

February 11, 2014
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Karyl Spiller-Walsh	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X	X

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00pm.

There were no Citizen Comments.

DPS Director Tom Holder & Sean Boyd from Gale Associates:

Department of Public Services Director Tom Holder and Sean Boyd from Gale Associates provided background about the status of the site plan for pre-application discussion regarding the construction of new athletic fields at Medway High School.

A master plan sketch of the open space and fields were explained. There will be a multi-all-purpose field. Gale was selected as the design firm. The plan shows the existing field and the proposed synthetic field with lights. There has been subsurface and test pits completed and the wetlands have been delineated. They visited with conservation commission.

This will involve a site plan review by the planning board at some level. Department of Public Services is managing the project. There will be an agreement with Parks and Recreation and the School Committee regarding the use of the property. The design is funded with CPC funds with the exclusion of the carpets. The schedule for completion is aggressive. The hope is to have this completed by fall 2014.

Option one was reviewed. The field is shown at the top of the slope. There will also be 12 lighting poles. There are going to be 80-90 parking spots. There will be improvements to the dirt gravel area. The primary access will be from Adams Street. There will be a new water line put in and the system will then be looped. The traffic within the paved area may need to be looked at.

The lights will have shielding but the focus of the lighting will be on the playing surface. This is the Musco lighting. There is a proposed walking trail from Adams St. along the perimeter to tie

into the existing trail at Choate Park. The trail is 6 to 8 ft. in width. This will tie into the existing baseball field.

Option two was next reviewed. This is the same field area; however the turf field to north is further down the slope. They need to see where the contours are. There is quite a lot of ledge in this area. There have already completed 30 borings. 5 to 6 test pits have been completed. This is a very wet area. There is a significant drainage concern with this option. There will be an unground system. There is a concern that there is run-off on the western edge. This is very steep. The slope may adjust and they are waiting for the survey results.

It was suggested to build a retaining wall on the east side with the blast rock.

Member Tucker was under the impression that the town was adding two fields to their total number. It looks like we are only adding one.

It was explained that with the synthetic fields, there is a multiplier when using synthetic but turf is actually 1.5 almost two fields. On standard field, it can maintain 250 uses, and with a lighted field synthetic field it can withstand 750 uses within a year. The issue then becomes a scheduling issue with how many teams can you get on an off. Synthetic turf is an all-weather surface. The applicant would like some assistance regarding to the parking standards.

There was a question if there can be parking between the fields.

The survey would need to be completed before addressing that question. There is an interest in having bathroom facilities and concession stand area or field house in the middle area.

There is sufficient parking for the overlapping of games. The board would like to be provided with the formula for parking and look at multi events taking place.

Susy explained that there is a specific section in the bylaw for lighting standards. If it does not meet the standards, then the applicant can go to the ZBA.

There is no plan for lighting in the parking area.

The board felt that low lighting in this area would be needed for safety and security.

There was a recommendation to save the larger trees for shade.

Member Tucker wants to know if the applicant has thought about adding infrastructure for recharging stations for the next generation of vehicles.

Consultant Carlucci will research to see if there are any grants available for recharging stations.

Member Spiller-Walsh wanted to know if there is a place the town can store rock which might be an out product from this site.

Tom Holder responded that the town can store this, but the problem is can we store more than we need.

Susy reminded all that the parking on site is what triggers the site plan, but the building inspector will make the determination if this is a major or minor site plan.

Tom Holder will write a letter to the building inspector seeking the determination.

Susy explained the steps once the application is filed. A notice about the meeting will need to go into newspaper, then there would be a hearing with the presentation plan. This would include discussion about the drainage analysis. The consultant Tetra Tech would provide review. There would be further discussion about lighting, landscaping and traffic on Adams Street. Jeff Watson might want to be brought in to discuss access. The fields in Franklin have fields have limited access. The gate is closed nightly.

Member Spiller-Walsh would like to see some kind of entrance appeal or signage. The whole entrance could look a whole lot better than it does now.

If there are impacts from construction on the road near the stone wall, then it would trigger a scenic roadway permit.

Tom Holder will sit down with Susy look at a schedule for this project.

Susy recommended that the applicant do a pre-application neighborhood meeting with abutters prior to the submittal.

Consultant Carlucci recommended if one of the lights poles could be 95ft. high and designed to accommodate cell tower antenna; it could offset some costs.

Hill View Estates Definitive Subdivision Plan:

The Board reviewed the most recently revised draft of the Hill View Estates Definitive Subdivision Plan dated February 6, 2014. (See Attached)

Project Evaluation Criteria:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the project evaluation criteria as written.

Other Findings:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the other findings as modified.

Decision:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the decision as modified.

The decision was signed by the board. A copy will go to Holliston. It may make sense to have Dave Pellegrini attend that meeting in Holliston to answer any questions about the stormwater.

Cumberland Farms Tetra Tech Change Order:

The board is in receipt of the construction administration services estimate dated February 10, 2014 in the amount of \$20,389.50. **(See Attached)**

The board is also in receipt of scope change dated February 4, 2014 for Cumberland Farms Site Plan Review in the amount of \$3,500.00. **(See Attached)**

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the scope change for Cumberland Farms in the amount of \$3,500.00.

The board thought that it would be helpful to have an actual amount expended for each project. This would be a good benchmark for the estimates.

The appeal period will expire February 26, 2014 and the applicant would like the plans to be endorsed at the March 4, 2014 meeting.

The applicant is looking to start this project as soon as possible.

Medway Commons Starbucks Coffee Drive-thru:

The board is in receipt of a list summarizing the remaining items for the Starbucks Coffee Drive-Thru. **(See Attached.)**

Consultant Pellegrini did conduct a site plan.

The applicant wants to reopen on Friday. The check for \$25,000 is in the mail.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the estimate of \$25,000 as provided.

Zoning Discussion:

See **Attached draft amendments** for Commercial I. Susy explained that at the last meeting the board wanted to put in the existing language for Commercial One and it is identified as by right uses. All the existing standards are in place. Section 5 under Special Permit option is for anyone who seeks a special permit or a by right use and wants flexibility in design, they would seek a special permit. This sets up an option A and B. If a project has minor or major site plan review, the planning board would act on this.

Member Spiller-Walsh communicated that she had a discussion with the Design Review Committee last night and they talked about setbacks and they did not have difficulty with the 10ft. and indicated that this was a good place to start but 20 ft. seemed too arbitrary with a maximum, and wanted to pull that and have this by special permit. There was also a

conversation that the front setbacks implies the front and back are parallel to Rt. 109 which may not always be the case.

Member Tucker suggested that we indicate from a design perspective the maximum could be a variable number based on the architecture of the layout of the lot. This would allow for the best or highest use of land.

Susy indicated that the definition of front is very clear in the bylaw. This is from the street and not from the parking lot. It is from the street right of way. The board could eliminate the 20 ft. setback. This would not apply to the by right uses unless they want to seek it through a special permit.

Member Spiller-Walsh noted that when thinking about parking lots; if there was an opportunity to have this landscaped so it becomes a focal point instead of something open, hot, and cracking.

Susy suggested that there is something about landscaping in the site plan regulations regarding landscaping. The question is does the language accomplish this? Do we need to put in a higher standard? It was suggested that Karyl take the regulations to DRC to do some brainstorming.

The discussion moved to building height. The building height regulations in the Town of Millis were referenced. A story height is variable in a mixed use setting. Typically, four to five story buildings have a height of 60 ft.

Susy suggested that in the by right section, lose the option of 60 ft. and bring it back to 40 ft. by right and leave it 60ft. within the Special Permit option. The board is comfortable with that revision.

The definition of building height is included.

Member Spiller-Walsh noted that the intent is to have a half story appearance on the top so that you have pitched roof lines varied rather than a flat roof.

The center of Natick has four stories and you see the first two stories. This is a beautiful area. This is a city scape with roof lines. This is all in the architectural design.

The board next reviewed item #7, referencing dimensional variation and this does not need site plan review. The applicant would then go the Zoning Board of Appeals. Most things that have an addition would trigger site plan review.

Consultant Carlucci noted most of requirements you may not want or need to have additional flexibility, but now that it is not by right but special permit, we have fixed the dimensional requirements.

The board was in agreement to lose item #7 completely.

The next section reviewed was the residential part of special permit; you are trying to promote the mixed use. This is reflected in Item number one. Item number two are dwelling units could be allowed on the ground floor of buildings. We want to promote the business use on the street. The idea is to not displace commercial. The 67% formula only applies when it is separate buildings.

The intent of this is to create an opportunity for multi-use. The 67% is arbitrary.

Consultant Carlucci noted that the % is a formula used as a model of splitting a three story building into separate buildings. There are cases where you might want to have separate buildings, but to ensure that part is commercial, there is a limit.

The board is comfortable with having commercial on the bottom floor.

Mr. Buckley referenced that this would eliminate the ability for the assisted living facility.

Member Gay noted that we could use the term occupancy instead of dwelling since it is a business on the bottom. Make the exemption by the use and not the dwelling. The people are paying for care.

It is quite common for assisted living to have the services on the bottom and the living on the top.

Consultant Carlucci also suggested that you could also just exempt assisted living.

Susy and Gino will continue to work on this section.

Density:

The discussion moved to density.

Susy wanted to know what the Boards comfort is with 17 dwelling units per acre. This was referenced in the Town of Millis bylaw. The parking is going to be the dominating factor.

Member Tucker is not in agreement that we even need to act on this since it is self-regulated based on the building code and parking will regulate it. The demand will self-regulate the density.

The town allows for overlapping of parking in the regulations.

The board would like Consultant Carlucci to look at the maximum build out.

The board was in agreement to lose item #3 about density. The board would like the information about density addressed by Consultant Carlucci at the public hearing.

The board discussed item #4 and setting maximum amount relative to bedrooms. The language reviewed came from the Town of Millis. The market will drive this and the board does not think

that they will see three bedrooms when it is not likely at all. This will create options for residents. The board is comfortable with how it is written.

The note at the bottom of page 3 is to amend the parking regulations for multi-family housing. This can be done across the bylaw. The average will be one and a half parking for studio or one bedroom. The board would like this to match the industry standards.

Common Open Land:

The next section discussed was common open land. There are requirements for 15% of site shall have open space and it shall have shape dimension character which makes it usable. This is valuable when dealing with mixed use. This might want to be limited.

Consultant Carlucci noted that the open space could serve as outdoor seating for outside establishment.

This is a common spot for benches. This is a sitting spot.

Member Spiller-Walsh communicated that the roadways and courtyards can also be small pocket parks such as Beacon Hill; there are tiny yards with great green impact which adds a visual relief to the heights with the stone and brick. The access to Medway Gardens is relief of a road to a commercial space. It has a real open space relief quality. It does not need to be prescribed.

The board is not comfortable with the 15% in the commercial district. This is not a direct generator of business.

The Chairman noted why does open space have a place in a commercial district. 15% is a big percentage. This is a lot of land.

Member Spiller-Walsh responds that it depends on what you are contrasting and what one is proposing.

Member Gay noted that in the Town of Natick, there are no open or common areas other than the town common. The other buildings are stacked right in there.

The Chairman noted that it is the town's responsibility to develop this not the commercial developer.

Member Spiller-Walsh responded that there is not enough depth in this zone.

Member Hayes responded that if we developed a form based code for C1; we would never do it without an open area.

Mr. Buckley responded to maximize density and have no open space this would be a mistake. He does not want this built out in its entirety.

Member Tucker is having difficulty understanding what is the difference between open space and landscaping? This would have to be part of an overall layout concept plan.

Tony Biocchi noted that the DEP is allowing drainage structures to allow public access through them.

Member Spiller-Walsh communicated that there are beautiful places such as Westboro High School with a culvert with a stone wall which is a good plan and beautiful.

Member Hayes noted that this is really not open space but is landscaping.

The board discussed having language that 15% of the site must be green space and provide a definition of what green space can be.

Susy and Consultant Carlucci will work on this section and will provide it back to the board for review.

Review Criteria:

Consultant Carlucci took added the criteria to evaluate the special permit application. He will adjust this based on the conversation from this evening. Items C and F will be consolidated into one item. Item H is to call out the design guidelines. It was suggested that this be moved up to A.

This requires the 25 ft. buffer zone and it is mitigated by having the buffer area.

Design Requirements:

These standards for design requirements are in the rules and regulations. These are going to be used and we are going to hold the applicant to those regulations.

The board is comfortable with the item C. regarding vehicular.

The board wants to recommend LEED certification but not require it. This does belong in design requirements. Currently, the energy code does not require LEED certified to that level. The thought is to think about the future for charging stations, etc. put in the conduits now. The board wants the applicant to think about this at the beginning of the planning stage.

Consultant Pellegrini responded that the LEED is written with so many different criteria. The certification requirements are the minimum in what you are seeking. Have the applicant meet as many as possible but not all.

The EPA has policy statements and some variation on that and maybe we can use some of the language from that. Member Gay will send Susy the link.

Other Business:

- There is a CPC public hearing to be held on March 3, 2014.

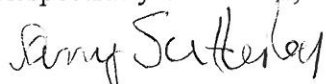
Minutes:

- The minutes January 7th and 28th will be tabled until the next meeting.

Adjourn Meeting:

On a motion made by Karyl Spiller-Walsh and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:52 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary



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

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Karyl Spiller-Walsh
Richard Di Iulio, Associate Member

REVISED DRAFT – February 6, 2014

CERTIFICATE OF ACTION
HILL VIEW ESTATES – A PERMANENT PRIVATE WAY
DEFINITIVE SUBDIVISION PLAN
(_____ *with Waivers and Conditions*)

Location: 32R Hill Street
Assessors' Reference: 3-033 (formerly known as Map 8 – Parcel 16)
Parcel Size: 12.7 acres
Name/Address of Applicant: Christine Price
32R Hill Street
Medway, MA 02053
Name/Address of Property Owner: Christine Price
32R Hill Street
Medway, MA 02053
Engineer: Merrikin Engineering
730 Main Street
Millis, MA 02054
Surveyor: Colonial Engineering
11 Awl Street
Medway, MA 02053
Plan Dated: March 12, 2012, last revised October 28, 2013
Zoning District: Agricultural Residential I
Street Name: Nirvana Way

I. PROJECT DESCRIPTION: The *Hill View Estates Definitive Subdivision Plan* dated March 12, 2012, last revised October 28, 2013, shows two residential house lots and a road/drainage parcel (Parcel A) on a 12.7 acres of land located at 32R Hill Street, a Medway Scenic Road, in the Agricultural Residential I zoning district. The subject parcel is presently owned by Christine Price of Medway, MA and includes one existing single-family house, Ms. Price's residence, which will be retained on Lot 10B (4 acres +/-) as shown on the plan. The second house lot is shown as Lot 10A (8 acres +/-). The site and existing house is presently accessed from a driveway off of Hill Street. A very small portion (1,369 sq. ft.) of road Parcel A is located within the Town of Holliston where the driveway presently intersects with Hill Street.

The Hill View Estates subdivision creates a 387 linear foot long roadway right of way with a cul-de-sac at its end to provide access and legal frontage for both house lots. The existing 12' wide driveway is located within the roadway right of way. A hammerhead turnaround will be constructed at its end from which two driveways will emanate to serve the individual houses. The private way will be known as Nirvana Way. The project also includes the construction of stormwater management facilities to comply with Massachusetts Department of Environmental Protection (DEP) stormwater management requirements. A small portion of the site is in a Wetlands Resource Area.

The applicant intends for the owner of Lot 10A to also own and be responsible for upkeep and maintenance of the roadway and the stormwater drainage facilities.

II. PROCEDURAL SUMMARY:

1. On January 16, 2013, the Planning and Economic Development Board received an application for approval of the *Hill View Estates Definitive Subdivision Plan*, dated March 12, 2012 prepared by Colonial Engineering of Medway, MA and Merrikin Engineering of Millis, MA. This definitive subdivision plan was preceded by submission of a preliminary subdivision plan which the Planning and Economic Development Board reviewed during the first quarter of 2011.
2. On February 12, 2013, the Board commenced the public hearing. The public hearing notice was posted with the Medway Town Clerk on January 24, 2013 and was sent by *Certified Sent* mail on January 25, 2013 to abutters in Medway and Holliston within 300 feet of the subject property and to parties of interest. The public hearing was duly noticed in the *Milford Daily News* on January 29 and February 5, 2013. The Board continued the public hearing to March 26, April 23, May 28, June 25, July 23, August 27, October 8, November 12, and November 26, 2013 when it was closed.
3. During the course of the public hearing, the *Hill View Estates Definitive Subdivision Plan* was revised and resubmitted. The revised plan date was October 28, 2013.
4. During the course of the public hearing, the applicant requested and the Board approved two extensions of the deadline for the Board's action on the definitive subdivision plan application. On March 26, 2013, the action deadline was extended to December 31, 2013. On November 26, 2013, the action deadline was extended to January 31, 2014. On January 28, 2014, the action deadline was extended to February 28, 2014.

5. All members voting on this Certificate of Action were present at all sessions of the public hearing or provided a Mullins Rule certification (Bob Tucker for the 10/9/13 hearing) or participated remotely (Tom Gay on 3/26/13).

III. PUBLIC HEARING SUMMARY: The public hearings and Board review of the proposed *Hill View Estates Definitive Subdivision Plan* were conducted on the dates noted above. The plan and its submitted revisions were reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which were in effect at the time the applicant submitted a preliminary subdivision plan to the Board in February 2011.

Specified below is a list of plan documents and support materials, public comments, consultant and town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board since the application was received in January 2013. All information is on file in the Medway Planning and Economic Development office and is available for public review (except for confidential communications from Town Counsel).

Hill View Estates Definitive Subdivision Plan – Colonial Engineering and Merrikin Engineering
Dated - March 12, 2012
Revised – October 28, 2013

Hill View Estates – 32R Hill Street Stormwater Report – Merrikin Engineering
Dated – March 12, 2012
Revised – October 28, 2013

Request for Waivers from Subdivision Rules and Regulations – April 20, 2012

Town Engineering Consultant Reviews – David Pellegri, P.E. Tetra Tech
February 7, 2013
November 6, 2013

Town Planning Consultant Review Letters – Gino Carlucci, AICP, PGC Associates
February 7, 2013
November 5, 2013

Supplemental Information Provided By Applicant and his Consultants

Letter from Daniel Merrikin, P.E. Merrikin Engineering dated October 31, 2013 in response to review letters from PGC Associates and Tetra Tech dated February 7, 2013

Letter from Paul DeSimone, Colonial Engineering, dated October 29, 2013 in response to review letters from PGC Associates and Tetra Tech dated February 7, 2013

Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board

Variance decision dated September 25, 1994 from the Medway Zoning Board of Appeals pertaining to 32R Hill Street.

Citizen/Resident/Abutter Letters – None

Citizen/Resident Testimony – None

Professional Testimony

Gino Carlucci, AICP, PGC Associates, Inc. – Franklin, MA
David Pellegri, P.E., Tetra Tech – Framingham, MA
Paul DeSimone, Colonial Engineering – Medway, MA
Dan Merrikin, P.E. Merrikin Engineering – Millis, MA

Medway Departmental/Board Review Comments – None

IV. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS –

The Applicant has requested and the Board has identified needed waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

SECTION 7.6.2 – UTILITIES INSTALLATION

b) Water Facilities Installation – *Water mains, with hydrants, valves and other fittings, shall be constructed and installed within the subdivision as necessary to provide to all lots therein adequate water supply for domestic and fire protection use.*

FINDINGS – The applicant has asked for a waiver from this particular requirement because there is no public water supply available in this area of Medway and Holliston to which this subdivision could connect. The applicant’s current residence is served by a private well and construction of a house on the newly created house will also include installation of a private well.

SECTION 7.7.2 STORMWATER MANAGEMENT – *(p) Detention and retention basins and underground infiltration systems and any related drainage structures shall be located on separate parcels and shall not be included on individual house/building lots. The limits of detention and retention basins and related structures shall not be closer than thirty feet (30’) from its lot parcel line and any right-of-way.*

FINDINGS - The applicant has proposed installing the stormwater management facilities within the layout of the private roadway (Parcel A) and within an easement on lot 10A as shown on the plan. A stormwater basin will be constructed within the roadway cul-de-sac which is a separate parcel from the house/building lots. The PEDB has allowed detention basins to be located within the roadway layout of other private way subdivisions. The stormwater plan also includes shallow infiltration trenches (less than 1.1’ deep) within the roadway cul-de-sac and within the drainage easement on Lot 10A. Trench #2 on Lot 10A receives runoff only from that lot’s specific development and is independent from the roadway drainage so it is reasonable that Trench #2 be located on the lot which it serves. This approach to stormwater management is a low impact design which is unobtrusive, blends into the landscape and is more aesthetically pleasing.

SECTION 7.9.5 GRADE b) – *The maximum centerline grade for a Permanent Private Way shall be 8%.*

FINDINGS - The applicant proposes a 10.8% roadway grade instead of required 8%. The 10.8% grade is an existing condition and no alteration of the existing roadway is proposed. Requiring compliance with this standard would require significant disruption of the existing topography and require the removal of many mature trees, resulting in a greater impact on the neighborhood.

SECTION 7.9.7 g) ROADWAY CONSTRUCTION (width) – *The minimum width of the roadway pavement shall be Eighteen Feet (18') for a Permanent Private Way.*

SECTION 7.9.7 h) ROADWAY CONSTRUCTION (composition) – *Pavement for roadways in subdivisions shall be Hot Mix Asphalt Pavement.*

FINDINGS – The applicant proposes to reuse approximately 325 feet linear feet of existing roadway which is 12' wide with a 3' gravel apron on each side. The combined overall surface width of 18' is consistent with the Town's standards for a Permanent Private Way. The applicant proposes that the hammer head area be constructed of gravel within the cul-de-sac area of the road. The gravel aprons are an important component of the drainage system. The current roadway construction and pavement width will result in more extensive preservation of the highly wooded setting and minimize site and neighborhood impacts that would be necessitated by the additional drainage that a wider paved roadway would require.

SECTION 7.10.1 CURBS AND BERMS – *Vertical Granite Curbing shall be installed at intersection roundings and cul-de-sac entrances.*

FINDINGS – The applicant proposes to not install any form of curbing at the intersection roundings at Hill Street. This would leave the entrance to the subdivision in its existing natural state. No issues with the current construction have been identified and leaving it in its current state would result in fewer impacts on the neighborhood. The roadway intersection at Hill Street is located within the Town of Holliston so the Medway Planning and Economic Development Board has no jurisdiction on this particular component of the roadway design.

SECTION 7.10.2 CURBS and BERMS – *Hot Mix Asphalt Cape Cod Berm shall be provided the full length of Permanent Private Ways along each side of the roadway.*

FINDINGS – The applicant proposes to not install any curbing along the subdivision roadway. The existing crushed stone aprons along both sides of the existing driveway have been in use for years and fit the natural setting along Hill Street. The berms or curb would either need to be installed along the edge of the existing pavement which would render the drainage function of the gravel aprons useless, or the aprons would need to be paved and additional drainage installed. No adverse impacts from the current configuration have been identified, and leaving it in its current state would result in fewer impacts on the neighborhood.

SECTION 7.17.1 FIRE PREVENTION AND PROTECTION MEASURES – A fire alarm system shall be installed in accordance with the specifications of and located as directed by the Medway Fire Department or a sum of money paid to the Town equal to the cost of installing a fire alarm system within the subdivision, for use by the Fire Department for capital purchases.

FINDINGS – The applicant proposes to not install a fire alarm system for this small, private way subdivision. The Fire Department no longer requires the installation of fire alarm boxes because it is converting to a higher technology alarm system. The widespread use of cellular phones makes fire alarm systems obsolete. Further, the Town has determined that it may not collect a sum of funds in lieu of fire alarm installation. Therefore, the Board finds this waiver to be acceptable.

SECTION 7.21 – STREET LIGHTS – It shall be the responsibility of the developer to install street lighting within the subdivision at the entrance to the subdivision, at all intersections within the subdivision, sharp turns, or other areas where the Traffic Safety Officer deems they are needed for public safety.

FINDINGS – The applicant has requested a waiver from the required installation of street lights as this subdivision is for only two residences. The subdivision “road” functions more like a driveway than a street. Its entrance off of Hill Street does not constitute an intersection where a street light would be merited. The roadway is fairly straight for its length of 387 linear feet. Further, Hill Street is a scenic road and less light intrusion is in keeping with that quality.

SECTION 7.19.2 – TREES AND SLOPE STABILIZATION - To enhance the aesthetic quality of the streetscape, deciduous street trees of nursery stock conforming to the standards of the American Association of Nurserymen, shall be planted on each side of each street in a subdivision. . . . At least three (3) trees are to be placed on each lot at approximately forty foot (40’) intervals

FINDINGS – The applicant does not propose to plant additional street trees along the existing roadway. The site is already heavily wooded and the applicant has provided a landscaping plan for the area where the roadway forms a hammerhead and splits into driveways for the two residences. The Board finds that this is an acceptable substitute.

MITIGATION PLAN

1. The new road will be private in perpetuity, owned and maintained by the owner of Lot 10A thus relieving the Town of this on-going responsibility and expense.
2. Maintenance and upkeep of the stormwater management facilities will be the responsibility of the owner of Lot 10A thus relieving the Town of this on-going responsibility and expense.
3. The reduced width of road paving will result in reduced disturbance to the topography and less impact on the site’s wetlands, woodlands and other natural resources.

ACTION ON WAIVER FINDINGS - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on January 28, 2014, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted Waiver Findings. The motion was approved unanimously by a vote of five in favor and zero opposed.

ACTION ON MITIGATION PLAN - At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on January 28, 2014, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted Mitigation Plan. The motion was approved unanimously by a by a vote of five in favor and zero opposed. .

ACTION ON WAIVERS – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on January 28, 2014, a motion was made by Robert Tucker and seconded by Matthew Hayes to approve the above noted waivers from the *Subdivision Rules and Regulations*. The motion was approved unanimously by a vote of five in favor and zero opposed.

V. PROJECT EVALUATION CRITERIA – Before taking action on the *Hill View Estates Definitive Subdivision Plan*, the Board shall evaluate the proposed subdivision modification according to the 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 and Economic Development Board held on January 28, 2014, a motion was made by _____ and seconded by _____ to _____ the Project Evaluation Findings noted below. The motion was _____ by a vote of _____ in favor () and _____ opposed ()

5.16.1 Completeness and technical accuracy of all submissions.

FINDINGS – The Planning and Economic Development 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 Board finds that, as conditioned, the proposed street pattern within the new subdivision is safe and convenient. The proposed new roadway within the subdivision is comparable to other recently-approved permanent private subdivision roadways that have been found to be safe and convenient.

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 – The Board finds that the location of the development does not entail unwarranted hazard. A drainage plan has been designed to handle anticipated stormwater runoff and the sight distances from the proposed road are adequate. The new house will use a private well and septic system to be approved by the Board of Health, and erosion controls will be in place during construction.

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 – The site of the subdivision is not within a Priority Habitat area and the wetlands of the site are well away from the developed area. There will be an increase of only one single-family house to be constructed. The Board finds that the subdivision will not cause substantial and irreversible damage to the environment and is much preferred to the fuller development of the land which could occur under present zoning.

- 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 Board finds that the proposed roadway with its existing gravel shoulders, the existing turnaround that is located on what will be Lot 10B, and the proposed hammerhead within Road Parcel A is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated volume of traffic for two homes. There is an existing turnaround

- 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 Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning Bylaw, including minimum area and frontage requirements.

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

FINDINGS – The Board finds that the proposed subdivision is consistent with the purposes of the Subdivision Control Law because the infrastructure proposed is adequate for the new development and the impacts of the subdivision have been mitigated to a reasonable extent. Reasonable waivers have been granted herein with good cause.

VI. OTHER FINDINGS

At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on January 28, 2014, a motion was made by _____ and seconded by _____ to _____ the **Other Findings** noted below. The motion was _____ by a vote of _____ in favor () and _____ opposed ().

- A. In 1994, the Medway Zoning Board of Appeals authorized a variance for the 12.7 acre property at 32R Hill Street from the Zoning Bylaw's frontage requirements in order to allow for the construction of a single family home on the property. The variance was granted to former owner Michael Curatola subject to the condition that only one single family home could be built on that lot. The Board finds that its authority pertains only to subdividing the subject property and in so doing, does not conflict with the above noted variance condition. The status of the previously issued variance is a matter to be resolved by the applicant and the Zoning Board of Appeals.

- B. A small portion of the roadway parcel (1,369 sq. ft.) at its intersection with Hill Street is located within the Town of Holliston. The Board will provide this decision and the latest plans to the Holliston Planning Board which may determine its level of review and authority.

VII. DECISION – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on January 28, 2014, a motion was made by _____ and seconded by _____ to _____ the *Hill View Estates Definitive Subdivision Plan*, prepared by Colonial Engineering and Merrikin Engineering, dated _____, last revised _____ and further to impose the Specific and General Conditions as specified herein with Waivers from the following sections of the Subdivision Rules and Regulations dated April 25, 2005.

LIST APPROVED WAIVERS

The motion was approved by a vote of _____ in favor () and _____ opposed ().

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

A. Specific Conditions

1. This subdivision of the subject property is authorized for no more than two residential house lots and one roadway/drainage parcel. As a permanent condition of the approval of this plan, no further subdivision of the property is 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 and Economic Development Board, within four years of the date of endorsement of the plan.
3. Prior to plan endorsement, the revised plan dated October 28, 2013, shall be further revised to include the following references:
 - A note shall be added to all plan sheets indicating that the plan is subject to this *Certificate of Action* which shall be recorded with the Definitive Subdivision Plan at the Norfolk County Registry of Deeds.
 - A note shall be added to all plan sheets to indicate that present and future owners are subject to a Subdivision Covenant to be recorded with the Definitive Subdivision Plan at the Norfolk County Registry of Deeds.
 - A note shall be added to the plan that the house address numbers shall be marked on a post at the end of each house lot driveway to facilitate easy identification from the private roadway for emergency and safety vehicles.
 - Show an easement across Roadway Parcel A for use by the owner of Lot 10B.

4. *Ownership of Nirvana Way* - The roadway depicted on this subdivision plan shall remain privately owned in perpetuity. There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan. The owner of Lot 10A shall own and maintain the private roadway parcel including but not limited to snowplowing and sanding, and maintain and operate the stormwater detention/infiltration system and related infrastructure located within the roadway right of way and on Lot 10A.
5. The Applicant shall convey the fee in the roadway and the drainage easement to the owner of Lot 10A.
6. Prior to endorsement, the plan shall be revised to incorporate all conditions as specified in this Certificate of Action. The Applicant shall provide such revised plan to the Planning and Economic Development Board and the Town's Consulting Engineer for review and approval. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan.
7. *Declaration of Protective Covenants & Restrictions and Private Roadway Maintenance Agreement Governing the Hill View Estates subdivision* – The future owners of Lots 10A and 10B are subject to the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Hill View Estates 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 and Private Roadway Agreement Governing the Hill View Estates Subdivision* to be reviewed and approved by Town Counsel and the Planning and Economic Development Board. At a minimum, the *Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing the Hill View Estates Subdivision* shall include language regarding the responsibility of the owner of Lot 10B for the upkeep, repair, and on-going maintenance of the roadway including snowplowing and sanding, and the operation and maintenance of the stormwater management system.
8. *Lot Deeds* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with copies of the proposed deed to convey or transfer each subdivision lot for review, comment, amendment and approval by Town Counsel. Each deed shall specifically 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. Each deed shall clearly state that Nirvana Way is a private way, not ever to be owned by the Town of Medway. Each deed shall refer to the Hill View Estates definitive subdivision plan. The deed shall refer to the *Declaration of Protective Covenants & Restrictions and the Private Roadway Maintenance Agreement Governing the Hill View Estates Subdivision*.
9. *Road Deed & Easements* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed deed to convey Nirvana Way and all drainage easements shown on the plan to the owner of Lot 10B for review, comment, amendment and approval by Town Counsel.
10. *Road Easement* – Prior to endorsement, the Applicant shall provide the Planning and Economic Development Board with a copy of the proposed easement document

11. *Document/Plan Recording* – Within thirty days of recording the endorsed MODIFIED definitive subdivision plan, the *Subdivision Covenant, the Declaration of Protective Covenants and Restrictions and Private Roadway agreement Governing the Hill View Estates subdivision* with the Norfolk County Registry of Deeds, the Applicant or his assign shall provide the Planning and Economic Development 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.
12. *Maintenance Responsibility During Construction* – The Applicant shall provide for snow plowing, sanding and full maintenance of Nirvana Way and all related stormwater management facilities throughout the entire construction process until the roadway is determined to be complete by the Board and is subsequently conveyed to the owner of Lot 10A.

B. General Conditions

1. *Expiration of Appeal Period* – Prior to endorsement of the modified plan, the Planning and Economic Development Board must receive the statutory notification of the expiration of the twenty day appeal period from the Town Clerk’s office.
2. *Payment of Balance of Fees/Taxes* – Prior to endorsement of the modified plan, the Applicant shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board and any other outstanding expenses, obligations, fees or taxes due the Town of Medway. Proof is required from the Medway Town Treasurer/ Collector that all real estate taxes are current for all property owned in Medway by the applicant.
3. *Subdivision Covenant* – Prior to endorsement of the modified plan, the Applicant shall sign a *Subdivision Covenant*, on a form acceptable to the Planning and Economic Development Board, to be reviewed and approved by Town Counsel, to secure construction of the ways and all related infrastructure and installation of utilities and services as specified in the approved modified subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Subdivision 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 and Economic Development Board within four years of the date of plan endorsement. The *Subdivision Covenant* shall apply to Lots 10A and 10B as shown on the plan.
4. *Replacement of Subdivision Surety* – At such time as the Applicant wishes to secure a building permit for any lot within the subdivision or convey either lot, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board’s Regulations. Prior to the Planning and Economic Development Board’s approval of the *Release of Covenant* for any house lot, the Applicant shall provide suitable performance security to 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 surety amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer. The applicant shall also enter into a

surety agreement with the Planning and Economic Development Board as provided in the Regulations. Any company providing the surety shall be acceptable to the Medway Treasurer/Collector.

5. *Order of Conditions* – If applicable and prior to endorsement of the plan, the Applicant shall provide the Planning and Economic Development 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 subdivision plan that may be required under the “*Order of Conditions*” shall be presented to the Planning and Economic Development Board by the Applicant, for review and approval as a further modification to the definitive subdivision plan. The Planning and Economic Development 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 and Economic Development Board and the Town’s Consulting Engineer and acceptable to the applicant. After the public hearing and acceptance of the modifications to the plan, the Planning and Economic Development Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty day appeal period must be received from the Town Clerk’s office before the Planning and Economic Development 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 and Economic Development Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

6. *Construction Observation* – Inspection of roadway and infrastructure construction by the Town’s Consulting Engineer is required. Prior to plan endorsement, the Applicant shall establish a construction observation account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction observation fee to the Town of Medway for such inspections as determined by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer. As needed, the Applicant shall provide supplemental payments to the Town of Medway for reasonable construction inspection services upon invoice from the Planning and Economic Development Board until the road construction and stormwater drainage system are completed and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town.
7. Within thirty days of endorsement of the plan, the Applicant shall provide the Town with a set of the approved plans 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).
8. *Pre-Construction Meeting* – At least seven days prior to the start of any construction on the site, a pre-construction meeting shall take place with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Services, the Medway Conservation Agent, the developer and the primary contractor. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy

of the final Stormwater Pollution Prevention Plan (SWPP) as filed with the Massachusetts Department of Environmental Protection (DEP) shall be provided to the Town.

9. *Proof of Taxes Paid* – Prior to the Planning and Economic Development Board’s approval of the *Release of Covenant* for Lot ____, proof is required from the Medway Town Treasurer/ Collector that all real estate taxes and other municipal fees and charges are current for the property included in this subdivision and any other property owned by the applicant in Medway.
10. *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 and Economic Development 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.
11. *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’s 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.

###

**HILL VIEW ESTATES DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF ACTION
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Date of Action by the Medway Planning and Economic Development Board:

AYE:

NAY:

Date Signed:

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Date

Date Filed with the Town Clerk:

- Copies To:** Stephanie Bacon, Health Agent
David D'Amico, Public Services
John Emidy, Building Commissioner
Donna Greenwood, Assessor
Thomas Holder, Public Services
Suzanne Kennedy, Town Administrator
Jeff Lynch, Fire Chief
Melanie Phillips, Treasurer/Collector
Barbara Saint Andre, Town Counsel
Conservation Agent
Sergeant Jeffrey Watson, Police Safety Officer
Gino Capucci, PGC Associates
Dave Pellegrini, Tetra Tech
Christine Price
Tony Biocchi
Colonial Engineering

Medway Commons - Starbucks Coffee Drive-Thru Items Remaining to be Completed

To: Karen Johnson, Charter Realty & Development Corp.
FROM: Craig Langton
COPY: Jennifer L. Hale (Viarengo)
DATE: February 7, 2014

This memorandum summarizes the remaining items to be completed for Starbuck Coffee Drive-Thru.

1. The two (2) proposed painted "no parking" islands, one in the southeast portion of the site and the other east of the existing building, including the demolition/removal of the existing curb stop.
2. The pavement markings (ie. "STOP", stop bar, and solid white lane line) associated with the six (6) proposed stop signs.
3. The four (4) proposed crosswalks (three (3) stamped brick and one (1) painted).
4. The proposed detectable warning panel leading south across the main access drive.
5. Loam and seeding in associated with the proposed landscaping. The landscape plant list as follows;

PLANT SCHEDULE

TREES:

CODE	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	QUANTITY
BP	BETULAPAPYRIFERA	WHITE BIRCH	2 1/2 - 3" CALIPER	B & B	1
AC	ABIES CONCOLOR	WHITE FIR	8-10' HT	B & B	3

GROUNDCOVERS AND PERENNIALS:

CODE	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	QUANTITY
DL	HEMEROCALLIS 'STELLA DORO"	STELLA DORO DAYLILY	#2	CONTAINER	32
MS	MISCANTHUS SINENSIS 'GRACILLIMUS'	MAIDEN GRASS	#3	CONTAINER	19

1 Grant Street
Framingham, MA 01701

Tel: 508-903-2000
Fax: 508-903-2001

Date: February 4, 2014
TTR Project No.: 143-21583-13015
Cumberland Farm Site Plan Review
Scope Change No. 002

Name: Susan Affleck-Childs
Company: Medway, MA

Additional Review Services (2)

NEED FOR SERVICE:

The Scope Changes identified below are required to finalize the review of the final designs, drainage, and traffic information submitted by the applicant. These services will be tracked and invoiced as identified below.

DESCRIPTION OF SCOPE CHANGES:

Tasks

- Additional Meetings**-The last change order submitted assumed attendance at one (1) meeting for the traffic engineer and two (2) meetings for the civil engineer after November 8, 2013. Since that time the civil engineer has attended five hearings and the traffic engineer is scheduled to attend one (1) more meeting (Feb 4th). That exceeds our last budget by three (3) meetings- **\$1,000**
- Additional Traffic Review and Coordination**- We have had additional traffic review responsibilities not covered under previous scopes including the review of traffic conditions, sign locations, future traffic studies and signal modifications.- **\$2,500.**

Total Cost for Scope Change No. 002- \$3,500

Fee Adjustments

Original Contract-	\$11,435
Scope Change No. 001	\$6,800
Scope Change No. 002	\$3,500
Revised Contract Amount-	\$21,735

SCHEDULE:

We are prepared to begin work immediately upon authorization of these Scope Changes.

As confirmation of your authorization to provide these services and as approval of the budget, please execute and return one copy of this agreement for our records.

TETRA TECH

By: David Pellegrini, P.E.

Sign: 

AGREED AND ACCEPTED FOR

MEDWAY or its Agent

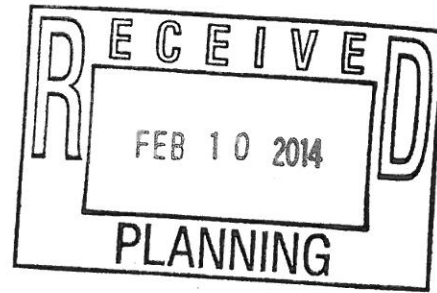
By: _____

Sign: _____

Date: _____



TETRA TECH



February 10, 2013

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

**Re: Construction Administration Services
Cumberland Farms
Medway, MA**

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the approved Cumberland Farms Site Plan (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

Scope of Services

We will undertake the following task:

Task 1 Preconstruction Meeting

- Prepare preconstruction agenda and attend meeting with the applicant, contractor and appropriate Town of Medway officials;

Task 2 Inspectional Services

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.



TETRA TECH

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

Schedule

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

General Terms and Conditions

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech Rizzo. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

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

Sean P. Reardon, P.E.
Vice President

Date Approved By Medway Planning and Economic Development Board _____

Certified by: _____ Date _____
Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator

Attachments

Cumberland Farms
Site Plan Development
 Medway, MA

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	\$100.00	\$200.00
2	Clear & Grub	1	3	\$100.00	\$300.00
3	Demolition within ROW	1	4	\$100.00	\$400.00
4	Subgrade/Staking	1	2	\$100.00	\$200.00
5	Drainage System	5	3	\$100.00	\$1,500.00
6	Subsurface Detention System	2	3	\$100.00	\$600.00
7	Pavement Gravel	1	4	\$100.00	\$400.00
8	Water System	5	3	\$100.00	\$1,500.00
9	Sewer System	5	3	\$100.00	\$1,500.00
10	Site Pavement Binder Course	1	8	\$100.00	\$800.00
11	Curb/Berm/Edge Treatment	3	3	\$100.00	\$900.00
12	Private Utilities	1	4	\$100.00	\$400.00
13	Sidewalk Base/Gravel	1	3	\$100.00	\$300.00
14	Sidewalk Binder	1	4	\$100.00	\$400.00
15	Sidewalk Reconstruction (N/A)			\$100.00	\$0.00
16	Concrete Pads	1	4	\$100.00	\$400.00
17	Site Pavement Top Course	1	8	\$100.00	\$800.00
18	Sidewalk Top	1	4	\$100.00	\$400.00
19	Frames and Covers/Grates	1	3	\$100.00	\$300.00
20	Adjust Frames & Covers/Grates (N/A)			\$100.00	\$0.00
21	Inverts	1	4	\$100.00	\$400.00
22	Bounds (N/A)			\$100.00	\$0.00
23	Landscape/Plantings	2	4	\$100.00	\$800.00
24	Roadway Sub-Drain (N/A)			\$100.00	\$0.00
25	Retaining Wall/Fencing	2	3	\$100.00	\$600.00
26	Misc. Site Features (Bollards, signage, etc.)	2	3	\$100.00	\$600.00
27	Off-Site Mitigation	2	4	\$100.00	\$800.00
28	Periodic Inspections (See Note 1)	3	4	\$100.00	\$1,200.00
29	Bond Estimates	3	4	\$100.00	\$1,200.00
30	As-Built Plans	2	4	\$100.00	\$800.00
31	Meetings	2	4	\$150.00	\$1,200.00
32	Admin	2	2	\$50.00	\$200.00
33	Project Closeout (See Note 3)	1	1	\$600.00	\$600.00
	Subtotal				\$19,700.00
	Expenses			3.5%	\$689.50
	TOTAL				\$20,389.50

Notes:

- 1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.
- 3 Closeout price is a lump sum value assessed to the project for extra items not listed above. This value has been placed in the breakdown due to past experience on other subdivision reviews.



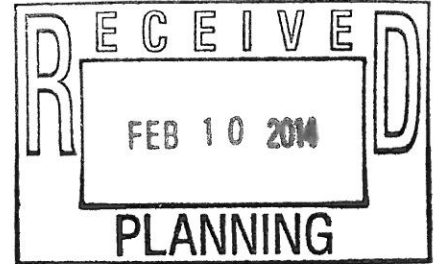
MEMORANDUM

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

Fr: Steven Bouley-Tetra Tech (Tt)

Re: **Medway Commons-Starbucks Coffee Drive-Thru
Site Review (Bond Estimate)
Medway, MA**

Dt: February 10, 2014



At the request of the Medway Planning and Economic Development Board, please find below a list of outstanding items for the Medway Commons-Starbucks Coffee Drive-Thru project. The items are based upon the approved plans dated April 26, 2013, revised September 26, 2013.

Outstanding Items

1. The two (2) proposed painted “no parking” islands, one in the southeast portion of the site and the other east of the existing building should be painted. This also includes the demolition and removal of the existing curb stop.
2. The pavement markings including the word “STOP”, stop bar, and solid white lane lines should be painted at each of the six (6) stop sign locations.
3. Four (4) crosswalks should be installed (three (3) stamped brick and one (1) painted).
4. The proposed detectable warning panel leading south across the main access drive should be installed.
5. Loam and seed should be installed at the proposed locations.
6. Landscaping should be installed at the proposed locations.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2382.



TETRA TECH

Very truly yours,

Steven Bouley, E.I.T.
Civil Engineer

P:\21583\143-21583-13013 (STARBUCKS SITE PLAN REV)\DOCS\MEMO\MEMO-MEDWAY COMMONS-STARBUCKS BOND ESTIMATE_2014-02-10.DOC



Bond Value Estimate
TETRA TECH Medway Commons-Starbucks Coffee Drive-Thru
Medway, Massachusetts
February 10, 2014

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Pavement Markings	1	LS	\$2,000.00	\$2,000
Stamped Brick Crosswalk ²	600	SF	\$16.50	\$9,900
Detectable Warning Panel	1	EA	\$500.00	\$500
Loam	50	CY	\$40.00	\$2,000
Seeding	300	SY	\$2.00	\$600
Landscaping	1	LS	\$5,000.00	\$5,000
			Subtotal	\$20,000
			25% Contingency	\$5,000
			Total	\$25,000

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 02/2013 - 02/2014 when applicable.
2. Unit pricing for the stamped brick crosswalk taken from recent project conducted in Framingham, Massachusetts. This pricing was not included in the MassDOT bid pricing worksheet.

ARTICLE:

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting Sub-Section G. Commercial District I in SECTION V. USE REGULATIONS and replacing it as follows:

G. COMMERCIAL DISTRICT I

1. **Purpose: The C1 district represents the primary retail and office center of Medway. The purpose of this Sub-Section is to promote the development and redevelopment of the district in a manner that is sustainable, economically viable and functional and in a manner that represents the qualities of a traditional New England town center by encouraging mixed uses, a pedestrian-friendly environment and the design traditions of the community. It is intended to reflect the goals and objectives of the Medway Master Plan and to provide greater integration of land uses.**

4. 2. Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
 - a) Municipal use.
 - b) Retail Sales
 - c) Offices for business or professional use
 - d) Salesroom for motor vehicles, trailers, boats, farm implements or machinery with repair services and storage permitted but not including auto body, welding or soldering shops.
 - e) Undertaking establishment or funeral home.
 - f) Restaurant or other establishment providing food and beverage within a building. **Seasonal outdoor dining may be permitted by the Building Inspector upon a determination that the location of the seating does not represent a safety hazard.**
 - g) Bank or other financial institution.
 - h) Personal care services such as but not limited to barber shops, beauty parlors, and nail salons.
 - i) **Services such as but not limited to health care, amusement, membership organizations and other miscellaneous business and social/human services.**
 - ij) Repair shops for small electronic equipment, appliances and tools.
 - k) **Schools**
 - jl) Any of the following uses if authorized by special permit. ~~from the Zoning Board of Appeals:~~
 - 1) Restaurant or other establishment providing food and beverages and live entertainment within a building.
 - 2) Motel or hotel

- 3) Commercial indoor amusement or recreation place or place of assembly
- 4) Vehicle Fuel Station
- 5) Automotive car wash
- 6) Shopping center
- 7) Drive-thru facility
- 8) Kennel
- 9) Vehicle Repair

k) ~~Any of the following uses if authorized by a special permit from the Planning and Economic Development Board:~~

- ~~110) Assisted living residence facility as defined by M.G.L. chapter 19D.~~
- ~~211) Local Convenience Retail with Associated Vehicle Fuel Station~~
- 12) Mixed uses including a combination of any of the by right and special permit uses and/or multi-family dwelling units**

3. Coordination of special permit and site plan - In order to facilitate a streamlined permitting process, when the scope of the development project necessitates major or minor site plan review pursuant to SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval of the Medway Zoning bylaw, the special permit granting authority shall be the Planning and Economic Development Board so that the special permit and site plan reviews can be consolidated and conducted concurrently. Otherwise, the special permit granting authority shall be the Zoning Board of Appeals.

2-4. By-right uses ~~Permitted and allowable uses shall comply with the following dimensional regulations:~~

- a) Minimum lot size: 20,000 sq. ft.
- b) Maximum lot coverage, including accessory buildings: 30%
- c) Minimum continuous frontage: 100 ft.
- d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft. shall be utilized for through traffic to adjoining lots unless an alternative location is approved by the Planning and Economic Development Board during the site plan review process.
- e) Minimum side yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
- f) Maximum building height: 40 ft. A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit. ~~from the Planning and Economic Development Board~~

5. Special Permit Regulations – The following provisions shall apply to Special Permit Uses and are available to applicants for “By Right” uses who wish to seek a Special Permit to achieve flexible site design.

a) Dimensional Requirements

- 1) Minimum lot size: 10,000 sq. ft.**
- 2) Maximum lot coverage, including accessory buildings: 40% or 50%**

- 3) Minimum continuous frontage: 50 ft.
- 4) Front-yard setback: Principle buildings shall be set back a minimum of 10 feet and a maximum of 20 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
- 5) Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles but shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the C1 district.
- 6) Building height: 40 ft. A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit. The front façade of one-story buildings shall be at least 20 feet in height, which may be achieved with a parapet or false façade, in order to screen mechanical equipment located on roofs.
- 7) The above dimensional requirements may be adjusted by the special permit granting authority if it is deemed in the best interests of the Town due to site conditions or public safety issues, or to better accomplish the purposes of the Medway Zoning Bylaw. When the scope of the development project necessitates major or minor site plan review pursuant to SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval, the special permit granting authority for dimensional adjustments shall be the Planning and Economic Development Board so that the special permit and site plan reviews can be conducted concurrently. Otherwise, the special permit granting authority for dimensional adjustments shall be the Zoning Board of Appeals.

b) Residential Uses

- 1) Dwelling units shall only be allowed on the upper floor(s) of a single building project or shall not constitute more than 67% of the gross floor area of the buildings of a multi-building project
- 2) Dwelling units shall be allowed on the ground floor of buildings only where:
 - a. the building is set behind another building which has commercial uses on the ground floor; or
 - b. the residential portion of the ground floor building is set behind the business uses within the same building
- 3) Density – No building shall be designed, arranged, constructed or renovated for residential purposes which exceeds the density of one dwelling unit per ?????? sq. ft. of lot area. NOTE – Millis is one dwelling unit per 2,500 sq. ft. of lot area
- 4) No more than 10% of the total number of a development's residential dwelling units shall have 3 or more bedrooms.

[Note: parking requirement for residential uses needs to be added to the parking section of the zoning bylaw. Perhaps 1.5 off-street parking spaces/dwelling unit?. Another option is one space per studio/1 bedroom unit and 2 spaces for a 2 bedroom unit.]

c) Common Open Land

- 1) A minimum of 15% of the site shall function as open space, designed and intended for public use in perpetuity.
- 2) The open space shall have a shape, dimension, character and location suitable to assure its use as a park or open space for the general public. The open space shall not include space that is used for parking, circulation, loading or pedestrian pathways or landscaping within vehicle parking lots.

d) Special Permit Review Criteria

6. Design Requirements

- a) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the *Site Plan Rules and Regulations*.
 - b) All sites shall include pedestrian linkage(s) to connect to abutting properties. The pedestrian connections shall be well defined and of a design and quality that will encourage significant use.
 - c) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of a site plan review.
 - d) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking, pathways and other pedestrian amenities shall be designed to maximum ease of pedestrian access.
- 7) Sustainability – New buildings constructed in the Commercial I district after the passage of this bylaw shall comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council, or other similar standards, to the maximum extent feasible as allowed by law.

And to amend the Parking Sub-Section of the zoning bylaw by adding to the chart

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

d) Review Criteria

The Planning and Economic Development Board may grant a special permit for uses requiring one or for flexible site design of by-right uses after considering the following factors:

- 1) Whether the proposed site design is more sustainable, economically viable and functional and represents the qualities of a traditional New England town center than a design that conforms to the by-right dimensional requirements of this Sub-section.
- b) Whether the site design provides mixed uses, a pedestrian-friendly environment and the design traditions of the community.
- c) Whether the site design reflects the goals and objectives of the Medway Master Plan and provides greater integration of land uses.
- d) Whether adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.
- e) Whether the uses and site design promote less sprawl and a more efficient form of development.
- f) Whether the uses and site design further the goals and policies of Medway's Master Plan;
- g) Whether the development facilitates the construction and maintenance of streets, sidewalks, utilities, and public services, in a more economical and efficient manner;
- h) Whether the design of buildings is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.
- i) Whether the site design will have a detrimental impact on abutting properties and/or residential neighborhoods.
- j) Whether the impact of the development on abutting properties and residential neighborhoods has been adequately mitigated.
- k) Whether the development protects and enhances community character