

Tuesday, September 23, 2014
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	ABSENT with notice	X	X	X	X

ALSO PRESENT:

Consultant Gino Carlucci, PGC Associates
Consultant Sean Reardon, Tetra Tech
Susy Affleck-Childs, Planning and Economic Development Coordinator
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm.

ZONING BYLAW RECODIFICATION

The Chairman reported that he had met with the Board of Selectmen and they have granted more time for the Board to work on the recodification of the Zoning Bylaw. The warrant article regarding Commercial I is moving forward for town meeting.

Member Spiller–Walsh informed that Board that she has detected changes in the special permit criteria section of the proposed recodification. There were things taken out which she would like to discuss with Judi.

The Chairman responded that we can bring this up during the discussion with Judi Barrett at the next meeting.

MAYLAND WOODS SUBDIVISION

Mike Narducci was present to discuss the status of the punch list for the Mayland Woods Subdivision.

The Board is in receipt of the following documents: **(See Attached)**

- A memorandum from Tetra Tech dated August 28, 2014 and revised September 15, 2014.
- Email from Mike Narducci dated September 17, 2014.
- Mayland Woods Subdivision Plan

Mr. Narducci communicated that he met with Steve Bouley from Tetra Tech and reviewed the items on the punch list. Many of the items were completed except for the three items in dispute

on the original list. The item in dispute is in regards to the pavement at the western edge of the subdivision on Howe Street. There is major cracking and breaking up on the pavement structure. These areas need to be repaired. Mr. Narducci does not think this is his responsibility since the work was not part of the Mayland Woods subdivision project. The next item Mr. Narducci is in dispute about is in relation to the main gate box at house #11; the hydrant gate which is off center. Mr. Narducci did indicate that the hydrant gate at the intersection of Howe Street and Bramble Street was fixed.

The Board indicated that this is still part of his property and needs to be repaired.

Mr. Narducci indicated that the Water and Sewer Department did come out and signed off on the items. He also informed the Board that the Fern Path catch basins and box at the intersection have been repaired. He does not feel responsible for fixing the other items which he had absolutely nothing to do with.

Consultant Reardon responded that the town has an option of accepting this as is.

The total bond which remains is between \$24,000 and \$34,000.

The cost for the small section needs to be looked at and an estimate will be prepared by Tetra Tech.

Mr. Narducci noted that if money from his bond is taken from his account, he will seek legal counsel. He further stated that his punch list is complete and wants the bond released.

Mr. Narducci responds that he has nothing further to submit to the PEDB.

The Board does not want to take any action until a final letter is provided from Tetra Tech along with an estimate for the uncompleted work.

On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to not take action until final sign off is provided from Tetra Tech and an estimate is provided for cost of repairs for uncompleted items.

Mr. Narducci has a problem with this since the Consultant has already been out there three times. He does not want the punch list to change.

Susy reported that was an inquiry from the owner at 2 Fern Path and it was brought to the Board's attention by the abutter.

The intent is to not add to the punch list.

FOX RUN FARM

The Board is in receipt of the following documents: **(See Attached)**

- Tetra Tech Field Inspection Report dated 9/11/14 with post paving photos.
- Email from Mujeeb Ahmed dated 9/17/14.
- Email from Mujeeb Ahmed with proposed repair plan dated 9/19/14.

Mr. Mujeeb Ahmed was present at the meeting.

The Board was made aware of the paving issue at Fox Run. The original resolution to the paving was to divert the stormwater flow by installing a berm. This small berm turned into a large berm which needs to be fixed. Tetra Tech advises that any resolution should include an as-built survey of the current site including some spot grades. This as-built plan will be reviewed against the approved plan to determine the extent of the deviation. This will also assist with the remediation.

Consultant Reardon communicated that the repair plan is not correct and this will need to be fixed. The dimensions need to be checked.

The new gutterline and ridgeline were referenced.

Member Hayes recommended that cement concrete be installed to the gutter line.

Consultant Reardon responded that it might be difficult to finish to the ridge. The pitch on the road is adequate to the gutterline. This will have to be saw-cut.

The Board needs an updated plan.

Consultant Reardon will follow-up with an email to the applicant.

Mujeeb Ahmed indicated that the work will be done next Wednesday or Thursday.

The Board informed Mr. Ahmed that October 7th, 2014 is the date on which the Board needs to determine if this will have a public hearing with the Board of Selectmen for street acceptance. The construction work needs to be done by Friday, October 3, 2014.

The applicant wants the bond to be reduced.

Susy would not recommend any reduction in the bond at this time since there is remaining work which needs to be addressed.

MILLSTONE VILLAGE

The Board is in receipt of the following documents: **(See Attached)**

- A memo from Susy Affleck-Childs dated 9/18/14 with numerous attachments including the Scenic Road application from March 2014, the Scenic Road Rules and Regs, Sergeant Watson's memo from April 2014, and the Millstone ARCPUD dated 10/15/13.

Susy informed the Board that she will be meeting with the applicant on Wednesday, September 24, 2014 at 9:30 am. Susy would like to know how the Board would like to proceed. There was a suggestion to have the applicant make a contribution to the tree fund. Another suggestion was to speak with the tree warden and ask him what areas on town land may need trees. The Board is in agreement that mitigation off site is a better course of action.

There was a question about the stone wall being on the abutter's property. Consultant Reardon will follow-up on this item.

Susy recommended that a public hearing be held so that the neighbors could be informed. .

SUMMER VALLEY LANE

The applicant, Mike Fasolino, has requested a bond reduction for Summer Valley Lane.

The Board is in receipt of the following documents: **(See Attached)**

- Consultant Tetra Tech punch list dated 9/15/14.
- Consultant Tetra Tech bond reduction estimate dated 9/15/14.
- Email dated 9/16/14 from Engineer David Faist with attachments.

The Board was made aware that the street sign needs to be corrected.

Susy recommended that the Board not approve a bond reduction beyond \$40,000 even though this is not a public road.

The bond estimate was \$20,091.00. The bond amount is currently over \$40,000.00. The majority of the work to be completed is the top course.

The Board is looking at completion of this and not acceptance since this is a private way.

The Board would like to remain consistent with how they acted on the other requests. Susy will check on how the Board acted on Franklin Creek.

The Subdivision Rules and Regulations indicate that the minimum to retain for a bond is \$40,000.

On a motion made by Tom Gay, and seconded by Matt Hayes, the Board voted unanimously to reduce the bond down to \$40,000.

MEDWAY SHOPPING CENTER – ZBA Petition for Variances for Signs

The Board is in receipt of a variance petition submitted by the owners of the Medway Shopping Center for two new free standing signs. **(See Attached)**. This is the full submission and documentation. There are photographs of existing signs and proposes signage.

The Chairman did have conversation with Matt Buckley, Chairman of the Design Review Committee. The DRC discussed this at its 9/22/14 meeting. Matt also has objections and concerns and it was communicated that this is premature to grant a variance for this signage since the Rt. 109 plan takes into consideration landscaping needs, pocket parks, traffic light and the complete redesign of what is being proposed there. The proposal for the sign does not dovetail with the proposed changes and once the variance is granted it grounds whatever happens in the development around this sign. The commercial changes will essentially anchor around where all development will occur. The concern is that it would be premature for the ZBA to grant a variance.

The bylaw standards which were adopted by town meeting set the standard for signs and this sign comes in six times larger than what is allowed. **See Attached** chart dated 9/18/214 prepared by Susy Affleck-Childs.

The Gould's sign predates the current sign regulations of the Zoning Bylaw.

It was noted the Reardon Building sign is in need of great repair.

There was a question about many of the signs are being affected by the Rt. 109 project and are any going to be taken by the right of way.

Member Spiller-Walsh indicated that they were concerned about the westerly sign with egress right in and right out only. This looks confusing when road and access changes.

There is no information about where the proposing signs are located.

The public hearing for this will be in front of the Zoning Board of Appeals on October 1, 2014.

Member Spiller-Walsh will be attending.

On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to oppose the free standing signs petition which is in front of the Zoning Board of Appeals.

MARITIME HOUSING - 123 Main ST – ZBA Petition

The Board is in receipt of the following documents: **(See Attached)**

- ZBA Variance Petition – Common Drive Way and Duplexes.
- PEDB ANR decision memo - 5/28/2014
- Confidential Lawsuit Status Report – Town Counsel email 9/18/14 (Not included in minutes).

The Board discussed that there was an ANR application which was presented to the Board for endorsement and this was not endorsed based on the recommendation of Consultant Carlucci.

The Board would like a letter written to the Zoning Board of Appeals indicating that the ANR application has been denied and they are opposed to this petition for variance.

On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to write a letter to the Zoning Board of Appeals in opposition to this petition for variance since the lots on the plan do not currently exist since the ANR has been denied.

The Zoning Board of Appeals public hearing is Wednesday, October 1, 2014 at 8:00 pm.

CONSTRUCTION RERPORTS

The Board is in receipt of the following construction reports from Tetra Tech (**See Attached**)

- Millstone Village ARCPUD Report #3 dated September 9, 2014.
- Millstone Village ARCPUD Report #4 dated September 11, 2014.
- Millstone Village ARCPUD Report #5 dated September 17, 2014.
- Millstone Village ARCPUD Report #6 dated September 18, 2014.
- Cumberland Farms Lighting Test Report dated September 18, 2014.

Millstone Village:

Millstone Village would like to propose changing the material type for the drain pipe from HDPE to RCP. The RCP is a better product.

The Board has no issue with this change.

The contractors are almost done installing the sewer. The quality of work remains high. There have been some concerns from neighbors about the dust on their property. It was suggested to have the contractor visit some of the sites to resolve the issue.

Cumberland Farms:

One of the abutters to the Cumberland Farms site complained about lighting and the impact on her property.

There was a light study inspection performed by design engineer Phil Henry and Steve Bouley of Tetra Tech. Based on the results, it appears the lighting was done per plan.

There was a suggestion that the lighting near the dumpster may be able to be turned off at night. Consultant Reardon will communicate this to Cumberland Farms.

PLANNING CONSULANT'S REPORT:

There is a SWAP meeting to be held on October 15, 2014 at 1:00 in Sherborn. The discussion topic is Long Range Transportation Plan.

Susy informed Consultant Carlucci that she would like the Town to host a SWAP meeting in the future to be held at Thayer House.

Mr. Carlucci suggested the theme topic could be adaptive use.

ARTICLES FOR FALL TOWN MEETING

The Board is in receipt of drafts of all PEDB articles for the Fall Town Meeting. (**See Attached**)

Susy reported that Town Administrator Michael Boynton wants the Planning Board to take under advisement an amendment to *Subdivision Rules and Regulations* have at least one winter season after completion of road way including topcoat before street acceptance occurs. This is something other towns do. There was a question if the town can keep bond money that long. The definition of “completed road” may need to be looked at and revised.

Commercial I Changes

The Article on Commercial 1 will move forward with language from last spring.

The Board is in receipt of an email from Bethany Bartlett dated September 17, 2014. Ms. Bartlett is attorney for the Medway Shopping Center owners. (**See Attached**) with suggestions on the Commercial I proposal.

The email makes reference to adding “fitness facilities” to the section on allowable uses. It was also suggested to have specific provisions added that once the special permit is granted for the shopping center use that any turnover in tenants either the same or any of the as of right uses does not require another special permit. The Board is fine with those additions.

In relation to Section 5(i)(6), Bethany Bartlett suggested instead of forbidding building which are exclusively residential, would the Board be interested in some type of formula/ratio where residential building could exist if there was commercial building of the same square footage somewhere else on the site. This would provide for more flexibility for new construction.

The Board is not in total agreement with recommendation but would want to have the first floor be for retail use and second story residential. This would be consistent with the vision.

The Board agrees with Ms. Bartlett’s comment re: Section 5(d) (2) and 6(b) that requiring linkages to abutting properties is not feasible unless the abutting property is under common ownership. An abutting property owner that has nothing to do with the project cannot be required to provide joint access. The Board is fine with this recommendation.

Consultant Carlucci will draft changes to the proposed new Commercial I district.

Susy will plan to have the public hearing on October 21, 2014. The Town meeting is November 14, 2014.

ARCPUD/Affordable Housing Changes

It was recommended to make changes to expand to list of accessory uses within the ARCPUD by adding medical office/clinic and adult day care. It was recommended to remove the requirement for 10% affordability and add ARCPUD into the regular affordable housing section of the bylaw.

This provides more flexibility. We exempt assisted living from the affordable housing requirement. The Board agrees with putting all the affordable housing information together. The definitions were also included.

Judi Barrett has not reviewed all the language.

Rezoning 6 parcels in ARII to Commercial V

There is a proposal to amend the Zoning Map. The residents who requested this will be contacted about the public hearing.

Mill Conversion Sub-District/AUOD

The next article is to show the AUOD Mill Conversion Sub-District on the Zoning Map. There is text but no use change. It is a map update to reflect the boundaries of the Mill Conversion Sub-District (165 Main Street). This currently exists but just needs to be shown on the zoning map. This was recommended by Judi Barrett.

Banners Across Main Street

The last zoning item is a change requested by Town Administrator Michael Boynton and Board of Selectmen regarding banners across Main Street. They are developing a banner policy. The bylaw does have language that notes that the DRC shall provide recommendation. They are making a change since the timeframe for turnover for a civic event needs to happen quickly. The intent is to provide community event planners with a quick turnaround. These are not permanent signs.

Andy Rodenhiser reported that he and DRC Chairman Matt Buckley met with Michael Boynton to discuss this matter. Matt was at this meeting and he was fine with the change but did suggest that there should be some type of work done to have a community sign to provide up to date information about the community in a more modernized way.

Chairman Rodenhiser suggested consider a diamond vision type sign at Choate Park which could be controlled remotely.

This would allow us to communicate information to the community in a more effective way.

Funding for Update to Design Review Guidelines

This item is to ask for an appropriation of funds to update and illustrate the Medway Design Review Guidelines. This will not exceed \$50,000.00.

Applegate Easements

The town will accept the drainage easements for the four properties at Applegate. Town Counsel has looked at this and provided the language.

BAY OAKS PERFORMANCE SECURITY

Chairman Rodenhiser stepped down from his seat as Chairman at 9:10 pm.

Member Gay stepped in to run the meeting.

The Board is in receipt of the following documents: **(See Attached)**

- Email from Susy Affleck-Childs dated September 18, 2014 to the owner/applicant
- Agreement for Deposit of Money
- Tetra Tech bond estimate dated July 29, 2014 in the amount of \$53,989.00 for performance security for Bay Oaks.

On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to enter into an agreement for the deposit of funds as performance security for Bay Oaks in the amount of \$53,989.00.

Mr. Rodenhiser supplied a check in the amount of \$53,989.00.

The Chairman returned to the meeting at 9:15 pm.

PEDB MEETING MINUTES

August 26, 2014:

On a motion made by Andy Rodenhiser and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from the August 26, 2014 meeting.

September 2, 2014:

On a motion made by Karyl Spiller-Walsh and seconded by Tom Gay, the Board voted unanimously to accept the minutes from the September 2, 2014 meeting.

September 6, 2014:

The minutes from the September 6, 2014 meeting will be tabled until the next meeting.

OTHER BUSINESS

There was an inquiry about the deadline that the PEDB gave to Attorney Queen re: the ANR plan for 9 Kelley Street. Susy explained that they are scheduled before the PEDB again on October 14, 2014.


Susy reported that Millstone Village submitted the Affordable Housing Local Action Unit application to the Town last week. It will be reviewed by the Affordable Housing Trust and the BOS before being submitted to DHCD.

Susy has been in touch with John Claffey regarding Candlewood. He was sent a punch list for his obligations.

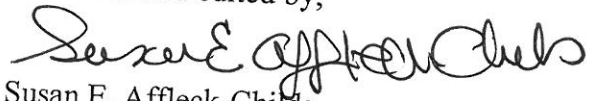
ADJOURN

On a motion made by Karyl Spiller-Walsh, and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting.
The meeting was adjourned at 9:18 pm.

Respectfully Submitted,


Amy Sutherland
Recording Secretary

Reviewed and edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



MEMORANDUM

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

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

Re: **Mayland Woods
Subdivision Review (Punchlist)
Medway, MA**

Dt: August 28, 2013 (Revised September 15, 2014)

On August 14, 2013 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a Punch List inspection of the Mayland Woods Subdivision. The inspection was conducted based upon field observations of current conditions only, as an approved set of plans was not available.

On October 30, 2013, TT met with the developer of Mayland Woods (Mike Narducci) to review the drainage infrastructure. The drainage manholes were primarily located outside of the roadway in lawn areas while the basins were either in the woods or at the edge of wooded area, therefore the infrastructure was difficult to locate during the original inspection (no plans were provided). We have updated our comments as bulleted below the original comment and dated 11/5/13.

On August 18, 2014, TT met with the developer to review completed punch list items.

On September 3, 2014, TT met with Jim Smith with Medway DPS to discuss settling around catch basins on Fern Path which were not repaired by Mr. Narducci.

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

Roadway

1. The Fern Path street name sign at the intersection of Howe Street and Fern Path does not appear to be to the town standard. Refer to photo #1.
 - TT 8/18/14 Update: A new Fern Path street name sign has been installed to the town standard. No further action required for this item.



2. A stop sign/street name sign is not located at the intersection of Howe Street and Bramble Road. Refer to photo #2-3.
 - TT 8/18/14 Update: A stop sign and Bramble Road street name sign have been installed. No further action required for this item.
3. Cracking of the pavement is occurring along Howe Street, Fern Path, Bramble Road and Field Road. The cracks should be sealed to prevent further damage to the pavement structure. Refer to photo #4-7.
 - TT 8/18/14 Update: Cracks in the pavement have been sealed. No further action required for this item.
4. Settling of the pavement is occurring at many of the drainage/sewer structure locations throughout the subdivision. The settled areas should be repaired full depth to prevent further damage to the pavement structure. Refer to photo #8-11.
 - TT 8/18/14 Update: Settled areas have been repaired. No further action required for this item.
 - TT 9/15/14 Update: Two areas adjacent to #2 Fern Path were not repaired. These structures should be repaired to prevent further damage to the pavement structure.
5. The pavement at the western edge of the subdivision on Howe Street is in poor condition with major cracking and breaking up of the pavement structure. The damaged areas should be repaired to prevent further damage to the pavement structure. Refer to photo #12-14.
 - TT 8/18/14 Update: Mr. Narducci does not believe this item should be his responsibility to repair since it was not conducted as part of his project. TT explained that regardless of who did the work, this area is still part of his property. He stated he would have correspondence with the PEDB regarding this issue.

Niko says these were repaired

Drainage

6. ~~Catch basins do not contain hoods. It is unclear if they were required on the approved subdivision plans.~~

- **TT 11/5/13 Update:** The hoods were not required by the existing subdivision regulations at the time of the subdivision approval and therefore this comment will be removed from the list and estimate.
7. It appears that all catch basin pairs are in-line with one another. Discharge points from the catch basin structures could not be located.
- **TT 11/5/13 Update:** Catch basins connect to drain manholes which are located primarily in the lawn areas. Most of them appeared to be visible and not covered. No further action required for this item.
8. Drainage manhole structures could not be located.
- **TT 11/5/13 Update:** The drain manholes were located primarily in the lawn areas and most appeared to be visible and not covered. No further action required for this item.
9. **TT 11/5/13 Update:** The outlet pipe discharging water to the drain easement behind Lot 4 could not be found. The system appears to be functioning adequately however the discharge point could not be located. The pipe should be located and uncovered/cleared of debris
- **TT 8/18/14 Update:** The outlet pipe was located and appears to be functioning adequately. No further action required for this item.

Water/Sewer*

10. The main gate box at house #11 (west end) is the old type and is leaning. The hydrant gate is off center because of the existing berm.
- **TT 8/18/14 Update:** Mr. Narducci does not believe this item should be his responsibility to repair since it was not conducted as part of his project. TT explained that regardless of who did the work, this area is still part of his property. He stated he would have correspondence with the PEDB regarding this issue.
11. The table and invert need to be flushed for the sewer at the intersection of Howe Street and Field Road.



- TT 8/18/14 Update: Mr. Narducci does not believe this item should be his responsibility to repair since it was not conducted as part of his project. TT explained that regardless of who did the work, this area is still part of his property. He stated he would have correspondence with the PEDB regarding this issue.

12. The box of the hydrant gate at the intersection of Howe Street and Bramble Road is cracked and chipped at the lid.

- TT 8/18/14 Update: This item has not been completed. Mr. Narducci stated he will contact TT once this item has been completed.

*Comments received from the Town of Medway Water & Sewer Department.

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

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*9/23
Neh
says
this is
done*

Photo # 1



Photo # 2





TETRA TECH

Photo # 3



Photo # 4





TETRA TECH

Photo # 5



Photo # 6





TETRA TECH

Photo # 7



Photo # 8





TETRA TECH

Photo # 9



Photo # 10



Photo # 11



Photo # 12



Photo # 13

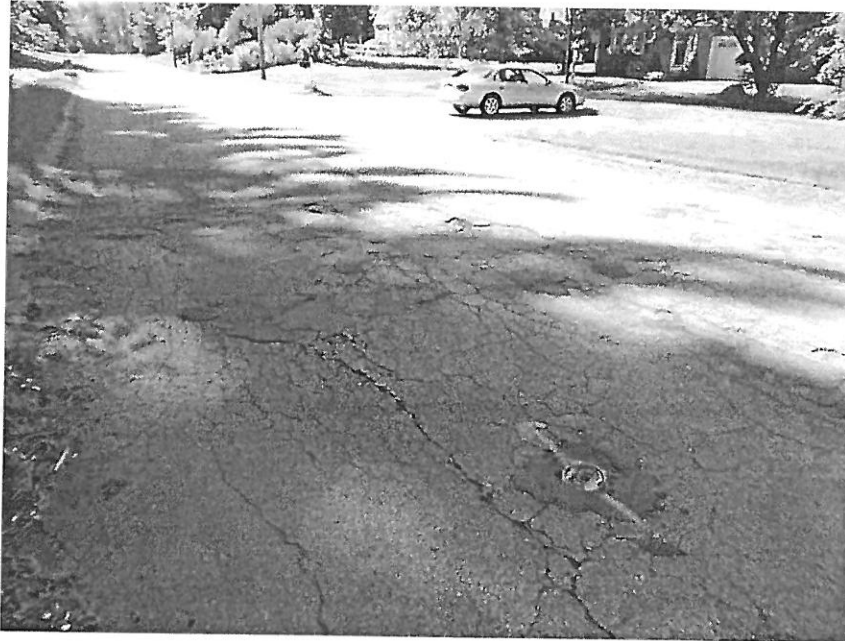
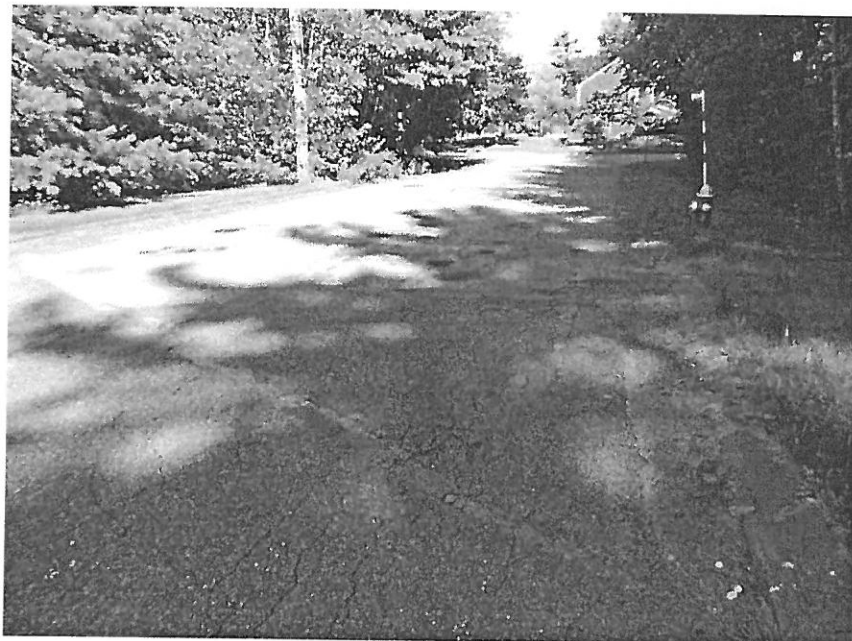


Photo # 14



Susan Affleck-Childs

From: Mary Narducci <marynarducci162@comcast.net>
Sent: Wednesday, September 17, 2014 8:28 AM
To: Susan Affleck-Childs
Subject: RE: Mayland Woods - Updated punch list

Hi Suzy,

Will fax you a copy of page #2 signed off by Mr. Donahue.

Also, Fern Path catch basins have already been repaired, and the box at the intersection has already been repaired. These items were done about a week to a week and a half ago so can't see why on Sept. 15 they were still listed as not being done. On two areas at #2 Fern Path, previous updated list on 8/18/14 stated that "no further action required for this item" Where did this come from now? Have had to call my contractors 3 times already because of updates.

Lastly, the final 3 items as we discussed, I do not feel it is my responsibility for these items. The town had a bond from the previous contractor for this work.

Thanks

Mike

Any questions, please call me at (508) 243-8112

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, September 16, 2014 8:37 AM
To: MaryN
Subject: Mayland Woods - Updated punch list

Good morning,

Attached is an updated punch list based on a September 3rd site visit by Steve Bouley from Tetra Tech and Jimmie Smith from the Medway Department of Public Services.

It appears that you continue to feel you are not responsible for certain items. If you wish to discuss this further with the Planning and Economic Development Board, you need to contact me to schedule an appointment.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

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TO: SUSAN AFFLECK-CHILDS (508) 321-4987
FROM: MIKE NARDUCCI (508) 533-8112
9-17-14



Drainage

- 6. Catch basins do not contain hoods. It is unclear if they were required on the approved subdivision plans.
- 7. It appears that all catch basin pairs are in-line with one another. Discharge points from the catch basin structures could not be located.
- 8. Drainage manhole structures could not be located.

Water*

- 9. The main gate box at house #11 (west end) is the old type and is leaning. The hydrant gate is off center because of the existing berm.
- 10. The table and invert need to be flushed for the sewer at the intersection of Howe Street and Field Road.
- 11. The box of the hydrant gate at the intersection of Howe Street and Bramble Road is cracked and chipped at the lid.

*Comments received from the Town of Medway Water & Sewer Department.

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

Very truly yours,

Steven Bouley
Civil Engineer

lot in area to be accepted
OKAY
Replace TOP HALF OF BOX
8/26/14
M. Dardavane

MAYLAND WOODS SUBDIVISION

Notary Public for the State of Massachusetts
 Notary Public
 Commission Expires 10/31/19
 Notary Public for the State of Massachusetts
 Notary Public
 Commission Expires 10/31/19

NOTARY PUBLIC
 STATE OF MASSACHUSETTS
 My Comm. Expires 10/31/19



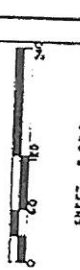
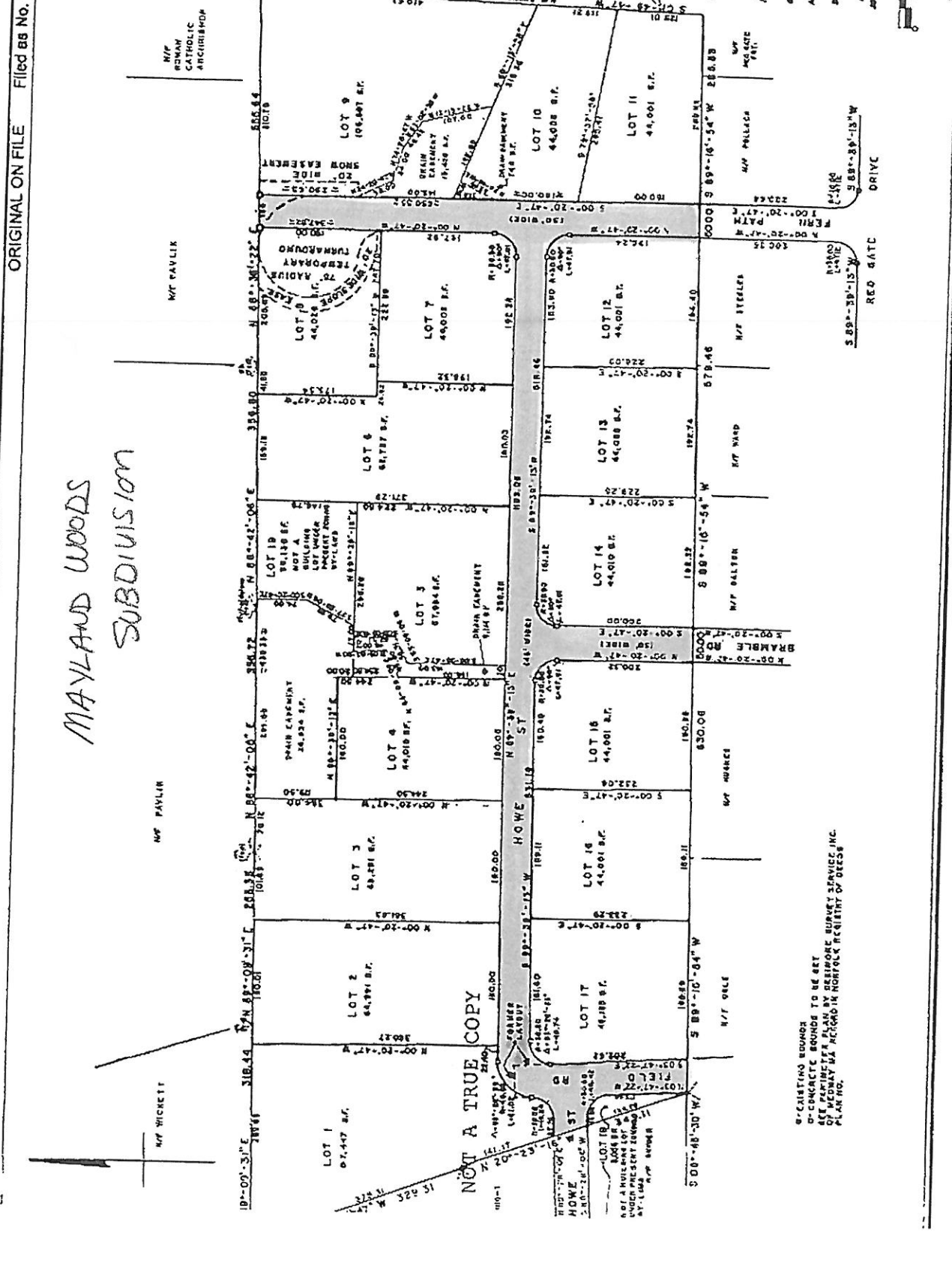
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 DEPARTMENT OF REVENUE
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 10/31/19



Tetra Tech
 One Grant Street
 Framingham, MA 01701

Project Fox Run Farm	Date 09-11-2014	Report No. 29
Location Holliston Street, Medway, MA	Project No. 127-21583-11001	Sheet 1 of 2
Contractor Milinazzo/Mujeeb Ahmed	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS

On Thursday, September 11, 2014 Steven Bouley from Tetra Tech (TT) visited the project site to observe the installation of the HMA top course and general site conditions. The following observations were made:

1. Observations

- A. Milinazzo Corp. was in the process of installing the HMA top course. The roadway was swept and all low spots were shimmed prior to commencement of final paving. The roadway was tacked and HMA top course installed throughout the roadway layout.
- B. The owner of Lot 8A expressed that he did not approve of the berm that was installed in front of his driveway. The berm was placed at that location in order to control stormwater runoff generated in the roadway from entering his property. TT expressed that we were also displeased with the result of the berm as the expectation prior to paving was that the berm would be smaller and less obtrusive. TT recommends the applicant provide an engineered solution to dealing with the drainage issue adjacent to Lot 8A.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't					Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver	1	
Laborers	5	Backhoe		Asphalt Reclaimer		
Drivers		Loader		Vib. Roller	1	
Oper. Engr.	1	Rubber Tire Backhoe/Loader		Static Roller		
Carpenters		Bobcat		Vib. Walk Comp.	1	
Masons		Hoeram		Compressor		
Iron Workers		Excavator		Jack Hammer		
Electricians		Grader		Power Saw		
Flag persons		Crane		Conc. Vib.		
Surveyors		Scraper		Tree Remover		
		Conc. Mixer		Chipper		
		Conc. Truck		Screener		
		Pickup Truck	2	Drill Rig		
		Dump Truck 6 Whl		Boom Lift		
		Dump Truck 10 Whl	4	Water Tank		
		Dump Truck 14 Whl		Tack Truck	1	
		Dump Truck 18 Whl		Gradall		

OFFICIAL VISITORS TO JOB

Police Details: n/a	RESIDENT REPRESENTATIVE FORCE	
Time on site: 10:45 A.M. - 11:15 A.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Jeffrey Eisenhour	

Project Fox Run Farm	Date 09-11-2014	Report No. 29
Location Holliston Street, Medway, MA	Project No. 127-21583-11001	Sheet 2 of 2
Contractor Milinazzo/Mujeeb Ahmed	Weather A.M. SUNNY P.M.	Temperature A.M. 80 P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule

A. TT will inspect the current condition of the site on an as needed basis.

3. New Action Items

A. The applicant should provide an engineered plan and as-built of the site to determine the cause of the stormwater issue adjacent to Lot 8A and a plan to remedy the issue.

4. Previous Open Action Items

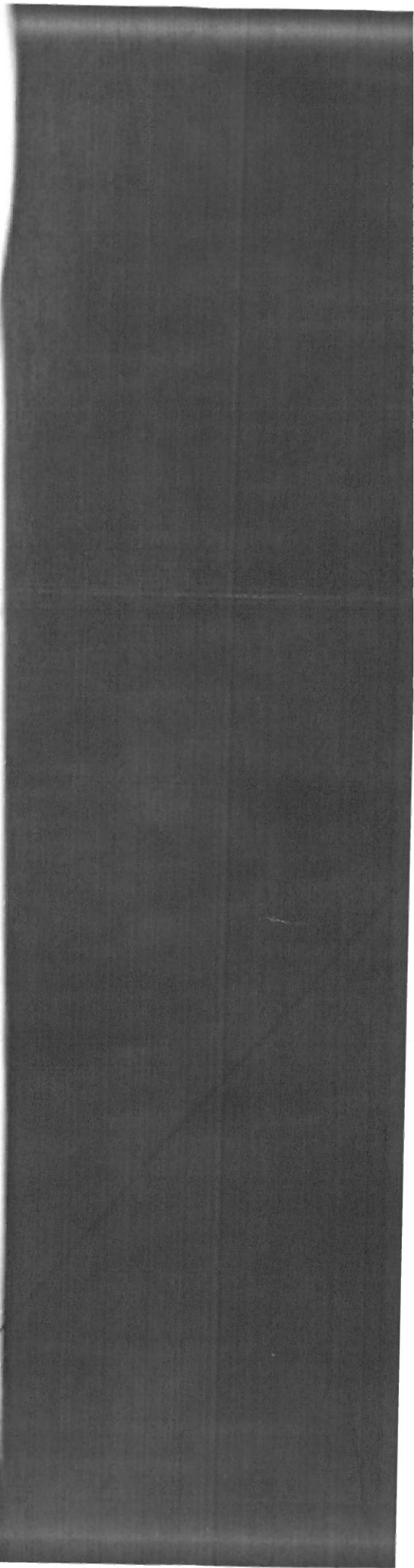
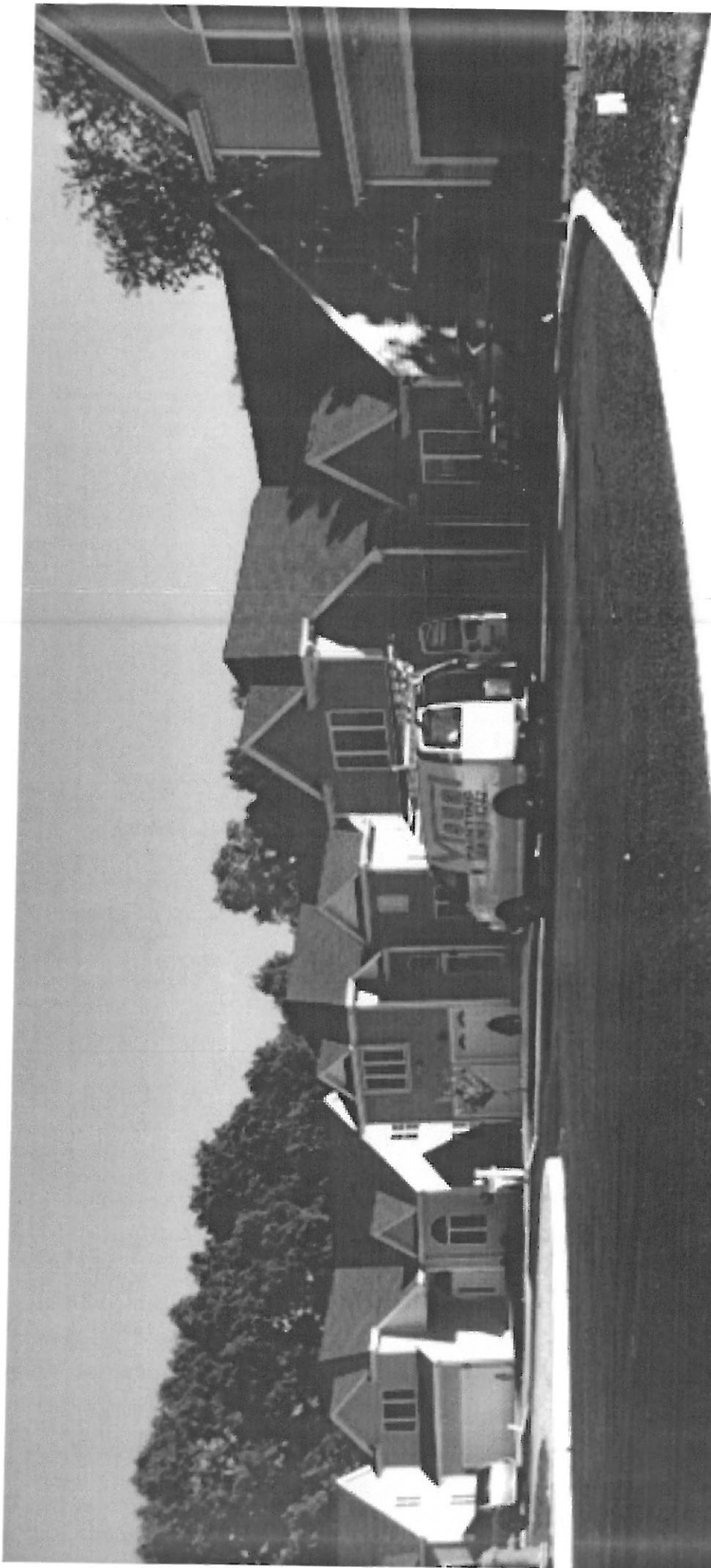
A. Grades appear to be high in several locations and spongy area in the roadway gravel base at approximate STA 0+50 was observed. TT will consult with Dowling about these issues. It appears that under an inch of compacted asphalt remains in this location due to the "pumping" effect of the gravel base when the roller passes over it. *The Owner is aware that the gravel in this location is not acceptable to pave over however due to scheduling there isn't enough time to excavate, replace and compact it today before paving. The Owner understands that this section of pavement will have to be cut out and replaced in the spring. The remainder of the roadway was in acceptable condition. No further deterioration was observed in the roadway. The roadway was shimmed during final paving and no further action is required for this item.*

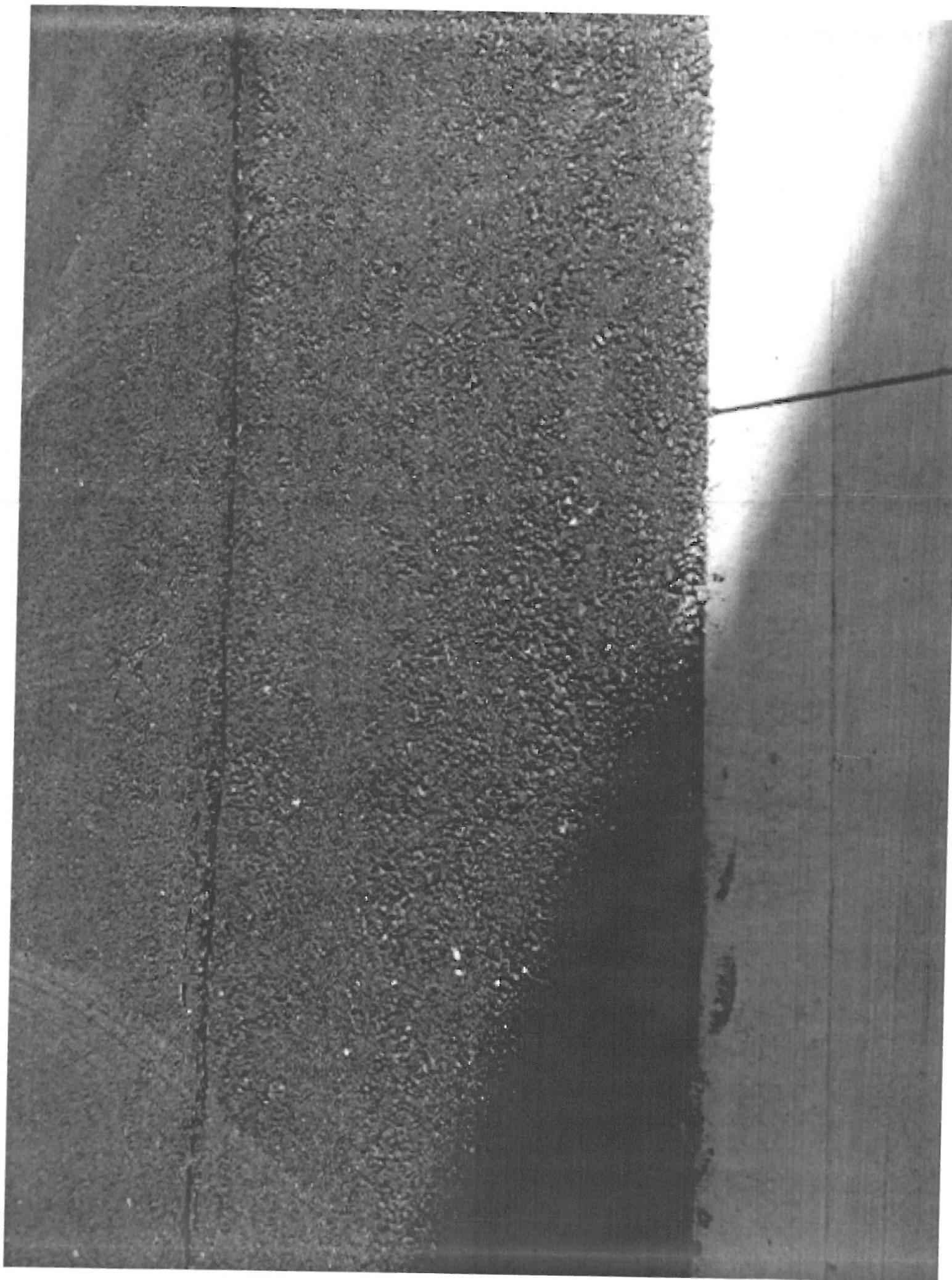
5. Materials Delivered to Site Since Last Inspection:

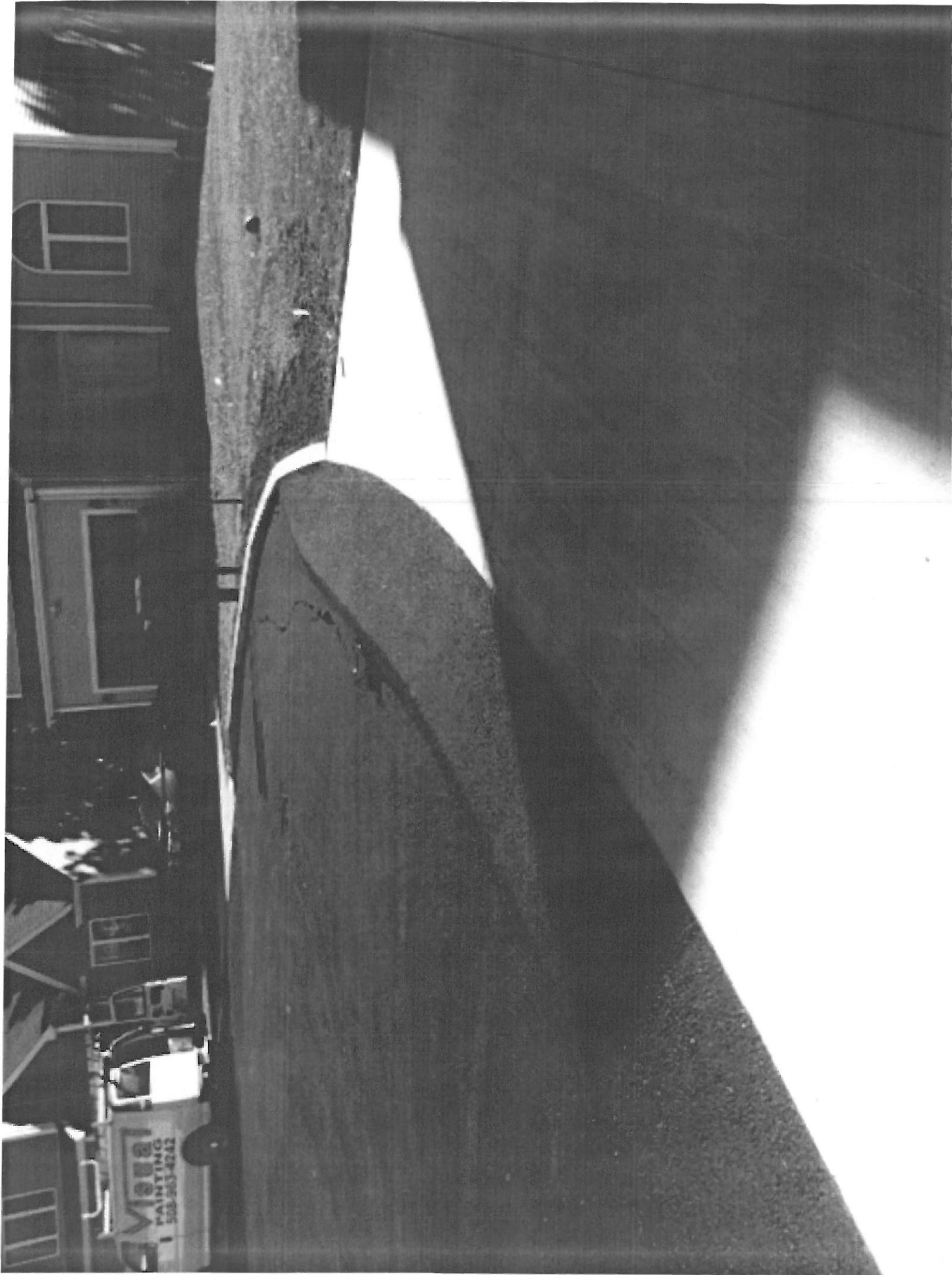
A. N/A











Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, September 18, 2014 1:47 PM
To: Mujeeb Ahmed
Cc: Steve Bouley ; Andy Rodenhiser
Subject: FW: Fox Run Farm Paving Issues

Hi Mujeeb,

I understand you are in touch with Steve Bouley to try to arrange a time to meet on site to further discuss the paving issues at Morningside Drive.

Below is an email we received from Steve on Tuesday this week in which he outlines the steps Tetra Tech recommends. This communication is being provided to the Planning and Economic Development Board and will be the basis for further discussion with you on Tuesday night. I wanted you to see it in advance of meeting with Steve and before Tuesday's meeting so you can see the direction the Board may consider taking to address the problem.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway – A Massachusetts Green Community

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From: Bouley, Steven [mailto:Steven.Bouley@tetrattech.com]
Sent: Tuesday, September 16, 2014 1:48 PM
To: Susan Affleck-Childs
Cc: Reardon, Sean
Subject: Fox RUn Farm Paving Issues

Hi Susy,

Sean and I just spoke about the paving issue at Fox Run. It was originally thought that stormwater flowing into Adrian's (10 Morningside Drive) driveway could be diverted by installing a **small** berm at the edge of his driveway. However, the small berm turned into a larger berm during paving which was not what anyone was expecting but what was required to control the stormwater.

At this point we suggest the applicant provide an "engineered solution" to address the issue. This should include the following:

1. An as-built survey of the current site including spot grades at critical areas. The As-built will be reviewed against the approved plan to determine the extent of deviation from the approved plans. The as-built will also serve as base information for any proposed remedy.
2. An engineered solution addressing inadequate grading conditions at the end of the cul-de-sac. This plan should be reviewed prior to any further construction taking place on-site. The plan should clearly show what improvements are needed to mitigate the stormwater issue and provide a paved surface meeting town standards and good engineering practice.

Please let us know if you need anything else from us in the meantime, Thanks.

Steve

Steven M. Bouley, E.I.T. | Project Engineer

Direct +1 (508)903-2382 | Business +1 (508)903-2000 | Fax +1 (508)903-2001 | Mobile +1 (401)692-1818 | steven.bouley@tetrattech.com

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Susan Affleck-Childs

From: Mujeeb Ahmed <mujeebahmed58@yahoo.com>
Sent: Saturday, September 20, 2014 8:30 AM
To: Susan Affleck-Childs
Cc: Steve Bouley; Andy Rodenhiser
Subject: Re: Fox Run Farm Paving Issues

Susan, attach is draft plan from Outback engineering to fix the berm at 10 morningside drive. Tentatively I have schedule to fix the berm later part of next week Subject to getting Approval from town engineer and board, so that I can still get my road acceptance .

As you know we are on schedule with the deed and final asbuilt . My engineers are going to install bounds and submit as build for town approval.

Things to be get done :
Stop sign and line
Fix the berm at 10 morningside

Thanks
Mujeeb Ahmed
Cell:508.328.2377
www.mujeebconstruction.com
Please excuse for brief iPhone typing

On Sep 18, 2014, at 1:46 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Mujeeb,

I understand you are in touch with Steve Bouley to try to arrange a time to meet on site to further discuss the paving issues at Morningside Drive.

Below is an email we received from Steve on Tuesday this week in which he outlines the steps Tetra Tech recommends. This communication is being provided to the Planning and Economic Development Board and will be the basis for further discussion with you on Tuesday night. I wanted you to see it in advance of meeting with Steve and before Tuesday's meeting so you can see the direction the Board may consider taking to address the problem.

Best regards,

Susy Affleck-Childs

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

508-533-3291
155 Village Street
Medway, MA 02053

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From: Bouley, Steven [<mailto:Steven.Bouley@tetrattech.com>]
Sent: Tuesday, September 16, 2014 1:48 PM
To: Susan Affleck-Childs
Cc: Reardon, Sean
Subject: Fox RUn Farm Paving Issues

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At this point we suggest the applicant provide an "engineered solution" to address the issue. This should include the following:

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Please let us know if you need anything else from us in the meantime, Thanks.

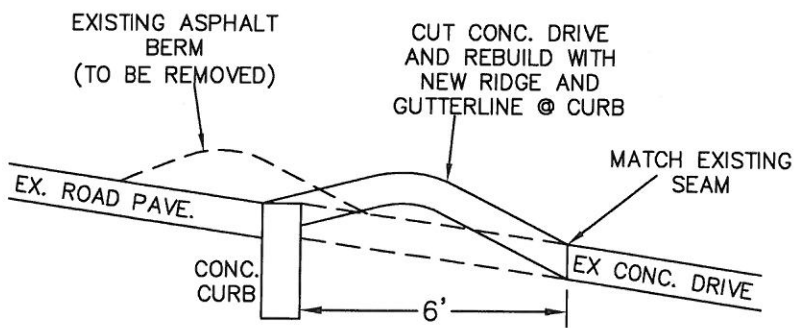
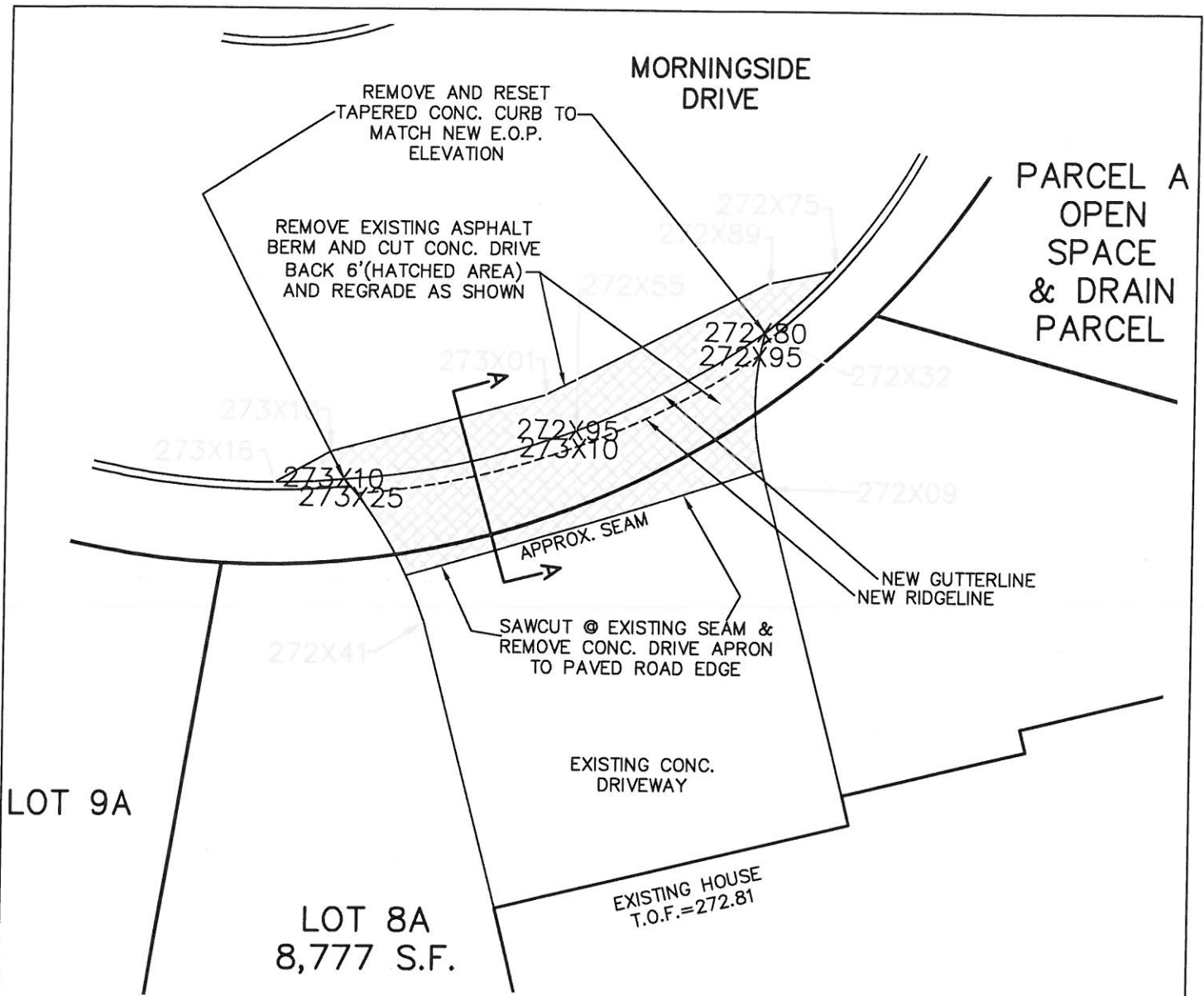
Steve

Steven M. Bouley, E.I.T. | Project Engineer
Direct +1 (508)903-2382 | Business +1 (508)903-2000 | Fax +1 (508)903-2001 | Mobile +1 (401)692-1818 | steven.bouley@tetrattech.com

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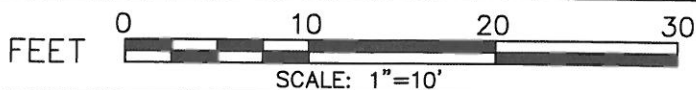
<image001.png> <image002.png> <image003.png> Please consider the environment before printing. [Read More.](#)

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CROSS SECTION A-A

N.T.S.



*LOT 8A
DRIVEWAY REPAIR PLAN
"FOX RUN FARM"
MEDWAY, MASS.*

**Outback
Engineering
Incorporated**

165 EAST GROVE STREET
MIDDLEBORO, MASS. 02346
TEL 508-946-9231

Susan Affleck-Childs

From: Reardon, Sean <sean.reardon@tetrattech.com>
Sent: Monday, September 22, 2014 4:48 PM
To: Susan Affleck-Childs; Bouley, Steven
Subject: RE: Morningside DRIve

Susy, Steve is out today. I have reviewed the plan and it appears to have much of the detail needed and address our concerns. However, the following comments should be addressed prior to beginning construction:

1. The plan should clearly show the limit of cement/bituminous concrete. Spot grades should be provided at the proposed limits of cement concrete. We suggest extending the cement concrete driveway to the proposed "ridgeline" and transitioning from the ridgeline to the road with asphalt. This will provide a finer level of control for the ridge.
2. The plan should confirm the rim elevation of the existing catch basin and that there is suitable pitch to maintain flow without puddling.
3. The detail suggests the ridge will be several inches high and several feet inside the curb line. The plan shows the ridge at 2 inches high and 1 foot inside the curb line. The dimensions shown on the plan appear to reflect the proposed installation but this should be confirmed.
4. The developer should review the proposed plan with any affected homeowners prior to beginning the work.

Sean

Sean P. Reardon, PE | Vice President
Direct +1 (508) 903-2430 | Business +1 (508) 903-2000 | Fax +1 (508) 903-2001 | sean.reardon@tetrattech.com

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From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Monday, September 22, 2014 2:23 PM
To: Bouley, Steven
Cc: Reardon, Sean
Subject: Morningside DRIve

Hi Steve,

Have you had a chance to review the proposed repair plan prepared by Outback Engineering that Mujeeb emailed to us on Friday?

Susy Affleck-Childs

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

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

MEMORANDUM

UPDATED - September 18, 2014

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Scenic Road Violation – West side of Winthrop Street north of Millstone Village

After construction started at Millstone Village, we received several complaints from neighbors on the east side of Winthrop Street who reported that the developer's site contractor had undertaken considerable tree cutting in the Town's right of way on the west side of Winthrop Street, north of the Millstone entrance Road B, on property owned by Betty McCall Vernagli. If the neighbors' observations are correct, that tree cutting may be a violation of the Town's Scenic Road regulations as no Scenic Road work permit had been secured for tree cutting in this area. The neighbors want to know how the Town (PEDB) is going to hold the developer accountable for this unauthorized tree removal.

I asked Tree Warden Fred Sibley to investigate. On 8/28/2014, Fred inventoried the Town owned ROW on the west side of Winthrop Street north of Millstone Road B adjacent to the Vernagli property. He has determined that 4 trees over 4" in diameter were cut in the Town's ROW. There is one tree stump at 12-18" high with a diameter of 8". There are three tree stumps at 12-18" high that have a diameter of 5". Fred has provided a photo of the subject trees taken on 9/11/2014. (See attached.)

You may recollect that the Board did issue a Scenic Road work permit for the removal of one tree in the ROW on the west side of Winthrop near the Millstone entrance Road A. I reviewed the Scenic Road application materials submitted on 3/4/14. (See attached.) Only one tree was identified by the applicant as being subject to the Scenic Road review process; that application did not include any reference to the above noted four trees adjacent to the Vernagli property north of Road B. The public hearing on the tree near Road A was held on 3/25/2014. (See attached portion of the meeting minutes.)

I have also reviewed the grading sheet for the Millstone plans. The grading sheet from the very first set of Millstone's ARCPUD plans dated 10/15/2013 indicates that that a portion of the ROW adjacent to Betty McCall Vernagli's property will be re-graded to maintain an elevation of 230 feet and that vegetation will be cleared. (See attached sheet dated 10/15/2013.)

Based on Fred's evaluation, it seems reasonable to conclude that the Millstone site contractor did not understand that a Scenic Road Work Permit would be needed to remove trees, located adjacent to the Vernagli property in the Town's right of way on Winthrop Street near Millstone Road B, with a diameter of 4" or more as measured one foot from the ground. OR, they felt they were exempt because the PEDB endorsed the Millstone ARCPUD plan on 7/29/14 and that plan included language that a portion of the ROW adjacent to Betty McCall Vernagli's property would be re-graded to maintain an elevation of 230 feet and that vegetation would be cleared.

I first brought this matter to your attention at the 9/6/14 PEDB mtg. I recommended that the PEDB inform the applicant of this violation and direct them to immediately file for a scenic road work permit. You concurred. I emailed the applicant on 9/8/14. Mr. Venincasa responded on 9/13/14 and has stated he does not believe a Scenic Road violation occurred since the grading and vegetation clearing were noted on the approved ARCPUD plan. (See attached emails.)

The Board discussed this again briefly at the 9/16/14 meeting. You asked me to gather some additional information some of which has already been referenced. Also attached are:

- Email from Sergeant Jeff Watson dated 4/27/14 which is after the scenic road public hearing occurred.
- Scenic Road Rules and Regulations.

Upon my further email contact with Mr. Venincasa on 9/17/14, he has responded that he is not available to meet with the PEDB on 9/23/14 as I suggested. He continues to assert that no violation has occurred. (See attached emails.)

Tree Replacement Calculations - Section 405-8 B of the *Scenic Road Rules and Regulations* provides for tree replacement on a 1 sq. inch per 2 sq. inch replacement basis as follows:

A one square inch per two square inch replacement is calculated by finding the diameter of a tree in question at one foot about ground level and determining its trunk area (tree radius squared x 3.14). The resulting figure is halved and that square inch total becomes the square inch total of the replacement trees.

For the subject property, the tree replacement calculations are as follows:

One 8 inch diameter tree (tree radius = 4")

$$\begin{array}{r} 4^2 = 16 \text{ sq. inches} \\ \times 3.14 \\ \hline 50.24 \text{ sq. inches} \\ \text{Divide by } 2 \\ \hline 25.12 \text{ sq. inches of replacement trees} \end{array}$$

Three 5 inch diameter trees (tree radius = 2.5")

$$\begin{array}{r} 2.5^2 = 6.24 \text{ sq. inches} \\ \times 3.14 \\ \hline 19.6 \text{ sq. inches} \\ \text{Divide by } 2 \\ \hline 8.3 \text{ sq. inches of replacement trees} \\ \times 3 \text{ trees that were cut down} \\ \hline 24.9 \text{ sq. inches of replacement trees} \end{array}$$

Total sq. inches of replacement trees = 25.12 (one 8" tree) + 24.9 (three 5" trees) = 50 sq. inches



MEDWAY SCENIC ROAD WORK PERMIT APPLICATION

Medway Planning Board
155 Village Street, Medway, MA 02053 508-533-3291

This application for a Scenic Road Work Permit is made pursuant to the Planning Board's *Rules and Regulations for Review and Issuance of Scenic Road Work Permits* (adopted July 16, 2002). Please refer to the *Rules and Regulations* for specific definitions of all *italicized* words included in this application.

Date: MARCH 4, 2014

1. Applicant/Location Information:

Location/Address on Scenic Road: WEST SIDE OF WINTHROP ST ACROSS FROM CLOVER
Name of Applicant: ELITE HOME BUILDERS LLC
Primary Contact: GLM ENG. CONS. (ROBERT TRUAX)
Mailing Address: 19 EXCHANGE ST HOLLISTON MA 01746
Telephone: 508 429 1100 Email address: ROBERT.TRUAX@GLMENGINEERING.COM

2. Describe the *repair, maintenance, paving or reconstruction* work you wish to do in the Town's right-of-way on the Scenic Road:

Elite Home Builders propose to construct an 80 unit ACTIVE ADULT CONDOMINIUM COMMUNITY, ("Millstone Village") ON THE WEST SIDE OF WINTHROP STREET. THE ACCESS REQUIRES REMOVAL OF ONE TWENTY-ONE INCH PINE TREE.

3A. Is there a stone wall(s), in the Town's right-of-way of the Scenic Road where you propose to *repair, maintain, reconstruct or pave*? You must contact the Medway Department of Public Services (DPS) at Town Hall, 155 Village Street, 508-533-3275 to answer this question. A representative of the DPS must visit the site to answer Questions 3A and 3B and sign below.

YES - If YES, please answer 3B NO - If NO, skip 3B and go to 4A

Signature of Medway DPS Representative

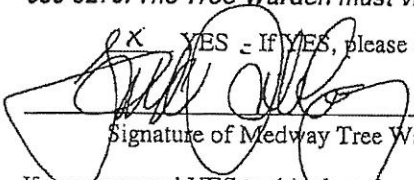
Date

3B. If you answered YES to 3A, does the proposed work to *repair, maintain, reconstruct or pave* in the Town's right-of-way of a Scenic Road involve the *tearing down or destruction of a stone wall or any portion thereof*?

YES NO

4A. Are there any *tree(s)* located within the Town's right-of-way of the Scenic Road? You must contact the Medway Tree Warden Brutus Cantoreggi to answer this question. Leave a message for him at 508-533-3275. The Tree Warden must visit the site to answer Questions 4A and 4B and sign below.

YES - If YES, please answer 4B NO - If NO, skip 4B and go to 5



Signature of Medway Tree Warden

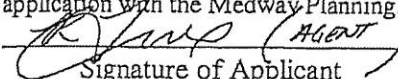
Date

4B. If you answered YES to 4A, does the proposed work to *repair, maintain, reconstruct or pave* in the Town's right-of-way of a Medway Scenic Road involve the *cutting or removal of a tree(s)*?

YES NO

5A. If question 3B OR 4B was answered YES, a Scenic Road public hearing and Work Permit are required. You must complete the remainder of this application on the reverse side.

5B. If both questions 3B AND 4B were answered NO, a Scenic Road public hearing and Work Permit are NOT required; you do not need to complete the rest of this application. Please sign below and file this application with the Medway Planning Board. No further action is needed on your part.



Signature of Applicant

3/4/14

Date

MEDWAY SCENIC ROAD WORK PERMIT APPLICATION

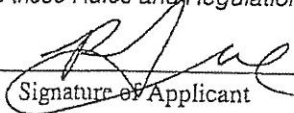
Medway Planning Board

155 Village Street, Medway, MA 02053 508-533-3291

If you answered YES to Question 3B or 4B, a Scenic Road Public Hearing and Work Permit are required. Please complete the rest of this application. Prepare the following items as attachments. Sign below and file this application with all required supplemental materials to the Medway Planning Board, 155 Village Street, Medway, MA 02053. Submit the original application and 8 copies of each item A – E noted below.

- A) Written description and plans/drawings showing the location of the proposed disturbance area (where work is proposed involving the cutting or removal of trees or the tearing down or destruction of stone walls), the location of trees and stone walls, and the boundaries of the Town's right-of-way.
- B) Written statement explaining the purpose and need to cut or remove tree(s) or tear down or destroy stone walls, or portions thereof.
- C) Written statement outlining alternatives, proposed compensatory actions (such as the planting of replacement trees or the reconstruction of stone walls) and mitigation measures (payment in lieu of new tree planting) to the proposed cutting or removal of tree(s) or the tearing down or destruction of stone walls.
- D) Photographs of all stone walls and trees within and adjacent to the proposed disturbance area.
- E) Any other explanatory material that you believe may be useful to the Planning Board in evaluating your project.
- F) A list of abutters, certified by the Board of Assessors. (For purposes of Scenic Roads, abutters are defined as owners of land immediately adjacent to and directly opposite from the proposed disturbance area land on any public or private street or way.)
- G) Scenic Road Permit Application Fee - \$100.00 if the project involves a tree(s) or a stone wall(s); \$200.00 if the project involves trees and stone walls. (Please make check payable to the Town of Medway.)

I hereby submit this application for a Scenic Road Work Permit to the Medway Planning Board. I acknowledge that I have read the Rules and Regulations for Review and Issuance of Scenic Road Work Permits (adopted July 16, 2002). I understand that, in addition to the Scenic Road Work Permit Application Fee, I am responsible for the additional expense of advertising the public hearing as specified in the Rules and Regulations. If my project involves a stone wall, I will post notice of the public hearing at least seven (7) days before by temporarily affixing a ribbon or other flagging material to the stone wall such that it is visible from the road. If my project involves a tree(s), I understand the Tree Warden will post a notice directly on the tree(s) at least seven (7) days before the public hearing. I will abide by the decision of the Medway Planning Board regarding restoration and/or compensatory measures as described in the Rules and Regulations. I understand that I may be fined if I violate these Rules and Regulations.


Signature of Applicant

3/4/14
Date

Revised February 28, 2008

GLM ENGINEERING CONSULTANTS, INC.

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

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

March 5, 2014

Medway Planning Board
Town Hall
Medway, MA 02053

Re: Scenic Road Application
Millstone Village
Senior Residential Community

Dear Board Members,

The applicant, Elite Home Builders LLC, is proposing an eighty unit senior residential community off Winthrop Street. The project access will require work within the scenic road layout of Winthrop Street.

The work will involve the removal of a twenty-one (21) inch diameter white pine. The Scenic Road Rules and Regulations require tree replacement on a one (1) square inch per two (2) square inch as follows:

21 – inch pine $(10.5'' \times 10.5'')(3.14) = 346 \text{ sq.in.}$

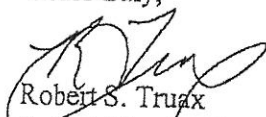
$(346 \text{ sq.in.}) / 2 = 173 \text{ sq.in.}$

$173 / 7 = 24 \text{ three (3) inch caliper replacement trees}$

Total Tree Replacement = 24 three (3) inch caliper trees

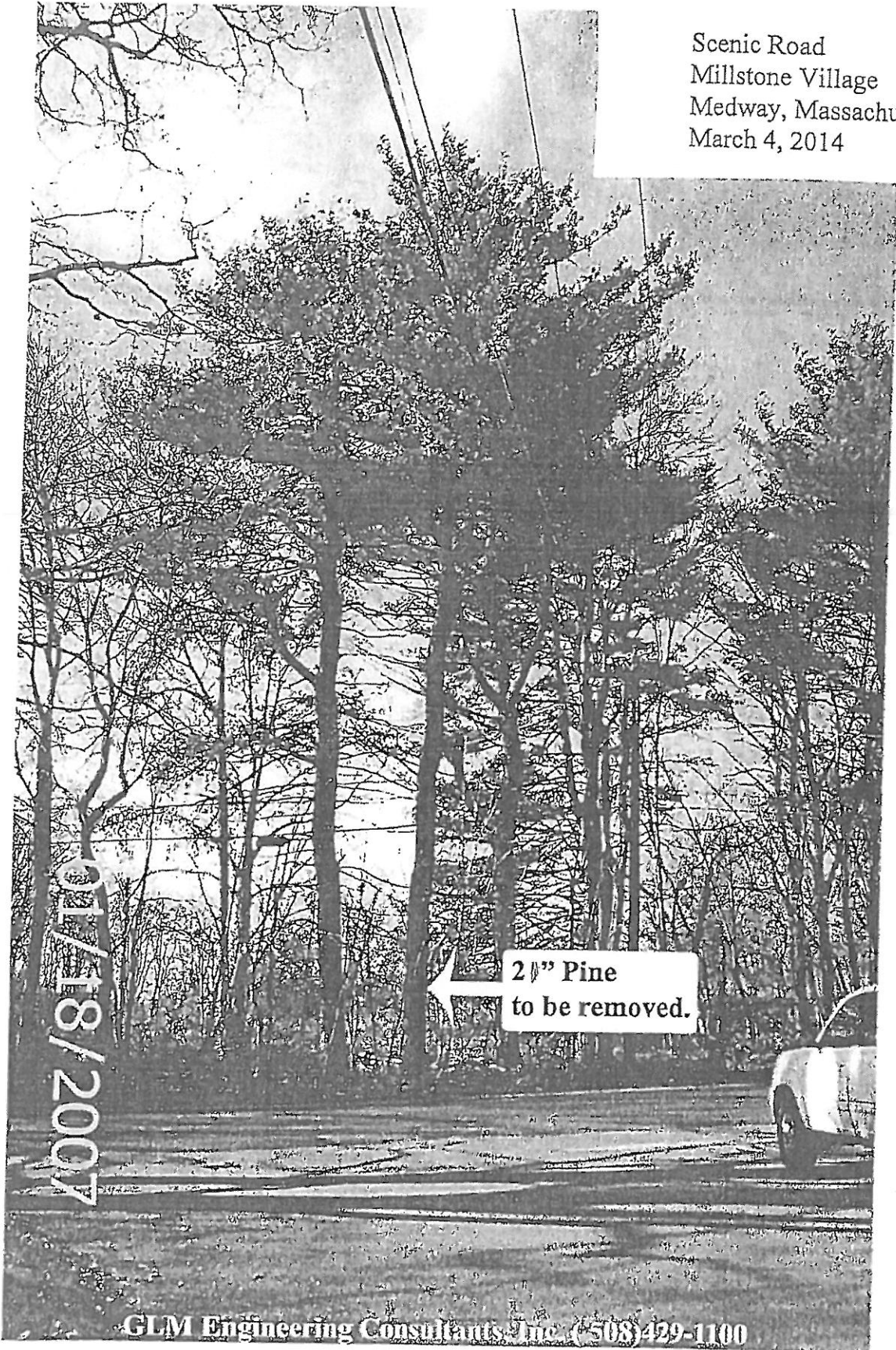
Enclosed herewith is a plan depicting the location of the tree to be removed. Thank you for your attention in this matter.

Yours truly,


Robert S. Truax
Project Manager/Design Eng.

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

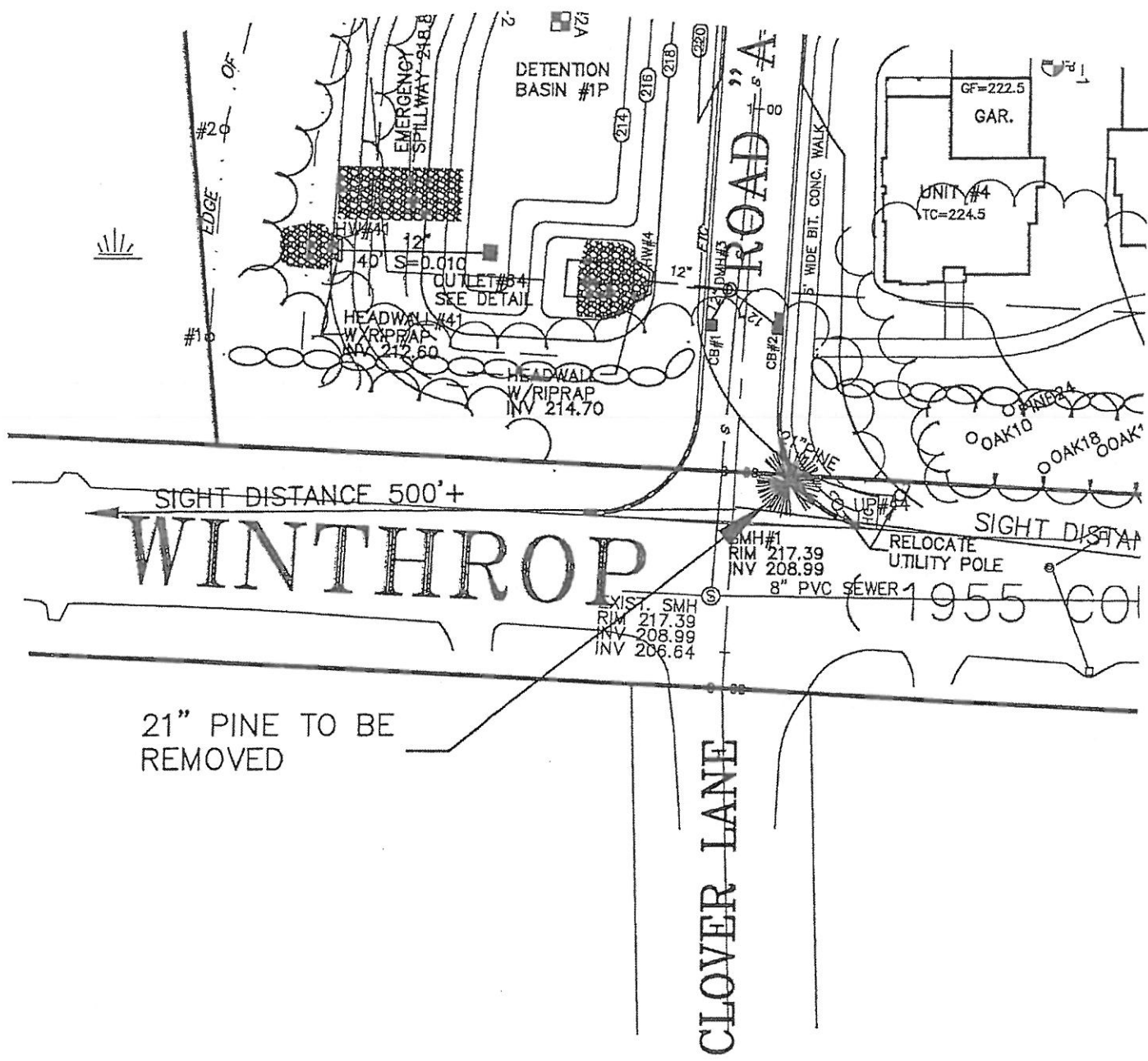
Scenic Road
Millstone Village
Medway, Massachusetts
March 4, 2014



01/18/2007

2 1/2" Pine
to be removed.

GLM Engineering Consultants, Inc. (508) 429-1100



NO.	DATE	REVISIONS

GLM ENGINEERING
CONSULTANTS
 19 EXCHANGE
 HOLLISTON, MASSACHUSETTS
 (508)429-1100 fax

The new owner was sent a new invoice and letter asking what his intentions are for the subdivision.

The board wanted to know if there were any extensions granted on this decision. Susy will follow-up on that item.

Millstone Village Adult Retirement Community:

The Chairman opened the continued hearing for the Millstone Village Adult Retirement Community.

Scenic Road Permit:

On a motion made Karyl Spiller-Walsh and seconded by Tom Gay, the board voted unanimously to open and waive the reading of the public hearing notice for the scenic road permit for Millstone Village. (See Attached)

The Tree Warden Fred Sibley is present and referenced his email dated March 24, 2014. (See Attached).

Susy explained that the new permit application pertains to the removal of one tree in the right of way adjacent to Millstone Village where the driveway is being put. The board is in receipt of a packet with a photograph of the pine tree which will be removed. There is also a drawing showing the location. (See Attached)

There was a question about how far back the tree is in the photo.

The engineer indicated that it is outside the right of way.

Susy explained that the bylaw only applies to trees or stonewalls in the right of way which will need to be removed due to the construction. This is how the statute reads.

Fred Sibley explained that he came up with a cost estimate of \$2,500.00. This amount was based on a formula. This takes into account the type, size and health of the tree. It was suggested to replace the pine with three red maples with the hope that the contractor would agree to plant these with the tree warden's supervision.

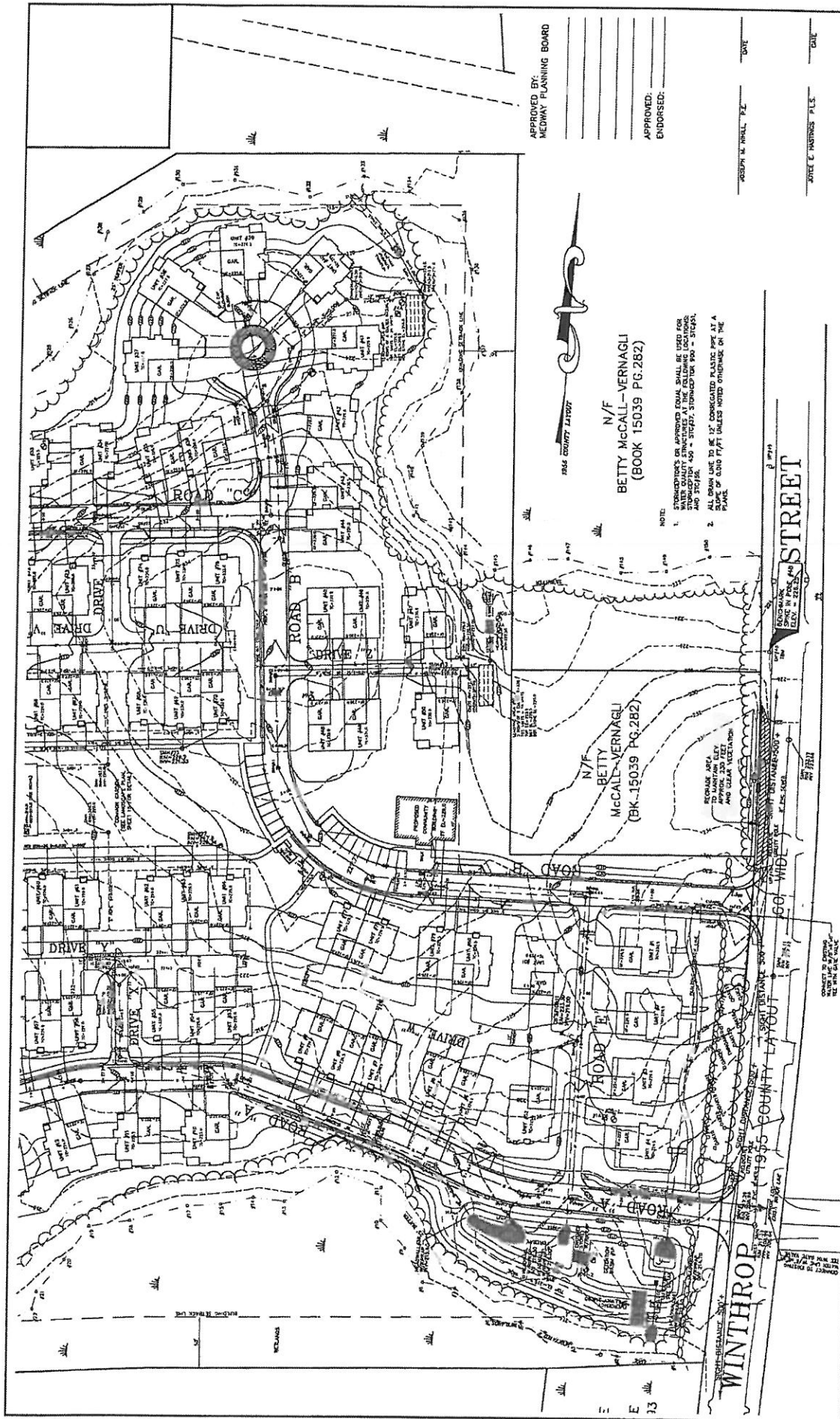
The engineer indicated that the applicant will be amenable to this.

Susy will draft language up for the next meeting.

There was discussion that there needs to be a timeline put in place for the plantings. It was suggested April 30, 2015.

Close Scenic Road Permit Hearing:

On a motion made Karyl Spiller-Walsh and seconded by Tom Gay, the board voted unanimously to close the public hearing for the scenic road permit for Millstone Village.



APPROVED BY:
MEDWAY PLANNING BOARD

APPROVED:
ENDORSED:

DATE

N/F
BETTY McCALL - VERNAGLI
(BOOK 15039 PG.282)

NOTE:
1. ELEVATIONS ON APPROVED PLAN SHALL BE USED FOR WATER QUALITY STRUCTURES AT THE FOLLOWING LOCATIONS: 1. 12" CONCRETE MANHOLE - 458 - 512571, STORMWATER 100 - 512570, AND 312578.
2. ALL DRAIN LINES TO BE 12" CONCRETE PLASTIC PIPE AT A SLOPE OF 0.100 FT/FT UNLESS NOTED OTHERWISE ON THE PLAN.

STREET

GRADING, DRAINAGE & UTILITY
ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
MILLSTONE VILLAGE
MEDWAY, MASSACHUSETTS

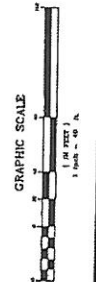
APPLICANT:
BETTY McCALL - VERNAGLI
12 PARTRIDGE STREET
MEDWAY, MASSACHUSETTS 02053

DATE: 11-2-07
OCTOBER 15, 2013
SHEET NO. 7 OF 21

GLM ENGINEERING CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508)439-1100 fax:(508)439-7160

FIELD: _____
DES. ENG. DESIGN BY: WHL
DRAWN BY: WHL
CHECKED BY: WHL

NO.	DATE	REVISIONS DESCRIPTION



Susan Affleck-Childs

From: Steven Venincasa <sv@casarealty-builders.com>
Sent: Saturday, September 13, 2014 10:20 PM
To: Susan Affleck-Childs
Cc: Steven Venincasa; Andy Rodenhiser
Subject: Re: Scenic Road tree cutting on Winthrop Street north of Millstone Village

The trees cut were shown on the approved site plan signed by the planning board. The plan clearly depicts the grade to be lowered in the area in question . No violation occurred .

Steven Venincasa
Sent from my iPad

On Sep 8, 2014, at 2:36 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Steve,

I am writing to inform you of a matter related to construction at Millstone Village that needs your immediate attention. This pertains to the extensive land clearing that occurred several weeks ago when the Millstone site preparation work began.

Based on the 8/28/14 inspection by Tree Warden Fred Sibley, it appears that the site contractor, in preparing the Millstone site entry area at Winthrop Street, removed 4 trees over 4 inches in diameter that were located in the Town's right of way on the west side of Winthrop Street, immediately north of your site and adjacent to Betty McCall Vernaglia's property. As you know, Winthrop Street is a scenic road and neither you, nor the contractor, nor Betty applied for and secured a Scenic Road work permit for this work. You are now in violation.

I discussed this matter with the Planning and Economic Development Board on Saturday. To remedy this violation, you need to apply for a Scenic Road work permit immediately and the Board needs to hold a Scenic Road public hearing as soon as possible. The application form is attached. Please complete it and return to me.

You can reasonably expect that some remedial tree planting will be required.

Please do not hesitate to contact me if you have any questions. I look forward to receiving the scenic road work permit application from you within the next 2 days along with an application fee of \$150.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway - A Massachusetts Green Community



Allen M. Tingley
Chief of Police

Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

April 27, 2014

To: Medway Planning Board

From: Jeffrey W. Watson
Sergeant/Safety Officer
Medway Police Department

Ref: Millstone Village
Adult Retirement Community

I have looked at the site plans for the proposed Adult Retirement Community "Millstone Village" located on Winthrop Street. The plans were prepared by GLM Engineering Consultants, Inc. dated October 15, 2013, revised February 7, 2014.

I would request that the Planning Board look at what the Town has for a taking on Winthrop Street. I am concerned with the sight distance and visibility of the Northern entrance and egress of Road "B" onto Winthrop Street. There are trees and also a berm that would prohibit a proper line of sight visibility.

The following would be my recommendation for signage inside the development. All stop signs should also have a painted stop line.

Stop Sign Locations

Road "A" exiting onto Winthrop Street
Road "E" at Road "A"
Road "C" at Road "A"
Road "B" exiting onto Winthrop Street
Road "E" at Road "A"
Drive "Z" at Road "B"
Road "C" at Road "B"
Drive "T" at Road "C"
Road "D" at both connections with Road "C"
Road "C" at Road "A"
Drive "X" at Road "A"

Keep Right Signs

At Round-A-Bout at end of Road "A"

At Round-A-Bout at end of Road "B"

Intersection ahead sign

Located on Winthrop Street on the southbound lane 200Ft before the entrance of Road "B"

Street name Signs

All streets must have a sign with name and intersecting street name.

Looking at the plan I see that each unit is numbered. However, unit 51 and 52 do not follow any order. I would request that each grouping of units have adequate signage identifying what units are where. For example, before entering onto Road "E" from Road "A" a sign would advise emergency vehicles what units are in that area. This should be done at all groupings.

All signage and street marking should adhere to the Manual on Uniform Traffic Control Devices.

Town of Medway, Massachusetts

Planning Board Rules and Regulations

Chapter 400 – Scenic Roads

(Adopted Pursuant to the Scenic Roads Act, Chapter 40, Section 15C, M.G.L.)

Rules and Regulations for the Review and Issuance of Scenic Road Work Permits

Adopted: July 16, 2002

Medway Planning Board

Diane M. Borgatti, Chairman

James G. Wieler, Vice-Chairman

Daniel J. Hooper, Clerk

Matthew J. Hayes, P.E.

Karyl Spiller-Walsh

155 Village Street

Medway, MA 02053

508-533-3291

townofmedway.org

Corrected August 5, 2002

Town of Medway, Massachusetts
Planning Board Rules and Regulations
Chapter 400 – Scenic Roads
Rules and Regulations for the Review and Issuance of
Scenic Road Work Permits

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July 26, 2002

Town of Medway, Massachusetts

Planning Board Rules and Regulations

Chapter 400 – Scenic Roads (Adopted Pursuant to the Scenic Roads Act, Chapter 40, Section 15C, M.G.L.)

Rules and Regulations for the Review and Issuance of Scenic Road Work Permits

ARTICLE I AUTHORITY

s. 401 – 1 *STATUTORY AUTHORITY* – M.G.L. Chapter 40, Section 15C, passed in 1973, amended in 1989.

“Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission of any city or town, such city or town may designate any road in said city or town other than a numbered route or state highway, as a scenic road; provided, however, that a numbered route may be designated by a city or town as a if its entire length is contained within the boundaries of said city or town, and no part of said route is owned or maintained by the Commonwealth.

After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board, or if there is no planning board, the Selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under Section three of Chapter eighty-seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board, or if there is no planning board, the Selectmen of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the Tree Warden or his deputy as provided in said Section three of Chapter eighty-seven. Any city or town making said designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars. (*Amended by 1989 360 eff. 12-17-89.*) Designation of a road as a Scenic Road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of Chapter 90.”

s. 401 - 2 ADOPTION – The Medway Planning Board hereby adopts these *Rules and Regulations* governing the administration of the Scenic Roads Act pursuant to a vote on Article 5 of the Medway Town Meeting on May 14, 2001. Said adoption of these *Rules and Regulations* was by a unanimous vote taken by the Medway Planning Board on July 16, 2002 which became effective immediately.

s. 401 - 3 REVISIONS – These *Rules and Regulations* shall be controlling and may be amended from time to time by action of the Medway Planning Board following a duly called and advertised public hearing.

s. 401 - 4 APPLICABILITY - The Planning Board's authority and jurisdiction shall be consistent with M.G.L. Chapter 40, Sec. 15C.

s. 401 - 5 OTHER APPLICABLE STATE LAW – Laws pertaining to Tree Wardens, specifically M.G.L., Chapter 87.

ARTICLE II GENERAL PROVISIONS

s. 402 - 1 PURPOSE - The Medway Planning Board has adopted these *Rules and Regulations* with the ultimate purpose of further protecting the natural beauty that currently exists within the *right-of-ways* of select *roads* in the Town of Medway by:

- A. Providing criteria for Scenic Road designation within the Town;
- B. Creating and defining a *Scenic Road Work Permit* and providing a process for making a determination of need for such a permit;
- C. Outlining the considerations that guide the Planning Board when acting on an accepted application for a *Scenic Road Work Permit*;
- D. Providing the Planning Board with restoration processes, compensatory actions and enforcement mechanisms related to the review and issuance of *Scenic Road Work Permits* applications.

s. 402 - 2 DESIGNATED SCENIC ROADS - The twenty-four (24) *roads* designated as Scenic Roads at the Town Meeting of December 30, 1975 and an additional one (1) *road* designated as a Scenic Road at the Town Meeting of May 14, 2001 shall retain their status as Scenic for the purposes of these *Rules and Regulations*. See *Appendix A* for listing of Medway Scenic Roads.

s. 402 - 3 DEFINITIONS - In the absence of contrary meaning established through legislation or judicial action pursuant to M.G.L. Chapter 40, Sec. 15C, these terms contained in that statute shall be construed as follows:

Abutter: Owners of land sharing property lines to the proposed *disturbance area* land and owners of land directly opposite the proposed *disturbance area* land on any public or private

street or way, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, and the Planning Board of every abutting city or town.

Cutting or Removal of Trees: The removal of one or more *trees*, trimming of major branches, or cutting of roots sufficient in the Tree Warden's written opinion to cause eventual destruction of a *tree*. However, this shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall include such cutting or removal done in contemplation of, or following the *repair, maintenance, reconstruction or paving work* for a *road*.

Disturbance Area: An area of land within the *right-of-way* of a Scenic Road where work is proposed or is currently occurring with or without the issuance of a *Scenic Road Work Permit*; such work may involve the *cutting or removal of trees*, or the *tearing down or destruction of stone walls*, or portions thereof.

Posting: The marking of a *tree* or *stone wall* on the *right-of-way* on a Scenic Road for the purpose of a Scenic Road public hearing. For *trees*, such marking as described in M.G.L. Ch. 87 S. 3. For *stone walls*, a ribbon or other appropriate "flagging" material temporarily affixed to the *stone wall* at issue in a Scenic Road hearing and viewable from the paved *road*.

Repair, Maintenance, Reconstruction, or Paving Work: Any such work done within the *right-of-way* by any person or agency, public or private. Construction of new driveways or alterations of existing ones is also included to the extent such work takes place within the *right of-way*. Construction or alteration of water, sewer, electric, telephone, cable TV, or other utilities within the *right-of-way* is also included. Except as allowed in the definition of *cutting or removal of trees* as included herein, roadside cutting for clearance for vehicles or for improvement of line-of-sight shall also be included within this definition.

Right-of-way: The area on and within the boundaries of the public way. If the boundaries are unknown, any affected *trees* or *stone walls* shall be presumed to be within the public *right-of-way* until shown to be otherwise.

Road: The entire *right-of-way* of a vehicular traveled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, sidewalks, pedestrian facilities, and the air space above them, but not intersecting streets or driveways.

Scenic Road Work Permit: A document issued, or not, by the Planning Board after a duly called Scenic Road public hearing. In the case of an issued *Permit*, such *Permit* may authorize and specify work allowed in a proposed *disturbance area* by an applicant on the *right-of-way* of a Scenic Road and include all required conditions and compensatory actions as outlined herein.

Stone Wall: A contiguous arrangement of stone, cut or otherwise, involving at least five (5) square face feet (height x length of stone wall "face"). A *stone wall* shall include any of its

appurtenances including but not limited to gates, terminuses, cut granite stone or large individual stones. All *stone walls* within the entire *right-of-way* of a Scenic Road or on the boundaries thereof shall be subject to these *Rules and Regulations*. If for whatever reason, an issue arises as to whether a *stone wall* is within the *right-of-way*, then the *stone wall* shall be presumed to be within the *right-of-way* until the contrary is shown.

Tearing Down or Destruction of Stone Walls: The defacing, removal, physical covering (other than naturally occurring plant covering) or rearrangement of a *stone wall* as defined herein. The temporary removal of a *stone wall* is permitted without Planning Board approval if the Medway Department of Public Services – Highway Division (DPS) is notified before the work begins. The DPS may inspect the work upon completion of restoration to confirm proper replacement at the same location with the same materials in a contiguous and consistent arrangement to the adjoining *stone walls*. Repair of a *stone wall*, not involving the *tearing down or destruction of the stone wall*, is not covered by these *Rules and Regulations*.

Tree: For the purposes of these Scenic Road *Rules and Regulations* only, a living tree whose trunk has a diameter of four (4) inches or more as measured one (1) foot from the ground. All *trees* so defined within the *right-of-way* of a Scenic Road or on the boundaries thereof shall be subject to these *Rules and Regulations*. If, for whatever reason, it is uncertain whether the *tree* is within the *right-of-way* of a Scenic Road, it shall be taken to be within the coverage of the Scenic Road Act and these *Rules and Regulations* until the contrary is shown. Nothing in this definition shall be construed to permit a person, other than the Tree Warden or his deputy, to trim, cut down or remove a Public Shade Tree. See *Appendix B*.

NOTE: Throughout this document, words in *italic* are defined herein and their meaning shall be as defined.

ARTICLE III PROCEDURE FOR DESIGNATING SCENIC ROADS

s. 403 – 1 TOWN MEETING WARRANT - The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of ten (10) registered voters, in the case of the annual town meeting, and one-hundred (100) registered voters in the case of a special town meeting, may propose Scenic Road designation for any Medway *road* other than a numbered route or state highway.

s. 403 – 2 PUBLIC HEARING - The Planning Board shall hold a Public Hearing on the petition for Scenic Road designation by notifying the Town Clerk, the Board of Selectmen, the Tree Warden, the Director of the Department of Public Services, the Conservation Commission, the Historical Commission, and the Building Inspector, and advertising twice in a newspaper of general circulation, the first advertisement at least fourteen (14) days prior to the date of the public hearing. At the conclusion of the public hearing, the Planning Board shall make a recommendation to the Town Meeting on the merits of designating a way as a Scenic Road.

s. 403 – 3 CRITERIA FOR DESIGNATION – One or more the following characteristics of the proposed Scenic Road shall be included in the Planning Board's written recommendation to the Town Meeting:

- A. Age and historic significance of affected roads, *trees* and *stone walls*;
- B. Contribution of *trees* and *stone walls* to scenic beauty;
- C. Exceptional qualities of *trees* in terms of age, spread, species or specimen;
- D. Protection of natural resources as well as scenic and aesthetic quality of area;
- E. Bordering land uses, nearby architectural features, present and prospective, and how they impact the importance of retaining *trees* and *stone wall*.

s. 403 – 4 **REQUIRED VOTE** - A majority vote of Town Meeting is required for Scenic Road designation. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the *right-of-way* of which was not physically commenced at the time the road was designated as a Scenic Road shall conform to these *Rules and Regulations*.

s. 403 – 5 **NOTIFICATION** - Following the designation of any way as a Scenic Road by Town Meeting, the Planning Board shall notify:

- A. All municipal departments that may take any action with respect to such Scenic Road and request that such Scenic Road designation be included on any town produced or sponsored maps;
- B. the Massachusetts Highway Department;
- C. the Commissioners of Norfolk County;
- D. all utility companies or other such parties which may be working on the border of such Scenic Roads; and
- C. all property owners along the Scenic Road via the next tax bill mailing following designation.

ARTICLE IV - DETERMINATION OF NEED FOR SCENIC ROAD WORK PERMIT

s. 404 – 1 **STONE WALLS** - Where any *repair, maintenance, reconstruction or paving work* is occurring or is proposed in the *right-of-way* of a Scenic Road that may involve the *tearing down or destruction of stone walls*, through a Street Opening Permit application or otherwise, the Director of the Department of Public Services (DPS) or his designee, shall review the site. This review will serve to determine whether an application for a *Scenic Road Work Permit* and the subsequent Scenic Road public hearing is required. The Director of the DPS may order that all related *repair, maintenance, reconstruction or paving work* be terminated until such determination is made. A Scenic Road public hearing and subsequent issuance of a *Scenic Road*

Work Permit may be required to complete an application for a Street Opening Permit on a designated Scenic Road.

s. 404 – 2 **TREES** - Where any *repair, maintenance, reconstruction or paving work* is occurring or is proposed in the *right-of-way* of a Scenic Road that may involve the *cutting or removal of a tree(s)*, the Tree Warden or his designee, shall review the site. This review will serve to determine whether an application for a *Scenic Road Work Permit* and the subsequent Scenic Road public hearing is required. The Tree Warden may order that all related *repair, maintenance, reconstruction or paving work* be terminated until such determination is made.

ARTICLE V – REVIEW PROCEDURE

s. 405 – 1 **FILING INSTRUCTIONS** – If, upon determination that a *Scenic Road Work Permit* is required, any person, organization, state or municipal agency seeking the consent of the Planning Board under M.G.L. Chapter 40, Sec. 15C (the Scenic Roads Act) regarding the *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof, in connection with the *repair, maintenance, reconstruction or paving work* on Scenic Roads shall submit a request for a *Scenic Road Work Permit* to the Planning Board, on an application form supplied by the Planning Board, together with the following:

- A. A written description and plans or drawings showing the location and the nature of the proposed *disturbance area*. The location description should enable readers to locate it with reasonable specificity on the ground without the need for additional plans or references;
- B. A statement explaining the purpose and need for the *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof, in the proposed *disturbance area*;
- C. A statement outlining possible alternatives, proposed compensatory actions, and mitigation measures including restoration, to the proposed *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof;
- D. A list, certified by the Assessor's office, of *abutters*, as defined herein;
- E. Except in the case of town agencies, a *Scenic Road Work Permit* fee as specified in the Planning Board's Fee and Bond Schedule, sufficient for the cost of processing the application and *abutter* notification, is required and shall be made payable to the Town of Medway;
- F. Photographs of all *stone walls* and *trees* within and adjacent to the proposed *disturbance area* prior to any work;
- G. Any other explanatory material useful to adequately inform the Planning Board and Tree Warden prior to the public hearing.

s. 405 - 2 POSTING OF TREE(S) AND STONE WALLS - A *posting*, as outlined in M.G.L. Chapter 87, Sec.3, by the Tree Warden on the *tree(s)* in the proposed *disturbance area*, or a *posting* by the applicant on the *stone wall* in the proposed *disturbance area*, or both, is required at least seven (7) days prior to a Scenic Road public hearing.

s. 405 - 3 NOTIFICATION OF OTHER TOWN DEPARTMENTS - Notice of submittal of an application for a *Scenic Road Work Permit* shall be filed by the Planning Board with the Town Clerk and a copy of the submittal transmitted to the Tree Warden, the Building Inspector, the Department of Public Services, the Board of Selectmen, the Historical Commission and the Conservation Commission. The Planning Board may request a written opinion from these respective departments prior to the Scenic Road public hearing.

s. 405 - 4 PUBLIC HEARING - The Planning Board shall hold a public hearing as soon as practical but in no event later than forty-five (45) days from the date on which the application for a *Scenic Road Work Permit* is received by the Planning Board unless a longer time is agreed to by the applicant. The public hearing may be continued.

s. 405 - 5 COORDINATION WITH TREE WARDEN - As stated in the Scenic Road Act and whenever feasible, the Planning Board hearing shall be held in conjunction with that held by the Tree Warden acting under M.G.L. Chapter 87, the Public Shade Tree Act. In the event that the Planning Board holds a joint hearing with the Tree Warden, the advertisement shall be made by the Tree Warden or his deputy. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of these *Rules and Regulations* in any way lessen the Tree Warden's duties under M.G.L. Chapter 87.

s. 405 - 6 LEGAL NOTICE

A. The Planning Board shall, as required by statute, give notice of the Scenic Road public hearing by advertising twice in a newspaper of general circulation in the area, the last publication at least seven days prior to the public hearing.

B. The notice shall contain a statement as to the time, date, place and purpose of the hearing with a description of the proposed *cutting or removal of a tree(s)* and/or the *tearing down or destruction of stone walls*, or portions thereof, by the applicant in the proposed *disturbance area*. The Planning Board shall provide copies of this notice to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Services, the Conservation Commission, the Historical Commission, the Town Clerk, and shall send, by regular mail, this notice to all *abutters* as defined herein.

C. All expenses relating to the advertising and public hearing notification shall be borne by the applicant unless otherwise waived.

s. 405 - 7 CONSIDERATIONS In acting in regard to an application for a *Scenic Road Work Permit* and upon a Scenic Road public hearing, the Planning Board shall consider the following in making its determination:

- A. Public safety;
- B. Scenic and aesthetic characteristics and quality of the area;
- C. Quality and extent of shade and *tree* canopy;
- D. Accident history within five hundred (500) feet of *tree(s)* and *stone walls* at issue;
- E. Commentary contributed by the Tree Warden, town agencies, *abutters* and other interested parties;
- F. Preservation of natural resources and environmental systems;
- G. Preservation of historical and cultural resources values;
- H. Compatibility with surrounding neighborhood;
- I. Recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- J. Relationship of the *road* design to the standards of the Planning Board's *Subdivision Rules and Regulations* but recognizing that a variance from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- K. Adequacy and value of compensatory actions proposed, such as replacement of *trees* or *stone walls* or restoration of the same;
- L. Traffic patterns, volume, congestion and posted speed limit;
- M. Consistency with articulated Town policies and the Medway Master Plan;
- N. Feasibility for avoiding disturbance to *trees* or *stone walls* by proposing a safe location for a walkway, driveway or *road* elsewhere; and
- O. Other sound planning principles and considerations.

s. 405 – 8 RESTORATION

A. *Stone Walls* – Unless waived, restoration shall consist of replacing the *stone wall* on a square face foot per square face foot basis, as and where necessary, within one (1) year of issuance of a *Scenic Road Work Permit*. *Stone walls* shall be replaced so as to reconnect in a consistent manner with undisturbed walls wherever physically possible. Where feasible and appropriate, any unused removed stones from such *stone walls* shall be used to repair other sections of the *stone wall* along the *right-of-way* of the Scenic Road. No *stone wall* shall be cut without construction of an appropriate stone terminus – i.e. stone piers or granite posts.

B. *Trees* – Unless waived, restoration shall consist of replacing the removed *trees* with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis, at locations specified by the Planning Board and the Tree Warden, within (1) year after a *Scenic Road Work Permit* has been issued. A one (1) square inch per two (2) square inch replacement is calculated by finding the diameter of a *tree* in question at one (1) foot above the ground and determining its trunk area ($3.14 \times \text{tree radius squared}$). The resulting figure is halved and that square inch total becomes the equal to the square inch total of the replacement tree(s). See *Appendix C*. The restoration shall be verified by the Tree Warden as fully and skillfully performed. The species of replacement tree(s) will be determined by the Tree Warden, or otherwise will be consistent with the species of the removed *tree(s)*. The Tree Warden may determine a compensatory value for which the applicant shall be responsible, in lieu of replacement tree plantings, which is equal to the value for nursery grade tree stock and installation. Such value and subsequent payment due the Town of Medway shall be outlined in the final *Scenic Road Work Permit*.

s. 405- 9 **DECISION**

A. The Planning Board shall make a decision to issue or deny a *Scenic Road Work Permit* as soon as practical but in no event later than sixty (60) days after receipt of a properly filed application for a *Scenic Road Work Permit*.

B. In rendering its decision, the Planning Board shall consider the application based on compliance with the Scenic Roads Act and the considerations listed in s. 405 - 6 of these *Rules and Regulations*.

C. Since the purpose of these *Rules and Regulations* is to protect the scenic quality and character of Medway's Scenic Roads, the Planning Board shall approve the proposed *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof, only upon finding that adequate compensatory actions (restoration, etc.) have been included in the applicant's proposed plan including the value of compensatory actions such as the planting of new replacement trees or the reconstruction of *stone walls* and terminus'.

D. The decision of the Planning Board shall be filed with the Town Clerk within fifteen (15) days of the close of the public hearing unless an extension is agreed upon by the applicant. Copies of the decision shall be sent to the applicant, the Board of Selectmen, the Tree Warden, the Department of Public Services, the Building Inspector, the Conservation Commission and the Historical Commission.

E. The approval of a *Scenic Road Work Permit* by the Planning Board under these *Rules and Regulations* shall be valid for one (1) year. Any work outlined in the issuance of a *Scenic Road Work Permit* not completed within one (1) year after issuance will necessitate a new and separate filing for a *Scenic Road Work Permit*.

ARTICLE VI – ENFORCEMENT

s. 406 – 1 **REMEDY FOR FAILURE TO FILE** – A person's failure to file with the

Planning Board for a *Scenic Road Work Permit* for the *cutting or removal of a tree(s)* or the *tearing down or destruction of stone walls*, or portions thereof within the *right-of-way* on a Scenic Road will necessitate that person's immediate filing as detailed above. Restoration measures, as determined by the Planning Board after a Scenic Road public hearing, may be required.

s. 406 – 2 COMPLIANCE – The failure by an applicant to comply with the duly issued decision of the Planning Board in a *Scenic Road Work Permit* after one (1) year from issuance may necessitate the enforcement of remedial measures which the Planning Board deems necessary, including, but not limited to enforcement through non criminal disposition and additional restoration measures.

s. 406 – 3 ENFORCEMENT – The Planning Board, the Building Inspector, the Tree Warden, the Department of Public Services or others designated by the Town Administrator may issue a citation for the violation of these *Rules and Regulations*.

s. 406 – 4 FINES - Anyone who violates the provisions of these *Rules and Regulations* may be fined through non criminal disposition in accordance with M.G.L., Chapter 40, Section 21D, as follows:

- A. First offense: fine of \$100 per violation;
- B. Second offense: fine of \$500 per violation;
- C. Third and all subsequent offenses: fine of \$1,000 per violation;
- D. Each day's failure to comply shall constitute a separate and distinct offense.

ARTICLE VII – VALIDITY

If, in any respect, any provision of these *Rules and Regulations*, in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects, these *Rules and Regulations* shall stand.

###

ADOPTED: Medway Planning Board - July 16, 2002

ATTEST:

Susan E. Affleck-Childs, Administrative Secretary	Date
---	------

A TRUE COPY ATTEST:

Maryjane White, Town Clerk	Date
----------------------------	------

APPENDIX A

*Town of Medway Scenic Roads Rules & Regulations
July 2002*

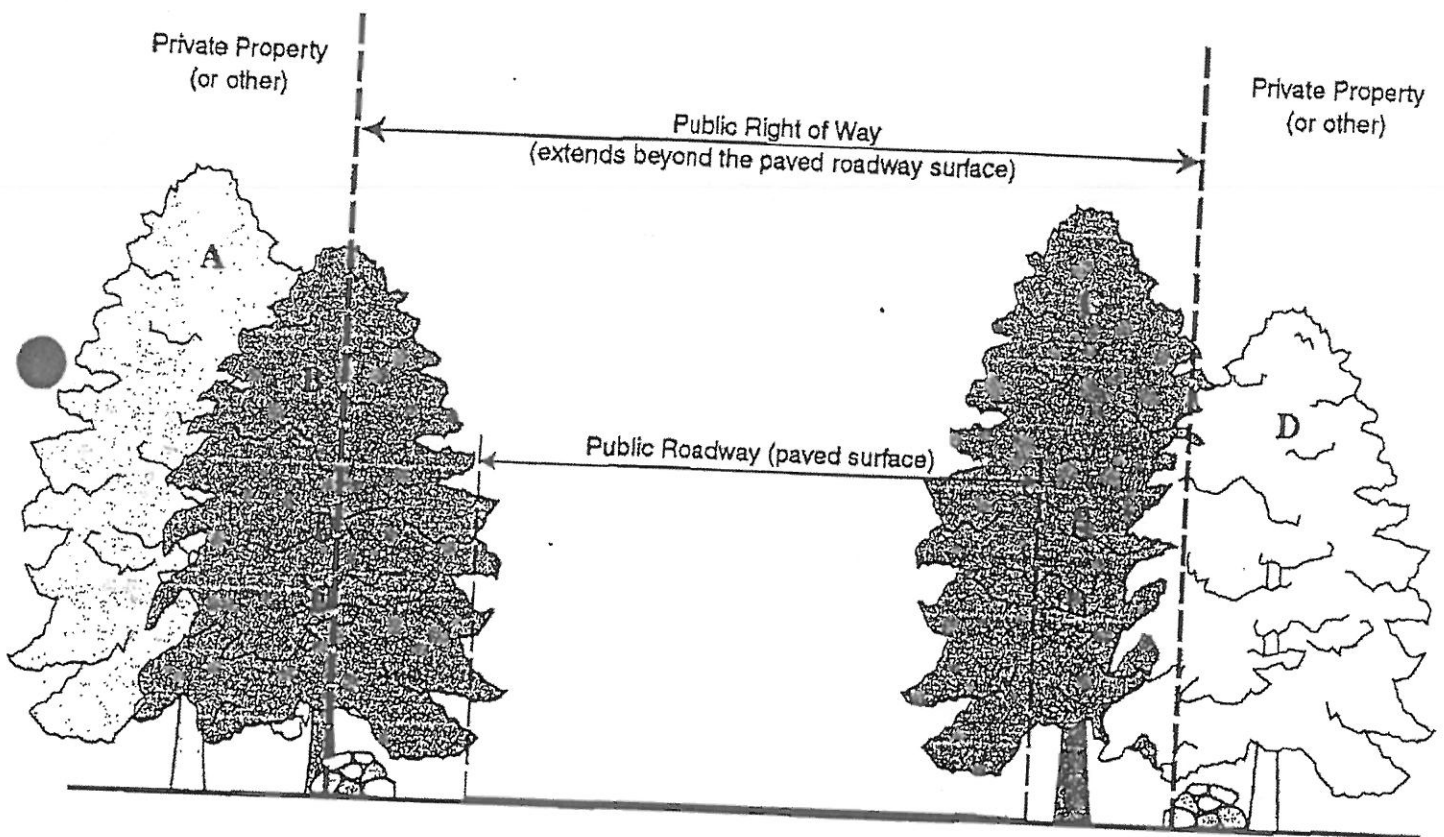
Town of Medway Scenic Roads

The following ways were designated as Scenic Roads at the Annual Town Meetings held on December 20, 1975 and May 14, 2001:

1. Adams Street from Winthrop to Summer Street
2. Brigham Lane (now Country Lane) from Main Street to Village Street
3. Causeway Street from Holliston Street to the Millis town line
4. Charles River Road from Village Street to the Charles River
5. Ellis Street from Coffee Street to Holliston Street
6. Elm Street from Main Street to Evergreen Street
7. Evergreen Street from Main Street to Elm Street
8. Farm Street from Village Street to the Millis town line
9. Fisher Street from West Street to the Holliston town line
10. Franklin Street from Main Street to Village Street
11. Granite Street from West Street to the end
12. Guernsey Street from Cottage Street to Lincoln Street
13. High Street from Main Street to Village Street
14. Highland Street from Main Street to Summer Street
15. Hill Street from Winthrop Street to the Holliston town line
16. Lincoln Street from Main Street to Village Street
17. Lovering Street from Winthrop Street to Summer Street
18. Oakland Street from Main Street to Village Street
19. Partridge Street from Ward's Lane to Winthrop Street
20. Pearl Street from Walker Street to the end
21. Populatic Street from Village Street to the Franklin town line
22. Village Street in its entirety
23. Walker Street from Populatic Street to the Franklin town line
24. Wellington Street from Cottage Street to High Street
25. Winthrop Street from Main Street to the Holliston Town line

APPENDIX B -
Town of Medway Scenic Roads Rules & Regulations
July 2002

Public Right of Way on Scenic Roads
Illustrative example of a Public Right of Way and its applicability to trees & stone walls on designated Scenic Roads



Stone walls and trees inside the public right of way of a designated Scenic Road are impacted by the Scenic Roads Act. In this illustration, trees B & C are in the public right of way. Tree C is clearly in the right of way while tree B has a trunk straddling the right of way line. As such, the provisions of the Act would apply to tree B.

The same is true for stone walls that straddle, in whole or in part, the public right of way on a designated Scenic Road, as is the case with both of the stone walls illustrated on this page.

APPENDIX C -

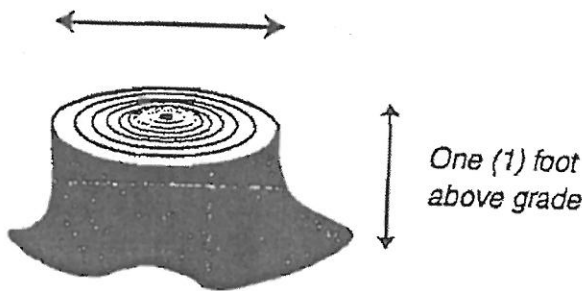
**Town of Medway Scenic Roads Rules & Regulations
July 2002**

Tree Replacement Calculations

The measurements and calculations for tree replacement(s) resulting from tree removal(s) on a Scenic Road

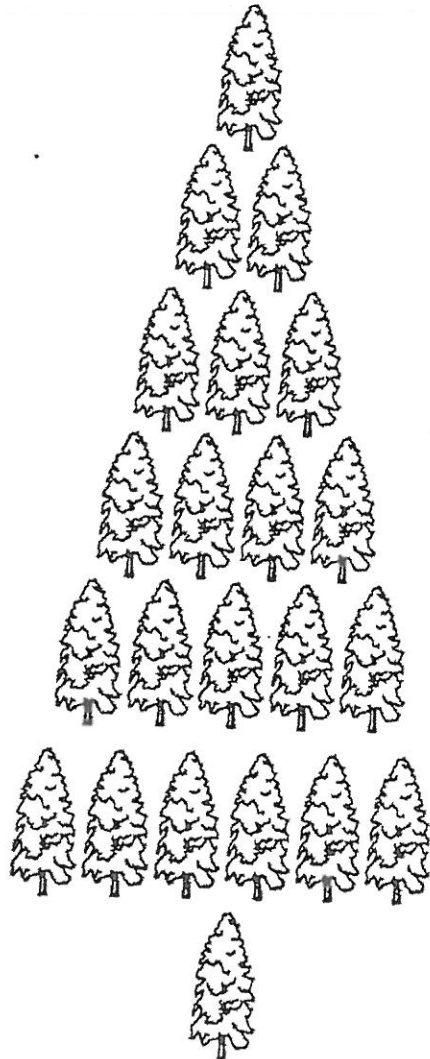
1 Existing Tree

*With a twenty (20)
inch trunk diameter*



22 Replacement Trees

Each @ three (3) inch trunk diameter



To find out how many replacement trees at a given size will be required upon the cutting of a tree on the right of way of a Scenic Road, first calculate the trunk area of the existing tree: square the radius of a tree (radius equals half the diameter; ex. above, radius = 10 inches; so $10 \times 10 = 100$), then multiply by 3.14 (total above = 314 square inches). Half the square inches. The resulting figure (157) equals the total square inch area for replacement tree diameters (also referred to as "tree calipers").

As an example, a 3 inch diameter trunk replacement tree would have an area of approx. 7 square inches. To calculate the replacement of an existing 20 inch diameter trunk tree with 3 inch diameter trunk trees, divide the 157 by 7. The resulting number (22) would reflect the total number of replacement trees.

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, September 18, 2014 10:35 AM
To: 'Steven Venincasa'
Cc: Julie Lynn; Leo Leo; Andy Rodenhiser
Subject: RE: Scenic Road tree cutting on Winthrop Street north of Millstone Village

Good morning Steve,

You did not fully disclose all the trees you planned to cut in the Winthrop Street ROW during the Scenic Road public hearing process in March 2014.

The Board meets again on September 30th. Could you attend that night at 7:00 pm?

Susy

From: Steven Venincasa [mailto:sv@casarealty-builders.com]
Sent: Wednesday, September 17, 2014 7:20 PM
To: Susan Affleck-Childs
Cc: Julie Lynn; Leo Leo
Subject: Re: Scenic Road tree cutting on Winthrop Street north of Millstone Village

I have a meeting in Westboro that night. What is it that they want to talk about? We have followed the signed plan as I stated before.

Steven Venincasa
Sent from my iPad

On Sep 17, 2014, at 4:05 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Steve,

The Planning and Economic Development Board wants to meet with you to further discuss this matter.

Would you be available to attend the next PEDB meeting on Tuesday, September 23rd at 7:30 pm?

Please let me know. I am finalizing the agenda tomorrow morning.

Thanks.

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291

155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Steven Venincasa [<mailto:sv@casarealty-builders.com>]
Sent: Saturday, September 13, 2014 10:20 PM
To: Susan Affleck-Childs
Cc: Steven Venincasa; Andy Rodenhiser
Subject: Re: Scenic Road tree cutting on Winthrop Street north of Millstone Village

The trees cut were shown on the approved site plan signed by the planning board. The plan clearly depicts the grade to be lowered in the area in question . No violation occurred .

Steven Venincasa
Sent from my iPad

On Sep 8, 2014, at 2:36 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Steve,

I am writing to inform you of a matter related to construction at Millstone Village that needs your immediate attention. This pertains to the extensive land clearing that occurred several weeks ago when the Millstone site preparation work began.

Based on the 8/28/14 inspection by Tree Warden Fred Sibley, it appears that the site contractor, in preparing the Millstone site entry area at Winthrop Street, removed 4 trees over 4 inches in diameter that were located in the Town's right of way on the west side of Winthrop Street, immediately north of your site and adjacent to Betty McCall Vernaglia's property. As you know, Winthrop Street is a scenic road and neither you, nor the contractor, nor Betty applied for and secured a Scenic Road work permit for this work. You are now in violation.

I discussed this matter with the Planning and Economic Development Board on Saturday. To remedy this violation, you need to apply for a Scenic Road work permit immediately and the Board needs to hold a Scenic Road public hearing as soon as possible. The application form is attached. Please complete it and return to me.

You can reasonably expect that some remedial tree planting will be required.

Please do not hesitate to contact me if you have any questions. I look forward to receiving the scenic road work permit application from you within the next 2 days along with an application fee of \$150.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway – A Massachusetts Green Community

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The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

<Scenic Road Work Permit Application Form 2-28-08.pdf>



TETRA TECH

MEMORANDUM

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

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

Re: **Summer Valley Lane
Subdivision Review (Punchlist)
Medway, MA**

Dt: September 15, 2014

On September 15, 2014 at the request of the Planning and Economic Development Board, Tetra Tech (TT) met with Mike Fasolino, the applicant, and performed a Punch List inspection of Summer Valley Lane subdivision. The inspection was conducted based upon the approved plan set entitled “25 Summer Street, Proposed Summer Valley Lane, Medway, Massachusetts” dated February 28, 2012, revised March 14, 2013, and our memo dated December 5, 2013, revised January 29, 2014.

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

Site

1. The contractor shall install HMA top course. The existing “binder” course should be swept and tacked prior to HMA top course paving. As noted in our memo dated January 29, 2014, TT is awaiting a confirmation letter from Faist Engineering Inc. stating that the top course material is sufficient to utilize as a binder course. (See Photo #1)
2. The contractor should reset the street name/stop signs to the appropriate height. The applicant should coordinate with Medway DPS for the proper placement of the signage. (See Photo #2)
3. The contractor should paint a stop line and the word “STOP” at the approved location once HMA top course paving is complete.
4. The contractor should install the proposed grass swale as shown on the approved plans.

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



TETRA TECH

5. The contractor should provide an as-built of the grading and drainage to ensure it has been constructed per the approved plans.

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

.P:\21583\127-21583-11012\CONSTRUCTION\PUNCH LIST\MEMO-SUMMER VALLEY LANE PUNCH LIST 2014-09-15.DOC

Photo # 1



Photo # 2



Tetra Tech One Grant Street Framingham, MA 01701		
Project Summer Valley Lane	Date 11-20-2013	Report No. 16
Location 25 Summer Street, Medway, MA	Project No. 143-21583-11012	Sheet 1 of 2
Contractor Landsite Construction (Robert Roach)	Weather A.M. SUNNY P.M.	Temperature A.M. 40 P.M.

FIELD OBSERVATIONS

On Wednesday, November 20, 2013 Jeffrey Eisenhaur from Tetra Tech (TT) visited the project site to inspect the installation of bituminous concrete binder course and general site conditions. The following observations were made:

1. Observations

- A. The contractor completed the paving of the proposed roadway extension. TT was on-site to confirm that the correct thickness of pavement was placed. The pavement was installed at a loose depth of 3" for the length of the roadway in order to compensate for compaction to achieve the 2¹/₂" final compacted depth. It was determined that the bituminous concrete binder course was placed correctly and to the appropriate depth.
- B. The bituminous concrete binder course conformed to MassDOT sieve specification for dense binder course.
- C. The joints in the sidewalk where the proposed work meets the existing walk were sealed with a bituminous sealant upon completion of the paved roadway.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't					Dept. or Company	Description of Work
Foreman		Bulldozer		Asphalt Paver		
Laborers	1	Backhoe		Asphalt Reclaimer		
Drivers		Loader		Vib. Roller	1	
Oper. Engr.	1	Rubber Tire Backhoe/Loader		Static Roller		
Carpenters		Bobcat		Vib. Walk Comp.		
Masons		Hoeram		Compressor		
Iron Workers		Excavator		Jack Hammer		
Electricians		Grader		Power Saw		
Flag persons		Crane		Conc. Vib.		
Surveyors		Scraper		Tree Remover		
Owner		Conc. Mixer		Chipper		
		Conc. Truck		Screener		
		Pickup Truck	1	Drill Rig		
		Dump Truck 6 Whl		Boom Lift		
		Dump Truck 10 Whl		Water Tank		
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		

OFFICIAL VISITORS TO JOB

Police Details: n/a	RESIDENT REPRESENTATIVE FORCE	
Time on site: 9:00 AM-10:00 AM.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Jeffrey Eisenhaur	

Project Summer Valley Lane	Date 11-20-2013	Report No. 16
Location 25 Summer Street, Medway, MA	Project No. 143-21583-11012	Sheet 2 of 2
Contractor Landsite Construction (Robert Roach)	Weather A.M. SUNNY P.M.	Temperature A.M. 40 P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. The contractor will schedule the installation of bituminous asphalt top course after the construction of the site.

3. New Action Items

4. Previous Open Action Items

- A. TT informed the contractor that a sieve test would need to be submitted for both the gravel borrow and the dense graded crushed stone to be imported to the site. *The contractor submitted a sieve test that passed for gravel borrow. The contractor also asked if this material was sufficient to be used as the dense graded crushed stone proposed immediately below the pavement. TT said that the material was not sufficient because it was too large and did not meet the sieve requirements for the dense graded material. The contractor agreed to import different material for the dense graded crushed stone.*
- B. When the roadway is paved, the joints in the sidewalk where the proposed work meets the existing walk shall be sealed with a bituminous sealant. *The joints were sealed at the interface between the road and sidewalk but TT should confirm that the joints in the sidewalk were sealed as well.*

5. Materials Delivered to Site Since Last Inspection:

- A. Bituminous concrete binder course conformed to MassDOT sieve specifications



TETRA TECH

Bond Estimate
Summer Valley Lane
25 Summer Street
Medway, Massachusetts
September 15, 2014

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course	52	TON	\$125.00	\$6,500
Pavement Markings	1	LS	\$250.00	\$250
Reset Signage	1	LS	\$250.00	\$250
Grass Swale	1	LS	\$1,000.00	\$1,000
2 Year Snow Plowing	351	LF/YR	\$2.50	\$1,755
2 Year Road Maintenance	351	LF/YR	\$2.00	\$1,404
2 Year Drainage Maintenance	351	LF/YR	\$2.00	\$1,404
As-Built Plans	351	LF	\$5.00	\$3,510

Subtotal	\$16,073
25% Contingency	\$4,018
Total	\$20,091

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 9/2013 - 9/2014.

Susan Affleck-Childs

From: David Faist <dfaist@faisteng.com>
Sent: Tuesday, September 16, 2014 4:19 PM
To: Steven.Bouley@tetrattech.com
Cc: Susan Affleck-Childs; 'Mike Fasolino'
Subject: Summer Valley Lane - Binder Course
Attachments: Field Report-25 Summer Street-Report No 16-2013-11-20.pdf; Fassolino Regarding Summer Street.pdf

Hi Steve,

Could you please review the attached Tetrattech Field report which states that the correct binder course was installed at Summer Valley Lane.

Also attached is a letter from Asphalt Engineering to Mike Fasolino regarding the same issue from this past summer.

There is some confusion about this, and I'm trying to resolve this issue.

I know your most recent memo references a January 29, 2014 memo that I don't have.

Also, I don't have the expertise to certify that an asphalt product is sufficient to use as binder course, so I'm not sure how my name got in there.

I'm hoping the attached documents will satisfy this requirement. Please let me know.
Call with questions (508) 864-6802.

Thank you.

David

David T. Faist, P.E.
Faist Engineering, Inc.
dfaist@faisteng.com
p. (508) 864-6802



Mike Fassolino
Regarding Summer Street Medway
7/29/14

We paved this project with a 2.5" Basecoat and it is structurally sound. As of today, July 29 2014 it is a solid road with no issues and ready for a topcoat application.

Asphalt Engineering
Nathan Moreland

Bethany A. Bartlett
617.646.2038
babartlett@sherin.com
26476.0

August 27, 2014

VIA OVERNIGHT MAIL

Town of Medway
Zoning Board of Appeals
c/o Ms. Maryjane White, Town Clerk
155 Village Street
Medway, Massachusetts 02053

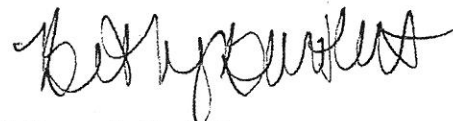
Re: Medway Shopping Center; Petition for Variance

Dear Ms. White:

Enclosed is an application for a variance related to signage at the Medway Shopping Center along with a check in the amount of \$175.00 for a filing fee.

Please let us know if you have any questions or need any additional information. Thank you for your consideration.

Respectfully submitted,



Bethany A. Bartlett

BAB:sjm
Enclosure

cc: Mr. Paul LaPerriere
Ms. Suzy Affleck Childs

08/20/14
00689

TOWN OF MEDWAY

SHERIN AND LODGEN LLP

CHECK NO.: 233492

DATE	INVOICE NUMBER	ACCOUNT#	DESCRIPTION	MATTER #	AMOUNT
08-19-14	081914	001212		026476-00000	175.00
				TOTAL:	175.00

ORIGINAL DOCUMENT SENT TO: SUBJECT: INACTIVE DATE: WITH SIGNATURE TO BORDER

SHERIN AND LODGEN LLP
COUNSELLORS AT LAW
101 FEDERAL STREET
BOSTON, MA 02110

Citizens Bank of Massachusetts
Boston, Massachusetts

5-7017/2110

CHECK NO.:
233492

DATE	08/20/14
NET AMOUNT	\$175.00

PAY One Hundred Seventy-Five and 00/100

TO
THE
ORDER
OF

TOWN OF MEDWAY

TWO SIGNATURES REQUIRED OVER \$25,000.00
DISBURSEMENT ACCOUNT

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE WILL APPEAR WITH HEAT.

NOT VALID AFTER 90 DAYS

⑈00233492⑈⑆211070175⑆1102033402⑈



PETITION FOR RELIEF
MEDWAY ZONING BOARD OF APPEALS
 155 VILLAGE STREET, MEDWAY, MA 02053

Be sure all questions are answered fully. If more space is necessary, attach additional sheets. Attach plans showing parcel, building locations, dimensions, and proposed relief. Return to Town Clerk along with \$175.00 filing fee.

<i>Petitioner Name(s)</i> Paul LaPerriere		<i>Petitioner Address & Telephone</i> 63 Atlantic Avenue, Boston, MA 02110 (617) 227-0893	
<i>Attorney (if any) Name</i> Bethany Bartlett, Esq.		<i>Attorney (if any) Address & Telephone</i> 101 Federal Street, Boston, MA 02110 (617) 646-2038	
<i>Premises Owner Name</i> Medway Realty LLC		<i>Premises Owner Address & Telephone</i> 63 Atlantic Avenue, Boston, MA 02110 (617) 227-0893	
<i>Tenant (if any) Name</i> (see attached list)		<i>Tenant (if any) Address & Telephone</i>	
<i>Location of Premises</i> Medway Shopping Center, 98, 108, 114 Main Street, Medway		<i>Zoning District(s) Containing Premises</i> C-I, Commercial I	
<i>Registry of Deeds Book, Page Number, and Date; or Land Court Certificate Number and Date; of Current Title</i> Certificate #161308, Book 807, Page 108		<i>Does a relevant executory option, lease, or Purchase & Sale Agreement exist?</i> No	
<i>State present use of premises</i> Shopping Center	<i>State proposed use of premises</i> Same	<i>Have you applied for a bldg. permit?</i> No	<i>Has permit been refused?</i> N/A

Give extent of proposed alterations (if any) Request to replace existing pylon signage

Requested Relief (check all that apply)

Special Permit as provided in Section(s) _____ of the Medway Zoning By-Laws.

Variance from requirements of Section(s) Section R, Sign Regulation* of the Medway Zoning By-Laws. *Section 7 Table 2; Section 11(a)

Appeal of Building Inspector's decision. (Attach copy of decision.)

State why you believe the grant of Relief will not cause substantial detriment to the Public Good

See attached

(Appeal Only) State the basis of your appeal

(Variance Only) Give the proposed limits of the requested relief (e.g., front setback to 32.5 feet; lot shape factor to 24)
Primary Sign: Height 12' to 22'7", Surface Area 100 sf to 164 sf Secondary Sign: Height 6' to 22'7", Surface Area 30 sf to 164 sf

(Variance Only) Give the distances from the property lines of buildings on abutting premises

(Variance Only)
What circumstances exist, relating to the shape, topography, or soil conditions of the subject premises, which do not generally affect other land in the zoning district?
(See MGL 40A§10.)

See attached

(Variance Only)
What substantial hardship is caused by the circumstances listed above, when the Medway Zoning By-Law is applied?
(See MGL 40A§10.)

See attached

(Variance Only)
State why you believe the grant of relief would not nullify or derogate from the intent of the Zoning By-Law.

See attached

I hereby certify that the above statements and all testimony to be given by me during the Zoning Board of Appeals hearing associated with this application are true to the best of my knowledge and belief.

Signature of Petitioner

Date

8/27/2014

Signature of Petitioner

Date

Signature of Owner (if other than Petitioner)

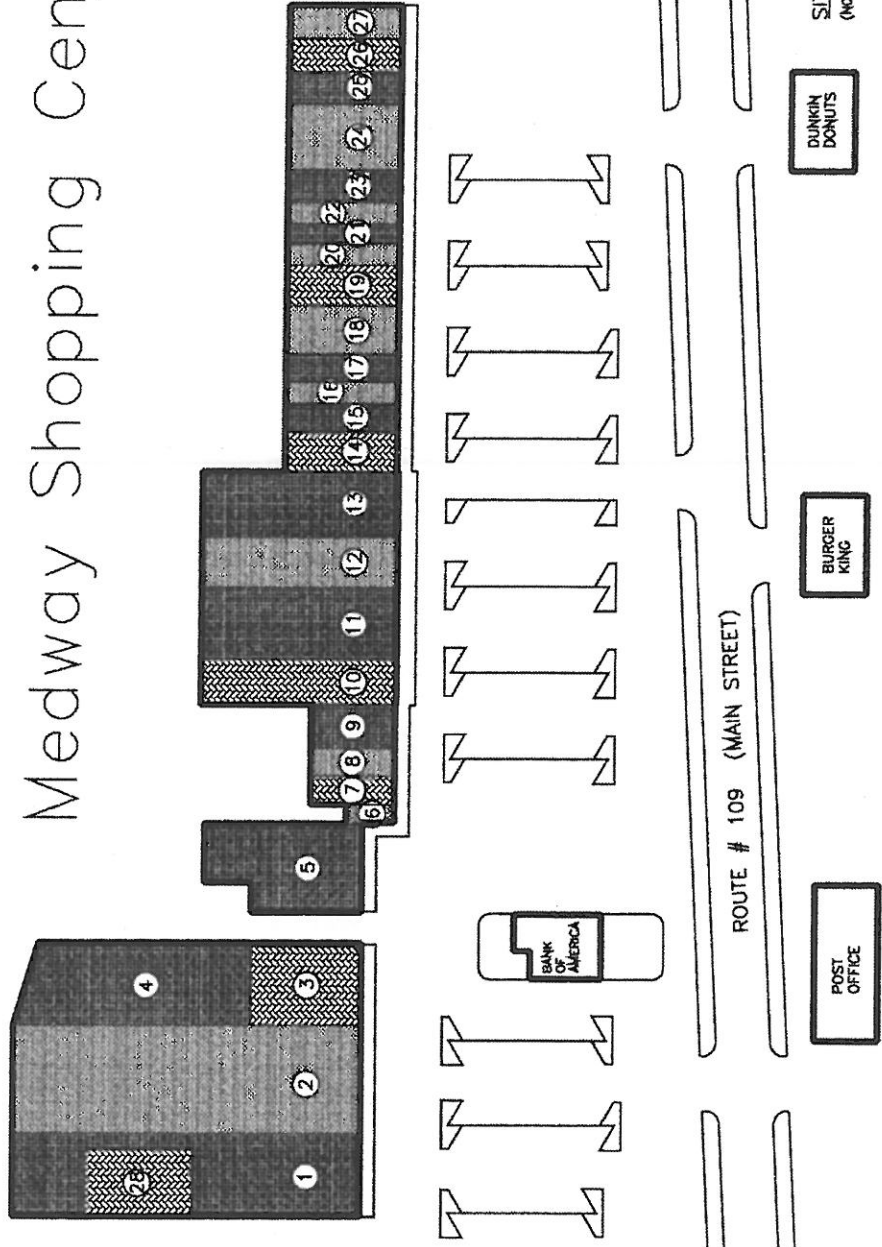
Date

8/27/14

EXHIBITS

1. Current Tenant List
2. Additional Sheets
3. Petition executed by Tenants and Customers
4. Proposed New Pylon Signage Plans with existing and proposed dimensions
5. Photos of Existing Signage within C-I Zoning District
6. Photo of Medway Commons Pylon Sign with approximate dimensions

Medway Shopping Center



Store #	Tenant	Store #	Tenant	Store #	Tenant
1	Condon's Servicestor Hardware Store	10	Anytime Fitness	19	AD-Print Copy Center
2	Ocean State Job Lot	11	Tri-Valley Sports	20	Medway Famous Pizza
3	Maryann Geyser Salon & Day Spa	12	Szechuan Garden Chinese Restaurant	21	Classic Tile
4	CarQuest	13	Family Dollar-NOW VACANT	22	O'Malley Dance Studio
5	Dereks Steak & Seafood	14	2,408 SF AVAIL - NOW	23	Keystone Liquors
6	Barber Shop	15	Medway Restaurant	24	Anne's Market
7	J & L Catering	16	TC Scoops	25	2,273 SF - AVAIL - NOW
8	Nail Perfection	17	Verizon Wireless	26	Curves For Women
9	Laundromat	18	Barnstorm Music & Guitars	27	Cleaners
					Free Standing bldg - Bank of America

State why you believe the grant of relief will not cause substantial detriment to the public good.

The relief requested will not cause substantial detriment to the public good because the relief requested is consistent with the intent or purpose of the Town of Medway Zoning Bylaw (the "Bylaw") and is consistent with existing signage within the C-I Zoning District. The existing pylon signs at the Medway Shopping Center (the "Center") were installed by the current property owner after purchasing the Center, as constructed, on July 8, 1986. Therefore, the existing pylon signs are grandfathered from meeting the current signage regulations, but any alteration would then require conformity with the existing Bylaw which would further decrease the size of the existing signage. Section R(11)(a). A master sign plan, which may afford the Center relief from some of the underlying signage dimensions, is only available during a Site Plan approval process. Section R(4)(e).

Attached are photos of existing signage within the C-I Zoning District which are of similar style and dimensions of the proposed new pylon signs, considering the number of the businesses/tenants located in each of the neighboring centers. The direct abutter to the Center is Gould's Plaza. The attached photo shows the existing pylon sign which was recently updated by replacing the tenant placards, which are partially internally illuminated. Note, each of the tenants within the shared structure of Gould's Plaza are afforded a placard on the pylon sign (with placeholder for a currently vacant space). The freestanding buildings within Gould's Plaza have signage directly on those buildings.

The Reardon Professional Building and Malloy Insurance Agency, Inc. are located at 89 Main Street, diagonally across Route 109 from the Center, and the attached photo of the existing signage shows the Center in the background (red façade). We have also attached photos of the Hair Salon roof sign located at 113 Main Street, again diagonally across Route 109 from the Center, and included a photo taken from the Center parking lot showing the scale of this roof sign as compared to one of the Center's pylon signs.

Petition for Relief
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Additional Sheets; Page 2

Granting the requested relief for updated signage dimensions will both improve the consistency and appearance of signage along this corridor of Route 109 and may help to alleviate traffic bottlenecks from vehicles slowing down in front of the Center trying to identify businesses located therein which are not advertised on the existing pylons (currently only 9 of the 28 tenants have signage on the existing pylons). The proposed new pylon signage would afford all tenants, the majority of whom are local small business owners, the opportunity to advertise their business by being represented on the Center's development sign which will promote economic viability and growth.

What circumstances exist, relating to the shape, topography, or soil conditions of the subject premises, which do not generally affect other land in the zoning district? (See MGL 40A§10)

Due to the shape, topography and soil conditions existing at the Center, the majority of the buildings are located to the rear of the lot with one pad site (Bank of America) located nearer to Route 109. This configuration is different from the majority of centers along this portion of Route 109 within the C-I Zoning District. The shape of the lot and location of the buildings makes the visibility for tenant signage located on the buildings very difficult for vehicular traffic to view. The shape and size of the existing pylon signs are not adequate to provide signage for each of the tenants in the Center, which puts many local business owners at a disadvantage and is unlike the abutting Gould's Plaza whereby all tenants are able to advertise on the pylon sign.

Currently, the Center is being depicted on the Massachusetts Department of Transportation Route 109 Project Redevelopment 75% Plan as receiving a traffic signal. As part of the reconfiguration of the Center's parking lot to accommodate this traffic signal, the existing pylon signage will need to be relocated.

Petition for Relief
Medway Zoning Board of appeals
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What substantial hardship is caused by the circumstances listed above when the Medway Zoning Bylaw is applied? (See MGL 40A§10)

The substantial hardship caused by applying the Bylaw results in allowing only a small percentage of the Center's tenants to advertise their business on the existing pylon signs (approximately 30%). As the Center has traditionally been the home of businesses that provide various services to the Medway community with many of the business owners being local tax paying citizens as opposed to larger national retail chain tenants, access to the pylon signs for identifying the location of these businesses is a critical component to their success. The Center's tenants are not afforded the same level of visibility and advertising through signage as tenants of neighboring centers within the same C-I Zoning District. Since the existing pylon signage at the Center predates the current version of the signage Bylaw, the long term property owner is effectively penalized for being a long standing member of the Medway business community by being unable to offer existing and new tenants adequate and appropriate signage.

State why you believe the grant of relief would not nullify or derogate from the intent of the Bylaw.

The grant of relief requested in this application will not nullify or derogate from the intent of the Bylaw. Specifically, approval of this variance would be consistent with the signage guidelines set forth in the Design Review Guidelines dated September 25, 2007 (the "DRG"). The Mission Statement of the DRG provides that one of its goals is the broad intention to maintain and/or improve, "the value of property and the viability of commerce through the use of thoughtful and community-appropriate design and development practices." The purpose of the sign guidelines set forth in the DRG, Part III provide that signage is: to help businesses and others identify themselves in a manner that promotes a positive image for the establishment and the shopping center in which the business is located; to enhance overall property values and the community's visual environment; and, to ensure that commercial signs are designed for the purpose of identifying a business in an attractive and functional manner. DRG, Part III, Section A, ¶¶ 1-5. General signage principles state, "[w]ell-designed signs can be a major asset to the business...or development". DRG, Part III, Section B, ¶1.

Section F(4) of the DRG, Part III relates to the size and proportion of signage and states, "[t]he size of the sign should take into account the vantage point of the viewer. ***Signs directed at pedestrians are very different from signs directed at motorists in heavily traveled roadways*** (emphasis added). Specifically, multi-tenant buildings are referenced as generally having completed a master sign plan. DRG, Part III, Section J, ¶1. "New signs proposed for existing buildings should provide a compatible appearance with the existing signage of other tenants." DRG, Part III, Section J, ¶3.

New construction of a shopping center within the C-I Commercial District would benefit from the submission of a master sign plan as referenced above. Such master sign plan would better incorporate all the concepts relating to the mission and purpose of the DRG, including a common scheme. As previously stated, the Center has had the same owner and pylon signage for the past twenty eight (28) years. After a review of the record title, we have not been able to

find any documentation relating to zoning relief for the existing pylon signs, and assume they were an as of right use when installed. The long term single ownership of the Center has effectively become a detriment to its tenants. The surrounding neighborhood has established newer, updated signage, but the Bylaw does not presently allow for a review mechanism for a historical property owner to “refresh” and update its signage consistent with the zoning district and neighboring sites, without the loss of existing square footage or absent a complete redevelopment of the site.

EXHIBITS

1. Current Tenant List
2. Additional Sheets
3. Petition executed by Tenants and Customers
4. Proposed New Pylon Signage Plans with existing and proposed dimensions
5. Photos of Existing Signage within C-I Zoning District
6. Photo of Medway Commons Pylon Sign with approximate dimensions

Medway Commons

(Approximate dimensions from visual inspection)

11' 6" in width for the entire sign

12' from ground to the bottom portion of the area of the sign displaying Medway Commons

5-6' of additional height from the Medway Commons display to the top of the structure

20" Wide by 4' Long – Star Market Placard

10" Wide by 4' Long – Liquor World and Especially for Pets Placards

7" Wide by 4' Long – Various Tenant Placards

9' 2" Wide by 8' 6" Long – Display area of all signage

TENANT PETITION TO CHANGE SIGN BY-LAW

Medway Realty LLC has been working with the Town Of Medway to modify the Sign By-Law Regulations in an attempt to allow additional pylon signage so all tenants will be represented by roadway signage and to increase the size of the signs that are permitted on the façade of the building for better visibility.

PLEASE SIGN BELOW TO SHOW YOUR SUPPORT AS A TENANT THAT IS IN NEED OF RELIEF FROM THE CURRENT SIGN BY-LAW IN ORDER TO PROMOTE AND SUPPORT YOUR BUSINESS.

BUSINESS NAME	NAME	ADDRESS
Anne's Market	Wayne Murphy	82 Main St.
Zig Zag Cleaners	Ho-tak Kim	76 Main St
Classic Tile	Debbie Tierney	92A Main St.
AD PRINT	Michel Aoun	96 Main St.
Ralph's Barber Shop	Ralph Abdeh	112A Main St
Nail Perfection	Nguyen Nguyen	110 main St
Tri-Vally Sports	JL B. Sig	106 C Main St
MEDWAY SZECHUAN GARDEN	AMY WU	106 B MAIN ST.
Medway Restaurant	SPIRIDULA PAG	102 M. St. Med
BANBOM MUSIC	TES CONNELLY	98 Main St
Keystone Liquors	Larry Passmore	88 Main St.
T.C. Scoops	Tina Chemini	100 Main St.
Medway Laundromat	John Van Rye	108 main st
Paula O'Malley School of Dance	Paula O'Malley	92 main St.
Wireless Zone	Matt Helman	98A main St
JL CATERING	John Boardman	112 MAIN ST
CONDON HAIRDRESS	Dennis Condon	114 MAIN ST
MG Salon & SPA	Charles Greyser	114C main St
Anytime Fitness	Chloe Chris Charan	106D MAIN ST.
FORMULA PIZZA	C. W. W. M.	94 Main St

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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PLEASE SIGN BELOW TO SHOW YOUR SUPPORT FOR OUR TENANTS THAT ARE IN NEED OF RELIEF FROM THE CURRENT SIGN BY-LAW TO HELP SUPPORT AND PROMOTE THEIR BUSINESSES.

NAME	ADDRESS
Michael Troy	29A Broad St. Medway
Amy Bariteau	40 Gorwin Dr. Medway, MA
William Macleod	33 Coopers Heights Medway MA
Mike Medina	101 maple Ln. medway MA
Rose Gonsalves	101 maple Ln. medway ma
Kevin Gonsalves	millford mass water st.
Debbie Colacchio	5 Yvonne Road, Bellingham, MA 02019
T. Colacchio	5 Yvonne Rd, Bellingham. ma 02019
Jim Sullivan	59A main st medway
Berry Rounds	37 Field rd MEDWAY, MA 02053
GEORGE MUNGER	104 POPULATIO FRANKLIN
Stefanie Macleod	5 Cottage ct Norfolk
MATK MACLEOD	5 Cottage ct Norfolk
PATRICIA R BROWN	395 Caroline dr. Bellingham, MA 02019
Kiley Van Hye	1 John st medway ma 02053
Vicki Anderson	366 Lake St. Bellingham
Yzella Mac-Eather	21024 alpine ave PC Ft. 33952
Paul Robinson	Ieland Rd, Norfolk.
Lois Kilmurray	6 Gran Valley Rd Medway 02053
JOHN GREENE	508-328-2215
Deanne Roanney	508 4782305 Milford MA
Steven Kirchdorfer	508. 431-2887
Tammy Tobin	774-291-1384
George HRETZ	

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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NAME	ADDRESS
Laura Trombetta	8 Lincoln Street Medway
James WASNEWSKY	185 VILLAGE ST Medway
Pamela Altier	24 Broad St. Medway
<i>[Signature]</i>	5 LeLand Rd Franklin
Sean Wiles	2 Cassidy Lane #5 Medway
Sandra Pockwinse	115 N. Main St. Bellingham, MA
Cla Bennett	10F Broad St Medway
Amy Bullard	13 Oakview Cir Medway MA
<i>[Signature]</i>	25 SUMMER ST. FRANKLIN, MA
George Miller	Po Box 106 Medford Mass
Lois Vulliamy	113 BROAD MEDWAY MASS
Robert B. Lee	237 Orchard St. Millis, MA
Paul M. Neri	29 DETROT CT. BELLINGHAM MA
Gennifer Higgins	10 CHARLES ST MEDWAY MA 02053
Diana Calderone	16 Hickory Dr. medway ma
Janet Jacus	660 Lincoln St FRANKLIN
PETER DELBIA	660 LINCOLN ST FRANKLIN
Mary McEvatt	Medway
Johanie Dickson	103 Lovering St
Lois C. Lee	90 Popocatepete St Franklin
Paul Sullivan	4 Group Ave Norfolk
Christine Monahan	21 Farm St. medway
Bill Pauley	80 KENNY DR Medway
Jessie Tierney	92 Main St. Medway

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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PLEASE SIGN BELOW TO SHOW YOUR SUPPORT FOR OUR TENANTS THAT ARE IN NEED OF RELIEF FROM THE CURRENT SIGN BY-LAW TO HELP SUPPORT AND PROMOTE THEIR BUSINESSES.

NAME	ADDRESS
Andrew P. Bergeron	30 ARIWAY MILFORD 01757
David Perry	15 Timberline Ed M. 113, MA 02054
Randy O'Neil	58 Village Medway
Jean Valois	148 B Howe St Medway
Mike K...	9 Mechanic St Medway
M. J. ...	36 Wintthrop Ct Medway
PETER GUGLIEMINI	21 SIKKING DRIVE MEDWAY
Edward Redford	13 Delmer Road Medway
...	12 DEVEREUX RD MEDWAY
Eric MAGONIAN	13 OAKLAND STREET, Medway MA 02053
CREG BEARD	PO BOX 430, Bellingham, MA
...	4 Daniels Rd Medway
...	16 Green Valley Rd Medway, MA
...	30 Camp Bantowee ell.
...	77 Crystal Way, Bellingham
...	12 TULIP way, MEDWAY, MA 02053
Paul F. CATON	1 Charles River Rd Medway
Bob Syc	2 Appledeck Rd, Millis, MA
Kirk Steinhoff	6 Kings Lane, Medway, MA
...	7 Whitehouse Rd Medway MA
Eric Johnson	189 PLEASANT ST med way
...	39 Lincoln St Medway 02053
...	11 Phillips St
Edward Beard	96 Farm ST. Bellingham MA 02019

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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NAME	ADDRESS
Raeph De Luca	197 Beck St. Franklin
Paula Guglielmo	18 James St. Franklin
Joseph M. Meehan	50 Bahrstable Rd, Norfolk
John A. Amis	6 Dean St. Medway
Bill Duhon	37 Britton Trak 120 Medway
William Leaker	Village St. Medway MA
Tom Reese	3 KRAFT ROAD MILFORD, MA
Gordon Hodne	80 OAKLAND ST. Medway, MA
Bill Meehan	121 Regal St Nolliston MA
Bob Crick	3 LANCASTER DR. FRANKLIN
Bill Kelley	21 ANAPAHOE RD Bellingham
James McSweeney	7 Shaw St. Medway, MA
DAVID McSweeney	1 CLARK ST MEDWAY
Mike Rubin	1 Benjamins Landing Franklin, MA 02038
Zee Rice	137 Summer St Medway
Kenneth Hamerby	P.O. Box 138 Bellingham
Colin Harty	4 Granite St. Medway MA
George White	675 MAIN ST. MILLIS MA
Zach Lindsey	69 Summer St. Medway
Samuel Whisler	150 Ridge St. Millis
Paul Cain	34 Governors Way, Millis MA 01757
Robert Harty	82 Cedar St Woburn MA 02181
Clara	21 Field Road Medway MA
William Crawford	8 PATRIDGE ST. Medway, MA. 02053

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NAME	ADDRESS
<i>[Signature]</i>	3 Kimberly Dr. Medway MA
<i>[Signature]</i>	36-2 Stony Brook Dr. Millis MA
<i>[Signature]</i>	BARREN ST Medway
<i>[Signature]</i>	20 Addecan Ave, Framed
<i>[Signature]</i>	62 Church St Holliston MA
John A. Tucker	45 Spencer Street, Millis, MA
Jim Savcher	13 Howe St, Medway, MA
Tim Ramussen	22 Dean Rd Medway
Anthony Lipizzi	40 Pine St Franklin
<i>[Signature]</i>	48 Clark St The Green
<i>[Signature]</i>	26 Populatic St Medway MA
Christina Capelina	122 Milford St Medway MA
Snack Mart	1050 Pond St Franklin MA
Paul Wenzel	75 Rolling Meadows Holliston MA
William Ellis	383 A Village St Medway
Michelle Hoff	20 Hill St Medway MA
<i>[Signature]</i>	40 Rolling Meadows Holliston MA
Jay Taylor	8 Beach St Belknap MA
Roger Medway	Board St Medway
Almy Doherty	Hammond Flats MA
Bob Bism	92 Holliston St Medway MA
RICHARD GOGVEN	79 GREGORY Rd - Holliston, MA.
GARY HENDON	23 HOLBROOK ST. MEDWAY, MA.
GARY ESTLER	12 LEWIS DR, MEDWAY MA 02053

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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PLEASE SIGN BELOW TO SHOW YOUR SUPPORT FOR OUR TENANTS THAT ARE IN NEED OF RELIEF FROM THE CURRENT SIGN BY-LAW TO HELP SUPPORT AND PROMOTE THEIR BUSINESSES.

NAME	ADDRESS
<i>[Signature]</i>	206 Farm St. Bellingham MA
<i>[Signature]</i>	53 School St. Milford, Ma.
<i>[Signature]</i>	121 Bullard St W. Acute, MA
<i>[Signature]</i>	14 Juniper Rd Franklin, MA
<i>[Signature]</i>	14 Granite Street Medway, MA 02053
<i>[Signature]</i>	18 Philomina Way Franklin MA 02038
<i>[Signature]</i>	8 Zachary Ln Franklin MA 02038
<i>[Signature]</i>	280 Village St. K-F Medway
<i>[Signature]</i>	11 East Charles St. Milford MA 01757
<i>[Signature]</i>	7 Longmeadow Ln Medway MA 02053
<i>[Signature]</i>	66 Milk Hill Rd Hopkinton MA
<i>[Signature]</i>	14 Old Sawmill Rd, Holliston, MA
<i>[Signature]</i>	9 Juniper Rd Medway MA 02053
<i>[Signature]</i>	2 OAK STREET MEDWAY, MA 02053
<i>[Signature]</i>	658 Franklin St Wrentham MA
<i>[Signature]</i>	284 Ash St. Holliston MA 01748
<i>[Signature]</i>	5 Queens Way, Medway, MA 02053
<i>[Signature]</i>	36 Fido Rd. Medway MA 02053
<i>[Signature]</i>	21 Alexandria Drive, Medway, MA 02053
<i>[Signature]</i>	21 Alexandria Dr Medway MA
<i>[Signature]</i>	2 Hill Street, Medway, MA
<i>[Signature]</i>	13 Sunset Dr Medway MA 02053
<i>[Signature]</i>	578 Norfolk St. Holliston, MA
<i>[Signature]</i>	15 Slocumb Place, Medway MA.

CUSTOMER PETITION TO CHANGE SIGN BY-LAW

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PLEASE SIGN BELOW TO SHOW YOUR SUPPORT FOR OUR TENANTS THAT ARE IN NEED OF RELIEF FROM THE CURRENT SIGN BY-LAW TO HELP SUPPORT AND PROMOTE THEIR BUSINESSES.

NAME	ADDRESS
C. Carew	18 High St Medway MA
Keith Kochansky	116 Village St Medway Ma
Amanda Gilbert	116 Village St Medway Ma
Adrienne Hanlet	76 Hillcrest Village Norfolk MA
John	141 Main St Medway
Passie Cutler	141 Main St Medway
John	5 Yvonne Rd Bellingham MA
Linda Carleem	135 R. Weller Rd Bellingham
Rick Barde	135 R. Weller Rd Bellingham
Ann Hewitt	46 Myrtle St. Norfolk, Mass.
Jim Bryant	135 Creek St Wrentham
Judith Clark	241 Pleasant St Franklin, MA
John	32 Broad Ave Franklin Medway
Mary Pleau	1 Southgate Franklin
Mary Shelly	11 High Street, Medway
Michael Wong	2 High St Medway
Mr. John	1A Sanford St Medway #15
Wesley Ranch	308 Village St Medway
Jim Donahue	308 Village St Millis
George Meyer	8 HIGH ST MED
JOSEPH LEVITON	28 SUMMER HILL RD MEDWAY
Warren Weisfeld	27 village St Apt 2
Bette Guss	27 village st Apt 1
Maureen S. Stulley	20 Fox Run Rd

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NAME	ADDRESS
Aaron Cram	405 Village Street
James Martin	206 West Main St
Joe Connelly	58 Waterville St North Green
Jenny Smith	71 Chamberlain St, Holliston
Mark E Van Hyning	8 willow St Franklin ma
Seth Antonitis	44 Tracy Beth Dr, N. Attleboro, MA
Jean Tom	9 meadows St Coventry RI
Frank Conolly	55 Waterville St N. Green MA
Martha G. Matsuda	4 Spring St., Medway, MA 02053 2156
Doree Molo	344 Pleasant St. Franklin MA 02038
Anthony Muratori	8 Forest Road Medway MA
Sam Bales	305 Underwood, Holliston
Nancy Thum	206 Ridge St, Millis, MA 02054
Kate Kunnery	994 Willow Gate Rd Holliston
Andrew Madas	135 Norfolk St Holliston
Thomas O'Sullivan	20 Holbrook street, medway MA
Albert Howard	11 Spring St. Millis MA. 02054
TOM JONES	114 VILLAGE ST- MEDWAY MA 02053
KOTE MURPHY	114 VILLAGE ST- MEDWAY MA 02053
Richard Harrington	194 Farm St Millis MA 02054
Karen Johnson	2 Quail Dr Medway MA
Chris + Kara LeSiege	36 Field Rd Medway MA 02053
David Hodgdon	7 APPLETON WAY Medway MA. 02053

JOB #:

MANUFACTURING
 Bands: Benchmark Sub Other:
INSTALLATION
 Bands: Benchmark Sub Other:

ITEM A
 MFG. & INSTALL ONE (1) D/F INTERNALLY ILLUMINATED DIRECTORY Pylon SIGN
 Sign Area: 153 SF

GENERAL NOTES
COLORS
 SIGN
 CABINET: BM AZURITE CW-670
 RETAINER: BM AZURITE CW-670
 CAP FACE: BG BM AZURITE CW-670
 COPY: WHITE
 ACCENT BANDS: BM FINNIE GRAY CW-65
 CAP & CHANNELS: BM FINNIE GRAY CW-65
 FACE: BM AZURITE CW-670

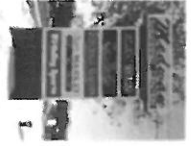
POLE CONVERS: BM FINNIE GRAY CW-65
 W/ GEDDY WHITE CW-20 DECORATIVE FRAMES
 PAN SIGN: BM AZURITE CW-670
 COPY: WHITE

SEE SHEET 1.1 FOR TENANT COLORS
 ALL COLORS ARE FOR REPRESENTATION ONLY
 SEE ACTUAL SAMPLES FOR COLOR MATCH.

SIGN DISPOSITION
 Station for Brite Leave @ Site Dispose
 Sign for Customer Changeable N/A

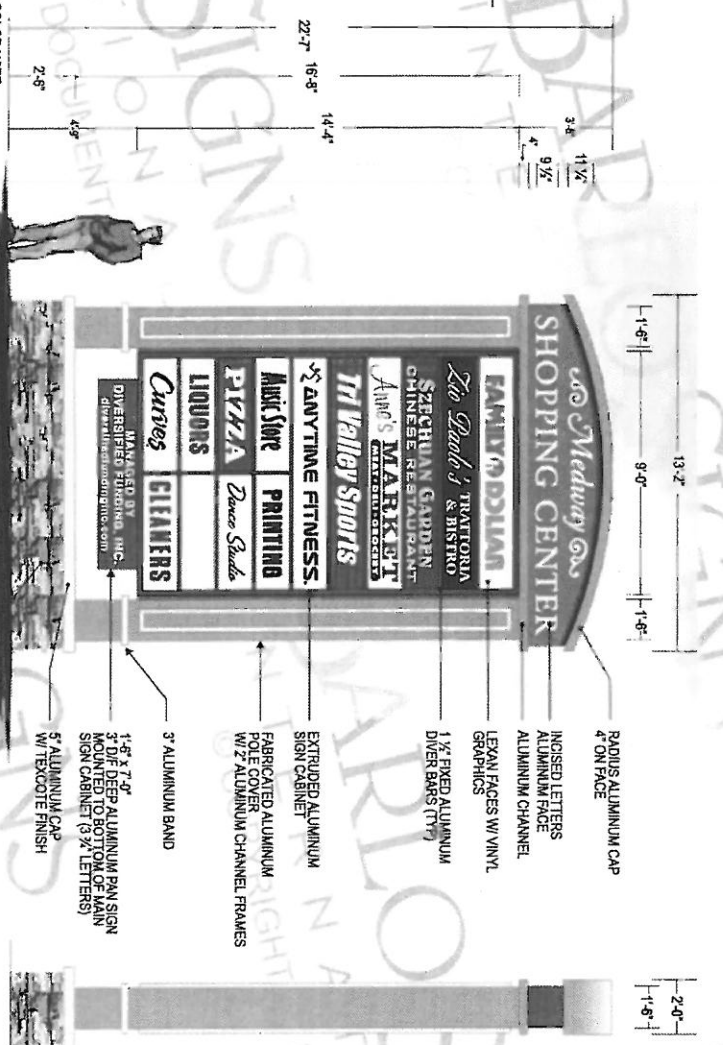
MANUFACTURING INFORMATION
 S/F: D/F: ILL: Non-ILL:
 Material: Escator Custom Extension
 Cabinet Depth: 13 1/2" Hgt: 2 1/2" Dwg. Bar: 1 1/2"
 Framing: Steel Alum.
 Face Mat: ALUMINUM Th: 1/8"
 LEKAN

Copy: CAP: INCISED TENANTS: VINYL
 UI: Sign/Let: Solid Top
 Illumination: Fluorescent Neon LED
 Ballast: HID Other
 Pole Cover: Standard Electronic
 Non-Illum: Illum: Standard Custom
 Hgt: 16'-8" Depth: 18"
 Material: ALUMINUM



EXISTING CONDITIONS SIGN A SCALE: NTS

COLOR NOTE
 ALL COLORS ARE AS SHOWN ON WILLIAMSBURG COLONIAL COLORS
ITEM A D/F INTERNALLY ILLUMINATED DIRECTORY Pylon SIGN
 SCALE: 1/2"=1'-0"



Circuits	ELECTRIC		STEEL		Required	
	Existing	Required	Existing	Required	W	L
Shop			Shape		W <td>L </td>	L
Panel			Length		W <td>L </td>	L
Voltage			W. Thickness		W <td>L </td>	L
UL			Sub Size		W <td>L </td>	L
Substrate Location:	W/W	Damp	Sub Length		W <td>L </td>	L
			W. Thickness		W <td>L </td>	L
			PLATE		W <td>L </td>	L
			BUSSETS		W <td>L </td>	L

PROJECT APPROVAL - PRESALE		Job Name: Medway Shopping Center	
Date:	Date:	Location:	98 Main Street Medway, MA
Drawn By:	DIR	Client:	GUMMA SYNDICATORS ASSOCIATED, INC.
Design:	Date:	Contract No.:	
Estimate:	Date:	Scale:	As Shown
Engineering:	Date:	Drawn By:	MICHI
Check:	Date:	Date:	8/05/14
Production:	Date:	Project No.:	
Installation:	Date:	Installation:	

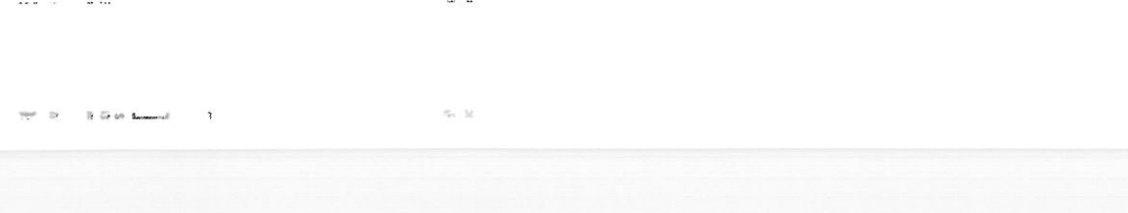
REVISIONS

Date	Comment
07/09	SHOW LARGER OPTION

TIME SUMMARY

0-Arch/Eng	5-Hours
1-Permit	6-Hours
2-Field	7-Hours
3-Shop	8-Hours
4-Mat. Del.	9-Hours

For More: Medway Shopping Center (312)2295-9-05
 B-13-12-12295
 SHEET 1.0



JOB#:

MANUFACTURING

Barb: Barbed Wire Sub: Other:

INSTALLATION

Barb: Barbed Wire Sub: Other:

SCOPE OF WORK

ITEM B
MFG & INSTALL ONE (1) D/E INTERNALLY ILLUMINATED DIRECTORY Pylon SIGN

Sign Area: 163 SF

GENERAL NOTES

COLOR NOTE:
ALL COLORS ARE BENJAMIN MOORE WILLIAMSBURG COLOR MATCH COLOGNS

SIGN

CABINET: BM AZURITE CW-670
RETAINER: BM AZURITE CW-670
CAP FACE RG: BM AZURITE CW-670
COPY/WHITE
ACCENT BANDS: BM FRNME GRAY CW-55
BRICK POLE COVER
D/E: BM FRNME GRAY CW-55
REVEN: BM AZURITE CW-670
PAN SIGN: BM AZURITE CW-670
COPY/WHITE
SEE SHEET 3.0 FOR TENANT COLORS
ALL COLORS ARE FOR REPRESENTATION ONLY. SEE ACTUAL SAMPLES FOR COLOR MATCH.

SIGN DISPOSITION

Steer for Barb Leave @ Site Dispose
 Store for Customer Changeable N/A

MANUFACTURING INFORMATION

S/F: D/E ILL Non-ILL

(Finish) Exterior: Custom Estimation

Cabinet Depth: 13 1/2" Ret. 2 1/2" Dk. Bar 1 1/2"

Finishing: Steel Alum.

Face Mat: ALUMINUM Th. 3/16"
LEBAN 178"

Copy: CAP- INCISED TENANTS- VINYL

UL Shocker Loc: Std Top

Illumination: Fluorescent Neon LED

Ballast: Standard Electronic

POLE COVER

Non-Illum: Illum Standard Custom

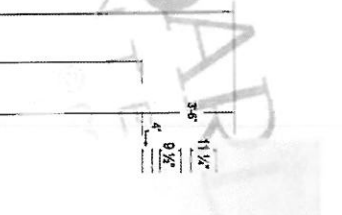
Height: 18'-8" Depth: 18"

Material: ALUMINUM

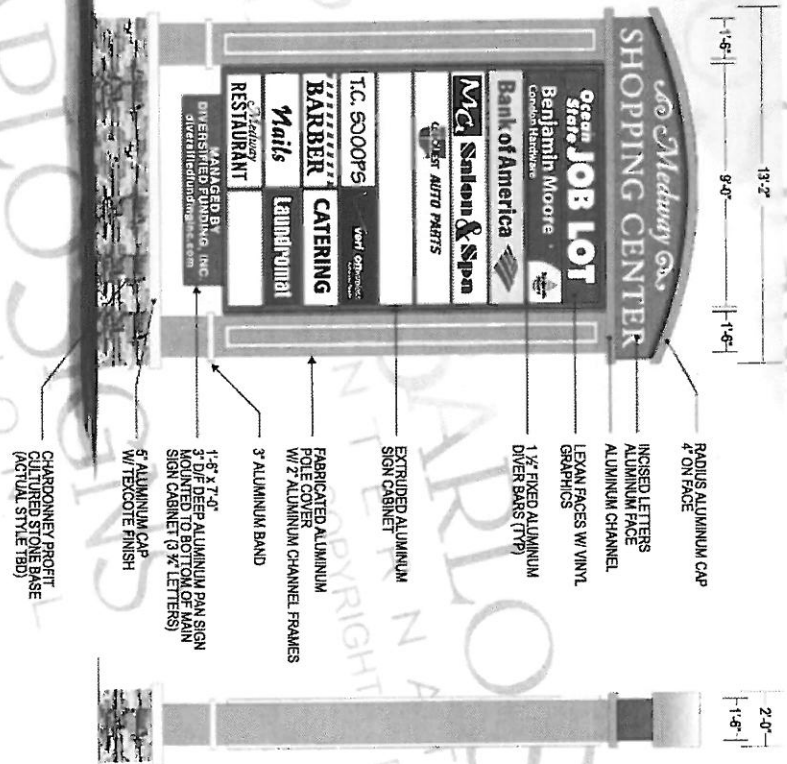
ELECTRIC

Existing	Required	STEEL	Existing	Required
Circuits		Size	Length	
Amp		W/ Thickness	Sub Size	
Voltage		Sub Length		
UL		W/ Thickness		
Notes:		PLATE	W	L
		GUSSETS	W	L
			Th	Th

This sign is intended to be located in accordance with National Electrical Code under other applicable local codes. This includes proper grounding and bonding of the sign.



ITEM B - D/E INTERNALLY ILLUMINATED DIRECTORY Pylon SIGN
SCALE 1/2"=1'-0"



PROJECT APPROVAL - RESALE

Design: _____ Date: _____

Site: _____ Date: _____

PROJECT APPROVAL - PROD.

Design: _____ Date: _____

Estimating: _____ Date: _____

Engineering: _____ Date: _____

Shop: _____ Date: _____

Production: _____ Date: _____

Installation: _____ Date: _____

Location: 98 Main Street Medway, MA

Job Name: Medway Shopping Center

Client: Design Specifications According to _____

Design: _____ Date: _____

Estimating: _____ Date: _____

Engineering: _____ Date: _____

Shop: _____ Date: _____

Production: _____ Date: _____

Installation: _____ Date: _____

REVISIONS

Date	Comment
07/09	SHOW LARGER OPTION


TIME SUMMARY

0-Any/Eng	5-Hour
1-Rev/In	Non
2-Sub/Inst	6-Finish
3-Screen	7-Paint
4-Mat. Fin	8-Install
5-Misc.	9-Misc.
6-Material	

File Name: Medway Shopping Center (1312)2295 9-05
B-13-12-12295
SHEET 2.0

PATIO SIGNS

182 Cranley St. Hudson, MA 02551
(901) 812-2631 Fax (901) 812-2190
For Service 800-222-6974



MANUFACTURING	
Base: <input checked="" type="checkbox"/> Benjamin Moore	Sub: _____ Other: _____
INSTALLATION	
Base: <input checked="" type="checkbox"/> Benjamin Moore	Sub: _____ Other: _____
SCOPE OF WORK	
TENANT COLORS & SPECIFICATIONS	
Sign Area: 153 SF	
GENERAL NOTES	
TENANT COLORS	
OCEAN STATE JOB LOT 3690-23 RED BKG-WHITE REVERSE CUT LETTERS	
ANYTIME SPORTS LOGO: 3690-728 PLUM PURPLE COPY: BLACK	
CURVES: WHITE BKG LOGO: 3690-128 PLUM PURPLE Benjamin Moore:	
	
VERIZON WIRELESS BLACK BKG WHITE COPY, W/ DIGITAL PRINT Z & CHECK	
NOTE: UNLESS OTHERWISE NOTED ALL TENANT ARTWORK SHOWN FOR PLACEMENT ONLY. ACTUAL ART & COLORS TO BE CONFIRMED	
ALL COLORS ARE FOR REPRESENTATION ONLY. SEE ACTUAL SAMPLES FOR COLOR MATCH.	

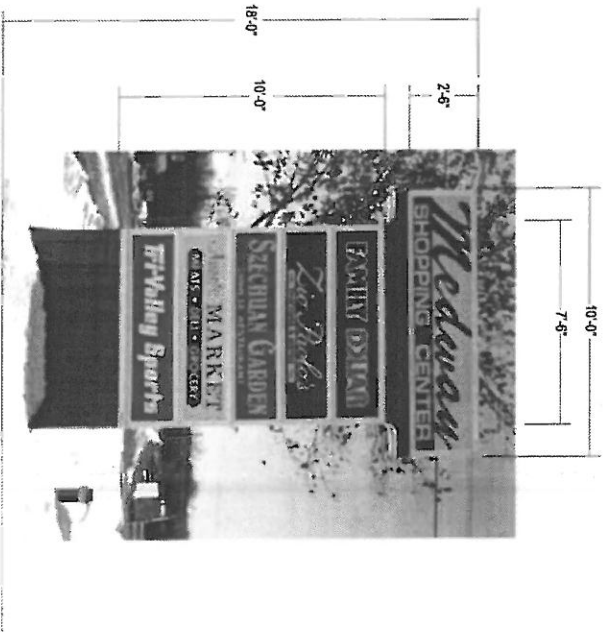


SIGN A
SCALE: 3/8"=1'-0"

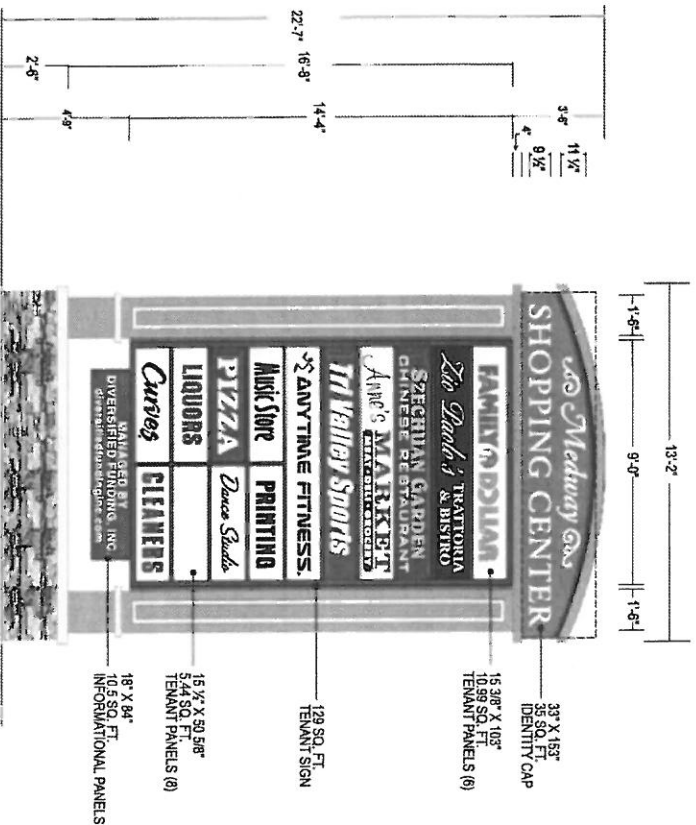


SIGN B
SCALE: 3/8"=1'-0"

Job Name: Medway Shopping Center	
Location: 98 Main Street, Medway, MA	
Client: GUYTON, FRANKLIN/ALBERTA/DE	Drawn By: DJR
Check:	Scale: 3/8"=1'-0"
Drawn By: MICH	Date: 8/05/14
Language:	
© COPYRIGHT 2014 THE BARDO GROUP	
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of The Bardo Group.	
	
File Name: B-13-12-12295	File Path: Medway Shopping Center 131212295 8-05
Sheet: 3.0	Scale: R-5
	
150 Dudley St. Hudson, NH 02851 (603) 882-2638 Fax (603) 882-7080 For Service: 800-427-5574	



EXISTING 100 SQ. FT. SIGN
SCALE: 1/4"=1'-0"



ITEM A. DIF INTERNALLY ILLUMINATED DIRECTORY PYLON SIGN
SCALE: 1/4"=1'-0"

OVERALL PROPOSED 164 SQ. FT. SIGN

Job Name: Medway Shopping Center	
Location: 88 Main Street Medway, MA	
Client: DUFFY'S COLLIERIES & ELECTRICAL	
Drawn by: DJR	Checked by: MICH
Date: 8/05/14	Scale: 8/05/14
© COPYRIGHT 2014 THE BARD GROUP	
THIS DRAWING IS THE PROPERTY OF THE BARD GROUP AND IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE BARD GROUP.	
BARD GROUP 141 Gendry St., Hudson, NH 03051 (603) 872-2618 Fax: (603) 882-2100 For Service: 800-522-5674	
The Name: Medway Shopping Center 1312 12295 8-05	
B-13-12-12295	
SHEET: 4.0	



74

Gould's Plaza


Yama Fuji
SUSHI & HIBACHI

Medway Cafe
BAR • RESTAURANT • KENO

Gaetano's Bakery

Cheri Cheryle
HAIR DESIGN

TLC Cleaners

Medway Jewelers 

 CLASSIC PROPERTIES
REALTORS

The Little Gym

Fine Feathers
WOMEN'S BOUTIQUE

KARATE

Tri-County Medical
Family Medicine Associates

CARL M. SOUSA, MD
INTERNAL MEDICINE

 METROWEST
PHYSICIANS GROUP

 SMILES AND MORE
DENTAL

 METROWEST
LABORATORY SERVICES



THE
REARDON PROFESSIONAL
BUILDING
89 MAIN STREET

Malloy
INSURANCE
AGENCY
AUTO • HOME • BUSINESS
FREE INSURANCE
REVIEWS 508 533-6660

Cristian Petcu D.D.S., PC
Family Dentist

OPTOMETRIST
David O'Donnell Cohen, O.D.

Micro Financial Computer Services

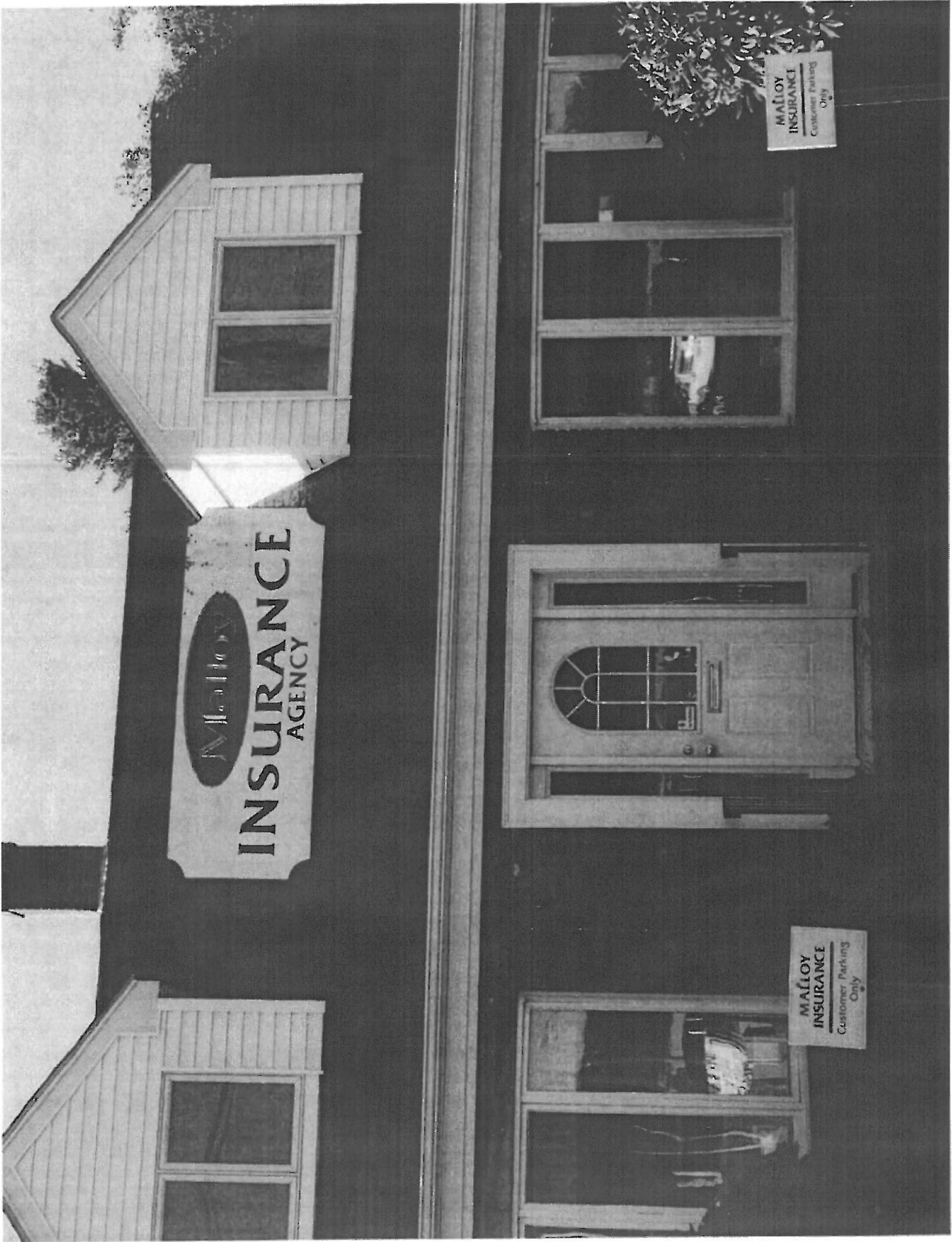
METROWEST
WHOLE HEALTH

MEDICAL
TAILORING

MASSAGE THERAPY
JANICE DE VIRGILIO

KEYS FOR CHANGE
Hypnotic therapy

COMMUNITY
ACUPUNCTURE
MetroWest Whole Health
508-533-0308



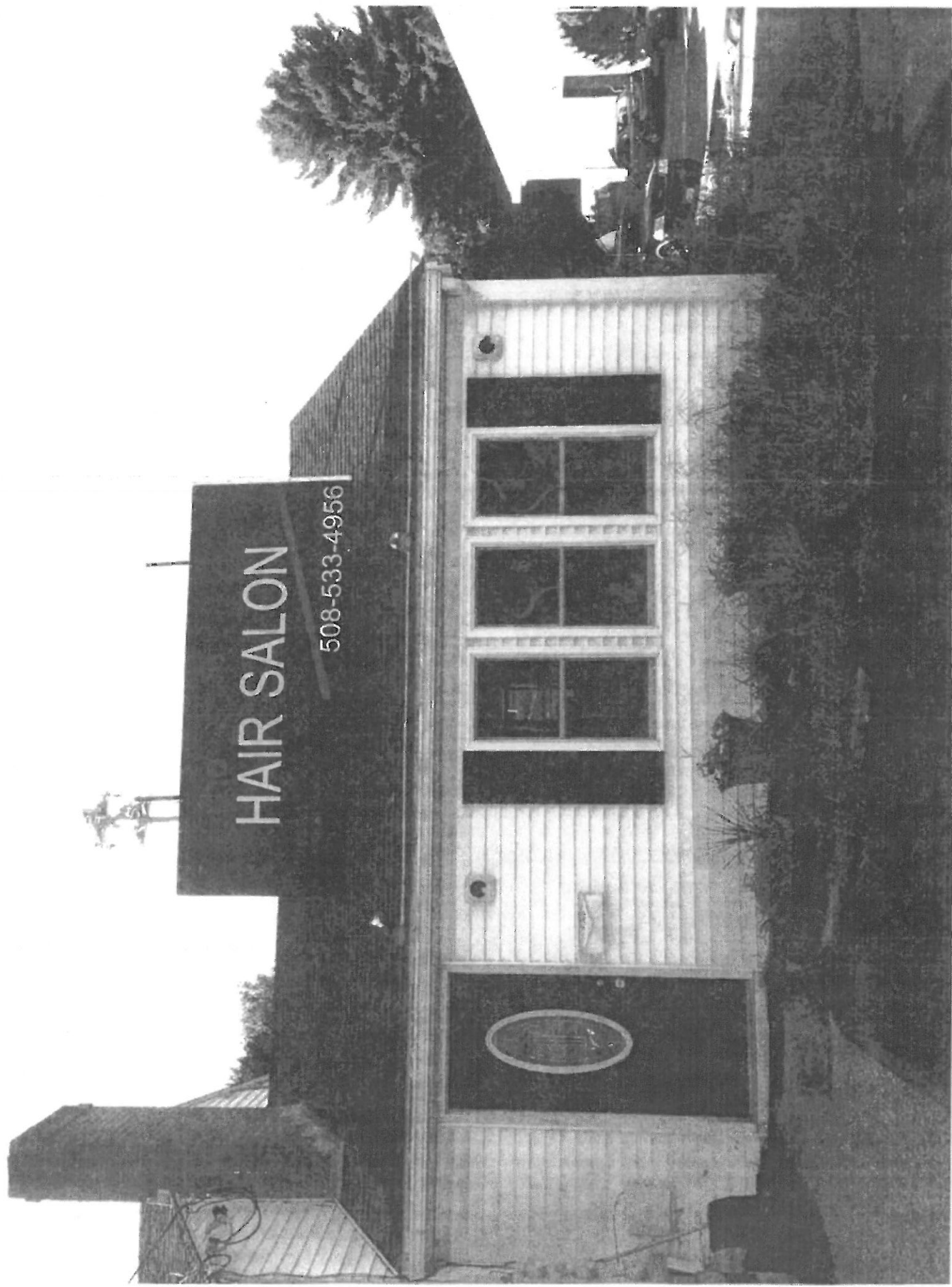
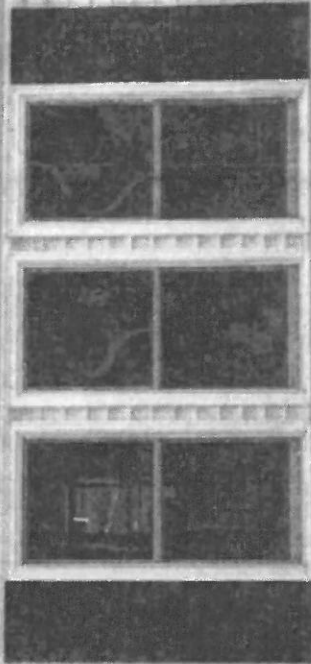
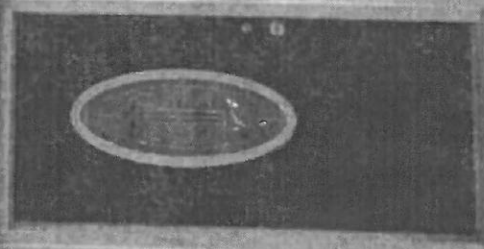
MALLOY
INSURANCE
AGENCY

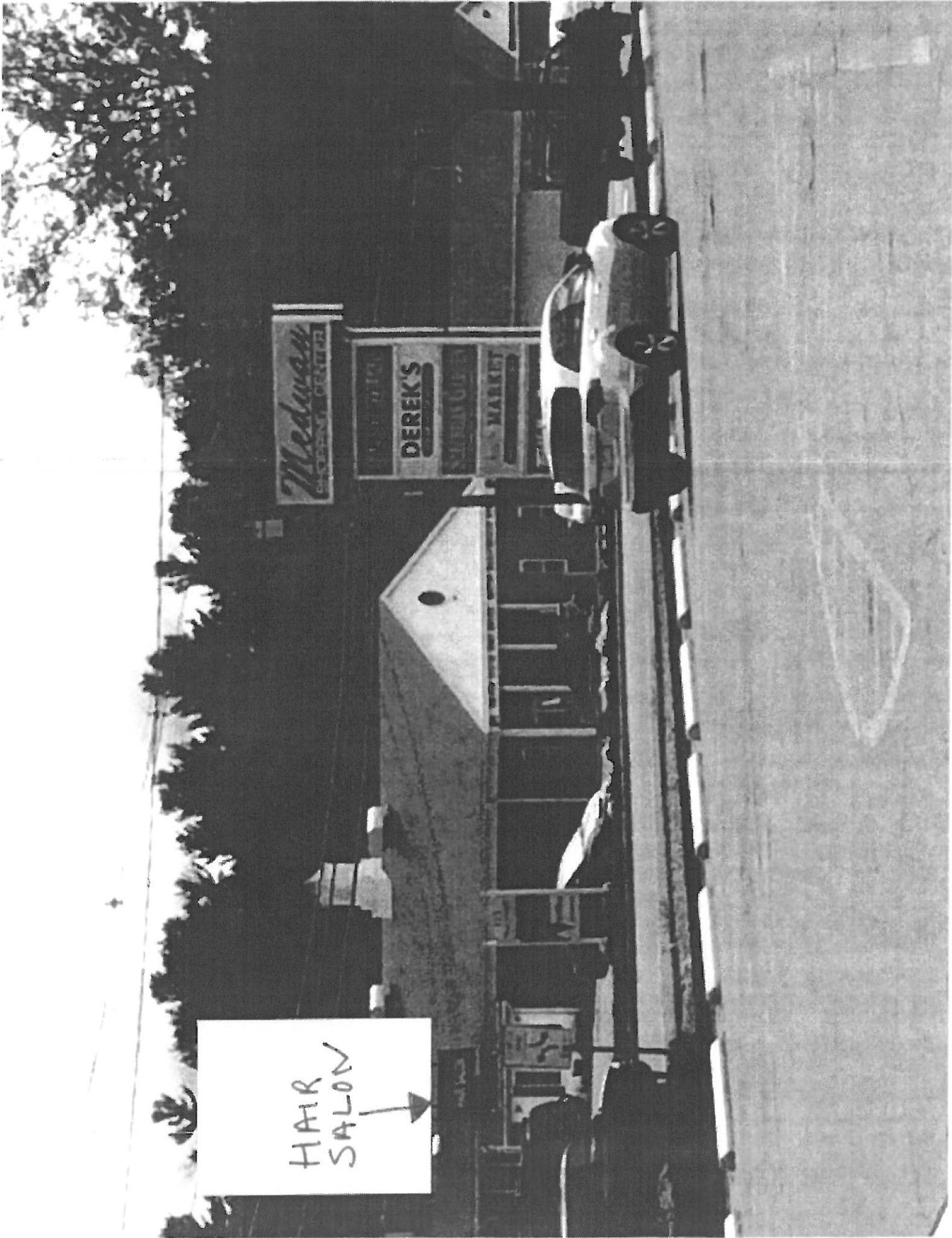
MALLOY
INSURANCE
Customer Parking
Only

MALLOY
INSURANCE
Customer Parking
Only

HAIR SALON

508-533-4956





Medway Commons

(Approximate dimensions from visual inspection)

11' 6" in width for the entire sign

12' from ground to the bottom portion of the area of the sign displaying Medway Commons

5-6' of additional height from the Medway Commons display to the top of the structure

20" Wide by 4' Long – Star Market Placard

10" Wide by 4' Long – Liquor World and Especially for Pets Placards

7" Wide by 4' Long – Various Tenant Placards

9' 2" Wide by 8' 6" Long – Display area of all signage



MEDWAY COMMONS



star market

McDonald's

CVS/pharmacy

LIQUOR WORLD

Especially for Pets

STARBUCKS COFFEE

verizon

HAIR SALON
NAILS & SPA

SUBWAY

COST CUTTER



PETITION FOR RELIEF
MEDWAY ZONING BOARD OF APPEALS
 155 VILLAGE STREET, MEDWAY, MA 02053

RECEIVED
 SEP - 2 2014
TOWN CLERK

Be sure all questions are answered fully. If more space is necessary, attach additional sheets. Attach plans showing parcel, building locations, dimensions, and proposed relief. Return to Town Clerk along with \$175.00 filing fee.

<i>Petitioner Name(s)</i> Maritime Housing Fund, LLC		<i>Petitioner Address & Telephone</i> (617) 480-4448 P.O. Box 540073, Millis, MA 02054	
<i>Attorney (if any) Name</i> Stephen J. Kenney		<i>Attorney (if any) Address & Telephone</i> (508) 533-6711 181 Village Street, Medway, MA 02053	
<i>Premises Owner Name</i> Maritime Housing Fund, LLC		<i>Premises Owner Address & Telephone</i> (508) 480-4448 P.O. Box 540073, Millis, MA 02054	
<i>Tenant (if any) Name</i> NONE		<i>Tenant (if any) Address & Telephone</i> NONE	
<i>Location of Premises</i> 123 Main Street, Medway, MA 02053		<i>Zoning District(s) Containing Premises</i> C1 & ARII	
<i>Registry of Deeds Book, Page Number, and Date; or Land Court Certificate Number and Date; of Current Title</i> Norfolk County Registry of Deeds, Book 22544, Page 566		<i>Does a relevant executory option, lease, or Purchase & Sale Agreement exist?</i> NO	
<i>State present use of premises</i> Vacant Land	<i>State proposed use of premises</i> Residential Housing	<i>Have you applied for a bldg. permit?</i> NO	<i>Has permit been refused?</i> NO

Give extent of proposed alterations (if any) Building four duplex units.

Requested Relief (check all that apply)

Special Permit as provided in Section(s) _____ of the Medway Zoning By-Laws. V.F.,

Variance from requirements of Section(s) V.F.3, V.G. of the Medway Zoning By-Laws.

Appeal of Building Inspector's decision. (Attach copy of decision.)

State why you believe the grant of Relief will not cause substantial detriment to the Public Good

The proposed development of four duplex units on the subject parcel will not derogate from the intent of the ZBL nor will it cause substantial detriment to the public good, as it is residences which border a residential neighborhood on the west side of Elm Street and the structures will be substantially set off from Main Street. A residential development in this area would be far more beneficial to the surrounding neighborhood than a commercial development.

(Appeal Only) State the basis of your appeal

N/A

(Variance Only) Give the proposed limits of the requested relief (e.g., front setback to 32.5 feet; lot shape factor to 24;

common drive in commercial and residential district, duplex units.

(Variance Only) Give the distances from the property lines of buildings on abutting premises

Not applicable as not seeking setback variances on any of the subject lots.

(Variance Only)

What circumstances exist, relating to the shape, topography, or soil conditions of the subject premises, which do not generally affect other land in the zoning district?

(See MGL 40A §10.)

*see attached 1

(Variance Only)

What substantial hardship is caused by the circumstances listed above, when the Medway Zoning By-Law is applied?

(See MGL 40A §10.)

*see attached 2

(Variance Only)

State why you believe the grant of relief would not nullify or derogate from the intent of the Zoning By-Law.

*see attached 3

I hereby certify that the above statements and all testimony to be given by me during the Zoning Board of Appeals hearing associated with this application are true to the best of my knowledge and belief.

Signature of Petitioner

Signature of Petitioner

Signature of Owner (if other than Petitioner)

Date

Date

Date

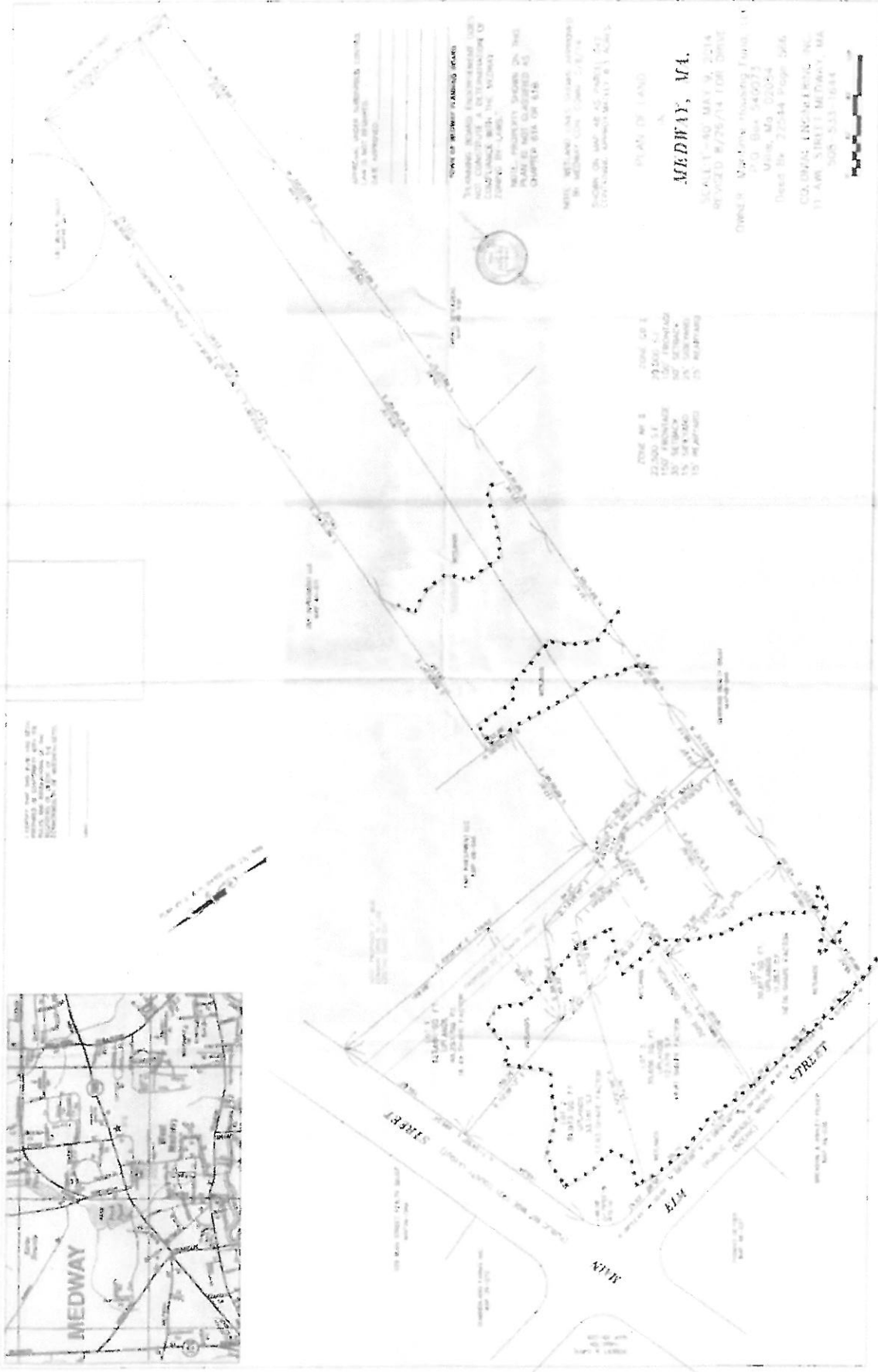
1. As a result of the shape of the lots due to the existence of wetlands on the subject property, the topography and soil conditions, it is requested that the lots be allowed to be accessed by way of a common driveway. Also, the highest and best use of the land in the particular area (ie abutting a residential area) would be to allow the construction of four duplex units. There is sufficient uplands area to construct the units, and as the access would be from Main Street, so as to not disturb the wetlands.

2. Without the relief requested, it would be extremely difficult to develop the lot, as a result of the wetlands present, the fact that it is a corner lot, and the fact that the lot is zoned partially commercial, on the Main Street side, and partially residential, on the Elm Street side. Without the interference with wetlands, there are only certain parts of the lot that can be developed. The petitioner submits that the best use of the lot would be for residential development.

3. The grant of the relief requested would not nullify or derogate from the intent of the ZBL, but would actually promote the intent of the residential zoning district by allowing the development of four duplex units in an area which directly abuts a residential neighborhood, which runs along Elm Street. Additionally, as a result of the wetlands that run along Main Street, it is impractical to commercially develop the area.



PROPERTY TO BE CONVEYED TO THE
 STATE OF MASSACHUSETTS BY
 DEED TO BE RECORDED IN THE
 DEED BOOK OF THE COUNTY OF
 ESSEX, MASSACHUSETTS.



APPLICANT: [Name]
 DATE: [Date]

TO HAVE AND TO HOLD THE FOREGOING TO THE
 COMMONWEALTH OF MASSACHUSETTS IN
 COMPLIANCE WITH THE ZONING
 ORDINANCE OF THE TOWN OF
 MEDWAY, MASSACHUSETTS.

THIS PLAN IS NOT CLASSIFIED AS
 CHARTER 93A OR 93B

PLANS OF LAND

MEDWAY, MA.

SCALE: 1" = 40' MAY 9, 2014
 REVISED 8/26/14 FOR DEED

OWNER: [Name]
 P.O. Box 240073
 Medway, MA 02054

DEED No. 22284 Page 066
 COUNTY: ESSEX COUNTY, MA
 11 LAW STREET MEDWAY, MA
 508-555-1644

ZONE: R-1
 22,000 S.F.
 100' FRONT YARD
 15' SIDE YARD
 10' REAR YARD





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

May 28, 2014

TO: Maryjane White, Town Clerk
FROM: Gino Carlucci for Susy Affleck-Childs, Planning & Economic Development
Coordinator
RE: **ANR (Subdivision Approval Not Required) Plan** – 123 Main Street

At its May 27, 2014 meeting, the Planning and Economic Development Board considered an application and Subdivision Approval Not Required (ANR) Plan as described below:

Name of Plan: Plan of Land in Medway, Massachusetts
Location/Address: 123 Main Street
Assessor's Reference: 48-047
Zoning District: C-1 and Agricultural Residential II
Property Owner: Maritime Housing Fund, LLC
P.O. Box 540073
Millis, MA 02054
Applicant: Maritime Housing Fund, LLC
(Tom Steeves)
Plan Date: May 9, 2014
Prepared by: Paul J. DeSimone, PLS
Colonial Engineering Consultants, Inc.
11 Awl Street, Medway, MA 02053
Scale: 1 inch = 40 feet

The ANR application and associated ANR Plan were filed with the Planning and Economic Development Board on May 12, 2014. The plan shows the division of the 6.3-acre parcel as follows:

Telephone: 508-533-3291

Fax: 508-321-4987

planningboard@townofmedway.org

May 27, 2014

- Lot 1, a 127,080 sq. ft. lot with frontage on Main Street
- Lot 2, a 81,073 sq. ft. lot with frontage on Main and Elm Streets
- Lot 3, a 33.656 sq. ft. lot with frontage on Elm Streets
- Lot 4, a 30,617 sq. ft. lot with frontage on Elm Streets

The ANR plan was reviewed by Gino Carlucci, the Board's planning consultant and found to meet the technical requirements, but not the substantive requirements to warrant ANR endorsement. (See attached comment memo).

The Planning and Economic Development Board determined that the subject *Plan of Land DID* show a subdivision. On May 27, 2014, the Board voted to **DENY** the submitted Plan of Land for Medway, MA.

Copies to: Donna Greenwood, Principal Assessor
John F. Emidy, Building Commissioner
Thomas Holder, DPS Director
Tom Steeves, Owner/applicant
Paul DeSimone, Colonial Engineering

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: May 20, 2014

RE: Maritime Housing Fund LLC ANR on Main and Elm Streets

I have reviewed an ANR plan prepared for Maritime Housing Fund LLC (Tom Steeves) for property on the corner of Main and Elm Oakland Streets. The plan was prepared by Colonial Engineering, Inc. of Medway. It proposes to divide the 6.3-acre property into 4 lots of 127,080, 81,073, 33,656 and 30,617 square feet respectively. I have comments as follows:

Technical Requirements of Plan

1. Section 3.2.5 requires that notice of previous ZBA action be noted. The property is the site of a comprehensive permit granted by ZBA but this is not noted.

Zoning Issues

2. Section V. B. 4 requires that lots meet the minimum area requirement with at least 50% contiguous uplands. For Lots 1 and 2, the total uplands figure is provided but they are not contiguous. It is unclear if these lots meet the contiguous uplands requirement. While compliance with zoning is not required in order to be entitled to ANR endorsement, if lots shown on an ANR plan do not comply, they can be required to include a note that they are "Not a separate building lot," in order to protect potential buyers.
3. While a common driveway is not shown on the plan, due to the extensive wetlands along Elm Street frontage, it should be noted that the Zoning Bylaw only provides for common driveways in OSRD developments, not conventional ones.

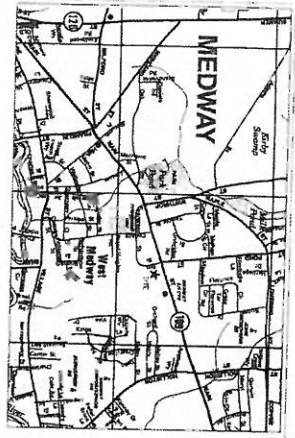
General Comments

4. In *Gates v. Planning Board of Dighton*, 48 Mass. App. Ct. 394 (2000), the Massachusetts Appeals Court concluded that the Planning Board was correct in denying ANR endorsement to a plan that depended on a long crossing of a wetland because the existence of the wetlands prevented practical, safe and efficient access to the buildable portions of the proposed lots. Lots 3 and 4 of the proposed plan would require extensive wetlands crossings to gain access to the uplands area. Furthermore, Lot 2 has uplands that are accessible from Main and Elm, but the zoning and wetland setback requirements preclude building anything substantial on the front portion of the lot so a long wetlands crossing would also be required to gain access to the significant uplands portion of that lot.

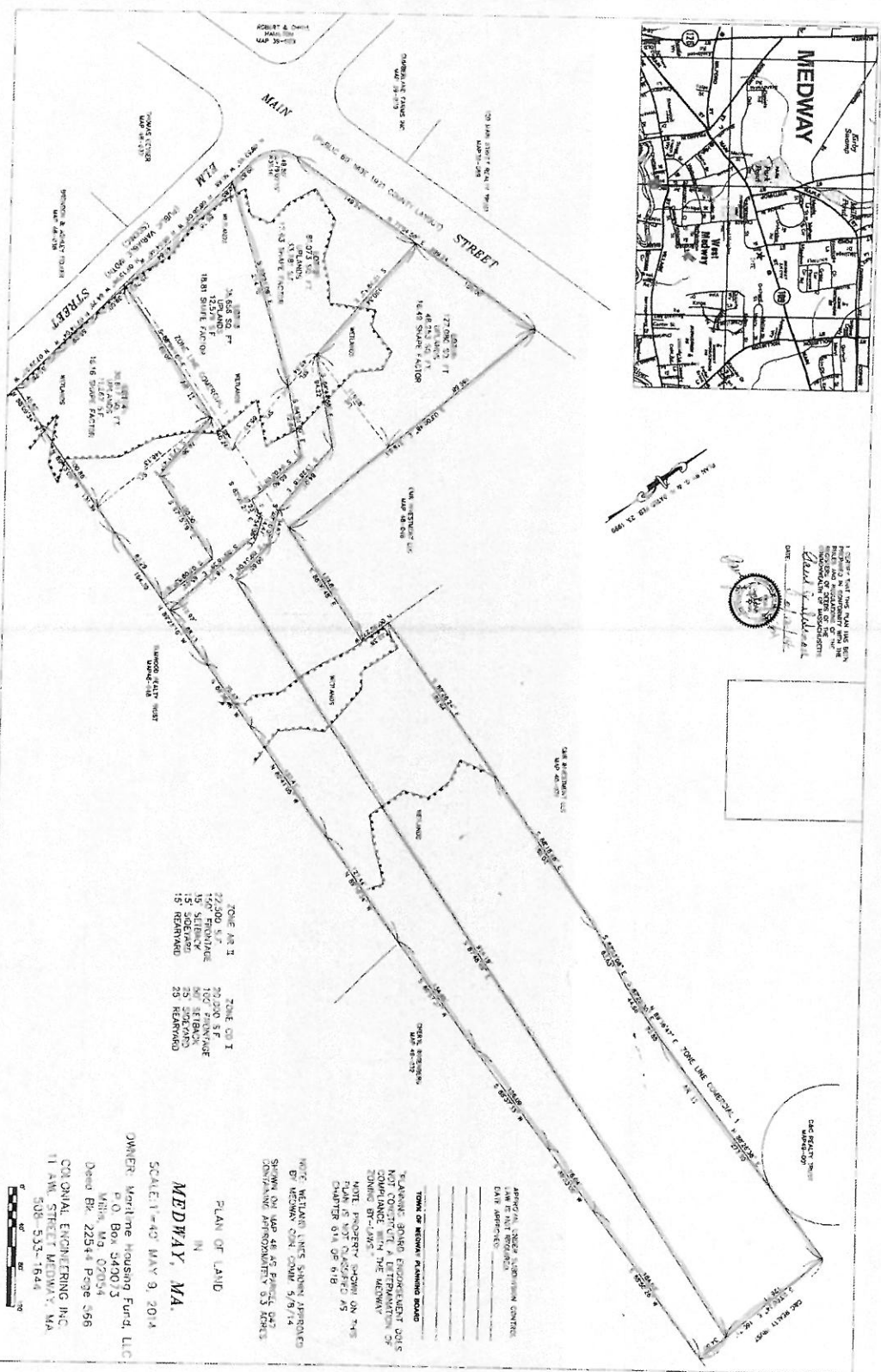
5. In the event that an easement for a common driveway is anticipated in order to avoid the wetlands crossing, the Massachusetts Appeals Court ruled in *Bruni vs. Planning Board of Ipswich* in 2009, that access to a residential development could not be provided through a commercial district in which the residential use was not permitted. Since the C-1 district does not allow single-family homes, Lots 2, 3 and 4 could not be developed with single-family houses using access from Main Street.

Conclusion

In opinion, the proposed plan does not qualify for ANR endorsement and appears to be an attempt to avoid the requirements of the Subdivision Control Law and the Planning Board Subdivision Rules and Regulations. I recommend that the endorsement be denied.



1. Scale: Not To Scale
 2. This is a preliminary plan and is not to be used for any other purpose without the written consent of the engineer.
 3. The engineer is not responsible for any errors or omissions in this plan.
 4. The engineer is not responsible for any changes made to this plan after the date of issue.
 5. The engineer is not responsible for any changes made to this plan after the date of issue.
 6. The engineer is not responsible for any changes made to this plan after the date of issue.
 7. The engineer is not responsible for any changes made to this plan after the date of issue.
 8. The engineer is not responsible for any changes made to this plan after the date of issue.
 9. The engineer is not responsible for any changes made to this plan after the date of issue.
 10. The engineer is not responsible for any changes made to this plan after the date of issue.



ZONE A-1	ZONE C-1
2' FRONT YARD SETBACK	2' FRONT YARD SETBACK
15' SIDE YARD SETBACK	15' SIDE YARD SETBACK
15' REAR YARD SETBACK	15' REAR YARD SETBACK
25' REAR YARD SETBACK	25' REAR YARD SETBACK

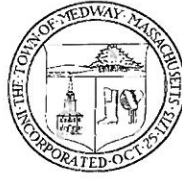
OWNER: Maritime Housing Fund, LLC
 P.O. Box 340075
 Miami, FL 33134
 Date: 05/09/14
 Drawn By: 22544 Page 566
 CONSULTING ENGINEERING INC
 11 LAW STREET MEDWAY, MA
 508-533-1644

PLAN OF LAND
 IN
MEDWAY, MA.
 SCALE: 1"=40' MAY 9, 2014

NOTE: METRIC LINES SHOWN APPROVED BY MEDWAY CIVIL COMR 5/9/14
 SHOWN ON MAP 48-45 PARTIAL AND SUPPLEMENTAL APPROXIMATE 0.5 ACRES

TOWN OF MEDWAY PLANNING BOARD
 "PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING ORDINANCES."
 NOTE: PROPERTY SUBJECT ON THIS CHARTER 01A OF M18





September 23, 2014
Medway Planning & Economic Development Board
Meeting

CONSTRUCTION REPORTS

- Millstone Village ARCPUD – Report #3 (9-9-14)
- Millstone Village ARCPUD – Report #4 (9-11-14)
- Millstone Village ARCPUD – Report #5 (9-17-14)
- Millstone Village ARCPUD – Report #6 (9-18-14)
- Cumberland Farms Lighting Test – Report (9-18-2014)

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, September 17, 2014 4:14 PM
To: Susan Affleck-Childs
Subject: RE: Proposal for Material Changes

Will do.

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Wednesday, September 17, 2014 4:01 PM
To: Bouley, Steven
Subject: RE: Proposal for Material Changes

A-OK. We will discuss at the 9/23 mtg.

Would you respond to Titan and let them know we should be able to have a decision for them on Wednesday morning?

Thanks.

From: Bouley, Steven [mailto:Steven.Bouley@tetrattech.com]
Sent: Wednesday, September 17, 2014 4:02 PM
To: Susan Affleck-Childs
Subject: RE: Proposal for Material Changes

I think it can wait until next week. They are in the process of installing the sewer now which is deep so that should take at least through next week.

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Wednesday, September 17, 2014 3:56 PM
To: Bouley, Steven
Subject: RE: Proposal for Material Changes

Hi,

I would prefer to have the Board decide.

Does Titan need a decision NOW or can it wait until next week? Will delaying a decision on this hold them up?

From: Bouley, Steven [mailto:Steven.Bouley@tetrattech.com]
Sent: Wednesday, September 17, 2014 3:55 PM
To: Susan Affleck-Childs
Cc: robert.truax@glmengineering.com; Planning Board; titancontractors@verizon.net; Reardon, Sean
Subject: RE: Proposal for Material Changes

Hi Susy,

I was on-site today and Mr. Zercoe asked if they could change the material type for the drain pipe from HDPE to RCP. I have no objection to this as RCP is a better product. Does something like this have to go through the board or can this change be made through email? Let me know, thanks.

Steve

From: Titan Contractors, Inc [<mailto:titancontractors@verizon.net>]
Sent: Wednesday, September 17, 2014 3:39 PM
To: Bouley, Steven
Cc: robert.truax@glmengineering.com; planningboard@townofmedway.org
Subject: Proposal for Material Changes

Steven Bouley,



Titan Contractors would like to propose a material change from HDPE pipe to RCP pipe on Millstone Village Winthrop Street, Medway. Please advise us when you have approved the changes. Thanks,
Titan Contractors

Tetra Tech
 One Grant Street
 Framingham, MA 01701

Project Millstone Village	Date 09-09-14	Report No. 03
Location Winthrop Street	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 75° P.M. 80°

FIELD OBSERVATIONS

On Tuesday, September 9, 2014 Steve Bouley from Tetra Tech (Tt) visited the project site to inspect the current condition of the site and construction progress. The following observations were made:

I. Observations

- A. The contractor connected the proposed sewer to the existing sewer manhole located in Winthrop Street. The contractor cored a 12" hole in the existing structure and installed a rubber boot in order to accept proposed 8" pvc sdr 35 pipe. The pipe was bedded on 3/4" crushed stone in the pipe zone and backfilled with flowable fill (flowpack) and paved with temporary asphalt. The contractor will return at a later date to finish pave the trench.
- B. During excavation for the proposed sewer pipe installation the contractor damaged an approximate 8-foot portion of existing RCP drain pipe which was not marked by dig-safe in the correct location. The contractor repaired the damaged section with new RCP pipe.
- C. Construction of the stone wall along Winthrop Street is on-going.
- D. The contractor utilized a water truck on-site for the duration of the day and kept dust to a minimum during construction.
- E. Medway DPS requested that the hydrant meter placed at 16 Ash Lane be discontinued and relocated to 9 Hemlock Drive. The meter was relocated by the contractor.
- F. The contractor is screening loam at the rear of the property.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't					Dept. or Company	Description of Work
	1	Bulldozer	1	Asphalt Paver		
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	6	Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	4	Bobcat		Vib. Walk Comp.	1	
Carpenters		Hoeram		Compressor		
Masons		Excavator	3	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flag persons		Scraper		Tree Remover		
Surveyors	2	Articulating Dump Truck		Chipper		
		Conc. Truck		Screenner	1	OFFICIAL VISITORS TO JOB
		Pickup Truck		Drill Rig	Medway Water Dept.	
		Dump Truck 6 Whl		Boom Lift		
		Dump Truck 10 Whl		Water Truck	1	
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		
Police Details: 1					RESIDENT REPRESENTATIVE FORCE	
Time on site: 8:30 A.M. - 4:00 P.M.					Name	Name
CONTRACTOR'S Hours of Work:						
					Resident Representative: Steve Bouley	

Project Millstone Village	Date 09-09-14	Report No. 03
Location Winthrop Street	Project No. 143-21583-14018	Sheet 2 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 75° P.M. 80°

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. The contractor expects to conduct the water taps by the end of the week.
3. New Action Items
 - A. Contractor to finish pave sewer trench in Winthrop Street.
4. Previous Open Action Items
 - A. N/A
5. Materials Dclivered to Site Since Last Inspection:
 - A. Sewer Manholes

Tetra Tech One Grant Street Framingham, MA 01701		
Project Millstone Village	Date 09-11-14	Report No. 04
Location Winthrop Street	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. SUNNY P.M.	Temperature A.M. 75° P.M.

FIELD OBSERVATIONS

On Thursday, September 11, 2014 Steve Bouley from Tetra Tech (Tt) visited the project site to inspect the current condition of the site and construction progress. The following observations were made:

1. Observations

- A. The contractor installed the tapping sleeve and gate valve at both proposed locations on the existing 6" water main in Winthrop Street.
- B. Construction on the field stone wall adjacent to Winthrop Street is on-going.

CONTRACTOR'S FORCE AND EQUIPMENT

WORK DONE BY OTHERS

Sup't					Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver		
		Backhoe		Asphalt Reclaimer		
Laborers	2	Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	1	Bobcat		Vib. Walk Comp.	1	
Carpenters		Hoeram		Compressor		
Masons	4	Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flag persons		Scraper		Tree Remover		
Surveyors		Articulating Dump Truck		Chipper		
		Conc. Truck		Screener	1	OFFICIAL VISITORS TO JOB
		Pickup Truck		Drill Rig		
		Dump Truck 6 Whl		Boom Lift		
		Dump Truck 10 Whl		Water Truck	1	
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		

Police Details: 1	RESIDENT REPRESENTATIVE FORCE	
Time on site: 8:30 A.M. - 10:30 A.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Steve Bouley	

Project Millstone Village	Date 09-11-14	Report No. 04
Location Winthrop Street	Project No. 143-21583-14018	Sheet 2 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. SUNNY P.M.	Temperature A.M. 75° P.M.

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. The contractor expects to begin installing the sewer on-site next week.

3. New Action Items
 - A. Contractor to finish pave sewer/water trenches in Winthrop Street.

4. Previous Open Action Items
 - A. N/A

5. Materials Delivered to Site Since Last Inspection:
 - A. N/A

DRAFT 9-16-2014

ARTICLE : (Street Acceptance and Infrastructure Acceptance – Azalea Drive)

To see if the Town will vote to accept as a public way, the following street as laid out by the Board of Selectmen and as shown on a plan on file in the Office of the Town Clerk:

Azalea Drive in its entirety from Station 0+00 beginning at its intersection with Dogwood Lane running easterly, then northerly, then westerly through to its end at Station 24+87.19 and Azalea Drive from Station 0+00 beginning at Summer Street and running westerly to the end of that segment at Station 2+47.76, both as shown on the Azalea Drive Street Acceptance Plan dated 5/13/2014 prepared by Precision Land Surveying of Southborough, MA and Tetra Tech of Framingham, MA.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Sac DRAFT 9-18-2014

ARTICLE : (Street Acceptance, Drainage Parcel and Infrastructure Acceptance) –
Morningside Drive

To see if the Town will vote to accept as a public way, the following street as laid out by the Board of Selectmen and as shown on a plan on file in the Office of the Town Clerk:

Morningside Drive in its entirety from Station 0+00 beginning at its intersection with Summer Street to its end at Station 5+27.55 as shown on the *Roadway Acceptance Plan for Morningside Drive in Medway, MA* dated 9/2/2014, prepared by Outback Engineering of Middleborough, MA.

And further to see if the Town will vote to accept as a gift from Fox Run Development Group LLC of Lincoln, RH, one parcel of land totaling .21 acres shown as Parcel A on "*Modification to Comprehensive Permit, Subdivision Lotting Plan, Fox Run Farm*" by Outback Engineering, dated May 24, 2011, recorded at the Norfolk County Registry of Deeds in Plan Book 610, Page 62, also known as 0 Morningside Drive/Medway Assessors' Parcel 22-053-008, said land to be used by the Town for stormwater drainage purposes.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

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: To encourage the development and redevelopment of the district in a manner that represents the qualities, functions, and architectural features of a traditional New England town center as guided by the *Medway Design Review Guidelines*. Such features and functions include mixed business, service, civic, institutional and/or residential uses which are arranged in a compact pattern that is conducive to pedestrian access and use.
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. 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 and other miscellaneous business and social/human services
 - j) Repair shops for small electronic equipment, appliances and tools
 - k) Schools
 - l) Any of the following uses if authorized by special permit:
 - 1) 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

- 10) Assisted living residence facility as defined by M.G.L, chapter 19D.
 - 11) Mixed Use Development – A combination of multi-family dwelling units with any of the by right and/or special permit uses specified herein.
3. Coordination of Special Permit and Site Plan Review - 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.
 4. By-right 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 and shall be suitably landscaped
 - 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 and shall be suitably landscaped
 - f) Maximum building height: 40 ft.
 5. Special Permit Regulations – The following provisions shall apply to Special Permit Uses and are also 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) Minimum continuous frontage: 50 ft.
 - 3) Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 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.
 - 4) 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 and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the C1 district.
 - 5) Maximum building height: 60 ft.
 - b) Residential Uses in a Mixed Use Development
 - 1) Except for assisted living residence facilities, a building comprised of 100% multi-family dwelling units shall not be permitted.

- 2) In a 3 story building, no more than 67% of the gross floor area shall be comprised of multi-family dwelling units. In a 2 story building, no more than 50% of the gross floor area shall be comprised of multi-family dwelling units.
 - 3) Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. the building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
 - b. the residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
 - 4) No more than 10% of the total number of a mixed-use development's residential dwelling units shall have more than 2 bedrooms.
- c) A minimum of 15% of the site shall function as landscaped and/or public space. The landscaped and/or public space shall be architecturally integral to the site and/or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.
- d) Special Permit Review Criteria
- 1) Special permits granted under this sub-section are not subject to the special permit criteria specified in SECTION III. Sub-Section J of this Bylaw.
 - 2) Before granting a special permit for the specified special permit uses or for flexible site design of by-right uses in the Commercial I zoning district, the special permit granting authority shall find that in its judgment, all of the following criteria for granting the special permit are met:
 - a. The proposed site design represents the qualities of a traditional New England town center.
 - b. The proposed site design is environmentally sustainable, economically viable and is readily accessible to and useable by pedestrians.
 - c. The design of buildings is consistent or compatible with traditional New England architectural styles as described in the *Medway Design Review Guidelines*.
 - d. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated.
 - e. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.
 - f. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe, economical, and efficient manner.
 - g. Any detrimental impacts of the site design on abutting properties and/or residential neighborhoods have been adequately mitigated.
 - h. The development project incorporates site design and building construction features that minimize energy consumption and reduce environmental impacts.
 - i. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

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 connections to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. 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 the review process.
- 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 maximize ease of pedestrian access.

7. Sustainability – New buildings constructed in the Commercial I district after the passage of this bylaw are encouraged to promote sustainability by being environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. This may be accomplished by incorporating sustainable materials in the construction (e.g., reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimum pollutants (e.g., reduced product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering). The criteria in the current Leadership in Energy and Environmental Design (LEED), Institute for Sustainable Infrastructure (ISI), and EPA's Green Building program offer examples of measures that will help accomplish this goal.

AND to amend the Sub-Section H. Parking Regulations of SECTION V. USE REGULATIONS by adding the following to the Parking Requirements Schedule in Paragraph 4.

Multi-Family Dwelling in Commercial I – 1.5 spaces per dwelling unit.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE :

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section U. Adult Retirement Community Planned Unit Development (ARCPUD), 4. c) ARCPUD General Standards, item 4) to read as follows (new wording is underlined and wording that is being deleted is ~~stricken~~ through):

4. c) 4) Upon approval by the Planning and Economic Development Board, an ARCPUD also may include any combination of the following accessory uses:

- a. Local Convenience Retail;
- b. Medical Offices or Clinics; and
- c. Adult Day Care;

~~use of no more than 7,500 square feet of gross building area. If located within an ARCPUD development, by definition, provided that the total amount of building area occupied by Local Convenience Retail uses shall not exceed 4,500 square feet and the total of all such accessory uses shall not exceed five percent (5%) of the ARCPUD's total gross building area. or 7,500 square feet, whichever is greater.~~

AND to amend Sub-Section U. Adult Retirement Community Planned Unit Development (ARCPUD), Paragraph 4. c) ARCPUD General Standards, item 6) as follows (new wording is underlined and wording that is being deleted is ~~stricken~~ through):

4. c) 6) The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). A housing unit shall be defined as equal to:

- a. A home site in an ARCPUD Residential Subdivision, a dwelling unit in an ARCPUD Independent Living Residence Facility, a townhouse, or a dwelling unit as defined in the Bylaw;
- b. Two (2) dwellings or rooms in an ARCPUD Assisted Living Residence Facility or an ARCPUD Congregate Living Residence Facility, ~~provided such dwellings do not meet the definition of a dwelling unit;~~
- c. Three (3) dwellings or rooms in an ARCPUD Long-Term Care Facility.

AND to amend Sub-Section U. 4. c) ARCPUD General Standards, by deleting item 9) in its entirety as follows (wording that is being deleted is ~~stricken~~ through):

4. c) 9) ~~Affordability – At least 10% of the total number of ARCPUD residential dwelling units, rounded up to the next higher integer, shall be designated and made available as Affordable Dwelling Units as defined in this Zoning Bylaw.~~

Draft – 8/15/2014

ARTICLE _____: (Zoning Map Revision: portions of ARII to Commercial V)

To see if the Town of Medway will vote to rezone the following parcels from Agricultural Residential II district zoning to Commercial V district zoning as shown on a map on file with the Town Clerk and to amend the Medway Zoning Map accordingly.

1.38 acre parcel at 32 Summer Street (Berry's Greenhouse) - Medway Assessor's parcel 56-041

.09 acre parcel at 37 Summer Street (Alexander) - Medway Assessor's parcel 56-017

.67 acre parcel at 35 Summer Street (Alexander) - Medway Assessor's parcel 56-018

.42 acre parcel at 33 Summer Street (Notturmo) - Medway Assessor's parcel 56-019

.34 acre parcel at 31 Summer Street (PMAM Group LLC) - Medway Assessor's parcel 56-020

.52 acre parcel at 37 Milford Street (Bain) - Medway Assessor's parcel 56-036

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Draft 9-18-2014

ARTICLE :

To see if the Town of Medway will vote to amend the Medway Zoning Map to depict Medway Assessor's Parcel 48-092 in its entirety, also known as 165 Main Street, as the Medway Mill Conversion Sub-District within the Adaptive Use Overlay District, as shown on a plan on file with the Medway Town Clerk.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Proposed Expansion of Commercial V Zoning District

September 5, 2014


Data from MassGIS and the Town of Medway

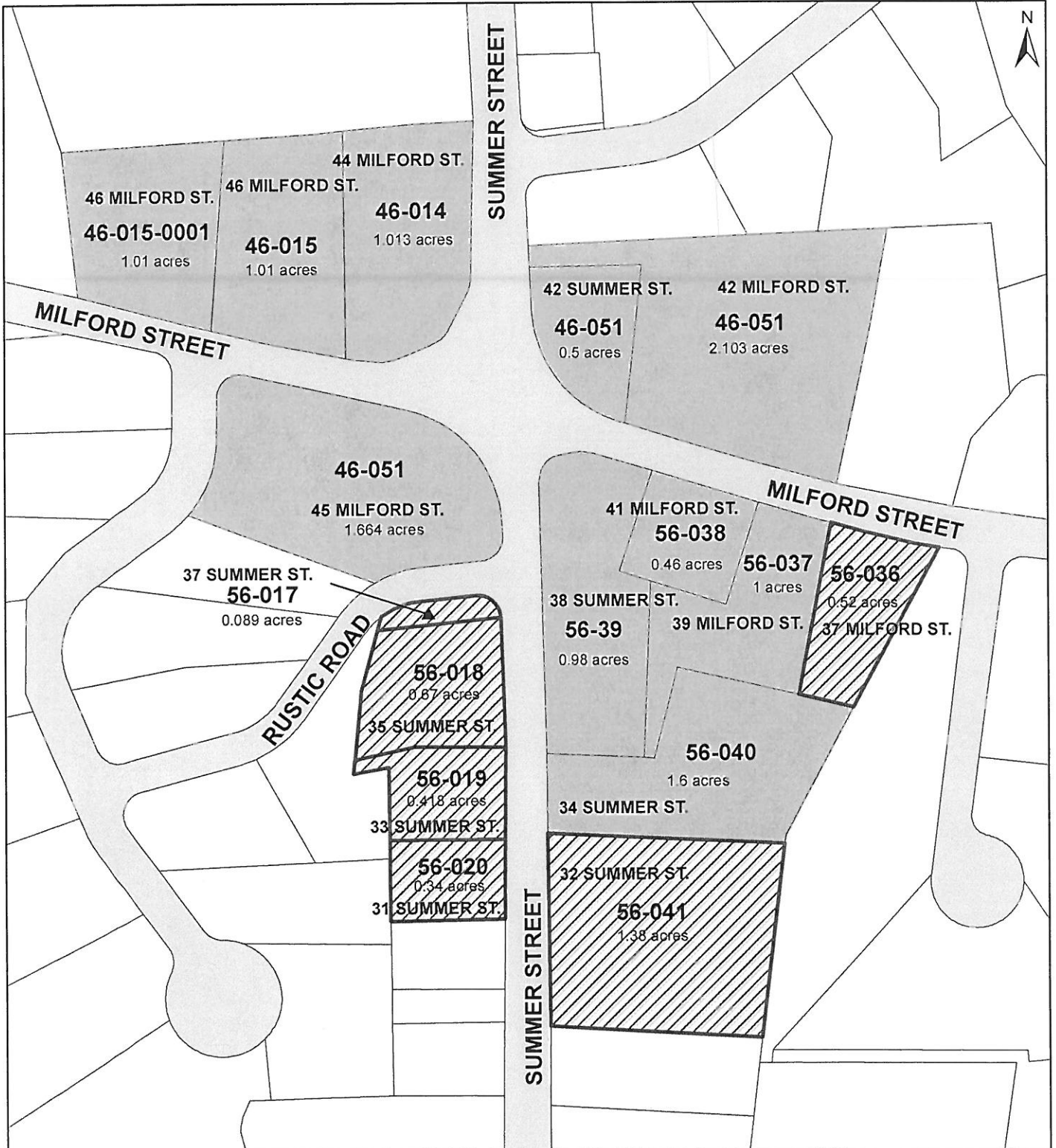
The information on this map is believed to be correct but errors in data entry or transmission may occur.

The map is not to be used for legal purposes.

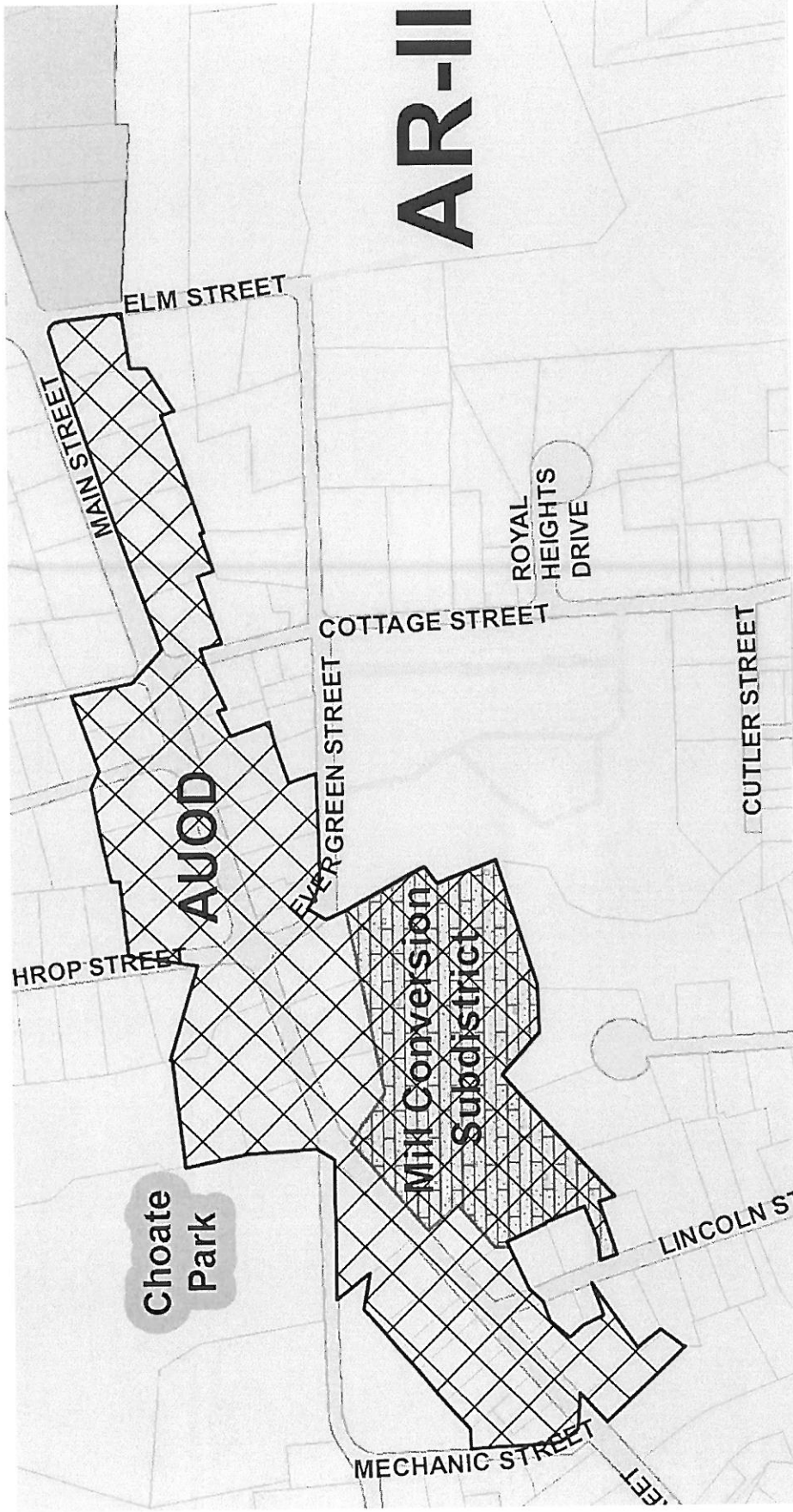
The information on this map is subject to change or revision at any time.

 Existing C-V Zoning District

 Proposed Parcels to be Rezoned from AR-II to C-V



AUOD and Medway Mill Conversion Subdistrict



September 19, 2014

165 Main Street – Parcel 48-092

ARTICLE

(Zoning Bylaw Amendment: Temporary Special Event Signs)

To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 7 Sign Standards – All Zoning Districts, item s) as follows (new text is underlined and deleted text is ~~stricken~~ through);

7. s) Temporary special event signs advertising civic/community functions extended over a public right-of-way may be permitted upon prior approval of the Board of Selectmen. Such signs shall not require a sign permit. ~~but shall be reviewed by the Design Review Committee and a recommendation provided to the Board of Selectmen prior to approval.~~ The Board of Selectmen may adopt a Banner Display Policy governing such signs. The Board of Selectmen may designate the Town Administrator to approve signs under this subsection and may specify the terms and circumstances under which the Town Administrator may approve such signs, and may revoke such designation at any time.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

9-8-2014

Update to Design Review Guidelines

ARTICLE :

To see if the Town will vote to appropriate the sum of \$ xxxxx from Certified Free Cash for a review and revision of the Medway Design Guidelines, or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Susan Affleck-Childs

From: Bethany A. Bartlett <BABartlett@sherin.com>
Sent: Wednesday, September 17, 2014 11:52 AM
To: Susan Affleck-Childs
Cc: plaperriere@dfi.cc
Subject: RE: Proposed Redevelopment of Medway Shopping Center

Hi Susy,

My apologies for the late response, but I have a few comments on this latest draft. Please let me know if you have any questions. Thanks, Bethany

Section 2(i) – Can fitness facility specifically be added to this section? I think it is intended but not clear.

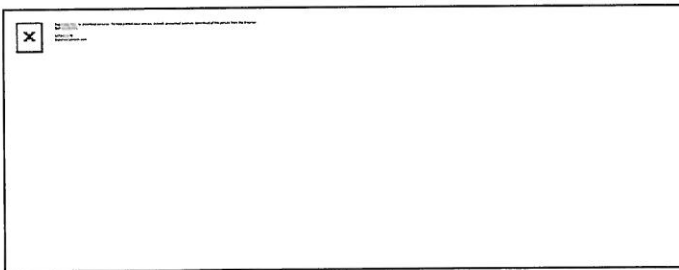
Section 2(l)(6) – Can there be a specific provision added that once a Shopping Center is granted by special permit, any turnover in tenants for either the same or any of the as of right uses listed above does not require a special permit?

Section 5(6) – Instead of forbidding buildings which are exclusively residential would you be interested in some type of formula/ratio where a residential building could exist if there was a commercial building of the same square footage on site? It would provide more flexibility for new construction.

Section 5(d)(2)(e) and 6(b)(c)– Requiring linkages to abutting properties is not feasible unless the abutting property is under common ownership. An abutting property owner that has nothing to do with the project cannot be required to provide joint access. This could be tweak to require the owner/developer to provide sensible access on its land for easier access to abutting properties.

Section 7 – Regarding landscaping that reduces water usage. Just a note, I understand irrigation is not allowed in the area.

Thank you,
Bethany



From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Monday, August 04, 2014 1:34 PM
To: Bethany A. Bartlett
Subject: RE: Proposed Redevelopment of Medway Shopping Center

Hi Bethany,

Attached is the last version of our working draft of possible amendments to the Commercial I section of the Medway Zoning Bylaw.

Cheers,

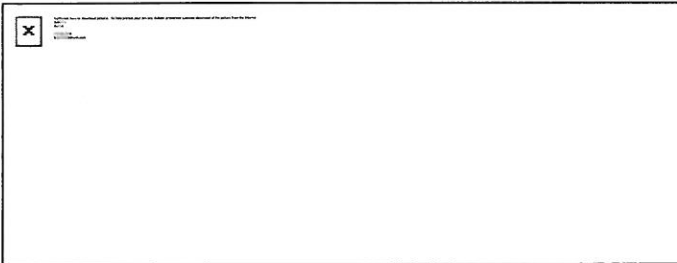
Susy

From: Bethany A. Bartlett [<mailto:BABartlett@sherin.com>]
Sent: Monday, August 04, 2014 12:13 PM
To: Susan Affleck-Childs
Cc: Paul LaPerriere (plaperriere@dfi.cc)
Subject: Proposed Redevelopment of Medway Shopping Center

Susy,

Nice to speak with you. Attached are the proposed plans we shared with Andy and Dennis. I will confirm with Paul that he is available on August 19th at 7:00 for a meeting with the Planning Board to discuss these proposals. Please let us know if there is anything else we should bring with us.

Thanks, Bethany



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If you have any questions regarding this disclaimer, please contact Sherin and Lodgen LLP at 617.646.2126

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, September 18, 2014 5:31 PM
To: Andy Rodenhiser
Subject: Template for Agreement for Deposit of Money for Subdivision Performance Security
Attachments: FORM H - Bond Agreement Deposit of Money (12-3-2010).doc; TT Bond Estimate-(Bay Oaks Subdivison)_2014-07-29.pdf

Hi Andy,

Attached is the template to use for the agreement for the deposit of funds as performance security for Bay Oaks. I also attached the Tetra Tech bond estimate dated 7-29-2014 in the amount of \$53,989.

You need to fill in the agreement and forward it to me in WORD format. I will do a quick review and let you know if all is OK.

You can arrange to sign the agreement and have it notarized on Monday or Tuesday. Please bring the original with you to the 9/23 meeting along with a check in the amount of \$53,989 made payable to the Town of Medway. I will turn over that check on Wednesday, 9/24/14 to the Medway Treasurer to establish an account specifically for Bay Oaks.

The 10/23/12 Bay Oaks decision requires the subdivision road/infrastructure to be completed within 3 years after plan endorsement. The Board endorsed the Bay Oaks plan on 7/29/2014 so the completion date would be 7/29/2017.

I will prepare a revised agenda for the 9/23/14 PEDB mtg to include this matter.

Best regards,

Susy

Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

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

AGREEMENT FOR DEPOSIT OF MONEY

This agreement is entered into this ___ day of _____, 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 Rodenhiser of 104 Fisher Street, Medway, MA 02053 (“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 four (4) lots, which is entitled Modified Definitive Subdivision of ‘Bay Oaks’, prepared by GLM Engineering Consultants, Inc., dated May 18, 2012, last revised July 28, 2014 and recorded at the Norfolk County Registry of Deeds in Plan Book _____ Page _____ (hereinafter referred to as “the Subdivision Plan”); and

WHEREAS, the Subdivision Plan shows the division of a parcel of land located at 104 Fisher Street, Medway, Massachusetts and further described in a deed or deeds recorded in the Norfolk County Registry of Deeds in Book 28926, Page 503; 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 \$53,989.00, 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 three (3) years from the date of the endorsement of the Subdivision Plan. The Subdivision Plan was endorsed on July 29, 2014, and therefore the required completion date is July 29, 2017.

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 _____, 2014.

**TOWN OF MEDWAY
Planning and Economic Development Board**

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of _____, 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: _____
Andrew Rodenhiser

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS

On this 22nd day of September, 2014, before me, the undersigned notary public, personally appeared the above-named Andrew Rodenhiser, proved to me through satisfactory evidence of identification, which was a 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: _____



TETRA TECH

Bond Value Estimate
Bay Oaks
A 4 Lot Single Family residential Subdivision
Medway, Massachusetts
 July 29, 2014

One Grant Street
 Framingham, MA 01701
 Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Excavation	290	CY	\$25.00	\$7,250
Top Course - 1-1/2" Depth (Roadway)	51	TON	\$120.00	\$6,120
Binder Course - 2-1/2" Depth (Roadway)	85	TON	\$70.00	\$5,950
Dense Grade Crushed Stone	65	CY	\$55.00	\$3,575
8" Processed Gravel Subbase	130	CY	\$32.00	\$4,160
Misc. Drainage	1	LS	\$2,500.00	\$2,500
Loam	20	CY	\$45.00	\$900
Seeding	250	SY	\$1.00	\$250
Private Utilities	1	LS	\$8,000.00	\$8,000
Signage	1	LS	\$600.00	\$600
Pavement Markings	1	LS	\$250.00	\$250
Retention Basin	1	LS	\$5,000.00	\$5,000
Tree Removal	1	LS	\$3,000.00	\$3,000
2 year Snow Plowing	251	LF/YR	\$2.50	\$628
2 year Road Maintenance	251	LF/YR	\$2.00	\$502
2 year Drainage Maintenance	251	LF/YR	\$2.00	\$502
As-built Plans	251	LF	\$5.00	\$1,255
Subtotal				\$43,192
25% Contingency				\$10,798
Total				\$53,989

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 7/2013 - 7/2014.