

September 2, 2014
Planning and Economic Development Board
76 Oakland 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:

Consultant, Gino Carlucci, PGC Associates
Consultant Sean Reardon, Tetra Tech
Susy Affleck-Childs, PED Coordinator

The Chairman opened the meeting at 7:00 pm.

ANR Plan 0 Kelly Street:

The following items were provided to the Board (**See Attached**)

- ANR application dated July 21, 2014
- Division of Land Plan dated July 25, 2014 by Andrew Surveying and Engineering
- Review letter dated August 4, 2014 from PGC Associates
- Review letter dated October 28, 2008 from PGC Associates
- Review letter dated October 21, 2006 from PGC Associates
- Memorandum dated April 18, 2014 from Susy Affleck-Childs
- Letter dated August 12, 2014 from Andrews Surveying and Engineering

Ms. Rosenberg was not in attendance but was represented by her Attorney, Barry L. Queen of the Law Offices of Michael M. Kaplan, and Byron Andrews from Andrews Engineering. The Engineer explained that they are creating one buildable lot (1.8 acres) at the east end of the existing parcel and one non-buildable lot (3.94 acres) on the west side. The non-buildable lot would not be usable/buildable without further action by the PEDB. It was discussed about donating that land to the town. Access to the lots would be from the Kelley Street – Vine Lane right-of-way. The buildable lot would be from the Kelley turnaround. The frontage of 150 ft. would be provided by the Kelley Street extension bulb end.

Consultant Carlucci explained his concerns about Kelly Street. There is a restriction about the number of lots that can be accessed from Kelly Street and the “private” nature of the street. The frontage may not be legitimate.

Mr. Queen challenged this opinion and communicated that due to designation/definition of Kelly Street as a public way, there is access and frontage. There were no restrictions on another

developer. The development is pre-existing. A review of the plan noted the 150 ft. of frontage on Kelly Street “frontage”. The Vine Lane right-of-way and proximity to Kelley Street/Villa Drive lots was provided.

Consultant Carlucci agreed that the conditions may only be applicable to the other development; much depends on the street acceptance for Kelley Street. His opinion has been consistent over the last two proposals for dividing the land and that the Kelley Street “issue” has not been properly addressed.

All were in agreement that a legal opinion of “right” be written up by Mr. Queen. This opinion would be to provide right of access, establish legal frontage and include an opinion on the previously discussed restrictions. It was recommended to provide a month to do this research.

There was a question about the easement and the legal ownership of the property. The applicant will research who owns this area.

The paved cul-de-sac is 85 ft. The right of way is 65 ft. The paved area is on abutting property. The total diameter might be conforming to the standards at the time.

The abutting subdivision was shown on the plan. The 22 lots were noted in green. Their property was noted in yellow. The concern is that this will add to traffic on Crestwood and Gable Way.

Dean Street is being used to get into the subdivision.

There is mitigation for 4.9 acres of open space. The wetlands are not going to be disturbed.

The applicant requested an extension until the middle of October.

Deadline Extension for Action:

On a motion made by Bob Tucker and seconded by Karyl Spiller Walsh, the Board voted unanimously to approve the applicant’s request to extend the action deadline until October 23, 2014.

25 Milford Street - ANR application:

The Board reviewed the application and proposed ANR plan. Consultant Carlucci had reviewed the plan. (See Attached.)

- ANR application dated August 20, 2014 with attachments
- Review letter dated August 26, 2014 from PGC Associates
- Plan of Land dated August 19, 2014 by Colonial Engineering

The applicant made further revisions which were shown on the ANR application for 25 Milford Street.

Consultant Carlucci reviewed the revisions and recommended endorsement.

On a motion made by Bob Tucker and seconded by Karyl Spiller Walsh, the Board voted unanimously to endorse the ANR application as presented.

Consultant Report:

Tetra Tech - The Cumberland Farms project is moving forward.

The concrete curb at Fox Run Farm was inspected and it looks good.

Norwood Acres:

The applicant Wayne Marshall was present.

The Board is in receipt of the paper work relating to Norwood Acres for a bond and lot releases.

Mr. Marshall communicated to the Board that he went to western MA to a company called New England Plants Inc. This company provides a mix of native seeds native to the area and is designed for stormwater basins. This information was provided to the Conservation Agent who indicated she was fine with this and she indicated that Mr. Marshall can proceed with the plan. This is a change to the original plan. This is a custom blend and is well known by landscape architects and used on large projects for retention areas.

The Board was made aware that there was an inspection conducted. The punch list and bond estimate were provided in the amount of \$43,333.00. (See Attached) The applicant is questioning the amount of \$4,800 for the as-built plans. Mr. Marshall reported that Paul Atwood from Guerriere and Halnon provided a lower estimate of \$2,200.

Member Tucker responded that the estimate was done by prevailing wages which tends to be higher. The 25% contingency is the requirement per the regulations of the town.

On a motion made by Bob Tucker and seconded by Matthew Hayes, the Board voted unanimously to accept the bond estimate with the lower cost for the as-built plans in the amount of \$40,082.50

Bond Agreement:

On a motion made by Bob Tucker and seconded by Karyl Spiller Walsh, the Board voted unanimously to enter into a bond agreement for deposit of money with Mr. Marshall. (See Attached.)

On a motion made by Bob Tucker and seconded by Karyl Spiller Walsh, the Board voted unanimously to release lots one and two from the original subdivision covenant. (See Attached.)

Minutes:

August 12, 2014:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from August 12, 2014 with revision.

August 19, 2014:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from August 19, 2014.

Reports

Redevelopment Authority Meeting:

The Redevelopment Authority had a productive meeting. Member Himmel will be heading up a steering committee to work with the vendor that the redevelopment committee hires to produce the urban renewal plan. DPS Director, Tom Holder gave an update on the unaccountable water, permits and water capacity for future development.

Energy Committee:

There will be an Energy Committee meeting on September 20, 2014. The new energy person will be at meeting

Report from Susy Affleck-Childs

The Board was informed that there is a developer who is interested in building an assisted living facility in Medway. There is an affordable component under the ARCPUD section of the zoning bylaw. Consultant Carlucci is looking into how to address the affordable housing component of assisted facility.

Route 109 Committee:

The Route 109 Committee will be meeting September 3, 2014. Traffic will be the agenda item.

Complete Streets Initiative:

There is information in the packet about complete street initiatives. There is funding made available to become certified. The Town Administrator is very interested in this initiative.

Tri Valley Commons Site Plan – Public Hearing Continuation

The Board is in receipt of the renderings. (**See Attached**) This distribution has only been in the DRC's hands for four hours. A DRC letter is in the packet but is based on information from the August 18, 2014 DRC meeting. (**See Attached.**)

Members were also in receipt of an email dated August 29, 2014 from DPS Director Tom Holder. (**See Attached.**)

Members of the Design Review Committee was also present at the meeting (Matt Buckley, Julie Fallon and Rachel Walsh) along with Design Review Consultant Mr. Nicodemis. The Design Review Committee explained that the letter provided to the PEBD does not include input regarding the renderings which were just provided. It was noted that the side view of the building

elevations on the southern end on Rt.109 are not the same as the northern end on the side below it. The lighting and landscaping are absent.

Mr. Landry disagreed and responded that he had previously submitted a landscape plan. There were comments that were included in the revised plan which was the plan that went to the Zoning Board of Appeals.

Susy responded that there was a conceptual plan provided, but not a dated plan.

Mr. Landry answered that this was not required for site plan.

There is a discrepancy in the renderings of Building A and Building B. There was not a visual presentation at the Zoning Board of Appeals meeting.

The Chairman recommended that whatever is lacking in information, a list be kept so that the Board can seek clarification and provide the Design Review Committee with new copies.

The Chairman disclosed a conversation which took place with the applicant about site costs and how it was impacting his ability to move forward. During this conversation about site cost, an issue of the Chairman's brother, who is a site contractor, came up. The Chairman has no connection with his brother's company. The Chairman spoke with town counsel it was recommended that he disclose this conversation.

Engineer Poxon began his presentation by explaining that the plans have been revised to isolate the site from the remaining land. The truck traffic deliveries were explained. The site will be serviced with sewer, water and gas. The pedestrian walkways have been modified since the last meeting. Goodyear Tire wanted to see an angle added to the parking spaces. This was revised.

It was suggested that the difference in elevations between Papa Gino's and the entrance road way be checked.

The grading change is not shown on the plans.

Bob Poxon responded that the grade slope will be maintained. They did look at making that area narrower and shortening the spaces. There will be fill and landscaping at the road level and not below the road. The retaining wall detail is stone and is on the landscape plan. There will also be a concrete sidewalk and stripping.

Consultant Reardon noted that there is nothing between the grading with front slope to the back sidewalk.

Consultant asked if they could they could add one more striping to go diagonal to Building B.

The applicant has no problem doing that.

There was a question about what color the pedestrian access will be.

The applicant responded that it will be white.

Mr. Poxon continued by explaining that Building F has been eliminated and a snow storage area was added, along with a stage area during construction. The applicant will be meeting with the Conservation Commission for the Notice of Intent on September 11, 2014. There will be a bike rack to service four bikes. Fencing around the dumpsters was added.

There was a new landscape plan submitted today by the applicant and the revisions were included.

The DRC will need to look at the revisions and contrast it against the previous submittal. The DRC usually has a two week turnaround on these submittals.

Bob Poxon responds that there has always been a landscape plan as part of the package in the initial submission.

Mr. Landry further explained that there were changes one of those being the request to get rid of Building F. The DRC also discussed adding the inclusion of mature trees. There were 6-8 mature trees added which will be 18 ft. American arborvitaes. Once the building goes up, the DRC can look at the site and can tell us where to put more trees if needed.

The DRC wants to see how this will buffer on the plan. 6 to 8 trees might not accomplish what is needed for a buffer.

The Chairman explained that this discussion needs to be at the DRC mtg.

Member Spiller-Walsh does not want immature trees being placed anywhere. This looks like the older plan with the three initial trees.

Mr. Landry responded that this is the old plan with the additional plantings.

Consultant Reardon stated that things are getting disjointed and it is creating inconsistencies. The Board needs plans to be dated.

Mr. Landry responded that he hears the frustration, but this is a by-product of the speed at which things need to get done.

The Chairman responded that the Board is willing to move this along, but you had your representative at the DRC meeting who did not communicate what the DRC needed. It was communicated that the representative for Mr. Landry at the 8-18-14 DRC meeting did not take any notes about the suggestions.

Mr. Landry responded that he has put in the effort and has taken the suggestions for the building elements. These were incorporated; he cannot change the floor plan.

DRC Chairman Buckley responded that there has been progress and evidence of some of the recommendations, but the timeliness of the material which was presented tonight needs to be reviewed.

Mr. Landry stated that in his mind, the plan is essentially complete with the renderings which were presented tonight.

DRC Chairman Buckley responded that this information was requested in March 2014. It would have been nice to see it in March.

Mr. Landry responded that the price for the initial renderings was expensive and he got a better price. The dollars spent so far, makes this budget so tight that he cannot go any further than this. He believes the designs of the buildings are complete. He took into consideration the comments from DRC. The McDonalds' Design that he did looks good and he has received no complaints.

Consultant Reardon stated that the documentation has to catch up with all the changes and revisions.

Mr. Landry communicated that if the DRC needed 3-D renderings, and then put it in the regulations. The assumption was that we did not need this.

The Chairman responded that the Zoning Board of Appeals has requested 3-D renderings.

Mr. Landry responded that the designs have not changed in the renderings. They have been what they were from the beginning; these were all the plantings with the exceptions of the two arborvitaes which were done for screening. The trees in the renderings are placed as specified,

All were in agreement that it would be beneficial to have another meeting with the Design Review Committee.

Member Gay commented that the letter submitted from DRC does not correspond with the plans submitted today. The documentation needs to be caught up with changes. He agrees with the Consultant.

Mr. Landry disagrees 100%. The DRC reviewed this at the last meeting. The building designs have not changed with the exception of building A. At the August 18th meeting, the changes were presented to the DRC, everything before that is what they reviewed.

The plans dated August 29, 2014 are the same.

Mr. Landry agreed to go to the DRC on Monday September 8, 2014.

A resident communicated that we need to live here and look at this forever.

Mr. Landry responded, can anyone look at this plan and say that this will not be the best looking retail area.

The concern of the Chairman is that the Design Review Committee will not have enough time to review this by Monday if they get the information Friday.

It was recommended that a complete set of drawings be put together for a final set including dates.

The Board would like an updated list of bulleted items.

Member Tucker communicated that the biggest problem with projects is drawing control. These need to be dated and maintained. We need the latest date on every sheet and this will maintain control.

Mr. Landry indicated that the problem is he is trying to make all the changes between all the meetings.

DRC Chairman Buckley wanted the applicant to provide a bulleted list of materials and samples.

The next Tri Valley Commons public hearing will be held on September 10, 2014 when traffic will be discussed. There is a review letter from GPI. The Board would like a letter from the Rt. 109 Committee.

The next Zoning Board of Appeals meeting is on Thursday night September 4, 2014.

Continuation:

On a motion made by Bob Tucker and seconded by Matthew Hayes, the Board voted unanimously to continue the hearing to September 10, 2014 at 7:30 pm. at the Senior Center.

Adjourn:

On a motion made by Karyl Spiller-Walsh, and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:47 pm.

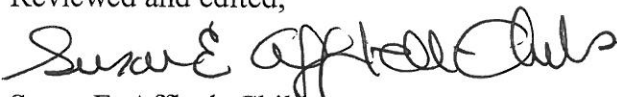
Respectfully Submitted,



Amy Sutherland
Recording Secretary

(Prepared based on an audio recording of the meeting)

Reviewed and edited,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

LAND SUBDIVISION - FORM A

RECEIVED

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR)

JUL 25 2014

Planning & Economic Development Board - Town of Medway TOWN CLERK

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.

Your absence may result in a delay in its review.

RECEIVED JUL 25 2014 PLANNING

JULY 21, 2014

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

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: DIVISION OF LAND OF O KELLEY STREET
Prepared by: BYRON ANDREWS, PLS - ANDREWS SURVEY & ENGINEERING, INC.
P.E. or P.L.S registration #: 47389 Plan Date: JUNE 20, 2014

PROPERTY INFORMATION

ANR Location Address: O KELLEY STREET
The land shown on the plan is shown on Medway Assessor's Map # 49 Parcel # 32
Total Acreage of Land to be Divided: 5.78 Ac.
Subdivision Name (if applicable): N/A
Medway Zoning District Classification: AGRICULTURAL - RESIDENTIAL II
Frontage Requirement: 150 FT. Area Requirement: 22,500 S.F.

Is the road on which this property has its frontage a designated Medway Scenic Road? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: IRVING & GLADYS FINKELSTEIN to CHERYL ROSENBERG dated MAY 5, 1988 and recorded in Norfolk County Registry of Deeds, Book 7956 Page 214 or Land Court Certificate of Title Number —, Land Court Case Number —, registered in the Norfolk County Land Registry District Volume —, Page —.

APPLICANT INFORMATION

Applicant's Name: CHERYL ROSENBERG
Applicant's Signature: Cheryl Rosenberg
Applicant's Address: 24 FAIRVIEW CT.
GRAND ISLAND, NY 14072
Applicant's Telephone: 774-248-0058
Applicant's Email: (NONE)

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: CHERYL ROSENBERG
Address: 24 FAIRVIEW CT.
GRAND ISLAND, NY 14072

The Owner hereby appoints ANDREWS SURVEY + ENGINEERING to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: JULY 21, 2014 Cheryl Rosenberg
Owner's Signature
Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: (Check all that apply.)

1. The accompanying plan does not show a division of land.
2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on KELLEY STREET (name of way(s), which is:
 - a. A public way. Date of street acceptance: FEB. 13, 1941
 - b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)

_____ c. A way shown on a definitive subdivision plan entitled _____
 that was previously endorsed by the Planning & Economic
 Development Board on _____
 and recorded at the Norfolk County Registry of Deeds on _____.
 Provide detailed recording information.

_____ d. A private way in existence on the ground before 1952 when the
 Subdivision Control Law was adopted in the Town of Medway,
 which has, in the opinion of the Planning & Economic
 Development Board, adequate width, suitable grades, and
 adequate construction to provide vehicular access to the lot(s) for
 their intended purpose of _____
 and to permit the installation of municipal services to serve the
 lot(s) and any buildings thereon.

_____ 3. The division of land shown on the accompanying plan is not a "subdivision" for
 the following reasons: _____

ANR PLAN FILING FEE

*\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
 not to exceed a maximum of \$750.*

*Please prepare two checks: one for \$80 and one for the balance.
 Each check should be made payable to: Town of Medway*

Fee approved 11-2-06

APPLICATION CHECKLIST -- All items must be submitted

✓	2 signed original ANR applications (FORM A)
✓	8 prints of ANR plan
✓	Project Explanation
✓	Application/Filing Fee \$450 -

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
 Development Board: 7-25-2014

ANR Application/Filing Fee Paid: Amount: \$450 Check # ~~306~~ 306

Cheryl Rosenberg

PROJECT EXPLANATION

*Division of Land
of 0 Kelley Street
in Medway, MA
Owned By Cheryl Rosenberg*

The purpose of this ANR plan is to create Lot 1, having 80,326 s.f. of area and 269.83' of frontage on Kelley Street and Vine Lane in Medway, Massachusetts. After creating Lot 1, there will be 171,721 s.f. of area designated as Remaining Land.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: August 4, 2014

RE: Rosenberg property on Kelley-Vine Streets

I have reviewed the ANR plan submitted for endorsement by Cheryl Rosenberg of Grand Island, NY. The plan was prepared by Andrews Engineering and Surveying, Inc., of Uxbridge, and is dated June 20, 2014. The plan proposes to divide a parcel totaling 252,047 square feet into a lot of 80,326 square feet and a parcel of "Remaining Land" of 171,721 square feet. The property is within the AR-II district.

This property has twice before been submitted for endorsement as an ANR plan. In 2006, it was proposed to be divided into three lots and in 2008 it was proposed to be divided into 2 lots. Both times I advised the Board that I did not believe the plan qualified for ANR endorsement and both times the Board did not endorse (See attached memos from 2006 and 2008). In this submittal I see no additional information submitted that would counter the facts presented in those two earlier submittals.

I summarize the reasons I continue to recommend denial of endorsement below and also note a technical deficiency in the plan.

1. The status of Kelley Street is very much in doubt. While a portion of Kelley Street was accepted at Town Meeting in 1941, there is no evidence that the portion of Kelley Street in front of the proposed lot was part of that acceptance. The applicant's own plan labels this segment of road as a private way.
2. A subdivision called Camelot III was approved in 1996. It specifically limited the number of lots in the subdivision "to 22 lots "until the egress road to Elm Street or an alternative egress out of the land shown on the amended plans is ever constructed by the applicant or others." Clearly, the intent of the Planning Board at the time of the Camelot III approval was that no additional lots be allowed without additional access."
3. Section 3.2.11 requires a statement of whether a property is classified as Chapter 61A or 61B be provided. This was not done.

I recommend that the applicant either provide additional documentation as to why the plan warrants endorsement as an ANR plan or withdraw it and resubmit it as a definitive subdivision plan. Due to the 21-day period by which the Board must either endorse or deny, I recommend that the plan be denied if it is not withdrawn.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: October 28, 2008

RE: Rosenberg proposed ANR off Kelley/Vine Streets

I have reviewed a revised proposed ANR plan for a parcel owned by Cheryl Rosenberg on Kelley and Vine Streets. A previous plan had been submitted for this parcel in 2006 to divide a 5.78-acre parcel into three lots. The new plan (dated August 11, 2008 and prepared by O'Driscoll Land Surveying Company) proposes two lots. The plan indicates that the parcel has frontage on Kelley Street and Vine Lane. In a memo of August 21, 2006, I recommended that the Planning Board not endorse the plan and I have attached a copy of that memo. That 2006 plan was then withdrawn.

Little has changed since my 2006 memo. The new application checks off 2 reasons why the plan qualifies for endorsement as an ANR plan. First, it states that Kelley Street was accepted as a public way on February 13, 1941. A portion of Kelley Street may have been accepted on that date, but there is no evidence that the relevant portion (that which would serve as frontage for the proposed lots) was ever accepted. In fact, the applicant's own plans indicate that it is a private way.

The second reason suggests that Kelley Street is a way shown on a definitive subdivision plan known as Camelot III. However, to qualify for ANR endorsement under this provision, the way needs to be constructed on the ground or have in place a performance guarantee that ensures that it will be constructed. The way is neither constructed nor is there a performance guarantee in place. The applicant's attorney appears to argue that this segment of roadway is "constructed" by virtue of a sidewalk that has been built from the end of the constructed portion of Kelley Street to Villa Drive. Clearly, this does not meet the requirement of being constructed since it does not provide access for vehicles.

Furthermore, the Camelot III subdivision plan referenced in the application and in the attorneys argument does not even provide a proposed layout for the relevant section of Kelley Street. While it indicates a right-of-way line on the south side, the right of way on the north side extends only about 130 feet in front of the subject parcel (150 feet of frontage is required in the AR-II district) and appears to end, except that a temporary cul-de-sac easement extends from this point in a circle to join the southern right-of-way line. A conflicting right-of-way line from an unrecorded plan is also shown on the ANR plan. Thus, it is not even clear from the plan where the frontage for Lot 1 would be. Therefore, the Camelot III subdivision plan of 1996 did not even provide a "way shown on a subdivision plan."

Finally, the Camelot III decision clearly states that the subdivision approval is limited to 22 lots "until the egress road to Elm Street or an alternative egress out of the land shown on the amended

plans is ever constructed by the applicant or others.” Clearly, the intent of the Planning Board at the time of the Camelot III approval was that no additional lots be allowed without additional access.

Therefore, I repeat my previous recommendation that the ANR plan be denied and that a subdivision plan be submitted in order to create the proposed lots.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
508.533.0617 (Fax)
pgca@comcast.net

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: August 21, 2006

RE: Rosenberg proposed ANR off Kelley/Vine Streets

I have reviewed a proposed ANR plan for a parcel owned by Cheryl Rosenberg on Kelley and Vine Streets. The plan proposes to divide a 5.78-acre parcel into three lots. The plan indicates that the parcel has frontage on Kelley Street and Vine Lane. In both cases, the plan indicates that these are private ways.

Copies of portions of plans were also submitted as well as a Town Meeting vote indicating acceptance of Kelley Street as a public way. In my opinion, the submissions are not sufficient to document that the segment of Kelley Street in question is a public way. In fact, the most recent plan provided that appears to depict the segment of Kelley/Vine Street in question, is from 1972 and "Vine Lane" is clearly labeled as a private way. It may be a statutory private way that might have been laid out by the Town, but lots with frontage on such statutory private ways do not qualify for ANR endorsement.

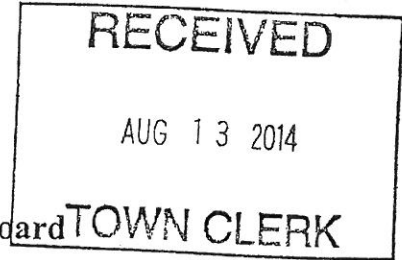
Moreover, whether or not it is a public way is essentially moot, because that portion of Kelley Street and Vine Lane are not constructed except for a sidewalk that runs from the end of Villa Drive to Kelley Street. As noted in "Streets and Ways" by F. Sidney Smithers, in *Perry v. Planning Board of Nantucket*, the Appeals Court ruled that "we conclude that whatever status might be acquired by ways as 'public ways' for the purposes of other statutes by virtue of their having been 'laid out' . . . such ways will not satisfy the requirements of the 'public way' exemption in Section 81L . . . unless they in fact exist on the ground in a form which satisfies the previously quoted goals of Section 81M."

The application indicates that the reason ANR endorsement is warranted is that the lots have frontage on a way shown on a definitive subdivision plan. In a conversation with Paul Yorkis, representing the applicant, he indicated that three lots from the Camelot III subdivision obtain their frontage from Kelley Street. The three lots all have access from the end of the Kelley Street cul-de-sac (1) and from Villa Drive (2). They cannot use Kelley Street for access because it is not constructed. The fact that a previous Board may have mistakenly approved frontage on a street that is not constructed that may or may not be a public way in no way binds the current Board to do so.

I recommend that the Board decline endorsement of the ANR plan and that the plan be resubmitted as a definitive subdivision plan.



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
Richard Di Iulio, Associate Member

Memorandum

April 18, 2014

TO: Maryjane White, Town Clerk
FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator
RE: **ANR (Subdivision Approval Not Required) Plan** – 0 Kelley ST



At its August 12, 2014 meeting, the Planning and Economic Development Board approved the request of Stephen O'Connell of Andrews Survey and Engineering, Inc. on behalf of applicant and property owner Cheryl Rosenberg, to extend the deadline for the Planning and Economic Development Board to act on the application and Subdivision Approval Not Required (ANR) Plan for 0 Kelley Street to September 5, 2014.

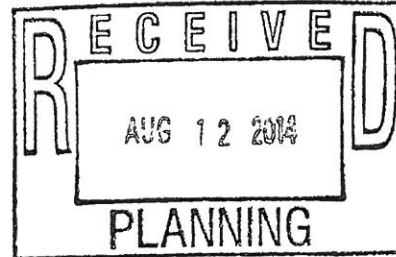
The ANR application and plan were filed with the PEDB and the Town Clerk on July 25, 2014.

Copies to: Cheryl Rosenberg
Stephen O'Connell, Andrews Survey and Engineering
Corey Finkelstein
Barry Queen, Esquire

Andrews Survey & Engineering, Inc.
Land Surveying • Civil Engineering • Site Planning

August 12, 2014

Medway Planning Board
155 Village Street
Medway, MA 02053



*Re: Grant of Extension to file ANR decision
Cheryl Rosenberg – Kelley Street, Medway
ASE Project #2012-289*

Dear Board Members:

On behalf of the owner and applicant, Cheryl Rosenberg, please accept this letter as a formal grant of extension to September 5, 2014 in which the Planning Board shall file a decision for the Approval Not Required (ANR) application submitted for the above referenced property on Kelley Street.

We hope this serves your needs at this time. Should you have any questions or require additional information, please contact this office.

Very truly yours,
ANDREWS SURVEY & ENGINEERING, INC.

A handwritten signature in cursive script that reads "Stephen J. O'Connell".

Stephen J. O'Connell
Partner / Senior Project Manager

C: Cheryl Rosenberg
Corey Finkelstein
Barry Queen, Esquire

F:\Acad\2012 Projects\2012-289\docs\Grant of ANR extension 8-12-14.doc

104 Mendon Street, P.O. Box 312
Uxbridge, MA 01569
Phone (508) 278-3897
Fax (508) 278-2289

www.andrews-engineering.com

500 East Washington Street
North Attleboro, MA 02760
Phone (508) 316-0452
Fax (508) 316-0963

LAND SUBDIVISION – FORM A

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR)

Planning & Economic Development Board - Town of Medway, MA

AUG 20 2014

PLANNING

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board

You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.

Your absence may result in a delay in its review.

Aug 20, 2014

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

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: Plan of Land in Medway, MA.

Prepared by: Paul J. DeSimone

P.E. or P.L.S registration #: 30466 Plan Date: Aug 19 2014

PROPERTY INFORMATION

ANR Location Address: 25 Millford Street Medway MA 02053

The land shown on the plan is shown on Medway Assessor's Map # 57 Parcel # 10, 11, 12 & 13

Total Acreage of Land to be Divided: 3.34 AC

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR II

Frontage Requirement: 150.00 Area Requirement: 22,500 S.F.

RECEIVED AUG 20 2014 TOWN CLERK

Is the road on which this property has its frontage a designated Medway Scenic Road? No

The owner's title to the land that is the subject matter of this application is derived under deed from: Henri Bonneau & Darline Rosin to Wallace Dabney RLO, LLC dated December 3, 2009 and recorded in Norfolk County Registry of Deeds, Book 27471 Page 118 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: George S. Dabney
Applicant's Signature: GSZ
Applicant's Address: 132 Lincoln St
Boston, MA 02111
Applicant's Telephone: 617-803-6699
Applicant's Email: gsdabney@yahoo.com

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: _____
Address: _____

The Owner hereby appoints _____ to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: _____

Owner's Signature

Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: (Check all that apply.)

- 1. The accompanying plan does not show a division of land.
- 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ (name of way(s), which is:
 - a. A public way. Date of street acceptance: _____
 - b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)

_____ c. A way shown on a definitive subdivision plan entitled _____
that was previously endorsed by the Planning & Economic
Development Board on _____
and recorded at the Norfolk County Registry of Deeds on
_____. Provide detailed recording information.

_____ d. A private way in existence on the ground before 1952 when the
Subdivision Control Law was adopted in the Town of Medway,
which has, in the opinion of the Planning & Economic
Development Board, adequate width, suitable grades, and
adequate construction to provide vehicular access to the lot(s) for
their intended purpose of _____
and to permit the installation of municipal services to serve the
lot(s) and any buildings thereon.

_____ 3. The division of land shown on the accompanying plan is not a "subdivision" for
the following reasons: _____

_____ NO New WAYS OR STREETS _____

ANR PLAN FILING FEE

\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.

Please prepare two checks: one for \$80 and one for the balance.
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

_____ 2 signed original ANR applications (FORM A)

_____ 8 prints of ANR plan

_____ Project Explanation

_____ Application/Filing Fee

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: 8-26-14

ANR Application/Filing Fee Paid: Amount: \$250 Check # 128 \$95
129 \$145

Bk 27471 Pg 118 #16147
02-19-2010 @ 10:23a

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

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

MASSACHUSETTS STATE EXCISE TAX
Norfolk Registry of Deeds
Date: 02-19-2010 @ 10:23am
Ct1#: 458 Doc#: 16147
Fee: \$934.80 Cons: \$205,000.00

MASSACHUSETTS FORECLOSURE DEED BY CORPORATION

HSBC Bank USA, as Trustee for MANA 2007-A3

a bank duly established under the laws of the United States of America and having its usual place of business at 3476 Stateview Blvd, Ft. Mill, SC 29715

the current holder by assignment of a mortgage

from Henrio Bonneau and Darline Rosin

to Mortgage Electronic Registration Systems, Inc.

dated December 26, 2006 and recorded with the Norfolk County Registry of Deeds at Book 24415, Page 5

, by the power conferred by said mortgage and

every other power for TWO HUNDRED FIVE THOUSAND AND 00/100 (\$205,000.00) DOLLARS

paid, grants to WALLACE DABNEY REO, LLC,*a Massachusetts limited liability company, 132 Lincoln Street, Suite 6L, Boston, MA 02111, the premises conveyed by said mortgage.

*now known as WD Jaguar, LLC

WITNESS the execution and the corporate seal of said corporation this 3rd day of December, 2009.

Property Address: 25 Milford Street, Medway, MA 02053

HSBC Bank USA, as Trustee for MANA 2007-A3, by
Wells Fargo Bank, N.A. as Attorney in Fact*

By: *[Signature]*
China Brown, V.P. Loan Documentation / *Attorney in Fact**

*For signatory authority, see Limited Power of Attorney recorded with the Norfolk County Registry of Deeds at Book 23991, Page 519.

State of South Carolina

York, ss.

December 3, 2009

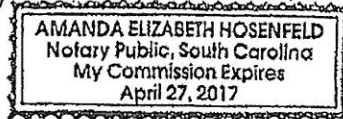
On this 3 day of December, 2009, before me, the undersigned notary public, personally appeared China Brown, proved to me through satisfactory evidence of identification, which were Personal Knowledge (form of identification), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Capacity: (as Attorney in Fact*)

for HSBC Bank USA, as Trustee for MANA 2007-A3

[Signature]
Notary Signature

(Affix Seal)



My commission expires: _____

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

AFFIDAVIT

I, Xee Moua *V. of Loan Documentation* of Wells Fargo Bank, N.A. as Attorney in Fact* for HSBC Bank USA, as Trustee for MANA 2007-A3 make oath and say that the principal and interest obligation mentioned in the mortgage above referred to were not paid or tendered or performed when due or prior to the sale, and that HSBC Bank USA, as Trustee for MANA 2007-A3 caused to be published on November 2, 2009, November 9, 2009 and November 16, 2009 in the Milford Daily News, a newspaper having a general circulation in Medway, a notice of which the following is a true copy. (See attached Exhibit A)

I also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, by mailing the required notices certified mail, return receipt requested.

Pursuant to said notice at the time and place therein appointed HSBC Bank USA, as Trustee for MANA 2007-A3 sold the mortgaged premises at public auction by W.Todd Finn, a duly licensed auctioneer, to George S. Dabney for TWO HUNDRED FIVE THOUSAND AND 00/100 (\$205,000.00) DOLLARS bid by George S. Dabney, being the highest bid made therefor at said auction. Said bid was then assigned by George S. Dabney to WALLACE DABNEY REO, LLC,*a Massachusetts limited liability company, as evidenced by assignment of bid to be recorded herewith as Exhibit 'B'.

*now known as WD Jaguar, LLC

HSBC Bank USA, as Trustee for MANA
2007-A3 by Wells Fargo Bank, N.A. as
Attorney in Fact*

By: [Signature]
Xee Moua
Vice President Loan Documentation / *Attorney in Fact**

*For signatory authority, see Limited Power of Attorney recorded with the Norfolk County Registry of Deeds at Book 23991, Page 519.

State of South Carolina

York, ss.

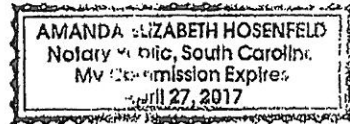
December 8, 2009

On this 8 day of December 2009, before me, the undersigned notary public, personally appeared Xee Moua, proved to me through satisfactory evidence of identification, which were personal knowledge (form of identification), to be the person whose name is signed on the preceding or attached document, who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Capacity: (as Attorney in Fact*)

for HSBC Bank USA, as Trustee for MANA 2007-A3

[Signature] (Affix Seal)
Notary Signature



My commission expires: _____

EXHIBIT A

Legal Notices

25 MILFORD ST.

LEGAL NOTICE

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Henrio Bonneau and Darline Rosin to Mortgage Electronic Registration Systems, Inc., dated December 26, 2006 and recorded with the Norfolk County Registry of Deeds at Book 24415, Page 5, of which mortgage HSBC Bank USA, as Trustee for MANA 2007-A3 is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 a.m. on November 24, 2009, on the mortgaged premises located at 25 Milford Street, Medway, Norfolk County, Massachusetts, all and singular the premises described in said mortgage,

TO WIT:

The land with the buildings and improvements constructed thereon shown as Lot 1 (the "Lot") on a plan entitled "Rolling Hills - A Definitive Subdivision," prepared by Colonial Engineering, Inc. of Medway, MA, dated: November 4, 2005, revised May 12, 2006, September 12, 2006 and November 11, 2006 and recorded at the Norfolk Registry of Deeds on December 5, 2006 in Book 0563, Page 5 (the "Property") and to which plan reference may be made for a more particular description of said Lot.

Lot 1 hereby conveyed contains 22,501.00 square feet of land, more or less, according to said Plan.

The Property is known as and numbered 25 Milford Street, Medway, Massachusetts 02053.

The fee interest in the permanent private roadway shown as Harmony Lane on said Plan and all easements shown on said Plan are hereby expressly reserved by the Grantor. Said Harmony Lane is a permanent private way not ever to be owned by the Town of Medway.

The premises hereby conveyed are subject to and with the benefit of the right and non-exclusive easement, in common with others entitled thereto, in, to, upon and over the perpetual private roadway shown on the Plan as Harmony Lane to be constructed by the Grantor, to use the same for all purposes for which private ways are now or hereafter may be commonly used in the Town of Medway, subject always to the rights reserved to the Grantor in the documents referenced hereinafter.

The premises are conveyed subject to and with the benefit of a Covenant by and between the Town of Medway Planning Board and Guerrero & Associates, Inc. and recorded with the Norfolk County Registry of Deeds on December 5, 2006 in Book 24334, Page 412.

The premises are conveyed subject to and with the benefit of a Certificate of Action Definitive Subdivision Plan dated October 10, 2006, recorded with the Norfolk County Registry of Deeds on , 2006 in Book , Page .

The premises are conveyed subject to and with the benefit of a Declaration of Protective Covenants, Easements & Restrictions and Private Roadway Maintenance Agreement Governing the Rolling Hills subdivision recorded with the Norfolk County Registry of Deeds on December 27, 2006 in Book 24401, Page 509. Specific reference is hereby made to the Selective Cutting Zones applicable to lots 2 and 3 as specified therein.

The premises are conveyed subject to and with the benefit of the Rolling Hills Homeowners Association Trust recorded with the Norfolk County Registry of Deeds on December 27, 2006 in Book 24401, Page 520.

The premises are conveyed subject to and with the benefit of an Order of Conditions, DEP File Number 216-722, Issued by the Town of Medway Conservation Commission, recorded with the Norfolk County Registry of Deeds on June 29, 2006 in Book 23829, Page 462 and an Order of Conditions, DEP File Number 216-727, issued by the Town of Medway Conservation Commission, recorded with the Norfolk County Registry of Deeds on October 18, 2006 in Book 24176, Page 130.

The premises are conveyed subject to all easements shown on the above-referenced Plan and all rights of way, restrictions, covenants of record as the same may be in full force and applicable to the Lot hereby conveyed.

For mortgagor's(s) title see deed recorded with Norfolk County Registry of Deeds in Book 24415, Page 1.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens, improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens or existing encumbrances of record which are in force and are applicable, having priority over said mortgage, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

TERMS OF SALE:

A deposit of Five Thousand (\$5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California Street, Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the sale.

HSBC Bank USA, as Trustee for MANA 2007-A3
Present holder of said mortgage

By Its Attorneys,
HARMON LAW OFFICES, P.C.
150 California Street
Newton, MA 02458
(617) 558-0500
200906-1180 - YEL

AD#12096830
MDN 11/2, 11/9, 11/16/09

EXHIBIT "B"
ASSIGNMENT OF BID

February 18 ²⁰¹⁰
~~2009~~

swfollk, ss.


For good and valuable consideration, I, George S. Dabney, hereby assign my bid and all of my right, title and interest in and to and under a Memorandum of Sale of Real Property by Auctioneer, dated November 24, 2009 in connection with premises situated at 25 Milford Street, Medway, MA 02053 which is the subject of a mortgage given by Henrio Bonneau and Darline Rosin to Mortgage Electronic Registration Systems, Inc. dated December 26, 2006 and recorded with Norfolk County Registry of Deeds in Book 24415, Page 5 to:

WALLACE DABNEY REO, LLC,* a Massachusetts limited liability company
132 Lincoln Street, Suite 6L, Boston, MA 02111

This Assignment is made without recourse, and subject to all terms and conditions contained in the said Memorandum of Sale, and Additional Terms, and Notices of Mortgagee's Sale of Real Estate.

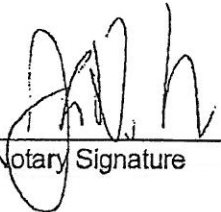
*now known as WD Jaguar, LLC

By:


George S. Dabney


Commonwealth of Massachusetts

5/24/14, SS. February 18, 2010
 On this 18th day of February 2010, before me, the undersigned notary public,
 personally appeared George S. Dabney, proved to me through satisfactory
 evidence of identification, which were MA Driver's license, to be the person whose
 name is signed on the preceding or attached document, and acknowledged to me that (he) ~~(she)~~
 signed it voluntarily for its stated purpose.


 _____ (Affix Seal)
 Notary Signature

My commission expires: 12/5/2014

200906-1160

 James H. Krumsiek
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires
 December 5, 2014



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

DATE: _____

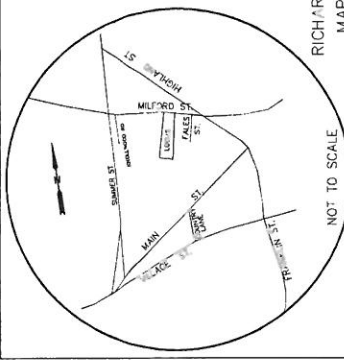
APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.

DATE ENDORSED: _____

TOWN OF MEDWAY PLANNING BOARD



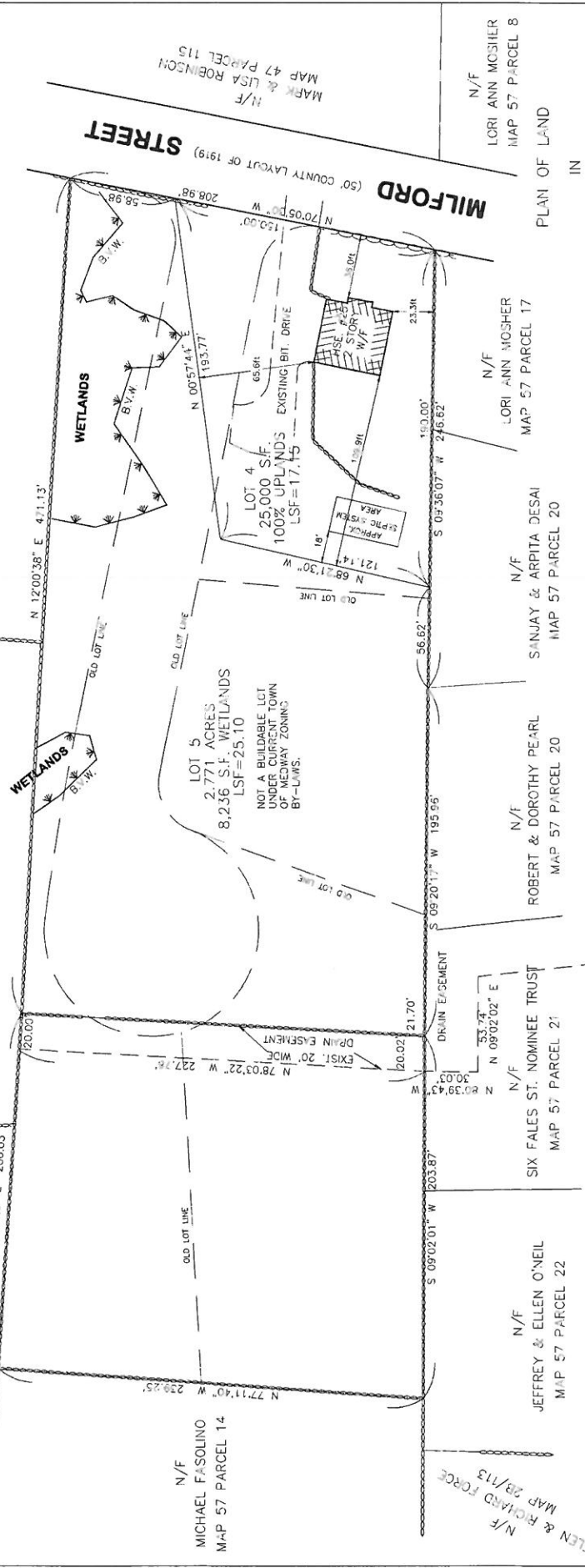
COUNTY LAYOUT 1919



NOT TO SCALE

N/F RICHARD & MARY BURKE
MAP 57 PARCEL 2
N 12°37'23" E 200.03'

N/F BERNARD J. GATUZZI
MAP 57 PARCEL 1
N 12°00'38" E 431.13'



MEDWAY, MA.

SCALE: 1" = 40' AUGUST 19, 2014

OWNER: WALLACE DARNEY REO, LLC
132 LINCOLN STREET
BOSTON, MA. 02111

COLONIAL ENGINEERING, INC.
11 AWL STREET MEDWAY, MA.
508-533-1644



"PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAWS."

ZONE AR 2

- 155' FRONTAGE
- 25'-50' FRONT SETBACK
- 15' SIDEYARD
- 15' REARYARD

NOTE: PROPERTY SHOWN ON THIS PLAN IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

BEING A SUBDIVISION OF FOLLING HILLS DATED MAY 12, 2006 AND RECORDED IN NORFOLK COUNTY PLAN BK. 563 PG. 6.

N/F HELEN & RICHARD FORCE
MAP 28/113

N/F JEFFREY & ELLEN O'NEIL
MAP 57 PARCEL 22

N/F SIX FALES ST. NOMINEE TRUST
MAP 57 PARCEL 21

N/F ROBERT & DOROTHY PEARL
MAP 57 PARCEL 20

N/F SANJAY & ARPITA DESAI
MAP 57 PARCEL 20

N/F LORI ANN MOSHER
MAP 57 PARCEL 17

N/F LORI ANN MOSHER
MAP 57 PARCEL 8

N/F MICHAEL FASOLINO
MAP 57 PARCEL 14

N/F MARK & LISA ROBINSON
MAP 47 PARCEL 115

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648

508.533.8106

gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: August 26, 2014

RE: Dabney ANR on Milford Street

I have reviewed the ANR plan submitted for endorsement by George Dabney of Boston. The plan was prepared by Colonial Engineering of Medway, and is dated August 19, 2014. The plan proposes to reconfigure 5 lots that had been approved subdivision known as Rolling Hills into a lot of 25,000 square feet with an existing house on it and a parcel of 2.771 acres. The lot with the existing house had previously been made nonconforming regarding frontage when it was foreclosed on and "sold" to the current owner prior to development of the subdivision road in spite of the requirements of the subdivision covenant. The applicant has submitted documentation indicating that the lot had been acquired through a foreclosure sale.

I have comments as follows:

1. Section 3.2.1 requires that the address and Assessors Map and Parcel numbers be shown on the plan. This was not done.
2. Section 3.2.12 requires that the statement "Planning Board endorsement does not constitute a determination of compliance with the Medway Zoning Bylaw" be "in a block." The statement is on the plan but it is not in a block.

The plan meets the substantive requirements for ANR endorsement. I recommend that the technical deficiencies be corrected and that the plan then be endorsed.



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

Fr: Steven Bouley, E.I.T. – Tetra Tech (TT)

Re: **Norwood Acres
Subdivision Review (Punchlist)
Medway, MA**

Dt: August 25, 2014

On August 25, 2014 at the request of the Town of Medway Planning and Economic Development Board (PEDB), Steven Bouley from Tetra Tech (TT) met with Wayne Marshall (applicant) and Jim Smith (Medway DPS) to perform a Punch List inspection of the Norwood Acres Subdivision.

The following is a list of items and issues that should be repaired or resolved:

Roadway/Right-of-Way

1. The gravel roadway requires the top course (4-inches) of reclaimed asphalt material. Refer to Photo #1.
2. Loam and seed is required in proposed areas within the Trail Drive right-of-way. Refer to Photo #2 - #6.
3. Repairs to the driveway apron are required to meet ADA/AAB requirements. The applicant shall construct the apron to meet the guidelines.

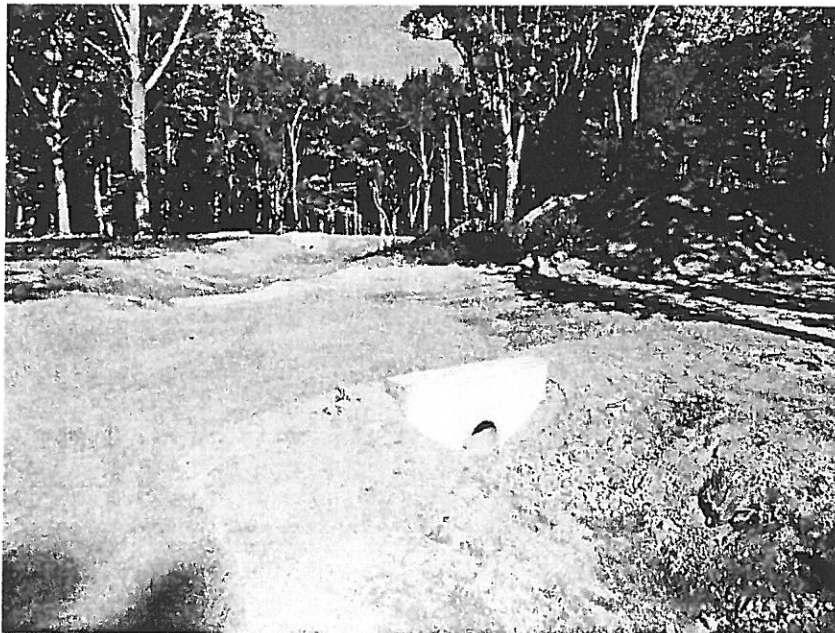
If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

P:\21583\143-21583-14004 (NORWOOD ACRES)\DOCS\MEMO-NORWOOD ACRES PUNCH LIST_2014-08-25.DOC

Photo # 1



Photo # 2





TETRA TECH

Photo # 3



Photo # 4





TETRA TECH

Photo # 5



Photo # 6





Bond Estimate
Norwood Acres
Definitive Subdivision
Medway, Massachusetts
August 25, 2014

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Reclaimed Asphalt Top Course	128	CY	\$18.00	\$2,304
Rehandled Topsoil	551	CY	\$25.00	\$13,775
Seeding	2,756	SY	\$1.65	\$4,547
Driveway Apron Repair	1	LS	\$3,000.00	\$3,000
2 year Snow Plowing	480	LF/YR	\$2.50	\$2,400
2 year Road Maintenance	480	LF/YR	\$2.00	\$1,920
2 year Drainage Maintenance	480	LF/YR	\$2.00	\$1,920
As-built Plans	480	LF	\$5.00	\$4,800

\$34,666

Subtotal	\$34,666
Contingency (25%)	\$8,667
Recommended Value	\$43,333

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 08/2013 - 08/2014.

**TOWN OF MEDWAY
PLANNING and ECONOMIC DEVELOPMENT BOARD**

AGREEMENT FOR DEPOSIT OF MONEY

This agreement is entered into this _____ day of September, 2014, between the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Andrew J. Marshall and Matthew W. Marshall ("Applicant"), to secure the construction of ways and installation of municipal services in the subdivision of land shown on an approved subdivision plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on October 23, 2012, after a duly noticed public hearing, the Board approved a definitive subdivision plan showing 2 lots, which is entitled Norwood Acres, prepared by Guerriere and Halnon, Inc., dated June 1, 2012 and recorded at the Norfolk County Registry of Deeds in Plan Book 622 Pages 57-63. (hereinafter referred to as "the Subdivision Plan"); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at Summer Street and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 28430 Page 190; and

WHEREAS, the Board is required by G.L. c. 41 §81U to secure the construction of ways and installation of municipal services in the subdivision.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$ _____, and has secured this obligation by depositing with the Town of Medway Town Treasurer a deposit of money in the above sum to be deposited in a subdivision escrow account in the name of the Town of Medway. The deposit of money is to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions* applicable to this subdivision; the application submitted for approval of this subdivision; the Board's Board Certificate of Action and all conditions of approval of this subdivision as set forth in the Certificate of Action; the recommendations of the Board of Health; the approved Subdivision Plan; all conditions subsequent to approval of this subdivision due to any amendment, modification or revision of the Subdivision Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:

_____. (hereinafter the "Approval Documents").

2. The Applicant shall complete the construction of ways and the installation of municipal services no later than _____ years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on _____, and therefore the required completion date is _____.

3. Upon completion of all obligations as specified herein on or before the completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by the Town of Medway. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Board, in accordance with applicable laws, may apply the deposit of money held by the Town of Medway Town Treasurer, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the deposit of money, together with accrued interest, will be returned to the Applicant upon completion of the work by the Town of Medway.

4. The Board may rescind approval of the Subdivision Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.

5. The Board shall notify the Town of Medway Town Treasurer of any authorized reduction or release of the deposit of money that secures this agreement in full or in part. Upon receipt of a notice of reduction or release, the Treasurer shall forthwith return the deposit of money, or portion thereof, together with accrued interest, to the Applicant, or to such other person or entity as the Applicant may designate in writing.

6. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This agreement does not expire until released in full by the Board.

7. Failure to complete construction of the ways and installation of the municipal services by the required date shall result in automatic rescission of approval of the Subdivision Plan.

8. If a court of competent jurisdiction determines that any provision of this agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of September, 2014.

TOWN OF MEDWAY
Planning and Economic Development Board

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of September, 2014 , before me, the undersigned
notary public, personally appeared the following Members of the Medway Planning and
Economic Development Board, _____

proved to me through satisfactory evidence of identification, which was (personal
knowledge) (Massachusetts driver's license), to be the persons whose names are signed
on the preceding document, and acknowledged to me that it was signed voluntarily for its
stated purpose.

Notary Public
My commission expires: _____

APPLICANT/OWNER/DEVELOPER

By:

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of September, 2014, before me, the undersigned notary public, personally appeared the above-named _____,

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Notary Public
My commission expires: _____

LAND SUBDIVISION - FORM I

Release of Restrictive Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 2 on a plan entitled Norwood Acres Definitive Subdivision * in Medway, MA, with a final revision date of June 1, 2012, prepared by Guerriere and Halnon, Inc., which is recorded with the Norfolk County Registry of Deeds as Page Number 57-63 in Plan Book 622, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning and Economic Development Board and Andrew J. Marshall and Matthew W. Marshall dated April 9, 2013 and recorded with the Norfolk County Registry of Deeds in Book 31356, Page 510.
* Plan of Land in Medway, MA.

Executed under seal this _____ day of _____, 2014.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

On this _____ day of _____, before me, the undersigned notary public, personally appeared _____

_____ members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License and personal knowledge to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:

LAND SUBDIVISION - FORM I

Release of Restrictive Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 1 on a plan entitled Norwood Acres Definitive Subdivision * in Medway, MA, with a final revision date of June 1, 2012, prepared by Guerriere and Halnon, Inc., which is recorded with the Norfolk County Registry of Deeds as Page Number 57-63 in Plan Book 622, to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant between the Medway Planning and Economic Development Board and Andrew J. Marshall and Matthew W. Marshall dated April 9, 2013 and recorded with the Norfolk County Registry of Deeds in Book 31356, Page 510

* Plan of Land in Medway, MA.

Executed under seal this _____ day of _____, 2014.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS.

On this _____ day of _____, before me, the undersigned notary public, personally appeared _____

members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was a Massachusetts Drivers License and personal knowledge to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:



OWNERS
 WICOGA PROPERTIES, INC
 MEDWAY, MA 02053
 MAJESTIC KNOLL REALTY TRUST
 210 DEAN ROAD
 F. IOWA, VA 01720

ARCHITECT
 HARMEN & LEE
 100 WASHINGTON STREET
 NEW CANAAN, MASSACHUSETTS

"TRI VALLEY COMMONS"
 "SITE LAYOUT"
 PLAN OF LAND
 MEDWAY, MA
 SCALE: 20 FEET TO AN INCH
 DATE: MAY 20, 2014

Guerriere & Hahn, Inc.

NOTES

LEGEND

72 MAIN STREET G-4653

APPROVED DATE: MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

DATE:

NOTES

1. PLAN REFERS TO MEDWAY ACCESSORY MAP 40 LOT 31.
2. TOPOGRAPHY TAKEN FROM PLAN BY GERRIERE & HALNON, INC. IN 2013.
3. THE FIELD BY GERRIERE & HALNON TO BE MAINTAINED AS OPEN SPACE.
4. PROPERTY LINES FROM PLAN RECORDED IN 1988.
5. ALL UTILITIES SHOWN ON THIS PLAN ARE AS SHOWN ON THE RECORD DRAWINGS.
6. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
7. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
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10. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
11. FIRE LANCES SHALL BE BUILT TO ACCOMMODATE 2 1/2" FIRE FIGHTING DURING CONSTRUCTION.
12. THE FIRE FIGHTING DURING CONSTRUCTION SHALL BE PROVIDED BY THE MEDWAY FIRE AND POLICE DEPARTMENT.
13. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
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30. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.

LEGEND

SEE LEGEND ON SHEET 5

SIGNATURE DATE: BEING A MAJORITY

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD. THE MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD SHALL BE NOTIFIED OF ANY CHANGES TO THE PLAN.

OWNER: MEDWAY PROPERTIES, INC.

APPLICANT: MEDWAY PROPERTIES, INC.

PREPARED BY: GERRIERE & HALNON, INC.

DATE: 03/27/14

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/14	PRELIMINARY
2	03/27/14	REVISIONS
3	03/27/14	REVISIONS

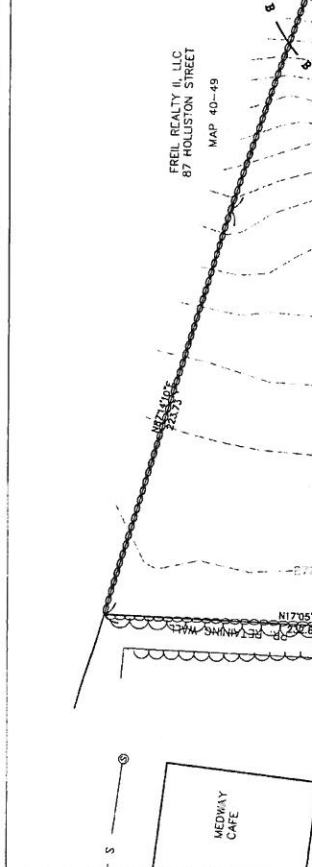
"TRI VALLEY COMMONS"

"SITE GRADING" PLAN OF LAND IN MEDWAY, MA

SCALE: 30 FEET TO AN INCH

DATE: MAY 20, 2014

Gerriere & Halnon, Inc.
 1000 WEST STREET, MEDWAY, MASSACHUSETTS 01921
 (508) 548-1000 FAX: (508) 548-1001



72 MAIN STREET G-9421

SHEET 4

NOTES

1. PLAN REFERS TO MEDWAY ACCESSORY MAP 40 LOT 31.
2. TOPOGRAPHY TAKEN FROM PLAN BY GERRIERE & HALNON, INC. IN 2013.
3. THE FIELD BY GERRIERE & HALNON TO BE MAINTAINED AS OPEN SPACE.
4. PROPERTY LINES FROM PLAN RECORDED IN 1988.
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LEGEND

SEE LEGEND ON SHEET 5

SIGNATURE DATE: BEING A MAJORITY

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD. THE MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD SHALL BE NOTIFIED OF ANY CHANGES TO THE PLAN.

OWNER: MEDWAY PROPERTIES, INC.

APPLICANT: MEDWAY PROPERTIES, INC.

PREPARED BY: GERRIERE & HALNON, INC.

DATE: 03/27/14

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/14	PRELIMINARY
2	03/27/14	REVISIONS
3	03/27/14	REVISIONS

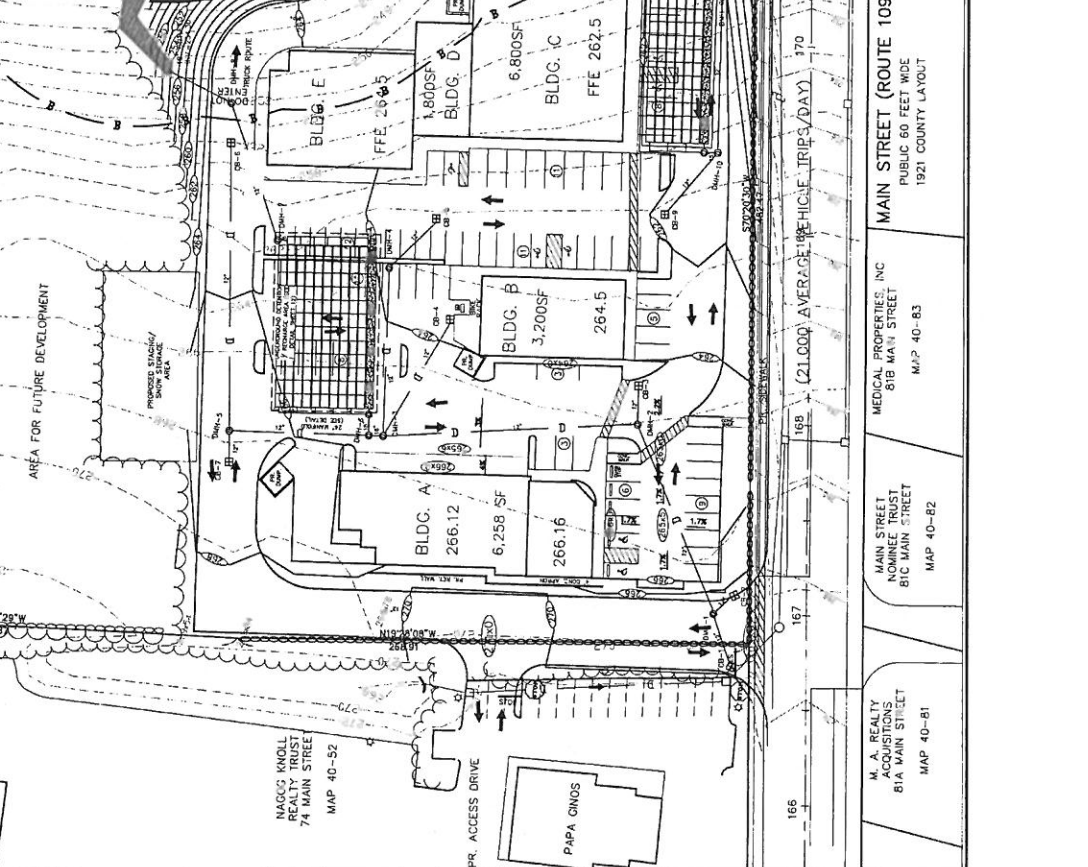
"TRI VALLEY COMMONS"

"SITE GRADING" PLAN OF LAND IN MEDWAY, MA

SCALE: 30 FEET TO AN INCH

DATE: MAY 20, 2014

Gerriere & Halnon, Inc.
 1000 WEST STREET, MEDWAY, MASSACHUSETTS 01921
 (508) 548-1000 FAX: (508) 548-1001



72 MAIN STREET G-9421

SHEET 4

MAP 40-75
 LOK WEI NOMINEE TRUST
 75 MAIN STREET

MAP 40-85
 METROMEST LAW & FINANCIAL SERVICES, LLC
 777 MAIN STREET

MAP 40-84
 MR. K OF MEDFIELD, INC
 79 MAIN STREET

MAP 40-83
 MEDICAL PROPERTIES, INC
 818 MAIN STREET

MAP 40-82
 MAIN STREET NOMINEE TRUST
 81C MAIN STREET

MAP 40-81
 M. A. REALTY ACQUISITIONS
 81A MAIN STREET

MAP 40-52
 MARG KROLL REALTY TRUST
 74 MAIN STREET

MAP 40-49
 FREIL REALTY II, LLC
 87 HOLLISTON STREET

MAP 40-50
 MECUBA PROPERTY, INC
 70 MAIN STREET

MAP 40-75
 LOK WEI NOMINEE TRUST
 75 MAIN STREET

DATE: _____
 APPROVED DATE: _____
 MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

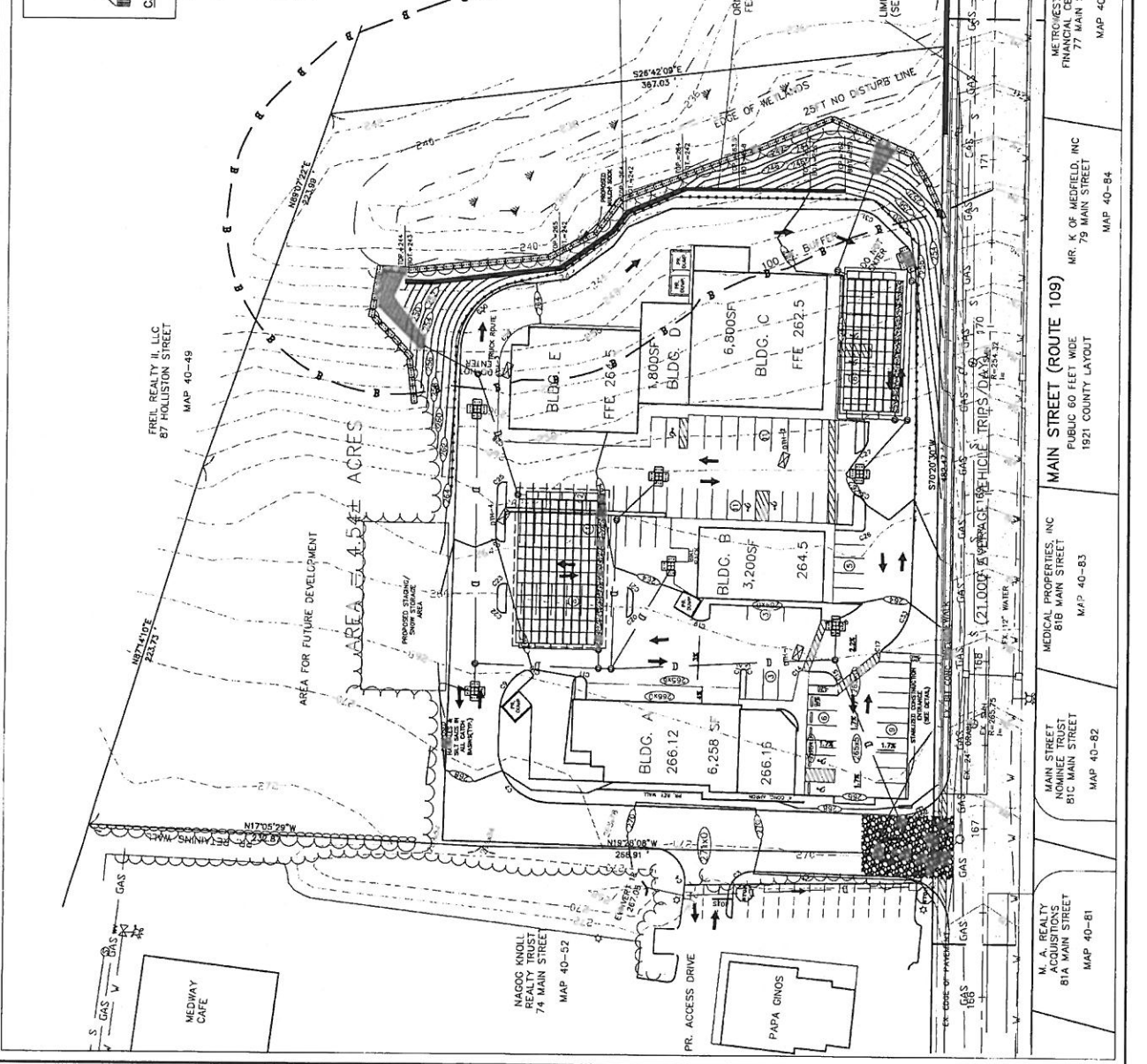
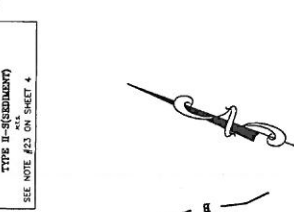
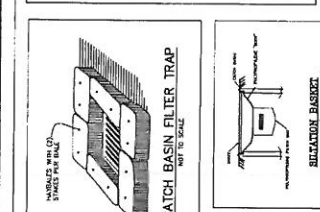
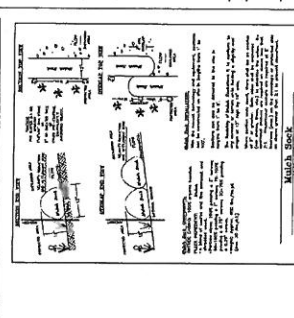
SIGNATURE DATE: _____
 BEING A MAJORITY
 OF THE BOARD OF MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD
 AUTHORITY: RESOLUTION NO. _____
 DATED: _____
 WHEREAS, THE BOARD HAS REVIEWED THE PLAN AND SPECIFICATIONS FOR THE PROPOSED IMPROVEMENTS TO THE TRACT DESCRIBED IN THE TITLE
 RECORDS OF THE TOWN OF MEDWAY, MASSACHUSETTS, AND HAS DEEMED THE SAME TO BE IN ACCORD WITH THE ZONING REGULATIONS OF SAID TOWN, AND HAS THEREFORE PASSED THE FOLLOWING RESOLUTION:
 BE IT RESOLVED, THAT THE BOARD APPROVES THE PLAN AND SPECIFICATIONS FOR THE PROPOSED IMPROVEMENTS TO THE TRACT DESCRIBED IN THE TITLE RECORDS OF THE TOWN OF MEDWAY, MASSACHUSETTS, AND THAT THE BOARD GRANTS THE NECESSARY PERMITS FOR THE SAME.
 CALL THIS MAP "MAP 40-75"
 EXISTING LINES SHALL BE THOSE INDICATED ON THESE PLANS UNLESS OTHERWISE NOTED. ALL WORK SHALL BE ACCORDING TO THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS, DIVISION OF PERMITS AND INSPECTION, AND TO THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.
 NOTES

SEE NOTE ON SHEET 4
 LEGEND
 SEE LEGEND ON SHEET 5

8/7/21
 PER COMMENTS
 DATE: _____
 OWNER: _____
 ARCHITECT: _____
 ENGINEER: _____
 MECONA PROPERTIES INC
 70 MAIN STREET
 MEDWAY, MA 02553
 MAGOG KNOLL REALTY TRUST
 1000 KNOX ROAD
 ACTON, MA 01720

APPLICANT
 TRI VALLEY COMMONS
 TRI VALLEY COMMONS LLC
 P.O. BOX 837
 NEW CASTLE, NH 03854
 "TENSION CONTROL"
 PLAN OF LAND
 MEDWAY, MA
 SCALE: 30 FEET TO AN INCH
 DATE: MAY 20, 2014

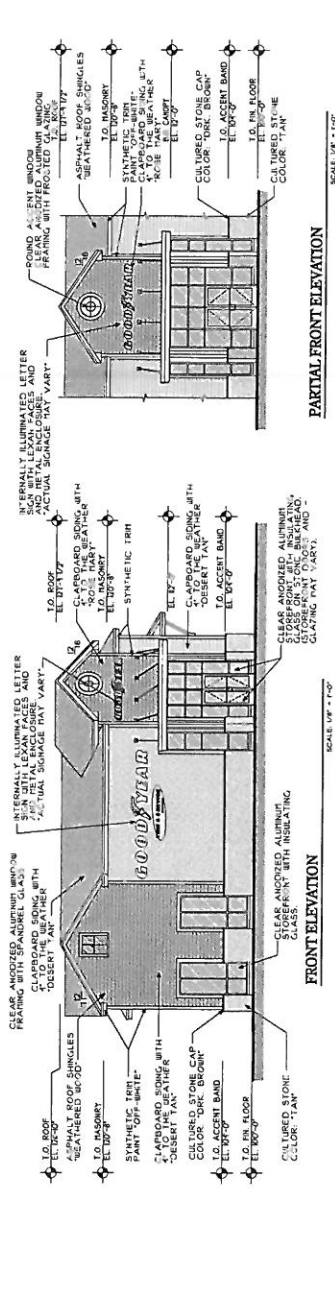
Guerriere & Rainon, Inc.
 333 WEST STREET, NEWTON, MASS. 02459
 (508) 471-8530 Fax: (508) 471-8943



DATE:	11/11/14
BY:	ML
CHECKED BY:	ML
DATE REVISION:	11/11/14
SCALE:	AS NOTED
JOB NUMBER:	D-150
PROJECT NAME:	

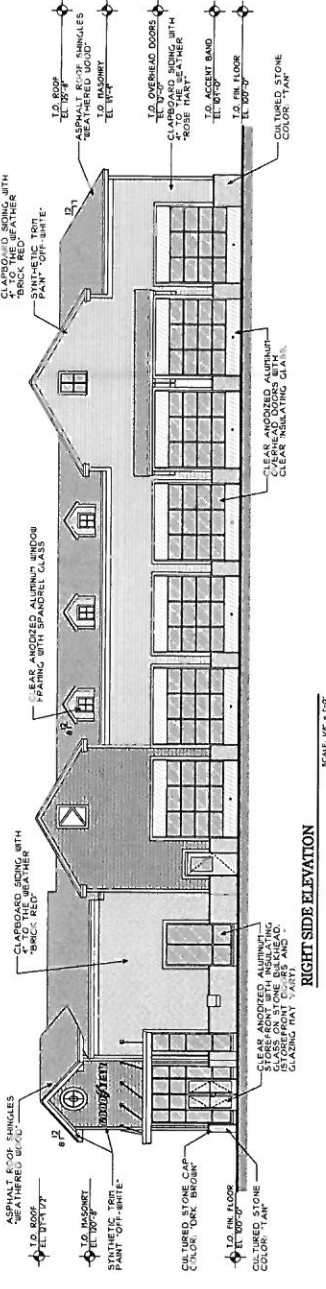
PROPOSED ELEVATIONS

SHEET NUMBER
A2.1

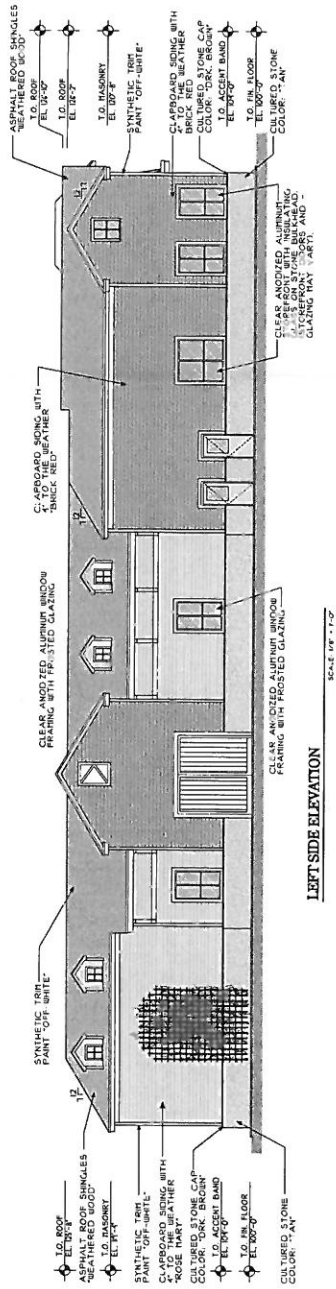


FRONT ELEVATION
 SCALE 1/4" = 1'-0"

PARTIAL FRONT ELEVATION
 SCALE 1/4" = 1'-0"



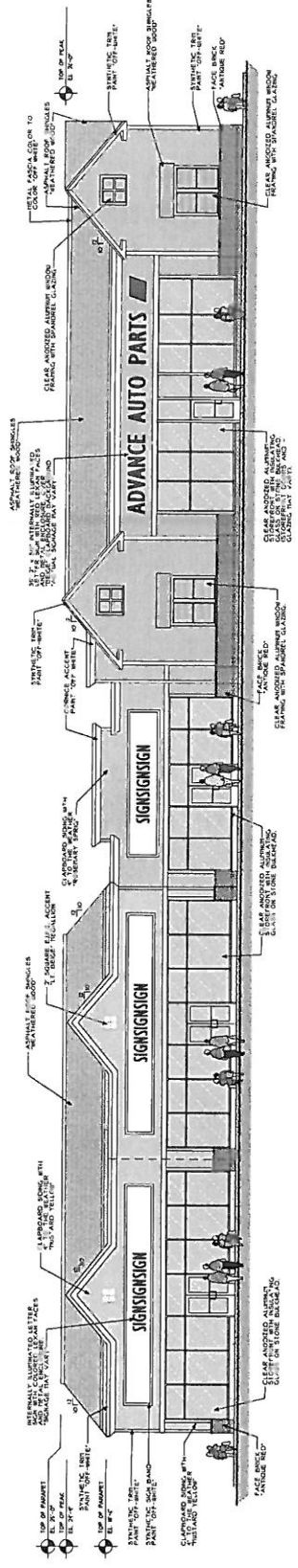
RIGHT SIDE ELEVATION
 SCALE 1/4" = 1'-0"



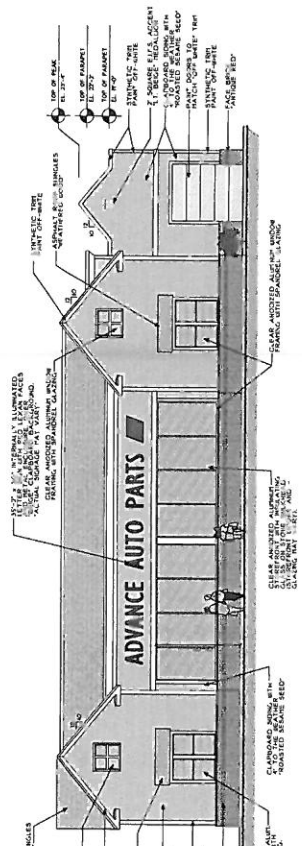
LEFT SIDE ELEVATION
 SCALE 1/4" = 1'-0"

SYNTHETIC TRIM

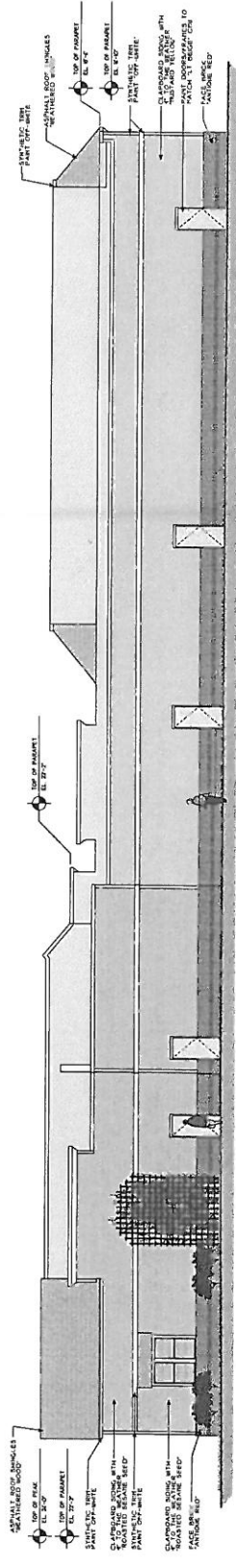
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99	REVISED
100	REVISED



LEFTSIDE ELEVATION
 FACES THE PARKING AREA
 SCALE = 1/8" = 1'-0"



FRONT ELEVATION
 FACES THE MAIN ROAD
 SCALE = 1/8" = 1'-0"



RIGHTSIDE ELEVATION
 FACES THE PARKING AREA
 SCALE = 1/8" = 1'-0"



Town of Medway
Design Review Committee
155 Village Street
Medway, MA 02053

August 29, 2014

TO: Medway Planning & Economic Development Board
FROM: Matt Buckley, Chairman of the Medway Design Review Committee
RE: Tri Valley Commons Site Plan – Interim Status Report/Letter of Recommendation (LOR)

Dear members of the Medway Planning and Economic Development Board,

The Design Review Committee (DRC) has met with the applicant for Tri-Valley Commons, on three occasions - once informally on March 17th on a pre-application basis and two times formally on August 4th & 18th to review the newly proposed site plan and building designs for Tri Valley Commons. Richard Landry attended the meetings on March 17 and August 4th. A representative for the applicant attended the final meeting on the 18th. The applicant canceled two other meetings set for April 7th and May 5th.

During the March 17th meeting, the DRC made a variety of recommendations, which are highlighted below. The DRC attempted several times to schedule additional meetings with the applicant to review and advance the site plan to facilitate the application process. The DRC has demonstrated willingness and availability to meet with the applicant throughout the process. The DRC has found communication to be scant and has had great difficulty in scheduling meetings and attaining updated consistent materials. The DRC intends this letter as an update on the status of our review as of August 18th and not as our final recommendations.

The DRC has not seen a fully complete architectural documents package for **Buildings A, B and C-D-E**. **Building F** has not been submitted for DRC review to date. The site plan dated May 20, 2014 is not consistent with what the applicant has passed out during each August meeting. The applicant has indicated they have not settled on a design for **Buildings A & B** as of our final meeting on the August 18th. Also, a variety of key site elements have not been included in the plans. The DRC is unable to perform a complete review due to the incomplete nature of the site plan documents.

To date the DRC awaits the following documents or elements for review as listed below:

- Completed Building Elevations of all facades for **Buildings A, B, C, D, & E**
- Completed Building Roof Plans for **Buildings A, B, C, D, & E**
- Completed Landscape Plan
- Building Material Samples
- Fence Material Samples
- Lighting Design and Samples
- Various site buffering including buffers to the West and North of the site and internal green space
- Dumpster enclosures and buffers
- Landscape plan for **Building F** area if no **Building F** will occur with **Buildings A, B, C, D, E**

The DRC has the following concerns regarding the site plan and building design for the Tri Valley Commons.

BUILDING ELEMENTS

The DRC has communicated a variety of recommendations regarding architecture during its two meetings with the applicant on August 4, 2014 and August 18, 2014. To date the conceptual building elevations for **Building B** are the most compliant with the *Medway Design Review Guidelines* (MDRG)-Part II. This is achieved by including a mixture of roof pitches and elevations with architectural elements found within the Medway community.

The side elevations of **Building A** and **Buildings C-D-E** are the most non-compliant with the (MDRG)-Part II. They lack alternate rooflines and have facades which portray a post modern architectural theme consistent with nationalized chains. The DRC awaits revised and complete building elevations for **Buildings A, B** and **C-D-E** plus a clarification regarding the status of **Building F** and the use of appropriate buffers in lieu of the exclusion of this building.

To date, there have been no architectural material samples provided. The DRC does not support the theme of TVC's proposed façade materials involving synthetic siding and split faced CMU. Throughout the site the DRC recommends the use of more native materials reflecting residential New England architectural style, which should be a theme for all the buildings. For example, the vinyl clapboard siding should be substituted with shingle siding or shakes and the split face block should be substituted with brick or stone.

Please note: The DRC was provided handouts of architectural variations for **Buildings A and B** during our August meetings. Neither of them has been submitted as updates to the PEDB. Therefore, the DRC can only comment on the submitted site plan. Additionally, a third set of drawings, shown during the ZBA meeting on August 20th, presented yet another building style for **Building A**. While each of the variations showed a progression toward compliance with the MDRG, none of them have been confirmed as a definite candidate. As an example, the variation shown on August 4th for **Building B** demonstrated the applicant's capability of designing buildings in compliance with MDRG, but during the August 18th meeting, we were told that those plans were not accurate and the building would be changed.

Our recommendations for the **Building Elements** are as follows:

Building B as presented in the plans dated May 20, 2014 showed a two tenant, drive through format building with multiple dormer and gable elements. However, this building's drive-through format is not consistent with the application.

- The alternative **Building B** conceptual images, (shown during the August 4th meeting) have not yet been formally submitted for review. The concept image presented included dormers and multiple gable elements with some gable elements that extended vertically to grade. It also included a cupola at the center of the building roof.
- The elevations presented were not in scale conformance with the proposed building footprint. The concept building character does approach compliance with /MDRG reflecting residential New England architectural style and should be a theme for the other buildings.

Building A was proposed on August 4, 2014 as a Goodyear Tire Facility. It includes a gable façade facing Main Street (Rt. 109), tan & red siding and split face block, and side facades in a stark 100+ foot industrial image with one façade involving seven overhead doors that does not comply with MDRG (Goal #2 page 60).

- There was no rear façade elevation provided. There was a new concept image presented in a handout on August 18, 2014 with some gable elements added to the side facades, which "started" to comply with the MDRG but its image was unresolved and presented as a "conceptual" option.

- To mitigate the 100+foot long building with an unbroken 80+ foot roofline, the DRC recommends three garage roof gable elements extending vertically to grade (like **Building B**) and that only five garage door assemblies be visible from Main Street with the sixth and seventh garages accessed from the rear of the building.
- The DRC recommends the side elevation facing west also have (3) gable elements that extend vertically to grade as viewed from Main Street-Rt.109 (like **Building B**).
- The DRC also recommends creating a varied roof line to reduce the overwhelming mass of this building as viewed from Main Street-Rt.109.
- Buffers on the West side of this building were not shown in the plan. The DRC recommends screening of systems and introduction of landscaping to break-up the lengthy building.

Building C is proposed as Advanced Auto Parts and adjoining retail spaces.

- The **Building C, D & E** loading dock area facades facing east which visible to westbound Rt. 109 traffic are very industrial & stark and non-compliant with MDRG (Goal 2 page 60).
- The DRC recommends adding dormer massing to these loading dock facades as viewed from Rt. 109.
- The front gable façade that included tan synthetic siding should be changed to shingle siding or shakes and the split face block should be substituted with brick or stone.

Buildings D & E is proposed for 3 future retail tenants.

- This interior side elevation included multi-tenant gable elements with tan synthetic siding and split face block base. The siding should be changed to shingle siding or shakes and the split face block should be substituted with brick or stone.
- There was no rear elevation provide for this building.
- The DRC recommends the dormer façade at **Building D** be of a gable image matching those of **Building E** to be more compliant with the MDRG.

SITE PLAN ELEMENTS

During its two meetings with the applicant on August 4 and 18, 2014, the DRC has communicated a variety of recommendations regarding landscape conditions and the visibility of a 20 foot high, brown block retaining wall as seen from Main Street - Route 109 by westbound travelers. This retaining wall could be fully visible during the winter as the wetland trees are leafless and the proposed landscape program will not screen its stark-industrial image. The landscape plans and hand-out drawings presented during the August 4th meeting and again at the August 18th meeting represent an appearance at a 10 year maturity, not at the time of installation.

Our recommendations for the **Site Plan Elements** are as follows:

- There is a safety fence proposed along the full length of the loading drive lane. No fence materials are indicated. The DRC recommends that the safety fence be of a solid post and rail material like found around a pool and not chain link.

- The DRC recommends that 20-30 percent of the new screen trees at **Building C** and Main Street be “fully mature” at planting.
- The DRC recommends that 20-30 percent of the new screen trees at the retaining wall and Main Street be “fully mature” at planting to mitigate the retaining wall – security fence conditions.
- The DRC is concerned that no sidewalk system or related landscape plan was proposed within the parking areas.
- The DRC recommends that 1/3 of the trees proposed at Bldg C be fully mature at planting.
- The DRC recommends that added landscape plant materials occur at the **Building F** drain field.
- The DRC recommends that there be an interim landscape plan if **Building F** is not developed.
- The DRC recommends that pedestrian circulation occur on the site between buildings.
- No Lighting plan or light fixtures were provided and the DRC recommends these be submitted.

COMMENTS AND CONCLUSION

Based on the plans submitted on May 20th, 2014, the DRC has concluded that the Tri Valley Commons Site Plan does not comply with the *Medway Design Review Guidelines*. The architecture and building materials are not in keeping with the town center feel intended for the C1 district, as called out in the Medway Master Plan. The unresolved nature of the Site Plan and the lack of formal updated plans that reflect the recommendations of the DRC, prevent the DRC from making pertinent and complete recommendations to the PEDB for Site Plan and Building Designs for Tri Valley Commons to this date.

The DRC requests that measures be implemented to provide updated Tri Valley Commons plans to the DRC which represent fully the intentions of the applicant, prior to the closure of this public hearing. This will enable a proper review that the DRC wishes to provide.

100M082014.rm1_MedwayDRC-TriValleyCommonsMJB Draft7*

Susan Affleck-Childs

From: Thomas Holder
Sent: Friday, August 29, 2014 10:46 AM
To: Susan Affleck-Childs
Cc: David Damico
Subject: Tri Valley DPS Review

Hi Susy – Upon review of the Tri Valley Project Plans, DPS has the following comments:

1. Hydrants should be Town standard and recommend be gated
2. Unsure of origin of proposed 8" – 8% slope sewer connection to Town Manhole on Main Street (southeast corner of property)
3. Sewer lateral connection to town system shall be made upstream of existing manhole using typical y-connection.
4. I don't believe we have received the water and sewer demand forecasts for consideration.
5. Metering – Will each tenant have its own water/sewer meter of is property to be master-metered?
6. Minimum 2% sewer slope recommended for internal piping
7. Verify southeast drain outfall not pose risk of sidewalk or roadway flooding
8. Fieldstone wall appears to encroach right-of-way
9. Is there any sidewalk work proposed?
10. Conservation Order of Conditions to include:
 - a. Erosion control protections placed clear of right-of-way and not to impact right-of-way maintenance
 - b. Construction sediment and dust controlled and disallowed from tracked or otherwise entering right-of-way

Thanks for the consideration.

Tom

Thomas Holder | Director
Department of Public Services

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