

**June 25, 2013
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Tom Gay, Karyl Spiller-Walsh, and Matthew Hayes.

ABSENT WITH NOTICE:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Open Space Committee Appointments:

See **Attached** memo from Susy Affleck-Childs with recommendations on appointments to the Open Space Committee.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to appoint Mike Francis, Pat McHallam, Paul Marble, and Tina Wright to the Open Space Committee for 2 year terms through June 30, 2015.

The Meadows Subdivision – Bond Refund:

The Board is in receipt of a memo from Susy Affleck-Childs dated June 20, 2013 regarding the bond refund for The Meadows Subdivision. **(See Attached)**

It was recommended that the PEDB vote to close The Meadows subdivision bond account and distribute the proceeds as following: \$11,295.55 payable to the Town of Medway for deposit to the Applegate Farm construction account, and \$5,077.35 (plus any interest) payable to Ralph Costello/Cedar Trail Realty Trust.

Mr. Costello does not agree with this recommendation since this ties up his money. It is his understanding that the money should have been released when the work was completed.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted to close the Meadows bond account and distribute \$11,295.55 payable to the Town of Medway for

deposit to the Applegate Farm construction account, and \$5,077.35 (plus any interest) payable to Ralph Costello/Cedar Trail Realty Trust.

Karyl Spiller-Walsh	no
Bob Tucker	yes
Matthew Hayes	no
Tom Gay	yes
Andy Rodenhiser	no

The motion failed.

The Board agreed it would continue to discuss the bond release for The Meadows later in the meeting.

PUBLIC HEARING - Proposed Modification: Applegate Farm Definitive Subdivision Plan:

The public hearing notice is attached.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to open the public hearing and waive the reading of the public hearing notice for the proposed modification to the Applegate Farm Definitive Subdivision Plan.

The modification is to address the drainage problem at the intersection of Ellis Street and Virginia Road. The new plan for drainage would be to install catch basins, manholes and culverts to convey surface water flowing off of Virginia Road within new drainage and access easements on properties owned by Cedar Trail Trust in the Applegate subdivision to a detention parcel located at 13 Applegate Road. The culverts are being increased to accommodate the additional runoff and storage volume. The installation and cost will be shared by the applicant and the Town of Medway.

Rob Truax of GLM Engineering was in attendance to represent applicant Ralph Costello. He explained that the applicant is requesting waivers from the *Subdivision Rules and Regulations*:

- to reduce the width of the interior sidewalk from 6' to 5.5',
- to use of cape cod berm edging within the subdivision in lieu of sloped curbing,
- to not install approximately 700 linear feet of sidewalk along the north side of Coffee Street from its intersection with Applegate Road to the eastern property boundary,
- to waive the application/filing fee, and
- to not require the installation of an independent drainage system to collect and discharge subsurface runoff from house foundation drains.

The Board is in receipt of the previous Certificate of Action for the Applegate Farm Definitive Subdivision Plan dated June 22, 2006, with approved waivers and conditions. **(See Attached.)**

The Board has in their packet a letter from Rob Truax of GLM Engineering Consultants, Inc. dated February 19, 2013. (**See Attached**)

The Board is also in receipt of a review memo from Tetra Tech dated June 20, 2013 (**See Attached**)

Engineer Truax indicated that he has no issues with the comments noted in the letter from Tetra Tech.

The Board is also in receipt of an email communication from Sandy and Randy Wood dated June 19, 2013 (**See Attached**) expressing concern about the proposed modifications.

Member Hayes wanted to know if the sidewalk was originally proposed on Coffee Street. He would like to see the sidewalk kept in place.

It was recommended that a summary of the construction cost estimates and the savings resulting if the waivers were approved be prepared for the Board. This information needs to be part of the record.

Susy Affleck-Childs reported that the application/filing fee to modify the application would be \$1,865.00.

Mr. Costello believes that there was \$10,000 left in the account. The money was for the Applegate construction fund. It was to be used for engineering cost. He does not think that it is acceptable for a bond to be in place for a plan from 7 years ago. He further indicates that no money has been released back to him for The Meadows bond.

The Board is informed that there is currently a negative balance of \$5,883.23 for the Applegate construction account. These services provided by Tetra Tech date back to 2012.

Susy informed the Board that some bond money back for The Meadows was released to Mr. Costello in January 2013. Mr. Costello is incorrect when he stated that there was no money released.

Mr. Costello stated he would like The Meadows bond released in full and then he will pay the balance he owes for Applegate. He wants to keep the two separate. Mr. Costello indicated that he will have a check submitted to the Planning Board office on Tuesday, July 2, 2013.

Susy showed the Board documentation that she had provided Mr. Costello with a construction account invoice for Applegate in February 2013.

The minutes from the January 15, 2013 PEDB meeting were referenced about the bond release for The Meadows. This was not for a full reduction of the bond amount.

It was noted that the Board does have a policy to retain \$40,000 in a subdivision bond until street acceptance. This is the typical practice.

Mr. Costello communicated that he was not aware that this was the policy.

Consultant Pellegrini noted that the longer the subdivision goes without street acceptance, there will be a longer punch list. This list will keep growing if the items are not addressed. The good news is that the street acceptance for The Meadows occurred (*at the May 13, 2013 town meeting*).

Rob Truax recommended that the applicant pay what is owed for Applegate prior to starting any more site construction work that would need further inspection. Mr. Costello will pay the rest in full before the work starts.

The Chairman communicated that the Applegate invoice needs to be paid prior to moving forward.

Member Tucker indicated that there are standards in place and those are in place to treat all fairly.

There was a question from abutter Ray McCarthy, 22 Coffee Street, about how far down the sidewalk will go.

Rob Truax showed the sidewalk location on the maps. Mr. McCarthy wanted it known that he is against not having sidewalks since there will be increased traffic. He wants the sidewalks to remain.

Resident Robert Ruppert of 11 Virginia Road wanted to know if the new drainage system will be adequate.

DPS Director Tom Holder responded that the calculations were done and the situation will be much better than it is now. The new system will handle the storm flows. The pipes will be moved to accommodate the water and sewer lines. The engineers have worked to make this condition better. The water quality is being improved before it gets to the wetlands.

Consultant Pellegrini wanted to know how the work will be divided between the Town and the applicant. He suggested that this be identified on the plan. It was also suggested that a proposed work schedule be created.

Tom Holder wants to make sure the elevation and ground water numbers work. He does not want the residents to have flooding issues which require sump pumps.

Consultant Pellegrini agrees that this needs to be done and he has no information on this.

Tom Holder also communicated that he is comfortable with Cape Cod berm and 5½ foot wide sidewalks. The Town is offering up \$40,000 for this project.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the hearing for Applegate Farms Subdivision Proposed Modification to August 13, 2013 at 7:15 pm.

The Meadows Bond Release

On a motion made by Tom Gay, and seconded by Matthew Hayes, the Board voted unanimously to release 100% of the remaining bond funds. \$8,883.21 will be paid to the Town for deposit to the Applegate Farm construction account and \$7,489.69 will be refunded to Mr. Costello with the agreement that he will pay the balance of \$3,412.34 on the Applegate Construction Account invoice before any further Applegate inspections are authorized.

HILL VIEW ESTATES PUBLIC HEARING CONTINUATION

Susy Affleck-Childs reported that the applicant has asked for a continuation of the public hearing.

On a motion made by Karyl Spiller-Walsh and seconded by Matthew Hayes, the Board voted unanimously to continue the public hearing for Hill View Estates until July 23, 2013 at 9:30 pm.

The Board is in receipt of confidential communication from Town Counsel dated June 25, 2013 regarding Hill View Estates.

Williamsburg Condominium – Proposed Modification to OSRD and Affordable Housing Special Permit, OSRD Concept Plan, Definitive Plan and Definitive Plan Certificate of Action

The Board is in receipt of an updated draft MODIFICATION of the Williamsburg Condominium OSRD and Affordable Housing Special Permit and the OSRD Concept Plan (**See Attached**) and a draft MODIFICATION to the Williamsburg Definitive Plan Certificate of Action. (**See Attached**)

Mr. Yorkis was present and indicated he had received copies of the most recently revised draft decisions.

The Board first reviewed the Open Space Residential Development and Affordable Housing Special Permit.

FINDINGS:

On a motion made by Matthew Hayes and seconded by Tom Gay, the Board voted unanimously to approve the FINDINGS in regards to the petition to modify the Williamsburg OSRD and Affordable Housing Special Permit and OSRD Concept Plan.

DECISION:

On a motion made by Matthew Hayes and seconded by Karyl Spiller-Walsh, the Board after reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board voted unanimously to approve

with amendments and additional conditions as noted herein the proposed modifications to the previously issued Williamsburg Condominium Open Space Residential Development and Affordable Housing Special Permit and the proposed modifications to the previously approved Williamsburg OSRD Concept Plan.

The Board next reviewed the revised draft Modification to the Williamsburg Definitive Plan Certificate of Action and OSRD Definitive Plan. This was dated June 25, 2013.

FINDINGS:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to approve the FINDINGS in regards to the petition to modify the Williamsburg OSRD Certificate of Action and Definitive Plan.

DECISION:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board after reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board voted unanimously to approve with amendments and additional conditions as noted herein the proposed modifications to the previously issued Williamsburg Condominium Open Space Residential Development Definitive Plan Certificate of Action and the proposed modification to the previously approved Williamsburg OSRD Definitive Plan.

Mr. Yorkis thanked the Board for their time on this application. He also wanted to communicate some areas where the process could be improved. In regards to the schedule regarding affordable dwelling units, Mr. Yorkis indicated he will be fully taxed on an affordable unit once an occupancy permit is issued whether it sells or not. He feels there needs to be a change in the wording of this in the bylaw. The developer has no choice, they are handcuffed. He feels this is a problem.

It was suggested that Gino take a look at the wording of the Affordable Housing Bylaw regarding the timing of construction of the affordable and market rate units and possibly put something together for consideration at the Fall Town meeting.

PEDB Meeting Minutes:

June 11, 2013:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from June 11, 2013 as presented.

Construction Reports:

There are no construction reports.

PEDB Updates:

- The deadline for Tri-Valley Commons to submit additional material is June 26, 2013.
- The BOS signed the agreement to contract with PGC Associates.

- The BOS signed the agreement with Second Generation Energy/Sundial for the installation of the solar panels on the Fire Station at 44 Milford Street.
- There will be a SWAP meeting on July 24, 2013, location to be determined.

On a motion made by Karyl Spiller-Walsh and seconded by Matthew Hayes, the Board voted unanimously to adjourn the meeting.

The meeting adjourned at 9:20 p.m.

Respectfully Submitted,


Amy Sutherland
Recording Secretary

Edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



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

MEMORANDUM

June 20, 2013

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

The term of office for the following members of the Open Space Committee expires on June 30, 2013.

- Mike Francis
- Pat McHallam
- Paul Marble
- Tina Wright

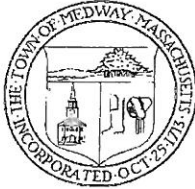
I have communicated with Tina Wright, Pat McHallam, Mike Francis and Paul Marble. They would like to continue their participation and have asked to be reappointed to the OSC for another 2 year term.

I recommend the PEDB reappoint Tina Wright, Pat McHallam, Mike Francis and Paul Marble to the OSC for a term through June 30, 2015.

NOTE – FYI . . . the other members of the Open Space Committee include Jim Wickis, Glenn Murphy and Bruce Hamblin. Their terms expire on June 30, 2014.

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

Thanks.

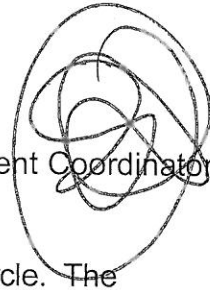


TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

June 20, 2013

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: The Meadows Subdivision – Bond Refund



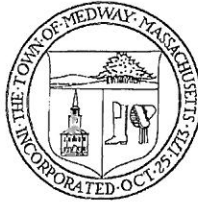
- The Meadows subdivision includes Goldenrod Drive and Cardinal Circle. The subdivision is located between Holliston and Ellis Streets, north of Coffee Street.
- Developer: Ralph Costello/Cedar Trail Trust/Medfield
- Subdivision approved: February 1998
- Street Acceptance voted by Town Meeting: May 13, 2013
- Recording of BOS Street Acceptance Vote and Street Acceptance Plan: June 12, 2013
- Bond Balance as of 5/31/2013: \$16,372.90

NOTE – Ralph Costello, the developer of The Meadows subdivision, owes the PEDB \$11,295.55 for the Applegate Farm Subdivision Construction Account.

I recommend the PEDB vote to close The Meadows bond account and distribute the proceeds as follows:

\$ 11,295.55 payable to the Town of Medway for deposit to the Applegate Farm Construction Account

\$ 5,077.35 (plus any interest) payable to Ralph Costello/Cedar Trail Realty Trust



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
Matthew Hayes, P.E.
Karyl Spiller Walsh

June 3, 2013

NOTICE OF PUBLIC HEARING
PROPOSED MODIFICATION
Applegate Farm Definitive Subdivision Plan
Applegate Road

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and Medway's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that **the Town of Medway Planning & Economic Development Board will conduct a public hearing on Tuesday, June 25, 2013 at 7:15 pm at Medway Town Hall, 155 Village Street, Medway, MA to consider the application of Unique Homes, Inc. of Medfield, MA to modify the previously approved (2007) Applegate Farm Definitive Subdivision Plan and Certificate of Action.** The modified plan is titled – *Amended Definitive Subdivision Plan – Applegate Farm Medway, MA*. It is dated February 20, 2013 and was prepared by GLM Engineering Consultants, Inc. of Holliston, MA.

The subject property is a residential subdivision comprised of 12 house lots and one drainage parcel located on Applegate Road at the northeast of the corner of Coffee and Ellis Streets (*Medway Assessors Map/Parcels 23- 62 through 23-66, 32-5 through 32-9, and 32-15 through 32-17*). The property is owned by Cedar Trail Trust of Medfield, MA and is located in the Agricultural Residential I zoning district.

The proposed modification addresses a drainage problem at the intersection of Ellis Street and Virginia Road. The amended plan shows changes to the stormwater drainage design within the Applegate subdivision. The plan includes the installation of catch basins, manholes and culverts to convey surface water flowing off of Virginia Road within new drainage and access easements on properties owned by Cedar Trail Trust in the Applegate subdivision to a detention area located on Parcel 32-16 (13 Applegate Road). The culverts within Applegate Road and the stormwater drainage basin are being increased to accommodate the additional runoff flow and storage volume. The installation work is to be shared by the applicant and the Town of Medway.

The applicant also seeks waivers from the *Subdivision Rules and Regulations* including a reduction in the width of the interior sidewalks from 6' to 5.5', the use of Cape Cod berm edging

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planningboard@townofmedway.org

within the subdivision in lieu of sloped granite curbing, relief from the requirement to install approximately 700 linear feet of sidewalk along the north side of Coffee Street from its intersection with Applegate Road to the eastern property boundary, waiving the application/filing fee, and not requiring the installation of an independent drainage system to collect and discharge subsurface runoff from house foundation drains.

The *Amended Definitive Subdivision Plan – Applegate Farm Medway, MA* is on file with the Medway Town Clerk at 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 am to 1:00 p.m. The plans are also available for viewing at the Medway Planning and Economic Development office at Town Hall and are posted at the Planning and Economic Development Board web page at <http://www.townofmedway.org>.

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

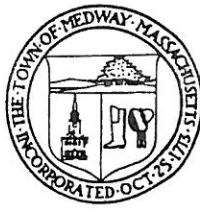
Andy Rodenhiser

Chairman

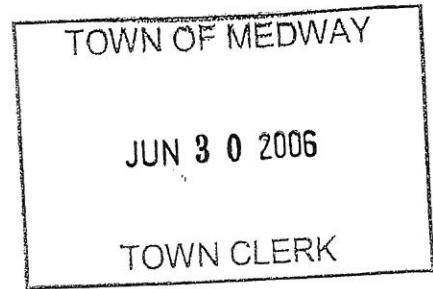
To be published in the *Milford Daily News*:

Monday, June 10, 2013

Tuesday, June 18, 2013



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



Andy Rodenhiser, Chairman
Cranston (Chan) Rogers, P.E., Vice-Chairman
Matthew J. Hayes, P.E., Clerk
Karyl Spiller-Walsh
John Schroeder
Eric Alexander, Associate Member

June 22, 2006

CERTIFICATE OF ACTION
APPLEGATE FARM DEFINITIVE SUBDIVISION PLAN
(Approved with Waivers and Conditions)

I. DESCRIPTION: The proposed *Applegate Farm Definitive Subdivision Plan* includes 12-single family home lots (*Lots 1B – 12B*) and approximately 1695 of roadway between Ellis and Coffee Street to be known as Applegate Road. The site to be developed is a 16.9-acre parcel located at the northeast corner of Coffee and Ellis Streets in the Agricultural-Residential I zoning district. The parcel is owned by Cedar Trail Trust/Ralph Costello, Trustee and is a portion of Parcel 126 as shown on Medway Assessor's Map 6-5. The proposal also includes construction of a stormwater drainage system with a detention pond to comply with Massachusetts DEP stormwater management requirements, disturbance of stone walls and tree removal in the Ellis Street (scenic road) right-of-way, and extension of Town water and sewer.

II. APPLICANT: Ralph Costello
Unique Homes, Inc.
503 Main Street
Medfield, MA 02054

III. PROCEDURAL SUMMARY: With respect to *The Applegate Farm Definitive Subdivision Plan*, the Planning Board hereby certifies that:

1. On December 21, 2005, it received an application for approval of the *Applegate Farm Definitive Subdivision Plan*, dated December 1, 2005, prepared by GLM Engineering, Inc. of Holliston, MA. This application was NOT preceded by a preliminary subdivision plan.
2. On January 20, 2006 it circulated the definitive subdivision plan to various Town boards and departments, including the Board of Health, for review and comment. The Board of Health did not provide any written comments.
3. On February 28, 2006, it commenced a public hearing on the plan. The public hearing was duly noticed on February 13 and 21, 2006 in the *Milford Daily News*. Abutter notice was sent by certified mail on February 1, 2006. The public hearing was continued to March 14, April 11 and May 9, 2006 when it was closed.

Telephone: 508-533-3291 Fax: 508-533-3287
email: medwayplanningboard@townofmedway.org

4. On April 11, 2006, the Planning Board approved the Applicant's request to extend the deadline for Planning Board action from May 5 to June 15, 2006.

IV. PUBLIC HEARING SUMMARY: The public hearing and review of the Applegate Farm Definitive Subdivision Plan was conducted over the course of four (4) Planning Board meetings during which substantive information was presented and evaluated. The plan was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005.

Specified below is a list of application materials, public comments, consultant and town review documents, and supplemental information filed by the Applicant. All information is on file with the Planning Board and is available for public review.

Applegate Farm Definitive Subdivision Plan – GLM Engineering, Inc.

December 1, 2005

Revised – March 24, 2006

Revised – April 25, 2006

Stormwater Management Design Drainage Calculations - GLM Engineering

December 1, 2005

Revised – March 24, 2006

Waiver Requests

March 28, 2006 letter from Rob Truax, GLM Engineering, Inc.

Town Engineering Consultant Review Letters – Paul Carter, P.E. VHB, Inc.

February 24, 2006

April 11, 2006

May 4, 2006

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates

February 14, 2006

April 11, 2006

May 4, 2006

Medway Departmental/Board Review Comments

Memo dated February 27, 2006 from Medway Police Department Safety Officer Jeffrey Watson

Memo dated April 11, 2006 from Susan Bouchard, Medway Disability Commission

Memo dated April 10, 2006 from DPS Director David D'Amico

Supplemental Information Provided By Applicant

March 28, 2006 letter from Robert Truax, GLM Engineering responding to 2-14-06 review comments of PGC Associates; 2-24-06 review comments of VHB, Inc. and 2-27-06 review comments of Police Officer Jeffrey Watson.

April 24, 2006 letter from Robert Truax, GLM Engineering responding to VHB's 4-11-06 comments, Department of Public Services Director David D'Amico's 4-10-06 comments.

Web Soil Survey of Norfolk and Suffolk Counties, USDA, Natural Resources Conservation Service, produced 4/24/06 based on aerial photograph of 3/29/95.

Stormwater Operation, Maintenance and Management Plan, prepared by GLM Engineering, submitted to the Planning Board on 4/25/06.

Citizen/Resident Letters

Letter dated February 28, 2006 from Sue Rorke, 34 Ellis Street

Letter dated March 6, 2006 from Jeffrey and Cassandra Grenon, 16 Coffee Street

Citizen/Resident Testimony

Sue Rorke, 34 Ellis Street	3/14/06 and 4/11/06 public hearings
Susan Wood, 23 Coffee Street	3/14/06 public hearing
William Hommel, 25 Coffee Street	3/14/06 public hearing
Alicia Barrasso, 2 Spruce Road	3/14/06 public hearing
Delores Carpenter, 23 Coffee Street	3/14/06 public hearing
Jeffrey Grenon, 16 Coffee Street	3/14/06, 4/11/06 and 5/9/06 public hearings
Cassandra Grenon, 16 Coffee Street	3/14/06 and 4/11/06 public hearings
Linda Drew, 1 Virginia Road	4/11/06 public hearing
Trisha Jones, 22 Green Valley Road	4/11/06 public hearing
Marcia Kramarz, 13 Green Valley Road	4/11/06 public hearing
Paul Crisafulli, 20 Spruce Road	5/9/06 public hearing

Professional Review/Testimony

Gino Carlucci, AICP, PGC Associates, Inc.

Paul Carter, P.E., VHB, Inc.

Robert S. Truax, Project Manager/Design Engineer, GLM Engineering, Inc.

Philip Smith, Medway Tree Warden

V. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS – The Applicant has requested waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 7.9.2 Alignment e) *The Board prefers curvilinear (road) alignments as opposed to long straight tangents. No tangent length shall exceed three hundred feet (300') unless authorized by the Board due to individual site factors such as topography, soil conditions, wetland locations, etc.*

FINDINGS - The applicant proposes two straight tangent lengths longer than 300 feet. One tangent length is 344.67 feet long and the second tangent length is 303.68 feet long. The Planning Board finds that these straight tangent lengths are acceptable because the roadway will more closely match the existing grade, which will retain existing site features and require less fill.

SECTION 7.9.5 Grade c) - " . . . At the intersection of street right-of-way lines, there shall be provided in a residential subdivision a leveling (fixed slope) area of at least one hundred feet (100') with a maximum grade of two percent (2%) . . . "

FINDINGS: The applicant requests a waiver to allow for a grade of 2% for a distance of at least 50 feet and a 75-foot long vertical curve at the intersection of Applegate Road and Ellis Street. The Planning Board finds that this variation allows the roadway to blend with the existing land contours, and results in less overall site disturbance from road construction.

SECTION 7.13.3 - Sidewalks shall be provided along the entire frontage of the subdivision parcel along existing Town ways, including the frontage of any lots held in common ownership with the subdivision parcel within five (5) years prior to the submission of the Definitive Subdivision Plan. In those instances where sidewalk construction is not feasible or practical, the Applicant shall make a payment in lieu of sidewalk construction to the Town of Medway, in an amount determined by the Town's Consulting Engineer. Such funds shall be deposited to a revolving fund to be used to finance the construction of sidewalks and/or other improvements.

FINDINGS - The applicant requests a waiver from this requirement as it pertains to constructing a sidewalk on the Ellis Street frontage. Due to the roadway's narrow width and scenic road status, sidewalk construction is not feasible. In lieu of the required sidewalk construction or providing a payment in lieu of construction, the applicant will construct sidewalk and curbing to the satisfaction of the Medway Department of Public Services in the Town's right of way on the north side of Coffee Street from Ellis Street to Holliston Street.

SECTION 7.19.5 - Outside of the paved way but within the right of way plus the twenty-foot (20') strip parallel thereto, any existing tree with over a six inch (6") caliper at four feet (4') high shall be retained and shall be marked in the field to avoid accidental damage during construction.

FINDINGS - The Applicant requests a waiver from the requirement to mark the applicable trees in the field. The Applicant commits to making every effort to preserve existing trees and stone walls throughout the site. The Applicant's track record and reputation as a custom home builder is based on retaining the character of the land by maintaining healthy trees wherever possible. The Planning Board finds that the Applicant's agreement to designate selective cutting zones on each lot in addition to complying with the tree planting standards is sufficient to justify waiving the requirement to mark the trees.

SECTION 5.7.28 and 7.21 Streetlights

FINDINGS: The applicant requests a waiver from most provisions of this section. The Planning Board finds (1) that the Town Safety Officer has not recommended street lights for this subdivision; and (2) the subdivision will be governed by a homeowner's covenant that will require the installation of a privately owned, operated and maintained post light in the vicinity of the driveway at the roadway which shall provide sufficient lighting for local street traffic.

MITIGATION PLAN

1. The Homeowner’s Covenant will require installation of a post light near the end of each driveway. Such light posts shall be privately owned and maintained.
2. In lieu of constructing sidewalk on the east side of Ellis Street, the applicant will construct sidewalk and curbing to the satisfaction of the Medway Department of Public Services on the north side of Coffee Street from Ellis to Holliston Street. See Condition # 15.
3. The applicant has agreed to specify 15-foot Selective Cutting Zones on the sides and back of lots 1B-12B to be shown on the plans and to be referenced in the Homeowner’s Covenant. See Condition # 9.
4. The applicant has agreed to install a fieldstone wall along the approximately fifty feet (50’) of frontage of the property of Jeffrey and Cassandra Grenon, 16 Coffee Street. See Condition # 5.

Action on Waiver Findings - At a duly called and properly posted meeting of the Medway Planning Board held on June 8, 2006, a motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the above noted Waiver Findings. The motion was approved by a vote of 5 in favor and 0 opposed.

Action on Mitigation Plan - At a duly called and properly posted meeting of the Medway Planning Board held on June 8, 2006, a motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to approve the above noted Mitigation Plan. The motion was approved by a vote of 5 in favor and 0 opposed.

Action on Waiver Request – At a duly called and properly posted meeting of the Medway Planning Board held on June 8, 2006, a motion was made by Matt Hayes and seconded by Karyl Spiller-Walsh to grant the above noted Waivers from the *Subdivision Rules and Regulations*. The motion was approved by a vote of 5 in favor and 0 opposed.

VI. PROJECT EVALUATION CRITERIA –Before taking action on a Definitive Subdivision Plan, the Board shall evaluate the proposed subdivision according to the following criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At a duly called and properly posted meeting of the Medway Planning Board held June 22, 2006, a motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers to approve the Project Evaluation Findings noted below. The motion passed by a 4 to 0 vote.

- 5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – *The Planning Board finds that the submissions were complete and technically accurate.*

- 5.16.2 Determination that the street pattern is safe and convenient and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.

FINDINGS – *The proposed street pattern connects Ellis Street with Coffee Street by means of a curvilinear loop. The Ellis Street end aligns with Goldenrod Drive. The road is of adequate width and there is adequate sight distance at both ends. Since the proposed new road terminates at existing public ways at both ends, there is no need for future extension. Subject to the conditions below, the Board finds this criterion is met.*

- 5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.

FINDINGS – Subject to the conditions below, comments from the Town’s Fire Chief and Safety Officer have indicated no undue hazardous conditions related to the proposed development. As stated above, the sight distances at the proposed intersections are adequate. The development will be subject to an Order of Conditions to protect wetlands resources. An erosion and sedimentation plan will protect abutting areas during construction. The drainage system adequately minimizes water pollution as well as flooding potential. Selective cutting zones are provided to minimize the removal of trees and retention of natural features. Therefore, the Planning Board finds that this criterion is satisfied.

- 5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.

FINDINGS – As stated above in 5.16.3, the subdivision as designed will minimize damage to the environment. Thus, the Planning Board finds that this criterion is met.

- 5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.

FINDINGS – The proposed roadway is of adequate width to accommodate emergency service vehicles as well as the projected traffic volume. Sight distance is adequate and since the proposed road is a through road with access from both ends, it maximizes safety as well as smooth traffic flow. A sidewalk will be constructed within the subdivision as well as on Coffee Street along the property frontage and continuing to Holliston Street. The Planning Board finds that this criterion is met.

- 5.16.6 Conformity with all applicable requirements of the Medway Zoning By-Law including but not limited to minimum area and frontage standards.

FINDINGS – The proposed subdivision complies with all applicable requirements of the Medway Zoning Bylaw. The Planning Board finds that this criterion is satisfied.

- 5.16.7 Consistency with the purposes of the Subdivision Control Law.

FINDINGS – The proposed development will result in a new road that meets applicable safety and construction standards and a drainage system that also complies with applicable regulations and minimizes impacts. The proposed lots for single-family homes comply with the Zoning Bylaw. The Planning Board finds that the project is consistent with the purposes of the Subdivision Control Law.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning Board held on June 22, 2006, a motion was made by Karyl Spiller-Walsh and seconded by Chan Rogers to approve the ***Applegate Farm Definitive Subdivision Plan***, prepared by GLM Engineering, Inc. dated December 1, 2005, last revised April 25, 2006 subject to the *Specific and General Conditions* as specified herein and with *Waivers* from the following sections of the *Subdivision Rules and Regulations* dated April 26, 2005: 7.9.2 e); 7.9.5 c); 7.13.3; 7.19.5; 5.7.28; and 7.21.

The motion was approved by a vote of 4 in favor (*Rodenhiser, Rogers, Spiller-Walsh and Schroeder*) and 0 opposed.

VIII. CONDITIONS – The following specific and general conditions shall apply to the Applicant, its executors, administrators, devisees, heirs, successors and assigns:

Specific Conditions

1. It is expressly understood that this subdivision is authorized for no more than 12 single-family house lots. As a permanent condition of this plan, no further subdivision will be allowed.
2. The Applicant shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the definitive subdivision plan, to the satisfaction of the Planning Board, within three (3) years of the date of endorsement of the plan.
3. The Applicant shall specifically reserve to itself ownership of the fee in Applegate Road and all easements shown on the subdivision plan in any deeds or other conveyances or transfers of any of the lots. The Applicant shall convey the fee in the roadways and all easements to the Town of Medway before the Planning Board approves the final bond release.
4. Prior to endorsement, the applicant shall secure a letter from the Fire Chief confirming his approval of the street layout and the adequacy of emergency access.
5. The applicant will construct a “new” fieldstone wall along approximately fifty feet (50’) of frontage on the property of Jeffrey and Cassandra Grenon at 16 Coffee Street. The “new” fieldstone wall will connect the existing fieldstone wall at the western end of their frontage with the concrete wall at their driveway entrance off of Coffee Street. The applicant shall submit a design and construction timetable to the Planning Board for its review and approval prior to plan endorsement. The “new” fieldstone wall will be constructed in a form, height, depth and style consistent with the existing fieldstone wall on the property in order to achieve a continuous appearance.
6. Prior to endorsement, the cover sheet of the plan set shall be revised to include the following:
 - a. The final plan revision date
 - b. List of approved waivers
 - c. Updated sheet index
 - d. Reference that all subdivision lots are subject to the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision*.

7. Prior to endorsement, the plan shall be revised as follows:
 - a. Show a property line radius of 28 feet on both sides of the street at the intersections of Applegate Road with Coffee Street and Ellis Street.
 - b. Incorporate the revised Stormwater Operation and Maintenance and Management Plan
 - c. Any plan changes specified in the 5/4/06 letter from Paul Carter, VHB, Inc.
 - d. Incorporate provisions of the Scenic Road (Ellis Street) Work Permit:
 1. An updated Scenic Road Plan, originally dated 2/28/06 prepared by GLM Engineering
 2. A drawing illustrating the design (form, height, depth, style) for constructing the infill stone walls and for the arcing end-caps for the stone walls at the roadway and driveway entrances.
 - e. Plans for sidewalk construction along the north side of the Coffee Street frontage of the property, approximately 960 feet, subject to approval of the Planning Board.
 - f. Plans for constructing a 6-foot (6') wide HMA sidewalk with Type 3 bituminous concrete curbs and all associated handicap access requirements in the Town's right of way on the north side of Coffee Street between Ellis and Holliston Streets, approximately eight hundred feet (800'). (*See Condition #15*)
 - g. Plans for constructing a fieldstone wall at 16 Coffee Street. (*See Condition #5*).
 - h. Manholes locations no further apart than 200 feet.
 - i. Each sheet of the plan shall reference that all subdivision lots are subject to the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision*.
 - j. Drainage piping shall be relocated so that no drainage easements are needed on private property. Drain lines shall enter Parcel A only from its frontage on Applegate Road.
8. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning Board before the Planning Board will endorse the definitive subdivision plan.
9. *Selective Cutting Zone* – Prior to endorsement, the plan shall be revised to include a drawing depicting a 15-foot Selective Cutting Zones on the back and sides of Lots 1B-12B. In the Selective Cutting Zone, no disturbance shall occur other than for the installation of the approved drainage system, underground utilities, pool, shed, agricultural buildings and fencing. In addition, living and growing vegetation shall be retained and may not be removed except for the installations previously noted. Dead, damaged or harmful vegetation may be removed from the Selective Cutting Zone. This Condition should not be construed as preventing a property owner from routine maintenance and upkeep.

10. *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision* – The future owners of lots 1B–12B are subject to the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision* to be executed and recorded with the definitive subdivision plan. Prior to endorsement, the Applicant shall provide a proposed *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision* to be reviewed and approved by Town Counsel and the Planning Board. At a minimum, the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision* shall include a requirement for the installation of a lamppost in the vicinity of the end of the driveway on each lot. The *Declaration* shall specify the restrictions within the “*Selective Cutting Zone*”.
11. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning Board with copies of the proposed deed to convey or transfer each subdivision lot (Lot 1B – 12B) for review, comment, amendment and approval by Town Counsel. Each deed shall state that the Applicant shall reserve to itself ownership of the fee in the roadway and easements shown on the subdivision plan. Each deed shall refer to any and all easements shown on the plan for that particular lot. The deed text shall include descriptive language specifying all easements, boundary delineations, specific usages and purpose. The deed shall refer to and be accompanied by a Lot Sketch Plan to be recorded with each deed. The Lot Sketch Plan shall also depict all easements and *Selective Cutting Zone*. The deed shall refer to the *Declaration of Protective Covenants & Restrictions Governing the Applegate Farm Subdivision*.
12. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning Board with a copy of the proposed deed to convey Applegate Road and all easements shown on the plan to the Town of Medway for review, comment, amendment and approval by Town Counsel.
13. *Drainage Parcel Deed* – Prior to endorsement, the Applicant shall provide the Planning Board with a copy of the proposed deed to convey Parcel A to the Town of Medway for review, comment, amendment and approval by Town Counsel.
14. *Street Name* - Prior to endorsement, the Applicant shall secure approval of the Medway Street Naming Committee. The proposed name is Applegate Road. The plans shall be revised to indicate the approved street name.
15. *Sidewalk Construction* – In lieu of constructing approximately 1,280 linear feet of curbed sidewalk along the east side of Ellis Street, the applicant will construct 6 foot (6’) wide HMA sidewalk with Type 3 bituminous concrete curbs and all associated handicap access requirements in the Town’s right of way on the north side of Coffee Street between Ellis and Holliston Streets, approximately eight hundred feet (800’). Construction shall be coordinated with, to the satisfaction of, and inspected by the Medway Department of Public Services pursuant to its Sidewalk Construction /Reconstruction Specifications November 9, 2004. Sidewalk construction shall be completed by June 1, 2007.
16. *Document/Plan Recording* - Within thirty (30) days of recording the endorsed definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions Governing the Applegate Farm Subdivision* with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred

17. *Maintenance Responsibility During Construction* - The Applicant shall provide for snow plowing, sanding and full maintenance of Applegate Road and all related stormwater management infrastructure throughout the entire construction process until the roadway is conveyed to the Town of Medway.

General Conditions

18. *Expiration of Appeal Period* - Prior to endorsement, the Planning Board must receive the statutory notification of the expiration of the twenty (20) day appeal period from the Town Clerk's office.
19. *Payment of Balance of Fees/Taxes* - Prior to endorsement, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning Board and any other outstanding expenses, obligations or fees due the Town of Medway pertaining to these properties. The Applicant shall also provide proof from the Medway Town Treasurer/Collector that all real estate taxes are current for all property included in this subdivision.
20. *Establishment of Bond Account* - Prior to endorsement, the Applicant shall establish a statement savings account (*with the Town of Medway*) at an area financial institution with which the Applicant will place a cash bond. A minimum of \$100 shall be deposited to the account at the time it is established. The Applicant shall provide the Medway Treasurer with a signed withdrawal slip for said account.
21. *Subdivision Covenant* - Prior to endorsement, the Applicant shall sign a *Subdivision Covenant*, on a form provided by the Planning Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Planning Board within three (3) years of the date of plan endorsement. The *Subdivision Covenant* shall apply to Lots 1B – 12B.
22. *Subdivision Bond* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision, the security provided by the *Subdivision Covenant* shall be replaced by a cash Subdivision Bond. Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall deposit certified funds in the already established bank account with the Town of Medway in an amount equal to 100% of the amount that would be required for the Town of Medway to complete construction improvements and infrastructure maintenance if the Applicant failed to do so. The bond amount shall be approved by the Planning Board based on an estimate provided by the Town's Consulting Engineer. If the sidewalk work on the north side of Coffee Street is not completed by the time the first lot release is requested, the value of that work shall be included in calculating the bond total.
23. *Order of Conditions* - Prior to endorsement, the Applicant shall provide the Planning Board with a copy of any and all "*Order of Conditions*" as issued by the appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act. Any changes to the Definitive Plan that may be required under the "*Order of Conditions*" shall be presented to the Planning Board by the Applicant, for review and approval as a modification to the Definitive Plan. The Planning Board reserves the right to negotiate with the issuing authority any mutually acceptable modifications to the "*Order of Conditions*" that may be deemed appropriate by the Planning Board and the Town's Consulting Engineer. After the

public hearing and acceptance of the modifications to the plan, the Planning Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Planning Board endorses the plan modification.


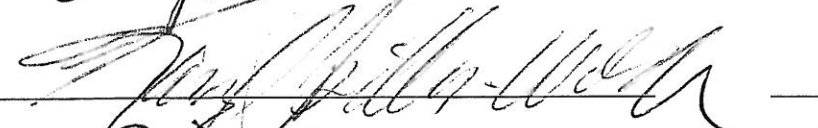


Additionally, upon issuance of any "*Order of Conditions*" requiring further individual filings under the Massachusetts Wetlands Protection Act, the Applicant shall prepare an amended plan clearly identifying the lots requiring further action under the Wetlands Protection Act. The Applicant shall provide this plan for endorsement by the Planning Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

24. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town's Consulting Engineer is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee to the Town of Medway for such inspections. The amount shall be determined by the Planning Board based on an estimate provided by the Town's Consulting Engineer. A construction observation account shall be established with the Medway Planning Board prior to plan endorsement. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction inspection services, upon invoice from the Planning Board, until the road construction and stormwater drainage system are completed, municipal services are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
25. Within thirty (30) days of plan endorsement, the Applicant shall provide the Town with a set of the approved plan in 11" x 17" paper format. The Applicant shall also provide the approved plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
26. *Proof of Taxes Paid* - Prior to the Planning Board's approval of the *Release of Covenant* for the first building lot, the Applicant shall provide proof from the Medway Town Treasurer/Collector that all real estate taxes and other fees due the Town of Medway are current to that date for all property included in this subdivision.
27. *As-Built Plans* - The Applicant agrees to prepare and provide as-built construction plans prepared in accordance with the approved subdivision plan and with the *Subdivision Rules and Regulations* in effect at the time the as-built plans are submitted, to the satisfaction of the Planning Board. The Applicant shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Applicant shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
28. *Compliance* - All construction shall be as specified in the approved definitive subdivision plan and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

###

**APPLEGATE FARM DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF PLANNING BOARD ACTION**

Date of Action by the Medway Planning Board: June 22, 2006

AYE:  _____
 _____
 _____
 _____

NAY: _____

Date Signed: June 22, 2006

Attest:  6-22-06
Susan E. Affleck-Childs, Planning Board Assistant Date
Notary Public

Date Filed with the Town Clerk: June 30, 2006

- Copies To:** Ralph Costello, Unique Homes
Rob Truax, GLM Engineering
Susan Bouchard, Disability Commission
David D'Amico, Public Services
Bill Fisher, Board of Health
Mark Flaherty, Water/Sewer Board
Britt Hall, Assessors
Suzanne Kennedy, Town Administrator
Richard Maciolek, Town Counsel
Marjorie Sanford, Acting Treasurer/Collector
Phil Smith, Tree Warden
Robert Speroni, Inspector of Buildings
Dave Travalini, Conservation Commission
Wayne Vinton, Fire Chief
Jeffrey Watson, Police Safety Officer
Maryjane White, Town Clerk
Gino Carlucci, PGC Associates
Paul Carter, VHB Engineering

GLM ENGINEERING CONSULTANTS, INC.

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

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

February 19, 2013

Medway Planning Board
Town Hall
Medway, MA 02053

RECEIVED
APR 10 2013

TOWN OF MEDWAY
PLANNING BOARD

Re: *Definitive Subdivision Amendment*
Applegate Farm, Medway, MA
Owner: Cedar Trail Trust, Ralph Costello

Dear Board Members,

On behalf of the owner, Cedar Trail Trust we are requesting to amend the Definitive Subdivision Plan for Applegate Farm. The original subdivision was approved on January 30, 2007 by the Medway Planning Board. Mr. Ralph Costello has been working with the Town of Medway Department of Public Works (DPW) Director Mr. Tom Holder to resolve an existing drainage problem within the town public way at the intersection of Ellis Street and Virginia Road.

The purpose of the amendment is to resolve the existing drainage problem at the intersection of Ellis Street and Virginia Road. Our firm performed an evaluation for the DPW to determine if the drainage system in Applegate Farm Subdivision could be modified to accommodate the flows from this area. The information was provided to the Planning Board for review in November 2011.

The amended plan includes installation of catch basin, manholes and culverts to convey the surface water through a proposed easement across properties owned by Cedar Trail Trust to the Applegate Farm drainage system. The culverts within Applegate Road have been increased to accommodate the additional stormwater runoff flow. The stormwater drainage basin has been increased to provide additional storage volume.

The Town of Medway DPW agreed to purchase the pipe and structures for the drainage within the easement that extends from Applegate Road to Ellis Street. The applicant, Ralph Costello, has agreed to install the proposed drainage system from Applegate Road to Ellis Street and grant the Town of Medway an access and utility easement over Cedar Trail Trust properties. The Town of Medway would be responsible for constructing the improvements in the Ellis Street and Virginia Road right of way.

This amendment includes changes to drainage system within the Applegate Farm Subdivision to accommodate the runoff from Ellis Street and Virginia Road intersection.

The applicant is requesting waivers from the Planning Board Subdivision Rules and Regulations to offset the costs associated with the drainage improvements.


The following is a list of waivers being requested:

1. Section 7.7.4.d) Stormwater Management (Construction): A waiver is requested to eliminate the installation of the independent drainage system that would be installed to collect and discharge subsurface runoff from foundation perimeter drains for houses.
2. Section 7.13.3 Sidewalks: A waiver is requested for construction of a portion of the sidewalk to be provided along the frontage of the subdivision parcel along existing town ways. Proposal to eliminate approximately seven-hundred (700) feet of sidewalk that is to be constructed along Coffee Street from the intersection of Applegate Road to the easterly property boundary.
3. Section 7.13.2 Sidewalks: Request a waiver to allow the sidewalk within the Applegate Subdivision to be reduced from the required six (6) foot width to five (5) foot-six (6) inches wide.
4. 7.10.2 Curbs and Berm: Request a waiver to install Cape Cod Berm edging within the subdivision in lieu of Sloped Granite Curbing.
5. We request a waiver of the Fee requirement for submission of the proposed Amendment.

The requested waivers will provide relief to costs incurred by the developer to install and modify the drainage system within Applegate Subdivision. The installation of the drainage system and granting of the easements will provide the Town of Medway a cost effective way of resolving an existing drainage problem at the Ellis Street and Virginia Road intersection.

Thank you for your consideration in this matter. If you have any questions please do not hesitate to contact our office.

Yours truly,
GLM Engineering Consultants, Inc.



Robert S. Truax
Project Manager/Design Eng.

LAND SUBDIVISION – FORM C

Application for Approval of a Definitive Subdivision Plan
Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Subdivision Rules and Regulations. Please complete this entire Application. Submit three signed originals of the Application, one copy of the Definitive Plan, one copy of the Traffic Study (if applicable) and one copy of the Development Impact Report to the Town Clerk who will date stamp all three original Applications. Submit two signed original Applications, one copy of the 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, eighteen copies of the Definitive Subdivision 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 Development office.

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

February 20, 2013

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

The undersigned, being the Applicant as defined under Chapter 41, Section 81- L for approval of a Definitive Subdivision Plan, herewith submits this Definitive Subdivision Plan of property located in the Town of Medway and makes application to the Medway Planning & Economic Development Board for approval of such Definitive Subdivision Plan.

DEFINITIVE SUBDIVISION PLAN INFORMATION

Title of Plan: Amended Definitive Subdivision Plan "Applegate Farm"

Prepared by: GLM Engineering Consultants, Inc.

Of: 19 Exchange Street, Holliston MA 01746

Plan Date: February 20, 2013

A Preliminary Subdivision Plan was was not filed prior to this Definitive Plan.

If filed, the date of filing of the Preliminary Subdivision Plan was: _____

Date when the ~~Preliminary~~ ^{Definitive} Subdivision Plan was reviewed by the Board: January 20, 2007

The Preliminary Subdivision Plan was:

- discussed
- approved as presented
- approved with the following modifications/conditions: _____

disapproved for the following reasons: _____

PROPERTY INFORMATION

Location Address: Off Ellis & Coffee Streets

The land shown on the plan is shown on Medway Assessor's Map 23,32 Parcel # 5-9 & 14-17 ⁶³⁻⁶⁶

Total Acreage of Land to be Divided: _____

General Description of Property: _____

Medway Zoning District Classification: Agricultural/Residential District 1

Frontage Requirement: 180' Area Requirement: 44,000 S.F.

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?
 Yes No If yes, please name: Ellis Street

Wetlands

Is any portion of the site within a Wetland Resource Area?
 Yes No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?
 Yes No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?
 Yes No

The owner's title to the land that is the subject matter of this application is derived under deed from: _____ to Cedar Trail Trust dated _____ and recorded in Norfolk County Registry of Deeds, Book 22893 Page 600 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

SUBDIVISION INFORMATION

Subdivision Name: Applegate Farm

This is a: Residential Subdivision Non-Residential Subdivision

The plan shows the division of land into 12 building lots numbered 1B - 12B and A parcels not intended for building thereon.

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

N.A. as frontage for lot(s) _____
_____ as frontage for lot(s) _____

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

Applegate Road as frontage for lot(s) 1B - 12B
_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s): 1750± feet

Are the new roads proposed to be public or permanent private ways?

Public Permanent Private Way

Proposed Utilities:

water well

sewer septic

APPLICANT INFORMATION

Applicant's Name: Unique Homes, Inc.

Applicant's Address: 503 Main Street
Medfield MA 02052

Name of Primary Contact: Ralph Costello

Telephone: 508-359-7351 FAX: 508-359-3662

Email address: rmc@uniquehomes.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: Cedar Trail Trust

Address: 503 Main Street
Medfield MA 02052

Primary Contact: Ralph Costello

Telephone: 508-359-7351 FAX: 508-359-3662

Email: rmc@uniquehomes.com *RM@UniqueNewHomes.com*

CONSULTANT INFORMATION

ENGINEER: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street
Holliston MA 01746

Primary Contact: Robert S. Truax

Telephone: 508-429-1100 Fax: 508-429-7160

Email: rtruax@glmengineering.com

SURVEYOR: GLM Engineering Consultants, Inc.

Address: 19 Exchange Street
Holliston MA 01746

Primary Contact: Robert Truax

Telephone: 508-429-1100 Fax: 508-429-7160

Email: rtruax@glmengineering.com

OFFICIAL REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Primary Contact: _____

Telephone: _____ Fax: _____

Email: _____

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 _____ to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Definitive Subdivision Plan application.

I agree to abide by the *Medway Rules and Regulations for the Review and Approval of Land Subdivisions* and complete construction of the subdivision in accordance with the *Rules and Regulations* and the approved Definitive Subdivision Plan.

In submitting this application, I authorize members of the Planning & Economic Development Board, Town staff and agents, and members of the Design Review Committee and Open Space Committee to access the site during the plan review process.

Signature of Property Owner

4.01.13

Date

Signature of Applicant (if other than Property Owner)

4-01-13

Date

Signature of Agent/Official Representative

Date

DEFINITIVE SUBDIVISION PLAN FEES

Filing Fee - \$2,500 plus \$2.50/linear foot of street centerline proposed

Advance on Plan Review Fee - \$2,500

Submit 2 separate checks each made payable to Town of Medway

Fee Schedule Approved - 11-9-08

FOR PED OFFICE USE ONLY:

Date Form C and Definitive Subdivision Plan Recvd by Medway PED office: _____

Definitive Subdivision Plan Filing Fee Paid: Amount: _____ Check # _____

Advance on Plan Review Fee Paid: Amount: _____ Check # _____

Date Form C & Definitive Subdivision Plan Received by Town Clerk Date Form C & Definitive Subdivision Plan Received by Board of Health

DEFINITIVE SUBDIVISION PLAN SUBMITTAL DOCUMENTS CHECKLIST

Town Clerk

- _____ One (1) signed original Definitive Plan Application – Form C
- _____ One (1) copy of Definitive Subdivision Plan
- _____ One (1) copy of the Stormwater Management Analysis
- _____ One (1) copy of Traffic Study (*for subdivisions of 20 or more dwelling units*)
- _____ One (1) copy of Development Impact Report – Form F

Board of Health

- _____ One (1) signed original Definitive Plan Application – Form C
- _____ One (1) copy of Definitive Subdivision Plan
- _____ One (1) copy of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*

Planning & Economic Development Board

- _____ One (1) signed Original Definitive Plan Application – Form C
(*Date Stamped by Town Clerk & Board of Health*)
- _____ Eight (8) full size Copies of Definitive Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Subdivision Rules and Regulations*
- _____ PDF version of Definitive Subdivision Plan (*please email or provide a disk*)
- _____ Designer's Certificate – Form D
- _____ Certified Abutters List – Form E
- _____ Development Impact Report - Form F
- _____ Request for Waivers of *Subdivision Rules and Regulations*. Use Form Q.
- _____ Two (2) copies of Stormwater Management Analysis prepared in accordance with Section 5.5.9 of the *Subdivision Rules and Regulations*
- _____ Two (2) copies of the Long Term Operation and Maintenance Plan for drainage and stormwater management facilities.
- _____ Two (2) copies of Soil Survey, Percolation and High Groundwater Tests prepared in accordance with Section 5.5.10 of the *Subdivision Rules and Regulations*
- _____ Two (2) copies of a Traffic Study (*for subdivisions with 20 or more dwelling units*) prepared in accordance with Section 5.5.12 of the *Subdivision Rules and Regulations*
- _____ Sight Distance Computations for all proposed new intersections
- _____ ANRAD Determination from Medway Conservation Commission
- _____ Proof of existing or pending ownership of all land within the proposed subdivision
- _____ Definitive Subdivision Plan Filing Fee (*\$2,500 plus \$2.50/linear foot of street centerline proposed*) – Payable to Town of Medway
- _____ Advance of Plan Review Fee (*\$2,500*) – Payable to Town of Medway

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

Project Name:	Applegate Farm Subdivision
Property Location:	Off Ellis & Coffee Streets
Type of Project/Permit:	Amended Definitive Subdivision
<i>Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.</i>	7.13.2 Sidewalks
<i>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</i>	Local streets, sidewalk require six feet (6') on one side.
<i>What aspect of the Regulation do you propose be waived?</i>	Request waiver to allow 5'-6" sidewalk width.
<i>What do you propose instead?</i>	5'-6" sidewalk
<i>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</i>	Waiver requested to offset costs incurred by the developer to install the drainage system for Ellis Street & Virginia Road Intersection.
<i>What is the estimated value/cost savings to the applicant if the waiver is granted?</i>	\$3,500.00
<i>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</i>	The Waiver will provide relief for cost incurred by the developer in a collaborative effort to rectify the drainage problem at Ellis Street and Virginia Road Intersection.
<i>What is the impact on the development if this waiver is denied?</i>	The existing problem would remain.
<i>What are the design alternatives to granting this waiver?</i>	Town DPW could extend drainage through Coffee Street.
<i>Why is granting this waiver in the Town's best interest?</i>	Provide a public improvement.
<i>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</i>	No estimate provided.
<i>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</i>	Install drainage improvements
<i>What is the estimated value of the proposed mitigation measures?</i>	N.A.
<i>Other Information?</i>	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	February 20, 2013
Questions?? - Please contact the Medway PED office at 508-533-3291.	
7/8/2011	

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

Project Name:	Applegate Farm Subdivision
Property Location:	Off Ellis & Coffee Streets
Type of Project/Permit:	Amended Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	Submission of A Definitive Subdivision Plan 5.2.1 Planning
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Definitive Plan Filing fee and Review Fee
What aspect of the Regulation do you propose be waived?	Waiver for fee requirement
What do you propose instead?	
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Waiver requested to offset costs incurred by the developer to install the drainage system for Ellis Street & Virginia Road Intersection
What is the estimated value/cost savings to the applicant if the waiver is granted?	\$500 + \$1000 Advance review fee
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	The waiver will provide relief for cost incurred by the developer in a collaborative effort to rectify the drainage problem at Ellis Street and Virginia Road intersection.
What is the impact on the development if this waiver is denied?	The existing problem would remain.
What are the design alternatives to granting this waiver?	Town DPW could extend drainage through Coffee St.
Why is granting this waiver in the Town's best interest?	Provide a public improvement
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	No estimate provided
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Install drainage improvements
What is the estimated value of the proposed mitigation measures?	N.A.
Other Information?	
Waiver Request Prepared By:	GLM Engineering Consultants Inc.
Date:	February 20, 2013
Questions?? - Please contact the Medway PED office at 508-533-3291.	

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

Project Name:	Applegate Farm Subdivision
Property Location:	Off Ellis & Coffee Streets
Type of Project/Permit:	Amended Definitive Subdivision
<i>Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.</i>	7.10.2: Curbs and Berms
<i>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</i>	Curb type required for local street: Sloped granite edging type S-B
<i>What aspect of the Regulation do you propose be waived?</i>	Requirement for sloped granite edging.
<i>What do you propose instead?</i>	Cape Cod Berm
<i>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</i>	Waiver requested to offset costs incurred by the developer to install the drainage system for Ellis Street & Virginia Road intersection.
<i>What is the estimated value/cost savings to the applicant if the waiver is granted?</i>	\$30,000.00
<i>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</i>	The Waiver will provide relief for cost incurred by the developer in a collaborative effort to rectify the drainage problem at Ellis Street and Virginia Road intersection.
<i>What is the impact on the development if this waiver is denied?</i>	The existing problem would remain.
<i>What are the design alternatives to granting this waiver?</i>	Town DPW could extend drainage through Coffee Street.
<i>Why is granting this waiver in the Town's best interest?</i>	Provide a public improvement.
<i>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</i>	No estimate provided.
<i>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</i>	Install drainage improvements.
<i>What is the estimated value of the proposed mitigation measures?</i>	N.A.
<i>Other Information?</i>	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	February 20, 2013
Questions?? - Please contact the Medway PED office at 508-533-3291.	

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

Project Name:	Applegate Farm Subdivision
Property Location:	Off Ellis & Coffee Streets
Type of Project/Permit:	Amended Definitive Subdivision
<i>Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.</i>	7.7.4.d) Stormwater Management (Construction)
<i>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</i>	An independent drainage system shall be provided to collect and discharge subsurface runoff from foundation drains for houses.
<i>What aspect of the Regulation do you propose be waived?</i>	No independent system be installed.
<i>What do you propose instead?</i>	Discharge to surface.
<i>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</i>	Waiver requested to offset costs incurred by the developer to install the drainage system for Ellis Street & Virginia Road intersection.
<i>What is the estimated value/cost savings to the applicant if the waiver is granted?</i>	\$20,000.00
<i>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</i>	The Waiver will provide relief for cost incurred by the developer in a collaborative effort to rectify the drainage problem at Ellis Street and Virginia Road intersection.
<i>What is the impact on the development if this waiver is denied?</i>	The existing problem would remain.
<i>What are the design alternatives to granting this waiver?</i>	Town DPW could extend drainage through Coffee Street.
<i>Why is granting this waiver in the Town's best interest?</i>	Provide a public improvement.
<i>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</i>	No estimate provided.
<i>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</i>	Install drainage improvements.
<i>What is the estimated value of the proposed mitigation measures?</i>	N.A.
<i>Other Information?</i>	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	February 20, 2013
Questions?? - Please contact the Medway PED office at 508-533-3291.	

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

Project Name:	Applegate Farm Subdivision
Property Location:	Off Ellis & Coffee Streets
Type of Project/Permit:	Amended Definitive Subdivision
<i>Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.</i>	7.13.3 Sidewalks
<i>Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.</i>	Sidewalks shall be provided along the entire frontage of the subdivision parcel, along existing town ways.
<i>What aspect of the Regulation do you propose be waived?</i>	Request a waiver for 700± l.f. to be constructed along a portion of Coffee Street.
<i>What do you propose instead?</i>	No sidewalk.
<i>Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.</i>	Waiver requested to offset costs incurred by the developer to install the drainage system for Ellis Street & Virginia Road Intersection.
<i>What is the estimated value/cost savings to the applicant if the waiver is granted?</i>	\$7,000.00
<i>How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?</i>	The Waiver will provide relief for cost incurred by the developer in a collaborative effort to rectify the drainage problem at Ellis Street and Virginia Road Intersection.
<i>What is the impact on the development if this waiver is denied?</i>	The existing problem would remain.
<i>What are the design alternatives to granting this waiver?</i>	Town DPW could extend drainage through Coffee Street.
<i>Why is granting this waiver in the Town's best interest?</i>	Provide a public improvement.
<i>If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?</i>	No estimate provided.
<i>What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?</i>	Install drainage improvements.
<i>What is the estimated value of the proposed mitigation measures?</i>	N.A.
<i>Other Information?</i>	
Waiver Request Prepared By:	GLM Engineering Consultants, Inc.
Date:	February 20, 2013
Questions?? - Please contact the Medway PED office at 508-533-3291.	



TETRA TECH

June 20, 2013

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

**Re: Applegate Farm
Twelve Lot Single Family Residential Subdivision
Amended Definitive Subdivision Plan Review
Medway, Massachusetts**

Dear Mr. Rodenhiser:

Tetra Tech (TT) has performed a review of the proposed Amended Definitive Subdivision Plan for the above-mentioned project. The project includes the construction of twelve lot single family residential on 15.85± acres site. New utility services will be constructed to accommodate the improvements. We are restricting our review/comments to those changes identified by the Applicant.

TT is in receipt of the following materials:

- A plan (Plans) set entitled “Amended Definitive Subdivision Plan, Applegate Farm, Twelve Lot Single Family Residential Subdivision in Medway, Massachusetts”, dated February 20, 2013, prepared by GLM Engineering Consultants, Inc., (GLM).
- A letter entitled “Definitive Subdivision Amendment; Applegate Farm, Medway, MA; Owner: Cedar Trail Trust, Ralph Costello” dated February 19, 2013, prepared by GLM.
- Amended Stormwater Drainage System for Applegate Farm Subdivision and Virginia Road dated November 8, 2011, prepared by GLM.

The Plans and accompanying materials as they relate to the proposed amendments were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Site Plan Regulations, 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.

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



TETRA TECH

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

1. Existing culvert across Ellis Street should be shown on the existing conditions plan.
2. Top of basin dike extends beyond original limits of Parcel A and into Utility and Access easement. Is this acceptable?
3. Why was the outlet pipe from the basin replaced with a swale?
4. Plan should identify proposed size of DMH #8. I don't believe a 4' structure was installed.
5. The proposed sidewalk within the subdivision does not appear on the plans. Sheet 7 of 20 used to show the 6' wide sidewalk but now none is shown on plan.
6. The existing culvert across Ellis Street should be removed.
7. One side of the proposed sidewalk along Coffee Street is missing on Sheet 20 of 20.
8. Plans should identify cutting and repairing existing stone wall to install sidewalk along Coffee as proposed.
9. How will limits of Town installation for new drainage be communicated?
10. Is CB#12-3 necessary? Based on existing grades provided it doesn't appear that there is an existing crown in roadway. Why are we adding one? By eliminating crown we could also remove berm.
11. If waiver for curbing is approved, then detail should be modified to reflect change in curb/berm.
12. Has the outlet structure on detail sheet been modified to reflect revised drainage calculations?
13. Add note on plan to repair stone wall after installation of new drain line between manholes 12-4 and 12-5.
14. Applicant should provide finish floor, basement and groundwater elevations to confirm that removal of the perimeter drains is feasible.



TETRA TECH

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

Very truly yours,

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

P:\21583\143-21583-13012\DOCS\APPLEGATE FARM-REVIEW LETTER-2013-06-20.DOC

Susan Affleck-Childs

From: susan iphone [susanewood@me.com]
Sent: Wednesday, June 19, 2013 11:22 PM
To: Planning Board
Cc: raymcc903@aol.com
Subject: FW: Applegate Farm Proposed Modification



To: Town Hall -Planning Board
planningboard@townofmedway.org

Re: Public Hearing - June 25, 2013 - Proposed Modification Applegate Farm

Dear Sirs:

As direct abutter's of the Applegate Farm development, we received the public hearing notice and had an opportunity to view the proposed amendments. This email is in response to the request. **We are unable to attend the meeting, and have copied our neighbor on this email who will be attending the meeting also, to ensure that our voice is heard.**

WE ADAMENTLY DISAGREE WITH EACH AND EVERY MODIFICATION REQUEST THAT THEY HAVE PROPOSED and request that you, the town Planning Board, reject their proposal.

I want to make sure that you were aware of our concerns:

1) SIDEWALK: Absolutely against any form of change to the sidewalk requirement.

(The original agreement was to run a sidewalk from the corner of Holliston and Coffee Street, across Ellis, and down Coffee Street, to the beginning of #23 Coffee Street). This land is currently owned by the town, but a sidewalk was never put in. The sidewalk along Ellis Street is to be on the inside of the stone wall (the stone wall would, in effect, guard the walkers from Coffee Street).

Since the approved agreement in 2007, the number of cars and trucks has increased greatly which makes sidewalks even more important.

I have an easy way to answer this question about the sidewalk - I invite you to stand next to my mailbox between the hours of 7 and 8:30. Which, by the way, is the time period that children would be walking. I will bring coffee out to you. Please do this before the meeting on the 25th - you can call me, set a date, and give me your coffee order Or stand anywhere on the street between my house and Ellis Street and see how safe you feel. ...

Once you do that, I am positive that in the best interests of the children and everyone else in the town, you will reject any form of change to the sidewalk.

The sidewalk was a major part of the entire plan - the location of Applegate Farms is walking distance to both the elementary school (McGovern) and the middle school, which means that children from the ages of 5 through 14 are officially "walkers" . This has been the rule for longer than Applegate has been around. The road is too narrow and there is no way for the children to get off of it when the winter snows come and the cars rush up and down the slippery hill. Even during non-wintertime, it is not a good road for walking. And this is why the town required - yes **REQUIRED** the sidewalk all the way from the end of their property TO Holliston Street be done as part of the plan. **FOR THE SAFETY OF THE CHILDREN OF MEDWAY.**

I will also point out that when the corner lot(s) developed into a private home, and the stone wall was rebuilt, I expressed concern specifically to the planning board, in person and on the phone, regarding the fact

that I felt the builder would attempt to not make a sidewalk. I was informed by the town that the sidewalk was on the plan, and that the new corner property owner was aware of it, because it was on their plan, and I was reassured verbally that I should not to worry about it.

If you choose to allow this developer to not build the sidewalks, It is my belief that the town is then legally responsible for the safety of the walkers - and will be required to foot the entire cost of a sidewalk because the town already (per this original development plan) made it very clear that the town thinks that sidewalks are important to the safety of the children. And if the town doesn't build a sidewalk, and a child gets hit by a car, this will be one heck of a LARGE LAWSUIT the town will have to pay.

Please also look at this website: <http://guide.saferoutesinfo.org/engineering/sidewalks.cfm>

hmmm..

2) STORMWATER DRAINAGE PROBLEM: . There is no way that the town of Medway should in any way/manner or form pay anything towards this work. The applicant is selling properties for over \$1 million dollars and he wants the town to chip in? Really?

Perhaps Cedar Trails Trust should have hired better companies to accurately inform them of the issues. The land didn't change. Virginia Road didn't change. The drainage problem is not an expense that anyone in Medway should have to shoulder. This is not simply an abutter issue. This is a town-wide issue and I will make sure that I notify as many people as I can, and they notify as many people as they can, about the added expense that a millionaire wants to put on the hard-working people's shoulders.

(On a side note - I am already disgusted by the proposal about raising taxes by charging for lengths of driveway and size of roofs, which was reported on in the newspaper, but hidden). We actually get water on our property from the Medway roads. Will Medway re-do the street so we don't get that runoff? As a resident of Medway for over 15 years, I will do everything in my power to reject each attempt at charging more for the "opportunity" of living in Medway.)

3) WAIVERS FOR SIDEWALKS FROM 6' TO 5.5'. Please also see the website above about the sidewalk width. I copied information below from this site. <http://guide.saferoutesinfo.org/engineering/sidewalks.cfm>

Width



This narrow four foot wide sidewalk doesn't work very well for these two children.

The preferred minimum sidewalk width recommended for safe routes to schools is five to six feet. Walking can be a social activity; facilities are needed to accommodate social walking. The six-foot width allows for two people to walk comfortably side by side and provides sufficient space for pedestrians crossing in the opposite direction. Sidewalks with a width of eight to ten feet or more should be built where there is no sidewalk buffer along an arterial street and along roads adjacent to school grounds where large numbers of walkers are expected.

4) CAPE COD BERM EDGING INSTEAD OF GRANITE ON CURBS. Really? For a million-dollar neighborhood they are going to use low-end curbing? How low-class is that? What will other people think of us if we allow that?

I refer you to this website: http://www.menunkatuck.org/index.php/advocacy/cape_cod_curbing which details the cost benefit (to the developer) of using cape cod versus granite.

5) NOT REQUIRING INSTALLATION OF INDEPENDENT DRAINAGE SYSTEM:

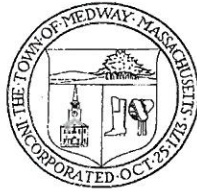
So, when the millionaire's homes have water problems - who are they going to call? Him? NO - The Town? YES - Because we had originally required it and then, if you agree to this change, you will be held responsible - which means, again, the townspeople will have to pay.

6) WAIVING THE APPLICATION/FILING FEE:

The developer is making multi-millions of dollars on this property, and they are trying to basically screw the neighborhood and the town.

Respectfully,

Susan and Randy Wood
23 Coffee Street
Medway residents since 1994



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

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Karyl Spiller-Walsh

DRAFT – June 20, 2013

PLANNING and ECONOMIC DEVELOPMENT BOARD DECISION
Williamsburg Condominium
Modification to Open Space Residential Development
and Affordable Housing Special Permit

Name/Address of Applicant	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Name/Address of Property Owner	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Designer:	Faist Engineering, Inc. 67 Hall Road Sturbridge, MA 01566
Location:	Williamsburg Way
Assessors' Reference	55-4, 55-5, and 55-6
Zoning District:	AR-II

BACKGROUND – On March 10, 2009, the Planning and Economic Development Board granted an Open Space Residential Development (OSRD) and Affordable Housing Special Permit to Broad Acres Management Trust for an 18 unit condominium development located at 66A, 70, 70R and 72 West Street. The Board endorsed the associated Williamsburg OSRD Concept Plan on May 12, 2009.

On October 2, 2009, Broad Acres Management Trust conveyed the subject property to the Williamsburg Condominium Corporation.

PROJECT DESCRIPTION – As approved in 2009, the Williamsburg development was to be constructed on a 13.86 acre site. It was to consist of:

- 18 residential dwelling units (9 duplex structures), a private roadway and stormwater drainage facilities on a 5.21 acre development parcel;
- 7.68 acre parcel of protected open space to be conveyed to the Town of Medway Conservation Commission (Open Space Parcel B)
- .97 acre of protected open space to be conveyed to the Williamsburg Condominium Trust and protected via a conservation restriction (Open Space Parcel A)

The development would operate as a condominium community with a private roadway and stormwater drainage facilities. The special permit required the construction of three affordable dwelling units on site; the affordable dwellings were identified as units 9, 11 and 17. The original permit should be consulted for more details.

RECORDING INFORMATION

- Williamsburg OSRD and Affordable Housing Special Permit Decision – Book 2711, Page 95; October 2, 2009
- Williamsburg OSRD Concept Plan – Plan Book 595, Page 51; November 20, 2012

PROPOSED MODIFICATION - The applicant has proposed the following changes to the Williamsburg special permit and OSRD concept plan:

- reducing the number of affordable dwelling units from three to two;
- specifying that each affordable dwelling unit will have a 2 car attached garage;
- specifying that the two affordable housing units will be located at 7 and 12 Williamsburg Way;
- adjusting the shape of the development and open space parcel B by adjusting the boundary lines without changing the overall size of each parcel.
- allowing one more front loading/street facing garage than is authorized by the OSRD bylaw
- authorizing one more garage to not be set back five feet from the primary façade of the dwelling unit than is authorized by the OSRD bylaw.

PROCEDURAL BACKGROUND – On April 26, 2013, the Williamsburg Condominium Corporation filed an application dated April 29, 2013 with the Medway Planning and Economic Development Board and Town Clerk to modify the Williamsburg Open Space Residential

Development (OSRD) and Affordable Housing Special Permit and the associated Williamsburg OSRD Concept Plan in accordance with the provisions of Section V., Sub-Section T. of the Medway Zoning Bylaw and Section 9 of Chapter 40A of the Massachusetts General Laws. The application package consisted of:

- an application
- a narrative explaining how and why the special permit and concept plan needed to be modified
- an abutters list
- OSRD Concept 18 Unit Site Plan Modification – Williamsburg Condominiums. Sheet 3 of 6, revision date 4/23/2013, prepared by Faist Engineering, Inc. and O’Driscoll Land Surveying Co.

The application was accompanied by a companion application to also modify the Williamsburg Definitive Plan Certificate of Action and its associated Definitive Plan. The public hearing for both applications was combined and held concurrently.

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.

A public hearing was scheduled to take place on June 11, 2013 at which time comments would be received from the general public, municipal boards and/or departments. The public hearing notice was filed with the Medway Town Clerk on May 14, 2013 and posted to the Town’s web page. Notice of the public hearing was sent to abutters and the Planning Boards of all adjacent towns on May 20, 2013. The legal advertisement for the public hearing was published in the *Milford Daily News* on May 8, 2013 and June 24, 2013.

The Planning and Economic Development Board convened the public hearing in the Sanford Room of Town Hall on June 11, 2013. The hearing was closed that same evening. All members voting on this Special Permit were present at the public hearing. All persons in attendance were provided the opportunity to comment and present evidence. The proposed modification was reviewed by Gino Carlucci, AICP of PGC Associates, the Town’s Planning Consultant.

DOCUMENTATION – In addition to the application materials, the following documents were entered into the record during the public hearing:

- Williamsburg OSRD and Affordable Housing Special Permit dated March 10, 2009 as issued by the Medway Planning and Economic Development Board
- Review letter dated June 4, 2013 from Gino Carlucci, PGC Associates
- Letter dated May 30, 2013 from Medway Town Administrator Suzanne K. Kennedy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust’s letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated May 30, 2013 from Medway Building Commissioner John Emidy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust’s letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated June 7, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust, in response to the May 30, 2013 letters from Suzanne Kennedy and John Emidy.

- Memo dated June 11, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust.
- A chart dated 6/11/2013 prepared by Planning Coordinator Susan Affleck-Childs that provides a construction status on all 18 dwelling units and identifies the unit numbers and assigned addresses.

FINDINGS - At its meeting on June 25, 2013, the Medway Planning and Economic Development Board, on a motion made by _____ and seconded by _____, voted to approve the following FINDINGS in regard to the petition to modify the Williamsburg OSRD and Affordable Housing Special Permit and OSRD Concept Plan.

1. The affordable housing provisions of the Medway Zoning Bylaw (V. USE REGULATIONS – Sub-Section X. Affordable Housing) were amended by the Medway Town Meeting on May 14, 2012. The noted amendment reduced the percentage of required affordable housing from 15% to 10%. The proposed modification of the special permit and plan to reduce the number of affordable dwelling units from three to two meets the requirement that at least 10% of the dwelling units in a multiple unit residential development are affordable.
2. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment adjusted the required distance between buildings and allowed for an average separation distance of 30 feet between buildings. As verified by the Town’s Planning Consultant, the average separation distance between the buildings shown on the proposed modified Williamsburg OSRD Concept Plan is 34.2 feet.
3. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment prescribed that land strips of 15’ or less shall not qualify toward the minimum required open space. The proposed modified Williamsburg Concept Plan shows revised boundaries between Open Space Parcel B and the Development Parcel. As verified by the Town’s Planning Consultant, the boundaries between the development parcel and Open Space Parcel B are changed to eliminate the previously allowed strip of open space. However, other adjustments to the Concept Plan are being made such that the total amount of open space and the size of the development parcel are not changed.
4. Paragraph 7 of the open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) was amended by the Medway Town Meeting on May 14, 2012. The amendment changed the yield formula for determining the maximum number of dwelling units by including a deduction from the total parcel size of any area within a utility easement. As depicted on the modified Williamsburg OSRD Concept Plan and as verified by the Town’s Planning Consultant, there are no utility easements on the subject parcel. Accordingly, the yield plan remains the same.

5. Paragraph 8, item f) of the OSRD provisions of the Medway Zoning Bylaw prescribe a dimensional limitations regarding the placement of garages but allow the Board to waive those requirements. The applicant has requested waivers to allow one more front loading/street facing garage and to authorize one more garage to not be set back five feet from the primary façade of the dwelling unit than is authorized by the OSRD bylaw. The Board finds this request is reasonable in that such waivers allow each affordable dwelling unit to have an attached two car garage and it is in the Town's best interest that affordable dwelling units be comparable in exterior appearance from the market rate dwelling units.

DECISION – After reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board, at its meeting on June 25, 2013, on a motion made by _____ and seconded by _____, voted to _____ with additional conditions as noted herein the proposed modifications to the previously issued Williamsburg Condominium Open Space Residential Development and Affordable Housing Special Permit and the proposed modification to the previously approved Williamsburg OSRD Concept Plan.

By its vote, the Planning and Economic Development Board hereby modifies certain portions and supplements the March 10, 2009 Williamsburg OSRD and Affordable Housing Special Permit Conditions of Approval as follows:

1. **Limitations**

- a) The maximum number of dwelling units to be constructed on site under this Special Permit shall be eighteen (18).

6. **Affordable Housing**

- a) Two dwelling units within the Williamsburg Condominiums 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 7 and 12 Williamsburg Way. Each affordable dwelling unit shall have three bedrooms and each shall have an attached 2 car garage.
- g) Minimum design and construction standards for affordable housing units – The affordable housing units shall:
 - 4) have a minimum size of 1,500 square feet excluding basement space, three bedrooms and a 2 car attached garage.
- j) Schedule for Construction/Occupancy of Affordable Dwelling Units
 - 1) The first affordable dwelling unit to be issued a building permit is for 12 Williamsburg Way.
 - 2) The issuance of an occupancy permit for the 12th market rate unit is conditioned upon the prior issuance of an occupancy permit for an affordable dwelling units.

- 3) The issuance of an occupancy permit for the 14th market rate unit is conditioned upon the prior issuance of an occupancy unit for the 2nd affordable dwelling unit.

14. **Fire Protection** – The Medway Fire Department does not wish to have developers install outdated fire alarm systems. Instead, the Board usually requires an applicant to make a payment to the Fire Alarm Special Capital account in lieu of fire alarm installation. The Medway Town Accountant has determined that the Town does not have the legal authority to collect monies for such a fund. Accordingly, the Medway Fire Department has ceased its request for such payments. Condition #14 as included in the Williamsburg 2009 special permit can no longer be enforced and thus is not required.

By its vote, the Planning and Economic Development Board hereby approves the OSRD Concept 18 Unit Site Plan Modification – Williamsburg Condominiums. Sheet 3 of 6, revision date 4/23/2013, prepared by Faist Engineering, Inc. and O’Driscoll Land Surveying Co.

Voting Planning Board Member

Grant/Not Grant

Andy Rodenhiser
Robert K. Tucker
Thomas A. Gay
Matthew Hayes
Karyl Spiller-Walsh

CONDITIONS OF APPROVAL - All conditions and requirements of the previous Williamsburg Condominium Special Permit dated March 30, 2009 that are not specifically changed by this approved modification shall remain in effect.

The following additional conditions are prescribed:

22. **Williamsburg Condominium Master Deed** - The Williamsburg Condominium Master Deed shall be revised to specify that 7 and 12 Williamsburg Way are the affordable housing units.
23. **Recording of Modified Special Permit Decision and Modified OSRD Concept Plan** - The Williamsburg Condominium OSRD and Affordable Housing special permit modification and the modified OSRD Concept plan shall be recorded at the Norfolk County Registry of Deeds.

APPEALS - Appeals, 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 modification. A copy of said recording must be returned to the Town Clerk and Planning and Economic Development office to complete the file.

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DRAFT

MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD

Signed: June 25, 2013

Andy Rodenhiser

Robert K. Tucker

Thomas A. Gay

Matthew Hayes

Karyl Spiller-Walsh

cc: Affordable Housing Trust
Affordable Housing
Building Commissioner/Zoning Enforcement Officer
Board of Health
Board of Water/Sewer Commissioners
Department of Public Services
Design Review Committee
Board of Assessors
Fire Chief
Police Chief
Board of Selectmen
Town Clerk
Town Counsel

Notice of Decision filed with:

Certified abutters within 300'

Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford & Norfolk



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

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Karyl Spiller-Walsh

DRAFT – June 21, 2013

PLANNING and ECONOMIC DEVELOPMENT BOARD DECISION
Williamsburg Condominium
Modification to Certificate of Action and OSRD Definitive Plan

Name/Address of Applicant	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Name/Address of Property Owner	Williamsburg Condominium Corporation 159 Main Street Medway, MA 02053
Designer:	Faist Engineering, Inc. 67 Hall Road Sturbridge, MA 01566
Location:	Williamsburg Way
Assessors' Reference	55-4, 55-5, and 55-6
Zoning District:	AR-II

BACKGROUND – On January 19, 2010, the Planning and Economic Development Board issued an OSRD Definitive Plan Certificate of Action to the Williamsburg Condominium Corporation for an 18 unit condominium development located at 66A, 70, 70R and 72 West Street. The Board endorsed the associated Williamsburg Definitive Plan on February 24, 2010.

PROJECT DESCRIPTION – As originally approved in 2010, the Williamsburg development was to be constructed on a 13.86 acre site. It was to consist of:

- 18 residential dwelling units (9 duplex structures), a private roadway and stormwater drainage facilities on a 5.21 acre development parcel;
- 7.68 acre parcel of protected open space to be conveyed to the Town of Medway Conservation Commission (Open Space Parcel B)
- .97 acre of protected open space to be conveyed to the Williamsburg Condominium Trust and protected via a conservation restriction (Open Space Parcel A)

The development would operate as a condominium community with a private roadway and stormwater drainage facilities. The original special permit and definitive plan certificate of action required the construction of three affordable dwelling units on site; the affordable dwellings were identified as units #9, 11 and 17. The original permit should be consulted for more details.

RECORDING INFORMATION

- Williamsburg Condominium OSRD Certificate of Action - Book 27512, Page 68; March 10, 2010
- Williamsburg Way OSRD Definitive Plan – Plan Book 598, Page 68; March 10, 2010

PROPOSED MODIFICATION - The applicant has proposed the following changes to the Williamsburg Condominium OSRD Certificate of Action and Definitive Plan:

- reducing the number of affordable dwelling units from three to two;
- specifying that each affordable dwelling unit will have a 2 car attached garage;
- specifying that the two affordable housing units will be located at 7 and 12 Williamsburg Way;
- adjusting the shape of the development and open space parcel B by adjusting the boundary lines without changing the overall size of each parcel;
- allowing one more front loading/street facing garage than is authorized by the OSRD bylaw;
- authorizing one more garage to not be set back five feet from the primary façade of the dwelling unit than is authorized by the OSRD bylaw.

PROCEDURAL BACKGROUND – On April 26, 2013, the Williamsburg Condominium Corporation filed an application dated April 29, 2013 with the Medway Planning and Economic Development Board and Town Clerk to modify the Williamsburg Certificate of Action and the associated Williamsburg Definitive Plan in accordance with the provisions of Town of Medway *Land Subdivision Rules and Regulations*. The application package consisted of:

- an application
- a narrative explaining how the certificate of action and OSRD definitive plan need to be modified

- a narrative request and justification for waivers
- an abutters list
- Plan of Land, Williamsburg Way Definitive OSRD Development Plan, Sheet 2 of 17,, revision date 2/6/2013, prepared by Faist Engineering, Inc. and O'Driscoll Land Surveying Co.
- Letter dated April 29, 2013 from David Faist, Faist Engineering certifying that the proposed modification does not include changes to a variety of documents associated with the original OSRD Definitive Plan that are on file with the Town.

The application was accompanied by a companion application to also modify the Williamsburg Open Space Residential Development and Affordable Housing Special Permit and its associated OSRD Concept Plan. The public hearing for both applications was combined and held concurrently.

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.

A public hearing was scheduled to take place on June 11, 2013 at which time comments would be received from the general public, municipal boards and/or departments. The public hearing notice was filed with the Medway Town Clerk on May 14, 2013 and posted to the Town's web page. Notice of the public hearing was sent to abutters and the Planning Boards of all adjacent towns on May 20, 2013. The legal advertisement for the public hearing was published in the *Milford Daily News* on May 8, 2013 and June 24, 2013.

The Planning and Economic Development Board convened the public hearing in the Sanford Room of Town Hall on June 11, 2013. The hearing was closed that same evening. All members voting on this proposed modification were present at the public hearing. All persons in attendance were provided the opportunity to comment and present evidence. The proposed modification was reviewed by Gino Carlucci, AICP of PGC Associates, the Town's Planning Consultant.

DOCUMENTATION – In addition to the application materials, the following documents were entered into the record during the public hearing:

- Williamsburg OSRD Certificate of Action dated January 19, 2010 as issued by the Medway Planning and Economic Development Board
- Review letter dated June 4, 2013 from Gino Carlucci, PGC Associates
- Letter dated May 30, 2013 from Medway Town Administrator Suzanne K. Kennedy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust's letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated May 30, 2013 from Medway Building Commissioner John Emidy to Michael Heineman, Chairman of the Medway Affordable Housing Trust, in response to the Trust's letter dated May 6, 2013 regarding the status of the Williamsburg affordable housing units.
- Letter dated June 7, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust, in response to the May 30, 2013 letters from Suzanne Kennedy and John Emidy.

- Memo dated June 11, 2013 from J. Douglas Havens, Medway Community Housing Coordinator, on behalf of the Medway Affordable Housing Trust.
- A chart dated 6/11/2013 prepared by Planning Coordinator Susan Affleck-Childs that provides a construction status on all 18 dwelling units and identifies the unit numbers and assigned addresses.

FINDINGS - At its meeting on June 25, 2013, the Medway Planning and Economic Development Board, on a motion made by _____ and seconded by _____, voted to approve the following FINDINGS in regard to the petition to modify the Williamsburg OSRD Certificate of Action and Definitive Plan.

1. The affordable housing provisions of the Medway Zoning Bylaw (V. USE REGULATIONS – Sub-Section X. Affordable Housing) were amended by the Medway Town Meeting on May 14, 2012. The noted amendment reduced the percentage of required affordable housing from 15% to 10%. The proposed modification of the special permit and plan to reduce the number of affordable dwelling units from three to two meets the requirement that at least 10% of the dwelling units in a multiple unit residential development are affordable.
2. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment adjusted the required distance between buildings and allowed for an average separation distance of 30 feet between buildings. As verified by the Town’s Planning Consultant, the average separation distance between the buildings shown on the proposed modified Williamsburg OSRD Concept Plan is 34.2 feet.
3. The open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) were amended by the Medway Town Meeting on May 14, 2012. The amendment prescribed that land strips of 15’ or less shall not qualify toward the minimum required open space. The proposed modified Williamsburg Concept Plan shows revised boundaries between Open Space Parcel B and the Development Parcel. As verified by the Town’s Planning Consultant, the boundaries between the development parcel and Open Space Parcel B are changed to eliminate the previously allowed strip of open space. However, other adjustments to the Concept Plan are being made such that the total amount of open space and the size of the development parcel are not changed.
4. Paragraph 7 of the open space residential development provisions of the Medway Zoning Bylaw (V. USE REGULATIONS, Sub-Section T. Open Space Residential Development) was amended by the Medway Town Meeting on May 14, 2012. The amendment changed the yield formula for determining the maximum number of dwelling units by including a deduction from the total parcel size of any area within a utility easement. As depicted on the modified Williamsburg OSRD Concept Plan and as verified by the Town’s Planning Consultant, there are no utility easements on the subject parcel. Accordingly, the yield plan remains the same.

5. Paragraph 8, item f) of the OSRD provisions of the Medway Zoning Bylaw prescribe a dimensional limitations regarding the placement of garages but allow the Board to waive those requirements. The applicant has requested waivers to allow one more front loading/street facing garage and to authorize one more garage to not be set back five feet from the primary façade of the dwelling unit than is authorized by the OSRD bylaw. The Board finds this request is reasonable in that such waivers allow each affordable dwelling unit to have an attached two car garage and it is in the Town's best interest that affordable dwelling units be comparable in exterior appearance from the market rate dwelling units.
6. On June 25, 2013, the Planning and Economic Development Board approved a series of modifications to the original Williamsburg OSRD and Affordable Housing Special Permit. This included authorization to reduce the number of affordable dwelling units from three (3) to two (2).

DECISION – After reviewing the application and information gathered during the public hearing process, the Medway Planning and Economic Development Board, at its meeting on June 25, 2013, on a motion made by _____ and seconded by _____, voted to _____ the proposed modifications to the previously issued Williamsburg Condominium OSRD Definitive Plan Certificate of Action and the proposed modification to the Williamsburg OSRD Definitive Plan

By its vote, the Planning and Economic Development Board hereby modifies certain portions and supplements the January 19, 2010 Williamsburg Condominium OSRD Definitive Plan Certificate of Action as follows:

1. It is expressly understood that this condominium development is authorized for Parcels A, B and C as shown on the OSRD Definitive Plan and shall have no more than eighteen (18) dwelling units including two (2) affordable dwelling units. As a permanent condition of this plan, no further subdivision of Parcels A, B and C will be allowed. Williamsburg Way is a permanent private way.
11. **Fire Protection** – The Medway Fire Department does not wish to have developers install outdated fire alarm systems. Instead, the Board usually requires an applicant to make a payment to the Fire Alarm Special Capital account in lieu of fire alarm installation. The Medway Town Accountant has determined that the Town does not have the legal authority to collect monies for such a fund. Accordingly, the Medway Fire Department has ceased its request for such payments. Condition #11 as included in the Williamsburg 2010 Definitive Plan Certificate of Action can no longer be enforced and thus is not required.
15. **Affordable Housing**
 - A. Two dwelling units within the Williamsburg Condominiums shall 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 7 and 12 Williamsburg Way. Each affordable dwelling unit shall have at least 1500 square feet in area (excluding basement), include three bedrooms and have a 2 car attached garage.
- C. Regulatory Agreement - Prior to the issuance of a building permit for the 13th & 14th dwelling units and prior to the issuance of an occupancy permit for the 9th dwelling unit, the applicant shall prepare or cause to be prepared and execute and record at the Norfolk County Registry of Deeds an Affordable Housing Regulatory Agreement among the Town of Medway, the Massachusetts Department of Housing and Community Development and the Williamsburg Condominium Corporation or its successors/assigns. The affordable dwelling units are subject to the Regulatory Agreement and shall be sold and resold in accordance with the provisions of the Regulatory Agreement.
- J. Schedule for Construction/Occupancy of Affordable Dwelling Units
 - 1) The first affordable dwelling unit to be issued a building permit is for 12 Williamsburg Way.
 - 2) The issuance of an occupancy permit for the 12th market rate unit is conditioned upon the prior issuance of an occupancy permit for an affordable dwelling units.
 - 3) The issuance of an occupancy permit for the 14th market rate unit is conditioned upon the prior issuance of an occupancy unit for the 2nd affordable dwelling unit.

By its vote, the Planning and Economic Development Board hereby approves the modified OSRD Definitive Plan – Williamsburg Condominiums. Sheet 3 of 6, revision date 4/23/2013, prepared by Faist Engineering, Inc. and O’Driscoll Land Surveying Co.

Voting Planning Board Member

Grant/Not Grant

- Andy Rodenhiser
- Robert K. Tucker
- Thomas A. Gay
- Matthew Hayes
- Karyl Spiller-Walsh

CONDITIONS OF APPROVAL - All conditions and requirements of the previous Williamsburg Condominium OSRD Definitive Plan Certificate of Action dated January 19, 2010 that are not specifically changed by this approved modification shall remain in effect.

The following additional conditions are prescribed:

- 31. **Williamsburg Condominium Master Deed** - The Williamsburg Condominium Master Deed shall be revised to specify that 7 and 12 Williamsburg Way are the affordable housing units.

32. **Recording of Modified Certificate of Action and Modified OSRD Definitive Plan** - The modified Certificate of Action for the Williamsburg Condominium OSRD and the modified OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds. A copy of said recording shall be returned to the Town Clerk and Planning and Economic Development office to complete the file.

APPEALS - Appeals, if any, shall be made to the Superior Court or to Land Court in accordance with M.G.L Chapter 41, Section 81BB, and shall be filed within twenty (20) days after the date of filing of this decision in the Office of the Medway 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 modified Certificate of Action and Definitive Plan.

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MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD

Signed: June 25, 2013

Andy Rodenhiser

Robert K. Tucker

Thomas A. Gay

Matthew Hayes

Karyl Spiller-Walsh

cc: Affordable Housing Trust
Affordable Housing
Building Commissioner/Zoning Enforcement Officer
Board of Health
Board of Water/Sewer Commissioners
Department of Public Services
Design Review Committee
Board of Assessors
Fire Chief
Police Chief
Board of Selectmen
Town Clerk
Town Counsel

Notice of Decision filed with:

Certified abutters within 300'

Planning Boards of Bellingham, Franklin, Holliston, Millis, Milford & Norfolk