

April 28, 2015
Planning and Economic Development Board
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no public comments.

Timber Crest Estates Comments:

The Board is in receipt of a draft of comments re: the proposed Timber Crest Estates comprehensive permit dated 4-23-15. **(See Attached)** This project has been submitted to MassHousing for a Determination of Project Eligibility. The Town has an opportunity to provide comments.

This document was reviewed by the Board and the following are highlights:

- Item #1: The developer is to provide a by-right plan for site. The OSRD plan that was submitted is not by right.
- It was suggested to take out the word “yet” in regards to the street being accepted.
- Item #2. This wording will be revised.
- Item #4 buffers with adjacent neighbors. It was recommended to completely eliminate a few units at top and bottom to allow for some more landscaping.
- There were questions brought up at previous meeting about survey lines not being accurate in the adjacent subdivision which led to previous litigation. The quality and legitimacy of lots need to be clarified to make sure the survey data is accurate. Town Counsel needs to look at the conclusion of the litigation.
- The density in the northwest corner is most noticeable. This section is very visible from Winthrop Street. There was a recommendation that density in that area be changed to be similar to the area around it. Some of the lots are small being 1/6th of an acre.
- Since there are two separate units, there should be two separate names and applications.
- In regards to waivers, there should be reference to the length of roadway and turnaround areas. The regulations and standards are very specific about this.

- There was a question if the water main is going to be looped and how are these pipes going to connect?
- The Open Space parcels are noted, but we do not know what they intend to do with the space.

Susy will make further revisions and distribute to PEDB members for additional review and comment before submitting to Stephanie Mercandetti.

Public Hearing - The Haven Definitive Subdivision Plan

The Chairmen opened the public hearing for the Haven Definitive Subdivision Plan.

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to waive the reading of the public hearing notice.

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

- Public Hearing Notice dated 3-31-15
- Merrikin Engineering – Plan Submittal Letter dated 3-3-15
- Subdivision Application dated 3-30-15
- Development Impact Statement dated 3-30-15
- Requests for waivers from Subdivision Rules and Regulations
- PGC Associates - Plan Review Comments dated 4-21-15
- Tetra Tech – Plan Review Comments dated 4-23-15
- Definitive Subdivision Plan dated 3-25-15 (not attached)

The applicant proposes to develop a 3-lot private way residential subdivision on 2.5 acres of land located at 13 and 15 A Fisher Street. The plan shows the division of land into three, single family residential lots and the construction of an approximately 275' long and 18' wide permanent private roadway. The project will include the installation of underground stormwater management facilities and connections to Town water. A private septic system for each lot is needed. Fisher Street is a scenic road, however, no disturbance or removal of stone walls or trees are planned.

Engineer Daniel Merrikin from Merrikin Engineering indicated that the assessor's maps incorrectly identified parcel 55-041 as parcel 55-040. The Assessors Department confirmed that the database is correct, but the map is incorrect and the right half of the subdivision site is properly identified as parcel 45-041. The Assessors are correcting the map.

Mr. Merrikin communicated that they are in the process of making plan revisions based on the consultant's comments. The house on site was demolished. The applicant has filed with the Conservation Commission.

The applicant is seeking five waivers: #1 - curb & berms; #2 - 5.6.3 standards for preparation of Definitive Subdivision Plan part 3; #3 – 7.7.2.E-Stormwater Management Procedure, Part E; #4 - 7.9.5 – Grade, Part A; #5 7.21 –Streetlights.

Consultant Reardon recommends including the base line of elevation which is a simple adjustment, but it is important for consistency. Since the project is for three lots, there is not a need for a traffic study. He has no objection to the waiver request for stormwater analysis. The proposed road grade is 1%; there is no objection to the waiver since this will not affect the capturing of stormwater. It is not recommended to have the PEDB grant a waiver from the granite curbing at the intersection radii of subdivision. In regards to the waiver from the streetlight requirement, the consultant has no objection to this waiver.

There are no sidewalks proposed in this subdivision. There will be no structures built in the floodplain.

There will be plantings along with a vegetative slope. The snow storage area will need to be identified. The engineer is planning on having revisions by next week.

Resident Bob Cutmore, 71 Milford Street, has a concern about the intermittent stream that runs through his property. He is on corner of Fisher and Rt. 109.

The Mastersons will have the option to move their driveway if need be.

A homeowners association will be established to maintain the drainage/infiltration system. Consultant Reardon recommended that this be listed on the Stormwater O & M plan.

Resident Ryan Walsh, 13 A Fisher wanted to know what the erosion control would be. Mr. Merrikin explained that it would be a filter sock.

Continuation:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to continue the public hearing for the Haven Subdivision Plan to June 9, 2015 at 7:15 pm.

Public Hearing Continuation: Tri-Valley Commons Site Plan and Special Permit:

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

1. Tri Valley Commons Traffic Assessment dated 12-21-14 and Conceptual Improvement Plan for Route 109 Intersection dated 12-22-14, both by Ron Muler & Associates. (Plan not attached)
2. Traffic Assessment Report Review letter by John Diaz, GPI, dated 4-8-15.
3. Susy Affleck-Childs email to Rich Landry dated 4-16-15
4. Steve Bouley's email to the PEDB re: driveway slope dated 4-17-15
5. Follow-up to do list from 4-14-15 public hearing prepared by Susy Affleck-Childs.

John Diaz from GPI was present at the meeting.

The Tri Valley Team began the presentation by explaining that the center turn lane will be made wider and carry to the left turn land to Holliston Street. This has been incorporated and submitted to the Department of Transportation. There will be a new sidewalk on north side of Main Street. GPI representative John Diaz agrees with the methodology used for the traffic assessment. The site development has reduced and the driveway was moved, which is better for site. This is not 300 ft. from Dunkin Donuts and is not a concern at this point in relation to traffic. We do not need a morning analysis.

GPI provided the following recommendations that a sidewalk be constructed along the site access/egress driveways. A crosswalks should also be provided across the site driveway at the intersection of Route 109, along with north of the interconnecting driveway to Gould's Plaza. It is also recommended to have an interconnecting driveway between the proposed Tri-Valley Commons site and the existing Gould's Plaza. GPI would like to see an on-site bicycle parking. There were no outstanding issues which GPI has raised regarding this proposal.

It was indicated that the plan shows a sidewalk connection from Rt. 109 to take pedestrians into site.

Dave D'Amico from DPS responded that the applicant needs to look at how to blend the sidewalk during construction with the Rt. 109. The sidewalk needs to be a minimum of 5 ½ ft. wide and needs to be passable during winter.

Tri Valley is planning to attend the Rt. 109 Reconstruction Committee meeting on Wednesday, May 6, 2015.

John Diaz recommended that the sidewalk be constructed now and make sure it works and built to standards.

There was a recommendation to come up with a phasing plan with input from Tri-Valley, GPI, Dave Damico and Susy.

Bob Parrella, Broad Acres Farm Road and Charles River Bank would like to have the shopping centers tied together at the north side. There are three phases to this project and the Bank would be happy to work out a deal for the back land on this site to make sure the shopping centers are connected. There could be something done on the Bank side of the property

Dave Damico indicated that from Holliston Street, the traffic signal at the Mobile Station, and every outbound exit will be right turn only.

Rich Landry responded that he understood the center lane was always for both a left and right turn ability, not just a left. He further indicated that if there is no left turn, he will withdrawal the application right now.

It was agreed that this needs to be clarified with the Route 109 Committee.

Engineer John Kucich of Bohler Engineering summarized that the following items have been added to the plans.

1. Flattened driveway to comply with the standards. No waiver is needed.
2. Made island bigger to accommodate the screening tree in front of Goodyear.
3. Revised parking for 10 ft. stalls and complied with request for curb.
4. Created area for snow storage.
5. Moved trash enclosure to back of the site behind Building C.
6. Included bike rack and bench

The tree inventory on the site will be done Friday, May 1, 2015.

PUBLIC HEARING CONTINUATION:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to continue the public hearing to May 12, 2015 7:15 pm.

Member Karyl Spiller –Walsh left the meeting at 8:31 pm.

Meeting Minutes - April 14, 2015:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from April 14, 2015.

Millstone Village – Security Agreement/Partial Release of Covenant:

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

- Tri-Party Agreement with Southbridge Savings Bank
- Partial Release of Covenant
- Tetra Tech Bond Estimate dated 12-10-14.

The amount of the bond estimate is \$345,613. This includes a 25% contingency.

The release of covenant is for:

- Phase 1A: 2, 4, 6 & 8 Sandstone Drive;
- Phase 1B 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, & 24 Millstone Drive; 17, 19, 21, & 23 Millstone Drive; 1, 3, 5, 7 & 9 Cobblestone Drive; and 2 Cobblestone Drive (Community House)

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the tri party agreement. The Board signed the agreement.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to sign the Partial Release of Covenant. The Board signed the document.

Millstone developer Steve Venincasa was present. He indicated that the project's model home is opened and decorated. There are regular hours to visit and view the model home. There are two purchase and sales agreements. The plantings and landscaping will begin next week. The road is

paved all the way through to the end of the cul-de-sac. This is actually part of phase 4. Susy indicated that this would need a modification for the change in phasing and in the decision. There are no duplex or triplex units available right now. The engineer will need to go out to site and do an estimate so the developer can get some credit for the bond. The consultant could do a bond estimate for phase four. Susy wants separate phasing documents for tracking purposes.

Chairman Rodenhiser excused himself from the meeting at 9:06 pm

Town Meeting Handouts

The Board was provided draft handouts on each proposed zoning bylaw amendment to distribute at Town Meeting. (See Attached)

Member Tucker is concerned about how many pages will be provided to the residents. How much will they really read? It was suggested to consolidate some of the information and double side the pages.

Recommendation of Warrant Articles:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to recommend the approval of all the zoning bylaw amendment warrant articles.

OTHER BUSINESS

Doherty Ciechanowski Dugan & Cannon:

The Board is in receipt of a letter from Doherty, Ciechanowski, Dugan & Cannon dated April 28, 2015. (See Attached) This is in regards to the bond for Forest Road at Hidden Pines Subdivision. They make a demand for the Board to release the bond funds.

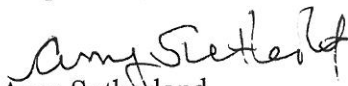
The Board would like to send a reply letter inviting them to the next meeting. It was suggested to have a punch list of items which need to be completed done, but we need to know if they want to be a permanent private way.

ADJOURN

On a motion made by Bob Tucker, and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 9:30 pm.

Respectfully Submitted,


Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



April 28, 2015
Medway Planning & Economic Development Board
Meeting

Timber Crest Estates

- Draft comments dated 4-23-15

Date:

XX
XX
XX
XX

RE: Proposed Timber Crest Estates

To Whom It May Concern,

The Medway Planning and Economic Development Board and I have reviewed the proposed Timber Crest Estates development described in the MassHousing Comprehensive Permit Site Approval Application submitted by Timber Crest LLC as provided to the Town of Medway on March 20, 2015.

We offer the following comments/concerns with the proposal as presented.

1. Site access from south. The application represents that the site will be accessed from the south via Fern Path. Please note that Fern Path is not yet an accepted Town public way, nor is Redgate Drive on which one must drive to access Fern Path from Holliston Street, nor is a _____ linear foot segment of Howe Street closest to Fern Path. Until such time as those streets are unaccepted, does the applicant/developer have rights to use those privately owned streets for access to the eastern section of the development site?
2. Section 2.5 of the MassHousing application requires the developer to submit a by-right development plan to show what would be permitted under the community's standard zoning regulations for the applicable district. In response, the applicant has submitted a plan sheet titled *By-Right Plan Timber Crest Estates* prepared by Outback Engineering, dated March 12, 2015. The notes on this plan sheet indicate the by-right development to be an open space residential development (OSRD) project with 99 dwelling units (31 house lots and 68 townhouse units) and a small commercial building.

We believe the applicant has misrepresented this illustrative OSRD project as a by-right plan. Medway's Zoning Bylaw provides that an OSRD development is a special permit use under the jurisdiction of the Planning and Economic Development Board. An OSRD is not a by-right use. A legitimate by-right development plan would be for a conventional subdivision of one acre lots in the Agricultural Residential I zoning district. In the absence of an engineered conventional subdivision plan, we would roughly estimate that the subject site might accommodate a maximum of 61 dwelling units under the district's by-right zoning provisions. (71 buildable acres – 10 acres for roads/drainage, etc. (15% of buildable land) = 61 acres (house lots).

3. The Chapter 40B Design Guidelines specify that the development should take advantage of the site's natural topography and features. The Existing Conditions Sheet prepared by Outback Engineering shows the standard topography, utility lines/easements, and wetlands resources. It

does not appear that other site features/elements have been inventoried and mapped. Accordingly, we are uncertain as to whether other key site features/elements have been considered and taken fullest advantage of in developing the site plan design for Timber Crest Estates.

4. Buffers with adjacent neighborhoods – In reviewing the site plan, most of the residential development is located a reasonably far distance away from existing residences. However, that is not the case around units 1 and 2 in the northern portion of the duplex condominium section. We would recommend that those dwelling units be eliminated to provide a more substantial buffer area to the property at 21 Fairway Lane where the existing house is set way back on the lot. The same recommendation is offered to eliminate units 79 & 80 at the southern end of the duplex section closest to 5 Fern Path.

Further, we would recommend that the developer provide landscaping and/or fencing on the following adjacent properties to provide the owners of existing homes with a suitable buffer to the new development.

- Crowley @ 7 Ohlson Circle
- Neamtu @ 9 Ohlson Circle
- Simcox @ 11 Ohlson Circle
- Broderick @ 98 Winthrop Street
- McCurley-MacKay @ 106 Winthrop Street
- Campo @ Winthrop Street

5. Neighborhood Context - As expected, the proposed density for Timber Crest is in strong contrast to the adjacent conventional subdivisions with one acre zoning. This is particularly noticeable in the western side of the development site in the single family home section with proposed individual house lots of one sixth to one third of an acre and reduced setback distances of as much as 53%. We would recommend that Lots 1 and 76 at the beginning of Road A off of Winthrop Street remain undeveloped and be used instead to provide an attractive entranceway into Timber Crest Estates. Starting at Lots 2 and 75 and going easterly to Lots 4 and 72, we suggest that the lots be increased to at least ½ acre or more in size to better blend with the adjacent properties at 98 and 106 Winthrop Street. This would provide a more gradual transition from the rural character of Winthrop Street, a Medway Scenic Road, to the higher density area further into the subject site.
6. The proposed small house lots and 7 ft. side yard setbacks will result in an appearance where the dwelling units really look crammed onto the site. We are also concerned about the appearance of overly large homes on small lots. To address this, the smaller house lots should be specified for the proposed 25 two-bedroom dwelling units. On the eastern section of the development, perhaps some of the duplex structures could become triplexes or quads. This would allow for a bit more space between buildings and give some much needed breathing room.
7. The development plan and project description clearly indicate that Timber Crest is “two separate and unique sections”. The west section is a single family subdivision. The east section is a private duplex condominium community. There is no vehicular connectivity between the two. Because of this separateness, we would recommend that each portion of the site be given its own individual neighborhood name.

8. There are three open space areas shown on the various site plan sheets - Open Space Parcel #1 (3.11 acres), Open Space Parcel #2 (67.94 acres) and Open Space Parcel B (no acreage specified). It is unclear what the applicant's intentions are in terms of open space. There is no discussion of ownership, use, on-going maintenance, public access, etc. Are any pocket parks to be incorporated? With such a large development, there would be great value in having a handy, pedestrian accessible play area provided in each of the two sections of the site. Further, there is no evidence of any proposed pedestrian trail network within the open space or between the two distinct areas of the development. This seems like a missed opportunity. We would recommend that the applicant address this in a complete manner and include a detailed proposal for such in its comprehensive permit application to the Town.
9. The plans show 2 structures at 102 Winthrop Street and the project description indicates they are to be demolished. Please be advised that the house was constructed in 1842 and is subject to review by the Medway Historical Commission under Medway's Demolition Delay bylaw.
10. We are concerned about the impacts of traffic generated by the future residents of the eastern portion of Timbercrest Estates on the adjacent local, subdivision streets – Fairway Lane, Fern Path and Redgate Drive. We would recommend that the applicant prepare and submit a traffic study for review by the ZBA during the comprehensive permit process.
11. The applicant has indicated it will seek a waiver from the tree planning requirement of Medway's Subdivision Rules and Regulations (Section 7.19.2) – 3 trees per lot at 40' intervals. It does not appear that an alternative landscaping plan is offered. Landscaping is an important feature in subdivision design, a matter that the applicant seems to have dismissed completely. This is a matter of significant concern. Some level of street tree landscaping should be incorporated to enhance the visual quality of the neighborhood.
12. In the past, the Zoning Board of Appeals has specified that the Planning Board will manage the infrastructure construction and inspection process for comprehensive permit developments as it has the experience. The applicant has requested relief from Sections 5 and 6 of Medway's *Subdivision Rules and Regulations*. Within these sections are provisions addressing a developer's provision of performance guarantees which are a requirement of the Massachusetts Subdivision Control Law. This is an obligation of any subdivision developer and cannot be waived. Sections 5 and 6 also address the construction inspection and street acceptance processes and those provisions should not be waived.
13. The application indicates there are to be 595 parking spaces. However, no explanation is provided in terms of distribution, location, guest parking, etc. How many of those parking spaces are garaged? We are concerned about the absence of visitor parking in the northeastern portion of the duplex condominium section around units 101 – 116. It would be helpful if additional information was provided.
14. Composition of Housing Units – 100% of the 192 proposed dwelling units are to be owner-occupied. We are concerned about how many years it will take for the local market to absorb that many owner-occupied dwellings. We would encourage the developer to revise this composition to include some rental units. In particular, some senior rental housing is very much needed in Medway. We would encourage the developer to work with the Medway Housing Authority and/or the Medway Affordable Housing Trust to consider developing senior housing in

the area closest to Winthrop Street in a manner similar to Benfield Farm in Carlisle. This would provide a more varied distribution of housing types within Timber Crest and more directly address Medway's housing needs.

15. Sustainable Development Criteria Scorecard - The applicant claims that the proposed Timber Crest development will meet all 9 of 9 of the Commonwealth's Sustainable Development Principles. They are required to meet at least five. We question the validity of seven of those assertions as described below:
- a) *Concentrate Development and Mix Uses* – Although the proposed development offers higher density and multifamily uses, it does not utilize existing water/sewer infrastructure. The development is all new construction in a presently undeveloped area and does not include a mix of uses. The location of the proposed neighborhoods close to 2 miles from existing commercial districts precludes mixing with existing commercial, civic, cultural, educational and recreational uses which have become standard criteria for denser, multi-family housing developments.
 - b) *Protect Land and Ecosystems* – By its construction, this development would actually decrease the amount of open space that has historically been present in this part of Medway. There is no discussion as to how the open space is to be managed, used and made accessible to the public.
 - c) *Expand Housing Opportunities* – The construction of 192 owner occupied dwelling units does not address the growing need for rental housing in Medway and its nearby communities. It would be beneficial if a component of the development could provide rental housing opportunities, specifically for the elderly population. The applicant claims that the development expands the term of affordability but does not explain how. The neighborhood is not close to jobs, transit and other consumer services. There are no provisions proposed to outfit a portion of the units to provide options for the special needs and disabled population.
 - d) *Provide Transportation Choice* – The applicant acknowledges that the development site is 2 miles from existing commercial centers and an automobile travel corridor. This is not considered to be "in close proximity". Access to the site is completely dependent on private automobiles and is not walkable to public transportation. Provisions for bicycle and pedestrian access cannot be provided due to the limitations of Winthrop and Holliston Streets.
 - e) *Increase Job and Business Opportunities* – This development project will provide construction jobs and the residents who will live in Timber Crest are reasonably expected to support local businesses. Beyond that, it does not appear that this proposed residential development meets any other examples of this Sustainable Development Principle – permanent jobs; jobs near housing; housing near an employment center; expanded access to education, training or entrepreneurial opportunities; supporting natural resource businesses; reusing materials from an industry's waste stream; supporting the manufacture of resource efficient materials; and supporting businesses that utilize locally produced resources.

- f) *Promote Clean Energy* – The planned use of Energy Star appliances and heating equipment has become almost standard in new home construction and should not be considered as sufficient for this development to claim that it meets the Commonwealth’s clean energy goals. There is no evidence of any plans to incorporate renewable energy sources, use recycled construction materials or employ water conservation measures.
- g) *Plan Regionally* – The proposed development with the planned 48 affordable dwelling units will provide additional housing opportunities for future owner occupants. In principle, that is a very good thing. However, there is growing evidence that communities in the southwest sub-region struggle with securing qualified, income eligible buyers for affordable, owner-occupied dwelling units and that is a concern for Medway for Timber Crest. The applicant claims that Timber Crest will address barriers identified in a Regional Analysis of Impediments to Fair Housing, but does not specify how, what those barriers are, nor does the applicant refer to a specific publication or regional plan.

sac/4-23-15

DRAFT



April 28, 2015

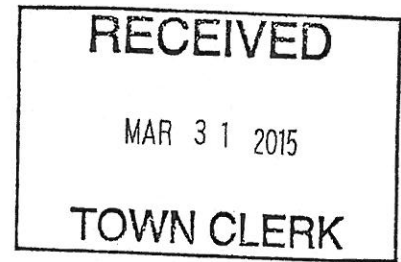
**Medway Planning & Economic Development Board
Meeting**

**The Haven Definitive Subdivision Plan
Public Hearing**

- Public Hearing Notice
- 3-3-15 Cover Submittal Letter – Merrikin Engineering
- 3-30-2015 Subdivision Application
- 3-30-15 Development Impact Statement
- 30-3015 Requests for Waivers from Subdivision Rules and Regulations
- 4-21-15 PGC Plan Review Comments
- 4-23-15 Tetra Tech Review Comments
- 3-25-15 – Definitive Subdivision Plan – The Haven



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



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

March 31, 2015

NOTICE OF PUBLIC HEARING
Proposed Definitive Subdivision Plan for The Haven – 13 and 15A Fisher Street
A Permanent Private Way Subdivision
Tuesday, April 28, 2015

In accordance with the provisions of Chapter 41, Section 81A – 81GG, Massachusetts General Laws and the Medway Planning and Economic Development Board's *Rules and Regulations for the Review and Approval of Land Subdivisions*, notice is given that ***the Medway Planning & Economic Development Board will hold a public hearing on Tuesday, April 28, 2015 at 7:05 p.m. in the Sanford Room of Medway Town Hall, 155 Village Street, Medway, MA to consider the application of L & L Realty Trust of Milford, MA for approval of a definitive subdivision plan.*** The plan is dated March 25, 2015 and was prepared by Merrikin Engineering, LLC of Millis, MA.

The applicant proposes to develop a 3-lot, private way residential subdivision on 2.5 acres of land located at 13 and 15A Fisher Street (*Medway Assessors Map 45 – Parcel 39 & 41, and a portion of Parcel #14 on Map 55*) in the Agricultural Residential II zoning district. The plan shows the division of land into three, single-family residential lots and the construction of an approximately 275' long and 18' wide paved permanent private roadway to be known as Sorrento Lane. The project will include the installation of underground stormwater management facilities and connections to Town water. A private septic system for each house lot is needed. Fisher Street is a Medway Scenic Road, however, no disturbance or removal of stone walls or trees in the Town's right of way are planned.

The property is owned by L & L Realty Trust of Milford, MA. It is bounded on the east by Fisher Street and property owned by Masterson; on the south by property owned by Walsh and Long; on the west by land owned by Boston Edison and Biocchi; and on the north by property owned by Mulkerrin and Masterson.

Telephone: 508-533-3291 Fax: 508-341-3287
planningboard@townofmedway.org

The application, associated documents and *The Haven Definitive Subdivision Plan* are on file with the Medway Town Clerk and the Medway Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during normal business hours Monday – Friday. The plan and documents may also be viewed online as follows:
http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/ApplicationsDocs/The%20Haven

Interested persons or parties are invited to review the plan, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Board at 155 Village Street, Medway, MA 02053 or emailed to the Board at: planningboard@townofmedway.org. For additional information or if you have any questions, please contact the Medway Planning and Economic Development office at 508-533-3291.

Andy Rodenhiser
Chairman

Legal Ad to be published in the *Milford Daily News* as follows:
Monday, April 13, 2015
Tuesday, April 21, 2015

Merrikin Engineering, LLP

Consulting Engineers

730 MAIN STREET
SUITE 2C

MILLIS, MA 02054

TELEPHONE (508) 376-8883
FAX (508) 376-8823

March 30, 2015

Medway Planning & Economic Development Board
Town of Medway
155 Village Street
Medway, MA 02053

Ref: Definitive Subdivision Application
The Haven
13 and 15A Fisher Street

Dear Members of the Board:

On behalf of the applicant, L&L Realty Trust, we are pleased to submit the enclosed application for a Definitive Subdivision located at 13 and 15A Fisher Street. Please find the following enclosed in support of the application:

- Two original Form C – Subdivision applications;
- One original Form D – Designer’s Certificate;
- One original Form E - copy of the certified abutters lists, provide by the Medway Assessor’s office. Note that the site is comprised of two assessors parcels, thus two separate lists were provided by the Assessors Office. Also note that the assessors maps incorrectly depict the property to the south as containing a portion of the proposed subdivision. In order to ensure that all abutters are appropriately noticed, a third abutters list was provided by the Assessors office for the property to the south;
- One original Form F – Development Impact Report;
- One original Form Q – waiver request for each proposed waiver;
- One original Scenic Road Work Permit Application;
- One copy of property deeds;
- 10 full-size plan sets;
- One 11x17 plan set (a .pdf version of the plans will be submitted electronically);
- Three copies of the drainage report;
- A copy of the street name approval dated October 18, 2004;
- A check in the amount of \$3,187.5 made payable to the Town of Medway for the Town’s subdivision filing fee; and
- A check in the amount of \$2,500.00 made payable to the Town of Medway as an advance on the plan review fee.

Note that we have identified certain issues pertaining to the proper assessors identifications for the subject parcels as follows:

- As noted above, the assessors maps erroneously show that Parcel 55-014 includes a portion of the subject subdivision (a portion of parcel 45-039). The Assessors Department has been made aware of this error and is in the process of correcting the assessors maps. A copy of the deed to the adjacent property is enclosed.
- The assessors maps incorrectly identify assessors parcel 55-041 as parcel 55-040. The Assessors Department has confirmed that the database is correct, the map is incorrect, and that the right half of the subdivision site is properly identified as parcel 45-041. Again, the assessors department is in the process of correcting the assessors map. A copy of an email from the assessors department is enclosed confirming this determination.

Also note that there is a scrivener error on the plans. The plans incorrectly identify the subject property parcel numbers as 45-040, 45-041 and a portion of 55-014. The correct parcel numbers are 45-039, 45-041 and a portion of 55-014 as noted in the enclosed Form C. This correction will be reflected in the first revision of the plan set.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

Daniel J. Merrikin P.E.

cc: File
L&L Realty Trust (by email)
Medway Town Clerk (Forms C & F, Plans)
Medway Board of Health (Form C, Plans, Soil Survey)

LAND SUBDIVISION – FORM C

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

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Subdivision Rules and Regulations. Please complete this entire Application. Submit three signed originals of the Application, one copy of the Definitive Plan, one copy of the Traffic Study (if applicable) and one copy of the Development Impact Report to the Town Clerk who will date stamp all three original Applications. Submit two signed original Applications, one copy of the Definitive Plan and one set of Soil Survey, Percolation and High Groundwater Tests to the Board of Health, which will date stamp the two original Applications. Provide one original Application date stamped by the Town Clerk and Board of Health, eighteen copies of the Definitive Subdivision Plan, all other required documents, and the appropriate Definitive Subdivision Plan Filing Fee and advance of the Plan Review Fee to the Medway Planning & Economic Development office. The Town's Planning and Engineering Consultants will review the Application and Definitive Subdivision Plan. You or your duly authorized Agent/Official Representative are expected to attend the Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request. Your absence at meetings may result in a delay in reviewing and acting on the application.

March 25, 2015

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

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

DEFINITIVE SUBDIVISION PLAN INFORMATION

Title of Plan: The Haven Definitive Subdivision Plan of Land

Prepared by: Merrikin Engineering, LLC

Of: Millis, MA

Plan Date: March 25, 2015

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

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

Date when the Preliminary Subdivision Plan was reviewed by the Board: _____

The Preliminary Subdivision Plan was:

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

disapproved for the following reasons: _____

PROPERTY INFORMATION

Location Address: 13 and 15A Fisher Street

The land shown on the plan is shown on Medway Assessor's Map 45 Parcels #39 & 41, and a portion of Parcel 14 on Map 55.

Total Acreage of Land to be Divided: 2.5

General Description of Property: Undeveloped other than a vacant single-family dwelling and an accessory out-building; remainder of lot is wooded, with an overgrown grass area in the center and toward Fisher Street.

Medway Zoning District Classification: AR District II

Frontage Requirement: 150' Area Requirement: 22,500 sf

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

Yes No If yes, please name: Fisher Street

Wetlands

Is any portion of the site within a Wetland Resource Area?

Yes No

Groundwater Protection

Is any portion of the site within a Groundwater Protection Overlay District?

Yes No

Flood Plain/Wetland Protection District

Is any portion of the site within the Flood Plain/Wetland Protection Overlay District?

Yes No

13 Fisher Street:

The owner's title to the land that is the subject matter of this application is derived under deed from: [multiple owners] to Louis Cheschi dated 10/2/02 and recorded in Norfolk County Registry of Deeds, Book 17320 Page 188 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

15A Fisher Street:

The owner's title to the land that is the subject matter of this application is derived under deed from: William Masterson to Louis Cheschi dated 6/26/03 and recorded in Norfolk County Registry of Deeds, Book 19181 Page 536 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

SUBDIVISION INFORMATION

Subdivision Name: The Haven

This is a: Residential Subdivision Non-Residential Subdivision

The plan shows the division of land into 3 building lots numbered Lots 1, 2 and 3 and 0 parcels not intended for building thereon.

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

n/a as frontage for lot(s) _____

_____ as frontage for lot(s) _____

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

Sorrento Lane as frontage for lot(s) 1, 2 and 3.

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s): 215.5'

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

_____ Public Permanent Private Way

Proposed Utilities: water _____ well

_____ sewer septic

APPLICANT INFORMATION

Applicant's Name: L&L Realty Trust

Applicant's Address: 9 Hillside Ave., Milford, MA 01757

Name of Primary Contact: Louis Cheschi, Jr.

Telephone: 508-889-1958 FAX: _____

Email address: _____

_____ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner Name: _____

Address: _____

Primary Contact: _____

Telephone: _____ FAX: _____

Email: _____

CONSULTANT INFORMATION

ENGINEER: Merrikin Engineering, LLC

Address: 730 Main Street, Suite 2C, Millis, MA 02054

Primary Contact: Daniel Merrikin, P.E.

Telephone: 508-376-8883 Fax: 508-376-8823

Email: dan@merrikinengineering.com

SURVEYOR: Colonial Engineering

Address: P.O. Box 95, Medway, MA

Primary Contact: Paul DeSimone

Telephone: _____ Fax: _____

Email: _____

OFFICIAL REPRESENTATIVE INFORMATION

Name: Merrikin Engineering, LLC
Address: 730 Main Street, Suite 2C, Millis, MA 02054
Primary Contact: Dan Merrikin, P.E.
Telephone: 508-376-8883 Fax: 508-376-8823
Email: dan@merrikinengineering.com

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true, accurate and complete to the best of my knowledge and belief. If applicable, I hereby authorize DANIEL J. MERRIKIN, P.E. to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Definitive Subdivision Plan application.

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

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

Joseph J. Cherubini
Signature of Property Owner

3/25/15
Date

Signature of Applicant (if other than Property Owner)

Date

Donald J. ...
Signature of Agent/Official Representative

2015.03.25
Date

DEFINITIVE SUBDIVISION PLAN FEES
Filing Fee: \$2,500 plus \$2.50/linear foot of street centerline proposed
Advance on Plan Review Fee: \$2,500
Submit 2 separate checks each made payable to Town of Medway

FOR PED OFFICE USE ONLY:

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

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

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

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

DEFINITIVE SUBDIVISION PLAN SUBMITTAL DOCUMENTS CHECKLIST

Town Clerk

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

Board of Health

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

Planning & Economic Development Board

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

LAND SUBDIVISION - FORM F

Development Impact Report (DIR) PLANNING BOARD – Town of Medway, MA

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally association with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social sciences and environmental design arts.

03/25/15

1. Name of Proposed Subdivision: The Haven
2. Location: 13 and 15A Fisher Street
3. Name of Applicant (s): L&L Realty Trust
4. Brief Description of the Proposed Project: Definitive subdivision including a new 275'± roadway and three single-family dwelling lots, and associated drainage and utilities
5. Name of Individual Preparing this DIR: Daniel Merrikin, PE, Merrikin Engineering, LLP

Address: 730 Main Street, Millis, MA 02054 Phone: 508-376-8883
Suite 2C

Professional Credentials: Professional Engineer, Massachusetts, #43309

SITE DESCRIPTION

6. Total Site Acreage: 2.5

Approximate Acreage	At Present	After Completion
Meadow/brushland (<i>non-agricultural</i>)		
Forested	0.82	0.36
Agricultural (<i>includes orchards, croplands, pasture</i>)		
Wetlands	0.34	0.34
Water Surface Area		
Flood Plain		
Unvegetated (<i>rock, earth or fill</i>)		
Roads, buildings and other impervious surfaces	0.07	0.43
Other (<i>indicate type</i>) Grass	1.27	1.37
TOTAL	2.5	2.5

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	
Commercial	
Residential	100%
Forest	
Agricultural	
Other (specify)	

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *NOTE – Be sure to include overlay zoning districts.*

Zoning District	Percentage
AR District II	100%

9. Predominant soil type(s) on the site: Soil Type A

Soil Drainage
(Use the U.S. Soil Conservation Service's definition)

Soil Type	% of Site
Well drained	85%
Moderately well drained	

Poorly drained	15%
----------------	-----

10. Are there any bedrock outcroppings on the site? Yes No

If yes, specify: _____

11. Approximate percentage of proposed site with slopes between:

Slope	% of Site
0 – 10%	90%
10 – 15%	10%
Greater than 15%	

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) n/a Proximity to a public well: _____ feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (*Consult the Massachusetts Heritage Program and the Medway Conservation Commission for information.*) Yes No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

Yes No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? Yes No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? Yes No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? Yes No

If yes, please specify: _____

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? Yes No

If yes, please specify: A bordering vegetated wetland is located north, and occupies ±0.38 acres of the site.

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? Yes No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? Yes No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? Yes No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission) Yes No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? Yes No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision? (numbers shown are net increase from existing)

Average weekday traffic	19 trips
Average peak hour volumes – morning	1.5 trips
Average peak hour volumes - evening	2.0 trips

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Fisher Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: Milford Street & Fisher Street to the north, Pine Meadow Drive & Fisher Street to the south

27. Location of existing sidewalks within 1000 feet of the proposed site: No sidewalks exist on Fisher Street, or in the vicinity of the Milford Street/Fisher Street intersection on Milford Street. Sidewalks do exist along Pine Meadow Drive, which is diagonally across Fisher Street.
28. Location of proposed sidewalks and their connection to existing sidewalks: No sidewalks are proposed for the subdivision since it is a permanent private way.
29. Are there parcels of undeveloped land adjacent to the proposed site:

_____ Yes X No

Will access to these undeveloped parcels be provided from the proposed subdivision?

_____ Yes X No

If yes, please describe: _____

If no, please explain why: n/a

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 3
31. What is the total number of bedrooms in the proposed subdivision?
12 (assumes 4 per house)
32. Stormwater Management
- A. Describe the nature, location and surface water body receiving current surface water of the site: There is a bordering vegetated wetland onsite which is tributary to Hopping Brook (approx.. 500' away from site)
- B. Describe how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: Street, driveway and yard runoff will flow through two catch basins to a proprietary stormwater treatment unit, and then discharge to an infiltration trench. Treated overflow will discharge toward the wetland. Proposed flowrates and volumes are reduced as compared to existing conditions in all design storms.
- C. Will a NPDS Permit be required? X Yes _____ No
33. Please estimate the response time of the Fire Department to this site:
(Please consult with the Fire Department): Per the Medway Fire Chief, if an ambulance is already at the fire station, ambulatory response time is 2 minutes. Fire response would be 5-6 minutes to allow time for volunteer firefighters to get to the station.

34. Schools
 - A. Projected number of new school age children: 3 (assume 1.5 per net additional dwelling)
 - B. Distance to nearest elementary school: 3 miles to Memorial Elem. School

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that haven been taken during subdivision design and will be taken during subdivision construction for each of the following:

35. Maximize stormwater infiltration and groundwater recharge
36. Prevent surface and groundwater contamination
37. Reduce detrimental impacts to water quality
38. Maintain slope stability and prevent erosion
39. Conserve energy
40. Preserve wetlands
41. Preserve wildlife habitats, outstanding ecological or botanical features
42. Protect scenic views
43. Retain natural landscape features
44. Design street layouts to facilitate southern orientation of houses
45. Use curvilinear street patterns
46. Promote pedestrian and bicycle access and safety
47. Reduce the number of mature trees to be removed
48. Provide green belt/buffer areas
49. Preserve historically important structures and features on the site
50. Retain natural valley flood storage areas
51. Minimize the extent of waterways altered or relocated
52. Reduce the volume of cut and fill
53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation
54. Minimize municipal maintenance frequency and costs
55. Reduce building site frontages or driveway egresses onto primary or secondary streets

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

35. *Maximize stormwater infiltration and groundwater recharge:* The stormwater design meets the MassDEP Stormwater Standards and Handbook and allow meets the requirements of the Subdivision Regulations by ensuring that the rate and volume of stormwater leaving the site is either the same or less than existing conditions in each of the design storms. The design includes an infiltration system that will receive the vast majority of the site's runoff. Roof runoff from the three proposed homes will be infiltrated in separate individual systems.
36. *Prevent surface and groundwater contamination:* The design meets MassDEP stormwater standards to ensure that all stormwater on the site is treated before it is either infiltrated to the ground or discharged off site. Proposed Best Management Practices (BMPs) include the following:

Deep Sump Catch Basins: The 4' deep sump below the lowest pipe captures

settleable solids and floatable debris. Once the development is completed, it will be the responsibility of the new owners to clean the catch basins on a regular basis to prevent buildup of sediment.

Proprietary Stormwater Treatment Unit: This is a treatment structure that, by nature of the mechanics inside the structure, traps oil, grease, sediment and other debris in the structure. On this site, the proposed structure is a Downstream Defender™. Product information is attached to the stormwater report.

Infiltration Trench: This BMP consists of 4 rows of Cultec chambers installed within an underground crushed stone infiltration trench. Pretreated stormwater enters the trench, which is designed to encourage infiltration into the underlying native soil. Excess stormwater will exit through an outlet pipe and discharged to the nearby wetlands. There is very little discharge from the proposed infiltration system, even in the 100-year storm event.

These BMPs, placed in line one after the other, will provide the necessary treatment as prescribed by the MassDEP Stormwater Standards. Also, refer to #38 for prevention of off-site impacts.

37. *Reduce detrimental impacts to water quality:* The proposed stormwater management system described above will adequately treat stormwater runoff prior to discharge in order to prevent detrimental impacts to water quality.
38. *Maintain slope stability and prevent erosion:* Before construction takes place, erosion and sedimentation control (ESC) will be placed along downstream portions of the site to prevent debris and sediment from being carried off-site or toward the on-site wetland. Erosion control measures will include haybales and siltation fencing and filter sock. A double row of erosion control will be placed along the wetland portion of the site. These ESC structures will be maintained throughout the duration of the project by the contractor.

At the beginning of construction, a stabilized construction entrance will be installed at the entrance to the site on Fisher Street. This involves the placement of a crushed stone pad spanning the width of the entrance, which vehicles will drive over as they enter and exit the site. This will prevent the tracking of soil and debris onto Fisher Street. This stabilized construction entrance will be removed once the road is ready to be paved.

Any disturbed slopes will be permanently stabilized with grass, the ongoing maintenance of which will be the responsibility of the homeowners. To the maximum extent possible, lot perimeters, which are generally wooded with some meadow vegetation, will remain untouched.

39. *Conserve energy:* No street lighting is proposed for the new subdivision, which reduces energy requirements. To the extent it is within the Applicant's control, they will encourage energy efficient practices in home construction on each of the three lots..

40. *Preserve wetlands:* No work is proposed that will impact or alter the on-site wetlands, temporarily or permanently. As indicated in #38, ESC will be placed to preserve the integrity of the wetland during construction.
41. *Preserve wildlife habitats, outstanding ecological or botanical features:* The site is largely developed in its existing condition with a single family dwelling and a large yard area. There are no outstanding ecological or botanical features present on the site and the site does not lie within a designated habitat for rare or endangered species. Furthermore, as previously noted, no work is proposed that will alter the onsite wetland, nor the area 25 feet outside the wetland boundary. As such, any wetland species habitats within these areas should remain intact as well.
42. *Protect scenic views:* The site does not contain any particularly significant scenic views. Although a scenic road, the DPW has concluded that the proposed development will not impact any street trees or stone walls within the right-of-way.
43. *Retain natural landscape features:* As previously noted, an area around the perimeter of the subdivision will remain largely untouched, retaining mature trees and native vegetation.
44. *Design street layouts to facilitate southern orientation of houses:* The proposed roadway extends westward off of Fisher Street. Thus, each of the three new houses will have one long wall facing south.
45. *Use curvilinear street patterns:* Given the small nature of the subdivision and the short length of proposed roadway (275'), it is not practicable to implement a curvilinear horizontal geometry. Rather, a straight road is proposed.
46. *Promote pedestrian and bicycle access and safety:* Because this is proposed to be a permanent private way with only 3 house lots, sidewalks are neither required nor proposed for this subdivision. However, estimated vehicular traffic patterns are largely limited to homeowner traffic from within the subdivision since this is a short, dead-end street. Bike and pedestrian safety will not be compromised within the subdivision.
47. *Reduce the number of mature trees to be removed:* As noted above, trees will be preserved around the perimeter of the subdivision to the maximum extent practicable.
48. *Provide green belt/buffer areas:* Greenbelt buffer zones are proposed on the subdivision plan.
49. *Preserve historically important structures and features on the site:* No historically significant structures or other features exist on the site.
50. *Retain natural valley flood storage areas:* A small area at the southwestern corner of Lot 2 lies within a flood plain. The natural grading in this area will remain and is not proposed to be altered and there will therefore be no impact to flood storage

areas

51. *Minimize the extent of waterways altered or relocated:* No waterways exist on this site, nor will the on-site wetland be altered in any way during or after construction.
52. *Reduce the volume of cut and fill:* The proposed design is intended to match existing topographical conditions to the extent practicable, thereby reducing the volume of cuts and fills needed to construction the development. Soil excavated for house foundations, and in areas where elevation decreases are proposed, will be reused on site where elevation increases are proposed.
53. *Minimize the visual prominence of man-made elements even if necessary for safety or orientation:* Perimeter trees will be preserved to the extent practicable. In addition, the site is already developed with a single family house and an outbuilding. Thus the proposed redevelopment will not represent a substantial change to the site.
54. *Minimize municipal maintenance frequency and costs:* The proposed roadway is to be a permanent private way; therefore, the Town of Medway will have no obligations regarding maintenance and upkeep of the roadway.
55. *Reduce building site frontages or driveway egresses onto primary or secondary streets:* The proposed design will eliminate an existing driveway onto Fisher Street. All three proposed lots will access the newly proposed permanent private way.

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

Project Name:	The Haven
Property Location:	13 and 15A Fisher Street
Type of Project/Permit:	Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.10.1 - Curbs and Berms
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Vertical Granite Curbing shall be installed at intersection roundings and cul-de-sac entrances
What aspect of the Regulation do you propose be waived?	Use of vertical granite curbing
What do you propose instead?	Use of cape cod berm
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	Granite curbing is unnecessary and does not fit the character of Fisher Street. Fisher Street is a rural scenic roadway with no curbing in the vicinity of the proposed subdivision.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approximately \$2,500
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	It is not anticipated that the use of cape cod berm will provide a significant improvement to the quality of the development, other than to blend better into the character of Fisher Street.
What is the impact on the development if this waiver is denied?	Cost implications
What are the design alternatives to granting this waiver?	Use of sloped granite edging
Why is granting this waiver in the Town's best interest?	Cape cod berm is more resistant to plow damage than vertical curbing
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	A portion of the vertical granite curbing would lie within Fisher Street, a public way, and the town would be responsible for maintaining it in the future. Cape cod berm is much less expensive to replace and maintain.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	The proposed road is a permanent private way, which will result in tremendous long-term cost savings for the Town as the road will be permanently maintained by the three lots in the subdivision.
What is the estimated value of the proposed mitigation measures?	It is not possible to value the cost of roadway maintenance in perpetuity.
Other Information?	
Waiver Request Prepared By:	Merrikin Engineering, LLP
Date:	25-Mar-15
Questions?? - Please contact the Medway PED office at 508-533-3291.	

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

Project Name:	The Haven
Property Location:	13 and 15A Fisher Street
Type of Project/Permit:	Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	5.6.3 - Standards for Preparation of Definitive Subdivision Plan, Part 3
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	...All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
What aspect of the Regulation do you propose be waived?	Use of the NAVD88 datum
What do you propose instead?	Use of the NGVD29 datum
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The originally approved plans for this subdivision were created using this datum.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approximately \$1,000 in design costs
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	This waiver would not affect the quality of the development in any way.
What is the impact on the development if this waiver is denied?	Design cost implications
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	It will be consistent with prior approvals for the site
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	This change has no effect on cost to the town
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	This change will not require mitigation measures
What is the estimated value of the proposed mitigation measures?	Not applicable
Other Information?	
Waiver Request Prepared By:	Merrickin Engineering, LLP
Date:	25-Mar-15
Questions?? - Please contact the Medway PED office at 508-533-3291.	

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

Project Name:	The Haven
Property Location:	13 and 15A Fisher Street
Type of Project/Permit:	Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.7.2.E - Stormwater Management Procedure, Part E
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	... In a residential subdivision, the analysis shall assume a minimum forty-foot (40') by eighty-foot (80') building footprint and a paved driveway for each lot.
What aspect of the Regulation do you propose be waived?	The size of the prospective house footprint
What do you propose instead?	The maximum allowable footprint limited by town setback requirements.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	A 40'x80' footprint does not fit within the constraints of required zoning and wetland setbacks Lots 2 and 3
What is the estimated value/cost savings to the applicant if the waiver is granted?	This change has no effect on cost.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	This waiver reflects the reality that houses on Lots 2 and 3 will be smaller than the regulations anticipate due to setback limitations. Such reduction will reduce stormwater runoff from the development.
What is the impact on the development if this waiver is denied?	The stormwater design would consider impervious coverage that could never be constructed.
What are the design alternatives to granting this waiver?	None
Why is granting this waiver in the Town's best interest?	It will allow the stormwater design to be consistent with Zoning and Wetland setback requirements
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	This change has no effect on cost to the town.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	We have ensured that post-development peak runoff volume and rates do not exceed those of existing conditions as required by the Subdivision Regulations
What is the estimated value of the proposed mitigation measures?	Not applicable
Other Information?	
Waiver Request Prepared By:	Merrikin Engineering, LLP
Date:	25-Mar-15
Questions?? - Please contact the Medway PED office at 508-533-3291.	

**Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations**

Complete 1 form for each waiver request

Project Name:	<i>The Haven</i>
Property Location:	<i>13 and 15A Fisher Street</i>
Type of Project/Permit:	<i>Definitive Subdivision</i>
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	<i>7.9.5 - Grade, Part A</i>
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	<i>The minimum centerline grade for any street shall not be less than two percent (2%).</i>
What aspect of the Regulation do you propose be waived?	<i>2% grade</i>
What do you propose instead?	<i>1% grade</i>
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	<i>The steeper 2% grade would either require creating a low spot in the middle of the road or would require lowering the road below existing grade at the turnaround. Either option is, in our opinion, a poorer design option than what is proposed.</i>
What is the estimated value/cost savings to the applicant if the waiver is granted?	<i>None</i>
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	<i>A consistent 1% grade to the end of the road will result in lesser future maintenance issues than creating a low-point in the middle of the road. Lowering the grade at the end of the road would require lowering the stormwater infiltration system, a lesser option than what is proposed.</i>
What is the impact on the development if this waiver is denied?	<i>It would necessitate redesign of the road and stormwater system</i>
What are the design alternatives to granting this waiver?	<i>Creating a low point in the middle of the road, or lowering the end of the road below grade</i>
Why is granting this waiver in the Town's best interest?	<i>It will result in a roadway with lower maintenance requirements</i>
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	<i>This change has no effect on cost to the town.</i>
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	<i>The proposed road is a permanent private way, which will result in tremendous long-term cost savings for the Town as the road will be permanently maintained by the three lots in the subdivision.</i>
What is the estimated value of the proposed mitigation measures?	<i>It is not possible to value the cost of roadway maintenance in perpetuity</i>
Other Information?	
Waiver Request Prepared By:	<i>Merrikin Engineering, LLP</i>
Date:	<i>25-Mar-15</i>
Questions?? - Please contact the Medway PED office at 508-533-3291.	

Medway Planning and Economic Development Board
FORM Q - Request for Waiver from Rules and Regulations

Complete 1 form for each waiver request

Project Name:	The Haven
Property Location:	13 and 15A Fisher Street
Type of Project/Permit:	Definitive Subdivision
Identify the number and title of the relevant Section of the applicable Rules and Regulations from which a waiver is sought.	7.21 - Streetlights
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	It shall be the responsibility of the developer to install street lighting within the subdivision...
What aspect of the Regulation do you propose be waived?	Inclusion of street lighting
What do you propose instead?	Exclusion of street lighting
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The proposed street is very short (only 275' in length) and straight, so any existing street lighting on Fisher Street will be sufficient for vehicles entering and exiting the subdivision.
What is the estimated value/cost savings to the applicant if the waiver is granted?	Approximately \$5,000 to install a street light at the intersection.
How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	Lack of streetlighting would eliminate impacts on scenic views, both at dusk (no illumination obstructions) and generally (no light poles obstructing views).
What is the impact on the development if this waiver is denied?	Cost impacts
What are the design alternatives to granting this waiver?	Require residential light poles at each proposed driveway near the street
Why is granting this waiver in the Town's best interest?	Granting this waiver would benefit the scenic value of Fisher Street, identified as a scenic road in Medway.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	None
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Residential light poles at each proposed driveway near the street could be provided as an alternative
What is the estimated value of the proposed mitigation measures?	Approximately \$3,000
Other Information?	
Waiver Request Prepared By:	Merrikin Engineering, LLP
Date:	25-Mar-15
Questions?? - Please contact the Medway PED office at 508-533-3291.	

PGC ASSOCIATES, INC.

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

April 21, 2015

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

Re: The Haven Definitive Subdivision Plan

Dear Mr. Rodenhiser:

I have reviewed the Definitive Subdivision plan called "The Haven" submitted by owner/applicant Louis Cheschi of Milford. The plan was prepared by Colonial Engineering, Inc. of Medway and Merrikin Engineering Co. of Millis, and is dated November 4, 2003 with a latest revision date of March 25, 2015. The site is within the AR-I district.

The plan proposes to construct a straight private way cul-de-sac right-of-way in order to create frontage and divide a 107,345 square foot lot on Fisher Street into three lots of 22,531 (Lot 1), 24,380 (Lot 2) and 39,514 (Lot 3) as well as a 1300 square foot parcel (Parcel A) to be conveyed to an abutter. The road right-of-way would have an area of 19,620 square feet, and it would about 275 feet long. The proposed subdivision is located in the AR-II district.

I have comments as follows:

Zoning

1. The lots meet the area and shape factor requirements of the Zoning Bylaw. However, Lot 2 is shown to have only 113.35 feet of frontage where 150 feet is required.

Subdivision Rules and Regulations

- * 2. Section 5.7.32 and 7.19.9 require a landscaped island in the cul-de-sac. A hammerhead end is proposed rather than a circle so there is no center island. However, in the past, the Board has required a landscape plan for the area within the cul-de-sac "bulb."
3. Section 5.7.34 requires a note on the cover sheet that the subdivision construction will comply with ADA/AAB handicapped accessibility standards.
4. Section 5.7.34 requires stockpile areas to be shown on the erosion control plan. No stockpile areas are shown.
5. Section 5.7.36 requires house footprints to be shown at a dimension of 40' x 80'. The applicant has requested a waiver because a footprint of that size will not fit within the setback areas on Lots 2 and 3.

6. Section 7.7.4 (d) requires an independent drainage system for foundation perimeter drains. No drains are shown and no waiver is requested.
7. Section 7.9.3 requires that intersection sight distances be shown on the plans. The distances are shown graphically but no dimensions are indicated.
8. Section 7.9.6 © requires that dead end streets be provided with extensions to abutting property where practical. It does not appear that such an extension is practical.
9. Section 7.10 requires vertical granite curbs at the intersection roundings. A waiver is requested to use Cape Cod berm. DPS should comment on this.
10. Section 7.11.1 requires a 3' radius at driveway entrances. None of the driveways meet this. Lot 2 is especially awkward as the driveway is right against the lot line at a difficult angle.
11. Section 7.11.6 encourages that a driveway onto the new subdivision street be provided to abutters. A strip of land is being provided to the direct abutter but there is no indication as to whether a driveway is being provided.
12. Section 7.19.2 requires at least 3 trees per lot spaced at 40' on center. No street trees are indicated and no waiver is requested.
13. Section 7.21 requires streetlights at the subdivision entrance and other areas deemed necessary by the Safety Officer. A waiver from this requirement is requested.

If there are any questions about these comments, please call or e-mail me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", written in a cursive style.

Gino D. Carlucci, Jr.



April 23, 2015

Ms. Susan E. Affleck-Childs
Medway Planning and Economic Development Coordinator
Medway Town Hall
155 Village Street
Medway, MA 02053

**Re: The Haven
Definitive Subdivision Plan Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs,

Tetra Tech (TT) has performed a review of the proposed Definitive Subdivision Plan for the above-mentioned project. The proposed project includes subdividing an approximate 2.5 ac parcel of land located along Fisher Street in Medway. The project proposes to raze existing structures located on the property and build three new houses with frontage along the proposed Sorrento Lane private way. New utility services will be constructed to accommodate the improvements which include septic systems for each dwelling, public water supply and elec/tel/data services. The stormwater design will consist of catch-basins, manholes and water quality units that outlet to an underground infiltration basin with emergency overflow discharging to adjacent wetlands.

TT is in receipt of the following materials:

- A plan (Plans) set entitled "The Haven, A Private Way, Definitive Subdivision Plan", dated November 3, 2003 and revised March 25, 2015 prepared by Merriken Engineering, LLP (ME).
- A stormwater management report (Stormwater Report) entitled "Stormwater Report for The Haven Definitive Subdivision" dated March 25, 2015, prepared by ME.
- Form C entitled "Application for Approval of a Definitive Subdivision Plan" prepared by ME.
- A scenic road work permit entitled "Medway Scenic Road Work Permit Application" by Louis Cheschi, TR dated March 25, 2015.
- Form D entitled "Designers Certificate" prepared by ME.
- Form F entitled "Development Impact Report (DIR)" prepared by ME.
- Form Q entitled "Request for Waiver from Rules and Regulations" prepared by ME.

The Plans, Drainage Report and accompanying materials were reviewed for conformance with the Town of Medway, Massachusetts Planning Board Regulations, the MA DEP Storm

One Grant Street
Framingham, MA 01702
Tel 508.903.2000 Fax 508.903.2001



Water Management Standards (Revised January 2008) and good engineering practice. The following is a list of comments generated during the review of the design documents. Reference to the applicable regulation requirement is given in parentheses following the comments.

Conformance with Planning Board Rules and Regulations for Review and Approval of Land Subdivisions (Chapter 100):

- 1) A traffic study has not been provided. However, due to the size of the subdivision, traffic is not expected to negatively affect the surrounding area. (Ch. 100 §5.2.2)
- 2) The board should confirm that necessary documentation regarding the septic systems has been submitted to the Board of Health (Ch. 100 §5.2.3)
- 3) The applicant has not provided a certified list of abutters. (Ch. 100 §5.5.4)
- 4) The applicant has not provided calculations for the proposed piping system. (Ch. 100 §5.5.h)
- 5) The applicant has not provided calculations for the proposed catch basin grates to determine if they can maintain proper operation during a 25-year storm. (Ch. 100 §5.5.9.i)
- 6) The applicant has not provided an ANRAD plan. Confirmation of a final order of conditions from the Medway Conservation Commission should be provided if an ANRAD plan has not been completed. (Ch. 100 §5.5.14)
- 7) Once finalized, all plans should be submitted to the PEDB on mylar for board endorsement. (Ch. 100 §5.6.2)
- 8) The applicant has requested a waiver to the requirement that all plans be submitted on NAVD 88 Datum and would like to submit the plans on NGVD 29 Datum. TT does not recommend the PEDB grant this waiver as consistency amongst all submissions should be established regarding vertical datums. (Ch. 100 §5.6.3)
- 9) The applicant has not provided location of trees measuring one-foot in diameter or greater on the existing conditions plan. (Ch. 100 §5.7.6)
- 10) The applicant has not provided details of the proposed septic systems. (Ch. 100 §5.7.19)
- 11) The applicant has not provided benchmarks on plan and profile sheet. (Ch. 100 §5.7.20)



- 12) The applicant has not provided Operation and Maintenance details on the plans. (Ch. 100 §5.7.23.e)
- 13) The applicant has not provided details of the proposed foundation drains. (Ch. 100 §5.7.23.f)
- 14) The applicant has not provided a landscape/planting plan for proposed street trees/shade trees. (Ch. 100 §5.7.24)
- 15) The applicant has not provided a limit of clearing line as well as locations for stockpiling materials and equipment during construction. (Ch. 100 §5.7.35)
- 16) The applicant has requested a waiver to providing stormwater analysis for a forty-foot (40') by eighty-foot (80') building footprint. TT has no objection to the waiver request as the proposed dwellings are smaller than the above-mentioned dimensions. (Ch. 100 §7.7.2.e)
- 17) The board should confirm necessary turning area has been provided for fire access to the properties. (Ch. 100 §7.8.1)
- 18) The applicant has requested a waiver to the requirement that the centerline grade of the proposed roadway be a minimum of 2%. TT has no objection to this waiver as the proposed roadway grade of 1% will not negatively affect capturing stormwater and will require less earthwork/stockpiling material adjacent to the nearby wetlands. (Ch. 100 §7.9.5)
- 19) The applicant has requested a waiver to the requirement of installing granite curb at intersection radii. TT does not recommend the PEDB grant this waiver as the installation of granite curbing at intersection radii is standard for subdivisions in Medway and consistency amongst the subdivisions should be maintained. (Ch. 100 §7.10.1)
- 20) Details of the sign installation have not been provided. The applicant should coordinate with Medway DPS prior to installation for town conforming post and sign style. (Ch. 100 §7.20.3)
- 21) The applicant has requested a waiver to the streetlight requirement. TT has no objection to the waiver request due to the length of roadway, lack of sidewalks and proximity to wetlands. (Ch. 100 §7.21)
- 22) The applicant has not provided details of proposed monumentation. (Ch. 100 §7.25.2)
- 23) The applicant has not provided snow stockpile areas. (Ch. 100 §7.27.2)



TETRA TECH

The following items were found to be not in conformance with the MA DEP Storm Water Management Standards, or requiring additional information as it relates to site drainage facilities:

- 24) The proposed infiltration basin is located less than 50' from the proposed septic system on Lot 2. The Massachusetts Stormwater Handbook recommends a general setback requirement of a minimum 50' setback from septic systems.
- 25) There does not appear to be any further sediment removal from stormwater beyond the Downstream Defender water quality unit. The concern is that sediment which is able to bypass the water quality unit will settle in the footprint of the infiltration basin and lower the storage/infiltrative capacity of the system as time passes.

The following items were found to be not in conformance with the Town of Medway Water/Sewer Rules and Regulations:

- 26) The Applicant shall add note "Plumbers and drain layers of established reputation and experience will be licensed by the Board as Drain Layers authorized to perform work." (Article 111-2)
- 27) Water work within the right-of-way should be in conformance with the Town of Medway Water Regulations. A note should be added to the plans for the contractor to coordinate with Medway Department of Public Services representatives prior to start of work. Trenching under existing asphalt in the right-of-way will require controlled density fill as backfill material.

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

- 28) Erosion control is not shown down-gradient of the proposed dwelling located on Lot 2 and may be necessary to maintain sediment on-site during construction.

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

Very truly yours,

Sean P. Reardon, P.E.
Vice President



April 28, 2015
Medway Planning & Economic Development Board
Meeting

Tri Valley Commons Special Permit and
Site Plan Approval Public Hearing

- Tri Valley Commons Traffic Assessment Report dated 12-31-14 and Conceptual Improvement Plan for Route 109 intersection dated 12-22-14, both by Ron Muller & Associates
- Traffic Assessment Report Review Letter by John Diaz, GPI, dated 4-8-2015
- SAC email to Rich Landry dated 4-16-15
- Steve Bouley email re: driveway slope dated 4-17-15
- Follow-up TO DO list from 4-14-15 public hearing – prepared by SAC

REF.: MAX-2014087.00

April 8, 2015

Mr. Andy Rodenhiser
Planning and Economic Development Board
115 Village Street
Medway, Massachusetts 02053

SUBJECT: Traffic Engineering Peer Review
Tri-Valley Commons Development
Medway, Massachusetts

ATTN.: Susan Affleck-Childs

Dear Mr. Rodenhiser:

Greenman-Pedersen, Inc. (GPI) has performed a review of the transportation impacts associated with the revised proposed mixed retail and restaurant development of the 4.54-acre parcel of land located at 72 Main Street (Route 109) in Medway, Massachusetts (herein referred to as the "Project"). This review focuses specifically on the Supplemental Traffic Impact and Access Study (STIAS) prepared by Ron Müller & Associates for Thurken III LLC (the "Proponent") dated December 31, 2014. The Supplemental TIAS was prepared as an update to the June 23, 2014 TIAS. The following documents were received for our review:

- *Supplemental Traffic Impact and Access Study – Tri-Valley Commons; December 31, 2014; Prepared by Ron Müller & Associates.*
- *Project Site Plan – Tri-Valley Commons; dated January 6, 2015; Prepared by Bohler Engineering*

Based on the submitted STIAS, the Project is now comprised of a 16,700 square foot mixed retail and restaurant space. This includes a 6,900 square foot automotive parts store, a 6,300 square foot automotive tire store, and 3,500 square feet of additional mixed retail and restaurant space. The currently proposed site plan reduces the square footage of proposed mixed use sites by 5,858 s.f. A total of 68 off-street parking spaces will support the proposed Project. The development would replace the currently vacant/undeveloped lot. Overall GPI finds the material submitted within the traffic study to be prepared in a manner consistent with transportation industry standards and reasonably evaluates the Project's potential impacts.

In addition to a reduction in overall project size, the current project also relocates the site drive approximately 300 ft. to the east from the previously proposed location opposite the existing Dunkin' Donuts driveway to a location approximately located opposite the Hair Cut driveway.

As the project is a revision to previously proposed project, this peer review includes a reviewed of the September 2, 2014 GPI comment letter to determine which comments and concerns remain applicable to the revised site plan.

Mr. Rodenhiser
April 8, 2015
Page 2 of 5

Based on the submitted information, GPI offers the following findings and recommendations for the Board's review:

Study Area

The study area is the same as previously proposed for the larger scale development and is appropriate.

EXISTING CONDITIONS

Traffic Volumes

The STIAS utilized the same volumes previously used for the previous larger scale project and are acceptable. It should be noted that the September 2, 2014 comment letter from GPI recommended that the Proponent obtain and analyze weekday morning peak hour counts in the vicinity of the proposed driveway.

As was noted in the September 2, 2014 letter, for most cases traffic analysis of the evening and Saturday peak hours for a retail/mixed use development is sufficient. However, the previously proposed location of the site created a fourth leg with the intersection of the existing Dunkin' Donuts driveway on the south side of Route 109. Because of the traffic associated with the Dunkin' Donuts during the morning peak hour, operations of the driveway were a concern.

However, the current plan has proposed to move the driveway approximately 300 feet to the east and now forms a four-way intersection with Route 109 and the *Hair Cut* driveway. Therefore, analysis of the afternoon and Saturday peak periods is sufficient and an analysis of the morning peak hour is not required.

The Proponent has addressed one of the concerns raised in the September 2, 2014 review letter regarding the use of Friday-Monday traffic counts. Based on historical daily traffic volumes obtained in 2012, the daily traffic volumes on a Friday and Monday are consistent with volumes along the corridor during the midweek (Tuesday) period.

Safety Assessment

Sight Distance Evaluation

Sight distance analysis, in conformance with guidelines of the American Association of State Highway and Transportation Officials (AASHTO)¹ was performed for the proposed site driveway for the Project. The Stopping Sign Distance analysis is based on the observed 85th percentile speeds along Route 109 (34 mph in the eastbound direction and 36 mph in the westbound direction), whereas the Intersection Sight Distance analysis is based upon the posted speed limit of 30 mph along Route 109.

GPI has independently reviewed the available sight distance at the proposed driveway and concurs that sufficient sight lines will be provided at the proposed driveway. GPI asserts that the landscaping plan and future signage consider required sight lines for safe access, and especially egress from the site driveway.

¹ *A Policy on the Geometric Design of Highways and Streets*, 6th Edition, American Association of State Highway and Transportation Officials (2011).

Mr. Rodenhiser
April 8, 2015
Page 3 of 5

Vehicle Crash History

As indicated in the September 2, 2014 review letter, the crash review and analysis provided in the original TIAS is sufficient.

FUTURE CONDITIONS

Growth and Background Development

The Proponent has verified with the Town of Medway that no additional developments are proposed within the study area that would impact the project. Therefore, the growth of traffic used for the future conditions analysis in the original TIAS is sufficient.

Planned Roadway Improvements

GPI has recently submitted the 100% Design Plans for the Route 109 corridor to MassDOT. The current design plans include providing a Two Way Left Turn Lane (TWLTL) from the proposed signal at the Medway Shopping Center east to approximately the Charles River Bank driveway opposite the Hang Tai Restaurant. The discussed roadway improvement project was incorporated into the future No-Build and Build analyses, as well as sensitivity analyses presenting impacts both with and without the TWLTL. GPI agrees with this methodology as appropriate, as it presents impacts under all improvement scenarios.

Site-Generated Traffic

As described in the submitted STIAS, traffic anticipated to be generated by the proposed Project were forecast utilizing the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation*² manual for the most appropriate land use code (LUC) associated with the proposed development type. The land uses utilized to determine projected trips associated with the Project were Automotive Parts Sales (LUC 843 – 6,900 square feet), Tire Store (LUC 848 – 6,300 square feet), and Shopping Center (LUC 820 – 3,500 square feet).

Some caution should be exercised in utilizing the LUC 843 and 848 (Automotive Parts Sales and Tire Store, respectively) data sets as a limited number of studies have been conducted for these particular uses. The data for LUC for Automotive Parts Sales is derived from only one study for Saturday peak generator time period and only five studied for the weekend daily and peak generator periods. The data for LUC for Tire Store various time periods are derived from a low number of studies, ranging from only three to 16 studies. However, trip rates associated with the particular land uses (LUC 843 & LUC 848) presented within the traffic study are higher than the general LUC 820 and therefore GPI is satisfied with the use of these LUCs.

Trip Distribution

The STIAS utilized similar trip distributions as the original report which distributed site-generated trips onto the study area network based on surrounding population densities, existing traffic volumes and distribution of

² *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers (ITE); Washington, D.C. (2013)

Mr. Rodenhiser
April 8, 2015
Page 4 of 5

traffic at other area retail uses such as Gould's Plaza. It is expected that approximately 45 percent of the new site traffic will be oriented to/from the west on Route 109, 25 percent to/from the east on Route 109, 15 percent to/from the north on Holliston Street, and 15 percent to/from south on Holliston Street. This methodology is appropriate and standard practice for a development of this type. GPI is satisfied with this approach.

Site Access and Circulation

The Project proposes one site driveway along Route 109 for access/egress for the Project, along with one interconnection driveway providing access/egress from Gould's Plaza parking lot. The location of the proposed site driveway creates a four-legged intersection with Route 109 and the *Hair Cut* driveway.

The currently proposed location eliminates the awkward geometry and turning movements that were previously an issue when the site drive was located opposite the Dunkin' Donuts and the drive now forms a more traditional 4-leg intersection opposite the *Hair Cut* driveway.

It should be noted that one of the integral features of the previous site plan was to provide an interconnecting driveway access between the proposed site and Gould's Plaza. This was an important feature to allow traffic to flow between the two sites without the need for vehicles to access Route 109. In addition, it was a move towards long term goals to try and provide internal access between all the sites on the northerly side of Route 109.

The current site plan does not provide an interconnecting driveway. The interconnecting driveway to Gould's property is a valuable asset to promoting internal connectivity between the retail parcels on the north side of Route as well as reducing the traffic impacts along Route 109. Therefore, we strongly recommend the Proponent reexamine the configuration of the site to incorporate an internal connecting driveway to Gould's Plaza.

With regards to pedestrian circulation and safety, GPI recommends that a sidewalk be constructed along the site access/egress driveway and a crosswalk be provided across the site driveway at the intersection

Parking

The project requires 42 parking spaces and 3 accessible spaces. As currently proposed the project proposes 68 off-street 90-degree angle parking spaces with an additional 3 accessible spaces.

The proposed spaces are 9'x18' parking stalls and do not meet the dimensional requirements of the Town. The Proponent is requesting a waiver in lieu of the required 10'x20' stalls. GPI supports the reduced proposed parking dimensions on the Project.

In order to encourage alternative modes of transportation and connectivity with Medway and abutting residential neighborhoods, GPI requests that dedicated bicycle parking be provided on-site to the satisfaction of the Town.

Mr. Rodenhiser
April 8, 2015
Page 5 of 5

TRAFFIC OPERATIONS

Capacity Analysis

GPI had reviewed the Capacity Analysis of the former TIAS and was satisfied with the assumptions and analysis. The STIAS has provided revised analysis for the site driveway based on the reduced project size and relocation; and stated that there were negligible impacts on the operations of the signals at Holliston Street and the Medway Shopping Center with the previous larger scale development. GPI concurs that the currently proposed development is smaller in scale and will generate fewer vehicle trips; therefore having lesser impact on the surrounding intersections.

CONCLUSIONS

As described in this review letter, as the proposed project is expected to generate fewer vehicle trips than the previously proposed project, the current project will have less impacts on traffic along Route 109 than previously proposed.

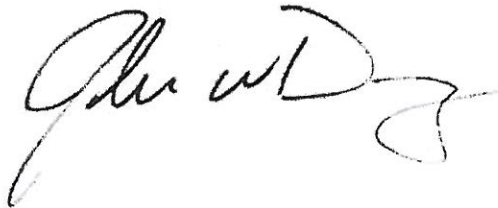
GPI has a few minor comments and recommendations that we feel could enhance the project by providing improved access for vehicles, pedestrians and cyclists.

1. **Site Access:** GPI recommends that a sidewalk be constructed along the site access/egress driveway. A crosswalk should be provided across the site driveway at the intersection of Route 109, as well as just north of the interconnecting driveway to Gould's Plaza.
2. **Site Plan:** GPI recommends provision of an interconnecting driveway between the proposed Tri-Valley Commons site and the existing Gould's Plaza.
3. **Bicycle Accommodations:** GPI recommends providing on-site bicycle parking to provide safe bicycle storage for employees and patrons of the Project.

We hope that this letter aids the Planning and Economic Development Board in their review of the proposed development project. Should you have any questions, or require additional information, please contact me directly at 978-570-2953 or jdiaz@gpinet.com.

Sincerely,

GREENMAN – PEDERSEN, INC.



John W. Diaz, PE, PTOE
Vice President / Director of Traffic Engineering

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, April 16, 2015 10:46 AM
To: 'Richard Landry'
Cc: John Kucich; Andy Rodenhiser ; Matthew Buckley; Gino Carlucci; Sean Reardon ; Steve Bouley
Subject: RE: Tri Valley Commons - Review of Traffic Assessment Report

Hi Rich,

Thanks for your note.

I have reviewed your request to add site amenities and circulation to the discussion for the 4/28 public hearing. I have also looked at the Board's calendar. As you know, we put together the TVC public hearing schedule with a great deal of thought and consideration for timing, scope, and coordination with the DRC.

We are not able to accommodate your request for several reasons.

The DRC is planning to prepare its Letter of Recommendation to the PEDB after you meet with them on 4/27. We want to have the DRC's letter in hand before the Board discusses items other than the TVC traffic report and site access matters, the focus topics for the 4/28 hearing. The PEDB expects to receive the DRC's letter by 5/7. Any sooner than that is just not do-able.

The idea of revising the TVC plans after the 4/28 hearing and discussing those changes with the PEDB at the 5/12 hearing is not workable for us. Any site plan revisions have to be reviewed by Tetra Tech and PGC Associates. We require that plan revisions be submitted to us at least 2 weeks prior to the public hearing when they will be discussed. The timetable you have proposed does not provide sufficient time for the consultants or PEDB members to adequately review the plan changes you will put forth.

The Board is also busy with other development projects plus Medway's annual Town Meeting takes place on 5/11 when the Board has 3 substantive zoning amendments being considered.

For all these reasons, we need to keep to the original TVC schedule we laid out before. Review and discussion of site design, on-site circulation, site amenities, landscaping, and building elevations will take place at the 5/12 hearing.

After the 5/12 hearing, when do you expect you can submit the revised plans to the Board? In looking at our schedule, the soonest the Board could consider revised plans would be 6/9. This is based on the presumption that you would submit revised plans to us no later than 5/26. I can pencil you in for the 6/9 meeting if you like. Please let me know.

Best regards,

Susy

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

155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

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: Richard Landry [mailto:rl@landryarchitects.com]
Sent: Wednesday, April 15, 2015 7:42 PM
To: Susan Affleck-Childs
Cc: John Kucich
Subject: Re: Tri Valley Commons - Review of Traffic Assessment Report

Susy in reviewing this letter I don't think the traffic session will be a very long discussion. I would like to add some other items to the topics of discussion for the meeting on the 28th. Given the traffic consultants may have input on things like circulation we should add site amenities and circulation to that meeting leaving only building design and landscaping for May 12th. We will likely make our changes to the site plans after next meeting. This will allow us to discuss the building design, landscaping and changes at the meeting on the twelfth and tie that in with how those items, our work and concessions made play into the criteria for the special permit all at once.

On Apr 15, 2015, at 4:43 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi,

Attached is the review letter from GPI regarding the TVC Traffic Assessment Report prepared by Ron Muller Associates.

This will be provided to the Planning and Economic Development Board in preparation for the next public hearing on April 28th.

Best regards,

Susy Affleck-Childs

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

Town of Medway – *A Massachusetts Green Community*

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.

<GPI Traffic Assessment Review Letter (2015-4-8).pdf>

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Friday, April 17, 2015 10:55 AM
To: Susan Affleck-Childs; Andy Rodenhiser; Andy Rodenhiser ; Bob Tucker; Bob Tucker; Karyl Spiller-Walsh; Matt Hayes; Rich Di Iulio; Tom Gay
Cc: Gino Carlucci; Reardon, Sean
Subject: RE: Cumberland Farms - Slope Waiver

Hi Susy,

In our opinion these are two completely different situations as a 6% slope is greatly different than a 3% slope as it pertains to drivability in adverse weather conditions as well as entering/exiting the driveway in question. During the review of TVC we thought the designer could grade a 2% slope at that entrance. Route 109 is approximately 6% along the frontage of the TVC site. That coupled with a proposed 6% slope at the proposed entrance will inevitably lead to issues on such a busy roadway/area. Route 126 adjacent to the entrance to Cumberland Farms is generally flat and maneuvers onto and from the roadway didn't appear they were going to be an issue and the waiver appeared to be justified in that case. Please let me know if you need anything further, thanks.

Steve

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Thursday, April 16, 2015 4:03 PM
To: Andy Rodenhiser; Andy Rodenhiser ; Bob Tucker; Bob Tucker; Karyl Spiller-Walsh; Matt Hayes; Rich Di Iulio; Tom Gay
Cc: Gino Carlucci; Bouley, Steven; Reardon, Sean
Subject: Cumberland Farms - Slope Waiver

Hi,

See below for the text from the Cumberland Farms decision re: the waiver the Board granted on the slope of the driveway.

B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

1. **205-3 (C-1)** – The slope of the paved entrance way shall not exceed two percent (2%) for the first 25 feet measured perpendicular from the front property line.

EXPLANATION – *The applicant seeks approval for a 3% slope for the first 25 feet of the paved entranceway off of Route 126/Summer Street. By allowing for a minimally steeper slope, the need for more extensive site blasting is reduced. Steeper slope allows the developed site to be more consistent with the existing topography.*

BOARD ACTION – *The Board concurs that the site can be safely developed without applying the more rigorous slope standard to the access drive off of Route 126. The waiver is granted.*

Susy

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

155 Village Street
Medway, MA 02053

Town of Medway – *A Massachusetts Green Community*

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.

FOLLOWUP ITEMS FOR TRI VALLEY COMMONS

1 **Items discussed at 4-14-15 public hearing. In addition to items specified in the initial Tetra Tech and PGC review letters**

2 Show on the plan the stone wall along Main Street that is to be rebuilt

3 Provide details on materials to be used for retaining wall. Discuss with DRC on 4/27

4 Provide landscape inventory for 2 areas discussed at 4/14 hearing. Identify trees to be saved during site preparation
 - long strip along west of Building A next to Papa Gino's
 - far southeast corner of property

5 Adjust grade for driveway at Main Street. Provide a slope profile. Bring photos of other sites with this extent of slope.

6 Evaluate other lighting in area around driveway/access from Main Street

7 Revise landscape plan to include more trees, shrubs, rocks along edges of storm basin

8 Look at light fixtures for front of site that are compatible with the type/style of fixture being used for the Route 109 project

9 Consider use of LED for lighting

10 Specify how you will leave parcel for Building C if it is not to be constructed at the same time as Buildings A & B

11 Develop a construction schedule/phasing plan

12 Provide an estimate on sewer demand

13 Adjust dimension of some of the parking spaces - 10' wide at end stalls and 20' long next to sidewalks wherever possible

14 Eliminate one parking space near Goodyear to enlarge the area available for a large specimen tree to be used to screen the view of the 7 service bays

15	Provide info on cut and fill estimates
16	Fire truck movement analysis
17	Meet with Route 109 Committee - Wednesday, May 6th
18	Include infrastructure to allow for future charging stations for electronic vehicles
	sac/4-23-15



April 28, 2015

**Medway Planning & Economic Development Board
Meeting**

**Millstone Village – Security Agreement
and Partial Release of Covenant**

- Tri Party Agreement
- Partial Release of Covenant
- Tetra Tech Bond Estimate dated 12-10-2014

Developer Steve Venincasa will attend the meeting. This will be a great opportunity to provide any feedback or share any concerns you have about how the project is going.

Steve has indicated that he will have a Tri-Party agreement signed by his lender and him for you to sign Tuesday night.

Performance Secured by Lender's Agreement

Planning & Economic Development Board – Town of Medway, MA

This agreement is entered into this ____ day of _____, 2015, among the Town of Medway, acting through its Planning & Economic Development Board, (hereinafter referred to as "the Board") with an address of 155 Village Street, Medway, MA 02053, and Millstone Builders, LLC ("Applicant") with an address of 1 Golden Court, P.O. Box 1205, Westborough, MA 0158, and Southbridge Savings Bank ("Lender") with an address of P.O. Box 370, Southbridge, MA 01550, to secure the construction of ways and installation of municipal services on the land shown on an approved Adult Retirement Community Special Permit Plan described below, in accordance with General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws.

WHEREAS, on March 25, 2014, the Board endorsed a Plan of Land dated March 18, 2014, prepared by GLM Engineering of Holliston, MA showing the division of a parcel of land located at 129R Lovering Street, Medway, MA into two lots and Parcels A and B, recorded at the Norfolk County Registry of Deeds in Plan Book 632, Page 76 (hereinafter referred to as "the ANR Plan");

WHEREAS, on June 24, 2014, after a duly noticed public hearing, the Board granted an adult retirement community special permit authorizing the development of an 80 unit active adult residential community at 129R Lovering Street, Medway, MA, recorded at the Norfolk County Registry of Deeds in Book 32460, Pages 332-364 (hereinafter referred to as "the special permit");

WHEREAS, on July 29, 2014, the Board endorsed the Millstone Village Adult Retirement Community Planned Unit Development Plan dated October 15, 2013, last revised July 22, 2014, prepared by GLM Engineering of Holliston, MA showing the development of the above noted Parcels A and B at 129 Lovering Street, as recorded in the Norfolk County Registry of Deeds in Plan Book 632, pages 77 – 79 (hereinafter referred to as "the ARCPUD Plan"); and

WHEREAS the Applicant is the owner of Parcels A and B as further described in a deed recorded in the Norfolk County Registry of Deeds in Book 32460, Pages 303-304; and

WHEREAS, the Applicant has obtained a first mortgage with the Lender dated August 7, 2014 and recorded in the Norfolk County Registry of Deeds, Book 32460, Pages 306-316 covering the land shown on the Millstone Village Adult Retirement Community Planned Unit Development Plan as security for the payment of a note in the principal sum of \$1,740,000; and

WHEREAS, the Board has included a condition #19 in the special permit to secure the construction of ways and installation of stormwater management facilities, utilities, services, roadways, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting and landscaping (hereinafter collectively referred to as "municipal services") in accordance with G.L. c. 41 §81U.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant and Lender hereby bind and obligate themselves, their executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$ _____, and have secured this obligation by the Lender retaining said sum of money from said principal sum otherwise due the Applicant ("Retained Funds") to be used to secure the performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained in the following: the Subdivision Control Law (G.L. c. 41 §§ 81K-81GG); the Board's Rules and Regulations for the Review and Approval of Land Subdivisions applicable to this development; the application submitted for approval of this development; the special permit and all conditions of approval; the recommendations of the Board of Health; the ANR Plan and the ARCPUD Plan;; all conditions subsequent to approval of this development due to any amendment, modification or revision of the special permit, ANR Plan or the ARCPUD Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents: _____ (hereinafter the "Approval Documents").
2. The Applicant shall complete the construction of ways and the installation of municipal services no later than eight years from the date of the endorsement of the ARCPUD Plan. The Plan was endorsed on July 29, 2014, and therefore the required completion date is July 29, 2022.
3. Upon completion of all obligations as specified herein on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the interest in such Retained Funds by the Lender shall be released, and the Lender may disburse such Retained Funds to the Applicant only upon receipt by Lender of a written release from the Board. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in the Approval Documents and within the time herein specified, the Lender shall make available to the Board any undisbursed Retained Funds in accordance with applicable laws, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete construction of ways and installation of municipal services as specified in this agreement. Any unused portion of the Retained Funds together with accrued interest, will be released by the Board and may be disbursed by the Lender upon completion of the work by the Town of Medway.
4. The Lender hereby agrees that none of the Retained Funds retained as security as specified herein shall be disbursed to the Applicant without the prior written release of said funds by the Board.
5. The Board may rescind approval of the ARCPUD Plan for breach of any provision of this Agreement or any amendments thereof. Such rescission shall be in accordance with G.L. c. 41 §81W.
6. The Board shall notify the Lender of any authorized reduction or release of the retained funds that secure this agreement in full or in part. Upon receipt of a written notice of reduction or release, the Lender may disburse the Retained Funds, or portion thereof, to the Applicant.
7. The Applicant agrees and understands that the Board will not release this agreement until the ways and municipal services have been deemed by the Board to be

constructed and installed in accordance with this agreement, which shall include demonstration of adequate construction and installation for six months prior to said release. This agreement does not expire until released in full by the Board.

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

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

IN WITNESS WHEREOF we have hereunto set our hands and seals this ____ day of _____, 2015.

Medway Planning and Economic Development Board

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared the following Members of the Medway Planning & Economic Development Board _____

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

Notary Public
My commission expires: _____

Millstone Builders, LLC

By: _____

Title/Position: _____

Print name: _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ___ day of _____, 2015, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as _____ of Millstone Builders, LLC.

Notary Public

My commission expires: _____

Southbridge Savings Bank

By: _____

Title/Position: _____

Print name: _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ___ day of _____, 2015, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose as _____ of Southbridge Savings Bank.

Notary Public

My commission expires: _____

Release of Covenant
Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that the dwellings and building with the following addresses:

Phase IA

- 2, 4, 6 & 8 Sandstone Drive

Phase IB

- 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 & 24 Millstone Drive
- 17, 19, 21 & 23 Millstone Drive
- 1, 3, 5, 7 & 9 Cobblestone Drive
- 2 Cobblestone Drive (Community House)

to be constructed in the Millstone Village condominium, to be created by Master Deed and recorded at the Norfolk County Registry of Deeds, and being a portion of Parcel A as shown on a plan entitled Adult Retirement Community Planned Unit Development, Millstone Village, Medway, MA prepared dated October 15, 2013, last revised July 22, 2014, drawn by GLM Engineering of Holliston, MA which was recorded with the Norfolk County Registry of Deeds on August 7, 2014 as pages 77 – 79 in Plan Book 632 of 2014, to which reference may be made for a more particular description, are hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in an Adult Retirement Community Planned Unit Development Covenant between the Medway Planning and Economic Development Board and Millstone Builders LLC dated July 29, 2014 and recorded on August 7, 2014 with the Norfolk County Registry of Deeds in Book 32460, Pages 326 - 331. The above noted addresses comprise only a portion of all buildings to be constructed.

Executed under seal this _____ day of _____, 20__.

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

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

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

Notary Public

My commission expires:



TETRA TECH

Bond Estimate
Millstone Village (Phase 1A/1B)
Medway, Massachusetts
December 8, 2014 (Revised December 10, 2014)

One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course-Main Road	360	TON	\$85.00	\$30,600
HMA Top Course-Common Road	87	TON	\$85.00	\$7,395
HMA Top Course-Sidewalk	80	TON	\$85.00	\$6,800
HMA Binder Course-Common Road	145	TON	\$85.00	\$12,325
HMA Binder Course-Sidewalk	112	TON	\$85.00	\$9,520
Gravel Borrow-Common Road	398	CY	\$33.00	\$13,134
Gravel Borrow-Sidewalk	439	CY	\$33.00	\$14,487
Catch Basin	2	EA	\$2,600.00	\$5,200
Catch Basin Hood	18	EA	\$380.00	\$6,840
Drain Manhole	1	EA	\$3,000.00	\$3,000
Frame and Grate	18	EA	\$750.00	\$13,500
Frame and Cover	24	EA	\$700.00	\$16,800
Adjust Castings	42	EA	\$325.00	\$13,650
12" RCP Pipe	92	EA	\$65.00	\$5,980
Guardrail	170	FT	\$20.00	\$3,400
Gas Main-Services	1	LS	\$5,000.00	\$5,000
Electrical Services	1	LS	\$10,000.00	\$10,000
Vertical Granite Curb	928	FT	\$45.00	\$41,760
Cape Cod Berm	2,179	FT	\$6.00	\$13,074
Rehandled Topsoil	368	CY	\$25.00	\$9,200
Seed	1,850	SY	\$2.00	\$3,700
Sight Distance Mitigation	1	LS	\$6,000.00	\$6,000
Line Striping (Binder)	1	LS	\$500.00	\$500
Line Striping (Top)	1	LS	\$2,000.00	\$2,000
Signage	6	EA	\$300.00	\$1,800
Landscaping	1	LS	\$10,000.00	\$10,000
As-Built Plans	2,165	LF	\$5.00	\$10,825
			Subtotal	\$276,490
			25% Contingency	\$69,123
			Total	\$345,613

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2013 - 12/2014.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street – Medway, MA 02053
508-533-3291
planningboard@townofmedway.org

April 27, 2015 – DRAFT

Article 24

Proposed Recodification of the Medway Zoning Bylaw

What is a Zoning Bylaw?

Answer: A municipality's zoning bylaw is a set of regulations which govern land use in order to preserve the health, safety and welfare of the community's inhabitants. A standard component is a map that divides the town into various zoning districts such as residential, commercial, and industrial. Zoning regulations specify the uses allowed in each district, the sizes of lots, standards that must be met for construction, special regulations, and procedures for seeking approval for site plans, variances, and special permits.

Medway adopted its first Zoning Bylaw in 1951. In 1966 and 1968, Town Meeting approved some major changes and the Bylaw was completely recodified in 1975. Since then, Town Meeting has regularly approved a wide variety of amendments including modest revisions, comprehensive rewrites of certain sections, and the addition of completely new sections to reflect changing land use and development practices and standards. The Planning and Economic Development Board (PEDB) proposes and recommends amendments to the Bylaw consistent with the Medway Master Plan to Town Meeting for approval. It also publishes the Zoning Bylaw on an annual basis.

What does it mean to "Recodify" the Zoning Bylaw?

Answer: Recodification is a comprehensive reorganization of the bylaw. It involves the following:

- Reformatting the structure of the document
- Clarifying language
- Eliminating duplication, inconsistencies, and conflicts between sections
- Removing legal conflicts with state law and court decisions
- Making the document easier to navigate, more user-friendly
- Building a better foundation for future amendments

Why has the Planning and Economic Development Board proposed the recodification?

Answer: Medway's existing Zoning Bylaw:

- Has many inconsistencies
- Includes unnecessary duplication and repetition
- Contains definitions and regulations intertwined and scattered throughout
- Includes matters that should be addressed in PEDB (or ZBA) regulations
- Reflects multiple voices – Many different people have written the bylaw over the years and the style varies considerably
- Contains provisions that are unenforceable as currently written
- Is not user-friendly for residents, property owners, developers, attorneys, and engineers.

How is the proposed recodified Zoning Bylaw organized?

Answer: The recodified bylaw will have 8 sections:

- Purpose & Authority
- Definitions
- Administration – Variance and Special Permit Review Process, Site Plan Review, Enforcement/Violations/ Penalties
- Establishment of Districts
- Use Regulations – Table of Uses, Prohibited Uses, Overlay Districts, Non-Conforming Uses
- Dimensional Regulations – Table of Density & Dimensional Regulations
- General Regulations – Parking, Lighting, Signs, Environmental standards
- Special Regulations - Infill Housing, Accessory Dwellings, Home-Based Business, Open Space Developments, Adult Retirement Communities, Affordable Housing, Wireless Communications Facilities, Small Wind Generation, Registered Marijuana Dispensary

How is the proposed recodified Zoning Bylaw different from the current Bylaw?

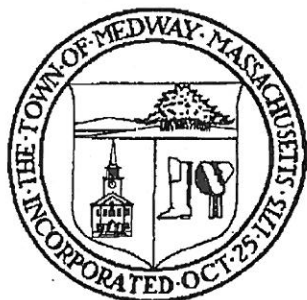
Answer:

- Focuses on clean-up, clarity, and improved format
- No land use policy changes
- Some administrative changes in order to make permitting procedures clearer and to provide for more rigorous enforcement of zoning violations
- What you can do with your land today you can still do tomorrow
- No changes to the zoning map

We ask for your support on Article 24.

Thank you!

2015 MEDWAY ANNUAL TOWN MEETING



ARTICLE 25
Multifamily Zoning
A Closer Look

Everyone could stand to benefit from a move toward less traffic, cleaner air, upgraded properties, improved neighborhoods, repurposed historical sites and increased tax revenues.



A more highly detailed map of the limited areas of town containing qualifying properties is available on line at:
http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/bylaw

Medway's Board of Selectmen, Planning and Economic Development Board and Affordable Housing Groups recommend passage of Article 25 of the 2015 Annual Town Warrant allowing for the Special Permitting of properties with 3 or more dwelling units in well-defined areas near commercial districts.

SUMMARY

Article 25 on the warrant for the May 11, 2015 Town Meeting proposes to amend the Medway Zoning Bylaw to allow for the limited development of multifamily housing in well-defined sites located within walking distance of the Town's commercial districts. The bylaw contains strong provisions granting the Planning and Economic Development Board special use permitting authority to assess the suitability of each proposal's size, type and specific location within the surrounding community.

This bylaw proposal was developed and is sponsored by the Medway Planning and Economic Development Board and is supported by the Board of Selectmen and the Medway Affordable Housing Trust.

What is a "special use" permit?

After public hearings and site plan review, a special permit, in contrast to "zoning by right," allows for uses that a community wants and needs but which benefit from extra safeguards and conditions to ensure the uses are suitable in a given location.

What is "Multifamily" Housing?

"Multifamily" refers to a building or buildings intended and designed to be occupied by more than two families living independently in separate dwelling units.

The term as used in this proposal includes both owner-occupied dwellings and rental apartments.

Multifamily residences can be organized as a series of attached townhouses, an apartment building, or a large house or older industrial structure that is renovated and/or expanded for multiple dwellings

The proposed amendment includes safeguards to ensure proposals suit their location.

1. It clearly defines conditions and locations allowing multifamily housing.
2. It requires a lot to have at least 50 feet of frontage and proximity to an existing street supplied with town water and sewer.
3. It includes a requirement for 15% open space and 1.5 off-street parking spaces/dwelling unit.
4. It limits density to 12 dwelling units per acre. There are options allowing additional units to encourage renovation of buildings older than 75 years, substantial interior renovation, high quality exterior renovations, and the provision of 25% affordable units to help the Town reach its 40B requirements. In the rarest of cases, the density could equal 20 units/acre.
5. It sets maximum limits of 12 dwelling units in a single building and 40 for any single project.
6. The absolute total of multifamily dwellings allowed to be built in town equals 5% of the number of detached single family homes in Medway. (*Note – as of 1-1-15 Medway has 3,686 detached single family homes thereby limiting multifamily dwelling units to 184*)

A detailed map showing the limited areas of town in which qualifying properties can be specially permitted as multifamily is available on line at:

http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/bylaw

MULTI-FAMILY ZONING Q & A

Q. How will multifamily housing effect housing stocks?

- A. Homeowners and builders benefitting from the ability to build more densely within proscribed areas could afford to build smaller dwellings and rental apartments, two badly needed additions to Medway's menu of housing options. All demographic indicators project steady growth in the areas surrounding Boston. Smaller, denser housing can absorb influxes in population without sacrificing large tracks of open space. And by allowing workers greater proximity to their jobs, multifamily living tends to reduce net energy consumption while best accommodating changing life styles and serving an anticipated uptick in smaller, older households.

Q. How will increased housing opportunities benefit the residents of Medway?

- A. Everyone would benefit from a move toward less traffic, cleaner air, upgraded properties, improved neighborhoods, repurposed historical sites, and increased tax revenues. *(See page 4 for illustrative stories.)*

Many people will benefit from having more smaller-scale, less expensive ownership options and rentals:

Families facing situations such as divorce, death of a family member, or disability;

Senior residents who are looking to downsize;

Adult children who are starting out on their own;

Employees of local businesses forced to travel from towns outside of Route 495;

Businesses benefiting from larger employee and customer bases;

Property Owners of eligible homes in decline who can get conversion financing.

When properties are revitalized, neighborhoods are improved, and tax values increase.

Some buildings with historic value could be repurposed and saved for future generations.

Related improvements to existing buildings would likely increase tax revenue to the town.

Q. Won't multifamily housing units raise the cost of our schools?

- A. Most apartments, condos and other ownership units will house seniors, single adults, or couples without children. Data and real-life history shows increases in student population are not the driving cause of increases of school budgets.

Q. What if I live near a property that's being converted to multifamily? How will that impact me and my property?

- A. Through the Special Permit process, the town's Planning & Economic Development Board will have site plan approval. Throughout the review process, improvements to the property that will be in the best interest of the surrounding area will always be a priority, including: building vs open space layouts, landscaping on the property to aid in sound and light buffering. It is likely that the improvements made will improve the condition of the property resulting in higher property values.

Q. Do neighbors and town residents have a voice in the special use permitting process?

- A. The review process requires public hearing with advance notice being delivered to abutters and advertised to the public.

MULTI-FAMILY ZONING

True-to-Life Stories of Who Will Benefit



Individuals and Families Impacted by Unexpected Circumstances -

Divorce: Karen and John are going through a divorce.

They have three children and have lived in Medway since before their children were born. Their parents all live out of state. They have built a support network over the past 15 years through relationships with neighbors, work friends, and parents of their children's friends. Their goal is to disrupt their children's lives as little as possible, keeping the children enrolled in the schools they know and activities they love, while maintaining relationships with friends in town. Both parents would like to continue to live in Medway - ideally, in a condo with room for their children and little exterior maintenance for Karen, and an appropriately sized apartment for John. After selling their home, they are unable to find housing that meets their needs. Karen buys a smaller home and John rents an apartment two towns away. The children's access to friends is limited and getting to and from activities is a tremendous challenge. John must drive 12 miles each way on the days his children stay with him to bring them to school in Medway. Without the housing choices multi-family housing typically provides, this is their best option.

Death of a Spouse: Sarah and David have been married for 20 years, when Sarah unexpectedly passes away after a brief illness. Sarah had insufficient life insurance, and with a son in college, Dave is unable to continue to afford the mortgage and expenses on his 4 bedroom colonial home on a single income. He has lived in Medway since he and Sarah married and he doesn't want to relocate. His extended family lives in the area. His work is close by and he is very active in his church. His friends are here. Without additional multi-family housing, what options does Medway offer him?



Longtime Residents Just Starting Out or Hoping To Live Out Their Golden Years Here -

Adult Children of Medway Residents: Jen, the oldest of four children and a third generation Medway native, graduated from college four years ago and is working for the family business in town. She would really like to live in Medway in her own apartment, but there are no one- or two- bedroom units that fit her budget while she's paying back her student loans. So

her option is to continue to share a bedroom with her younger sister in her childhood home, or rent an apartment in Attleboro and commute back and forth to work every day. What other affordable options does she have to stay in Medway and live independently?

Seniors who are unable to maintain their homes:

Grace has lived in town for 75 years and is 82 years old, and a recent widow. Although she is in good physical and mental health, she can no longer maintain her 1890 farmhouse and property. She'd like to live in her own condominium or apartment in town. Without additional multi-family housing options, how can she stay in Medway?



Owners of Large Homes in the Village Area Who Hope To Convert into Ownership or Rental Housing Units -

Joe's family has been in Medway since the early 1800s and he inherited a large single family home that has been in the family for more than a century, but hasn't been lived in for the past 10 years. The home is in need of significant repair. It is becoming an eye-sore in the neighborhood and an attractive nuisance to vandals. The siding is in disrepair, some shutters are missing, the roof is leaking and some windows are broken. In addition to an exterior overhaul, needed improvements include major electrical system, plumbing & HVAC upgrades, as well as asbestos removal. It is not financially feasible to finance the cost of repairs, then sell it as a renovated single family. He's done the analysis and the only way to make these improvements is to convert the home into 3 - two bedroom units. Currently, there is no provision in Medway's Zoning Bylaws to allow this. So the property sits in disrepair. Multi-family zoning will provide the solution he needs. Joe can obtain financing and complete all the renovations. The property value will increase significantly generating additional taxes for the town. Neighbors are happy because the attractiveness of their neighborhood is drastically improved. Everyone wins.

For more information...

http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/bylaw

Or contact: Susan Affleck-Childs
Planning & Economic Development Coordinator
(508) 533-3291

sachilds@townofmedway.org



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street – Medway, MA 02053
508-533-3291
planningboard@townofmedway.org

Draft – April 27, 2015

Article 26

Proposed Amendment to the Medway Zoning Bylaw Establishment of the Business Transition Zoning District

What is the proposed Business Transition Zoning District?

Answer: The proposed new zoning district would provide opportunities for small-scale and minimally invasive business uses in areas located between residential and commercially zoned districts. It would allow for office uses, personal care services, and consumer services by right. No retail uses or drive-thru uses would be permitted.

Where is the proposed Business Transition Zoning District?

Answer: The proposed area for this new district includes 6 parcels that are adjacent to the existing Commercial V district at the intersection of Milford and Summer Streets. The parcels are presently zoned as Agricultural Residential II and under the proposal, they would be rezoned to Business Transition. *See attached map.*

Why has the Planning and Economic Development Board proposed the Business Transition District?

Answer:

- To offer more locations in Medway for economic development & growth
- To carry out the goals and objectives of the Medway Master Plan
- To respond to the requests of the 6 affected property owners to have their land rezoned to allow for commercial uses.
- To encourage investment in presently vacant properties and prevent further decline.

How is Article 26 different from previous proposals?

Answer:

- The previous proposals were to rezone these properties to Commercial V. The allowed uses in the new district are more limited than those in Commercial V.

- The proposed new district was developed based on feedback received after the Board's prior efforts to rezone these parcels from AR-II to Commercial V.

How will the abutting residential properties be protected?

Answer:

- Any development project to be constructed is required to go through the site plan review and approval process with the Planning and Economic Development Board.
- The bylaw language establishes a large rear setback from adjacent residential properties and includes significant requirements for landscape buffering.
- Buildings are required to be designed to have a residential character and be consistent with the *Medway Design Review Guidelines*.
- The limited scope of allowed uses will have less impact on abutting residences.

We ask for your support on Article 26.

Thank you!

DRAFT



Doherty, Ciechanowski,
Dugan & Cannon, P.C.

124 Grove Street, Suite 220
Franklin, MA 02038
TEL. NO. (508) 541-3000
FAX NO. (508) 541-3008

Paul Kolovos, Esq.
pak@dcclaw.com

April 28, 2015

VIA CERTIFIED MAIL –
RETURN RECEIPT REQUESTED

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

Mr. Robert K. Tucker, Vice-Chairman
Planning & Economic Development Board
155 Village Street
Medway, MA 02053

Mr. Thomas A. Gay, Clerk
Planning & Economic Development Board
155 Village Street
Medway, MA 02053

Ms. Karyl Spiller-Walsh
Planning & Economic Development Board
155 Village Street
Medway, MA 02053

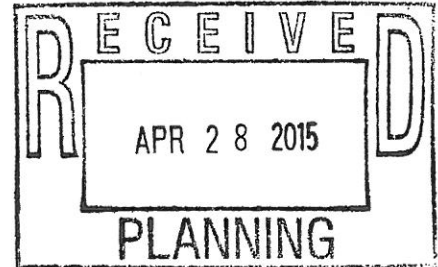
Mr. Rich Di Iulio, Associate Member
Planning & Economic Development Board
155 Village Street
Medway, MA 02053

Re: Paul Rivard/Forest Road at Hidden Pines Subdivision

Dear Members of the Planning & Economic Development Board:

This firm represents Mr. Paul Rivard ("Mr. Rivard") who posted a bond for Forest Road at Hidden Pines subdivision in Medway.

Mr. Rivard completed the road work over twenty-three years ago, at which time a significant amount of the bond was released to Mr. Rivard. However, the Town has not released any monies since. I have been informed by Mr. Rivard that the remaining balance on the bond is Seven Thousand Dollars (\$7,000.00).



* ownership of road
* timing of process

Mr. Andy Rodenhiser, Chairman, et als

April 28, 2015

Page 2

Mr. Rivard has also informed me that he has made multiple attempts to request that the remaining amount of the bond be released and the Town has yet to do so. Please consider this letter a demand pursuant to Massachusetts General Law, Chapter 41, §81U for immediate return of the bond to Mr. Rivard.

If you would like to discuss this matter further please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul Kolovos', with a stylized, sweeping flourish at the end.

Paul Kolovos

PAK/MPD/bcs

cc: Mr. Paul Rivard

Ms. Susan Affleck-Childs, Coordinator (*Via Email and First Class Mail*)