

**December 8, 2015**  
**Medway Planning and Economic Development Board Meeting**  
**155 Village Street**  
**Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>
<b>Attendance</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator  
Stephanie Mercandetti, Director of Planning and Economic Development  
Gino Carlucci, PGC Associates  
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

**Mullin’s Rule Certification:**

A Mullin’s Rule Certification from Rich Di Iulio was entered into the record for the November 10, 2015 meeting. He read the material and viewed the video recording of the November 10, 2015 meeting. This certification was also stamped and acknowledged by the Town Clerk.

**Willows/Salmon ARCPUD – Public Hearing Continuation:**

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

- Email communication dated 12-2-15 from Jeff Robinson requesting a public hearing continuation to the 12/22/15 PEDB meeting
- Email communication dated 12/3/15 from Susy Affleck-Childs to Jeff Robinson and his development about public hearing schedule.

The Board was informed that the developer’s plan is to submit the revised plans to the Town by 12/11/15 for review by Tetra Tech with a public hearing on 12/22/15. The Board’s policy is to allow Tetra Tech two weeks to review the revisions. A 12/11/15 submittal date will not allow enough time for review. It was recommended to hold a special meeting on Tuesday, December 29, 2015.

**On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for the Willows ARCPUD special permit to Tuesday, December 29, 2015 at 7:00 pm.**

**Willows ARCPUD Plan Review Fee Estimate:**

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

- Tetra Tech estimate dated December 3, 2015 for additional plan review services.

**On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the plan review fee estimate as provided by Tetra Tech.**

**Tri Valley Commons Site Plan - Bond Estimate:**

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

- Site inspection and bond estimate dated 12/3/15 prepared by Tetra Tech

The Board was made aware that Tetra Tech has had some difficulty preparing the bond estimate. Some of the remaining site work is not covered by Mass Highway pricing which is the standard the Board uses. The applicant is not ready for an occupancy permit for Advance Auto but wants to have everything in place for the bonding. He will be providing an insurance bond.

Rich Landry was supposed to be present to discuss this item but he did not attend. He had communicated to Susy that he may not be seeking an occupancy permit for a couple of weeks. If he has completed some of the activities to Tetra Tech's satisfaction, he hopes the Board would not have a problem with those items being removed from the bond estimate amount. The Board agreed that this needs to be discussed further at their December 22, 2015 meeting.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to not approve the bond estimate and would like this item placed on the December 22, 2015 agenda.**

Member Gay brought up to the Board that the architect for Tri Valley Commons would like to propose an addition of one more window on the ground floor of the east façade of the Direct Tire Building. The Design Review Committee did review this and did not have an issue. The drawing of the proposed change was distributed to the Board. (See Attached). Susy also distributed an email communication dated 12-8-15 from Building Inspector Jack Mee that the change was insubstantial. (See Attached)

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to approve the chance for the inclusion of one additional window for Tri Valley Commons since it is not a substantive change.**

**Informal Discussion Lady Slipper Hollow Subdivision:**

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

- Packet of information from Tom Ellis including tax bills from 1989 & 2016, Planning Board Covenant, Planning Board decision, Definitive Subdivision Plan, Locus Plan, Wetlands application indicating no wetlands, grading plan, and profile road plan.

Mr. & Mrs. Ellis were present at the meeting.

Susy explained to the Board that Lady Slipper Hollow Subdivision was approved by the Planning Board in 1987. It was recorded in the Norfolk County Registry of Deeds on July 29, 1988. This was approved as a five lot private way subdivision on the east side of Holliston Street north of Ellis Street. There are houses on two of the five lots. The addresses of those lots are 148A and 148 B Holliston Street and are accessed from Holliston Street. The roadway was to be 16 ft. wide paved. The roadway was never constructed to its full length to access the other three lots.

Mr. and Mrs. Ellis are interested in building a house on one of the presently unbuilt lots. The subdivision roadway will have to be extended.

The Board concurred that a modification to the previously approved subdivision plan is needed.

The applicant needs to see what property is defined as it relates to the roadway and who owns the roadway. Ms. Reynolds (abutter) may need to be a party on the application for the subdivision modification. The responsibility is with applicant to do title work about Ms. Reynolds' interest in the road.

### **Housing Production Plan**

Present at the meeting were: Ann Sherry, Bob Ferrari, and Doug Havens.

The Committee has made the revisions to the Housing Production Plan based on discussion from the last meeting. The comparative chart was noted. The included towns were Medfield, Holliston and Wrentham. The plan has not yet been submitted to the Board of Selectmen. Once the Planning and Economic Development Board votes to recommend approval, a meeting will be set up with the Board of Selectmen.

Ann Sherry showed an implementation matrix which included the five goals with specific steps about who is responsible for carrying out the task. Ann indicated that the Affording Housing Trust and Committee have not seen this revised document but will review it at their upcoming meeting scheduled for Thursday, December 10, 2015. This will be a working document and could be changed. There was a suggestion made to change the small x and big X to another letter, to make it easier to read.

The Chairman commented that he liked the Housing Production Plan executive summary.

Bob Ferrari explained that there will be implementation of the new housing authority regulations mandated by the new public housing law. There will be three regional capital assistance teams set up by July 2016 to aid in the LHA implementation and compliance.

**On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Planning and Economic Development Board voted to adopt the Medway Housing Production Plan as presented.**

### **Tetra Tech Construction Reports:**

The Board is in receipt of the following construction reports: (See Attached)

- Millstone Village ARCPUD #65 – 11/20/15
- Millstone Village ARCPUD #66 – 11/23/15
- Millstone Village ARCPUD #67 – 11/24/15
- Millstone Village ARCPUD #68 – 12/2/15
- Millstone Village ARCPUD #69 – 12/3/15
- Tri Valley Commons #23 – 11/20/15
- Tri Valley Commons #24 – 11/24/15
- Tri Valley Commons #25 – 12/1/15

### **Discussion of Possible Zoning Bylaw Amendments:**

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

- List of ideas for zoning bylaw amendments updated 11/17/15.
- 11/18/15 email from Charlie Myers
- 12/3/15 list of ideas from Jack Mee
- Document from Commonwealth of Massachusetts Office of Attorney General dated November 30, 2015 re: their review and approval of the recodified zoning bylaw from the May 2015 town meeting.

The Building Inspector Jack Mee was present to discuss the various ideas regarding zoning. These include the following:

- Update general bylaw requiring 5 foot fence around pool.
- Regulate metal garages in residential districts. (It is difficult to regulate materials. Franklin bylaw will be checked)
- Look at the Industrial/Commercial and Residential areas in regards to % of area allowed for outside storage.
- Consider regulations on membrane structures.
- Research “Certificate of Zoning Compliance Certificates. Ex. Needham
- Refine the definition of accessory structures near setbacks.
- Allow sheds 10’ x 12’ or less to be closer to the lot line than the standard setback
- Refine language about front setbacks along Main Street. (ex. Signs, mailboxes, flagpoles bus stops)
- Add language to require 3 foot fence height within front setback for visibility.
- Refine language for no sheds, trailers, boats within front setback in residential districts.
- Develop language to address the amount and quality of fill brought in and taken out of town and rules when there is a change in the grade.
- Define Auto repair garage and auto body. Susy found the language was already referenced under another definition but this may need to be further clarified.
- Street vendors such as food trucks has been a problem in Jack’s previous community. There may need to be language included to address when a vendor sells products such as Christmas trees across the street from a tree farm taking away from their revenue.

- Consider a bylaw to address temporary structures such as dumpsters in commercial districts not to exceed 180 days.
- Include language for additional height limitations near side lines in residential districts. (ex. massive garages)
- Require home based business to get a sign off by Treasurer re: taxes. A suggestion was to have a certificate of good standing. This is an administrative piece that can be addressed internally.

**PEDB Meeting Minutes:**

**On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the minutes from November 24, 2015 with the noted revision.**

**Medway Trail:**

Susy reported that the Board of Selectmen authorized the contract with Beals and Thomas for engineering/design services for a trail segment from Adams Street to Lovering. The Conservation Agent will be working on a grant application to the MA Dept of Conservation and Recreation.

**Cumberland Farms:**

The Board would like Susy to follow-up with Cumberland Farms regarding the trees and also the maintenance of Medway Garden and the handicap spot which has not been completed.

**Executive Session:**

**The on a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to enter into executive session for purpose of discussing strategy with respect to litigation in the case of Maritime Housing LLC vs. the Medway Planning and Economic Development Board.** The chairman declared that an open meeting may have a detrimental effect on the Town's litigating position. They will adjourn immediately after the executive session.

**Roll Call Vote:**

Bob Tucker	aye
Tom Gay	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye


The motion passed unanimously. The Board went into Executive Session at 9:50 pm. The Board returned from Executive Session at 9:58 pm.

**Adjourn:**


**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to adjourn,**

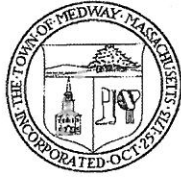
**The meeting was adjourned at 9:59 p.m.**

Respectfully Submitted,

  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



**December 8, 2015**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Willows/Salmon ARCPUD – Public**  
**Hearing Continuation**

- Email communication dated 12-2-15 from Jeff Robinson requesting a public hearing continuation to 12/22/15.
- Email communication dated 12-3-15 from Susy Affleck-Childs to Jeff Robinson and his development team about public hearing schedule

## Susan Affleck-Childs

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**From:** JRobinsonCCM@aol.com  
**Sent:** Wednesday, December 02, 2015 1:41 PM  
**To:** Susan Affleck-Childs  
**Subject:** Re: Willows

Susy, as discussed, please continue the Planning Board meeting on 12/8 to 12/22 as we are still finalizing our plans which took longer than expected, thank you.

Jeff

Jeffrey S. Robinson, Managing Partner  
**Continuing Care Management LLC**  
1 Lyman Street  
Westborough, MA 01581  
Office 508 898-3416, ext 3773  
Cell 508 254-2745  
F-508 366-1930  
[www.salmonhealthandretirement.com](http://www.salmonhealthandretirement.com)



## Susan Affleck-Childs

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**From:** Susan Affleck-Childs  
**Sent:** Thursday, December 03, 2015 3:11 PM  
**To:** 'JRobinsonCCM@aol.com'; soates@coneco.com  
**Cc:** Andy Rodenhiser ; Michael Boynton; Stephanie Mercandetti; Bridget Graziano; Sean Reardon; Steve Bouley  
**Subject:** RE: Salmon - Village Street

Hi,

It is my understanding that the plan is to submit the revised plans to the Town by 12/11/15 for review by Tetra Tech with a public hearing on 12/22/15 with the PEDB and a public hearing on 1/14/16 with the Conservation Commission.

I have discussed this timing with Sean Reardon at Tetra Tech and with PEDB chairman Andy Rodenhiser. We all share a concern about Tetra Tech having adequate time to undertake a complete and thorough review within the above time frame. Everybody is expecting this to be (hopefully) the last review so it is necessary for Tetra Tech to have adequate time to review the package completely. As always, Tetra Tech will do its best to turn around the review quickly but we are concerned that Tetra Tech will not have enough time to get through the entire submittal and no time for Coneco to address anything that Tetra Tech may find needs to be addressed, all before 12/22. As you know, our standard submittal time schedule is at least 2 weeks before a meeting. It is also critically important that the PEDB and ConCom are reviewing the same plans. Collectively, we are all also facing the hard reality of the busyness and demands of the holiday season.

For all of the above reasons, we have concluded that a Willows hearing on 12/22 is not workable for us. The next regular PEDB meeting would be 1/12/16. We don't want to wait that long. At next week's PEDB meeting, I will discuss with PEDB members their availability for a special meeting on 12/29/15 or 1/5/16 for a public hearing for The Willows.

Thanks for your understanding and cooperation.

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

Town of Medway – *A Massachusetts Green Community*

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**From:** JRobinsonCCM@aol.com [mailto:JRobinsonCCM@aol.com]  
**Sent:** Thursday, December 03, 2015 11:40 AM  
**To:** Bridget Graziano; soates@coneco.com  
**Cc:** Michael Boynton; Susan Affleck-Childs  
**Subject:** Re: Salmon - Village Street

OK, Susy, please invite TT.

Jeff

Jeffrey S. Robinson, Managing Partner  
Continuing Care Management LLC  
1 Lyman Street  
Westborough, MA 01581  
Office 508 898-3416, ext 3773  
Cell 508 254-2745  
F-508 366-1930  
[www.salmonhealthandretirement.com](http://www.salmonhealthandretirement.com)

In a message dated 12/3/2015 11:38:38 A.M. Eastern Standard Time, [bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org) writes:

If everything is submitted on Friday, the 11<sup>th</sup> then the 17<sup>th</sup> works for me.

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**From:** Shane Oates [mailto:soates@coneco.com]  
**Sent:** Thursday, December 03, 2015 11:29 AM  
**To:** Bridget Graziano; JRobinsonCCM@aol.com  
**Cc:** Michael Boynton; Susan Affleck-Childs  
**Subject:** RE: Salmon - Village Street

Bridget,

I would say we are submitting no later than Friday the 11<sup>th</sup> so you let us know how much time you need prior to meeting with us. We just want to get in front of you for any feedback since the next Commission meeting after the upcoming submittal is in the middle of January. A few days here or there doesn't matter at all, we just want to have everything buttoned for the meeting with the Commission in January.

Best Regards,

**Shane M. Oates**

Senior Project Manager



4 First Street, Bridgewater, MA 02324

Phone: 508-697-3191 Ext. 110

Mobile: 508-245-2608

Email: [soates@coneco.com](mailto:soates@coneco.com)

Web: [coneco.com](http://coneco.com)

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**From:** Bridget Graziano [<mailto:bgraziano@townofmedway.org>]  
**Sent:** Thursday, December 03, 2015 11:23 AM  
**To:** [JRobinsonCCM@aol.com](mailto:JRobinsonCCM@aol.com); Shane Oates  
**Cc:** Michael Boynton; Susan Affleck-Childs  
**Subject:** RE: Salmon - Village Street

After talking this over with Stephanie and Susy, do you think meeting the week after will better serve everyone? Depending on what time you submit the final plans on the 14<sup>th</sup>, this gives me one day to review and respond before we meet. I do not think that is sufficient time for me to provide any answers or comments on the new plans, this is a large project with resources impacts that need to be careful evaluated. Plus, I need to read the Wildlife Impact Study carefully.

Bridget

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**From:** [JRobinsonCCM@aol.com](mailto:JRobinsonCCM@aol.com) [<mailto:JRobinsonCCM@aol.com>]  
**Sent:** Thursday, December 03, 2015 10:39 AM  
**To:** Bridget Graziano; [soates@coneco.com](mailto:soates@coneco.com)  
**Cc:** Michael Boynton; Susan Affleck-Childs  
**Subject:** Re: Salmon - Village Street

9 AM on the 17th?

Jeffrey S. Robinson, Managing Partner  
Continuing Care Management LLC  
1 Lyman Street  
Westborough, MA 01581  
Office 508 898-3416, ext 3773  
Cell 508 254-2745

In a message dated 12/3/2015 8:39:18 A.M. Eastern Standard Time, [bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org) writes:

Shane,

After reviewing my schedule, I am available pretty much anytime that week, since it's a while away. Should we plan for December 17<sup>th</sup>? In the morning hours? If you want Steve from Tetra Tech to attend, please coordinate with Susy on that as well and let me know!

Bridget

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**From:** Shane Oates [<mailto:soates@coneco.com>]  
**Sent:** Thursday, December 03, 2015 7:42 AM  
**To:** Bridget Graziano  
**Cc:** 'JRobinsonCCM@aol.com'; Michael Boynton; Susan Affleck-Childs  
**Subject:** RE: Salmon - Village Street  
**Importance:** High

Good morning Bridget,

Since we may not be submitting the entire package until the end of next week, why don't we plan on meeting the week of the 14<sup>th</sup>? Let me know what day and time you may be available towards the end of that week so you have sufficient time to review the revised documents.

Thanks for your assistance.

Best Regards,

**Shane M. Oates**

Senior Project Manager



4 First Street, Bridgewater, MA 02324

Phone: 508-697-3191 Ext. 110

Mobile: 508-245-2608

Email: [soates@coneco.com](mailto:soates@coneco.com)

Web: [coneco.com](http://coneco.com)

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**From:** Bridget Graziano [<mailto:bgraziano@townofmedway.org>]  
**Sent:** Wednesday, December 02, 2015 8:43 AM  
**To:** Shane Oates  
**Cc:** 'JRobinsonCCM@aol.com'; Michael Boynton; Susan Affleck-Childs  
**Subject:** RE: Salmon - Village Street

Shane,

I am happy to meet. Can you tell me the timeline again? You are submitting on Tuesday, December 8th and want to meet later the same week? I could possibly to Friday morning at 9am or 10am December 11, 2015, as I would need time to review the plans before we met. I do not want to go into the meeting without having reviewed the new plans to provide comments and even two days with my meeting will be tight. So I just want you to be prepared that I will do my best, but my not have all the answers for the meeting.

Yes the Commission not meeting until January 14, 2015 after the December 10, 2015 meeting unless at the next meeting the Commission can decide on a special meeting date, which is hard with the holidays. As for Tetra Tech, you would need to set that up through Susy, but having them present works for me.

Please let me know what dates and time you are proposing.

Bridget

**From:** Shane Oates [<mailto:soates@coneco.com>]  
**Sent:** Wednesday, December 02, 2015 8:27 AM  
**To:** Bridget Graziano  
**Cc:** 'JRobinsonCCM@aol.com'  
**Subject:** Salmon - Village Street  
**Importance:** High

Good morning Bridget,

We were hoping to set up a meeting with you later next week to go over all the plan revisions and materials that we will be submitting next Tuesday. We don't plan on attending next Thursday's meeting but because the following meeting isn't until the middle of January, we would like to make sure you are on board with some of these revisions so that we don't waste time. I'm not sure if it's appropriate to have David attend this meeting or even if he could attend because of public hearing laws.

Also, would it help to have Tetra Tech attend this hearing as well since they have completed extensive reviews on the project?

Please let me know your availability and we look forward to presenting all the revisions we have made.

Best Regards,

**Shane M. Oates**

Senior Project Manager



4 First Street, Bridgewater, MA 02324

Phone: 508-697-3191 Ext. 110

Mobile: 508-245-2608

Email: [soates@coneco.com](mailto:soates@coneco.com)

Web: [coneco.com](http://coneco.com)



**December 8, 2015**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Tri Valley Commons Bond Estimate**

- Site inspection and bond estimate dated 12/3/15 prepared by Tetra Tech

Developer Rich Landry will attend the meeting.

Tetra Tech has had some difficulty in preparing this bond estimate. Much of the remaining site work is not covered by Mass Highway pricing which is the standard we use for estimating the value of work to be completed. Steve will explain how he arrived at some of these amounts.

Rich Landry is not quite ready to request an occupancy permit for Advance Auto, but he wants to have bonding in place when he does so. He has indicated he intends to provide an insurance bond.

*Hold over  
to 12-22-15*



**TETRA TECH**

**Bond Estimate  
Tri-Valley Commons  
Medway, Massachusetts  
December 3, 2015**

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
Top Course Pavement	300	TON	\$100.00	\$30,000
Raise Castings	8	EA	\$300.00	\$2,400
Bollards	13	EA	\$500.00	\$6,500
Concrete Mat	3,300	SF	\$8.50	\$28,050
Concrete Walk	1,210	SF	\$8.50	\$10,285
ADA Ramps	27	SY	\$80.00	\$2,160
Guiderail	60	LF	\$52.00	\$3,120
Chain Link Fence	319	FT	\$31.00	\$9,889
8' Wide Gate	1	LS	\$5,500.00	\$5,500
Trash Enclosure	1	LS	\$8,000.00	\$8,000
Retaining Wall	1	LS	\$40,000.00	\$40,000
Light Pole and Fixture	10	EA	\$2,000.00	\$20,000
Line Striping	1	LS	\$1,000.00	\$1,000
Monument Sign	1	EA	\$8,000.00	\$8,000
Signage	3	EA	\$300.00	\$900
Bike Rack	1	EA	\$1,000.00	\$1,000
Removable Planters	1	EA	\$1,500.00	\$1,500
Sitting Bench	1	EA	\$2,000.00	\$2,000
Transformer Pads	1	EA	\$500.00	\$500
Transformers (Electrical Installation)	1	LS	\$8,000.00	\$8,000
Trash Receptacle	2	EA	\$2,000.00	\$4,000
Remove Erosion Controls	1	LS	\$1,500.00	\$1,500
Rehandled Topsoil	470	CY	\$25.00	\$11,750
Seeding	4,530	SY	\$1.80	\$8,154
Landscape Walls	1	LS	\$10,000.00	\$10,000
Landscaping	1	LS	\$40,000.00	\$40,000
As-built Plans	1	LS	\$6,000.00	\$6,000
Legal Services	1	LS	\$3,000.00	\$3,000
<b>Subtotal</b>				\$273,208
<b>25% Contingency</b>				\$68,302
<b>Total</b>				<b>\$341,510</b>

Notes:

- Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 12/2014 - 12/2015. MassDOT pricing supplemented with pricing gathered from site contractor for non-MassDOT standard items.
- Items included in this estimate were generated based upon Phase I only as shown on Sheet 5 of the approved plan set. Construction in Phase II of the project has not started as of this date.





## Change Order

Project: The Willows  
Village Street  
Medway, MA

TT Project No.: 143-21583-15011

Change No.: CO-001

Date: December 3, 2015

To: Ms. Susan Affleck-Childs  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA

<b>Contract Summary:</b>	
Original Budget:	\$ 18,444
App. C.O.s:	\$ 0
Pending C.O.s:	\$ 0
This Change	\$ 5,434
Revised Budget	\$ 23,878

### Scope of Services

Task	Initial Contract	Change Order 001	Total
1 - Site Visit	\$ 400.00	-	\$ 400.00
2 - Additional Plan Review Services	\$ 14,090.00	\$ 5,250.00	\$ 19,340.00
3 - Meeting Attendance	\$ 3,330.00	-	\$ 3,330.00
<b>Subtotal</b>	<b>\$ 17,820.00</b>	<b>\$ 5,250.00</b>	<b>\$ 23,070.00</b>
<b>Expenses (3.5%)</b>	<b>\$ 624.00</b>	<b>\$ 184.00</b>	<b>\$ 808.00</b>
<b>Total</b>	<b>\$ 18,444.00</b>	<b>\$ 5,434.00</b>	<b>\$ 23,878.00</b>

#### Task 002 Additional Plan Review Services:

Tetra Tech to provide additional review services beyond what was originally budgeted for the project. This price modifies Task 2 only of our original contract with the town for this project. An hourly breakdown is included below:

- A. No Change
  
- B. Revised Plan Review:
  - 8 Hours @ \$105/hr= \$840
  - 4 Hours @ \$210/hr= \$840
  - Total: **\$1,680**
  
- C. Revised Drainage Report Review:
  - 4 Hours @ \$105/hr= \$420
  - 4 Hours @ \$210/hr= \$840
  - Total: **\$1,260**
  
- D. No Change
  
- E. Revise Review Letter:
  - 4 Hours @ \$105/hr= \$420
  - 1 Hour @ \$210/hr= \$210
  - Total: **\$630**
  
- F. Coordinate Necessary Plan Changes:
  - 4 Hours @ \$105= \$420
  - 4 Hours @ \$210= \$840
  - Total: **\$1,260**
  
- G. Final Plan/Decision Review (added as part of this change order):
  - 2 Hours @ \$105/hr= \$210
  - 1 Hour @ \$210/hr= \$210
  - Total: **\$420**

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201



Subtotal:	\$5,250
<u>Expenses:</u>	<u>\$184</u>
Total:	\$5,434

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated cost. Upon execution by both parties, this change order becomes part of our original Contract Agreement and is subject to all terms and conditions and provisions therein.

Tetra Tech Authorization

Client Authorization

A handwritten signature in black ink, appearing to read 'S. P. Reardon'.

By: Sean P. Reardon, P.E.

By:

Title: Vice President

Title:

Date: December 3, 2015

Date:

P:\21583\143-21583-15011 (WILLOWS ARCPUD REVIEW)\ProjMgmt\Contracts\COs\143-21583-15011 CO 001-Additional Services-2015-12-03.doc

## Susan Affleck-Childs

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**From:** Jack Mee  
**Sent:** Tuesday, December 08, 2015 5:29 PM  
**To:** Susan Affleck-Childs  
**Subject:** Re: Direct Tire - Tri-Valley Commons Medway MA - Very Minor Exterior Change

Susy,

I would call the addition of this window to be insubstantial and a visual improvement on this side wall.

Jack

Sent from my iPad

On Dec 8, 2015, at 4:37 PM, Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi,

See note below from the architect for Tri Valley Commons and the attached drawing showing the proposed addition of one more window on the ground floor of the east façade of the Direct Tire Building. I can review it with you. It was discussed last night's DRC meeting as well and they are comfortable with it and actually think it is an improvement.

Per Section 3.5.2.A. 3. c) of the Zoning Bylaw (page 19), would you review this proposed revision to determine whether or not this change is "insubstantial"? Let me know what you think.

Perhaps we can address this tonight at the PEDB meeting or you can email me when you have a chance to look at this.

Thanks.

*Susy*

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)

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:** Patrick Finn [<mailto:pof@landryarchitects.com>]  
**Sent:** Tuesday, December 08, 2015 3:49 PM  
**To:** Susan Affleck-Childs  
**Cc:** Rich Landry  
**Subject:** Direct Tire - Tri-Valley Commons Medway MA

Susy,

When the DRC met with the DT owner Barry last night he had indicated that he would like an additional window at the right side.

The DRC indicated that would be an improvement over the single window and help balance the exterior look.

They indicated this would not be a problem and we could submit for minor change review.

I have attached the revised elevation and would ask for it to be approved ASAP they will be framing walls soon.

Let me know,

<A21 EXTERIOR ELEVATIONS Direct Tire Medway MA Bull 4 12-08-15.pdf>

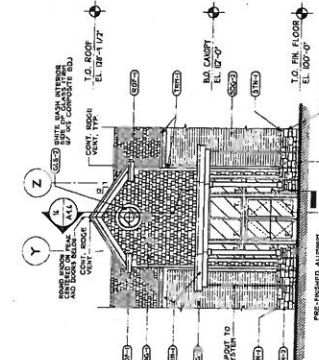
Thanks,

Patrick O. Finn, RA, NCARB  
Principal Architect  
Landry Architects  
Portsmouth, NH  
100 Market Street, Suite 303, NH 03801  
Tel: 603.890.6414 Dir: 603 212 9459

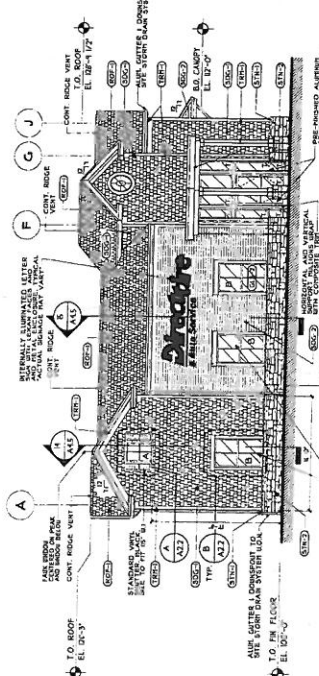
### FINISH LEGEND

1. 1/2" X 1/2" X 1/2" CONCRETE BLOCK, EXPOSED  
 2. 1/2" X 1/2" X 1/2" CONCRETE BLOCK, PAINTED  
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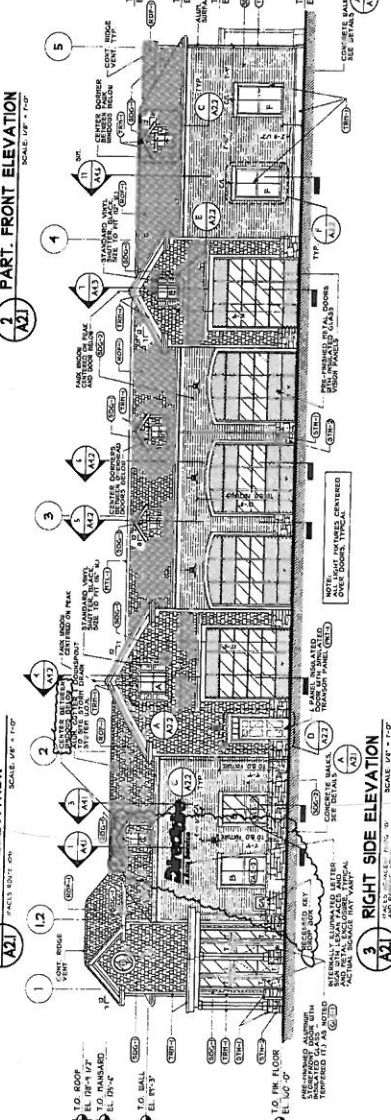
GENERAL NOTES:  
 1. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.  
 2. ALL MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.  
 3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 4. ALL MATERIALS SHALL BE STORED PROPERLY TO PREVENT DAMAGE.  
 5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.  
 7. ALL EXISTING CONDITIONS SHALL BE PRESERVED UNLESS OTHERWISE NOTED.  
 8. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.  
 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 11. ALL MATERIALS SHALL BE STORED PROPERLY TO PREVENT DAMAGE.  
 12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 13. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AT ALL TIMES.  
 14. ALL EXISTING CONDITIONS SHALL BE PRESERVED UNLESS OTHERWISE NOTED.  
 15. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.  
 16. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.



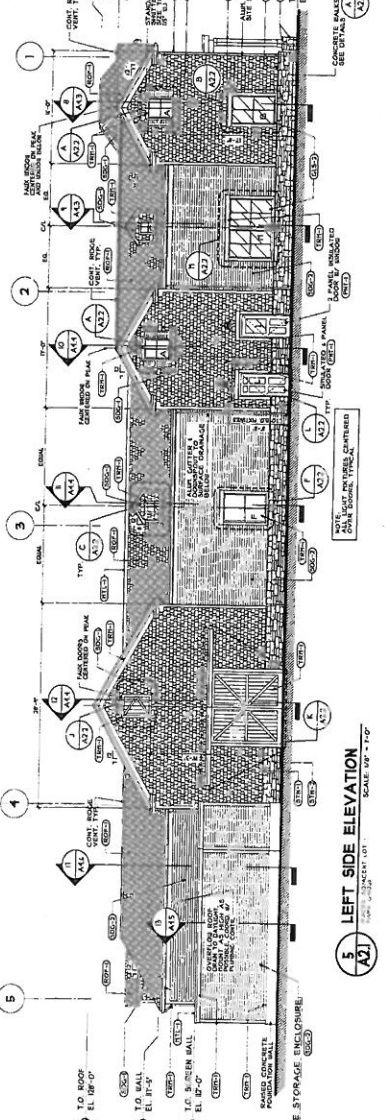
**1 FRONT ELEVATION**  
 SCALE 1/8" = 1'-0"



**2 PART. FRONT ELEVATION**  
 SCALE 1/8" = 1'-0"



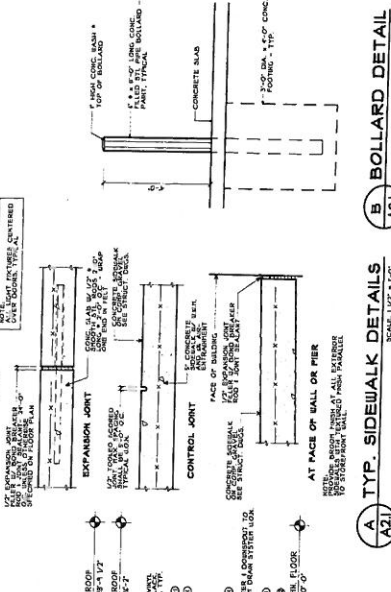
**3 REAR ELEVATION**  
 SCALE 1/8" = 1'-0"



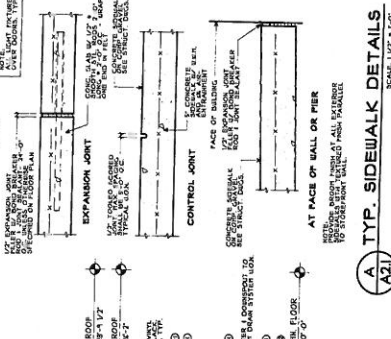
**4 RIGHT SIDE ELEVATION**  
 SCALE 1/8" = 1'-0"



**5 LEFT SIDE ELEVATION**  
 SCALE 1/8" = 1'-0"



**A BOLLARD DETAIL**  
 SCALE 1/2" = 1'-0"



**A TYP. SIDEWALK DETAILS**  
 SCALE 1/2" = 1'-0"



**December 8, 2015**  
**Medway Planning & Economic Development Board**  
**Meeting**

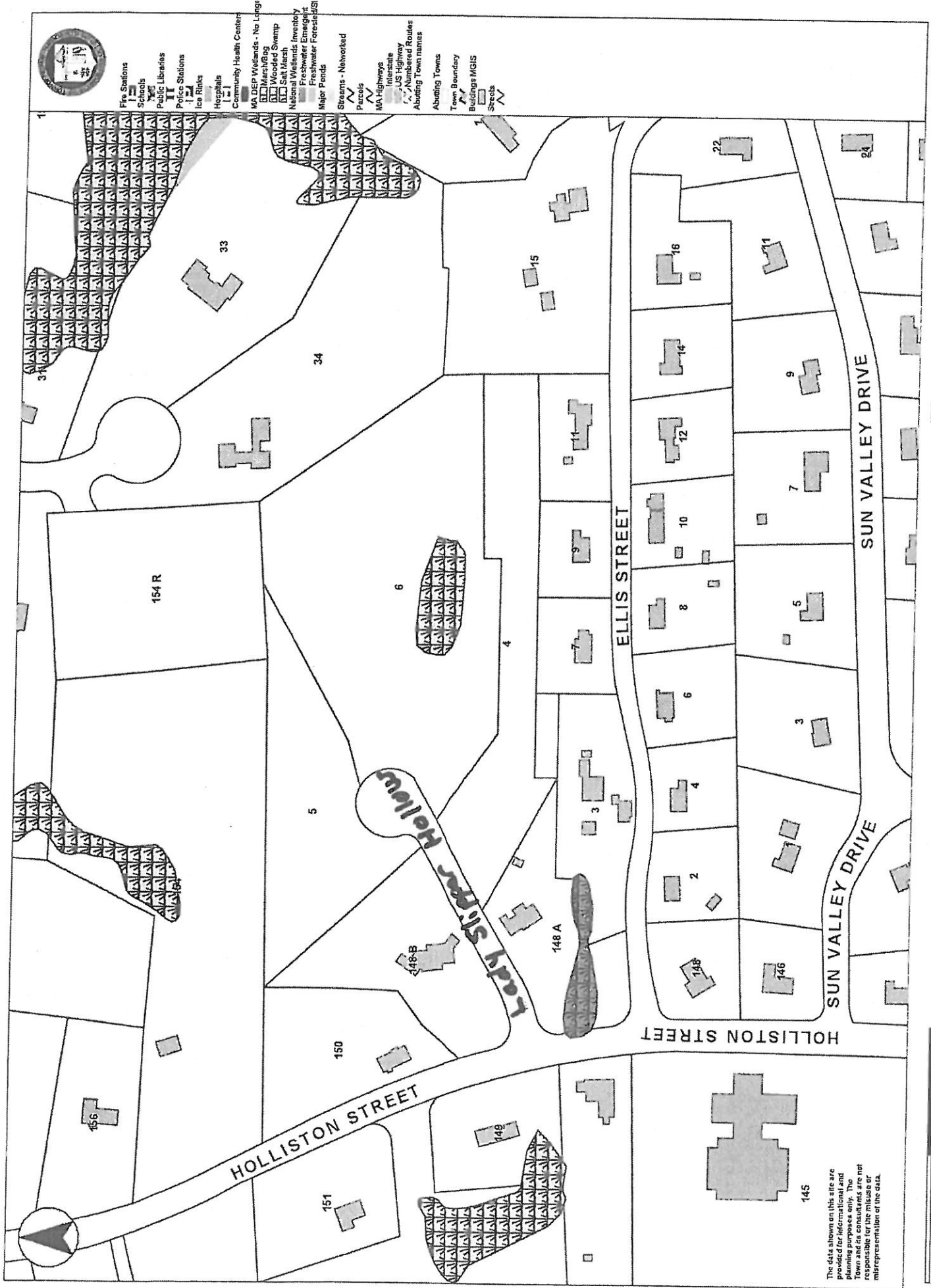
**Informal Discussion – Completion of**  
**Lady Slipper Hollow Subdivision**

Background – Lady Slipper Hollow subdivision was approved by the Planning Board in 1987 and was recorded with the Norfolk County Registry of Deeds on 7-29-88. It is a five lot, private way subdivision on the east side of Holliston Street north of Ellis Street. A combined covenant/decision included many waivers. See attached.

Houses were only built on two of the five lots. Those two houses have Holliston Street addresses (148A and 148B Holliston Street) but are accessed off of what looks like a driveway from Holliston. 3 vacant lots remain (4, 5 and 6 Lady Slipper Hollow). The subdivision road was never constructed to its full length of 563 feet and runs only as far as the two houses. The roadway was authorized to be 16 feet wide paved.

The owners are interested in building a home on one of the presently vacant lots and the road needs to be extended to do so. The question is by what process this is accomplished. Tom Ellis will attend the meeting to review this with you.

Gino and I have discussed this and are of the mind that the subdivision plan should be modified to bring the subdivision up to current standards, especially for stormwater and paved roadway width (20 feet as now required by the Fire Chief).



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

# Town of Medway, MA GIS

Printed on 12/04/2015 at 11:05 AM

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PLAN

63033

APPROVAL WITH COVENANT CONTRACT

Know all men by these presents that whereas the undersigned has submitted an application dated June 9, 1987, to the Town of Medway Planning Board for approval of a definitive plan of a certain subdivision entitled "Definitive Subdivision Plan, Medway, Mass. owned by Pamela Bartolini and Linda Reynolds", drawn by GLM Engineering Consultants, Inc., and dated July 30, 1987 (revised), and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Town of Medway Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Medway as follows:

REFER TO PLAN NO. 722-111-1-11

1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a release form executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that undersigned is the owner in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The length of a dead end street shall be waived and the undersigned shall construct a dead end street not to exceed 563 feet in length.
5. The requirement of pavement width of 26 feet shall be waived and the undersigned shall construct said dead end street having a minimum pavement width of 16 feet.
6. The requirement for sidewalks shall be waived.
7. The requirement for 150 feet property turnaround shall be waived and the undersigned shall construct a 120 foot turnaround .



354

- 8. The requirement for underground utilities shall be waived.
- 9. The requirement for vertical bituminous berm and granite curbing shall be waived and the undersigned shall be allowed to install berm as shown on aformentioned plan.

IN WITNESS WHEREOF the undersigned, applicants as aforesaid, do hereunto set their hand and seal this 3<sup>rd</sup> day of December, 1987.

Applicant's signature Pamela W. Bartolucci  
Applicant's address 148A Holliston St.  
Medway, MA 02053

Applicant's signature Linda A. Reynolds  
Applicant's address 148 B Holliston St.  
Medway MA 02053

Received by Town Clerk:  
Date \_\_\_\_\_  
Time \_\_\_\_\_  
Signature \_\_\_\_\_

Owner's signature and address if not the applicant  
\_\_\_\_\_  
\_\_\_\_\_

Description of Mortgages:  
Notice Federal Savings loan mortgage on Lots 1, 2, 3 on subdivision at  
148A Holliston St.  
First Federal Savings Mortgage on Lots 4 & 5 on subdivision at  
148 B Holliston St

Assents to Mortgagees:  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

Dec. 3, 1987

Then personally appeared the above named Pamela W. Bartolucci and  
Linda G. Reynolds  
and acknowledged the foregoing instrument to be their free act and deed,  
before me.

Brenda J. Meehan  
Notary Public  
My Commission Expires:  
**MY COMMISSION EXPIRES**  
**MAY 28 1993**



James J. Brojean  
William Pombalaki  
Ray H. [unclear]  
Jim [unclear]

A majority of the Planning Board of  
the Town of Medway

Norfolk, ss.

June 14, 1988

Then personally appeared the above named James J. Brojean  
member of the Planning Board of the Town of Medway, and acknowledged  
the foregoing instrument to be their free act and deed, before me.

Helen M. [unclear]  
Notary Public  
My Commission Expires: March 12, 1992



12.8-15

**December 8, 2015**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Tetra Tech Construction Reports**

- Millstone Village ARCPUD #65 – 11/20/15
- Millstone Village ARCPUD #66 – 11/23/15
- Millstone Village ARCPUD #67 – 11/24/15
- Millstone Village ARCPUD #68 – 12/2/15
- Millstone Village ARCPUD #69 – 12/3/15
  
- Tri Valley Commons #23 – 11/20/15
- Tri Valley Commons #24 – 11/24/15
- Tri Valley Commons #25 – 12/1/15

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project Millstone Village	Date 11-20-2015	Report No. 65
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. 50° P.M.

**FIELD OBSERVATIONS**

On Friday, November 20, 2015 Marco Goncalves 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. Upon arrival at the Millstone Village site, Titan contractors were in the process of relocating suitable grading material throughout the site in preparation for roadway grading in the coming days. TT was informed that roadway grading will commence in the coming days; this includes graveling and paving the roadway. Titan contractors have placed grade/layout stakes throughout the site for indication of roadway width and turn radius.
- B. Titan Contracting informed TT that there have been several street name changes from what are listed in the approved site plans. This information was relayed to TT on an email originally from Brian Clarke. The street name changes are:
  - 1. Millstone Terrace will change to Riverstone Drive
  - 2. Cobblestone Terrace will change to Flagstone Drive
  - 3. Fieldstone Terrace will change to Ridgestone Drive.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

Sup't				Dept. or Company	Description of Work
Foreman		Bulldozer			Asphalt Paver
Laborers	3	Backhoe	1		Asphalt Reclaimer
Drivers		Loader	1		Vib. Roller
Oper. Engr.		Rubber Tire Backhoe/Loader			Static Roller
Carpenters		Bobcat	1		Vib. Walk Comp.
Masons		Hoeram			Compressor
Iron Workers		Excavator	1		Jack Hammer
Electricians		Grader			Power Saw
Flag persons		Crane			Conc. Vib.
Surveyors		Scraper			Rock Crusher
Driller		Articulating Dump Truck			Chipper
Blast Crew		Conc. Truck			Srcener
Sewer/Water Tester		Pickup Truck			Drill Rig
Town Inspector		Dump Truck 6 Whl			Boom Lift
		Dump Truck 10 Whl			Water Truck
		Dump Truck 14 Whl			Lull
		Dump Truck 18 Whl			Gradall

**OFFICIAL VISITORS TO JOB**

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 11:45 A.M. - 12:10 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Marco Goncalves	

Project Millstone Village	Date 11-20-2015	Report No. 65
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. 50° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule
  - A. The contractor plans to resume site grading and commence roadway graveling on the following week.
3. New Action Items
  - A. N/A
4. Previous Open Action Items
  - A. N/A
5. Materials Delivered to Site Since Last Inspection:
  - A. N/A

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project	Date	Report No.
Millstone Village	11-23-2015	66
Location	Project No.	Sheet 1 of
Winthrop Street	143-21583-14018	2
Contractor	Wcather	Temperature
Titan Contracting	A.M. SUNNY	A.M. 40°
Dave Zercoe	P.M.	P.M.

**FIELD OBSERVATIONS**

On Monday, November 23, 2015 Marco Goncalves 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. Upon arrival at the Millstone Village site, Titan contractors were in the process of hauling grading material along Fieldstone Drive in the south to north direction. Contractors were grading the roadway shoulder and not the actual proposed roadway at this time. Titan contractors were also grading the cul-de-sac area at the end of Cobblestone Drive.
- B. While roadway stakes have been set in place, TT was informed that roadway sub-grading will commence once the roadway shoulder grading is completed. TT was also informed that Titan will be installing the gravel sub-base some time mid-week.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe	1	Asphalt Reclaimer			
Laborers	3	Loader	1	Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Bobcat	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flag persons		Scraper		Rock Crusher			
Surveyors		Articulating Dump Truck		Chipper			
Driller		Conc. Truck		Screener			
Blast Crew		Pickup Truck		Drill Rig			
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift			
Town Inspector		Dump Truck 10 Whl		Water Truck			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

**OFFICIAL VISITORS TO JOB**

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 8:00 A.M. – 4:00 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Marco Goncalves	

Project Millstone Village	Date 11-23-2015	Report No. 66
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. 40° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule

A. The contractor plans to commence roadway grading and graveling in the coming days.

3. New Action Items

A. N/A

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection:

A. N/A

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project Millstone Village	Date 11-24-2015	Report No. 67
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. 40° P.M.

**FIELD OBSERVATIONS**

On Tuesday, November 24, 2015 Frank Guthman 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. Upon arrival at the Millstone Village site, Titan Contractors were in the process of grading material with a bull-dozer in the most northwestern corner of the site. They also had a separate excavating crew that were digging for a foundation at the intersection of Millstone Drive and Fieldstone Drive. This process included an excavator loading an end-dump truck that was hauling the material to the western side of Fieldstone Drive. Titan contractors were also marking grade stakes for finish grade on Fieldstone Drive in the south to north direction.
- B. While finish grade stakes have been set in place, TT was informed that fine grading will commence later this week in order to pave binder course on Thursday, December 4th.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	1	Backhoc		Asphalt Reclaimer			
Laborers	3	Loader	1	Vib. Roller			
Drivers		Rubber Tire Backhoc/Loader		Static Roller			
Oper. Engr.		Bobcat	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flag persons		Scraper		Rock Crusher			
Surveyors		Articulating Dump Truck		Chipper			
Driller		Conc. Truck		Screener		<b>OFFICIAL VISITORS TO JOB</b>	
Blast Crew		Pickup Truck		Drill Rig			
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift			
Town Inspector		Dump Truck 10 Whl		Water Truck			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 1:00 P.M. – 3:00 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Frank Guthman	

Project Millstone Village	Date 11-24-2015	Report No. 67
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. 40° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule
  - A. The contractor plans to commence fine grading the roadway in order to pave December 4th.
3. New Action Items
  - A. N/A
4. Previous Open Action Items
  - A. N/A
5. Materials Delivered to Site Since Last Inspection:
  - A. N/A



<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project Millstone Village	Date 12-02-2015	Report No. 68
Location Winthrop Street	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. LIGHT RAIN P.M.	Temperature A.M. 35° P.M.

**FIELD OBSERVATIONS**

On Wednesday, December 2, 2015 Frank Guthman 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. Upon arrival at the Millstone Village site, the contractor had previously fine graded the roadways in order to pave a 2 ½" hot mix binder course, scheduled for Thursday, December 3, 2015. The roadways that were fine graded include Fieldstone Drive, Steppingstone Drive, Cobblestone Terrace, Millstone Terrace and the northern section of Cobblestone Drive.
- B. Yankee Engineering & Testing arrived on site at approximately 8:00 A.M. to perform compaction testing of the fine graded roadways before paving commences tomorrow. The compaction tests were performed every 100 feet in the center of the roadway. James confirmed the results of the compaction tests throughout the site were all between 99-100% compaction. He informed me that he would email the results once his written report was finished.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

Sup't		Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer			
Laborers	3	Loader	1	Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Bobcat	1	Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flag persons		Scraper		Rock Crusher			
Surveyors		Articulating Dump Truck		Chipper			
Driller		Conc. Truck		Screener			
Blast Crew		Pickup Truck		Drill Rig			
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift			
Town Inspector		Dump Truck 10 Whl		Water Truck			
		Dump Truck 14 Whl		Lull			
		Dump Truck 18 Whl		Gradall			

**OFFICIAL VISITORS TO JOB**

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 7:00 A.M. – 10:00 A.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Frank Guthman	

Project Millstone Village	Date 12-02-2015	Report No. 68
Location Winthrop Street	Project No. 143-21583-14018	Sheet 2 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. LIGHT RAIN P.M.	Temperature A.M. 35° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule

A. The contractor is scheduled to pave a 2 ½” hot mix binder course tomorrow, December 3, 2015.

3. New Action Items

A. N/A

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection:

A. N/A

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project Millstone Village	Date 12-03-2015	Report No. 69
Location Winthrop Street	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. CLEAR P.M.	Temperature A.M. 40° P.M.

**FIELD OBSERVATIONS**

On Thursday, December 3, 2015 Frank Guthman 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. Upon arrival at the Millstone Village site, Milinazzo Paving Corp was setting up their equipment to begin paving a 2-1/2" binder course lift. They began paving at the most southern end of Fieldstone Drive and headed north. Milinazzo paved Fieldstone Drive, Steppingstone Drive, Cobblestone Drive, Cobblestone Terrace and Millstone Terrace respectively in two separate 11 foot passes to achieve a 22 foot road width per approved plans.
- B. While paving in front of Unit #53, #54, and #55, Milinazzo was unable to obtain a consistent 2-1/2" asphalt lift due to the weight of the equipment sinking in the soft, wet subbase due to rainfall received last night. They were able to place asphalt throughout this section by hand and plate compact it but TT is expecting this section to need attention in the spring. We will monitor the condition of the binder course throughout the winter and spring.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

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

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 7:00 A.M. – 3:00 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Frank Guthman	

Project Millstone Village	Date 12-03-2015	Report No. 69
Location Winthrop Street	Project No. 143-21583-14018	Sheet 2 of 2
Contractor Titan Contracting Dave Zercoe	Weather A.M. CLEAR P.M.	Temperature A.M. 40° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule

A. N/A

3. New Action Items

A. Binder repair expected in the roadway adjacent to Units #53, #54, and #55. TT to monitor condition throughout the remainder of the winter and spring 2016.

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection:

A. N/A

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project Tri-Valley Commons	Date 11-20-2015	Report No. 23
Location Main Street (Route 109)	Project No. 143-21583-15014	Sheet 1 of 2
Contractor Dixon Inc. General Contracting Steve Garrepy	Weather A.M. SUNNY P.M.	Temperature A.M. 50° P.M.

**FIELD OBSERVATIONS**

On Friday, November 20, 2015, Marco Goncalves from Tetra Tech (TT) visited the project to document the site paving and to inspect the current condition of the site. The following observations were made:

1. Observations

- A. Upon arrival at the site, Bevilacqua Paving contractors were in the process of installing 2" of asphalt binder course throughout Phase I of the project per the approved plan set. Contractors also paved the sidewalk that runs the length of the site along Main Street.

**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	20+	Loader	1	Vib. Roller	2	
Drivers	8	Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Bobcat		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor	2	
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw	1	
Electricians		Crane		Conc. Vib.		
Flag persons		Scraper		Rock Crusher		
Surveyors		Articulating Dump Truck		Chipper		
Driller		Conc. Truck		Screener		
Blast Crew		Pickup Truck	1	Drill Rig		
Sewer/Water Tester		Dump Truck 6 Whl		Boom Lift		
Town Inspector	1	Dump Truck 10 Whl	8	Water Truck		
		Dump Truck 14 Whl		Lull		
		Dump Truck 18 Whl		Gradall		

**OFFICIAL VISITORS TO JOB**

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 12:15 P.M. – 4:30 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Marco Goncalves	

Project Tri-Valley Commons	Date 11-20-2015	Report No. 23
Location Main Street (Route 109)	Project No. 143-21583-15014	Sheet 2 of 2
Contractor Dixon Inc. General Contracting Steve Garrepy	Weather A.M. SUNNY P.M.	Temperature A.M. 50° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule
  - A. TT will inspect the site as required during construction.
  
3. New Action Items
  - A. N/A
  
4. Previous Open Action Items
  - A. N/A
  
5. Materials Delivered to Site Since Last Inspection:
  - A. N/A

<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752		
Project	Date	Report No.
Tri-Valley Commons	11-24-2015	24
Location	Project No.	Sheet 1 of
Main Street (Route 109)	143-21583-15014	2
Contractor	Weather	Temperature
Dixon Inc. General Contracting Steve Garrepy	A.M. SUNNY P.M.	A.M. 40° P.M.

**FIELD OBSERVATIONS**

On Tuesday, November 24, 2015, Frank Guthman from Tetra Tech (TT) visited the project to inspect and document the current condition of the site. The following observations were made:

1. Observations

- A. Upon arrival at the site, the Dixon Inc. crew were in the process of filling and grading gravel material behind the new concrete curb that was being installed today around the perimeter of the site. The Dixon Inc. crew were working in the most southern part of the site upon arrival and working their way east; following behind the C.S.S.I crew.
- B. C.S.S.I was on site installing concrete curb on top of the asphalt. They were using a concrete curb forming machine that was being fed by a concrete truck.

**CONTRACTOR'S FORCE AND EQUIPMENT**

**WORK DONE BY OTHERS**

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

**OFFICIAL VISITORS TO JOB**

Police Details:	<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 11:00 A.M. – 1:00 P.M.	Name	Name
CONTRACTOR'S Hours of Work:		
	Resident Representative: Frank Guthman	

Project Tri-Valley Commons	Date 11-24-2015	Report No. 24
Location Main Street (Route 109)	Project No. 143-21583-15014	Sheet 2 of 2
Contractor Dixon Inc. General Contracting Steve Garrepy	Weather A.M. SUNNY P.M.	Temperature A.M. 40° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule
  - A. TT will inspect the site as required during construction.
  
3. New Action Items
  - A. N/A
  
4. Previous Open Action Items
  - A. N/A
  
5. Materials Delivered to Site Since Last Inspection:
  - A. N/A



<b>Tetra Tech</b> 100 Nickerson Road Marlborough, MA 01752					
Project Tri-Valley Commons			Date 12-01-2015	Report No. 25	
Location Main Street (Route 109)			Project No. 143-21583-15014	Sheet 1 of 2	
Contractor Dixon Inc. General Contracting Steve Garrepy			Weather A.M. CLEAR P.M.	Temperature A.M. 30° P.M.	
<b>FIELD OBSERVATIONS</b>					
<p>On Tuesday, December 1, 2015, Frank Guthman from Tetra Tech (TT) visited the project to inspect and document the current condition of the site. The following observations were made:</p> <p>1. Observations</p> <p>A. Upon arrival at the Tri-Valley Commons site, the contractor was in the process of installing a 6 inch layer of topsoil and rip rap along the landscape island slope at the northern corner of the advanced auto parts building. The contractor is in the process of finishing all landscape work per approved drawings for phase I before the end of the construction season.</p> <p>B. This inspection was conducted to generate a bond estimate for items remaining to be completed on the project in Phase I. Please see bond estimate under separate cover.</p>					
<b>CONTRACTOR'S FORCE AND EQUIPMENT</b>				<b>WORK DONE BY OTHERS</b>	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company
Foreman	1	Backhoe		Asphalt Reclaimer	Description of Work
Laborers	4	Loader	1	Vib. Roller	
Drivers		Rubber Tire Backhoe/Loader		Static Roller	
Oper. Engr.		Bobcat	1	Vib. Walk Comp.	
Carpenters		Hoeram		Compressor	
Masons		Excavator	1	Jack Hammer	
Iron Workers		Grader		Power Saw	
Electricians		Crane		Conc. Vib.	
Flag persons		Scraper		Rock Crusher	
Surveyors		Articulating Dump Truck		Chipper	
Driller		Conc. Truck		Screener	<b>OFFICIAL VISITORS TO JOB</b>
Blast Crew		Pickup Truck	1	Drill Rig	
Sewer Water Tester		Dump Truck 6 Whl		Boom Lift	
Town Inspector		Dump Truck 10 Whl		Water Truck	
		Dump Truck 14 Whl		Lull	
		Dump Truck 18 Whl		Gradall	
Police Details:				<b>RESIDENT REPRESENTATIVE FORCE</b>	
Time on site: 7:00 A.M. – 3:00 P.M.				Name	Name
CONTRACTOR'S Hours of Work:					
				Resident Representative: Frank Guthman	

Project Tri-Valley Commons	Date 12-01-2015	Report No. 25
Location Main Street (Route 109)	Project No. 143-21583-15014	Sheet 2 of 2
Contractor Dixon Inc. General Contracting Steve Garrepy	Weather A.M. CLEAR P.M.	Temperature A.M. 30° P.M.

**FIELD OBSERVATIONS CONTINUED**

2. Schedule
  - A. TT will inspect the site as required during construction.
  
3. New Action Items
  - A. N/A
  
4. Previous Open Action Items
  - A. N/A
  
5. Materials Delivered to Site Since Last Inspection:
  - A. N/A

# Ideas for Future Zoning Work after Recodification

		Comments	Status	Spring 2016 Town Meeting??
<b>Residential Uses</b>				
1	Aviation fields in ARI and ARII	Remove as a special permit use.	Done 11/16/15	
2	Allow 2 family by special permit in ARI	Further discussion needed		Yes per 7/20/15 meeting
3	Allow 2 family by right in ARII	Further discussion needed		Yes per 7/20/15 meeting
4	Allow for small scale (up to 250kw) ground mounted solar as an accessory use - subject to site plan??	Discuss with Energy Committee		Low priority
5	Regulate/limit use of metal garages in residential districts		Define garage. Maintain residential feel. Tie size of garage to size of house	Yes per 7/20/15 meeting
6	Kennel - differentiate between personal use vs. home occupation	Further discussion needed with Animal Control Officer and Board of Health		Low priority
7	Allow for chickens on less than 1 acre in residential zones	Further discussion needed with Animal Control Officer & Board of Health	Done 11/16/15	
8	Allow for larger scale (over 250kw) ground mounted solar farms on undevelopable back lands in ARI. Special Permit.	Energy Committee wants to discuss		???
9	Back Lot zoning to allow larger parcels with insufficient frontage to have 1 house. Special Permit with PEDB.			Yes per 7/20/15 meeting
10	Hold further discussion on agricultural uses	Add definition for agriculture	Done 11/16/15	
11	What to do about bakeries? Is this a retail use?	Add to Table of Uses and Definition. Where to allow?	Done 11/16/15	

Commercial Uses	Comments	Status	Spring 2016 Town Meeting??
12	Outdoor dining	Question of whether on private property or public way. What amount of outdoor dining triggers additional parking? Special permit needed if beyond x number of seats?	???
13	Clarification on what type of restaurant uses are by right. Should some be by special permit?	Define	Restaurants defined 11/16/15
14	Kennel - home occupation vs. commercial operation	Further discussion needed with Animal Control Officer and Board of Health	Low priority
15	ATMs	Allow freestanding ATMs by special permit to address access concerns. Allow by right when included in a building with another use.	Yes per 7/20/15 meeting
16	Clarify/specify what and how much on-site outside storage is allowed or not <i>Handwritten: No on-site storage</i>	Perhaps tie to a % of building footprint. Jack to look at this. Require shielding from public view	Yes per 7/20/15 meeting.
17	Revise definition of shopping center - any combination of 3 or more uses . . .	Yes.	???
18	Change adult uses to be by special permit vs. by right	Yes.	???
19	Hold further discussion on agricultural uses	Add definition for agriculture	Done 11/16/15

		Comments	Status	Spring 2016 Town Meeting??
20	Add some other uses to various districts - cinema, theatre, museums	Some by right, others by special permit		
21	Allow for small scale (under 250 kw) ground mounted solar as an accessory use - subject to site plan??			???
22	Add regs re: use of tractor trailers, etc. for outside storage of permanent or seasonal products			???
	<b>Industrial Uses</b>			
23	Allow small scale ground mounted solar as an accessory use - subject to site plan review?	Discuss with Energy Committee		
24	Allow storage units as a by right use in Industrial I	Easily accomplished	PEDB does not want to allow for this use. Should be defined and added to Use Table as not being permitted.	
25	What might be needed to achieve Mass Bio Ready community status?	Stephanie M will check		
26	Add regs re: use of tractor trailers, etc. for outside storage of permanent or seasonal products			
27	Clarify/specify what and how much on-site outside storage is allowed or not in Industrial III. Add language to Industrial I and II <i>Combine w/ #16</i>	perhaps tie to a % of building footprint. Jack to look at this. Require screening from public view		
28	Amend Registered Marijuana Facility to enlarge maximum allowable size		Done 11/16/15	

		Comments	Status	Spring 2016 Town Meeting??
	<b>DEFINITIONS - Section 2</b>			
29	Add a definition for abandonment			???
30	Add default statement in DEFINITIONS that anything not defined in the ZBL will be interpreted by using Black's Law Dictionary		Done 11/16/15	
31	Add definition for common driveway	Not needed. We have one already.		No
32	Move definition for building height from 6.2 to DEFINITIONS	Already written.		Yes per 7/20/15 meeting
33	Add definitions for cinema, museum, theatre			???
34	Add definition for self storage unit		PEDB does not want to allow for this use. Should be defined and added to Use Table as not being permitted.	
35	Add definition for agriculture		Done 11/16/15	
36	Add definition for bakery		Done 11/16/15	
37	Add definitions for various types of restaurants			???
38	Add definition for accessory canvas garage			???
	<b>ADMINISTRATION - Section 3</b>			
39	Establish a Certificate of Zoning Compliance, especially for new occupancy	Discuss pros/cons of this with PEDB and Jack Mee		Yes per 7/20/15 meeting.
40	Specify items that need to be included in zoning variance and special permit decisions	Stephanie M to look at this		???
41	Add section on DRG			???

		Comments	Status	Spring 2016 Town Meeting??
	<b>ZBA - Section 3.2</b>			
42	Do we want to continue to allow USE Variances?	Probably Not. Discuss with ZBA.		???
	<b>SPECIAL PERMIT - Section 3.4</b>			
43	Revisit and broaden the default special permit decision criteria	Stephanie M to look at this		???
	<b>SITE PLAN REVIEW - Section 3.5</b>			
44	Exempt municipal uses from site plan review. Suggested by Mike Boynton	Not recommended		???
45	Create an administrative site plan review process for small projects and for minor modifications to previously	We can do this through the site plan rules and regs.		Not needed.
	<b>ESTABLISHMENT OF DISTRICTS - Section 4</b>			
46	Add text to specify the boundaries of zoning district - centerline of roadway??	Already written.		Yes per 7/20/15 meeting
	<b>NON-CONFORMING USES &amp;</b>			
47	Revise text on abandonment, demolition and non-use		Done 11/16/15	
48	Allow ZEO to allow for frontage setback adjustments for additions to pre-existing non-conforming structure - Walpole	Recommended by Jack Mee		???

		Comments	Status	Spring 2016 Town Meeting??
	<b>Adaptive Use Overlay District - Section 5.6.2</b>			
49	What do we mean by residential scale lighting??	Height limitations, style, no risers		???
	<b>DIMENSIONAL REGULATIONS -</b>			
50	Establish a minimum distance between similar uses			
51	Establish different lot shape factors for commercial/ industrial zoned property vs. residential			???
52	Establish a true lot coverage ratio, not just a bldg coverage ratio. This would include impervious surfaces (parking). Also, should we establish a lot coverage ratio for residential properties?	Yes. Ask Bridget for input		Yes, per 7/20/15 meeting.
53	Establish different setbacks for certain uses	Address this by defining what would be allowed within setbacks - fences, bus shelters, mailboxes, light posts, flagpoles would be OK.		???
54	Revisit requirement included in recodified bylaw - "An owner shall provide a means of access for vehicles from the frontage to a principal building for emergency services, for deliveries and for off-street parking."	Do you want to require that access to a parcel has to be from its frontage??		???
	<b>SITE DEVELOPMENT STANDARDS - Section 7.1</b>			
55	Add requirements for open space	Part of Site Plan Rules and Regs?		???





	<b>SIGN REGULATIONS - Section 7.2</b>	<b>Comments</b>	<b>Status</b>	<b>Spring 2016 Town Meeting??</b>
64	Revise Sign Regulations	Simplify and convert to a general bylaw to establish timeline to sunset pre-existing, non-conforming signs. Look at window signs, temporary signs, signs required by state law - Lottery, Auto Inspection, etc. Adjust amount of allowed sign surface area for wall signs to correspond to distance from street	Sign Bylaw Review Task Force to Be Established	Target November 2016 Town Meeting
65	Revise Sign Regulations re: sign surface area for wall signs	Adjust amount of allowed sign surface area for wall signs to correlate to distance of façade from street frontage.	Sign Bylaw Review Task Force to Be Established	Target November 2016 Town Meeting
66	Add Sign Regulation tables back in that Judi Barrett had mistakenly removed which Susy and Stephanie didn't catch until after Town Meeting vote		Done 11/16/15	
67	Revise text re: Sign Design Review process		Done 11/16/15	
	<b>ENVIRONMENTAL STANDARDS - Section 7.3</b>			
68	Remove/update many of the outdated environmental standards, especially noise and odor	Further research needed on what to replace with.		???







		Comments	Status	Spring 2016 Town Meeting??
87	Establish a land disturbance bylaw to address land excavation/clear cutting	Yes. Don't allow until permits are issued.		
88	Regulate the quality of fill being brought onto sites	Of interest to Bridget Graziano		
89	Devise DRC general bylaw	DRC wants to refine its bylaw to be clearer about its scope and duties		
	Updated 11-17-15 (sac)			

## **Susan Affleck-Childs**

---

**From:** Charles Myers <cmyers@massh2.org>  
**Sent:** Wednesday, November 18, 2015 5:42 PM  
**To:** Susan Affleck-Childs  
**Subject:** Zoning Regulation Changes Suggestions

Suzy,

Thanks for spending a few minutes with me this week. May I suggest the following adjustments and additions to Medway's Zoning.

Charlie

### **Buildings**

I recognize that buildings and/or additions someone wants to do that represent a deviation from the Zoning Regulations may file with the Zoning Board of Appeals. That being said, I offer the following thoughts.

New buildings that will be located in AR-1 on parcels, where the parcel area does not exceed 66,000 square feet, shall not have a square footage larger than 50% of the dwelling located on the property nor shall it be taller than 30 feet.

New buildings shall be placed on the parcel so that the front wall does not have a line in front of the front line of the dwelling.

When there is an occupied dwelling on the adjacent parcel(s), side or back, and the building is between 25 and 50 percent of the dwelling square footage, there shall be installed appropriate landscaping to that obstructs the view of the building from the occupied dwelling.

Schedule 1: Table of Uses – Section C will require updating to reflect the above.

### **Parking**

Along the lines of the parking revision approved for home based businesses, I suggest the following.

In AR-1 on parcels of 66,000 square feet or less, there shall be no outside parking of more than one Class 3 commercial motor vehicles and no commercial motor vehicles rated Class 4 and above as defined by gross vehicle weight rating (GVWR). There shall be no outside storage or parking of trailers, recreational vehicles or boats exceeding 25 feet in length. Temporary permits shall be obtained from the Medway Police Department for the parking of up to 7 consecutive days for the allowance of loading and unloading.

12-3-15

Susy,

These are a few of my areas that I would like to work on. They are not in any order or any full thoughts, just a list...

Update general bylaw requiring 5' fence around pool, clear cutting, and define family not more than 4 unrelated individuals living together

Trailers – semi's in residential districts

Regulate metal garages in residential districts

% of area allowed for outside storage

Regulation on "membrane structures"

Certificate of zoning compliance (Needham)

Language for average of setbacks – think we have this

Define dimensions for accessory structure near setbacks - section 14 definition 22 x 24 not more than 15' high...

? Allow sheds 10 x 12 or less to be closer to the lot line where back ~100' or other

Set up language for front setback along Main St. What is allowed... sign, mailbox, flagpole, retaining wall?

3' fence height within front setback section 6c.8d

No shed, trailer, boat... Within front setback in residential district

Conservation requirements for fill being brought in (see Walpole bylaw section 5d)

Amount of fill—change in grade...

Home based business external appearance in conformity with the residential district

Define Auto repair garage and auto body

Open display of goods for sale



Corey Finklestein's storage of boats, trailers, vehicles...

Food truck, flower sales. On the side of the road vendors

Temporary uses. Christmas tree sales. Not to exceed 35 days.

Temp structures in commercial district not to exceed 180 days section 5F

Buffer zones – setbacks and other requirements

Additional height limitations near side lines in residential district

Not more than one principle building as a dwelling in a residential district

Noise, odor, vibration, glare – light spill...

Home based business must get signed off by treasurer

Jack



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

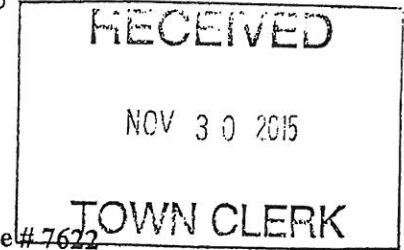
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November 30, 2015

Maryjane White, Town Clerk  
Town of Medway  
155 Village Street  
Medway, MA 02053



RE: Medway Annual Town Meeting of May 11, 2015 - Case # 7622  
Warrant Articles # 24 and 25 (Zoning)

Dear Ms. White:

Articles 24 and 25 - We approve Articles 24 and 25, and the map amendments related to Article 25, from the May 11, 2015 Medway Annual Town Meeting. We will return the approved map to you by regular mail. Our comments regarding Article 24 are provided below.

Under Article 24 the Town voted to "adopt a comprehensive recodification of the Medway Zoning Bylaw as presented in a proposed version on file with the Medway Town Clerk..." The Town Clerk provided us with a copy of the proposed version of the recodification that was on file with the Medway Town Clerk's office, entitled "Proposed Recodified Zoning Bylaw - Draft - February 25, 2015." We offer the following comments for the Town's consideration.

**I. Section 3 - Administration.**

Section 3.5.3 (G), "Procedures for Site Plan Review" provides:

The Board may approve the site plan or approve it with conditions or deny a site plan only if the plan does not include adequate information as required by the Site Plan Rules and Regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable. The Board's decision shall be by majority vote of the membership, and the decision shall be in writing.

Site plan review and approval acts as a method for regulating as-of-right uses rather than prohibiting them. Y.D. Dugout, Inc. v. Bd. of Appeals of Canton, 357 Mass. 25, 31 (1970). Where "the specific area and use criteria stated in the by-law [are] satisfied, the [reviewing] board [does] not have discretionary power to deny...[approval], but instead [is] limited to imposing reasonable terms and conditions on the proposed use." Prudential Ins. Co. of America

*v. Westwood*, 23 Mass. App. Ct. 278, 281-82 (1986), quoting from *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 105 n.12 (1984). The Town should consult with Town Counsel in the course of site plan review of by-right uses to ensure that the Town applies Section 3.5.3 (G) consistent with these principles.

## II. Section 5 - Use Regulations.

### 1. Section 5.4 - Table 1, Table of Uses.

Section 5.4, "Schedule of Uses," Table 1, "Table of Uses" ("Table") identifies uses permitted by right ("Y"); prohibited ("N"); allowed by a special permit from the Zoning Board of Appeals ("SP") and allowed by a special permit from the Planning Board ("PB").

#### a. *Agriculture.*

The following agricultural uses are prohibited or require a special permit in certain districts, as follows:

- Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock and poultry on less than 44,000 sq. ft. of land are allowed in the AR-1 and AR-II districts and prohibited in all other districts;
- Greenhouses are allowed by special permit in the AR-I and AR-II districts and prohibited in all other districts;
- Nursery and florist are allowed by right in the C-V and BI district and prohibited in all other districts; and
- Kennels are allowed in all districts only by a special permit granted by the Zoning Board of Appeals.

In certain circumstances these uses may be considered protected agricultural uses pursuant to G.L. c. 40A, § 3, and the Town must apply Table 1 of the zoning by-law consistent with that statute.<sup>1</sup> General Laws Chapter 40A, Section 3 provides in relevant part:

No zoning . . . by-law . . . shall . . . prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products.....

General Laws Chapter 128, Section 1A, defines agricultures and provides in pertinent part as follows:

<sup>1</sup> In certain circumstances, a kennel may be considered a protected agricultural use pursuant to G.L. c. 40A, § 3. See *Sturbridge v. McDowell*, 35 Mass. App. Ct. 924, 926 (1993).

"Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

These statutes together establish that, to the extent the use of land or structures constitutes commercial agriculture, the Town cannot require a special permit for, unreasonably regulate, or prohibit such activities: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales. The Town should consult with Town Counsel with any questions on this issue.<sup>2</sup>

b. *Aviation.*

Aviation fields are allowed by special permit in the AR-1 and AR-II districts and prohibited in all other districts. The Town should discuss with Town Counsel whether this portion of the Table must be reviewed and approved by the Aeronautics Division within the Massachusetts Department of Transportation (MassDOT). See G.L. c. 90, § 39B.<sup>3</sup>

c. *Assisted Living Residence.*

Assisted living residences are allowed by a special permit in the C-1 district and prohibited in all other districts. The Town must apply this portion of the Table in a manner consistent with the protections provided to disabled persons under G.L. c. 40A, § 3, as follows:

Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination. The provisions of this

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<sup>2</sup> We also note that although Section 5.3 (C) provides that "uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law" are permitted in all districts, Section 5.2 (B) (1) specifically prohibits "abattoir and commercial slaughtering" and Section 5.2 (B) (12) specifically prohibits "lumber mills." The Town should consult with Town Counsel to ensure that the Town properly applies Sections 5.2 (B) (1) and (12) consistent with uses entitled to protections under G.L. c. 40A, § 3.

<sup>3</sup> The Town may contact MassDOT for this purpose at: Tracy W. Klay, Environmental/Aeronautics Counsel, MassDOT Legal Department, 10 Park Plaza, Suite 3510, Boston, MA 02116, Phone: 857-368-8768, email: [Tracy.Klay@state.ma.us](mailto:Tracy.Klay@state.ma.us)

paragraph shall apply to every city or town, including, but not limited to the city of Boston and the city of Cambridge.

The Town should consult with Town Counsel to ensure that it applies this portion of the Table consistent with the protections given under G.L. c. 40A, § 3.

2. Section 5.4.1 - Special Permits in the Commercial 1 District.

Section 5.4.1 (B)(4) provides that “[n]o more than 10 percent of the total number of mixed-use development’s residential dwelling units shall have more than two bedrooms.” To the extent that this requirement pertains to a single family home, the Town must apply this section consistent with G.L. c. 40A, § 3: “[n]o zoning...by-law shall regulate or restrict the interior area of a single family residential building.” The Town should consult with Town Counsel on this issue.

3. Section 5.6.1 - Flood Plain/Wetland Protection District.

Section 5.6.1 (K)(2)(b) allows certain uses in the Flood Plain /Wetland Protection District by special permit and provides that the special permit application shall be reviewed by a number of local boards. Section 5.6.1 (K)(2)(b) further provides that the Zoning Board of Appeals “shall not act until these agencies have reported their recommendations or forty-five days have elapsed after such referral and no report has been received.” (emphasis added).

This 45 day time period is not in conflict with state law but the Town should be aware of a provision in General Laws Chapter 40A, Section 11 that provides for a 35 day response period: “[a]ny such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the special permit granting authority and to the applicant; provided, however, that failure of any such board or agency to make recommendations within thirty-five days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.” The Town should consult with Town Counsel regarding the effect of the 45 day response period in the by-law. <sup>4</sup>

4. Section 5.6.2 - Adaptive Use Overlay District.

Section 5.6.2 (G) requires that sidewalks be provided or replaced along the entire frontage of the Adaptive Use Parcel. Where sidewalk construction is not feasible or practical, the Planning Board “may require the applicant to provide a sidewalk in another location or make a payment in lieu of sidewalk construction to the Town of Medway special sidewalk fund in an amount determined by the Planning...Board.” (emphasis added).

General Laws Chapter 44, Section 53, provides that “[a]ll moneys received by a city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon

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<sup>4</sup> This issue also affects Section 7.2.6 (B)(3), pertaining to special permits for off-premise signs, and Section 8.8 (J) pertaining to review of small wind energy system special permit applications.

their receipt into the city, town or district treasury.” The money collected must be deposited in the Town’s general fund unless placed in a fund authorized by the Legislature by general law or special act. It does not appear that the “special sidewalk fund” qualifies as a fund authorized by the Legislature by general or special act. Additionally, although G.L. c. 44, § 53E ½, authorizes Towns to establish revolving funds, this statute does not appear to apply to the special sidewalk fund contemplated by Section 5.6.2 (G).<sup>5</sup>

In the absence of any general or special law to the contrary, and pursuant to G.L. c. 44, § 53, fees of the sort contemplated here would have to be deposited with the Town Treasurer and made part of the Town’s general fund. The Town must then appropriate the money for the purposes specified in the by-law. The Town should consult with Town Counsel as to the proper application of Section 5.6.2 (G).

### III. Section 7 - General Regulations.

Section 7.2.1 (B) requires a sign permit for the erection or alteration of any sign, subject to the exemptions in Section 7.2.2. Section 7.2.2 (A) establishes several exemptions, including political signs and certain “religious organizations” signs.

The Town should discuss these sign provisions with Town Counsel in light of the recent U.S. Supreme Court decision of Reed v. Town of Gilbert, Arizona, 576 U.S. \_\_\_, 135 S. Ct. 2218 (2015) (invalidating an ordinance that “imposes more stringent restrictions on [temporary directional signs directing the public to the location of a church] than it does on signs conveying other messages.”).

### IV. Section 8 - Special Regulations.

#### 1. Section 8.1 - Infill Housing.

Section 8.1 pertains to infill housing. The purpose of infill housing is to “increase the supply of affordable housing for low-and moderate-income households, encourage development at a scale and density compatible with existing neighborhoods I the AR-II district, and further the goals of the Medway Master Plan by guiding development toward established areas.” Section 8.1 provides that the Planning Board may grant a special permit to construct an infill dwelling unit on lots that do not comply with the minimum lot area or frontage requirements in the AR-II district.

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<sup>5</sup> Revolving funds are authorized by the Legislature for the deposit of “departmental receipts received in connection with the programs supported by such revolving fund.” It is not entirely clear whether the term “program” can be construed to apply to the design and construction of public sidewalks, or that the payment required in Section 5.6.2 (G) is the functional equivalent of a “program fee” for which revolving funds are authorized by the Legislature. In addition, revolving funds need to be established and renewed annually by Town Meeting and may not be set up in the body of a Town by-law. This procedure ensures that each Town Meeting has the power to decide whether or not to authorize a revolving fund for the upcoming fiscal year and, if so, what particular receipts will be credited to the fund and how the funds may be spent. Thus, if Town Meeting does not authorize a fund for the fees covered by the by-law, then the fees become part of the general fund pursuant to G.L. c. 44, § 53.

Section 8.1 (C)(1) provides that: “[a]n infill dwelling unit shall be a detached single-family dwelling with not more than three bedrooms. No infill dwelling unit approved under this Section 8.1 shall be converted to a two-family unit or multi-family dwelling and shall not be altered to include an accessory dwelling unit.” To the extent Section 8.1 pertains to a single family home, the Town must apply this section in a manner consistent with G.L. c. 40A, § 3: “[n]o zoning...by-law shall regulate or restrict the interior area of a single family residential building.” The Town should consult with Town Counsel on this issue.

2. Section 8.4 - Open Space Residential Development (OSRD).

Section 8.4 (F)(2), “Ownership” provides that ownership of the common open space shall be by the Town for park or open space use; by a nonprofit organization, or by a corporation or trust by the owners of the lots or residential units within the project. Section 8.4 (F)(2) does not specify that the ownership decision is the applicant’s. The Town must allow the applicant, not the Planning Board, to determine who shall own the open space, because the Town cannot require an applicant to deed property to the public without fair compensation. “The Fifth Amendment to the United States Constitution, made applicable to the States through the Fourteenth Amendment, provides that private property shall not ‘be taken for public use, without just compensation.’” This protection is “designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” Giovanella v. Conservation Commission of Ashland, 447 Mass. 720, 724 (2006) (quoting Armstrong v. United States, 364 U.S. 40, 49 (1960)). More recently, the court in Collins v. Stow, 79 Mass. App. Ct. 447 (2011) ruled that a town cannot condition subdivision approval on the dedication of open space for public use and actual conveyance of the land to the Town in exchange for waivers. “Although a planning board’s authority under the subdivision control law certainly encompasses, in appropriate circumstances, requiring open space, it does not extend to requiring the transfer of that open space to the public for reasons unrelated to adequate access and safety of the subdivision without providing just compensation.” Id. at 453. The Town should consult with Town Counsel on this issue.

3. Section 8.5 - Adult Retirement Community Planned Unit Development.

Section 8.5 (B) allows an Adult Retirement Community Planned Unit Development (ARCPUD), an ARCPUD Assisted Living Residence Facility, an ARCPUD Congregate Living Facility, or an ARCPUD Long-Term Care Facility by special permit. The Town must apply Section 8.5 (B) in a manner consistent with the protections provided to disabled persons under G.L. c. 40A, § 3.<sup>6</sup> The Town should consult with Town Counsel on this issue.

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<sup>6</sup>General Laws Chapter 40A, Section 3, provides: “Notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, by-laws and decisions of a city or town shall not discriminate against a disabled person. Imposition of health and safety laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination.”

4. Section 8.6., Affordable Housing.

Section 8.6 is intended to “provide housing in Medway for people of varying ages and income levels” and “to increase the supply of affordable housing for low and moderate income households.” Section 8.6 applies to “any residential or mixed-use development that results in a net increase of six or more dwelling units...” as well as to Adult Retirement Community Planned Unit Developments (ARCPUD) or an ARCPUD Independent Living Residence. Section 8.6 (B). Section 8.6 (F)(c) requires that the affordable units “[c]ontain at least 1,500 square feet of living area and at least three bedrooms for single family detached houses and a minimum of 1,200 square feet of living area and at least two bedrooms for attached or multifamily units, excluding basement space.”

To the extent Section 8.6 (F) applies to a single family home, the Town must apply it consistent with G.L. c. 40A, § 3: “[n]o zoning...by-law shall regulate or restrict the interior area of a single family residential building.” The Town should consult with Town Counsel on this issue.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

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cc: Town Counsel Barbara St. Andre