pellegri added that he will do site visits during rain storms to review and look at the flow of water.

Consultant Carlucci's Plan Review Report:

The regulations require that the basins to be on separate parcel. The applicant should request a waiver for this.

The system of foundation drains will also need a waiver.

Engineer Faist responded that the foundation drains will be installed.

Consultant Carlucci noted that Condition #4 relative to the buffers must be labeled on the plan.

There was also discussion that language should be clarified that buffer does not just include grass. Clarifying the existing vegetation would be recommended.

Mr. Yorkis noted that the open space area will be left as it is and will stay in its natural state and wooded.

Mrs. Kramer, 232 Village St.:

Mrs. Kramer is concerned that about the five houses being built adjacent to her property. There is no buffer. She wants to know if there will be a fence.

The Chairman responded that there is a plan for proposing landscaping. The Design Review Committee will address landscaping and buffering.

Mr. Yorkis responded that the applicant is not proposing to put up a fence.

Consultant Carlucci responds that a temporary barrier must be installed during construction. This will need to be addressed.

Mr. Yorkis communicated that he looked at the property line and edge of existing pavement and there are six trees on private property and one tree planted on the property line. He consulted with the arborist about edge of pavement and it his intention to stay as far away as possible from those trees during construction. There is no desire to take down trees.

The Board has the ability to require off-site improvements and they can negotiate and put forth principles to protect neighbors.

Susy noted that it is up to the applicant to mitigate the impacts if trees are damaged and they must come back with something for the Board.

Mr. Yorkis had a question regarding the number of dwelling units based on the formula for market rates units without bonus or affordable units. What is this number?

Consultant Carlucci communicates that he believes the number to be 11.

Mr. Yorkis communicated that the applicant is proposing 13 units and two of which are affordable. If the applicant does not elect to do the affordable, the number of units as market is 11. These will be market rate units.

There was a question that we need to determine how many units can be built by the formula as market rate recognizing that the applicant can pay into a fund for affordable units. This is an economic decision and we need clarity on the numbers.

Susy Affleck-Childs will double check the numbers and will provide a response to Mr. Yorkis by next Tuesday. This needs to be done based on May 2011 bylaw. Town Counsel determined this already.

The applicant will be requesting a series of waivers. This was included within the packet.

It was recommended that there needs to be a statement and a proposed mitigation plan in place if the trees are damaged through the construction process.

Mr. Yorkis communicated that he will not know until excavation takes place.

The Chairman responded that if something is damaged during construction, we would like a letter from your arborist addressing mitigation measures.

Consultant Pellegrini's Review Report

Consultant Pellegrini explained to the Board that he has met with Mr. Yorkis and Mr. Faist and they reviewed all 73 of the Tetra Tech review comments. There were no major issues. There will need to be a meeting with DPS to discuss conditions of existing services.

Mr. Yorkis communicated that within the Board's discussion at the public hearing, there was never discussion that the water and sewer lines would be privately owned. This was referenced on page 24 (b) of the decision. He is very concerned that this was put in and is concerned since this is a policy that the Planning Board cannot make. He is further concerned that this was put into the decision when it was never discussed during the public hearing.

Susy responds that Mr. Yorkis was provided with a draft copy of the decision and this was referenced on pg. 24 item B.

Member Tucker communicates that there had been discussion and meetings about this with DPS Director Tom Holder.

The Chairman responds that this is not a change in policy.

Member Rogers explains that he is the Chairman of the Water and Sewer Commission and this issue has not been discussed as presented in this case and this must be discussed further.

Mr. Yorkis responds that he did not have this language on his draft copy.

Susy responds that she will check on the version which was sent to Mr. Yorkis. It was further explained that it has always been the policy of the Board to discuss the draft decision with the applicant and Mr. Yorkis had that opportunity and he had not objected at the time.

Member Tucker responded that this it is not our policy, but it is a DPS policy.

The Chairman communicated that the mitigation about the water line was discussed at many meetings.

Consultant Pellegrini responded that there has been a lot of gray areas and this has not been clarified well but there was not a specific policy.

Chairman Rodenhiser responds that this is not our policy.

Susy explained that we have been a partner with DPS in these discussions. The discussions took place when we looked at possible revisions to the Subdivision Rules and Regulations. This was part of all of our meeting agendas for a year.

Member Rogers responded that there needs to be further discussion on this issue.

Consultant Pellegri asked about the proposed path.

Mr. Faist indicated that the path will be left as is.

Chairman Rodenhiser wants the Board to see them again after they go to the Design Review Committee.

Member Spiller-Walsh responds that it is premature for the Design Review Committee to discuss this yet. There needs to be a consensus from the Planning Board prior to going to the Design Review Committee. There is an issue and this is not just a screening issue.

The Chairman noted that we can have them put in screening, but we cannot make them put up a fence.

Mr. Yorkis responds that it was very obvious during the public hearing that we wanted appropriate planting and screening and they had presented such. We want to meet with the Design Review Committee sooner than later.

Susy read from the March 30, 2011 decision and there is language that a fence or other structures could be included as a buffer.

The Board scheduled another hearing on January 22, 2013 at 7:15 pm.

Public Hearing Continuation

On a motion made by Chan Roger and seconded by Bob Tucker, the Board voted unanimously to continue to the Charles River Village public hearing to January 22, 2013 at 7:15 pm.

Williamsburg Way:

Developer – Paul Yorkis

The Board is in receipt of a memo dated January 4, 2013 from PGC Associates, Inc. relative to Williamsburg Condominium proposed modifications. **(See Attached)**

Susy was asked to provide clarification about changes in terms of the OSRD Bylaw and the most current revisions from 2012.

The applicant wishes to reduce the number of affordable dwelling units from 3 to 2 which complies with the updated bylaw. He also plans to adjust the boundary between open space and the development parcel to comply with the new requirements for defining open space. The open space has been reconfigured to eliminate a 15-foot strip along the western property boundary with land owned by Wickis.

Mr. Yorkis is asking to have the development comply with the 2012 bylaw changes. The list covers all design information. He will be moving forward with a modification.

There is no change to the infrastructure.

There was information provided by Susy that we have not secured a determination from the Mass Department of Housing and Community Development that the affordable units will count on Medway's Subsidized Housing Inventory.

Mr. Yorkis responded that the issue is whether there are to be two or three units.

Member Tucker is not comfortable with the information which has been provided in the letter and is questioning if this is complete and all inclusive.

Susy responded that she is hearing that we need to explore this further.

Mr. Yorkis responds that his intent is to follow the right process.

25 Main ST ANR Plan

The Board is in receipt of a memo dated January 8, 2013 from Consultant Carlucci indicating that the revised ANR plan for 25 Main St. qualifies for endorsement. **(See Attached).**

The new plan has a revision date of January 7, 2013.

Abutter, Mr. Rymanowki 29 Main St, was present to seek reasoning about the removing of the 50 ft. strip on the western edge of the parcel.

The Chairman communicated that the concern was that this was creating two useless parcels versus one.

The Board is comfortable with the revisions made to the plan.

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to endorse the ANR Plan for 25 Main Street with the plan date of January 7, 2013.

Correspondence:

The Board has a memo dated January 4, 2013 from MAPC indicating that the Town has been selected for the 495/ MetroWest Development Compact Implementation –Illustrative Project. Permission has been granted the Sustainable Communities Steering Committee and the US Department of Housing and Urban Development. MAPC will provide technical assistance to Medway to draft suitable zoning changes for the Oak Grove area. **(See Attached)**

There is a SWAP Legislative Breakfast dated Friday, January 11, 2013 from 8:00 am – 10:00 am at the Milford Senior Center.

The Board is in receipt of a document from the Commonwealth of Massachusetts Chapter 387 relative to the municipal acceptance of roads within a subdivision in the Town of Medway. **(See Attached)** This was approval special legislation that was sponsored by Senator Karen Spilka and Representative Carolyn Dykema at the Town's request.

Thayer Homestead Site Plan

The Board is in receipt of a cost estimate from PGC Associates in the amount of \$1,035.00 to review the Thayer Homestead site plan **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the estimate from PGC is the amount of \$1035.00.

The Board is in receipt of a cost estimate from Tetra Tech in the amount of \$3,692.00 to review the Thayer Homestead Development. **(See Attached)**

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the estimate from PGC is the amount of \$3692.00.

Planning and Economic Development Coordinator's Report:

There will be an additional PEDB meeting scheduled for January 29, 2013 at 7:00 pm to discuss Zoning Bylaw Amendments.

There will be a meeting with BSC Group regarding Oak Grove on February 5, 2013.

The public hearing for the Thayer Homestead site plan will start February 12, 2013.

The warrant for the 2013 Annual Town Meeting has opened and will close on February 4, 2013.

The FY 2014 budget information has been provided. Susy asked Board members for any budget ideas. She will seek expanded administrative support and asked about funding for special planning projects.

There will be a joint meeting with the Board of Selectmen on January 15, 2013 in executive session to discuss Oak Grove.

PEDB Meeting Minutes:

October 23, 2012:

On a motion made by Chan Rogers and seconded by Karyl Spiller-Walsh, the Board voted to approve the minutes from October 23, 2012. (Andy Rodenhiser abstained)

November 27, 2012

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted to approve the minutes from November 27, 2012.

Adjourn:

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 10:20pm.

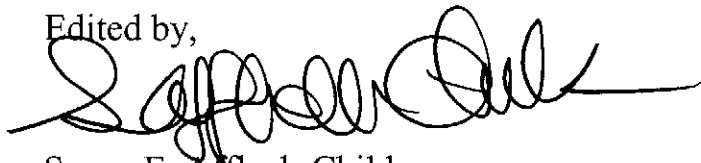
Respectfully Submitted,



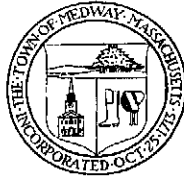
Amy Sutherland
Meeting Recording Secretary

Minutes of January 8, 2013 Meeting
Medway Planning & Economic Development Board
APPROVED – January 22, 2013

Edited by,

A handwritten signature in black ink, appearing to read 'Susan E. Affleck-Childs', written over the text 'Edited by,'.

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

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

December 12, 2012

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
NOTICE OF PUBLIC HEARING

Charles River Village - Open Space Residential Development (OSRD)
Application for Approval of OSRD Definitive Plan

In accordance with the Medway Zoning By-Law, Section V. Use Regulations, Sub-Section T. Open Space Residential Development (OSRD) and the Medway Subdivision Rules and Regulations, notice is given that the Medway Planning & Economic Development Board will commence a Public Hearing on ***Tuesday, January 8, 2013 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street, Medway, MA***, to consider the application of Charles River Village, LLC of Medway, MA for approval of the Definitive Plan for the Charles River Village Open Space Residential Development. The plan, dated November 20, 2012, was prepared by Faist Engineering of Southbridge, MA, O'Driscoll Land Surveying Co of Medway, MA, and TO Design, LLC of New Britain, CT.

The subject property is a 7.61 acre parcel at 6 Neelon Lane (Medway Assessor's parcel #70-002). The property is situated south of Village Street, west of Neelon Lane and east of Cherokee Lane and Massapoag and Riverview Streets. Presently owned by the estate of Michael Acquafresca and the estate of Carol Supernor, the site abuts the Charles River and is located in the Agricultural Residential II zoning district.

The proposed Charles River Village Definitive Plan represents the second phase of the required two step approval process. With the first phase, on March 30, 2011, the Planning and Economic Development Board approved the Charles River Village Concept Plan and an Open

Space Residential Development and Affordable Housing Special Permit. That special permit authorized the development of a residential condominium community comprised of 13 single family detached cottage style homes including two affordable dwelling units and the preservation of 4.18 acres of open space to be accessible to the general public.

The scope of the January 8, 2013 public hearing will pertain primarily to the detailed engineering plans for the construction of the roadway, utilities, stormwater drainage facilities and other infrastructure. Vehicular access to the site is planned from the end of Neelon Lane via an 18' wide, 577' long permanent private roadway. Emergency access/egress and a sidewalk to Cherokee Lane are also planned. The plans will be reviewed by the Town's Consulting Planner and Consulting Engineer and various Town boards and departments.

The Charles River Village Definitive Plan and application materials are on file with the Medway Town Clerk at the Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The plans may also be viewed at the Planning and Economic Development Board's page at www.townofmedway.org.

Any person or party who is interested or wishes to be heard on the proposed Definitive Plan for Charles River Village is invited to review the plans and express their views at the designated date, time and place for the public hearing. Written comments are encouraged and may be forwarded to the Medway Planning and Economic Development Board at 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org.

Andy Rodenhiser
Chairman

To be published in the *Milford Daily News*: Tuesday, December 18, 2012
Thursday, December 27, 2012

cc: *Planning Boards* - Bellingham, Franklin, Holliston, Milford, Millis and Norfolk

Medway Town Officials/Departments – Board of Selectmen, Board of Assessors, Board of Health, Building Commissioner/Zoning Enforcement Officer, Conservation Commission, Design Review Committee, Fire Department, Open Space Committee, Police Department, Department of Public Services, Town Administrator, Zoning Board of Appeals.

mlh

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations and/or the Site Plan Approval Rules and Regulations. Please complete this entire Application. Submit three signed originals of the Application, one copy of the OSRD Definitive Plan to the Town Clerk who will date stamp all three original Applications. Submit two signed original Applications, one copy of the OSRD Definitive Plan and one set of Soil Survey, Percolation and High Groundwater Tests to the Board of Health, which will date stamp the two original Applications. Provide one original Application date stamped by the Town Clerk and Board of Health, 18 copies of the OSRD Definitive Plan, all other required documents and the appropriate Definitive Subdivision Plan Filing Fee and advance of the Plan Review Fee to the Medway Planning & Economic Board.

The Town's Planning and Engineering Consultants will review the Application and OSRD Definitive Plan. You or your duly authorized Agent/Official Representative will be expected to attend the meetings of the Planning & Economic Development Board at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence may result in a delay in its review.

November 20, 2012

TO: *The Planning & Economic Board of the Town of Medway, MA*

The undersigned herewith submits this OSRD Definitive Plan application and plan of property located in the Town of Medway and makes application to the Planning & Economic Development Board for approval of such Plan.

OSRD SPECIAL PERMIT INFORMATION

An OSRD Special Permit and Concept Plan were approved by the Medway Planning and Economic Development Board on: **March 30, 2011**

The Applicant was: **Charles River Village, LLC., John Claffey P.O. Box 1 Medway, MA**

Recording information for the OSRD Special Permit and Concept Plan: _____

Special Permit Decision: Book 30700, Page 541

Special Permit Concept Plans: Plan Book 617, Page 97

OSRD DEFINITIVE PLAN INFORMATION

Title: **Definitive Plans "Charles River Village" (OSRD) Plan Sheets 1 – 16**

Prepared by: **Faist Engineering, Inc., O'Driscoll Land Surveying Co. & TO Design, LLC**

Of: **(See Page 4 – Consultant Information)**

Plan Date: **November 20, 2012**

How is the Proposed OSRD Definitive Plan different from the Approved OSRD Concept Plan?

1. A garage has been added to each of the two (2) affordable units.
2. The definitive plan proposes that some of the units be as close as twenty (20') feet with the average separation distance equal to 28.9 ft.
3. The layout right of way shown on the OSRD Concept Plan was thirty feet (30"). The layout right of way shown on the OSRD Definitive Plan is forty feet (40').

PROPERTY INFORMATION

Location Address: #6 NEELON LANE

The land shown on the plan is shown on Medway Assessor's Map 1-7 Parcel # 1D/33

Total Acreage: 7.61 Acres

General Description of Property:

The existing Site consists of one (1) 7.61 Acre parcel located at #6 Neelon Lane. The Site is occupied by a single residential house with attached barn and dilapidated shed structure. A large portion of the property is currently overgrown woods and open space adjacent to the Charles River.

Medway Zoning District Classification: Agricultural Residential II

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

 Yes X No If yes, please name: _____

Wetlands

Is any portion of the site within a Wetland Resource Area?

 X Yes No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?

 Yes X No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?

 X Yes No

The owner's title to the land that is the subject matter of this application is derived under deed from: _____ to _____

dated August 7, 2002 and recorded in Norfolk County Registry of Deeds, Book 16973 Page 237 or Land Court Certificate of Title Number N/A, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

DEVELOPMENT INFORMATION

Development Name: Charles River Village

Describe how the land will be divided (building parcels, open space parcels, drainage parcels, other) Parcel "A" = 3.43 Acre Development Parcel & Parcel "B" = 4.18 Open Space Parcel

The plan shows the following **existing** ways that are being proposed as lot frontage:

Neelon Lane as frontage for lot(s) Parcel "A"

Cherokee Lane as frontage for lot(s) Parcel "A"

The plan shows the following **proposed** new ways that will serve as frontage:

_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s): 577 FEET – Private Way

Proposed Street Names: "CHARLES VIEW LANE"

Are the new road(s) proposed to be public or permanent private ways?

_____ Public X **Permanent Private Ways**

Proposed Utilities:

X water _____ well

X sewer _____ septic

X electric X natural gas

X cable X phone

Describe the proposed stormwater management/drainage system.

APPLICANT INFORMATION

Applicant's Name: Charles River Village, LLC

Applicant's Address: P.O. Box 1 Medway, MA 02053

Name of Primary Contact: John Claffey

Office Telephone: (508) 326-7505 Cell Phone: _____ FAX: (508) 533-2295

Email address: claffey107@aol.com

Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPERTY OWNER INFORMATION (if not Applicant)

Property Owner Name: **Lori Moran, Personal representative of the Estate of Michael Acquafresca and Cheryl Rodriguez, Personal Representative of the Estate of Carol Supernor**

Address: See below

Primary Contact: Austin Joyce, Attorney for Cheryl Rodriguez, Personal Representative of the Estate of Carol Supernor, Reardon, Joyce & Akerson, P.C., 4 Lancaster Terrace, Worcester, MA 01609, 508-754-7285.

Primary Contact: Todd Gattoni, Attorney for Lori Moran, Personal representative of the Estate of Michael Acquafresca, 232 Main Street, PO Box 94, Milford, Massachusetts 01757 (508) 473-2200

CONSULTANT INFORMATION

Engineer: Faist Engineering, Inc.

Address: 67 Hall Road Sturbridge, MA 01566

Primary Contact: David T. Faist, P.E.

Telephone: (508) 864-6802 Fax: _____

Email: dfaist@faisteng.com

Surveyor: O'Driscoll Land Surveying, Co.

Address: 46 Cottage Street Medway, MA 02053

Primary Contact: Daniel A. O'Driscoll, PLS

Telephone: (508) 533-3314 Fax: (508) 533-3319

Email: odlandsurvey@verizon.net

Landscape Architect/Designer: TO Design, LLC

Address: 114 West Main Street, Suite 201 New Britain, CT 06051

Primary Contact: W. Philip Barlow, A.S.L.A & Jim LeBlanc

Telephone: (860) 612-1700

Fax: _____

Email: WPBarlow@todesignllc.com

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. If applicable, I hereby authorize Paul G. Yorkis (508) 533-4321 to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this OSRD Definitive Plan application.

I agree to abide by the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and/or the *Site Plan Rules and Regulations* and complete construction of the development in accordance with the *Rules and Regulations* and the approved OSRD Definitive Plan within three (3) years of the date of plan endorsement.

In submitting this application, I authorize the Planning & Economic Development Board, its staff and agents, to access the property during the plan review process.

Cheryl Rodriguez
Signature of Property Owner

11/30/12
Date

[Signature]
Signature of Applicant (if other than Property Owner)

11/30/12
Date

Signature of Applicant (if other than Property Owner)

Date

Paul G. Yorkis
Signature of Agent/Official Representative

11/30/12
Date

For office use only:

Date Form C-5 and OSRD Definitive Plan Received by Planning Board: _____

OSRD Definitive Plan Filing Fee Paid
Amount: _____

Check # _____

Advance on Plan Review Fee Paid:
Amount: _____

Check # _____

Date Form C-5 & OSRD Definitive Plan
Received by Town Clerk

Date Form C-5 & OSRD Definitive Plan
Received by Board of Health

**“CHARLES RIVER VILLAGE-OSRD”
MEDWAY, MA**

19. Waivers- WAIVER WORKSHEET

As you know, the “Charles River Village” Open Space Residential Subdivision is a condominium project rather than a traditional single-family residential subdivision. Because the Town of Medway Planning Board Subdivision Rules and Regulations are focused upon conventional single family residences the Applicant is requesting each of the following waivers based upon our experience with previous OSRD projects.

WAIVERS RELATING TO THE SUBDIVISION RULES AND REGULATIONS

5.7.19 Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.

Layout of Proposed Electric, Telecomm, Gas, & Cable TV Utility Lines

NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. Additionally, NSTAR will not begin the design process until they receive three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

5.20.2 (a) A restrictive Covenant shall be executed and duly recorded by the Owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot may be built upon.

Ways and service to be complete before such lot may be built upon.

It is the applicants intention to install all underground services for water, sewer, gas, electric, phone and cable with services connections for each of the proposed dwellings based upon the approved definitive plan. Since there is only one (1) lot for the proposed subdivision, the applicant requests that one (1) building permit for one (1) dwelling be approved.

6.4.1 No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

Allow for one (1) single family unit building permit with no occupancy until completion of driveway base coat.

As indicated in 5.20.2(a) above, the applicant requests that one (1) building permit for a dwelling be approved and that the Building Commissioner be authorized to issue and occupancy permit upon completion of the driveway basecoat.

6.6.3 Partial Bond Release – *The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.*

Partial Bond Release

“Charles View Lane” will be a Private Roadway when constructed.
The applicant requests the Board grant a partial release from such security when the underground utilities are installed, the approved drainage system constructed, and the basecoat of pavement has been installed.

6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Street Acceptance: Legal Description, Deeds, & Easements

“Charles View Lane” will be a Private Roadway when constructed.

6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Street Acceptance/Infrastructure Acceptance Fee

“Charles View Lane” will be a Private Roadway when constructed.

6.8.3 Street Acceptance Plan

Street Acceptance Plan

“Charles View Lane” will be a Private Roadway when constructed.

6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Pre-Acceptance Inspection & Review by Other Town Boards

“Charles View Lane” will be a Private Roadway when constructed.

6.8.6 Street Acceptance – Planning Board Recommendation

Planning Board Recommendation

“Charles View Lane” will be a Private Roadway when constructed and therefore will not be recommended for acceptance on the Town Meeting Warrant.

6.8.7 Street Acceptance - Town Meeting Warrant

Town Meeting Warrant

“Charles View Lane” will be a Private Roadway when constructed and therefore does not need to be on the Town Meeting Warrant.

6.8.8 Street Acceptance / Board of Selectman Establish Roadway Layout

Board of Selectman Establish Roadway Layout

“Charles View Lane” will be a Private Roadway when constructed and therefore the Board of Selectmen need not take any action.

6.8.9 Approval of Street Acceptance Plans

Approval of Street Acceptance Plans

“Charles View Lane” will be a Private Roadway when constructed and therefore the Board of Selectmen and Planning Board are not required to endorse any plans.

6.8.10 Street Acceptance / Town Meeting Acceptance

Town Meeting Acceptance

“Charles View Lane” will be a Private Roadway when constructed and therefore no action is required at a Town Meeting.

6.8.11 Street Acceptance / Recording of Street Acceptance Plan

Recording

“Charles View Lane” will be a Private Roadway when constructed, no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting and therefore no recording is necessary.

7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots / dwelling units.

Number of Dwellings on a Private Way

The Town of Medway subdivision rules and regulations state “d) Use of Local Street construction standards is required for subdivisions of six (6) and more lots/dwelling units.” The waiver request is for construction of a “Permanent Private Roadway” which will provide access for thirteen (13) dwelling units and not conform to all of the construction standards. Proposed driveway / roadway “Construction Details” are provided in the OSRD Definitive Plan set.

7.9.4.a The minimum right of way width of any permanent private way, neighborhood, minor, or secondary street will be fifty feet.

Minimum Right of Way width = 50 ft.

A 40 ft. wide Driveway / Utility Access easement is being provided.

7.9.5.a Proposed centerline grade at site entrance.

Proposed centerline grade at site entrance

The proposed centerline grade at both the entrance and exit driveway will be at or approximately 1%. The proposed centerline grade is necessary to accommodate minimal grade changes at the site's entrance and storm water runoff conditions at the site exit due to similar centerline grades along Neelon Lane and the relatively flat site topography. A 1% centerline grade was the former Town of Medway standard prior to the changes to the April 26, 2005 Planning Board Rules and Regulations.

7.9.6 Dead End Streets – The maximum distance of a dead end street shall be six-hundred feet (600')...

Dead End Streets – Maximum Length 600 ft.

The existing 25' wide Neelon Lane "statutory private way" is a total length of 443 ft. Measuring the centerline from the intersection of Village Street straight through to the proposed Neelon Lane cul-de-sac turnaround results in new length of 435 +/- ft. (Also could interpret as 467 ft. if measuring around the turnaround to the intersection with the new "Private Way").

The proposed Private Way, including the loop road, will be a total of 577 ft, in length beginning at the end of the new Neelon Lane cul-de-sac turnaround. Therefore the resulting combined roadway length will equal 1,012 ft. ~ 1,044 ft. in length.

An emergency access way will be provided through the shared driveway of Units 4, 5 & 6 to the existing Cherokee Lane.

7.9.7.g Minimum Paved Roadway Width – 26' for a Local Street; 18' for a Permanent Private Way

Minimum Roadway Width for a Local Street

"Charles View Lane", is proposed a Permanent Private Roadway with a pavement width of eighteen (18') feet which is less than that for a Local Street width of twenty (26') feet. Local street construction standards apply to subdivisions of six (6) and more lots/dwelling units.

7.10.2 Curbs/Berms – Sloped Granite Edging (Type S-B) for a Local Street

Sloped Granite Edging (Type S-A) Roadway Curbing

The reconfiguration of the roadway pavement at the end of Neelon Lane will provide a new cul-de-sac which utilizes a "rain garden" for collection of stormwater runoff. The cul-de-sac turnaround area will utilize cape cod curbing around the outside edge and no curbing or flush mounted curbing with a gravel strip surrounding the island / rain garden.

Cape Cod Curbing is proposed along all of the edges of the OSRD Private Driveway / Roadway.

7.13.2 Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.

Sidewalks shall extend full length of the street

Roadway is planned to be a Permanent Private Roadway with no internal sidewalks.

7.13.3 Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways ... (or make a payment in lieu of sidewalk construction to the Town of Medway for off site construction.)

Sidewalks along frontage along existing Town ways

No sidewalk is proposed on Neelon Lane on the plans as part of the Special Permit and none will be proposed as part of the definitive plan review. There are no existing sidewalks along either side of Neelon Lane due to the existing right-of-way width.

7.19.2, 7.19.4 Street Trees shall be planted on each side of the street (at least three trees per lot)

Street Trees

A Landscape Plan is provided within the “Definitive Plans – Charles River Village Open Space Residential Development (OSRD)” Plan set.

WAIVERS RELATING TO THE OSRD BY-LAW

T.5.a Abbreviated Notice of Resource Area Delineation (ANRAD)

There is no activity proposed within 136 ft. of any Wetlands Resource Areas. The entire development area is outside of both the 100 ft. wetlands buffer zone and 200 ft. riparian zone associated with adjacent Charles River.

O’Driscoll Land Surveying Co. verified the wetlands, flood plain, and riverbank locations in the field during October 2012. The location of the bordering vegetated wetlands and riverbank is consistent with the same as shown on the Special Permit Yield Plan “Charles River Village”–OSRD Sheet 4 of 5, revise date 8/20/12. These wetland resource areas are also shown on “Definitive Plans – Charles River Village Open Space Residential Development (OSRD)”, date November 2012.

T.8.e No structure shall be located closer than 30 ft. from any other structure.

Average Separation Distance = 20 ft. (Two or Three attached dwelling units with an average of 2,500 s.f. of habitable space each.) is permissible under the current 2012 revisions to the Town of Medway Zoning By-Law Section V. Use Regulations **Sub-Section T. Open Space Residential Development (OSRD)**, date June 14, 2012.

The Definitive Plans are showing three (3) locations where the distance between buildings will be less than 30 ft. but equal to or greater than 20 ft. This is partially necessary in order to provide 2-car garages for the two (2) affordable units and also allow greater flexibility with the building layout. The Special Permit plan did not provide for garages on either of the affordable housing units.

T.8.f Garage setbacks

March 30, 2011 Special Permit Decision allows for a waiver of the 5 ft. garage setback for a maximum of two (2) units.

The OSRD Definitive Plan Submittal Documents Checklist requires that a document listing all conditions of the OSRD Special Permit with a description of how the applicant has addressed each condition.

The information below is provided to meet that requirement. Where a response has been needed that response is provided in **bold face type**.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. Limitations - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:

- a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms.

The applicant will discuss with the Board the possibility of not building the two affordable units and instead pay an agreed amount of money into an account so long as the applicant is permitted to build a total of eleven market rate units.

- b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
- c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.

2. OSRD Concept Plan Modifications – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at

the Norfolk County Registry of Deeds, the plans dated July 28, 2010; last revised December 30, 2010 shall be further revised to incorporate the following items:

- a. The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 20010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set
- b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.

The plans were changed and recorded at the Norfolk County Registry of Deeds.

3. OSRD Definitive Plan

- a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions and the Site Plan Rules and Regulations in effect at the time of application.
- b) Except for a demolition permit for the existing structure at 6 Neelon Lane, no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
- c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plan to be revised as specified herein, (pursuant to SECTION V., Subsection T. 12. of the Zoning Bylaw).
- d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:
 - 1) Details of front and typical side building elevations for all unit types including proposed materials and color palette.
 - 2) Street name.
 - 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.

- 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
- 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.

It was the applicant's intention to leave the open space parcel in its natural condition with the exception of the walking path. The walking path will be maintained as a walking path.

- 6) Bench and light post specifications.

The bench and light post specifications will be added during the definitive plan hearing process.

- 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.

There are no stone walls to be constructed.

- 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.

The landscape plan addresses this condition.

- 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.

Specifications for the pathway/trail are shown on pages 4 – 6 on the plans.

- e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.
- f) The Landscape Plan, building elevation designs, and proposed materials and color palette submitted to the Planning and Economic Development Board as part of the

OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

- g) The Definitive Plan submittal shall include an evaluation of the status of the existing trees on east side of the present Neelon Lane with recommendations regarding their preservation and proposed mitigation measures to be implemented if said trees are damaged through the Neelon Lane reconstruction process.

The trees on the east side of Neelon Lane have been evaluated by the applicant's consultants. Based upon the current plans submitted to the Board, the applicant's consultants believe no action is necessary since the trees are outside of the development and construction area.

4. Open Space

- a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4. a. herein, this condition does not require nor specifically allow the Charles River Village Condominium Association to construct additional trails on Parcel B in the future.
- b) Prior to the conveyance of Parcel B to the Town, the applicant shall provide a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B and a pathway trail from the end of Massasoit to the existing cart path.
- c) Open Space Parcel B shall be conveyed to the Town before the building permit for the last building is issued and before the final bond release is authorized.
- d) If the Conservation Commission and the Board of Selectmen do not accept the donation of Open Space Parcel B in the future, the applicant is required to return to the Board with an alternative plan for its ownership and management that will comply with the open space provisions of the OSRD section of the Medway Zoning Bylaw.
- e) To provide public access to Open Space Parcel B, the applicant shall grant the Town an access and use easement over the Neelon Lane extension and planned turnaround from the parcel's existing property line at the northern end of the parcel to the end of the Neelon Lane turnaround.

5. Stormwater Drainage System - The planned stormwater management system for Charles River Village shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:

- a) landscape screening shall be provided at any locations where rip rap is used.
- b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.

6. Affordable Housing

The applicant will discuss with the Board the options for paying money into a fund and not building the two affordable housing units so long as the applicant can construct a total of eleven market rate units. If the applicant and Board are unable to reach an agreement to pay into the fund, the applicant will build the units based upon the revised plans submitted as part of the application.

- a) Two dwelling units within Charles River Village will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
- b) The affordable dwelling units are hereby designated as units 6 and 12.
- c) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development, and Charles River Village LLC, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
- d) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for approval of the Medway Affordable Housing Committee. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.
- e) A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town, shall be recorded with the deeds for the affordable units.

- f) The Charles River Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory

- g) Minimum Design and Construction Standards for affordable housing units – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the Minimum Design and Construction Standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet and have at least three bedrooms and 1.5 bathrooms, excluding basement space.

- h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.

- i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub- Section X. Affordable Housing shall apply.

7. Water Conservation – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway's water withdrawal permit.

8. Preservation of Site Features

a) Stone Walls

No existing stone walls will be disturbed on the site.

- 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site's existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.
 - 2) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
- b) Topography – The developable area shall be graded in a manner to minimize topographical changes and to maintain a harmonious transition among the developable area, abutting properties and Open Space Parcel B.

9. Sidewalk Construction - The construction standards of the Subdivision Rules and Regulations require the installation of sidewalks along a property's frontage of existing public ways. For this site, the frontage along Neelon Lane, Cherokee Lane, Massasoit Street and Riverview Street is approximately 118 linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property's frontage on these ways is not practical. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment in lieu of sidewalk construction to the Medway Sidewalk Improvement Fund. This payment shall be provided to the Town before the building permit for the sixth market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first. At that time, the amount of the payment in lieu of sidewalk construction shall be determined by the Planning and Economic Development Board and shall be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time. The payment amount shall be equal to the estimated cost for the Town to construct 118 linear feet of bituminous concrete sidewalk with hot mix asphalt standup berm (Curb Type 3) in accordance with the Town's requirements per the Medway Subdivision Rules and Regulations; total width from street to edge of sidewalk including the curb would be 6 feet. The payment in lieu of sidewalk construction amount will not include any additional construction contingency percentage. Due to the development's inclusion of two affordable dwelling units (15.38% of the total number of 13 dwelling units), a 15.38% discount will then be applied to determine the final amount of the required payment in lieu of sidewalk construction.
10. Architecture - The development, when completed, shall include at least four different unit types/floor plans.

11. Parking - Each dwelling unit shall provide at least three off street parking spaces which may include garage spaces.
12. Condominium Management
 - a) A Charles River Village Condominium Association shall be established and be responsible for the on-going upkeep and maintenance of the roadway, drainage system and Open Space Parcel. B
 - b) Prior to the issuance of the building permit for the second unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Charles River Village Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - 2) Declaration of Trust of the Charles River Village condominium organization
13. Scenic Road – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the Definitive Plan process, a scenic road public hearing with the Planning and Economic Development Board must occur with suitable mitigation measures established if found to be required.

The applicant will submit an application for a Scenic Road public hearing during the definitive plan hearing process.

14. Ownership/Maintenance of Common Areas
 - a) All roads and drainage facilities on the development parcel shall be owned and maintained by the Charles River Village Trust/Condominium Association. It is the intent of the Planning and Economic Development Board and the applicant that the roadway system and drainage facilities will not be accepted by the Town of Medway.
 - b) The Planning and Economic Development Board requires that the following aspects of the Charles River Village development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:
 - 1) roadways and parking areas
 - 2) stormwater management system
 - 3) snowplowing/sanding and other road maintenance and repairs
 - 4) landscaping
 - 5) street lighting
 - 6) sewer and water systems

The applicant is aware that the Department of Public Services has recommended that sewer and water systems be maintenance be the responsibility of the association. The applicant strongly disagrees with the recommendation and will be working to have this decision changed.

Such services shall be the responsibility of the Charles River Village Condominium Association.

- c) The Open Space Parcel shall be maintained by the Charles River Village Condominium Association including the annual mowing/packing/preparation of a pathway on Parcel B. All maintenance work performed on the Open Space Parcel after it has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the Director of the Department of Public Services in concert with the Medway Conservation Commission. The Association will notify the Director of the Department of Public Services prior to performing any maintenance on the Open Space Parcel after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on the Open Space Parcel. .
15. Fire Protection – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town's fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Charles River Village concept plan shows approximately 750 linear feet of new roadway to be constructed. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the building permit for the sixth market rate dwelling or within three years after the first building permit is issued, whichever comes first.
16. Signage – The Charles River Village development will include development identification signage in accordance with the Sign Regulation section of the Medway Zoning Bylaw.
17. Demolition of 6 Neelon Lane - The applicant plans to demolish the building at 6 Neelon Lane as part of the development plan. The applicant is advised that the property, due to its age, is subject to the Medway Demolition Delay Bylaw and may require review by the Medway Historical Commission. The applicant shall provide a determination from the Medway Historical Commission with the Definitive Plan application materials.
18. Restriction on Construction Activities - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:

- a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
 - b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.
 - c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday. The applicant shall comply with all federal, state and local regulations regarding blasting including but not limited to:
 - A blasting permit from the Fire Department shall be obtained;
 - A survey of the pre-blast condition of surrounding properties as determined by the Fire Chief shall be completed;
 - A bond to cover possible damage from the blasting shall be posted, in accordance with Chapter 148, Section 19 of the Massachusetts General Laws.
19. Payment of Balance of Fees/Taxes - Prior to Planning and Economic Development Board's signature on this special permit, the Applicant shall pay the balance of any outstanding fees for plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.
20. Recording of Plans and Documents - The following documents shall be recorded at the Norfolk County Registry of Deeds before the Charles River Village OSRD Definitive Plan and application are filed with the Town of Medway.
- a) Charles River Village OSRD and Affordable Housing Special Permit Decision
 - b) Charles River Village OSRD Concept Plans dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein.
21. Modifications – No modification shall be made to the Charles River Village OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize

insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable Rules and Regulations in effect at that time.

22. Project Completion

- a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.
- b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within five years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.

**“CHARLES RIVER VILLAGE-OSRD”
MEDWAY, MA**

RECEIVED
Nov 30 2012
TOWN OF MEDWAY
PLANNING BOARD

19. Waivers- WAIVER WORKSHEET

As you know, the “Charles River Village” Open Space Residential Subdivision is a condominium project rather than a traditional single-family residential subdivision. Because the Town of Medway Planning Board Subdivision Rules and Regulations are focused upon conventional single family residences the Applicant is requesting each of the following waivers based upon our experience with previous OSRD projects.

WAIVERS RELATING TO THE SUBDIVISION RULES AND REGULATIONS

5.7.19 Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.

Layout of Proposed Electric, Telecomm, Gas, & Cable TV Utility Lines

NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service. Verizon and Comcast follow the NSTAR design. Additionally, NSTAR will not begin the design process until they receive three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

5.20.2 (a) A restrictive Covenant shall be executed and duly recorded by the Owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot may be built upon.

Ways and service to be complete before such lot may be built upon.

It is the applicants intention to install all underground services for water, sewer, gas, electric, phone and cable with services connections for each of the proposed dwellings based upon the approved definitive plan. Since there is only one (1) lot for the proposed subdivision, the applicant requests that one (1) building permit for one (1) dwelling be approved.

6.4.1 No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.

Allow for one (1) single family unit building permit with no occupancy until completion of driveway base coat.

As indicated in 5.20.2(a) above, the applicant requests that one (1) building permit for a dwelling be approved and that the Building Commissioner be authorized to issue and occupancy permit upon completion of the driveway basecoat.

6.6.3 Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.

Partial Bond Release

“Charles View Lane” will be a Private Roadway when constructed.
The applicant requests the Board grant a partial release from such security when the underground utilities are installed, the approved drainage system constructed, and the basecoat of pavement has been installed.

6.8.1 Street Acceptance: Legal Description, Deeds, & Easements

Street Acceptance: Legal Description, Deeds, & Easements

“Charles View Lane” will be a Private Roadway when constructed.

6.8.2 Street Acceptance/Infrastructure Acceptance Fee

Street Acceptance/Infrastructure Acceptance Fee

“Charles View Lane” will be a Private Roadway when constructed.

6.8.3 Street Acceptance Plan

Street Acceptance Plan

“Charles View Lane” will be a Private Roadway when constructed.

6.8.4 Pre-Acceptance Inspection & Review by Other Town Boards

Pre-Acceptance Inspection & Review by Other Town Boards

“Charles View Lane” will be a Private Roadway when constructed.

6.8.6 Street Acceptance – Planning Board Recommendation

Planning Board Recommendation

“Charles View Lane” will be a Private Roadway when constructed and therefore will not be recommended for acceptance on the Town Meeting Warrant.

6.8.7 Street Acceptance - Town Meeting Warrant

Town Meeting Warrant

“Charles View Lane” will be a Private Roadway when constructed and therefore does not need to be on the Town Meeting Warrant.

6.8.8 Street Acceptance / Board of Selectman Establish Roadway Layout

Board of Selectman Establish Roadway Layout

“Charles View Lane” will be a Private Roadway when constructed and therefore the Board of Selectmen need not take any action.

6.8.9 Approval of Street Acceptance Plans

Approval of Street Acceptance Plans

“Charles View Lane” will be a Private Roadway when constructed and therefore the Board of Selectmen and Planning Board are not required to endorse any plans.

6.8.10 Street Acceptance / Town Meeting Acceptance

Town Meeting Acceptance

“Charles View Lane” will be a Private Roadway when constructed and therefore no action is required at a Town Meeting.

6.8.11 Street Acceptance / Recording of Street Acceptance Plan

Recording

“Charles View Lane” will be a Private Roadway when constructed, no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting and therefore no recording is necessary.

7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots / dwelling units.

Number of Dwellings on a Private Way

The Town of Medway subdivision rules and regulations state “d) Use of Local Street construction standards is required for subdivisions of six (6) and more lots/dwelling units.” The waiver request is for construction of a “Permanent Private Roadway” which will provide access for thirteen (13) dwelling units and not conform to all of the construction standards. Proposed driveway / roadway “Construction Details” are provided in the OSRD Definitive Plan set.

7.9.4.a The minimum right of way width of any permanent private way, neighborhood, minor, or secondary street will be fifty feet.

Minimum Right of Way width = 50 ft.

A 40 ft. wide Driveway / Utility Access easement is being provided.

7.9.5.a Proposed centerline grade at site entrance.

Proposed centerline grade at site entrance

The proposed centerline grade at both the entrance and exit driveway will be at or approximately 1%. The proposed centerline grade is necessary to accommodate minimal grade changes at the site's entrance and storm water runoff conditions at the site exit due to similar centerline grades along Neelon Lane and the relatively flat site topography. A 1% centerline grade was the former Town of Medway standard prior to the changes to the April 26, 2005 Planning Board Rules and Regulations.

7.9.6 Dead End Streets – The maximum distance of a dead end street shall be six-hundred feet (600')...

Dead End Streets – Maximum Length 600 ft.

The existing 25' wide Neelon Lane "statutory private way" is a total length of 443 ft. Measuring the centerline from the intersection of Village Street straight through to the proposed Neelon Lane cul-de-sac turnaround results in new length of 435 +/- ft. (Also could interpret as 467 ft. if measuring around the turnaround to the intersection with the new "Private Way").

The proposed Private Way, including the loop road, will be a total of 577 ft, in length beginning at the end of the new Neelon Lane cul-de-sac turnaround. Therefore the resulting combined roadway length will equal 1,012 ft. ~ 1,044 ft. in length.

An emergency access way will be provided through the shared driveway of Units 4, 5 & 6 to the existing Cherokee Lane.

7.9.7.g Minimum Paved Roadway Width – 26' for a Local Street; 18' for a Permanent Private Way

Minimum Roadway Width for a Local Street

"Charles View Lane", is proposed a Permanent Private Roadway with a pavement width of eighteen (18') feet which is less than that for a Local Street width of twenty (26') feet. Local street construction standards apply to subdivisions of six (6) and more lots/dwelling units.

7.10.2 Curbs/Berms – Sloped Granite Edging (Type S-B) for a Local Street

Sloped Granite Edging (Type S-A) Roadway Curbing

The reconfiguration of the roadway pavement at the end of Neelon Lane will provide a new cul-de-sac which utilizes a "rain garden" for collection of stormwater runoff. The cul-de-sac turnaround area will utilize cape cod curbing around the outside edge and no curbing or flush mounted curbing with a gravel strip surrounding the island / rain garden.

Cape Cod Curbing is proposed along all of the edges of the OSRD Private Driveway / Roadway.

7.13.2 Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.

Sidewalks shall extend full length of the street

Roadway is planned to be a Permanent Private Roadway with no internal sidewalks.

7.13.3 Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways ... (or make a payment in lieu of sidewalk construction to the Town of Medway for off site construction.)

Sidewalks along frontage along existing Town ways

No sidewalk is proposed on Neelon Lane on the plans as part of the Special Permit and none will be proposed as part of the definitive plan review. There are no existing sidewalks along either side of Neelon Lane due to the existing right-of-way width.

7.19.2, 7.19.4 Street Trees shall be planted on each side of the street (at least three trees per lot)

Street Trees

A Landscape Plan is provided within the “Definitive Plans – Charles River Village Open Space Residential Development (OSRD)” Plan set.

WAIVERS RELATING TO THE OSRD BY-LAW

***T.5.a* Abbreviated Notice of Resource Area Delineation (ANRAD)**

There is no activity proposed within 136 ft. of any Wetlands Resource Areas. The entire development area is outside of both the 100 ft. wetlands buffer zone and 200 ft. riparian zone associated with adjacent Charles River.

O’Driscoll Land Surveying Co. verified the wetlands, flood plain, and riverbank locations in the field during October 2012. The location of the bordering vegetated wetlands and riverbank is consistent with the same as shown on the Special Permit Yield Plan “Charles River Village”–OSRD Sheet 4 of 5, revise date 8/20/12. These wetland resource areas are also shown on “Definitive Plans – Charles River Village Open Space Residential Development (OSRD)”, date November 2012.

T.8.e No structure shall be located closer than 30 ft. from any other structure.

Average Separation Distance = 20 ft. (Two or Three attached dwelling units with an average of 2,500 s.f. of habitable space each.) is permissible under the current 2012 revisions to the Town of Medway Zoning By-Law Section V. Use Regulations **Sub-Section T. Open Space Residential Development (OSRD)**, date June 14, 2012.

The Definitive Plans are showing three (3) locations where the distance between buildings will be less than 30 ft. but equal to or greater than 20 ft. This is partially necessary in order to provide 2-car garages for the two (2) affordable units and also allow greater flexibility with the building layout. The Special Permit plan did not provide for garages on either of the affordable housing units.

T.8.f Garage setbacks

March 30, 2011 Special Permit Decision allows for a waiver of the 5 ft. garage setback for a maximum of two (2) units.

FAIST ENGINEERING, INC.

67 Hall Road - Sturbridge, MA 01566

Medway Planning & Economic Development Board
 Medway Town Hall
 155 Village Street
 Medway, MA 02053
 Phone: 508-533-3291

RECEIVED
 DEC 11 2012

December 10, 2012

TOWN OF MEDWAY
 PLANNING BOARD

RE: **JUNE 2011 OSRD ZONING BY-LAW AMMENDMENTS "Charles River Village - OSRD"**
Neelon Lane - Medway, MA

Dear Board Members:

Faist Engineering, Inc. is providing this letter at the request of Charles River Village, LLC. This letter is in response to Susy Affleck Childs's, Planning & Economic Development Coordinator, November 19, 2012 and December 03, 2012 e-mail request to provide a narrative describing how the *Charles River Village-OSRD* Definitive Plan complies with the amended OSRD provisions approved in June 2011.

Specifically, we are providing a summary of the November 20, 2012 Definitive Plan's compliance with the following sections of the 2011 revisions to the Town of Medway Zoning By-Law Section V. Use Regulations **Sub-Section T. Open Space Residential Development (OSRD)**, approved at the June 13, 2011 Town Meeting.

It is our understanding based on the Planning and Economic Development Board's request that the applicable parts of the OSRD section of the Zoning By-Law that were changed in June 2011 and with which the Charles River Village definitive plan must comply are as follows:

8. Adjustment of Dimensional Requirements (Entire Paragraph)

Items (a) through (d) are not applicable to this project as it is proposed as a condominium project and no individual subdivision lots are being created.

(e) Single family detached dwelling units with 2,500 s.f. or less of habitable space: Average Separation Distance = 20 ft.

Average Separation Distance calculated along the exterior of a loop road:
 $(30'+38'+30'+31'+65'+20'+30'+30'+22'+32'+25'+30') / 12 = 31.9$ ft. Definitive Plan is in compliance.

(f) Garage doors facing the street shall be set back a minimum of five (5) feet more than the front wall of the principle building.

The Planning Board waived this requirement for a maximum of two (2) of the dwelling units (see March 30, 2011 Special Permit Decision). Only Units 8 & 10 do not meet the setback requirement.

(f) No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed.

Applicant's proposal provides 2-car garages for all 13 Units. Assuming that each garage will have an individual door, there will be a total of 26 garage doors based on the 11/20/12 Definitive Plan.

The garage doors of Units 1, 7, 8, 9, 10, & 12 face the street for a total of 12 out of 26 doors.

Units 2 & 3 are proposed as side load garages with individual driveways. The garages for Unit 11 & 13 do not face the street. The garages for Units 4, 5, & 6 are accessed from, and face a common driveway and not the main access road. This is a total of 14 out of 26 garage doors which do not face the street.

Therefore, the 11/20/12 Definitive Plan complies as 12 out of 26 (46%) is less than 50%.

9. Open Space Requirements (Paragraph 9.(e))

(e) – The following shall not qualify toward the required minimum open space area:

1) Surface stormwater management systems serving the OSRD such as retention & detention ponds.

No surface stormwater management systems are proposed within the Open Space.

2) Subsurface drainage, septic and leaching systems per Title V.

No subsurface drainage or septic systems per Title V are proposed within the Open Space.

3) Seventy-five percent (75%) of the land area subject to any type of utility easement.

The total property area equals 7.61 Acres so the minimum required open space is 3.805 Acres.

A sewer easement through the open space area contains 10,348 +/- s.f. Since all of the easement is within the open space, and only 25% counts toward the minimum, at least 3.98 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met.

The actual wetland / riverbank locations and flood plain elevation resource areas were verified in the field by O'Driscoll Land Surveying Co. via an on-the-ground survey during October 2012. The resource areas shown on the November 20, 2012 Definitive Plan are the same as shown on the Special Permit Yield Plan, revise date August 20, 2012 in accordance with the March 30, 2011 OSRD Special Permit Decision.

4) Land within thirty feet (30') of any dwelling unit

Definitive Plan is in compliance.

5) *Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.*

Definitive Plan is in compliance, no buildings are proposed within the Open Space.

6) *Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.*

Definitive Plan is in compliance.

7) *Strips of land equal to or less than fifteen (15') wide, unless in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.*

Definitive Plan is in compliance, there are no strips of Open Space land less than 15' in width.

8) *Buffer areas in the Development Area as required in Subsection 10 (i).*

Definitive Plan is in compliance (see Also Section 10 (i)).

9. Open Space Requirements (Paragraph 9.(g))

(g) --The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

Open Space Parcel B shown on the 11/20/12 Definitive Plan remains the same as approved in the March 30, 2011 Planning and Economic Development Board's Special Permit Decision.

10. Design Standards (Paragraph 10.(i))

(i) --A minimum fifteen (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.

"Definitive OSRD Planting Plan" Sheet 14 of 16 dated November 20, 2012 depicts a proposed 15 ft. vegetated buffer along the existing stone wall behind Units 1, 2, 3, 4, & 5 where the Development Area abuts existing house lots.

The remaining units directly abut the Open Space Parcel and not an existing neighborhood. The Open Space Parcel will provide a natural buffer of greater than 15' between adjacent properties. The Applicant is proposing supplemental plantings within the Open Space between the Charles River Tennis Club and the rear yards of Units 6 & 7.

10. Design Standards (Paragraph 10.(j))

(j) –Parking – a minimum of three off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking area for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

Definitive Plan is in compliance. All thirteen (13) Units are proposed with 2-car garages with adequate paved driveway parking space for 2 additional vehicles per unit. This provides a total of four (4) parking spaces for each dwelling unit.

10. Design Standards (Paragraph 10.(l))

(l) –Pedestrian circulation measures shall be provided to facilitate movement within the Development area as well as between it and the Open Space and the abutting existing neighborhood(s).

Definitive Plan provides for a 4' wide bituminous sidewalk connecting Cherokee Lane to proposed Charles River Village - OSRD paved private driveway.

This is consistent with the March 30, 2011 Special Permit Decision Page 12 findings noted as quote: "The Board finds that the radii at Village Street and Neelon Lane area adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to the limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate."

10. Design Standards (Paragraph 10.(m))

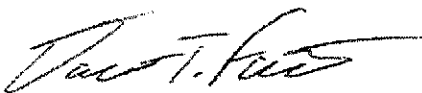
(m) –Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Boar finds that it is not in the best interest of the Town to locate a trail on a particular parcel.

Definitive Plans provides for a trail connecting Neelon Lane to Massasoit Street in accordance with the March 30, 2011 Special Permit Conditions of Approval

Please contact us at (508) 864-6802 with any questions or if you need additional information.

Thank you.

Sincerely,



David T. Faist, P.E.

Principal Engineer

Attachments



ATTACHMENT A

June 2011 – OSRD REGULATIONS

**Town of Medway Zoning By-Law Section V. Use Regulations
Sub-Section T. Open Space Residential Development (OSRD)
Approved at the June 13, 2011 Town Meeting**

RECEIVED
NOV 30 2012

The OSRD Definitive Plan Submittal Documents Checklist requires that a document listing all conditions of the OSRD Special Permit with a description of how the applicant has addressed each condition.

The information below is provided to meet that requirement. Where a response has been needed that response is provided in **bold face type**.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. Limitations - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:

- a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms.

The applicant will discuss with the Board the possibility of not building the two affordable units and instead pay an agreed amount of money into an account so long as the applicant is permitted to build a total of eleven market rate units.

- b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
- c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.

2. OSRD Concept Plan Modifications – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at

the Norfolk County Registry of Deeds, the plans dated July 28, 2010; last revised December 30, 2010 shall be further revised to incorporate the following items:

- a. The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 20010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set
- b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.

The plans were changed and recorded at the Norfolk County Registry of Deeds.

3. OSRD Definitive Plan

- a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board’s Rules and Regulations for the Review and Approval of Land Subdivisions and the Site Plan Rules and Regulations in effect at the time of application.
- b) Except for a demolition permit for the existing structure at 6 Neelon Lane, no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
- c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plan to be revised as specified herein, (pursuant to SECTION V., Subsection T. 12. of the Zoning Bylaw).
- d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:
 - 1) Details of front and typical side building elevations for all unit types including proposed materials and color palette.
 - 2) Street name.
 - 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.

- 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
- 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.

It was the applicant's intention to leave the open space parcel in its natural condition with the exception of the walking path. The walking path will be maintained as a walking path.

- 6) Bench and light post specifications.

The bench and light post specifications will be added during the definitive plan hearing process.

- 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.

There are no stone walls to be constructed.

- 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.

The landscape plan addresses this condition.

- 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.

Specifications for the pathway/trail are shown on pages 4 – 6 on the plans.

- e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.
- f) The Landscape Plan, building elevation designs, and proposed materials and color palette submitted to the Planning and Economic Development Board as part of the

OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.

- g) The Definitive Plan submittal shall include an evaluation of the status of the existing trees on east side of the present Neelon Lane with recommendations regarding their preservation and proposed mitigation measures to be implemented if said trees are damaged through the Neelon Lane reconstruction process.

The trees on the east side of Neelon Lane have been evaluated by the applicant's consultants. Based upon the current plans submitted to the Board, the applicant's consultants believe no action is necessary since the trees are outside of the development and construction area.

4. Open Space

- a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4. a. herein, this condition does not require nor specifically allow the Charles River Village Condominium Association to construct additional trails on Parcel B in the future.
- b) Prior to the conveyance of Parcel B to the Town, the applicant shall provide a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B and a pathway trail from the end of Massasoit to the existing cart path.
- c) Open Space Parcel B shall be conveyed to the Town before the building permit for the last building is issued and before the final bond release is authorized.
- d) If the Conservation Commission and the Board of Selectmen do not accept the donation of Open Space Parcel B in the future, the applicant is required to return to the Board with an alternative plan for its ownership and management that will comply with the open space provisions of the OSRD section of the Medway Zoning Bylaw.
- e) To provide public access to Open Space Parcel B, the applicant shall grant the Town an access and use easement over the Neelon Lane extension and planned turnaround from the parcel's existing property line at the northern end of the parcel to the end of the Neelon Lane turnaround.

5. Stormwater Drainage System - The planned stormwater management system for Charles River Village shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:

- a) landscape screening shall be provided at any locations where rip rap is used.
- b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.

6. Affordable Housing

The applicant will discuss with the Board the options for paying money into a fund and not building the two affordable housing units so long as the applicant can construct a total of eleven market rate units. If the applicant and Board are unable to reach an agreement to pay into the fund, the applicant will build the units based upon the revised plans submitted as part of the application.

- a) Two dwelling units within Charles River Village will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
- b) The affordable dwelling units are hereby designated as units 6 and 12.
- c) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development, and Charles River Village LLC, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
- d) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for approval of the Medway Affordable Housing Committee. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.
- e) A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town, shall be recorded with the deeds for the affordable units.

- f) The Charles River Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory

 - g) Minimum Design and Construction Standards for affordable housing units – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the Minimum Design and Constructions Standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet and have at least three bedrooms and 1.5 bathrooms, excluding basement space.

 - h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.

 - i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub- Section X. Affordable Housing shall apply.
7. Water Conservation – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway's water withdrawal permit.

8. Preservation of Site Features

a) Stone Walls

No existing stone walls will be disturbed on the site.

- 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site's existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.
- 2) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
- b) Topography – The developable area shall be graded in a manner to minimize topographical changes and to maintain a harmonious transition among the developable area, abutting properties and Open Space Parcel B.

9. Sidewalk Construction - The construction standards of the Subdivision Rules and Regulations require the installation of sidewalks along a property's frontage of existing public ways. For this site, the frontage along Neelon Lane, Cherokee Lane, Massasoit Street and Riverview Street is approximately 118 linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property's frontage on these ways is not practical. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment in lieu of sidewalk construction to the Medway Sidewalk Improvement Fund. This payment shall be provided to the Town before the building permit for the sixth market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first. At that time, the amount of the payment in lieu of sidewalk construction shall be determined by the Planning and Economic Development Board and shall be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time. The payment amount shall be equal to the estimated cost for the Town to construct 118 linear feet of bituminous concrete sidewalk with hot mix asphalt standup berm (Curb Type 3) in accordance with the Town's requirements per the Medway Subdivision Rules and Regulations; total width from street to edge of sidewalk including the curb would be 6 feet. The payment in lieu of sidewalk construction amount will not include any additional construction contingency percentage. Due to the development's inclusion of two affordable dwelling units (15.38% of the total number of 13 dwelling units), a 15.38% discount will then be applied to determine the final amount of the required payment in lieu of sidewalk construction.

10. Architecture - The development, when completed, shall include at least four different unit types/floor plans.

11. Parking - Each dwelling unit shall provide at least three off street parking spaces which may include garage spaces.
12. Condominium Management
 - a) A Charles River Village Condominium Association shall be established and be responsible for the on-going upkeep and maintenance of the roadway, drainage system and Open Space Parcel. B
 - b) Prior to the issuance of the building permit for the second unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Charles River Village Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - 2) Declaration of Trust of the Charles River Village condominium organization
13. Scenic Road – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the Definitive Plan process, a scenic road public hearing with the Planning and Economic Development Board must occur with suitable mitigation measures established if found to be required.

The applicant will submit an application for a Scenic Road public hearing during the definitive plan hearing process.

14. Ownership/Maintenance of Common Areas
 - a) All roads and drainage facilities on the development parcel shall be owned and maintained by the Charles River Village Trust/Condominium Association. It is the intent of the Planning and Economic Development Board and the applicant that the roadway system and drainage facilities will not be accepted by the Town of Medway.
 - b) The Planning and Economic Development Board requires that the following aspects of the Charles River Village development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:
 - 1) roadways and parking areas
 - 2) stormwater management system
 - 3) snowplowing/sanding and other road maintenance and repairs
 - 4) landscaping
 - 5) street lighting
 - 6) sewer and water systems

The applicant is aware that the Department of Public Services has recommended that sewer and water systems be maintenance be the responsibility of the association. The applicant strongly disagrees with the recommendation and will be working to have this decision changed.

Such services shall be the responsibility of the Charles River Village Condominium Association.

- c) The Open Space Parcel shall be maintained by the Charles River Village Condominium Association including the annual mowing/packing/preparation of a pathway on Parcel B. All maintenance work performed on the Open Space Parcel after it has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the Director of the Department of Public Services in concert with the Medway Conservation Commission. The Association will notify the Director of the Department of Public Services prior to performing any maintenance on the Open Space Parcel after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on the Open Space Parcel. .
15. Fire Protection – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town’s fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Charles River Village concept plan shows approximately 750 linear feet of new roadway to be constructed. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the building permit for the sixth market rate dwelling or within three years after the first building permit is issued, whichever comes first.
16. Signage – The Charles River Village development will include development identification signage in accordance with the Sign Regulation section of the Medway Zoning Bylaw.
17. Demolition of 6 Neelon Lane - The applicant plans to demolish the building at 6 Neelon Lane as part of the development plan. The applicant is advised that the property, due to its age, is subject to the Medway Demolition Delay Bylaw and may require review by the Medway Historical Commission. The applicant shall provide a determination from the Medway Historical Commission with the Definitive Plan application materials.
18. Restriction on Construction Activities - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:

- a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
 - b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.
 - c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday. The applicant shall comply with all federal, state and local regulations regarding blasting including but not limited to:
 - A blasting permit from the Fire Department shall be obtained;
 - A survey of the pre-blast condition of surrounding properties as determined by the Fire Chief shall be completed;
 - A bond to cover possible damage from the blasting shall be posted, in accordance with Chapter 148, Section 19 of the Massachusetts General Laws.
19. Payment of Balance of Fees/Taxes - Prior to Planning and Economic Development Board's signature on this special permit, the Applicant shall pay the balance of any outstanding fees for plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.
20. Recording of Plans and Documents - The following documents shall be recorded at the Norfolk County Registry of Deeds before the Charles River Village OSRD Definitive Plan and application are filed with the Town of Medway.
- a) Charles River Village OSRD and Affordable Housing Special Permit Decision
 - b) Charles River Village OSRD Concept Plans dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein.
21. Modifications – No modification shall be made to the Charles River Village OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize

insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable Rules and Regulations in effect at that time.

22. Project Completion

- a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.
- b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within five years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.



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**TOWN OF MEDWAY
PLANNING BOARD**

December 21, 2012

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

**Re: Charles River Village
Open Space Residential Development
Definitive Plan Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Definitive Plan for the above-mentioned project. The project includes the construction of a 13 unit residential condominium community with 2 affordable units. The project proposes to construct an approximately 600 foot private roadway extending from the end of Neelon Lane. The existing site is approximately 7.6 acres and is primarily wooded and abutting the Charles River. The 13 new units will require private utility connections including gas, electric, and telecommunications. The sewer and water will be connected to existing town infrastructure. The stormwater design will consist primarily of a rain garden and detention basin and will eventually discharge to grade and run overland hundreds of feet upland from the existing Charles River. The roof runoff will be collected and discharged separately either through ground infiltration chambers or overland discharges.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "Charles River Village, Neelon Lane-Medway Massachusetts, Open Space Residential Development (OSRD), Definitive Plans", dated November 20, 2012, prepared by Faist Engineering, Inc. (Faist) and O'Driscoll Land Surveying Co. (O'Driscoll).
- A stormwater management report entitled "Stormwater Management Report, Charles River Village-OSRD", dated November, 2012, prepared by Faist.
- Application for Approval of an OSRD Definitive Plan (Form C-2) and a Waiver Worksheet, prepared by Faist.
- Additional miscellaneous application material including the Special Permit Decision and Conditions, and a Special Permit Condition response letter.

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



TETRA TECH

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

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

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

1. A Development Impact Report shall be submitted. (Ch. 100 §5.5.11)
2. An ANRAD determination from the Medway Conservation Commission shall be submitted. The applicant has requested a waiver relating to the OSRD by-law for this item, but an additional waiver may be required to address this requirement. (Ch. 100 §5.5.11)
3. The plan shall show all property lines and buildings within five hundred feet (Ch. 100 §5.7.2)
4. Horizontal benchmarks should be provided. (Ch. 100 §5.7.4)
5. Please explain how existing trees were selected to be shown on the plan individually. (Ch. 100 §5.7.6)
6. The location of minimum lines of building setbacks shall be shown on the plans. (Ch. 100 §5.7.14)
7. Topographic information should extend at least 20 feet beyond the property boundaries. (Ch. 100 §5.7.21)
8. Long term Operation and Maintenance provisions shall be shown on the plan. (Ch. 100 §5.7.23 (e))
9. An independent drainage system to collect and discharge subsurface runoff from the foundation perimeter drains shall be shown on the plans. (Ch. 100 §5.7.23 (f))



10. The proposed location of street signs shall be shown on the plan. (Ch. 100 §5.7.27)
11. A note shall be added to the cover sheet indicating that all improvements shall be constructed in accordance with current ADA/AAB requirements. (Ch. 100 §5.7.34)

Section 7.0- Design and Construction Standards

12. Dense binder shall be used as the intermediate course. (Ch. 100 §7.9.7(h))
13. There is a vertical granite curbing detail provided on the plans, however it is unclear where it is proposed. There is a waiver requesting the change from sloped granite to bituminous concrete berm. (Ch. 100 §7.6.2 (h))
14. Catch basins shall not be located within 14 feet of driveways. (Ch. 100 §7.11.2)
15. A fire alarm system shall be installed or a sum of money paid to the Town. (Ch. 100 §7.17.1)
16. Proposed monument locations should be provided on the plans. (Ch. 100 §7.25.3)
17. Permanent open space shall be marked by the installation of iron pins with survey caps at each point of change of direction of the property lines and at intervals of not more than 100 feet. (Ch. 100 §7.25.4)

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

18. The FES discharging runoff from Outfall 2S onto Cherokee Lane is conveying concentrated flow overland to an existing pavement gutter line. This could cause potential flooding, scouring and sediment deposition onto Cherokee lane. More detail should be provided on the drainage network in Cherokee Lane that will be receiving this runoff, in addition to what consideration has been given to the potential for icing, flooding and scouring.
19. The hydraulic connection (12" culvert) between the rain garden and infiltration basin must be modeled to determine if tailwater within the basin will have an effect on the performance of the rain garden. The culvert should be modeled as the primary and the double grate should be a device to the primary.
20. The hydraulic connection (15" culvert) between the infiltration basin and grass swale should be modeled to validate the design of the outlet configuration of the



basin. The culvert should be modeled as the primary and the double grate and 4" orifices should be devices to the primary. Additionally, on the Grading and Drainage Plan (Sheet 5 of 16) the outlet pipe is labeled as a 15", however the note pointing to DMH 4 labels the outlet pipe as a 12".

21. The 12" pipe connection from CB-6 to DMH-3 as labeled on the Grading and Drainage Plan (Sheet 5 of 16) will cause reverse flow. The invert out of the catch basin should be higher than the downstream manhole connection.
22. The hydraulic grade line from the infiltration basin through FES 3 to CB-4 and CB-5 should be modeled to verify that flooding within the roadways will not occur during the modeled rainfall events. As designed, stormwater will not be conveyed to the infiltration basin in a free flow condition due to the inlet invert elevations being at or near the bottom of the basin. As designed, the 100-year flood elevation is at 224.99' which equates to only 2 inches below the lowest catch basin rim elevation (225.16') in the subdivision roadway. The tailwater condition on the inlet pipe will likely increase the hydraulic grade line in the piped system causing flooding within the roadway for the 100-year storm and potentially for the lower frequency events as well.
23. The pre-treatment train of gravel and a 4 foot grass strip does not appear to be adequate. Please provide documentation that this is sufficient to allow a 90% TSS removal rate for the rain garden.
24. FES-4 discharges runoff into a proposed swale which then directs concentrated flows over an existing path/walkway south of the development. This condition has a potential to erode or wash out the path. Applicant should consider eliminating the swale and piping the runoff from the detention basin, under the walkway and daylighting the pipe on the existing slope south of the walk way.
25. The proposed design is increasing the slope adjacent to the Charles River Tennis Club which will increase velocity of the runoff to that site. Please investigate the impact of this modification.
26. The proposed design appears to direct runoff towards the property owned by Mrs. Kramer where the pre-conditions did not. Please modify the proposed contours as necessary to ensure that additional flow is not directed to that property.



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The following items were found to be unclear within the Charles River Village-Special Permit Conditions Response Letter:

27. The response to condition #5 states that the walking path will be maintained as a walking path. Please clarify what will be done and by whom. (Condition #5)
28. The response to condition #6 states that bench and light post specs will be added to the definitive plan. I don't see specs or layout of any benches. (Condition #6)
29. Condition #8 requires a 15-foot visual buffer along the perimeter of the developable area. Please verify whether this exists along the northern property line and between the path and the proposed houses. (Condition #8)
30. The response to condition g) states that the existing trees along Neelon lane have been evaluated by the applicant's consultants. Does this include evaluating the impact of the roadway widening on the tree/roots, etc.? (Condition g)

The following item were found to be unclear within the Charles River Village-OSRD Waiver Worksheet:

31. The applicant is asking for a waiver for the design of the proposed private utilities, however the private utilities appear to be included in the design plans. (Waiver 5.7.19)

The following items were found to be not in conformance with the Town of Medway Water/Sewer Rules and Regulations:

32. There shall be three (3) valves at every roadway intersection. (Article V-Number 5).
33. There shall be a gate valve for every hydrant. (Article V-Number 6).
34. The gravity sewer chimney detail should include a "Y-Branch" and stopper. (Sewer Chimney Detail)

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

35. Please be prepared to identify at the meeting the specific location of the canoe launch area as identified on the Locus Plan. (Sheet 1).
36. The waiver request for 7.9.6 should have a (b) added for specificity. (Sheet 1)



TETRA TECH

37. Please provide soil and groundwater information for the wells and test pits shown on the plan. There is some information provided in the Stormwater Management Report, however we'd like to review the information not utilized for stormwater design as well if possible (Sheet 3).
38. There is a label which identifies the width of the bituminous sidewalk proposed within the emergency access drive as three (3) feet (there's also a similar label on Sheet 5). This conflicts with an adjacent label and other notations on other sheets identifying the width as four (4) feet. (Sheet 4)
39. The bit. sidewalk proposed within the emergency access drive does not appear to be ADA compliant (steep slopes). Please identify whether or not this sidewalk is intended to be, and/or required to be ADA compliant. (Sheet 4)
40. With no sidewalks and berm in front of the driveways, the development will have no accessible routes. This comment is not intended to state that an accessible route is required for the private development, however we would like to identify this to the board. (Sheet 4).
41. Is there going to be any parking proposed for public access to the open space? I thought previous plans had included this. (Sheet 4)
42. It appears that there are no proposed improvements to the existing bituminous concrete surface of Neelon Lane. We recommend that this be inspected to verify the integrity of the existing pavement. The widening of the existing street appears important to the viability of this development, and we would like to understand how the roadway will be widened if there are no improvements proposed to the existing roadway. (Sheet 4)
43. Please identify the location of all bounds/rods proposed. (Sheet 4).
44. It appears based on the proposed grading that the erosion control needs to be modified slightly to provide room to transition the grades from proposed to existing. (Sheet 5)
45. Is any signage proposed/required for open space? (Sheet 5).
46. The 229 contour near station 0+00 appears to be sheeting water away from the low point of the rain garden. (Sheet 5).
47. Please identify how the drainage on Neelon lane is collected and if there are any existing drainage issues within Neelon or at the collection point. (Sheet 5).



TETRA TECH

48. A 227 contour within the roadway appears to be frozen. (Sheet 5)
49. The LP designation at CB 2 & 3 does not appear to be accurate, unless there is a high point between that location and CB 4 & 5. If there is a high point, the adjacent 226 contour may need to be modified. (Sheet 5)
50. Will the proposed FES-4 erode the slope or walking path? If so maybe the line should be daylighted after the path. (Sheet 5)
51. Where is FES-5 discharging? It appears to be discharging within the gravel emergency access path. If so, erosion may be an issue. (Sheet 5)
52. Please identify the slope of the sidewalk at the property line within the emergency access path. It appears to slope significantly at the property line. If that is not the intent, the limits of transition grading should be shown. (Sheet 5)
53. Please identify how the private utilities will be brought to the site. It appears that they currently run overhead and then will be brought below ground via a proposed utility pole at the southern property line adjacent to the emergency access. (Sheet 6)
54. Please add a note that Y connections shall be utilized for all sewer services. The services on the plan appear to be coming into the main at angles greater than allowed. (Sheet 6)
55. Please verify the method for tapping the existing water main in Village Street. I assume by the notes a tapping sleeve will be utilized. (Sheet 7)
56. The cut within Village Street may want to be more rectangular in shape depending on the width of the cut required for the tap itself. This should be coordinated with DPW and included on the final plans. (Sheet 7)
57. Do we know where the existing utility services are located for the Hoffman property? (Sheet 7)
58. Do the existing water services/valves for any of the existing houses on Neelon lane require replacement? (Sheet 7)
59. There appears to be an existing gas line within Neelon Lane. Is this utilized by the houses on Neelon? It doesn't appear that gas will be utilized within the proposed development, but please verify. (Sheet 7)



TETRA TECH

60. Please verify the existing condition of the existing SMH within Cherokee Lane where the plan proposes a connection. Is it sufficiently sound structurally to accept a core or connection? (Sheet 8)
61. There are two existing water services designated for replacement on Cherokee Lane. Is one of those for House #3? (Sheet 8)
62. Please identify the proposed method for connecting to the existing water line in Charles River Road.
63. Please verify with the Department of Public Services that there is sufficient capacity in the existing water and sewer lines within Charles River Road to accept the increased flows. (Sheet 8).
64. Please verify that Cherokee Lane will not be utilized for construction access/egress. (Sheet 9).
65. Can we modify the 12" of subgrade material proposed below the new pavement to be 4-inches of dense graded crushed stone overlaying 8-inches of gravel borrow? This is not required per the regulations, however we feel it performs better at little to no additional cost. (Sheet 10)
66. Please verify the surface treatment for the emergency access path. It is labeled as "12'-Wide Gravel Access w/Sidewalk" however it shows 3-inches of loam and seed for a surface treatment. Is it intend to remain gravel or grass? If grass is the intent, why does the depth of loam vary from that utilized within the development? (Sheet 10)
67. Please confirm with the Conservation Commission what stone is recommended for the construction entrance. We feel that the 2-inch stone proposed is too small, and that a 3 to 5-inch stone may be more appropriate. (Sheet 10)
68. Please add a detail for the patch in Village Street. This will require different material than a typical pavement patch. (Sheet 10)
69. A hydrant detail should be added to the plan. (Sheet 11)
70. A water service detail should be added to the plan. (Sheet 11)
71. Please verify the intent of the "Utility Trench Detail". It states that it applies to the private utilities as well as water, however there is an independent detail already provided for private conduit. If the detail is for water only please label as such.



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Also, confirm with DPS what material is preferred for backfill over water pipe. The detail shows sand but I don't believe that is preferred by the town. (Sheet 11)

72. Is there enough existing vegetation to act as screening along the northern property line and between the public access trail and the back of the proposed buildings. (Sheet 14).
73. Is the light pole proposed the same as those installed at the Williamsburg development? If so, have there been any complaints/issues since installation? (Sheet 15).

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 5.17.19-Layout of private utilities
Section 5.20.2 (a)-Covenant for ways and services
Section 6.4.1-Allow for one building permit
Section 6.6.3-Partial Bond Release
Section 6.8.1-Street Acceptance
Section 6.8.2-Street/Infrastructure acceptance fee
Section 6.8.3-Street Acceptance Plan
Section 6.8.4-Pre-Acceptance Inspection
Section 6.8.6-Board Recommendation
Section 6.8.7-Town Meeting Warrant
Section 6.8.8-Established Roadway Layout
Section 6.8.9-Approval of Street Acceptance Plans
Section 6.8.10-Town Meeting Acceptance
Section 6.8.11-Recording
Section 7.9.1 (a)-Number of Dwellings
Section 7.9.4 (a)-ROW width
Section 7.9.5 (a)-Centerline Grade
Section 7.9.6 (b)-Max. Length of Dead End Streets
Section 7.9.7 (g)-Min. Roadway Width
Section 7.10.2-Sloped Granite Edging
Section 7.13.2-Sidewalks
Section 7.13.3-Sidewalks along Frontage
Section 7.19.2, 7.19.4-Street Trees



TETRA TECH

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

Very truly yours,

David R. 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)
pgca@comcast.net

January 3, 2013

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

RECEIVED
JAN 03 2013

Re: **Charles River Village Definitive Plan**

TOWN OF MEDWAY
PLANNING BOARD

Dear Mr. Rodenhiser:

I have reviewed the definitive subdivision plan called Charles River Village, submitted by Charles River Village LLC of Medway. The owners are the Estate of Michael Aquafresca and the Estate of Carol Supernor. The plans were prepared by Faist Engineering, Inc. of Sturbridge, O'Driscoll Land Surveying Co. of Medway and TO Design of New Britain, CT. The plan is dated November 20, 2012. It proposes 13 units including 2 affordable units. A special permit for an OSRD was granted on March 30, 2011.

I also reviewed the comments from TetraTech and have not repeated any of those comments here. My comments are as follows:

Subdivision Rules and Regulations

1. Section 7.7.2 (p) requires detention basins and related drainage structures to be on separate parcels. While the project is a condominium and not divided into lots, it would be appropriate to request a waiver from this provision.
2. Section 7.7.4 (d) requires an independent drainage system for foundation drains. Again, a waiver from this provision should be requested.

Zoning

3. The requirements of the OSRD have been met except as noted in the comments below.

Conditions of OSRD Special Permit

4. Finding 10 (i) and Condition 3 (d)(8) specify buffers around the perimeter of the development parcel. The planting plan indicates new trees along the borders with houses to the west and north of the site, but not to the east. Natural vegetation is allowable as a buffer. If natural vegetation is to constitute the buffer in this area, it should be labeled as such.
5. Similarly, Condition 3 (d)(3) specifies that landscape buffers shall be provided between houses. The planting plan does indicate any such buffers between houses.

6. Condition 3 (d)(4) specifically requires a landscape buffer adjacent to several specific properties. The buffer has been provided in these locations.
7. Condition 3 (d)(5) requires a maintenance plan for the open space including a mowing schedule, underbrush clearing, etc. The applicant states that the open space will be kept in its natural condition.
8. Condition 3 (f) requires that the landscape plan, house design plans, color palette, etc be reviewed by Design Review Committee.
9. Condition 3 (g) requires an evaluation of the existing trees along Neelon Lane, including recommendations for preservation and mitigation measures in the event of damage during construction. The applicant states that no action is necessary because the trees are outside the zone of construction. At a minimum, temporary fencing or other barrier should be in place to protect the trees (including root structures).
10. Condition 6 includes requirements for affordable housing regulatory agreement, marketing plan, deed restriction, etc. as well as condominium documents. It is not clear if these have been submitted. The applicant plans to discuss making a payment in lieu of providing the affordable units.
11. Condition 7 requires water conservation measures to be included in the definitive plan submittal. The applicant has not addressed this issue.

Waiver Requests

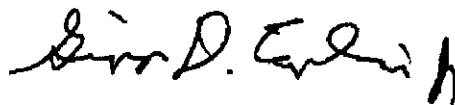
12. A waiver under the OSRD bylaw is requested from Section T.8. (E) of the Zoning Bylaw to allow structures to be located closer than 30 feet from each other. However, in my opinion the waiver is not needed because the revised bylaw allows for units to be closer than 30 feet if they average a minimum of 20 feet apart (for units up to 2500 square feet) or 30 feet for units above 2500 square feet. I calculated the average distance to be 31.8 feet.

General Comments

13. Consideration should be given to using a common driveway for units 11 and/or 10 and 12.
14. Consideration should be given to using a common driveway for units 2 and 3 (or 1 and 2 if unit 2 is reconfigured).

If there are any questions, please call me.

Sincerely,



Gino D. Carlucci, Jr.



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MAR 31 2011

TOWN

TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street - Medway, Massachusetts 02053
508-533-3291

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

March 30, 2011

PLANNING & ECONOMIC DEVELOPMENT BOARD DECISION
Charles River Village
Open Space Residential Development (OSRD) Special Permit – APPROVED
Open Space Residential Development (OSRD) Concept Plan – APPROVED
Affordable Housing Special Permit - APPROVED

Name/Address of Applicant: Charles River Village, LLC
Mr. John Claffey
PO Box 1
Medway, MA 02053

Name/Address of Property Owner: Michael Acquafresca & Carol Supernor
Executrix of Helen Grudzinkas
71 A Timrod Drive
Worcester, MA 01603

Official Representative: Patriot Real Estate
159 Main Street
Medway, MA 02053

Engineer: Faist Engineering, Inc.
600 Charlton Street
Southbridge, MA 01550

Land Surveyor: O'Driscoll Land Surveying, Co.
46 Cottage Street
Medway, MA 02053

Landscape Architect: Lowell Robinson, A.S.L.A.
92 Seekonk Street
Norfolk, MA 02056-1113

Landscape Architect: W. Philip Barlow, A.S.L.A.
TO DESIGN, LLC
114 West Main Street
New Britain, CT

Plan Dated: July 28, 2010, last revised December 30, 2010

Location: 6 Neelon Lane

Assessors' Reference: Map 1-7, parcel 1D/33

Zoning District: AR-II

Purpose: To construct a 13 dwelling unit, cottage style residential community

PROJECT DESCRIPTION

The subject property is a 7.61 acre site at the end of Neelon Lane adjacent to the Charles River. The proposal is for a 13 unit, detached single family home residential condominium community to be known as Charles River Village on Parcel A (3.43 acres) including 2 affordable dwelling units and 4.18 acres of protected open space accessible to the general public (Parcel B). Vehicular access to the site is proposed from the end of Neelon Lane (off of the south side of Village Street, a Medway Scenic Road).

The applicant plans to upgrade the entire existing length of Neelon Lane to a full-depth, 18' paved width and construct a 150' long southerly extension of Neelon Lane including a turnaround at the end. From the "new" end of Neelon Lane at the turnaround, the proposal is to construct approximately 600 additional linear feet of an 18' wide, private roadway to access the 13 dwellings. Within the roadway loop serving dwelling units 6-12, the road will be one way only. Connections to Town sewer and water and the installation of two fire hydrants are also planned along with emergency access/egress and a sidewalk to Cherokee Lane.

PROCEDURAL BACKGROUND

In accordance with the provisions of Section V., Sub-Section T. and X. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws, an application dated July 28, 2010 for an Open Space Residential Development (OSRD) special permit was filed by Charles River Village, LLC with the Planning and Economic Development Board and the Town Clerk on July 28, 2010. The companion application for an Affordable Housing Special Permit was submitted on September 7, 2010.

The public hearing was scheduled to begin on August 24, 2010, at which time comments would be received from the general public, municipal boards and/or departments and the Planning and Economic Development Board's consultants. The public hearing noticed was filed with the Medway Town Clerk on August 2, 2010 and posted to the Town of Medway web site on the same day. The public hearing notice was published in the *Milford Daily News* on August 9, 2010 and August 17, 2010. Notices were sent by certified mail to parties of interest and the Planning Boards of all adjacent towns on August 2, 2010.

On August 2, 2010, a transmittal memo from the Planning and Economic Development Board soliciting comments on the application was circulated with the application and plan to the Board of Selectmen, Board of Assessors, Board of Health, Building Inspector/Zoning Enforcement Officer, Conservation Commission, Department of Public Services, Design Review Committee, Disability Commission, Fire Department, Open Space Committee, Police Department, and Water/Sewer Department, and the Town's consulting planner. The memo noted that a public hearing was scheduled to begin on August 24, 2010 and requested comments by that date.

On August 24, 2010 the public hearing was convened and continued to September 28, 2010. On September 7, 2010, the applicant notified the Board that he was withdrawing the application and wished to refile and start the public hearing process anew. The "new" public hearing was scheduled for September 28, 2010. The notice for the "new" public hearing was filed with the Medway Town Clerk on September 8, 2010 and posted to the Town of Medway web site on the same date. Notices of the public hearing were published in the *Milford Daily News* on September 13 and 21, 2010. Notices regarding the "new" public hearing were sent by certified mail sent to parties of interest and the Planning Boards of all adjacent towns on September 9, 2010.

The Planning and Economic Development Board convened the "new" public hearing in the Sanford Room of Town Hall. The public hearing was continued to October 12, 2010, November 9 & 16, 2010, December 14, 2010, January 11, 2011 and February 8, 2011, at which time the public hearing was closed. A site walk was conducted on September 9, 2011. At the public hearings, comments were received from abutters and their representatives, municipal boards and/or departments, PGC Associates (the Town's planning consultant), Tetra Tech Rizzo (the Town's consulting engineer), the applicant, and members of the applicant's development team. All persons in attendance were provided the opportunity to comment and present evidence.

All members voting on this Special Permit were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

All matters of record were available for public review in the office of the Planning and Economic Development Board and the Town Clerk for all times relevant thereto.

EXHIBITS – PLANS and DOCUMENTS - The following exhibits were submitted for the Board's review and deliberations.

The **Application Package** consisted of:

- An application and related materials dated July 28, 2010 for an OSRD and affordable housing special permits;
- A plan entitled "Charles River Village" – Special Permit Concept Plans - Open Space Residential Development (OSRD), dated July 28, 2010 prepared by Faist Engineering of Southbridge, MA and O'Driscoll Land Surveying of Medway, MA.
- OSRD Project Narrative dated July 28, 2010 prepared by Paul Yorkis, Patriot Real Estate.
- Yield Plan Summary "Charles River Village", dated July 28, 2010 prepared by Faist Engineering
- Description of Easements and Agreement.
- Development Impact Report – Form F dated July 28, 2010 prepared by Faist Engineering.
- Form F Addendum – Utilities and Municipal Services
- Certified list of abutters within 300 feet of the site.
- Request for waivers from the *Subdivision Rules and Regulations*, dated July 28, 2010.
- Assessor's Locus Map
- "Charles River Village" Special Permit – Concept Plans, Open Space Residential Development (OSRD) dated July 28, 2010.

Subsequent to the application package, the applicant submitted the following additional items.

- A letter from Dan O'Driscoll, O'Driscoll Land Surveying Co., dated October 20, 2010.
- Charles River Village Special Permit Concept Plan - revised date September 24, 2010
- Charles River Village Special Permit Concept Plan - revised date December 30, 2010
- Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering, dated October 29, 2010
- A letter dated January 7, 2011 with supplemental documents from Attorney Donald Quinn
- Memo and associated documents from Brian Beisel, Conley Associates, dated September 2, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated September 21, 2010
- Letter from Attorney F. Sydney Smithers, Cain Hibbard & Myers, dated November 4, 2010.
- REVISED Village Street – Neelon Lane Proposed Conditions Sketch from Faist Engineering revised date December 29, 2010.

PUBLIC HEARING TESTIMONY & EVIDENCE

Other Information/Evidence

- Minutes from the January 26, 2010 Planning and Economic Development Board.
- Planning Board decision of September 26, 2011 for Charles River Acres OSRD Special Permit – Granted, OSRD Concept Plan – Approved
- Minutes from March 23, 2010 Planning and Economic Development Board.
- A letter from Paul Atwood, PLS, Guerriere & Halnon, Inc., dated November 12, 2010.
- Report of September 9, 2010 Site Visit by Medway Planning and Economic Development Board
- Applicant's PowerPoint presentation at public hearing dated September 28, 2010.
- A letter from Paul Yorkis to Medway Town Clerk Maryjane White, dated September 29, 2010. (public disclosure)
- An email from Paul Yorkis, official representative of the applicant, dated December 9, 2010.

- A letter dated December 10, 2010 and attached plan "Assessor's Map Density Estimate - Charles River Village" dated December 8, 2010. prepared by Faist Engineering
- Medway Town Clerk - Certification dated August 9, 2010 that Neelon Lane is an accepted street
- Medway Town Clerk - Certification dated August 24, 2010 that Neelon Lane is on list of accepted streets
- Approval Not Required Plan of Land, dated November 6, 1959, pertaining to the division of land owned by William S. McDonald at 221 Village Street
- A series of deeds pertaining to the history of conveyances of 6 Neelon Lane
- Medway Town Clerk certification of transcription of minutes from the April 6, 1863 Medway Town Meeting (received August 12, 2010)
- A copy of the Town of Medway Assessor's Field Card for Map 1D, Parcel 33.
- Minutes from a 12/3/2010 meeting of the applicant and its development team with Tetra Tech Rizzo, abutter Beth McDonald and staff from Guerriere and Halnon, prepared by David Pellegrini of Tetra Tech Rizzo, dated December 14, 2010.
- Certification of the Mullin Rule, member Thomas Gay, dated January 20, 2011.
- Certification of the Mullin Rule, member Robert Tucker, dated January 25, 2011.
- Certification of the Mullin Rule, member Karyl Spiller-Walsh, dated February 14, 2011.

Written Comments/Review Letters – Medway Municipal Departments/Boards/Committees & Consultants

- Gino Carlucci, PGC Associates (Medway Planning Consultant) – Review letters dated August 3, 2010 (for application completeness) and August 17, 2010.
- Sergeant Jeffrey Watson, Medway Police Department – Review memo dated November 16, 2010
- Medway Open Space Committee – Review letter dated September 14, 2010
- Medway Design Review Committee - Review letter dated September 17, 2010
- Medway Fire Department – Email memorandum on behalf of Chief Paul Trufant, dated November 16, 2010
- Medway Department of Public Works – A letter dated August 24, 2010
- A letter from Robert Daylor, Tetra Tech Rizzo dated December 10, 2010.
- A letter from Robert Daylor, Tetra Tech Rizzo dated February 4, 2011.
- Medway Conservation Commission – A letter dated February 24, 2011
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 8, 2010.
- A letter from Barbara Saint Andre, Petrini & Associates, P.C. (Medway Town Counsel) dated October 15, 2010.

Professional Commentary

- David Faist, P.E., Faist Engineering, Southbridge, MA
- Gino Carlucci, A.I.C.P., PGC Associates, Franklin, MA
- Dave Pellegrini, P.E. Tetra Tech Rizzo, Framingham, MA
- Daniel A. O'Driscoll, PLS, O'Driscoll Land Surveying, Medway, MA.
- Attorney at Law, Thomas J. Valkevich, Saugus, MA.
- Robert Daylor, P.E., PLS, Senior Vice President, Tetra Tech Rizzo, Framingham, MA.
- Paul Atwood, PLS, Guerriere & Halnon, Franklin, MA.
- Lowell Robinson, A.S.L.A.
- W. Philip Barlow, A.S.L.A.
- John Sarkis, Sarkis Development and member of West Newbury, MA Planning Board

Applicant Commentary

- John Claffey, Charles River Village LLC, Medway, MA

Citizen Commentary

- Abutter, Beth McDonald, 6 Neelon Lane, Medway, MA.
- Abutter, Richard & Susan DiIulio, 7 Massasoit Street, Medway, MA.
- Abutter, Marielaina Kaplan, 221 Village Street, Medway, MA.

- Abutter, Peter and Michelle Newell, 2 Neelon Lane, Medway, MA.
- Abutter, Ken Bancewicz, 223 Village Street, Medway, MA.
- Abutter, Joanne Kramer, 231 Village Street, Medway, MA.

Written Testimony from Abutters

- A letter with photographs from abutter Joanne Kramer, 231 Village Street, dated October 12, 2010 and November 15, 2010.
- A letter from the Charles River Neighborhood Alliance dated November 16, 2010.
- A letter and photographs from abutter Peter and Michelle Newell, 2 Neelon Lane, dated October 12, 2010 and November 21, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated November 15, 2010.
- A letter from abutting property owner Ken and Terri Bancewicz, 223 Village Street, dated February 8, 2011.
- A letter from Charles River Neighborhood Alliance dated January 27, 2011.
- A letter with photographs from abutter Richard and Susan DiIullo, 7 Massasoit ST, dated November 15, 2011.

Professional Written Comments

- A letter from Attorney Thomas J. Valkevich, dated August 24, 2010.
- A letter from Attorney Thomas J. Valkevich, dated September 28, 2010
- A letter from Attorney Thomas J. Valkevich dated November 16, 2010.
- A letter from Guerriere & Halnon dated November 16, 2010.
- A letter from John T. Gillon, PE, Gillon Associates dated November 16, 2010.
- A letter from Attorney Thomas J. Valkevich dated December 14, 2010.
- An email from Attorney Thomas J. Valkevich dated January 10, 2010.
- A letter from Attorney Thomas J. Valkevich dated January 31, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 3, 2011.
- A letter from Attorney Thomas J. Valkevich dated February 8, 2011.

FINDINGS

To make its findings, decision and conditions of approval, the Planning and Economic Development Board, hereafter referred to as the Board, reviewed the proposed plan, dated July 28, 2010 as last revised December 30, 2010 and all the materials, studies and documentation presented by the applicant, the Board's consultants, letters and testimony from Town officials and boards, together with the comments and correspondence of abutters and members of the public, and analyzed the general purpose of the OSRD and Affordable Housing provisions of the Medway Zoning Bylaw and its specific requirements and standards, as well as the requirements of Section 9 of Chapter 40A of the Massachusetts General Laws specifically relating to Special Permits

- A. After hearing the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, and in light of the conditions imposed as part of this decision, the Board, on March 30, 2011, made the following **GENERAL FINDINGS** regarding this application in accordance with Section V. Sub-Section T. Open Space Residential Development of the Medway Zoning Bylaw:
1. Purpose and Intent – The Board finds that the proposed Charles River Village OSRD as conditioned by this decision meets the Purpose and Intent of Subsection T.1 of the Zoning Bylaw in that the development:
 - a) Uses flexibility and creativity in its design as a more compact development;
 - b) Minimizes disturbance on the site by limiting it to less than 3.5 acres.
 - c) Permanently preserves 4.18 acres of open space including property along the Charles River.
 - d) Uses land more efficiently in its compact design;

- e) Furthers the goals of the Medway Master Plan by and Open Space Plan by preserving open space along a waterway;
 - f) Facilitates construction and maintenance of housing, streets, utilities and public service by developing the site in a more compact style and providing private maintenance of roadways and infrastructure.
 - g) Preserves and enhances community character by preserving open space;
 - h) Does not protect agricultural land because none is present on or adjacent to the site;
 - i) Protects real property values by providing buffers to adjacent property;
 - j) Provides housing types (single family detached condominiums) that increase the diversity of the community's housing stock, plus two affordable units will be provided.
2. Site Eligibility – The Board finds that the site meets the eligibility requirements in that it is located in the AR-II district, consists of contiguous parcels, and is presented as a condominium development. The tract size of 7.63 acres is acceptable as this parcel abuts the Charles River.
 3. Permit Required – The Planning and Economic Development Board finds that an application for a special permit for an OSRD was submitted by the applicant on July 28, 2010.
 4. Pre-Application – The Planning and Economic Development Board finds that the requirements of Subsection T. 4 are met. An informal, pre-application meeting occurred at the January 26, 2010 Planning and Economic Development Board meeting. A site visit took place on September 9, 2010.
 5. Four-Step Design Process – The Planning and Economic Development Board finds that the applicant has fulfilled the requirement of Subsection T. 5 for a Registered Landscape Architect to follow the specified four-step design process to design the site. Landscape Architects Lowell Robinson of Norfolk, MA and W. Phillips Barlow of TO Design, LLC of New Britain, CT was retained to function as part of the applicant's development team. Mr. Robinson and Mr. Barlow are registered landscape architects in the Commonwealth of Massachusetts. The four-step design process is documented in that a Registered Landscape Architect was part of the design team and a Site Context and Analysis Plan identified the sensitive natural resources on the site. House and road locations were then kept away from the resources. Step 4 was not necessary in this case because it is condominium development with no lot lines.
 6. Procedures – The Planning and Economic Development Board finds that, subject to the Conditions noted below, the required application procedures in subsection T. 6 have been followed and the application documents required to be submitted have been provided including a Site Context and Analysis Plan, a Concept Plan and a Yield Plan. Also submitted was a Narrative Statement describing how the proposed OSRD meets the general purposes and evaluation criteria of the bylaw and why it is in the best interests of the Town to allow an OSRD rather than a conventional subdivision on this site. The plan was distributed to Town boards/departments for review and comment. Additionally, the application was reviewed by the Town's planning consultant.
 7. Maximum Number of Dwelling Units - Applying the Yield Plan formula as specified in Sub-Section T.7 to determine the maximum possible number of OSRD dwelling units for this site results in a maximum of 11 units. However, since two affordable units are being provided pursuant to SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, the applicant is entitled to two additional market rate units (to offset the affordable units) bringing the maximum possible number of dwelling units to 13. The applicant proposes to construct thirteen single family residences on one lot. The Planning and Economic Development Board finds that the construction of thirteen dwelling units complies with this requirement.
 8. Reduction of Dimensional Requirements – The Planning and Economic Development Board finds that the development meets the Dimensional Requirements as specified in Subsection T. 8 of the bylaw. Items (a) through (d) are not applicable to this project because the project is

proposed as a condominium project as allowed under Section T.2 (c) of the Zoning Bylaw and no individual subdivision lots are created.

- (e) *Building footprints or envelopes shall be shown on the plan, and no structure shall be located closer than thirty feet (30') from any other-structure. Furthermore, a landscaped buffer shall be provided between houses to enhance privacy.*

The plans as revised through December 30, 2010, demonstrate that a distance of at least 30 feet between structures is achieved. However, no landscape buffer between houses is shown on the plans. Therefore, this requirement is met through Condition 3. d) 3) herein that requires such a landscape buffer to be included on a Landscape Plan incorporated into the definitive plan.

- (f) *Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning & Economic Development Board for corner lots where the garage door faces a different street than the front of the house or for other extraordinary circumstances that the Planning & Economic Development Board deems to be in the Town's best interests.*

RE: setback of garage doors - There are 11 garages shown on the Concept Plan (2 of the 13 units are shown with no garages). Of those, 10 are 2-car garages and one is a 1-car garage. Regarding the 5-foot setback, Units 8 and 10 do not meet the setback requirement. The Board hereby waives the requirement for garages to be set back 5 feet from the front wall of the principal building for a maximum of 2 of the dwelling units in order to allow for some diversity of housing styles within the development

RE; location of garage doors vis-à-vis the street - Assuming that each garage space will have an individual door, there will be 21 garage doors within the development as presently proposed. The garage doors of Units 1, 7, 8, 9 and 10 clearly face the street for a total of 9 out of 21 doors. Units 2 and 3 are functionally (though not technically) on a "corner" since the garage facades are at a 90-degree angle from the house facades. The garages for Unit 11 and 13 clearly do not face the street. The Unit 5 garage and house face what is essentially a common driveway that serves only Units 4 and 5. Unit 4 is similar, but is more a borderline case. The house clearly faces the main access road for the development that everyone will use. However, the garage is accessed from, and faces, the common driveway and not the main access road. Therefore, 9 out of 21 garage doors is less than 50% and the Board finds that this criterion is met

9. Open Space Requirements - A minimum of fifty percent (50%) of the tract shown on the concept plan shall be open space. For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (f) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Total Land Area of OSRD tract: 7.61 acres

Total Area of Open Space: 4.18 acres As a % of total land area: 54.9%

- (a) *The percentage of the minimum required open space that is wetlands shall not exceed the percentage of the total tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in any proposed open space beyond the minimum.*

As indicated by this requirement, the minimum of 50% open space is constrained by the additional requirement that the minimum must include no greater percentage of wetlands than the tract as a whole. The tract has an area of 7.61 acres so the minimum required open space is 3.805 acres. Resource areas, including wetlands and floodplains comprise 10% of the total area. Therefore, wetlands and floodplains can constitute no more than 10% of the minimum required open space area of 3.805 acres, or .3805 acres so a minimum of 3.4245 (which rounds to 3.42) acres of the open space must be upland. The open space includes 3.42 acres of uplands so this requirement is met. It should also be noted that no more than 50% of any utility easement can be counted toward the minimum required open space. A sewer easement through the open space area appears to contain approximately 10,320 square feet. Since all of the easement is within the open space, and only half counts toward the minimum, at least 3.92 acres of open space must be provided rather than 3.805. Since 4.18 acres is provided, this requirement is met. The resource areas are based on a previous plan and need to be confirmed by a new filing with Conservation Commission before the open space calculations can be finalized.

- (b) *The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning & Economic Development Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas.*

Since the open space is provided in a single parcel, the Board finds that this requirement is met.

- (c) *The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning & Economic Development Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths, playgrounds, or other recreation facilities). The open space shall be accessible to the public, unless the Planning & Economic Development Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning & Economic Development Board may require a minimum number of parking spaces to facilitate such public access.*

The applicant proposes to leave the open space area in its natural state except to ~~add~~ establish a public access trail from the end of Massasoit Street to connect with an existing cart path and to establish a public access trail from the end of Neelon Lane to connect to the existing cart path. Public access is also proposed from the ends of Cherokee Lane, Riverview Street and Massasoit Street. Therefore, the Board finds that this requirement is met.

- (d) *While protecting resources and leaving land in its natural state is a primary goal, the Planning & Economic Development Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.*

The slope of the land and its proximity to the Charles River preclude any significant playground use of the open space. However, the river, existing cart path, proposed trail connection and access from 4 points, provide significant value to the use of the parcel for passive recreation. The Board finds that this requirement is met.

- (e) *Wastewater and stormwater management systems serving the OSRD may be located within the open space. However, surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.*

The Board finds that this requirement is not applicable since no wastewater nor stormwater system components are proposed within the open space.

- (f) *Ownership of the Open Space - The open space shall, at the Planning & Economic Development Board's discretion, be conveyed to:*
- (1) *The Town or its Conservation Commission, upon its agreement;*
 - (2) *A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;*
 - (3) *A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Economic Development Board for approval, and shall thereafter be recorded.*

The applicant proposes to convey the open space to the Town of Medway under the care and custody of the Conservation Commission. At its February 17, 2011 meeting, the Medway Conservation Commission voted unanimously to support the future donation of Open Space Parcel B to the Town. The Board concurs with this proposal and therefore this requirement is met.

10. Design Standards – The following General Design Standards shall apply to all OSRDs.

- (a) *The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.*

The most sensitive portions of the site, the river, wetlands, floodplain and slope have been identified by the required four-step design process and they are included within the open space. The developable area consists of the flattest portion of the site so topographical changes are minimized. No significant grade changes deviating from the general appearance of neighboring developed areas are proposed, though this is subject to the definitive plan following a more detailed analysis of the site, especially pertaining to drainage issues. Subject to Condition 8. B) herein, the Board finds that this requirement is met.

- (b) *Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.*

The location of the proposed street shown on the Concept Plan does maintain and preserve natural topography. No significant landmarks are disturbed, and cuts and fills are minimized since the road is on the flattest portion of the site. It is possible that a better design could have been developed that preserved and enhanced views to a greater extent. It is also true that dimensional requirements of the bylaw constrained the design somewhat. The street itself provides closer access to views of the open space while the building locations inhibit those views. While an actual road design will not be provided until the definitive plan stage, the Concept Plan does indicate that this requirement can be met.

- (c) *The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.*

By locating the houses on the flattest portion of the site and preserving the slope, wooded areas and land closest to the Charles River, the development does relate harmoniously to the terrain. The development proposes single-family cottages of a scale similar to those of other houses in the vicinity. The architecture is not incompatible with the surrounding neighborhoods. The buildings maintain adequate setbacks from abutting properties and those that abut the open space have decks to enhance the views. However, as indicated in the Design Review Committee letter of September 17, 2010 only limited information about the building design concepts have been provided so it cannot make a recommendation as to design at this stage. Therefore, the Board finds that this requirement is met subject to Conditions 3. d) 1) and e. f) herein that require additional information and details regarding the building designs as well as additional review by the Design Review Committee at the definitive plan stage.

- d) *All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.*

The proposed open space already exists so it will not add to the visual amenities of the area, and its visibility from nearby properties will not change. While the internal road is a private way, persons passing by on it will have a closer view of the open space (looking between the proposed houses) than from Village Street or the existing Neelon Lane. The circular road will have a rain garden in the middle, which will add to the visual amenities of the area. The Board finds that this requirement is met.

- (e) *The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.*

No historic, traditional or significant uses, structures or architectural elements will be removed or disrupted. An existing house on the property will be razed, but it is not of a historic nature. Therefore, the Board finds that this requirement is met.

- (f) *Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.*

Since the development consists entirely of single-family homes, the Board finds that this requirement is met.

- (g) *Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning & Economic Development Board.*

The development, as proposed, includes a shared driveway for Units 2 and 3, and another for Units 4 and 5. The Board hereby allows these shared driveways and encourages the applicant to consider additional shared driveways in its definitive plan. The Board finds that this requirement is met.

- (h) *Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.*

Since 8 of the 13 units have direct access to the open space and the remaining 5 units have reasonable access, the Board finds that this requirement is met.

- (i) *A fifteen foot (15') wide visual buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning Board, shall be located along the perimeter of the OSRD tract, unless a reduction is otherwise authorized by the Planning Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements.*

A minimum 15-foot buffer is provided around the perimeter of the developable area. Adjacent to Units 6, 7, 11, 12, and 13 the buffer area may be coterminous with the open space strips that abut the property line in those areas. The type of visual buffer to be provided within these areas is a detail that shall be provided as part of the definitive plan (See Condition 3. d) 8) herein. However, at a minimum it shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation. Therefore, the Board finds that this condition is met.

- (j). *The Planning Board may require additional off-street parking areas for use in common by residents and guests. Locations for additional guest parking shall be shown on the Concept Plan. A minimum of two (2) off-street parking spaces shall be required for each dwelling unit.*

The Concept Plan indicates a minimum of 2 off-street parking spaces per dwelling unit. Condition 11 herein specifies that each unit shall have at least 3 off-street parking spaces which may include garage spaces. The 18 foot wide one-way loop road is adequate for on-street guest parking. Therefore, the Board finds that this condition is met.

- (k) *Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.*

The Charles River Village parcel has approximately 93 feet of frontage along several existing Town ways – Cherokee Lane, Massasoit Street and Riverview Street. There is also 25 ft. of frontage along the parcel's property line at Neelon Lane, which is a statutory private way. This totals 118 linear feet. No sidewalks are proposed along these ways, but a walkway is proposed to connect the end of the private way within the development to the existing end of the paved portion of Cherokee Lane. The Board finds that this requirement is met subject to Condition 9 herein regarding a payment to the Medway Sidewalk Special Account.

B. As indicated above, based on the evidence and testimony presented at the public hearing sessions as documented in the Detailed Record of this Case, the Board on March 30, 2011 made the following **AFFORDABLE HOUSING FINDINGS** regarding this application in accordance with Section V. USE REGULATIONS, Sub-Section X. Affordable Housing of the Medway Zoning Bylaw. The Board finds that the Charles River Village OSRD, as conditioned by this decision, complies with the Affordable Housing Requirements of Sub-Section X, as follows:

1. The plan includes the construction of two affordable dwelling units on the subject site. As the total number of dwelling units is 13, the provision of two affordable units meets the requirement that at least 15% of the dwelling units in a multiple unit residential development are affordable.
2. Siting of affordable housing units – Subject to the provisions of Condition 6 herein, the Board finds that the affordable units are suitably sited within the development.
3. Minimum Design and Construction Standards – Subject to the provisions of Condition 6 herein, the Board finds that these standards are met.
4. Two market rate bonus units are authorized.

C. After hearing the evidence and testimony presented at the public hearing as documented in the Detailed Record of this Case, the Planning and Economic Development Board, on March 30, 2011, made the following **ADDITIONAL FINDINGS** regarding this application.

1. *Is access to the site adequate?*

The adequacy of Neelon Lane to serve the new development has been a major focus of discussion during the public hearing process. The Board has heard and reviewed testimony from several engineers and surveyors and lawyers provided by the applicant, abutters and hired directly by the Planning and Economic Development Board. The discussion involved two major issues.

First, is the exact location of the Neelon Lane right-of-way established? The Board finds that establishing the exact location is not within the purview of the Board's authority. However, sufficient evidence has been submitted to provide a significant level of confidence that the easterly boundary of the right-of-way can be established and it is quite clear that the width of the right-of-way is 25 feet.

Second, is an 18-foot roadway adequate to serve the 13-unit development plus the existing houses on the street? The Board has reviewed testimony from traffic engineers and concludes that the proposed 18-foot width is adequate. In particular, the applicant's traffic engineer cites the standards of the American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highway and Streets." That document states that an 18-foot roadway is sufficient to accommodate up to 400 vehicles per day. The estimated traffic, based on the 8th edition of Trip Generation, published in 2008 by the Institute of Traffic Engineers, is 152 vehicles. This is well below the maximum.

The Board finds that the radii at Village Street and Neelon Lane are adequate for limited traffic. Also, the proposed improvements to Neelon Lane do not include sidewalks. Again, due to limited traffic and the installation of a pedestrian pathway connecting to Cherokee Lane, pedestrian access is adequate.

Therefore, the Board finds that the proposed access to the site is adequate for the size and nature of the development and it can be located within the right-of-way of Neelon Lane.

2. *Is the 18-foot wide road within the development adequate?*

As stated above, an 18-foot road width is adequate for up to 400 vehicles per day. Therefore, presumably if the access TO the site is adequate at 18 feet, then an 18 foot wide roadway WITHIN the site should be adequate as well. However, the concept plan shall be revised to clarify that traffic around the loop is restricted to one-way and the definitive plan shall include appropriate signage and details to ensure this result.

Therefore, while this is a detail that would normally addressed at the definitive plan stage, the Board finds that the 18-foot road provides adequate access within the development with the stipulation that travel around the loop be one-way only.

3. *Should the open space be accessible to the public?*

The Board finds that:

- Public access to the Charles River is a goal of the Medway Master Plan and the Medway Open Space and Recreation Plan
- Existing residents adjacent to the subject parcel who are impacted by this development would get mitigation by having access to the open space and river
- As more abutting land is acquired, a continuous path along the Charles River could be developed
- One of the public benefits of an OSRD is access to open space.

Accordingly, the Board finds that the proposed open space shall be accessible to the public. However, in order to limit the impacts of public access to the open space on the current adjacent neighborhoods, no additional parking for access to the open space shall be provided either on or off site.

WAIVERS TO SUBDIVISION RULES AND REGULATIONS – During the course of the public hearing on the Charles River Village OSRD Special Permit, the applicant made known his intent to request waivers from the following sections of the *Subdivision Rules and Regulations*. Formal action on the requests for waivers will be addressed once the applicant submits the OSRD Definitive Plan and the Board acts on that submittal. During the course of that review, the need for other waivers may be identified. In acting on any waiver request, the Board may impose conditions, safeguards and limitations in the best interest of the Town of Medway. Based on the information presently available, the Board provides the following guidance regarding the waiver requests. In reviewing and acting on waiver requests, the Board considers the project as a whole, including conditions and other requested waivers, in order to achieve the purposes of the Zoning Bylaw.

The following list includes the specific *Subdivision Rules & Regulations* from which waivers have been requested and one additional regulation from which a waiver needs to be considered.

Section 5.6.3 ***All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).***

Explanation – The applicant requests a waiver from this regulation. The plans reference NGVD 1929 which corresponds to the current Town of Medway FEMA Flood Plain Mapping effective June 18, 1980.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.7.19 ***Proposed Layout of Electric, Telecomm, Gas, & Cable TV Utility Lines is to be shown on the definitive plan.***

Explanation –The applicant requests a waiver from this regulation as it is not possible to show these locations on the definitive plan. NSTAR is the utility in the Town of Medway that prepares the initial design for underground utilities for electric, phone, and cable service; Verizon and Comcast follow the NSTAR design. NSTAR does not begin the design process until it receives three (3) copies of the endorsed plans. The underground utility services will be shown on the as-built plans.

Guidance – Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 5.20.2 (a) ***A restrictive Covenant shall be executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be completed to serve any lot before such lot may be built upon or conveyed.***

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance –The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As general guidance however, the Board will not waive the requirement for a restrictive Covenant. However, as has been the case in past practice, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

Section 6.4.1 ***No building permit shall be issued within a subdivision without written permission from the Board by release of covenant, bond, or securities resulting from the fulfillment of developer obligations.***

Explanation – The applicant has not provided any explanation as to why this is requested

Guidance – The applicant must fully explain this waiver request during the definitive plan process for the Board to consider this request favorably. As guidance to the applicant and as noted above, the Board will consider a Covenant that allows a single building permit to be issued to construct a model home in order to market the other units in the development.

6.3 ***Partial Bond Release – The Board shall not grant a partial release from such security for the partial completion of improvements until certain items are installed, inspected and approved by the Board or its agent.***

Explanation – Applicant requests a waiver from this regulation as the development roadway will be a Private Roadway when constructed to be owned and maintained by the condominium association.

Guidance – The Board is not inclined to grant this waiver. The future OSRD Definitive Plan decision will specify minimum construction work to be completed before any performance guarantee is adjusted.

Section 6.8.1

Street Acceptance: Legal Description, Deeds, & Easements

Explanation – Applicant requests a waiver from this regulation as the development roadway be a Private Roadway when constructed and therefore these items are not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.2

Street Acceptance/Infrastructure Acceptance Fee

Explanation – Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed, the Town will not be accepting the road as a public way and therefore, the requirement for a street acceptance fee does not apply to this development. Therefore, no fee is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.3

Street Acceptance Plan

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, the requirement for a street acceptance plan does not apply to this development. Therefore, a street acceptance plan is not needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.4

Pre-Acceptance Inspection & Review by Other Town Boards

Explanation – The Applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the various town boards and departments do not need to conduct such inspections.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for the particular site.

Section 6.8.6

Street Acceptance - Planning Board Recommendation

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Planning Board does not need to make any recommendation regarding street acceptance.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.7 Street Acceptance Town/Meeting Warrant

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, this matter does not need to be included on a warrant for town meeting consideration.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.8 Street Acceptance/Board of Selectman Establish Roadway Layout

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore, the Board of Selectmen does not need to approve a roadway layout.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.9 Approval of Street Acceptance Plans

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action to approve a street acceptance plan is needed.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.10 Street Acceptance/Town Meeting Acceptance

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. Therefore no action is required at a Town Meeting.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 6.8.11 Street Acceptance/Recording of Street Acceptance Plan

Explanation – The applicant requests a waiver from this regulation. As the development roadway will be a Private Roadway when constructed and the Town will not be accepting this roadway as a public way, this requirement does not apply to this development. As no action will be taken by the Board of Selectmen, Planning Board, or Town Meeting, no recording is necessary.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.9.1.e Use of Local Street construction standards for subdivisions of six and more lots/dwelling units.

Explanation - The Applicant requests a waiver from this regulation. Although the development roadway will serve thirteen dwelling units, the roadway will be private and will not conform to all of the construction standards for a *Local Street*.

Guidance - Based on the information that has been provided, the Planning and Economic Development Board cannot provide any guidance to the applicant on this waiver request. Although the applicant has requested that the Town's Local Street subdivision construction standards not apply to this development, the applicant has not specified what construction standards are proposed instead.

Section 7.9.4 The minimum right of way width of any permanent private way, neighborhood, minor or secondary street will be fifty feet.

Explanation - The applicant requests a waiver from this regulation. The roadway will be a permanent private way to be owned by the Charles River Village Condominium Association. The roadway is planned to be eighteen feet paved with and one way only on the loop. The roadway will not exist as a separate parcel but as a piece of the development parcel. While there is not a right-of-way of any width per se, there is a functional ROW of 30 feet to allow for snow storage and possible future roadway widening by the Condominium Association if needed.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site.

Section 7.9.6 Dead End Streets - The maximum distance of a dead end street shall be six-hundred feet (600')

Explanation - The applicant proposes to rebuild and extend Neelon Lane and construct a loop road within the development site. This results in a dead end street longer than allowed by the *Rules and Regulations*. However, an emergency access to Cherokee Lane will be constructed as part of the project.

Guidance - Based on the information presently available, this waiver has merit and appears to be reasonable for this particular site. The applicant has provided information from a traffic engineer indicating that the constructed Neelon Lane will be sufficient for the additional traffic generated by the development, and the emergency access to the development through Cherokee Lane will ensure that public safety vehicles have access to the site from 2 directions.

Section 7.9.7.g Minimum Paved Roadway Width - 26' for a Local Street; 20' for a Neighborhood Street & 18' for a Private Way

Explanation - The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and would be need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with a pavement width of eighteen feet.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.10.2 **Curbs/Berms - Sloped Granite Edging (Type S-B) for a Local Street**

Explanation – The applicant proposes to utilize a low impact drainage design to manage stormwater. Curbing is not proposed along all of the edges of the Private Roadway. Where necessary for drainage purposes, cape cod or bituminous style curbing will be used.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.2 **Sidewalks shall extend the full length of the street and around the perimeter of a cul de sac with pedestrian ramps at both sides of the cul-de-sac entry. For a Local Street, they shall be six feet wide on one side – Hot Mix Asphalt with a minimum six and one-half foot grass strip.**

Explanation – The applicant requests a waiver from this regulation. The proposed development roadway will serve 13 homes and its sidewalk would need to be constructed to Local Street standards if it was to be accepted by the Town as a public way. However, the roadway is planned to be a Private Roadway with no internal sidewalks.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

Section 7.13.3 **Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways . . . (or make a payment in lieu of sidewalk construction to the Town of Medway for off site sidewalk construction.)**

Explanation – The applicant requests a waiver from this regulation. The applicant states that no sidewalk is proposed on Neelon Lane due to limitations of the existing 25' right of way.

Findings – The Board finds that this parcel does have frontage along 3 public ways – Cherokee, Massasoit and Riverview Streets, for a total of 92 feet. The parcel also has 25 feet of frontage on Neelon Lane. Total frontage on a public way = 117 feet.

Guidance – As specified in Condition 9 herein, the applicant is required to make a payment in lieu of sidewalk construction. Accordingly, it appears that this waiver request can be granted.

Section 7.19.2 **Street Trees shall be planted on each side of the street (at least three trees per lot).**

Explanation - The applicant requests a waiver from this regulation. This development will not be divided into individual house lots. Instead there will be one development parcel with thirteen residential structures. The applicant, in compliance with the OSRD Bylaw and as specified in Condition 3.f) herein, will prepare and submit a landscape plan for the entire project during the OSRD Definitive Plan phase. That landscape plan will include street trees for the private roadway.

Guidance - Based on the information presently available, this waiver request has merit and appears to be reasonable for this particular site.

CONDITIONS OF APPROVAL – The following conditions shall be binding upon the applicant and its assigns or successors. Failure to adhere to these conditions may be cause for the Planning and Economic Development Board to hold a public hearing in order to determine whether the Special Permit shall be revoked or whether the violation warrants any other action relative thereto. The Town of Medway may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. **Limitations** - Notwithstanding any future amendment of the Medway Zoning Bylaw, MGL c. 40A, or any other legislative act:
 - a) The maximum number of dwelling units to be constructed under this Special Permit shall be thirteen. This shall include two affordable dwelling units which shall each have at least 3 bedrooms.
 - b) The tract(s) of land on which this OSRD is to be located shall not be altered or used except:
 - 1) as granted by this Special Permit;
 - 2) as shown on the Charles River Village Special Permit Concept Plans OSRD, dated July 28, 2010, last revised December 30, 2010 to be modified and recorded as referenced herein; and
 - 3) in accordance with subsequent approved Charles River Village Definitive plan or amendments to this Special Permit.
 - c) The entire tract of land and buildings to be constructed shall not be used, sold, transferred or leased except in conformity with this Special Permit, or if the Special Permit is not exercised, the land must be developed in accordance with the underlying zoning.
2. **OSRD Concept Plan Modifications** – Before the Charles River Village OSRD Concept Plans are endorsed by the Planning and Economic Development Board and recorded with this Special Permit at the Norfolk County Registry of Deeds, the plans dated July 28, 2010, last revised December 30, 2010 shall be further revised to incorporate the following items:
 - a. The proposed building elevations (as included as a supplemental sheet in the revised Concept Plan submittal dated 28, 20010) showing House Styles A – E, shall be included as Sheet 5 of the Plan Set
 - b. Remove any reference to public parking in the Open Space Parcel at the end of Neelon Lane and on Massasoit Street.
3. **OSRD Definitive Plan**
 - a) This special permit and the approved Charles River Village OSRD Concept Plans - OSRD are subject to the submission and approval of a Charles River Village s OSRD Definitive Plan and compliance with all conditions of a Certificate of Planning and Economic Development Board Action approving the Charles River Village OSRD Definitive Plan under the Medway Planning Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* and the *Site Plan Rules and Regulations* in effect at the time of application.
 - b) Except for a demolition permit for the existing structure at 6 Neelon Lane, no clearance or construction shall begin on site and no building permit shall be issued before the Planning and Economic Development Board has approved or conditionally approved and endorsed the Charles River Village OSRD Definitive Plan.
 - c) The Charles River Village OSRD Definitive Plan shall substantially comply with the approved Charles River Village OSRD Special Permit Concept Plan to be revised as specified herein, (*pursuant to SECTION V., Subsection T. 12. of the Zoning Bylaw*).

- d) Notwithstanding any other requirements, the following items shall be incorporated on the plan set for the Charles River Village OSRD Definitive Plan:
- 1) Details of front and typical side building elevations for all unit types including proposed materials and color palette.
 - 2) Street name.
 - 3) Detailed Landscape Plan including specific plans for landscaped buffer areas between the structures and elsewhere on the site, locations where stone walls will be disturbed and relocated or used. The Landscape Plan will identify significant trees to be saved/retained and the locations for new street trees to be installed along the roadway.
 - 4) Detailed design for a landscape barrier/buffer to be installed on the development parcel to screen the Charles River Village development from the following adjacent properties:
 - Peter and Michelle Newel, 2 Neelon Lane
 - Jane and Allison Lemler, 231A Village Street
 - Joanne Kramer, 231 Village Street
 - Craig and Mary Lemler, 233 Village Street
 - James and Donna Fiori, 235 Village Street
 - Karen Nyquist, 3 Cherokee Lane
 - 5) Maintenance plan for the open space parcel including a schedule for mowing, removal of underbrush and other suitable maintenance practices.
 - 6) Bench and light post specifications.
 - 7) Specification that any stone wall construction shall be consistent with the existing stone walls on site and shall replicate a rustic, dry laid construction style.
 - 8) Details regarding the type and materials of a minimum 15 foot visual buffer on the perimeter of the developable area shall be included in the definitive plan. However, at a minimum the buffer shall consist of a combination of natural vegetation, to the extent practical, supplemented by earthen materials, fencing and/or additional planted vegetation.
 - 9) Specifications for the provision of a pathway/trail to be established on Open Space Parcel B connecting the end of the Neelon Lane cul de sac and the end of Massasoit Street to the existing cart path shown on Parcel B.
- e) The Charles River Village OSRD Definitive Plan decision will include provisions for performance guarantees, construction inspection, construction phasing, and project completion requirements including as-built plans and engineering certification.
- f) The Landscape Plan, building elevation designs, and proposed materials and color palette submitted to the Planning and Economic Development Board as part of the OSRD Definitive Plan process shall be reviewed by the Design Review Committee for its recommendations and shall be prepared to the satisfaction of the Planning and Economic Development Board and subject to its approval.
- g) The Definitive Plan submittal shall include an evaluation of the status of the existing trees on east side of the present Neelon Lane with recommendations regarding their preservation and proposed mitigation measures to be implemented if said trees are damaged through the Neelon Lane reconstruction process..

4. Open Space

- a) Open Space Parcel B shall remain as permanent open space accessible to the general public. The Conservation Commission, at its February 17, 2011 meeting, agreed in principle to receive on behalf of the Town of Medway the future conveyance of Open Space Parcel B for open space/conservation purposes. It is understood that the construction of trails on Open Space Parcel B may occur in the future by other parties subject to appropriate approvals. Notwithstanding the provisions of Condition 4. a. herein, this condition does not require nor specifically allow the Charles River Village Condominium Association to construct additional trails on Parcel B in the future.
 - b) Prior to the conveyance of Parcel B to the Town, the applicant shall provide a pathway/trail on Open Space Parcel B connecting the end of the Neelon Lane cul de sac to the existing cart path shown on Parcel B and a pathway trail from the end of Massasoit to the existing cart path.
 - c) Open Space Parcel B shall be conveyed to the Town before the building permit for the last building is issued and before the final bond release is authorized.
 - d) If the Conservation Commission and the Board of Selectmen do not accept the donation of Open Space Parcel B in the future, the applicant is required to return to the Board with an alternative plan for its ownership and management that will comply with the open space provisions of the OSRD section of the Medway Zoning Bylaw.
 - e) To provide public access to Open Space Parcel B, the applicant shall grant the Town an access and use easement over the Neelon Lane extension and planned turnaround from the parcel's existing property line at the northern end of the parcel to the end of the Neelon Lane turnaround.
5. **Stormwater Drainage System** - The planned stormwater management system for Charles River Village shall comply with the current Massachusetts DEP Stormwater policy. The stormwater drainage system shall be designed to include appropriate Low Impact Development (LID) best management practice techniques including the use of rain gardens; roof runoff collectors and other suitable techniques to minimize the project's impact on resource areas, reduce stormwater discharge to the street, and maximize the recharge of stormwater into the ground, subject to the following limitations/conditions:
- a) landscape screening shall be provided at any locations where rip rap is used.
 - b) any detention basin shall be designed to be integrated into the site's topography and natural features such that the contours are softened and a naturalized appearance is achieved.
6. **Affordable Housing**
- a) Two dwelling units within Charles River Village will be affordable housing units that will comply with the requirements for inclusion on the Subsidized Housing Inventory established by the Massachusetts Department of Housing and Community Development.
 - b) The affordable dwelling units are hereby designated as units 6 and 12.
 - c) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Massachusetts Department of Housing and Community Development, and Charles River Village LLC, or its successors/assigns and recorded at the Norfolk County Registry of Deeds. The affordable units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
 - d) As part of the Definitive Plan process, the applicant shall prepare or cause to be prepared a marketing plan for the selection of qualified purchasers for approval of the Medway

Affordable Housing Committee. The marketing plan shall be prepared after consultation with the Medway Affordable Housing Committee and shall comply with the requirements of the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, 10. 3.

- e) A long term Affordable Housing Deed Rider/Restriction, as specified in Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing and in a form acceptable to the Town, shall be recorded with the deeds for the affordable units.
 - f) The Charles River Village Condominium Master Deed and all legal documents related to the affordable units shall include language to specify:
 - 1) the unit numbers of the designated affordable units
 - 2) that the affordable units shall be sold to income eligible persons or households
 - 3) that the local preference criteria for the sale and re-sale of the affordable units shall be in accordance with the Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program that provides units eligible for inclusion in the Subsidized Housing Inventory
 - g) *Minimum Design and Construction Standards for affordable housing units* – The affordable housing units shall:
 - 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units;
 - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
 - 3) comply in all respects to the Minimum Design and Construction Standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the features of affordable dwelling units; and
 - 4) have a minimum size of 1,500 square feet and have at least three bedrooms and 1.5 bathrooms, excluding basement space.
 - h) The owners and tenants of affordable housing units shall have the same rights and privileges and responsibilities as do the owners and tenants of the market rate dwelling units including access to and use of any amenities within the development.
 - i) All other provisions of Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing shall apply.
7. **Water Conservation** – As part of the OSRD Definitive Plan application, the applicant shall propose specific water conservation measures that will be employed in the design of the residential dwellings, appliance selection, site landscaping, etc. in an effort to keep residential water use below 65 gallons per capita per day in accordance with DEP policy and the Town of Medway's water withdrawal permit.
8. **Preservation of Site Features**
- a) *Stone Walls*
 - 1) The applicant, its successors or assigns, and the contractor shall make the maximum effort to retain the site's existing stone walls. Where a road or path must disturb a stone wall, the applicant shall rebuild the wall in the same style and/or use the removed stone elsewhere on the site.

- 2) Wall construction or reconstruction shall be completed in a highly rustic, dry laid, unfinished fashion.
 - b) *Topography* – The developable area shall be graded in a manner to minimize topographical changes and to maintain a harmonious transition among the developable area, abutting properties and Open Space Parcel B.
9. **Sidewalk Construction** - The construction standards of the *Subdivision Rules and Regulations* require the installation of sidewalks along a property's frontage of existing public ways. For this site, the frontage along Neelon Lane, Cherokee Lane, Massasoit Street and Riverview Street is approximately 118 linear feet. The Planning and Economic Development Board has found that sidewalk construction along the property's frontage on these ways is not practical. Accordingly, in lieu of such sidewalk construction and to fulfill its responsibility to support sidewalk construction in Medway, the applicant or its assigns shall make a payment in lieu of sidewalk construction to the Medway Sidewalk Improvement Fund. This payment shall be provided to the Town before the building permit for the sixth market rate dwelling unit is granted or within three years after the building permit for the first market rate dwelling unit is issued, whichever comes first. At that time, the amount of the payment in lieu of sidewalk construction shall be determined by the Planning and Economic Development Board and shall be calculated based on the latest Weighted Average Bid Prices issued by Mass Highway in effect at that time. The payment amount shall be equal to the estimated cost for the Town to construct 118 linear feet of bituminous concrete sidewalk with hot mix asphalt standup berm (Curb Type 3) in accordance with the Town's requirements per the *Medway Subdivision Rules and Regulations*; total width from street to edge of sidewalk including the curb would be 6 feet. The payment in lieu of sidewalk construction amount will not include any additional construction contingency percentage. Due to the development's inclusion of two affordable dwelling units (15.38% of the total number of 13 dwelling units), a 15.38% discount will then be applied to determine the final amount of the required payment in lieu of sidewalk construction.
10. **Architecture** - The development, when completed, shall include at least four different unit types/floor plans.
11. **Parking** - Each dwelling unit shall provide at least three off street parking spaces which may include garage spaces.
12. **Condominium Management**
 - a) A Charles River Village Condominium Association shall be established and be responsible for the on-going upkeep and maintenance of the roadway, drainage system and Open Space Parcel. B
 - b) Prior to the issuance of the building permit for the second unit in the development, the following documents shall be recorded at the Norfolk County Registry of Deeds.
 - 1) Charles River Village Condominiums Master Deed including Bylaws, Rules & Regulations, and the Stormwater Operation and Maintenance and Management Plan
 - 2) Declaration of Trust of the Charles River Village condominium organization
13. **Scenic Road** – The applicant will be improving Neelon Lane which includes its intersection with Village Street, a Medway Scenic Road. As part of the Definitive Plan process, a scenic road public hearing with the Planning and Economic Development Board must occur with suitable mitigation measures established if found to be required.
14. **Ownership/Maintenance of Common Areas**
 - a) All roads and drainage facilities on the development parcel shall be owned and maintained by the Charles River Village Trust/Condominium Association. It is the intent of

the Planning and Economic Development Board and the applicant that the roadway system and drainage facilities will not be accepted by the Town of Medway.

- b) The Planning and Economic Development Board requires that the following aspects of the Charles River Village development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for the operation and maintenance of the following:
- 1) roadways and parking areas
 - 2) stormwater management system
 - 3) snowplowing/sanding and other road maintenance and repairs
 - 4) landscaping
 - 5) street lighting
 - 6) sewer and water systems

Such services shall be the responsibility of the Charles River Village Condominium Association.

- c) The Open Space Parcel shall be maintained by the Charles River Village Condominium Association including the annual mowing/packing/preparation of a pathway on Parcel B. All maintenance work performed on the Open Space Parcel after it has been conveyed to the Town shall be performed in accordance with all requirements of the Town of Medway, through the Director of the Department of Public Services in concert with the Medway Conservation Commission. The Association will notify the Director of the Department of Public Services prior to performing any maintenance on the Open Space Parcel after it has been conveyed to the Town, and shall provide the Town with adequate evidence of insurance prior to performing maintenance work, and shall execute an agreement saving the Town harmless and indemnifying the Town for such maintenance work, and comply with any other directives and requirements of the Town in performing the maintenance work on the Open Space Parcel. .

15. **Fire Protection** – In lieu of installing a fire alarm system within the development, the Planning and Economic Development Board requires a sum of money be paid to the Town equal to the cost of such installation for use by the Fire Department for future capital expense to upgrade the town's fire alarm system. A fee of \$1,000.00 per fire alarm box has been established by the Fire Department for this purpose. The Charles River Village concept plan shows approximately 750 linear feet of new roadway to be constructed. Therefore, a fee of \$1,000 shall be paid to the Town of Medway for the Fire Alarm Special Capital Account prior to the issuance of the building permit for the sixth market rate dwelling or within three years after the first building permit is issued, whichever comes first.
16. **Signage** – The Charles River Village development will include development identification signage in accordance with the Sign Regulation section of the Medway Zoning Bylaw.
17. **Demolition of 6 Neelon Lane** - The applicant plans to demolish the building at 6 Neelon Lane as part of the development plan. The applicant is advised that the property, due to its age, is subject to the Medway Demolition Delay Bylaw and may require review by the Medway Historical Commission. The applicant shall provide a determination from the Medway Historical Commission with the Definitive Plan application materials.
18. **Restriction on Construction Activities** - During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following restrictions on construction activity shall apply:
- a) Outside construction shall not commence any day before 7 am and shall not continue beyond 6:00 p.m.
 - b) There shall be no construction on any Sunday or legal holiday without the advance approval of the Board of Selectmen.

- c) Blasting, if necessary, shall be limited to the hours between 9:00 am and 5:00 pm Monday through Friday. The applicant shall comply with all federal, state and local regulations regarding blasting including but not limited to:
- A blasting permit from the Fire Department shall be obtained;
 - A survey of the pre-blast condition of surrounding properties as determined by the Fire Chief shall be completed;
 - A bond to cover possible damage from the blasting shall be posted, in accordance with Chapter 148, Section 19 of the Massachusetts General Laws.
19. **Payment of Balance of Fees/Taxes** - Prior to Planning and Economic Development Board's signature on this special permit, the Applicant shall pay the balance of any outstanding fees for plan review services provided by any outside consultants retained by the Planning and Economic Development Board who assisted in the review of this project and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/ Collector that all real estate taxes and any penalties and back charges resulting from the non-payment of taxes for all property included in this development are paid in full.
20. **Recording of Plans and Documents** - The following documents shall be recorded at the Norfolk County Registry of Deeds before the Charles River Village OSRD Definitive Plan and application are filed with the Town of Medway.
- a) Charles River Village OSRD and Affordable Housing Special Permit Decision
 - b) Charles River Village OSRD Concept Plans dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein.
21. **Modifications** - No modification shall be made to the Charles River Village OSRD Definitive Plan and development without modification of this Special Permit or as set forth herein. The approval of the Planning and Economic Development Board under then applicable zoning bylaw requirements shall be required for any modification of the record plans, whether substantial or insubstantial. The Planning and Economic Development Board reserves its right and power to modify or amend the record plans and the terms and conditions of this Special Permit upon request of the Applicant, his designees or assigns. It shall be within the Planning and Economic Development Board's sole discretion to determine whether any proposed modification is substantial and what constitutes such. Substantial modifications shall be subject to the same review standards and procedures applicable to the original application for this Special Permit including a public hearing. The Planning and Economic Development Board may authorize insubstantial changes without a public hearing. If the Applicant petitions for amendments to the Definitive OSRD Plan or this Special Permit, the applicant must submit all plans and information to the change as required by the applicable *Rules and Regulations* in effect at that time.
22. **Project Completion**
- a) This special permit shall lapse if substantial use thereof has not commenced within two years of the filing of this decision with the Town Clerk, except for good cause, in the event of an appeal, or if construction is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, construction of the entire length of the private roadway must be underway or completed. For construction to continue toward completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than one year or in the case of a permit for construction, if construction has not begun except for good cause.
 - b) The applicant, its successors or assigns, shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the OSRD Concept Plan, to the satisfaction of the Planning and Economic Development Board, within five years of the date this decision is filed with the Town Clerk. A request to extend the completion time limit must be made in writing to the Planning and Economic Development Board at least thirty days prior to said expiration date. The Board reserves its right and power to grant or deny such extension, to issue any appropriate

changes to the special permit and to require any appropriate modifications to the OSRD Definitive Plan.

LIMITATIONS - Other approvals or permits required by the Medway Zoning Bylaw, Medway General Bylaws, or other governmental boards, agencies or bodies have in jurisdiction shall not be assumed or implied by this Special Permit Decision.

DECISION/VOTE

After reviewing the application and all information gathered during the public hearing process, the Medway Planning and Economic Board, at a duly posted meeting on March 30, 2011 voted four in favor (Tom Gay, Andy Rodenhiser, Chan Rogers and Bob Tucker) and one opposed (Karyl Spiller-Walsh) to grant an Open Space Residential Development Special Permit and an Affordable Housing Special Permit to Charles River Village LLC and to approve the Charles River Village OSRD Concept Plan prepared by Faist Engineering and O'Driscoll Land Surveying dated July 28, 2010, last revised December 30, 2010 to be further revised as specified herein and attached hereto as Exhibit A, to develop a thirteen unit OSRD including 2 affordable dwelling units, subject to the CONDITIONS and LIMITATIONS specified herein. This approval is transferable to successors in title of the subject property, or assignees.

This decision is based on the following factors as specified in SECTION V, Sub-Section T. 11. of the Medway Zoning Bylaw.

- (a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

The proposed OSRD development achieves greater flexibility and creativity than a conventional plan. The OSRD allows 54.9% of the site to be preserved as open space abutting the Charles River. A conventional plan may have had fewer units, but the land along the river would have become part of private lots. A conventional plan may also have resulted in disturbance of the slope on the property and the removal of many more of the trees on the tract. Also, the condominium type of ownership provides the opportunity for collective sharing of responsibility for maintenance. Therefore, the Board finds that this criterion is met.

- (b) Whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;

The proposed development preserves 4.18 acres of open space along the Charles River, including abutting wetlands, flood plain and wooded land. Therefore, the Board finds that this criterion is met.

- (c) Whether the OSRD promotes less sprawl and a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

By concentrating the housing units on 3.43 acres of the 7.61-acre tract, less sprawl is produced. Also, the portion of the site where the housing units are located is the flattest portion of the site so it conforms better to the existing topography and natural features to a significantly greater degree than would a conventional subdivision. Therefore, the Board finds that this criterion is met.

- (d) Whether the OSRD reduces the total amount of disturbance on the site;

Since the developable area is confined to less than half of the area of the tract, the sloped area is not disturbed and the remainder is preserved as open space, disturbance of the site is less than that of a conventional subdivision and the Board finds that this criterion is met.

- (e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

Among the goals and objectives of the Medway Master Plan and Medway Open Space and Recreation Plan are the following:

Medway Master Plan - Goals and Objectives for Open Space

Goal 1: Identify and protect undeveloped land.

Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways, and improve access to the Charles River.

Goal 3: Promote trails and access to open spaces

... further the establishment and expansion of greenbelts along the Charles River, ...

Goal 5: Encourage open space preservation

Develop and maintain an active community culture of open space acquisition and habitat preservation.

Goal 6: Encourage compact development

Encourage compact development to reduce sprawl.

Medway Open Space and Recreation Plan

GOAL 1: Identify and protect undeveloped land that directly affects aquifers and groundwater, wildlife habitats, ponds and waterways.

• Encourage/promote the incorporation of open space into new development plans (especially by the use of the open space residential subdivision (OSRD) and the Adult Retirement Community Planned Unit Development (ARCPUD) sections of the Zoning Bylaw), and use these tools to establish "eco-corridors" or greenbelts where appropriate

GOAL 2: Provide and maintain a diversity of conservation and recreation land uses, with opportunities for both passive and active recreation.

• Establish/expand greenbelts along the Charles River and other water bodies as well as other corridors as appropriate.

Therefore, the Board finds that this criterion has been met.

- (f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

The OSRD will result in the substantial improvement/upgrade of the existing Neelon Lane, presently a statutory private way, along with its extension and added cul-de-sac to accommodate turnarounds, and the construction of approximately 600 linear feet of additional private roadway. The resulting roadway on the Charles River Village development parcel will be owned and maintained by the condominium association rather than at the Town's expense. Therefore, the Board finds that this criterion has been met.

- (g) Whether the Concept Plan and its supporting narrative documentation complies with all sections of this Zoning By-Law.

As documenting in the preceding findings, the Concept Plan does comply with all sections of the Zoning Bylaw with the exception of areas where additional information or documentation is needed. These include the need to provide landscape buffers between buildings within the development, two garage facades that are not set back 5 feet from the house facades (waived for up to 2 garage facades), the need to provide additional

building design details to ensure that they relate to their surroundings in a positive manner, and the need to provide details for a visual buffer around the perimeter of the development. Subject to Condition 3. d) herein requiring that the required information and documentation be provided during the Definitive Plan process, the Board finds that this criterion is met.

- (h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning & Economic Development Board's Design Review Guidelines

Subject to Condition 3. d) 1) herein to provide additional details and elevation drawings regarding the design of the buildings, the Board finds that this criterion is met.

- (i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

The density of the proposed development is similar to that of adjacent neighborhoods and the cottage style homes are similar in size and design to nearby houses. Therefore, the Board finds that this criterion is met.

- (j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

The proposed development will result in altering a parcel of land and building 13 houses where there is currently one. This will result in additional traffic and activity. However, it will also result in permanently preserved open space and provide a diversity of housing types. As conditioned, the impacts on the abutting properties will be reduced and there will be positive impacts as well. These include an improved Neelon Lane, a new looped water line, a walkway to Cherokee Lane, and publically accessible open space. The Board finds that this criterion is met.

- (k) Whether the impact of the OSRD on abutting properties and abutting neighborhoods has been adequately mitigated.

The impacts on abutting properties are mitigated by the improved Neelon Lane, the new waterline, the walkway to Cherokee Lane, the permanently protected open space along the Charles River, and a visual buffer around the perimeter of the developed area. Therefore, the Board finds that this criterion is met.

- (l) Whether the OSRD protects and enhances community character.

The development protects and enhances community character by providing valuable open space along the Charles River in accordance with the goals of the Medway Master Plan and Open Space and Recreation Plan. It also provides a diversity of housing that is similar in scale and nature to that of adjacent neighborhoods. Therefore, the Board finds that this criterion is met.

VOTING

Planning and Economic Development Board Member **Grant/Not Grant**

Andy Rodenhiser	GRANT
Cranston (Chan) Rogers	GRANT
Karyl Spiller-Walsh	NOT GRANT
Thomas A. Gay	GRANT
Robert K. Tucker	GRANT


APPEALS – Appeals of this decision, if any, shall be pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws, as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk.

After the appeals period has expired, the applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed at the Registry of Deeds with this special permit and the accompanying Charles River Village Concept Plan OSRD. A copy of said recording must be returned to the Town Clerk and the Planning and Economic Development Board to complete the file.

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

Date Approved: March 30, 2011

Date Signed: March 30, 2011




Andy Rodenhiser, Chairman



Robert K. Tucker, Vice-Chairman



Thomas A. Gay, Clerk



Cranston (Chan) Rogers

Karyl Spiller-Walsh

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed in this office.

A True Copy Attest: _____
Maryjane White, Town Clerk

Date

cc: Affordable Housing Committee
Board of Assessors
Building Commissioner/Zoning Enforcement Officer
Board of Health
Board of Water/Sewer Commissioners
Conservation Commission
Department of Public Services
Design Review Committee
Fire Chief
Open Space Committee
Police Safety Officer
Town Administrator/Board of Selectmen
Town Counsel
Zoning Board of Appeals
John Claffey, Charles River Village LLC
Paul Yorkis, Patriot Real Estate
David Faist, Faist Engineering

PGC ASSOCIATES, INC.

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

January 4, 2013

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

Re: **Williamsburg Condominiums Proposed Modifications**

Dear Mr. Rodenhiser:

I have reviewed the proposed modifications submitted by owner/applicant of Williamsburg Condominiums for the project on West Street. A letter and sketch plan was prepared by Faist Engineering of Sturbridge. The primary change is a reduction in the number of affordable units from 3 to 2, but a few other minor changes are proposed as well.

The amended affordable housing provision of the Zoning Bylaw reduces the number of units required so providing 2 affordable units would be in compliance with the new bylaw. However, the project must comply with all other revisions to the bylaw as well if a modification request is submitted.

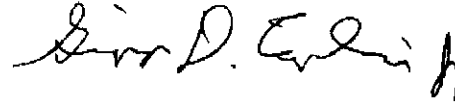
My comments are contained in the "Notes" column of the spreadsheet prepared by Susy in which she identifies the questions raised by the modification request. I will summarize the comments in this letter as follows:

1. There is a request for a waiver to allow one more street-facing garage door than allowed in the bylaw. Similarly, there is a request to allow 3 (up from 2) garages to not be set back 5 feet from the primary façade of the dwelling unit. In both cases, it is my opinion that adding garages for the affordable units justifies these waivers.
2. There is a question as to whether the yield plan complies with the new formula. Since the only change in the new formula is a deduction from the total area for any area within a utility easement and there are no utility easements on the parcel, the yield plan remains unchanged.
3. The open space has been reconfigured to eliminate a 15-foot strip, which is no longer allowed. However, the new configuration is in compliance with the new bylaw.
4. It should also be noted that bonus units for affordable housing has been reduced from 1 market rate per each affordable unit to 1 market rate unit for each 2 affordable units. However, since the original formula (with bonuses) provided for 20 (17 plus 3 bonus units for the 3 affordables) units but only 18 were proposed, this change does not affect the total number of 18 units (17 plus 1 bonus for the two affordables).

5. There have been changes in the bylaw's design standards and criteria. The sketch plan provided appears to comply with the new bylaw. This needs to be verified as part of the evaluation of the formal submittal.

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.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.

Williamsburg Condominium - Possible Revisions to Decisions and Plans

OSRD Bylaw Requirement - 2012	Proposed Change	Williamsburg Special Permit Decision March 10, 2009	Williamsburg Def Plan - Certificate of Action/Decision January 19, 2010	Subdivision Rules and Regs - Waiverable?? Cert of Action Modification	Subdivision Plan Modification Needed	Special Permit and/or Concept Plan Modification Needed	NOTES
GARAGE DOORS - No more than 50% of the garage doors shall face the street from which the dwelling unit is accessed. The Board may waive this requirement under "extraordinary circumstances"	Construction to include 2 car garages for all 18 dwelling units. Applicant is asking for 10 of the 18 units to have front loading garages. This is 1 more front facing garage than the 50% limitation.	No waiver was needed for this criteria in 2009.	not applicable	not applicable	no	yes	This is a minor deviation and the bylaw allows the PEDB to waive it. Adding garages to the affordable units helps justify the waiver.
GARAGE DOORS - Garage doors that face the street shall be set back a minimum of 5 feet from the front façade of the principle building. The Board may waive this requirement under "extraordinary circumstances"	Applicant is asking for 1 more unit to be allowed to have a front facing garage that is NOT set back 5'. That would apply to unit #7. Instead the garage would be what???????	FINDINGS - #8 - Reduction of Dimensional Regulations - The Board waived the requirement re: 5' setback for front facing garage doors to allow two F style dwelling units (1 story) to have front facing garages that are NOT set back 5'. Those were units #13 and 19.	not applicable	not applicable	no	yes	Again, this is a minor deviation and adding garages to the affordable units helps justify it.
OPEN SPACE - Land within 30' of any dwelling unit shall NOT qualify as open space	Applicant needs to adjust the boundary between the open space parcel and the development parcel to comply with this new requirement			not applicable	yes	yes	The sketch plan provided by the applicant indicates a 30-foot distance between the dwellings and open space.
OPEN SPACE - Strips of land equal to or less than 15' wide shall NOT qualify as open space unless the Board determines that they serve as necessary pedestrian connections	Applicant needs to eliminate the 15' wide strip of open space land along the western property boundary with land owned by Wickis				yes	yes	The sketch plan provided by the applicant eliminates the 15-foot open space strip shown the previously approved plan and adds an equivalent area of open space behind some of the units.
QUESTION - Does the revision comply with the rest of the "new" Open Space requirements (Paragraph 9), in particular that 75% of the land area subject to any type of utility easement CANNOT be counted toward the minimum required as open space							There are no utility easements ON the subject parcel (it ABUTS NStar land) so this provision does not affect the modification.

Williamsburg Condominium - Possible Revisions to Decisions and Plans

<p>QUESTION - Does the revision comply with ALL of the "new" Yield Plan requirements and formula (Paragraph 7)?</p>					<p>The primary difference between the new yield formula and the old one is that the area of utility easements is deducted from the total area in the new formula. But since there is no utility easement on the parcel, the net result is the same.</p>
<p>OSRD Bylaw Requirement - 2012</p>	<p>Proposed Change</p>	<p>Williamsburg Special Permit Decision March 10, 2009</p>	<p>Williamsburg Def Plan - Certificate of Action/Decision January 19, 2010</p>	<p>Subdivision Rules and Regs - Waiverable?? Cert of Action Modification</p>	<p>Special Permit and/or Concept Plan Modification Needed</p>
<p>QUESTION - Does the proposed revision comply with ALL of the "new" OSRD Dimensional Requirements (Paragraph 8)?</p>					<p>Sketch plan appears to comply. Needs to be verified on formal submission.</p>
<p>QUESTION - Does the proposed revision comply with ALL of the "new" General Design Standards (Paragraph 10)?</p>					<p>The primary difference in the design standards is one that says views of the open space shall be maximized. This is a judgement call, but there are views between buildings and from the parking area.</p>
<p>QUESTION - Can the Board award the OSRD Special Permit based on ALL of the "new" Criteria (Paragraph 11)</p>					<p>The two "new" criteria pertain to emergency access to all structures and open space and to not cause unreasonable traffic congestion. These criteria were satisfied in the original approval and are not affected by the modifications.</p>
<p>QUESTION - Does the proposed revision comply with other aspects of the revised OSRD bylaw??</p>					<p>It appears to comply. Needs to be verified on formal submission.</p>
<p>Affordable Housing Bylaw 2012</p>	<p>Proposed Change</p>	<p>Williamsburg Special Permit Decision March 10, 2009</p>	<p>Williamsburg Def Plan Decision January 19, 2010</p>	<p>Subdivision Rules and Regs - Waiverable?? Cert of Action Modification</p>	<p>Special Permit and/or Concept Plan Modification Needed</p>
<p>Applicants shall provide 10% of the units as affordable</p>	<p>Applicant wishes to provide 2 affordable units (#12 and #5) instead of 3 as previously approved</p>	<p>Required 3 affordable units (#9, #11 and #17)</p>	<p>references 3 affordable units</p>	<p>no</p>	<p>yes</p>
					<p>NOTE - all affordable units must include 3 bedrooms and have a minimum of 1500 sq. ft.</p>

PGC ASSOCIATES, INC.

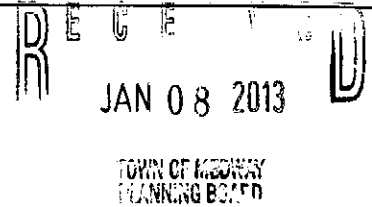
1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: January 8, 2013

RE: Main Street-Red Wing ANR



I have reviewed the ANR plan submitted for endorsement by Red Wing Properties (Anthony Brocchi) of Medway. The plan was prepared by Colonial Engineering, Inc. of Medway. The plan proposes to divide a 7.52-acre lot into two buildable lots and one nonbuildable parcel of 5.39 acres. One of the buildable lots will include the existing house and garage so the net result is one new buildable lot.

I have comments as follows:

1. In a previous version of this plan, a flood plain line on the unbuildable parcel ended in the middle of the lot. The flood plain line has now been completed.

The plan qualifies for ANR endorsement. I recommend that the plan be signed.

Sustainable

Boston

Consortium for Sustainable Communities

January 4, 2013

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

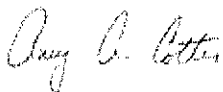
Dear Mr. Rodenhiser,

We are pleased to inform you that the scope for the 495/MetroWest Development Compact Implementation – Illustrative Project has been granted approval by the Sustainable Communities Steering Committee and the U. S. Department of Housing and Urban Development (HUD). Thank you for your and Town staff's participation in advancing this scope.

Through this project, MAPC will be working with the Town of Medway, as well as the Towns of Millis and Bolton, to implement Regionally Significant Priority Development Areas (PDAs) as identified in the 495/MetroWest Development Compact Plan. Each town has a priority area for development that integrates residential and commercial uses, and in Medway, the work will focus on the Oak Grove Bottle Cap Lots area (ID 177-3 in the Compact Plan). This project will assist in moving forward with implementation of regulatory changes that will support this type of integrated development within the Priority Development Area.

MAPC will contact you soon to review the project work plan and kick-off the project.

Sincerely,



Amy Cotter
Director of Regional Plan Implementation
MAPC

Cc: Suzanne Kennedy, Town Administrator – Town of Medway
Susan E. Affleck-Childs, Planning and Economic Development Coordinator – Town of Medway

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

AN ACT RELATIVE TO MUNICIPAL ACCEPTANCE OF ROADS WITHIN A SUBDIVISION IN THE TOWN OF MEDWAY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding chapters 79 and 82 of the General Laws or any other general or special law to the contrary, the town of Medway may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive subdivision plan which has been approved under the subdivision control law. The town of Medway planning and economic development board, on request of the Medway board of selectmen, the developer of the subdivision or on its own initiative, shall prepare a written certification that a subdivision road has been constructed in accordance with the planning and economic development board's rules and regulations and the approved definitive plan. The planning and economic development board shall submit its certification, together with original mylars of an acceptance plan, in required form for recording at the registry of deeds and an "as-built" plan, to the Medway board of selectmen. The board of selectmen shall hold a public hearing, after first giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appears from the municipal records, and giving notice by publication in a newspaper of local circulation at least 7 days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road as a public way. If, after the public hearing, the board of selectmen determines that it is in the public interest to accept the road, it shall vote on the acceptance of the road as a public way. If the board of selectmen, by a majority vote, votes such acceptance, it shall be placed on the warrant for the next annual or special town meeting. Upon a 2/3 vote of the town meeting to accept the road, the board of selectmen shall cause to be prepared for recording at the Norfolk county registry of deeds an order of acceptance setting forth the vote of the town meeting. The order of acceptance, together with the original acceptance plan, shall be recorded within 30 days following the town meeting vote and, upon recordation, shall operate to vest ownership in fee to the road, together with ownership of all utility, drainage access and other easements shown on the plan, as well as all pipes, structures and other improvements located therein, in the town of Medway with no additional notice or other action required. No owner or interest holder of land abutting a road so accepted or

subject to an easement shown on said plan shall have any claim for compensation against the town on account of such acceptance.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, December 24, 2012.

Passed to be enacted,

Paul Donald Acting Speaker.

In Senate, December 24, 2012.

Passed to be enacted,

Acting Acting President.

2 January, 2013.

Approved,

at 5 o'clock and 45 minutes, P. M.

[Signature]
Governor.



TETRA TECH

January 8, 2013

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

RECEIVED
JAN 08 2013
TOWN OF MEDWAY
PLANNING BOARD

**Re: Submission for Site Plan Approval
Planning and Economic Development Board
The Thayer Homestead
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Thayer Homestead Site Plan Approval Submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed Site Plan submittal package, including but not limited to the Plans, Stormwater Management Report, and supporting documentation, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Submission and Review of Site Plans (Chapter 200), Department of Environmental Protection Stormwater Management Regulations, Medway Department of Public Services Water and Sewer Regulations, and sound engineering practice.

Scope of Services

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

Task 1 Site Visit

- A. We have visited the site during previous phases of this project and therefore a site visit is not required;
 - Budget Assumption: \$0

Task 2 Plan Review

- A. Review the proposed supporting documentation for the Site Plan Submittal package (excluding the plans and stormwater report) and incorporate comments into the review letter in item D below;
 - Budget Assumption: 1 hours @\$155=\$155.
- B. Review the proposed "The Thayer Homestead" Site Plans prepared by Lerner Ladds+Bartel, Inc. and DeVellis Zrein Inc. dated December 21, 2012;



TETRA TECH

- Budget Assumption: 3 hours @155=\$465
6 hours @ \$90/hr= \$540
Total= \$1,005
- C. Review the Stormwater Management Report for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;
 - Budget Assumption: 4 hours @ \$115/hr=\$460.
- D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;
 - Budget Assumption: 3 hour @ \$155/hr=\$465
1 hours @ \$90/hr= \$90
Total= \$555
- E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:
 - Budget Assumption: 3 hour @ \$155/hr=\$465
2 hour @ \$115/hr= \$230
Total-\$695

Task 3 Meeting Attendance

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

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech Rizzo's and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.



The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$0
Task 2	Plan Review	\$2,870
Task 3	Meeting Attendance	\$697
	Labor Subtotal	\$3,567
	Expenses (3.5%)	\$125
	Total Fee	\$3,692

Schedule

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech Rizzo and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.

Very truly yours,

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

Date Approved by Medway Planning and Economic Development Board _____

Certified by: _____

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

_____ Date

PGC ASSOCIATES, INC.

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

January 8, 2013

RECEIVED
JAN 08 2013

TOWN OF MEDWAY
PLANNING BOARD

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

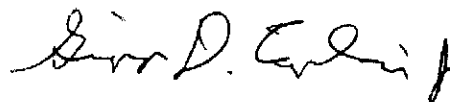
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed site plan submitted by the Thayer Homestead Development Committee of Medway. The proposal is to renovate the existing house and construct an addition for function space plus associated parking, drainage, landscaping, etc. The plan was prepared by a team including Lerner, Ladds & Bartels, Inc. (architecture) of Providence, DeVellis Zrein, Inc. (civil engineering) of Foxboro and Tetra-Tech (surveying) of Framingham. The plan is dated is dated December 21, 2012.

<u>Task</u>	<u>Hours</u>
Technical review and comment on initial submittal	4.0
Attendance at Planning Board meetings/hearings	2.5
Review and comment on revised plans	2.0
Review and comment on draft Certificate of Action	3.0
Total	11.5
Cost Estimate (@\$90)	\$1,035.00

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

Sincerely,



Gino D. Carlucci, Jr.