

**June 23, 2015 Meeting
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Gino Carlucci, PGC Associates
Steve Bouley, Tetra Tech
Amy Sutherland, Meeting Recording Secretary

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

Chairman Rodenhiser announced that Karyl Spiller-Walsh was participating remotely for this meeting. **(See Attached Remote Meeting Participation Request which the chairman had signed.)**

Design Review Committee Appointment:

The Board is in receipt of the resume from Lisa Graves. **(See Attached)** Lisa is interested in serving on the Design Review Committee.

The Board was made aware that Lisa Graves was recruited for the position on the DRC by outgoing DRC member Rod MacLeod. Lisa is currently a graphic artist and has a family background in sign design and fabrication. She has attended a DRC meeting and was well received by the committee.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call vote to appoint Lisa Graves to the Design Review Committee through June 30, 2017.

Roll Call:

Bob Tucker aye
Matt Hayes aye
Karyl Spiller-Walsh aye
Tom Gay aye
Andy Rodenhiser aye

Susy informed Lisa that a formal letter will be sent with official appointment and she will need to be sworn in by the Town Clerk.

Willows at Medway ARCUD – Plan Review Fee Estimates

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

- Application completeness review letter dated June 18, 2015 prepared by Gino Carlucci.
- PGC Associates plan review estimate dated June 18, 2015 for \$1,472.50.
- Tetra Tech plan and traffic study review estimate dated June 18, 2015 for \$18,444

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call vote to accept the consultants' estimates as presented.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

Susy Affleck-Childs announced that the public hearing for the Willow will start on July 14, 2015.

The applicant has met with DRC several times on a pre-application basis and is also planning on going to their next meeting on Monday, July 6, 2015.

Consultant Carlucci has provided a Completeness Review Letter and noted that a few elements are missing from the Project Narrative. Those are forthcoming from the applicant.

The Board discussed having the topics for discussion at the public hearing be as follows:

- Site Plan and stormwater the same night
- Traffic would be separate night
- DRC could do an initial list and create a work list for review and refinement.

Tri Valley Commons - Public Hearing Continuation:

The Chairman opened the continued hearing for Tri Valley.

Present were: Richard Landry, applicant
Richard Cornetta, attorney
John Bernadino, Bohler Engineering

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

- Revised draft decision dated June 22, 2015
- Email from the applicant's civil engineer John Kucich dated June 23, 2015
- Email from the applicant's traffic engineer Ron Muller dated June 23, 2015

- Copy of draft meeting minutes of the June 18, 2015 Route 109 Committee meeting provided by DPS Deputy Director Dave D'Amico
- Request for waiver from *Site Plan Rules and Regulations* re: wheel stops.

Susy Affleck-Childs announced that the draft decision had been sent to all members, applicant, and Town Counsel. The comments from our town counsel have been incorporated into the draft which the Board has them.

Attorney Richard Cornetta indicated that they have some minor edits which they would like to discuss.

The first item discussed was in relation to the turning radii analysis. This was referenced in an email from Ron Muller, the traffic engineer for the applicant. The email from John Kucich, site engineer for the applicant, indicates that the town does not have specific standards relative to driveway width and radii. It was further indicated that the driveway width in question exceeds Mass DOT's requirements. Mass DOT generally requires a 24 foot driveway width with a 30 ft. curb turn for a commercial driveway. This project has a driveway width of 28 ft. The email from Ron Muller concurred and he further noted that Mass DOT understands that delivery vehicles will have to cross the centerline of the driveway to make the turns. He is not concerned with this as deliveries are infrequent and happen during off peak hours.

Rich Landry indicated that there would likely be problems with a wider driveway which include a longer travel path for pedestrians to cross over; the introduction of undefined travel lines due to the excessive width; and increased speeds entering the site due to the larger paved areas.

Consultant Bouley agreed and noted that the time of deliveries could be addressed within the conditions for the decision.

Rich Landry further added that the trailer truck deliveries for Advance Auto Parts are very infrequent being once a week. The smaller box trucks will be used for almost everything else.

The email from Dave Damico was referenced. The concern is that the Rt. 109 Committee recommends a wider entrance or at least a change in the radii. They are concerned about traffic backing up on Route 109.

Member Hayes asked if the opening will be able to handle larger trucks that may need to access the remaining portion of the site when it is developed.

The Chairman responded that this would need to be addressed at the time of that potential submittal.

Member Tucker responded that it is premature to discuss future development since there is no application and this current project meets DOT standards.

The Chairman asked if there was any new information to present. The applicant indicated that there was no new information to present.

Attorney Cornetta wanted to provide his comments regarding the draft decision. The following was recommended:

- Page 2: The square footage of the buildings was updated.
- Page 8: #8: regarding “fully protected by an automatic sprinkler system and fire alarm. The Attorney indicated that they will comply with the fire code but how this is worded is not true for certain locations. He recommends taking out the last sentence.
- Page 8: #10 -The main access drive is 28 ft. not 26 ft.
- Page 10: #17 - It was recommended to add a sentence to protect the legal arrangement which would include the maintenance and access. This should also be added to paragraph 22 at end of page 11.
- Page 11: #22 - Include the word “pedestrian” and remove “vehicular”
- Page 11: #23, #30 - Take out the word “pedestrian”
- Page 16 #3 re: tree replacement number of trees and shrubs - include 36 trees and 250 shrubs. Recommended deleting last sentence.
- Page 19: (b) Construction Oversight: Attorney Cornetta noted that the applicant paying for construction services prior to plan endorsement is problematic. They would propose instead to pay the construction fee in advance of construction. Most lenders want to see the plan endorsed before they lend. The Attorney would like to add language that no construction can begin until funds are paid.

Bob Parrella, Charles River Bank, concurs with the Attorney.

Susy Affleck-Childs indicated that this is different from the Board’s standard policy to require payment of the construction observation fee before plan endorsement.

Rich Landry responded that he has the money, but he wants assurance from the Town that no funds will be released.

The Attorney asked if it could be conditioned that prior to commencement of any construction on site that money will be put aside and the Town could go to the building commission to enforce the provision since this is a special permit.

Other changes were discussed:

- Page 20 (f) suggested adding language re: no additional cost to applicant.
- Page 21 (G, #1, #5) add temporary storage of property intended
G. outside display #1 and #5 mentions outside of storage... added exception temporary storage

Rich Landry explained that the new tire store tenant handles their own tire scrapping. They will be dropping off a trailer and over time it will fill up and it will be taken away with another trailer provided. This is something different than how Goodyear was going to handle old tires.

The DRC has not seen this since it is new. This would be modification after the permit is written.

The Chairman responded that we cannot approve what we have not seen or something the DRC has not commented on. This could be covered in a modification.

Member Tucker noted that this would mean a dumpster. A dumpster is a container.

The Attorney would like to add special language to provide flexibility.

- Page 23 S. future vehicle (add same language as previous sections)
- Page 25 (F) Project Completion – add language about the development of Building C at a later date and may not be built within two year time period.

The Board agreed that buildings A & B could be completed in two years and C at a later date.

Rich Landry included a phasing plan in the plan set dated June 9, 2015.

The Board is fine with not giving any specific number of years to complete Building C.

Susy reviewed her revisions:

- Page 21 lighting (2) Take out reference for fueling store etc.
- Page 21 (H) hours for deliveries tractor trailer: 7:00 am – 9:00 4:00 – 7:00 pm.
The applicant is asking for an additional waiver

Additional Waiver Request

Waiver: Section 205-g.3.b Wheel Stops:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call to approve waiver for the wheel stops as written in the draft decision.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

Findings:

Page 6: It was recommended to take out the word slope. .

Conditions:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call to accept the conditions for Tri Valley Commons.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

Special Permit VOTE:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call vote to accept the special permit as modified for Tri Valley Commons.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

Site Plan VOTE:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call vote to accept the site plan for Tri Valley Commons.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

Close Public Hearing:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously by roll call vote to close the public hearing for Tri Valley Commons.

Roll Call:

Bob Tucker	aye
Matt Hayes	aye
Karyl Spiller-Walsh	aye
Tom Gay	aye
Andy Rodenhiser	aye

NOTE - Member Spiller-Walsh exited the conversation and meeting at 8:28 pm

Master Plan Implementation Status:

Jim Wieler was present to review the status of the 2009 master implementation plan action items. The Board is in receipt of a table listing all of the items from the 2009 Medway Master Plan that had been assigned to the PEDB/office. Susy has provided status comments in a document dated June 18, 2015. (**See Attached**) She noted that in some communities there is a master plan implementation committee which is charged with working to encourage those to whom an implementation action item is assigned. This might be considered for the next go-around.

Jim noted that there has been significant progress made, but he is trying to determine how to summarize and identify what needs to be worked on and what items are closed. In the future it is important to focus on the alignment of goals by making them more specific and targeted. Some action items appeared more than once for different groups. There are some items which need clarification and are not relevant now. Jim explained that the next task is to edit and merge all comments. Jim is planning on setting up a time to meet with the Medway Redevelopment Authority. Jim will set up another time to meet with the Board once all the information is merged with responses.

Millstone Village ARCPUD

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

- Proposed REVISED development phasing plan by GLM dated 6-12-15 consolidating everything into two phases.
- Proposed amendment to lender's agreement with Southbridge Bank with adjusted amount of performance security to \$470,596.
- Tetra Tech bond reduction for Phase 1A and 1B dated May 5, 2015.
- Tetra Tech bond estimate for former phase 4 dated May 5, 2015
- Proposed partial release of covenant
- Tetra Tech construction services estimate dated June 23, 2015 for \$10,195 for the rest of newly designated phase 1 area (formally phase 4)
- Email to Steve Venincasa dated 5-5-15 from Susy Affleck-Childs
- Email from Bridget Graziano dated 6-23-15 re: recent site visit.

Mr. Venincasa was present and wanted to make the Board aware that the project is moving along. He presented to the Board an amendment to the tri party agreement which reflects changes to the original bond amount. The new proposed amendment to the lender's agreement with the Southbridge Savings Bank results in a revised bond amount of \$470,596. This is a result of a bond reduction for the former Phase IA and IB with an increase to cover what had originally been Phase 4. It is his intent to simplify the phasing plan from five to two.

The biggest problem with the project has been with getting electrical service to the site. There are four units served by above ground electricity and the rest will be served by underground electricity. The applicant is in the process of purchasing the electrical pipe.

The Chairman indicates that it is his understanding that there is a requirement that all electrical be underground.

Mr. Venincasa responded that he would need to ask for a waiver for those four units since he has already moved this twice. It has been a true hardship.

Susy Affleck-Childs will follow-up regarding the requirement for underground utilities.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to approve the revised phasing plan as indicated on the plan dated June 12, 2015.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to approve the proposed amendment to the lenders agreement with Southbridge Savings Bank in the amount of \$470,596.

The Board signed all three tri party agreements.

The discussion then moved to the partial release of covenant for the construction of ten additional units in the revised Phase I. Susy Affleck-Childs recommended the Board not sign the partial release of covenant until the various construction matters are addressed to the satisfaction of Tetra Tech. Those include the following:

- Drainage System in Phase 4 has not been completed. Cultec leaching area 3P has not been installed.
- As-Built plans for drainage basin 1P (phase 1) have not been supplied.
- Street name signs and regulatory signs have not been installed throughout phase 1A/1B and Phase 4.
- Stop line and work “Stop” have not been painted.
- Sidewalk binder has only been partially completed in phase 1A/1B and is missing from phase 4.

Mr. Venincasa responded that in regards to drainage, this will be done by the end of the week and the material is on site. The as-built plans process was started four months ago and they were delivered to Conservation Commission today. The street signs have been ordered and need to be installed. He will check the status of this item. Mr. Venincasa believes that the stop line painting has been completed.

Susy indicated that there was a memo from Conservation Agent Bridget Graziano which indicated that there is a problem with the scale on the as-built plans. Another issue brought up is that the area staked in the field for one of the units is 80 square feet larger than the originally approved plan. It was also brought up that some of the footprints are bigger than originally approved. She is concerned if this occurs throughout then the stormwater data may not hold up.

Consultant Bouley will check the plans and provide a revised bond estimate.

Susy Affleck-Childs informed the Board that Mr. Venincasa owes the Town for the payment in lieu of sidewalk construction in the amount of \$11,562. This was to be provided prior to the first occupancy permit being issued.

Mr. Venincasa provided a check for \$11,562.

The second item involved the original scenic road work permit in which Mr. Venincasa is required to pay the Town \$2,500 for trees to be planted at the small park at Winthrop/Partridge. An invoice from Weston Nurseries for \$2,495 was sent to Mr. Venincasa on June 11, 2015.

Mr. Venincasa provided a check in the amount of \$2,495.00

The second scenic road work permit required plantings to be installed on Betty Vernaglia's adjacent property by June 30, 2015. Mr. Venincasa requests that the Board modify the second scenic road permit to extend the planting deadline until October 30, 2015.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to provide a modification to the second scenic road permit to modify the deadline for installation of plantings until October 30, 2015.

Millstone would like to be placed on the next agenda for July 14, 2015 for the Partial Release of Covenant.

Susy informed the Board that she had emailed Mr. Venincasa an additional estimate from Tetra Tech in the amount of \$10,195.00 for construction services for the newly revised Phase I area.

Mr. Venincasa provided a check in the amount of \$10,195.00

The Board did not take any action on the release of covenant. It will be discussed at the next meeting.

Multifamily Housing Special Permit Application/Filing Fees:

The Board is in receipt of a memo from Susy Affleck-Childs dated June 2, 2015. (See Attached)

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to accept the multi housing special permit application filing fees as presented with the amended language that the fee applies to developments of up to four units.

Village Estates Subdivision:

The Board was made aware that Tetra Tech has reviewed the information presented to endorse the Village Estates Subdivision dated May 19, 2011. (See Attached)

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to endorse the plan for Village Estates.

(See Attached).

The Board reviewed the proposed Subdivision Covenant

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to sign the subdivision covenant for Village Estates.

NOTE – The Board signed both the plan and the covenant.

Norwood Acres:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to endorse the modification plan for Norwood Acres as presented.

Coordinator's Report:

- There is a Scenic Road permit application from DPS relating to the Rt. 109 project. This is set for a public hearing August 11, 2015.
- The Willows public hearing will start July 14, 2015. The abutter notice will be sent out Thursday June 25, 2015.
- There is a Site Plan filing for John's Auto Body at 25 Jayar Road. The public hearing will take place July 28, 2015. (Member Tucker will not be present and will need to do a Mullin's Rule Certification).
- Susy will attend the Energy Committee Meeting on July 15, 2015. The topic of discussion will be ground mounted solar. (Member Tucker suggested that a visit be done at the intersection of Speen Street near Mass Pike in Natick.
- There will be a joint meeting with the Board of Selectmen on July 6, 2015. This is in regards to the possibility of a new industrial building on Marc Road.
- There will be a joint meeting with Design Review Committee on July 8, 2015 to look at the proposed new Design Guidelines.
- Susy will be setting up a meeting with the Board with Building Inspector Jack Mee, Gino Carlucci and Stephanie Mercandetti to discuss zoning.

Minutes:

The minutes from June 9, 2015 will be held over until the next meeting.

Fill vacancy PEDB:

Karyl Spiller-Walsh has resigned her position on the PEDB effective June 30, 2015.

Associate Member Rich Di Iulio is interested in serving as a member on the PEDB to fill that vacancy. This appointment would be until the election in May 2016.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to recommend the appointment of Rich Di Iulio to the PEDB to serve until the May 2016 election.

Note – The Board of selectmen also has to make this appointment. Susy will contact the BOS office to schedule an agenda item at the next BOS meeting on July 6th.

Other Matters

The Chairman wanted to make the Board aware that one of the new trees at Cumberland Farms is dead. Susy will follow-up.

Future Meetings:

- Monday, July 6, 2015 with Board of Selectmen
- Special Meeting - Wednesday July 8, 2015 with the DRC at the library
- Regular Meetings - Tuesday July 14 & 28, 2015

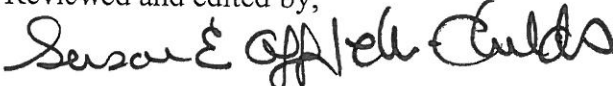
Adjourn Meeting:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:32 pm.

Respectfully Submitted,


Amy Sutherland
Recording Secretary

Reviewed and edited by,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



Town of Medway

Remote Participation Request

I, Karyl Spiller-Walsh (print name), hereby request to participate remotely at the meeting of the Planning (Board/Committee/Commission) to be held on June 23, 2015 (date). I certify to the Chair that my absence is the result of one or more of the following factors which make my physical presence unreasonably difficult:

- (1) Personal Illness or Disability
- (2) A Family or Other Emergency
- (3) Military Service
- (4) Geographic Distance (Employment / Board Business)

Explanation: personally unable to attend

During the meeting, I will be at the following location:

168 Holliston St
Address

508-533-8448
Phone Number

Karyl Spiller-Walsh
Signature of Member

6/15/15
Date

Please sign and return to Chair

Request received by Andy Radenhorst
Chair (please print)

6-23-15
Date

Method of Participation speakerphone (e.g. speakerphone)

Request Approved Request Denied*

[Signature]
Signature of Chair

6-23-15
Date

Signed form to be appended to the meeting minutes.



June 23, 2015
Medway Planning & Economic Development Board
Meeting

Design Review Committee Appointment

- Resume of Lisa Graves

Lisa was recruited by outgoing DRC member Rod MacLeod to consider becoming involved with the DRC. Lisa is a graphic artist and has a family background in sign design and fabrication. She attended the 6-15-15 DRC meeting and was well received by the group. I believe she will be a wonderful new addition to the DRC team. Lisa will attend the PEDB at 7 pm so you can meet and speak briefly with her.

ACTION – I recommend the PEDB appoint Lisa Graves to two year term on the Medway Design Review Committee through June 30, 2017.

Approved

lisa graves | 16 holliston street | medway, massachusetts 02053 | 508.321.1438

www.lisagravesdesign.net
lisagraves1@me.com

experience

february 2010 to present
creator | historywitch.com
medway, massachusetts

author and illustrator of history blog with over 6000 followers showcasing painted profiles and bios of various women in history. weekly posts have a reach of 10,000 or more

published author and illustrator of the Women in History series through Xist Publishing

school visits and lectures on books, history, and illustration

february 2005 to present
illustrator | lisagravesdesign.com
red hook, new york/medway, massachusetts

gift/product development, textiles, trends, branding programs, marketing programs, media installations, logos, illustration, art installations, environmental design, stationary, menus, and signage

march 2005 to january 2015
freelance art director | Trendspot, formerly Lee's Pottery
san bernardino, california

product development illustration: planters, windchimes, garden decor, tabletop, textiles, furniture, accessories, trend reports, trade show reports, color research, package design

march 2009 to july 2013
freelance art director | experient
chicago, illinois

environmental design, corporate ID, marketing campaigns, product development, brochures, sell sheets, retail packaging, trends, graphic standards, visual presentations, concept development

published works

september 2013, *History's Witches, an Illustrated Guide*. Xist Publishing, non-fiction ages 7 to 15. author/illustrator

may 2014, *Trail Blazers, an Illustrated Guide to the Women Who Explored the World*. Xist Publishing, non-fiction ages 7 to 15. author/illustrator

february 2015, *Her Majesty, An Illustrated Guide to the Women Who Ruled the World*. Xist Publishing, non-fiction ages 7 to 15. author/illustrator

november 2015. *Women of Faith*. Xist Publishing, non-fiction ages 7 to 15. illustrator

november 2015. *The Tudor Tutor*. Skyhorse Publishing, non-fiction, adult. illustrator

TBD 2016. *Deconstructing History, One Bite at a Time: Medieval Celebrations*. Skyhorse Publishing, non-fiction, all ages. co-author and illustrator

websites

historywitch.com
lisagravesdesign.com
facebook.com/historywitch
facebook.com/lisagravesdesign

PGC ASSOCIATES, INC.

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

June 18, 2015

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

RE: THE WILLOW ARCPUD PLAN

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed ARCPUD special permit plan submitted by Continuing Care Management, LLC of Westborough. The owner is Charlotte Realty LLC, of Sharon.

The proposal is to construct a complex for persons over 55 consisting of 56 detached independent living cottages, 15 independent living cottages attached to the main building, 56 apartments in a common building along with 60 assisted living units and 40 memory care assisted living units. Also included is pavilion and a medical office building along with walking paths, open space, parking, drainage, landscaping, etc. The plans were prepared by Coneco Engineers and Scientists of Bridgewater (engineers), CI IA of Keene New Hampshire (Landscape Architects) and Dario Designs of Northborough (Architects), and are dated June 12, 2015.

The property is located Village Street in the Agricultural-Residential II zoning district.

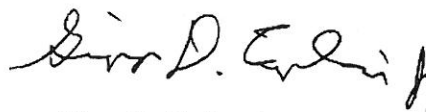
Task

Hours

Technical review and comment on initial submittal	4.5
Attendance at Planning Board meetings/hearings	6.0
Review and comment on revised plans	2.0
Review and comment on draft special permit decision	3.0
Total	15.5
TOTAL ESTIMATE (@\$95)	\$1472.50

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.



June 18, 2015

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

**Re: The Willows at Medway
ARCPUD Special Permit Review
Planning and Economic Development Board
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Willows at Medway ARCPUD Special Permit submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed ARCPUD submittal package and provide review comments as they relate to the Medway Planning Board's Rules and Regulations, Medway Department of Public Services Sewer and Water Regulations, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice. We have excluded from our scope, the review of the application package as they relate to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings;
- Budget Assumption: 2 Visits (Site Development/Traffic)
4 hours @ \$100/hr = \$400
Total = \$400

Task 2 Plan Review

- A. Review Special Permit Application and supporting documentation, prepared by Coneco Engineers and Scientists (CES) and incorporate comments into review letter in item E below;

One Grant Street
Framingham, MA 01702
Tel 508.903.2000 Fax 508.903.2001



- Budget Assumption: 1 hour @ \$200/hr = \$200
3 hours @ \$100/hr = \$300
Total= \$500

- B. Review the proposed “Salmon Health and Retirement Community, ARCPUD Special Permit Site Plans” prepared by CES dated June 12, 2015.
 - Budget Assumption: 6 hours @ \$200/hr = \$1,200
24 hours @ \$100/hr = \$2,400
Total = \$3,600

- C. Review the Stormwater Management Report prepared by CES and dated June 12, 2015 for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;
 - Budget Assumption: 4 hours @ \$200/hr = \$800
8 hours @ \$100/hr = \$800
Total = \$1,600

- D. Review the Traffic Impact Study prepared by McMahon Associates, Inc. (MAI) and dated April, 2015 and the Site Plans for compliance with traffic standards and good engineering practice and provide comments for inclusion in the below letter in item E below. Coordination with applicant regarding responses to comments are also be included in this task;
 - Budget Assumption: 14 hours @ \$155/hr = \$2,170
36 hours @ \$100/hr = \$3,600
Total = \$5,770

- E. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;
 - Budget Assumption: 2 hours @ \$200/hr = \$400
2 hours @ \$155/hr = \$310
6 hours @ \$100/hr = \$600
Total = \$1,310

- F. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:
 - Budget Assumption: 2 hours @ \$200/hr = \$400
2 hours @ \$155/hr = \$310
6 hours @ \$100/hr = \$600
Total = \$1,310

Task 3 Meeting Attendance



A. Participate in six (6) hearings/meetings with the Town of Medway Planning and Economic Development Board.

- Budget Assumption:
 - 6 Meetings
 - 12 hours @ \$200/hr = \$2,400
 - 6 hours @ \$155/hr = \$930
 - Total = \$3,330

Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech’s and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$400
Task 2	Design Review	\$14,090
Task 3	Meeting Attendances	\$3,330
	Labor Subtotal	\$17,820
	Expenses (3.5%)	\$624
Total Fee		\$18,444

Schedule

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

General Terms and Conditions

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project. Please contact us with any questions, or if you require additional information.



Very truly yours,

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

Sean P. Reardon, P.E.,
Vice President

Date Approved by Medway Planning and Economic Development
Board _____

Certified by: _____

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

_____ Date



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

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

REVISED DRAFT – June 22, 2015

Tri Valley Commons – 72 Main Street
SPECIAL PERMIT AND SITE PLAN DECISION
with Conditions and Waivers

Decision Date: June 25, 2015

Name/Address of Applicant: Thurken III. LLC
P.O. Box 857
Newcastle, NH 03854

Later revised to: Thurken Medway LLC

Name/Address of Owner: MECOBA Properties, Inc.
70 Main Street
Medway, MA 02053

Engineer: Bohler Engineering
352 Turnpike Road
Southborough, MA 01772

Site Plan Dated: January 9, 2015, last revised May 13, 2015

Location: 72 Main Street
Medway, MA

Assessors' Reference: Map 40 – Parcel 51

Zoning District: Commercial I

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

I. PROJECT DESCRIPTION – The applicant seeks a special permit and major site plan approval to construct a 3 building shopping center totaling 16,634 sq. ft. to be known as Tri Valley Commons on a 4.54 acre parcel at 72 Main Street (*Medway Assessors' Parcel 40-51*) presently owned by Mecoba Properties, Inc. of Medway, MA. The property is located between Papa Gino's and Charles River Bank on the north side of Route 109/Main Street in the Commercial I zoning district. The site is presently not developed; a portion of the site includes wetlands resources and is within the jurisdiction of the Medway Conservation Commission.

The applicant proposes to develop the site in two phases on two separate parcels. Parcel A consists of an area of 63,711 sq. ft. and includes the construction of two buildings – a 6,165 sq. ft. building for a retail tire and vehicle repair business and a 6,789 sq. ft. building to house a retail auto parts/supplies store. Parcel B is 133,920 sq. ft. and includes the construction of a 3,410 sq. ft. commercial building with as of right retail and service tenants to be determined and stormwater management facilities to serve the entire shopping center.

Access to the development from Main ST/Route 109 will be from a single, common, non-signalized access driveway. Proposed site work includes construction of the access driveway, curbing and sidewalks, 68 off-street parking spaces, retaining wall, landscaping, lighting, installation of stormwater drainage facilities, and connection to municipal water and sewer service.

The *Tri Valley Commons Site Development Plan* is dated January 9, 2015 and was prepared by Bohler Engineering of Southborough, MA. Building elevations were prepared by Landry Architects of Salem, NH. During the course of the public hearing, the site and building plans were revised based on comments and feedback from the Town's consultants and staff.

The proposed scope of work requires a special permit from the Planning and Economic Development Board, hereinafter referred to as the "Board", pursuant to the *Medway Zoning Bylaw* (dated June 3, 2015+2-1-2014) Section 5.4 V. G. 1, J. 6 for the proposed shopping center and V. G. 1, J. 9 motor vehicle repair use. The proposed development also requires, constitutes a Major Site Plan Review Project pursuant to the *Medway Zoning Bylaw*, Section 3.5 2 V. C. 2 and is subject to Complete Site Plan Review.

II. PROCEDURAL HISTORY

- A. January 26, 2015 - Special permit and site plan application filed with the Medway Planning and Economic Development Board and the Medway Town Clerk.
- B. March 19, 2015 – Special permit and site plan application materials determined to be complete. This serves as the official submittal date.
- C. March 19, 2015 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site. The Board conducted the public hearings on the special permits and site plan approval concurrently.
- D. March 20, 2015 – Site plan distributed to Town boards, committees and departments for review and comment.

- E. March 23, 2015 - Applicant meets with the Design Review Committee as referred by the ~~Planning and Economic Development Board~~. Additional meetings were held with the Design Review Committee on April 6 and April 27, 2015.
- F. March 23, 2015 - Public hearing notice mailed to abutters by certified sent mail.
- G. March 30 and April 7, 2015 - Public hearing notice advertised in *Milford Daily News*.
- H. April 14, 2015 – Public hearing commenced. Continued sessions of the public hearing were held on April 28, May 12, June 9, June 23, and to June 25, 2015 when the hearing was closed. Public hearing continuation notices were filed with the Town Clerk on April 15 and 29, May 13, June 10, and June 24, 2015.
- I. June 9, 2015 – Applicant and Board agree to a deadline extension to June 26, 2015 for the Board to act on the Tri Valley Commons site plan.

All members voting on this decision were present at all sessions of the public hearing or have provided a Mullins Rule certification pursuant to General Laws c. 39 section 23D or having received approval to participate remotely pursuant to the Massachusetts Open Meetings Law regulations 940 CMR 29.00

All matters of record were available for public review in the office of the Planning and Economic Development Board for all times relevant thereto.

III. INDEX OF DOCUMENTS – The plans, reports, correspondence and documents specified below are contained in the ~~Planning and Economic Development Board's~~ project files for Tri Valley Commons and are hereby incorporated into this Decision by reference.

Application Materials

- Site Plan application dated January 26, 2015
- Supporting Memorandum to the site plan application from Attorney Richard Cornetta dated January 26, 2015
- Special Permit application dated January 6, 2015
- Supporting memorandum to the special permit application from Attorney Richard Cornetta dated January 26, 2015
- Site Development Plans, Tri Valley Commons (15 sheets) dated January 9, 2015 prepared by Bohler Engineering, Southborough, MA
- Existing Conditions Plan, Tri Valley Commons (1 sheet) dated May 20, 2014 prepared by Guerriere and Halnon, Milford, MA
- Proposed Exterior Elevations, Tri Valley Commons (3 sheets), Retail Buildings A, B, and C, dated January 12, 2015, prepared by Landry Architects, Portsmouth, NH; revised building elevations prepared by Landry Architects dated March 16, 2015
- Stormwater Drainage Report for Thurloe Kensington Development LLC, 70 Main Street, dated January 5, 2015 prepared by Bohler Engineering, Southborough, MA

- Supplemental Traffic Assessment, dated December 31, 2014 and Conceptual Improvement Plan for Rout 109 Intersection dated December 22, 2014, both prepared by Ron Muller & Associates, Hopkinton, MA
- Master Signage Plan, dated March 2, 2015, revised March 15, 2015, prepared by Landry Architects

Town's Consultants Review Letters & Other Written Communication

- Plan review letter dated April 7, 2015 from Gino Carlucci, PGC Associates
- Plan review letter dated March 31, 2015 from Sean Reardon, Tetra Tech
- Traffic Assessment Report review letter dated April 8, 2015 from John Diaz, GPL
- Email dated April 17, 2015 from Steven Bouley, Tetra Tech re: driveway slope
- Plan review letter dated May 29, 2015 from Sean Reardon, Tetra Tech re: revised site plan dated May 13, 2015
- Plan review letter dated June 2 2015 from Gino Carlucci, PGC Associates re: revised site plan dated May 13, 2015.

Supplemental Materials Submitted by the Applicant

- Requests for waivers from *Site Plan Rules and Regulations*, dated February 17, 2015
- Revised building elevations prepared by Landry Architects dated April 27, 2015
- Roof plans prepared by Landry Architects dated January 12, 2015
- Revised site plan prepared by Bohler Engineering dated April 27, 2015
- Revised site plan prepared by Bohler Engineering dated May 13, 2015
- Renderings of building elevations, not dated, prepared by Landry Architects, submitted May 12, 2015
- Letter from Richard Landry dated June 2, 2015 re: name change for applicant
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to DPS Director Tom Holder's email review comments dated April 13, 2015.
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to Tetra Tech's review comment letter dated March 21, 2015.
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to PGC Associated review comment letter dated April 7, 2015.
- Long-Term Stormwater System Operation and Maintenance Plan, prepared by Bohler Engineering, received May 18, 2015.
- Revised Master Signage Plan, dated March 2, 2015, revised April 1, 2015, prepared by Landry Architects
- Undated rendered drawings of Tri Valley Commons building elevations, prepared by Landry Architects, submitted at the May 12, 2015 public hearing.

Written Communications from Town Staff, Boards/Committees

- Preliminary review comments from the Medway Design Review Committee dated April 9, 2015
- Review comments from Bridget Graziano, Medway Conservation Agent dated April 14, 2015
- DPS Director Thomas Holder email communication dated April 13, 2015

- Fire Chief Jeff Lynch email communication dated May 8, 2015
- Interim Letter of Recommendation from the Medway Design Review Committee dated May 7, 2015
- Letter of Recommendation from the Medway Design Review Committee dated June 4, 2015
- Email communication from Medway DPS Deputy Director David D'Amico dated May 11, 2015 re: comments from the Route 109 Committee
- Review comments from Bridget Graziano, Medway Conservation Agent dated June 8, 2015

IV. TESTIMONY – The following individuals provided testimony or comments during the course of the public hearing. Those comments are reflected in the minutes of the Planning and Economic Development Board meetings during which the public hearing was held.

Professional Consultants' Testimony during Public Hearings on behalf of the applicant:

- John Kucich, P.E., Bohler Engineering – Project engineer
- John Bernadino, Bohler Engineering – Project engineer
- Richard Landry, Landry Associates – Project architect
- Patrick Finn, RA, Landry Associates – Project architect
- Richard Cornetta of Cornetta, Ficco & Simmler PC – Attorney for the applicant
- Ron Muller, P.E. – Traffic engineer for the applicant

Professional Consultants' Testimony during Public Hearings on behalf of the Medway Planning and Economic Development Board:

- Sean Reardon, PE, Tetra Tech – Town of Medway Consulting Engineer
- Steven Bouley, Tetra Tech – Town of Medway Consulting Engineer
- Gino Carlucci, AICP, PGC Associates – Town of Medway Consulting Planner
- John Diaz, P.E., GPI – Traffic engineer for the Town

Citizen and Abutter Testimony at Public Hearings

- Dennis Crowley, Medway Board of Selectmen
- David Cassidy, 42 Ellis Street
- Robert Parella, Charles River Bank, 70 Main Street

Other Testimony at Public Hearings

- Matt Buckley - Chairman of the Medway Design Review Committee
- Jeff Lynch - Medway Fire Chief
- David D'Amico - Deputy Director, Medway Department of Public Services
- Susan Affleck-Childs - Medway Planning and Economic Development Coordinator

V. FINDINGS - At its _____ meeting, the Planning and Economic Development Board, on a motion made by _____ and seconded by _____, voted to approve the following FINDINGS pursuant to the *Medway Zoning Bylaw* and the *Rules and Regulations for the Submission and Approval of Site Plans*. The motion was approved _____ by a vote of ___ in favor and ___ against.

ZONING BYLAW (Site Plan Section) - Does the proposed project constitute a suitable development based on conformance with the purposes of Site Plan Review as specified in the Zoning Bylaw and with the various site development standards and criteria set forth in the Site Plan Rules and Regulations?

- (1) Are the buildings, uses and site amenities properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods?

The buildings uses and site amenities are properly located. In this location, the shopping center and vehicle repair uses allowed by special permit and retail and service business uses are allowed by right. Three buildings are planned in two phases. The buildings meet all minimum setback requirements and are of a similar scale as other buildings in the area. The development is a modification of a previously submitted proposal that now more closely matches the terrain of the site resulting in less re-grading of the existing topography.

- (2) Are the construction and renovation of buildings and the installation of site amenities thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*?

The building elevations and site design have been reviewed by the Design Review Committee (DRC) in light of the Medway Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The building on Parcel B is spatially located along the shared vehicular entrance. All of the buildings have been designed with varying rooflines and architectural styles reminiscent of New England architecture. Decorative cornices, trim moldings, accent windows, architectural shingles and a decorative cupola have been utilized to enhance the appearance of the buildings. The proposed tire store, the largest building on the site, has been designed with varied slope, height and intersecting rooflines, as well as varied color and façade materials so as to lessen the volume while mimicking the appearance of a structure that has been put together in sections over time.

- (3) Are adjacent and neighboring properties protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site?

As conditioned herein (Condition # ___), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other

commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The project includes tire and vehicular services and repair as well as general commercial uses. The tire and vehicular repair services will take place within the building so impacts of odors, airborne particulates, noise and vibrations on adjacent properties will be minimized. All mechanical equipment servicing the buildings will also be located within the interior of the buildings so, with proper shield and insulation, detrimental appearance and noise will be avoided.

- (4) Are significant natural features on a development site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) preserved with as minimal site disturbance as possible?

As an undeveloped wooded site, significant disturbance is inevitable. However, the current redesign to more closely match existing topography has reduced the grading changes needed to develop the site. Also, the development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. Also, the applicant commits to take care to protect trees on the edge of the property.

- (5) Are off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view?

The off-street loading facilities have been reviewed by the Town's consulting engineer, the Police Safety Officer and the Fire Chief and no issues have been identified. Visual intrusion is limited by careful placement of buildings as well as screening with vegetation.

- (6) Are facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site provided and adequately screened from public view?

The facility is served by municipal sewer. Dumpsters, properly screened, and located in the least visible areas on the site, are provided to handle solid waste and recyclable materials generated by the normal operations of the facility.

- (7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks will be constructed along the frontage of the site on Main Street as part of the Town's Route 109 construction project, but temporary sidewalks on Main Street will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. The design

provides for sufficient paved areas for loading, refuse storage and snow storage. As conditioned (See Conditions # ___), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development.

- (8) Is convenient and safe access for fire-fighting and emergency rescue vehicles provided to and within the development site in relation to adjacent streets?

The Fire Chief has reviewed and approved the plans. Access is provided to at least three sides of each building. The access and internal driveways are of sufficient width to accommodate emergency vehicles. ~~It is anticipated that the buildings will be constructed of non-combustible materials and will be fully protected by an automatic sprinkler system and fire alarm.~~

- (9) Are satisfactory methods for drainage of surface water to and from the development site provided?

The applicant's stormwater management plan has been reviewed by the Town's Consulting Engineer as well as by the Medway Department of Public Services. It is in compliance with the Town's Site Plan Rules and Regulations and the Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The system will attenuate peak flows from a 100-year storm and infiltrate, at a minimum, the first 1-inch volume of stormwater following proper treatment. Additional upstream BMP's include deep sump/hooded catch basins, proprietary hydrodynamic separators and isolator rows included as part of the sub-surface infiltration system.

- (10) Are public ways and private drives properly designed to be constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site?

The access to the site has been designed in coordination with the design for the Route 109 reconstruction project. The main access drive will be 26 feet wide and the aisles within the parking lots will be 24 feet wide. A traffic assessment was conducted for the project and submitted by the applicant. The study concluded that sight distances are adequate and that an additional vehicle every 1 to 3 minutes during peak hours would be added to Route 109 by the development. This additional traffic would have little impact on the operation of the traffic signal at the intersection of Main and Holliston Streets, and it is recommended that the two-way left turn onto Route 109 be retained in the vicinity of the project. The report was reviewed by the Town's traffic engineer and Department of Public Services and found to be adequate.

- (11) Have the effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance been identified and evaluated?

Main Street (Route 109) is adequate for the proposed use. Municipal services are adequate to serve the proposed facility. The quantity of on-site parking is adequate and exceeds the minimum requirement for the proposed use as specified in the Medway

Zoning bylaw. Drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The site was designed to minimize impacts on environmental quality and water resources. Signage is subject to review and compliance with the sign provisions of the Zoning Bylaw. Lighting is in compliance with the lighting provisions of the Zoning Bylaw as conditioned herein (Condition # ____). The building and site design has been reviewed by the Design Review Committee, which has provided a positive Letter of Recommendation with several recommendations. The facility will have a positive impact on community economics, amenities and appearance. As a permitted use within the C-I zoning district this shopping center development will not detract from the character and values of the area

- (12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

The site plan has been reviewed by Town officials and the Town's Consulting Engineers and Consulting Planner. Modifications were suggested and the applicant has responded positively to those comments with a revised plan. The revised plan has been reviewed and the applicant has addressed each of the comments received.

- (13) Have reasonable conditions, limits, safeguards and mitigation measures been established?

Specific reasonable conditions have been included in Sections __ and __ of this Site Plan Decision.

ZONING BYLAW (Commercial I Special Permits) - The Planning and Economic Development Board must find that all of the following criteria are met before granting a special permit (Section 5.4.1.D):

- (14) The proposed use represents the qualities of a traditional New England town center.

The uses provide a variety of products and services as found in a traditional New England town center. As noted above, the buildings also feature designs that reflect New England architecture.

- (15) The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians.

The redesign of this site from a previous proposal more closely matches the existing topography and has reduced the grading changes required to make the site work. The development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. The applicant commits to take care to protect trees on edge of property. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. A bike rack is also provided. As conditioned (See Condition # __), pedestrian connections will also be provided to adjacent properties as part of future phases of development

- (16) The proposed use reflects and advances the goals and objectives of the Medway Master Plan as updated.

One of the goals of the 2009 Medway Master Plan is to encourage additional commercial/industrial development in the community. Preserving community character is another important goal of the Master Plan. The extensive review of (and resulting changes in) the project in light of the Town's Design Review Guidelines by the Design Review Committee was a significant consideration of this conditional approval because the project meets the goal of expanding commercial development while maintaining/enhancing the Town's character.

- (17) Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are included.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided along the frontage of the site as part of the Route 109 project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition # ___), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development on this site.

- (18) Streets, driveway, sidewalks, landscaped areas and public services are laid out in a safe manner.

The streets, driveway, sidewalks, landscaped areas and public services have been reviewed by the Town's Consulting Engineers, Consulting Planner, and public safety officials. As conditioned, there are no outstanding safety issues.

- (19) Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated

As conditioned herein (Condition # ___), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The project includes tire and vehicular services and repair as well as general commercial uses. The tire and vehicular repair services will take place within the building so impacts of odors, airborne particulates, noise and vibrations will be minimized. All mechanical equipment servicing the buildings will also be located within the interior of the buildings so, with proper shield and insulation, detrimental appearance and noise will be avoided.

- (20) The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

The project has been redesigned from a previous proposal to more closely match existing topography and has significantly reduced the grading changes required. Also, drainage is in compliance with Massachusetts Department of Environmental Protection

*Provided by applicant -
See R. Connetto*

Stormwater Management Guidelines. The site was designed to minimize impacts on environmental quality and water resources.

ZONING BYLAW (COMMERCIAL I Design Requirements Section 5.4.1.E)

Commented [BSA1]: The findings below may need to be changed under the new Zoning By-law.

- (21) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the Site Plan Rules and Regulations.

The building and site design has been reviewed by the Design Review Committee (DRC) in light of the Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The building on Parcel B is spatially located along the shared vehicular entrance. All of the buildings have been designed with varying rooflines and architectural styles reminiscent of New England architecture. Decorative cornices, trim moldings, accent windows, architectural shingles and a decorative cupola have been utilized to enhance the appearance of the buildings. The proposed tire store, the largest building on the site, has been designed with varied slope, height and intersecting rooflines, as well as varied color and façade materials so as to lessen the volume while mimicking the appearance of a structure that has been put together in sections over time.

new
Sign

- (22) All sites shall include pedestrian connections to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. The pedestrian connections shall be well-defined and of a design and quality that will encourage significant use.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. Sidewalks will be constructed along the frontage of the site as part of the Route reconstruction 109 project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. A bike rack is also provided. As conditioned (See Condition #___), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development.

RC. Paruse →
same phrase
remove (vehicular)

- (23) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of the review process. In cases where physical connections are not currently possible, easements and a design to provide for potential future connections may be required.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition #___), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development.

RC Paruse
same phrase
remove (pedestrian)

- (24) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian services.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. Sidewalks are provided along the frontage of the site as part of the Route 109 reconstruction project, but temporary sidewalks will be provided by the applicant, and connections between the project buildings and the Main Street sidewalk are provided, Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant.

Site Plan Rules and Regulations - In making its recommendation, the Board shall find whether the proposed development is in conformance with the standards and criteria set forth in the Site Plan Rules and Regulations, unless specifically waived. In its recommendation, the Planning Board shall determine the following:

- (25) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

The primary drive serving the site connects with Main Street. Following review by the Town's Consulting Engineers and Public Safety officials, the PEDB finds that these are adequate. There is no impact on residential streets since access is provided from Main Street only. The on-site parking spaces are all located such that no backing out onto a public way is necessary. Therefore, the Board finds that this criterion is met.

- (26) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The design of the buildings, especially the planned tire store, was a major concern of the PEDB. The buildings and site went through several rigorous review sessions with the Design Review Committee and many of its recommendations were incorporated into the revised designs of the buildings and landscaping. The building sizes are in scale with other commercial buildings in the C-I zoning district. The landscaping has been designed specifically to soften the view of the tire store bays.

- (27) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

The building and site design has been reviewed by the Design Review Committee (DRC) in light of the Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The landscaping, including the use of specimen trees, has been

designed to screen and, applicable, enhance the views of the buildings and parking on site from public areas.

- (28) Is adequate access to each structure for fire and service equipment provided?

The Fire Chief has reviewed and approved the plans. Access is provided to at least three sides of each building. The access driveways are of sufficient width to accommodate emergency vehicles. It is anticipated that the buildings will be constructed of non-combustible materials and will be fully protected by an automatic sprinkler system and fire alarm.

- (29) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill;
- b) the number of trees to be removed with particular care taken with mature trees and root systems;
- c) the visual prominence of man-made elements not necessary for safety;
- d) the removal of existing stone walls;
- e) the visibility of building sites from existing streets;
- f) the impacts on waterways and environmental resource areas;
- g) soil pollution and erosion;
- h) noise.

The redesign to more closely match existing topography has reduced the grading changes required. Also, the development avoids the 25-foot no-disturb wetlands. Landscaping has been designed to reduce the visual prominence of man-made elements and buildings on the site. The stone wall along the front of the site is being rebuilt. The drainage plan complies with Massachusetts Stormwater Guidelines and has been reviewed by the Town's Consulting Engineer and Department of Public Services. An erosion control plan will minimize soil pollution and erosion during construction and noise generated by the site is minimal. Any blasting on the site during construction will be completed in compliance with State requirements and as further conditioned herein (Condition #___).

- (30) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided along the frontage of the site as part of the Route 109 reconstruction project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition #___), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development.

Add R. Comuta language

- (31) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

As an undeveloped wooded site, significant disturbance is inevitable. However, the development avoids the 25-foot no-disturb wetlands buffer. Also, the applicant commits to take care to protect trees on the edge of the property

- (32) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

As conditioned herein (Condition # ___), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The lights on site will be shielded in compliance with the Town's lighting bylaw to minimize light pollution.

- (33) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

As an undeveloped wooded site, significant disturbance is inevitable. However, the redesign to more closely match existing topography has reduced the grading changes required. The development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. Also, the applicant commits to take care to protect trees on the edge of the property.

Other Miscellaneous Findings

- (34) The plan review comments provided by PGC Associates, Tetra Tech Engineering, and GPI, Inc. have been addressed through plan modifications or acceptable explanations to the satisfaction of the consultants and the Planning and Economic Development Board.

VI. VOTES OF THE BOARD

SPECIAL PERMITS - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on _____, on a motion by ndd and seconded by mutt voted to APPROVE special use permits to allow for the construction of a three building shopping center including a 7 bay vehicle repair service garage in one of the buildings at 72 Main Street, pursuant to the Medway Zoning Bylaw Section 5.4V, G-2, 1-6) and 9) subject to the following Conditions.

*will call →
all yes*

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Thomas Gay	
Matthew Hayes	
Andy Rodenhiser	
Karyl Spiller-Walsh	
Robert Tucker	

Bob Tucker

roll call
with all
yes

SITE PLAN - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on _____, on a motion made by _____ and seconded by _____ voted to APPROVE a major site plan for the Tri Valley Commons shopping center including the construction of landscaping, stormwater drainage facilities, driveways, parking and site amenities at 72 Main Street as shown on the Tri Valley Commons Site Plan, dated January 9, 2015, last revised May 13, 2015, prepared by Bohler Engineering of Southborough, MA and Landry Architects of Salem, NH, subject to the following Waivers and Conditions including plan revisions as specified herein.

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Thomas Gay	
Matthew Hayes	
Andy Rodenhiser	
Karyl Spiller-Walsh	
Robert Tucker	

NOTE - Member Matthew J. Hayes was not physically present at May 12, 2015 public hearing but participated remotely via speakerphone as approved by PEDB Chairman Andy Rodenhiser.

NOTE - Member Thomas Gay was absent from the May 12, 2015 public hearing but provided a *Mullins Rule* certification which was entered into the record during the June 9, 2015 public hearing.

NOTE - Member Karyl Spiller-Walsh was not physically present at the June 23 and June 25, 2015 public hearings, but participated remotely via speakerphone as approved by PEDB Chairman Andy Rodenhiser.

VII. WAIVERS - The Planning and Economic Development Board acted on various requests for waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Planning and Economic Development Board's action and reasons for acting on each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

A. SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. **204-5 (C) 3 - An Existing Landscape Inventory** shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4)-feet above grade.

EXPLANATION - The site is completely wooded. Performing an inventory for the 4+ acre site is not practical. The redevelopment of the site will necessitate

considerable clearance of trees due to the site's topography and the extent of the proposed onsite improvements. The site design has limited the area of disturbance to the greatest extent practical.

BOARD ACTION - The Board agrees that the requirement for a complete inventory of the existing landscape on the site is not warranted for this particular project. The waiver is granted except for the southeast and southwest corners of the site where the applicant has been required to prepare a Landscape Inventory to determine what plant materials can be saved to include in the needed screening and buffering. The results of the Landscape Inventory in those two areas are shown on the revised plan dated May 13, 2015. **APPROVED** – June 9, 2015.

B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

1. **205 – 6, G. 3. a) Parking Spaces/Stalls** – Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicapped stalls shall be in accordance with the current ADA standards.

EXPLANATION – The applicant seeks a waiver from this regulation to allow for 9' x 18 parking stalls. This is typical of parking stalls at retail sites and is specifically allowed in the parking regulations section of the Medway Zoning Bylaw. The reduced dimensions of the parking stalls will decrease the extent of impervious surface and reduce stormwater runoff

BOARD ACTION - The Board concurs with the above noted explanation and grants this waiver. **APPROVED** – June 9, 2015.

2. **205 – 6, G. 3. b) Wheel Stops** - Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials are pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four inches from the head of a car space/stall.

EXPLANATION – The applicant seeks a waiver from this regulation as they believe wheel stops pose a potential tripping hazard to pedestrians and will simplify snow removal efforts. The length of the parking spaces adjacent to sidewalks has been increased to twenty feet to allow for additional room for vehicles. This decreases the likelihood of vehicle bumpers overhanging the sidewalk.

BOARD ACTION -

6-23-15
noted by
Bob / sec by
Karyl →
Joanne

3. **205 – 9 F – Tree Replacement** – The total diameter of trees over 10' in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees.

EXPLANATION – The applicant seeks a waiver from this requirement of tree replacement. This waiver is related to the approved waiver request for relief from the requirement to conduct a complete inventory of major plant species including the specific identification of existing trees with a diameter of one (+) foot or greater at four (+) feet above grade. As Board has granted relief from the requirement for the above noted landscape inventory, the applicant cannot ascertain the extent of tree replacement needed. The applicant proposes instead to implement the proposed comprehensive landscaping plan which includes the addition of more than 20 new trees and 100 new shrubs and ground cover. 23.4% of the site is to be landscaped.

as shown on the landscaped plan

BOARD ACTION – The Board concurs with the above noted explanation and grants this waiver. APPROVED – June 9, 2015.

VII. SPECIFIC CONDITIONS – At its Board meeting, the Planning and Economic Development Board, on a motion made by Bob and seconded by Matt, voted to approve the SPECIFIC AND GENERAL CONDITIONS included herein. The motion was approved by a vote of in favor and against.

roll call

This approval is subject to the following *Specific Conditions/Limitations*:

A. **Plan Revisions** – Subsequent to the expiration of the 20 day appeal period and within sixty (60) days after the Board has filed its Decision with the Town Clerk, the Tri Valley Commons site plan dated January 9, 2015, last revised May 13, 2015 shall be further revised to reflect all Conditions and required revisions, including those as specified below and submitted to the Planning and Economic Development Board for review and approval. The revised site plan by Bohler Engineering shall be combined with the final Architectural Elevations and Master Signage Plan by Landry Architects and bound together to constitute the full and official Tri Valley Commons Site Plan. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for signature/endorsement.

1. Cover Sheet
 - a. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the Plan presented for endorsement.
 - b. The cover sheet shall prominently display a final Plan revision date.
 - c. The list of plan sheets for the Architectural Elevations and the Master Signage Plan shall be added to the Sheet Index.
2. All sheets included in the final Plan set shall include an endorsement signature block for the Planning and Economic Development Board.

3. The horizontal sight distances in both directions on Main Street for exiting traffic from the Tri Valley Commons driveway shall be shown on Sheet 4 of the Plan.
4. The planned lighting installation shall be modified such that the foot-candle readings along the Route 109 frontage and along the western property line do not exceed 0.01 foot candles at any elevation as specified in the Medway Zoning Bylaw ~~Section 7.1.2.E.1.V.B.6.e-1).~~
5. The master signage plan, dated March 3, 2015, last revised April 1, 2015, shall be revised to include a modified development sign that complies with the Medway Zoning Bylaw (maximum of 60 sq. ft. of sign surface area on both sides and maximum height of 8'). The master signage plan shall be revised to comply with the recommendations included in the Design Review Committee's Letter of Recommendation dated June 4, 2015. The revised master signage plan shall be reviewed by the Medway Design Review Committee prior to plan endorsement.
6. The plan and building elevations shall be revised to specify and show that the electrical installation on the property shall be designed to have the capacity to accommodate future electric vehicle charging facilities.
7. Pursuant to the Letter of Recommendation of the Design Review Committee dated June 4, 2015, attached hereto and made a part hereof, the Plan shall be revised to include the recommended changes to landscaping, site amenities, awning treatments and stone walls.

B. **Coordination with the Medway Conservation Commission** – Prior to plan endorsement, the Applicant shall provide the Order of Conditions issued by the Medway Conservation Commission for this site. Any changes to the Plan necessitated by the Order of Conditions shall be handled as plan modifications (*See Condition # ____*).

C. **Blasting**

1. If blasting is necessitated by site and soil conditions, the applicant shall follow all procedures as specified by the Massachusetts Department of Fire Services regarding site blasting.
2. The applicant shall provide at least 24 hours written notice of the scheduled blasting to all property owners, residents, and business owners within 500 feet of 72 Main Street.
3. Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Saturday only. No blasting to occur on Sundays or legal holidays.

D. **Construction Oversight**

1. *Construction Account*

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
 - b) Prior to ~~plan endorsement~~ the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the ~~Planning and Economic Development Board~~ based on an estimate provided by the Town's Consulting Engineer.
 - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.
2. *Pre-Construction Meeting* – Prior to any land clearance or site development, the Applicant and his site contractor shall meet with the Board's Consulting Engineer and the Department of Public Services and other Town staff as may be appropriate to establish a construction time schedule and coordinate the installation of water/sewer lines, street opening/curb cut construction, and the construction of Main Street sidewalks.
 3. *Inspections*
 - a) ~~Planning and Economic Development Board~~ members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.
 - b) The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
 4. *Reports* - The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The

to
*commitment of
any construction
on the site

engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

- E. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** – Outside construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings. No equipment on site shall be started and allowed to warm up prior to the start of the authorized construction hours.
 2. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
 3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
 4. The Applicant is responsible for having the contractor clean-up the construction site, the adjacent properties, and Town streets onto which construction debris may fall on a daily basis.
 5. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the ~~Planning and Economic Development~~ Board's consulting engineer and maintained in good repair throughout the construction period.
 6. **Construction Traffic/Parking** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or Town roadways.
 7. **Noise** - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw, Section 7.3* ~~SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).~~

F. **Construction Impact on Adjacent Property** - If construction on the subject premises negatively impacts the viability of existing trees/landscaping on the adjacent property to the west (74 Main Street/Gould's Plaza/Papa Gino's), the applicant shall be required, if allowed by the abutting property owner, to restore damage made to abutting properties to their existing condition by replacing trees on a diameter inch for inch basis and any shrubs or other vegetation on a like kind for like kind basis based on a plan to be approved by both the PEDB and, for replacement that occurs on the adjacent property, the adjacent property owner.

if permitted access + approval - provided that there is no additional cost to the owner -

G. **Outside Displays and Storage** - The following items shall not be permitted outside the buildings on the premises or in the right-of-way nor are they considered accessory to the authorized uses.

1. Outside displays and storage of materials, products and supplies, including but not limited to tires, etc.
2. Machines or vending type devices for dispensing goods or products such as but not limited to vending machines or self-serve kiosks for dispensing food, beverages, or any other items.
3. Shipping and packaging materials unless stored within the dumpster enclosure.
4. Promotional/advertising banners/signs including flutter signs and sandwich board signs, etc. except for exterior signs specifically authorized by the Medway Zoning Bylaw.
5. Unscreened Outside storage trailers or containers of any kind. subject to PEDB

7-9am
4-7pm
business quarters
see R count

H. **Deliveries** - ~~Product~~ deliveries for all tenants in Tri Valley Commons shall occur no earlier than _____ am and no later than _____ pm and are also prohibited _____

I. **Lighting**

1. Lighting shall not exceed the maximum allowed as specified in SECTION V: USE REGULATIONS of the Medway Zoning Bylaw, Section 7.1.2 E.1 Sub-Section B: Area Standards, Paragraph 7 Exterior Lighting.
2. The least impactful but sufficient security lighting shall be permitted after the closing hours of the ~~convenience store~~ and fueling facility.
3. The applicant shall notify the Board upon completion of the site lighting installation. After said notification, the Board shall have one year to review illumination. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if it determines that spill-over onto adjacent properties is occurring.

J. **Business Signage** - The monument sign, the individual tenant panels in the monument sign, and the individual tenant wall signs shall secure sign permits from the Medway

Tractor Trailer

Building Department; review by the Design Review Committee is required before sign permits are issued.

K. Property Maintenance After Construction

1. The applicant or its designee shall diligently attend to daily inspections and clearing the outside of the premises of refuse and litter.
2. Trash storage shall be completely contained within the trash enclosure areas shown on the Plan.
3. The tire store shall store all used tires and other products within the building.
4. The area shown on the plan for Building C shall be cleared and prepared for development but loamed and seeded to stabilize the site and mowed on a regular schedule prior to construction beginning on Building C. Grass shall not be permitted to reach heights of more than 6-inches.
5. The undeveloped area in the northwest quadrant of the site shall be maintained in its natural state. The tree line facing the site shall be trimmed and maintained to retain the same aesthetic value as the developed portion of the site.

L. Landscape Maintenance

1. The site's landscaping shall be maintained in good condition. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced during the following planting season.
2. Within 60 days after two years of an occupancy permit being issued, the Town's Consulting Engineer shall inspect the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this inspection, the Town's Consulting Engineer may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/ Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

- M. Pedestrian Connection to 74 Main Street/Gould's Plaza** - The applicant has agreed to install stepping stones between the area behind Building A (tire store/vehicle repair) and the adjacent property to the west as a landscaping feature and optional means of pedestrian access. Said installation shall be accomplished prior to project completion.

N. Stormwater Management

1. The applicant shall follow the Stormwater Operations and Management Plan with all due diligence and regularity.

O. Snow Storage and Removal

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.
3. Snow removal/disposal from the site shall be in accordance with local, state and federal regulations.

P. **Sidewalks and Crosswalks**

1. The applicant shall coordinate with the Medway Department of Public Services regarding easements as may be necessary for the sections of public sidewalk along Route 109 which extend onto the private property.
2. The applicant shall coordinate with the Medway Department of Public Services to determine maintenance practices and responsibilities for the painted crosswalks located at the site driveways.

Q. **Signage**

1. There shall be no product signage or promotional posters displayed in the store windows of the tenants on the premises.
2. Any entrance/egress signs at the site driveway shall not include any corporate names, colors, text, symbols or logos of any tenant in Tri Valley Commons.

R. **Use of Premises** – Pursuant to the special permit for vehicle repair use, the vehicle repair use allowed on the premises is limited to 7 service/garage bays.

S. **Future Vehicular and Pedestrian Connectivity to Abutting Property Gould's Plaza, 74 Main Street** – The applicant shall be obligated to provide an easement or easements allowing for future connections for vehicles and pedestrians to the abutting properties (Assessors Map/Parcel 40-53 and 40-49, currently the site of Gould's Plaza and Cassidy's Clubhouse respectively) at such time as additional development is proposed on either the applicant's or abutting properties. The specific location for such easements shall be decided as part of site plan approval for the additional development. This is condition of approval shall run with the land.

*provided a
metre
Del R. Conetta
Layoff*

Commented [BSA2]: Isn't this similar to a subdivision where the PEDB requires that a stub be shown on the plan connecting to abutting undeveloped land? Shouldn't that be shown on the current site plan? A future site plan for the abutting property won't include this property.

T. **Site Amenities**

1. Rock Outcroppings – Site development is expected to result in the availability of rock outcroppings. The applicant has agreed to position such rock outcroppings within the landscaped area adjacent to the stormwater detention pond.

U. **Performance Security**

1. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of

- Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining site improvements, including landscaping, which are incomplete or not constructed.
2. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Medway Treasurer/Collector and Town Counsel. The Board may require that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
 - a) the date by which the developer shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
 - c) procedures for collection upon default.
 3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Site that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
 4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
 5. Final release of performance security is contingent on project completion.

VIII. GENERAL CONDITIONS OF APPROVAL

- A. **Other Town Permits** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town

permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

- B. **Fees** - Prior to Plan endorsement by the ~~Planning and Economic Development Board~~, the following shall be paid in full by the Applicant and/or property owner.
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee required by the ~~Planning and Economic Development Board~~; and
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the ~~Planning and Economic Development Board~~ to withhold plan endorsement.

C. **Document/Plan Recording**

1. The applicant shall record this decision and the complete endorsed site plan with the Norfolk County Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17.
2. Within thirty ~~(30)~~ days of recording the Decision and the associated site plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.

D. **Plan Modification**

1. This Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the Plan that may be required by the decisions of other boards, agencies or commissions shall be submitted to the ~~Planning and Economic Development Board~~ for review as plan modifications pursuant to ~~SECTION V, C, 10~~ of the *Medway Zoning Bylaw* Section 3.5.
2. Any work that deviates from the approved Plan and Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan or decision modification pursuant to Section 3.5~~SECTION V, C, 10~~ of the *Medway Zoning Bylaw* and such approval is provided in writing to the ~~Planning and Economic Development Board~~.
3. Whenever additional reviews by the ~~Planning and Economic Development Board~~, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the ~~Planning and Economic Development~~

Board may reduce the scope of the required review and waive part of the filing and review fees.

E. **Plan Compliance**

1. The Applicant shall construct all improvements in compliance with the approved and endorsed Plan and any modifications thereto.
2. The ~~Planning and Economic Development Board~~ or its agent(s) may use all legal options available to it, including referring any violation to the Inspector of Buildings/~~Zoning Enforcement Officer~~ for appropriate enforcement action, to ensure compliance with ~~this Decision~~ ~~foregoing Conditions of Approval~~.

F. **Project Completion**

1. Site plan approval and the issuance of this special permit for the shopping center and vehicle repair use shall lapse after ~~one~~ ^{two} year of the grant thereof if substantial use has not commenced except for good cause as determined by the Board. All improvements shown on the Plan shall be completed by the applicant within two years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty days prior to the date of expiration, the ~~Planning and Economic Development Board~~ may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of a final occupancy permit, the Board shall provide a **Certificate of Site Plan Completion** to the Inspector of Buildings/Zoning Enforcement Officer. The **Certificate** serves as the ~~Planning and Economic Development Board's~~ confirmation that the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.

To secure a **Certificate of Site Plan Completion** from the Board, the applicant shall:

- a) provide the ~~Planning and Economic Development Board~~ with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed Plan, and any modifications thereto; and
- b) submit six copies of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the ~~Planning and Economic Development Board~~ for review by the Town's Consulting Engineer and the Board's approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The

Commented [BSA3]: This seems contradicted by U 1 above, which allows for posting of surety. Also, as noted above, BI is the ZEO

Phase Plan → sheet 3 of the drawing

extension for Blog C →

Ambrose Reference

final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

- c) Be current with the Town of Medway for any taxes/fees associated with these parcels or other property owned by the applicant in the Town of Medway.

G. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

H. **Conflicts** – If there is a conflict between the site plan and the Decision’s Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the *Medway Zoning Bylaw*, the Bylaw shall apply.

IX. APPEAL - Appeals if any, from this Decision shall be made to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

~~After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.~~

Commented [BSA4]: This is governed by state law and is somewhat more complicated.

###

Medway Planning & Economic Development Board:

AYE:

NAY:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

- COPIES TO:** Stephanie Bacon, Health Agent
Michael Boynton, Town Administrator
Matt Buckley, Design Review Committee
Tom Holder, Department of Public Services
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Melanie Phillips, Treasurer/Collector
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
Stephen Bouley, Tetra Tech
Richard Landry, applicant
Richard Cornetta, attorney for the applicant
John Kucich, engineer for applicant

Stacey

Susan Affleck-Childs

From: jkucich@bohlereng.com
Sent: Tuesday, June 23, 2015 4:38 PM
To: Susan Affleck-Childs; rl@landryarchitects.com
Cc: steven.bouley@tetrattech.com; jbernardino@bohlereng.com; David Damico
Subject: RE: TVC - turning radii analysis
Attachments: W141182 - Truck Enter Right_WB50.pdf; W141182 - Truck Exit Right_WB50.pdf

Susy, I wanted to follow up from our earlier conversation relative to the Route 109 Committees concern that the delivery truck would need to cross the center line of the driveway to enter the site. As I discussed today with Dave, I offer the following:

1. The Town does not have specific design standards relative to driveway width and radii,
2. MassDOT Commercial driveways generally require a 24-foot driveway width with a 30-foot curb return. Our driveway exceeds the MassDOT requirements in that the width is 28-feet,
3. We agree that the delivery truck does need to cross the driveway centerline, this condition is a generally accepted practice as deliveries are an infrequent occurrence and avoiding it would result in constructing and abnormally large driveway which would introduce undesirable public safety impacts including:
 - a. Much longer travel paths for pedestrians to cross the driveway,
 - b. Introduction of undefined travel lanes due to excessive width,
 - c. Introduction of increased speeds entering the site due to the larger paved areas,
 - d. Removal of landscaped areas

I've attached a truck turn templates from a WB-50 delivery vehicle and we will be prepared to answer any questions on the above or provide additional information to the Board tonight.

Regards,
John

John Kucich, P.E.



352 Turnpike Road | Southborough, MA 01772
P: 508-480-9900 | M: 508-341-1837 | jkucich@bohlereng.com
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From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Tuesday, June 23, 2015 9:25 AM
To: rl@landryarchitects.com; John Kucich
Cc: Steve Bouley
Subject: FW: TVC - turning radii analysis

Rich and John,

This absolutely must be addressed tonight and proper conditions incorporated into the decision.

John, have you spoken with Dave D'Amico about his email from Friday afternoon?

Susy

From: David Damico
Sent: Friday, June 19, 2015 1:32 PM
To: Susan Affleck-Childs; jkucich@bohlereng.com
Cc: Hayes, Matthew
Subject: RE: TVC - turning radii analysis

Just for info sake, the RT 109 Committee met last night and discussed this. I told them I couldn't say there was any change in the plans since they last saw them, but I wasn't certain. The current WB movement has a tractor-trailer go into the 2WLT and then turn into the exit lane of the TVC driveway. No one was ok with that. The concern is that although it may fit the bill for the TVC development as proposed, what happens if stores change, as they develop the back of the property, and then potentially tie into the Cassidy land at the back. From a planning perspective, it seems inadequate. The Committee recommends a wider entrance or at least a change in the radii to allow for the turn. A very likely scenario is that RT 109 is very busy with traffic, the exit lane from TVC is backed up because they can't enter RT 109 and a WB tractor-trailer wants to make the right onto TVC but can't because no room is available in the exit lane to make the maneuver. They are hoping to avoid some chaos. Matt Hayes was present for the discussion, so he is aware of the issues also. Note that he is not a member of the Committee and did not voice an opinion on the topic.

Thanks,

Dave
DPS Deputy Director
Check us out on-line at www.townofmedway.org

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From: Susan Affleck-Childs
Sent: Thursday, June 18, 2015 9:37 AM
To: jkucich@bohlereng.com
Cc: David Damico
Subject: FW: TVC - turning radii analysis

Hi John,

Please call Dave D'Amico in the Medway Department of Public Services to discuss his question below on the turning movement analysis into and out of TVC. 508-533-3275

Thanks.

Susy

From: David Damico
Sent: Thursday, June 18, 2015 9:31 AM
To: Susan Affleck-Childs
Subject: RE: TVC - turning radii analysis

Can you tell me what changed from the original analysis? Looks the same to me, but I don't really recall.

Thanks,

Dave
DPS Deputy Director
Check us out on-line at www.townofmedway.org

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From: Susan Affleck-Childs
Sent: Wednesday, June 17, 2015 4:14 PM
To: David Damico
Subject: TVC - turning radii analysis

Hi Dave,

The Tri Valley Commons engineer from Bohler Engineering just provided the turning radii analyses to us for large trucks/trailers.

Do you feel that these are acceptable or not from the Route 109 perspective?

Susy

From: jkucich@bohlereng.com [<mailto:jkucich@bohlereng.com>]
Sent: Wednesday, June 17, 2015 4:05 PM
To: Susan Affleck-Childs; rl@landryarchitects.com
Cc: steven.bouley@tetrattech.com
Subject: RE: TVC - turning radii analysis

As requested I've attached the turn plans which conservatively show a WB-65. Please let me know with any questions.

Thanks,
John

From: Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]
Sent: Wednesday, June 17, 2015 1:25 PM
To: Richard Landry
Cc: John Kucich; Steve Bouley
Subject: TVC - turning radii analysis

Hi,

At the last public hearing, we asked for Bohler Engineering to provide their analysis of the turning radii for large trucks/trailers accessing and exiting the TVC site.

Please forward that to me and Steve Bouley at Tetra Tech at your earliest convenience.

Thanks.

Susy Affleck-Childs

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

Town of Medway – A Massachusetts Green Community

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Susan Affleck-Childs

From: Ron Muller <ronmuller@RonMullerAssociates.com>
Sent: Tuesday, June 23, 2015 5:58 PM
To: Susan Affleck-Childs
Cc: Rich Landry; John Kucich
Subject: FW: TVC - turning radii analysis
Attachments: W141182 - Truck Enter Right_WB50.pdf; W141182 - Truck Exit Right_WB50.pdf

Hi Susy - seeing as I'm the traffic engineer on the project, I just wanted to let you know that John Kucich and I did discuss the driveway design and truck access per John's email below. John's statements are absolutely correct regarding the MassDOT standards. MassDOT understands that delivery vehicles will have to cross the centerline of the driveway to make the turns, but they are not concerned with this as deliveries are infrequent occurrences and typically happen during off-peak hours.

I hope this helps with the Planning Board's decision tonight. Unfortunately, I will not be able to attend due to a conflict.

All the best,
Ron

Ron Müller & Associates

Traffic Engineering and Consulting Services
56 Teresa Road, Hopkinton, MA 01748
P: (508) 395-1576
F: (508) 435-2481
Email: ronmuller@RonMullerAssociates.com
www.RonMullerAssociates.com

From: rl@landryarchitects.com [<mailto:rl@landryarchitects.com>]
Sent: Tuesday, June 23, 2015 5:45 PM
To: <ronmuller@RonMullerAssociates.com>
Subject: Fwd: TVC - turning radii analysis

Sent from my iPhone

Begin forwarded message:

From: <jkucich@bohlereng.com>
Date: June 23, 2015 at 4:38:09 PM EDT
To: <sachilds@townofmedway.org>, <rl@landryarchitects.com>
Cc: <steven.bouley@tetrattech.com>, <jbernardino@bohlereng.com>, <ddamico@townofmedway.org>
Subject: RE: TVC - turning radii analysis

Susy, I wanted to follow up from our earlier conversation relative to the Route 109 Committees concern that the delivery truck would need to cross the center line of the driveway to enter the site. As I discussed today with Dave, I offer the following:

1. The Town does not have specific design standards relative to driveway width and radii,
2. MassDOT Commercial driveways generally require a 24-foot driveway width with a 30-foot curb return. Our driveway exceeds the MassDOT requirements in that the width is 28-feet,

3. We agree that the delivery truck does need to cross the driveway centerline, this condition is a generally accepted practice as deliveries are an infrequent occurrence and avoiding it would result in constructing and abnormally large driveway which would introduce undesirable public safety impacts including:
 - a. Much longer travel paths for pedestrians to cross the driveway,
 - b. Introduction of undefined travel lanes due to excessive width,
 - c. Introduction of increased speeds entering the site due to the larger paved areas,
 - d. Removal of landscaped areas

I've attached a truck turn templates from a WB-50 delivery vehicle and we will be prepared to answer any questions on the above or provide additional information to the Board tonight.

Regards,
John

John Kucich, P.E.

RT 109 Design Committee
Meeting Minutes June 18, 2015

Medway Sr Center, 7:00 pm

Members Present: Dennis Crowley, Chair
Dan Hooper
Matt Buckley
Paul Yorkis
Maryjane White

Other Attendees: Dave D'Amico, Medway DPS
Matt Hayes, Medway Planning & Economic Development Board

1. Approval of past minutes deferred.
2. The Medway Economic Development Director, Stephanie Mercandetti, has crafted a letter to be sent to all Medway businesses along the construction corridor. The purpose of the letter is to inform business owners of two meetings to discuss the project and its impacts. Many business owners are not the property owners and may not have complete information. Meetings have been scheduled for July 14th, 7:00 pm and July 15th, 8:00 am at the Thayer House.
3. Mr. D'Amico reviewed project schedule.
 - a. Appraisals have taken longer than anticipated due to some conflicts with the appraiser and the review appraiser. These items appear to be getting resolved. Appraisals should be complete and offer letters sent before July 1, 2015.
 - b. MassDOT has requested additional engineering be performed for the construction of a masonry block wall at Charles River Bank. GPI has said it is not necessary, however, MassDOT is adamant. Cost is approximately \$9,200. The work should not impact the project schedule.
 - c. MassDOT has requested that the Town locate a Verizon duct bank. Verizon has refused to do anything more than DigSafe. Estimated additional cost is \$5,000. Again, no impact to project schedule.
4. Discussed the Tri-Valley Commons entrance. Revised plans submitted with no clear change from previous submissions. The main entrance raised some concern with the ability of west bound tractor-trailers to make the right turn onto the site without running over curbs or crossing into the two way left turn lane. The Committee does not feel that this is appropriate. The radii of the entry curbs should be adjusted to allow the maneuver without crossing lanes. Particular concerns are raised if stores should change, more development should occur on the northwest side of the property, and/or connections are made to other properties to the north. All could significantly increase truck traffic making this maneuver.

Motion to have Mr. D'Amico notify the Planning & Economic Development Board that truck use of the 2WLTL for right hand into TVC is not acceptable to the Committee. Motion carried unanimously.

5. The Committee reviewed project estimate produced by GPI. Focus was placed on non-participatory items in the estimate. Mr. Crowley informed the Committee that it is very possible that project funding may be increased to \$13.3 million. This figure would include all currently listed non-participatory items. The stone wall at Medway Shopping Center has now been removed from plans and estimates per MassDOT. Assuming funding is available, the Committee would like to see all items moved to participatory. Further review of landscape items are possible if necessary.

6. Mr. Buckley updated the Committee in regards to the new sign request from Medway Shopping Center. This is part of a variance request and now with the Design Review Committee. The sign as last proposed was a stone wall structure. Incorporation of the sign wall with the landscape wall (removed from the plans) is desirable. Ultimate authority will lie with the Zoning Board of Appeals. The Committee will work through them as appropriate.

Next meeting not scheduled at this time. Committee member are not required to attend informational meetings of July 14 and July 15, 2015.

Adjourn at 8:50 pm.

**Medway Planning and Economic Development Board
Request for Waiver from Site Plan Rules and Regulations**

Complete 1 form for each waiver request

Project Name:	Tri-Valley Commons
Property Location:	72 Main Street
Type of Project/Permit:	Major Site Plan Approval & Special Permit for Shopping Center
Identify the number and title of the relevant Section of the Site Plan Rules and Regulations from which a waiver is sought.	205-6.G.3.b. - Wheel Stops at head of parking stall
Summarize the text of the relevant Section of the Rules and Regulations from which a waiver is requested.	Wheel stops are required at the head of each car stall where a stall abuts a walkway and pedestrian way.
What aspect of the Regulation do you propose be waived?	Proposing a wheel stop at the end of each parking stalls
What do you propose instead?	Increase the parking stall depth adjacent to sidewalks from 18' to 20'.
Explanation/justification for the waiver request. Why is the waiver needed? Describe the extenuating circumstances that necessitate the waiver request.	The Waiver is requested in an effort to minimize tripping hazards for pedestrians and to simplify snow removal efforts.
What is the estimated value/cost savings to the applicant if the waiver is granted?	The cost of installed concrete wheel stops is \$1,000.
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?	Parking stalls adjacent to sidewalks are proposed at 20-ft long to allow for additional room for vehicles. Not proposing wheel stops will benefit pedestrians by eliminating tripping hazards.
What is the impact on the development if this waiver is denied?	Denying the Waiver will result in the wheel stops being installed, creating a tripping hazard for pedestrians and liability for the applicant.
What are the design alternatives to granting this waiver?	The design alternative would be to provide concrete wheel stops, which would result in the aforementioned impacts.
Why is granting this waiver in the Town's best interest?	It is in the Town's best interest to grant this waiver as it will allow the applicant to responsibly develop the site by eliminating tripping hazards.
If this waiver is granted, what is the estimated cost savings and/or cost avoidance to the Town?	The cost of installed concrete wheel stops is \$1,000.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	Parking stalls adjacent to sidewalks are proposed at 20-ft long to allow for additional room for vehicles.
What is the estimated value of the proposed mitigation measures?	Not applicable.
Other Information?	Not applicable.
Waiver Request Prepared By:	Bohler Engineering
Date:	
Questions?? - Please contact the Medway PED office at 508-533-3291.	



June 23, 2015

**Medway Planning & Economic Development Board
Meeting**

2009 Master Plan – Action Items
Implementation Status

- Table listing all action items from the 2009 Medway Master Plan that were assigned in full or in part to the PEDB. I have provided status comments in the far right corner of the table in almost all cases. Please review and be prepared to offer further comments.

Note – Jim Wieler will attend the meeting to review this with you. I will send him this chart in electronic form so he can take notes, etc. during the discussion.

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
	AFFORDABLE HOUSING ACTION ITEMS				
AH - Goal 1	Affordable Housing Goal #1 - Identify Housing Needs				
AH - Goal 1	1 Complete a Housing Production Plan per DHCD requirements, a) Identify single and multi-family needs, b) Determine public housing needs	AHC	PB	2009	HPP was completed in 2010 and submitted to Mass DHCD. It is now being updated. The Medway AHT is taking lead on the update process. Funding for the HPP update has been provided by the Community Preservation Committee.
AH - Goal 1	3 Encourage private development of market and restricted affordable housing	AHC	PB, BOS, CPC	Ongoing	PEDB has done so thru its efforts to propose an inclusionary zoning bylaw which was first approved by Town Meeting in 2008 and updated in 2012.
AH - Goal 2	Affordable Housing Goal #2 - Establish Organizational Infrastructure to Implement Housing Plans				
AH - Goal 2	1 Activate the Affordable Housing Trust Fund (as authorized by Town Meeting)	AHC	BOS, PB	2009	PEDB office was instrumental in the effort to establish the Affordable Housing Trust. Funding from the CPC was secured to produce the AHT Action Plan. From there, a proposal was successfully approved by Town Meeting to allocate CPC funds to the AHT to be used in part for a half time Community Housing Coordinator.
AH - Goal 2	2 Retain a housing consultant to help manage restricted affordable housing processing and compliance	AHC	CPC, AHC, PB	2009	Doug Havens was hired as the Town's Community Housing Coordinator in _____. He works on a half time basis to help carry out the Trust's activities and monitor Medway's existing AH units. PB staff led hiring effort.
AH - Goal 3	Affordable Housing Goal #3 - Identify Locations, Quantities, and Types of Housing				
AH - Goal 3	1 Identify appropriate parcels for market and restricted affordable housing	AHC	PB, ZBA, BOS	2009	PB has not been directly involved in this.
AH - Goal 4	Affordable Housing Goal #4 - Amend Zoning Bylaw to Encourage Market and Restricted Affordable Development				
AH - Goal 4	1 Adopt "mixed-use"/"town center" zoning	PB	AHC, AHTF, ZBA, BOS	2009	Provisions for mixed use for Commercial I zone were proposed by the PEDB and approved at November 2014 town meeting.
AH - Goal 4	2 Adopt provisions for Transfer of Development Rights .a) Preserve rural character and open space .b) Direct development to areas that are more suitable	AHC	PB, AHTF, BOS, OSC	2010	This has not been undertaken. BIG Task. Other zoning amendments took priority. Needs to be discussed. Not convinced of its value.
AH - Goal 4	3 Allow for "in-fill" development of smaller parcels of land for restricted affordable housing	AHC	PB	2009	Infill zoning option was approved by Town Meeting in June 2009. Regrettably, no one has made use of this provision. However, we have not promoted it or reached out to owners of affected parcels.
					6-18-2015 SAC notes

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
	Affordable Housing Goal #4 - Amend Zoning Bylaw to Encourage Market and Restricted Affordable Development - CONTINUED				
AH - Goal 4	4 Adopt options for 40R development (higher density)	PB	AHC, BOS	2009	Not completed. Probably most suitable for Oak Grove area.
AH - Goal 4	5 Adopt provisions for development of multi-family housing in appropriate locations	PB, AHC	BOS	2010	New Multifamily Residential special permit options approved by 5-11-15 town meeting
AH - Goal 5	Affordable Housing Goal #5 - Explore and Utilize Creative Development Opportunities				
AH - Goal 5	1 Solicit local builders and non-profit organizations to build "friendly 40B" projects	AHC	AHTF, PB, BOS	2010	No direct PB activity on this. PB staff is available to meet on request.
AH - Goal 5	4 Encourage use of ARCPUD and OSRD development options	AHC	PB, AHTF, OSC	Ongoing	Since 2009, the PEDB has permitted 2 open space developments (Williamsburg and Charles River Village) and one ARCPUD (Millstone). An application for another ARCPUD development was filed in mid June 2015.
	ECONOMIC DEVELOPMENT ACTION ITEMS				
ED - Goal 1	Economic Development Goal #1 - Maximize the economic area's economic development resources				
ED - Goal 1	2 Work with Town of Bellingham to cooperatively plan for and develop the open land along the border between the two towns.	PB	EDC	Ongoing	No activity on this.
ED - Goal 2	Economic Development Goal #2 - Facilitate smart redevelopment of the Rt. 109 corridor to create Village/Town Center				
ED - Goal 2	1 Utilizing the previously created "vision" of a pedestrian friendly Town Center, share with Town Boards and the community so that the vision can be shared and understood by the residents	EDC	PB	Ongoing	No activity on this.
ED - Goal 2	1 Complete and adopt new provisions to the zoning bylaw that includes incentives for landowners to develop and/or redevelop their properties in a manner consistent with the vision	PB	EDC	2010	Provisions for mixed use for Commercial I zone were proposed by the PEDB and approved at November 2014 town meeting.
ED - Goal 2	1 Facilitate discussion groups with the landowners to stimulate consideration of the development opportunities available through the smart redevelopment vision	EDC	PB, BOS	2012-2014	Various conversations have occurred with the owner and representatives of the Medway Plaza Shopping Center
ED - Goal 3	Economic Development Goal #3 - Facilitate smart development of the Oak Grove area (bottle cap lots)				
ED - Goal 3	1 Create the Oak Grove Task Force Committee to coordinate and facilitate the efforts	BOS	PB	2009	PB established OGTF. OGTF met periodically and was put on hold while Town conducted title research.
ED - Goal 3	2 Create a realistic vision for the Oak Grove area that maximizes the best use for the area in a manner consistent with the Master Plan.	OGTF	PB, EDC	2009-2010	The Town entered into an agreement with MassDevelopment for consultant funding for the Oak Grove Redevelopment Feasibility Study completed in 2012. 6-18-2015 SAC notes

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
	Economic Development Goal #3 - Facilitate smart development of the Oak Grove area (bottle cap lots) - Continued				
ED - Goal 3	2 Share and promote the vision to various Town boards and to the community so that it can be understood by residents	OGTF	PB, EDC	2010-2014	A series of community workshops was held as part of the above noted study.
ED - Goal 3	3 Have vision, ownership, and zoning in place to allow for development	BOS	OGTF, PB, EDC	2014-2017	In process. A Redevelopment Authority was established in 2014. Funding has been provided to undertake an urban renewal plan. RFP to be distributed in July 2015 to secure a consultant to prepare the urban renewal plan.
ED - Goal 3	3 Facilitate a partnership with landowners to maximize the potential development area	BOS	OGTF, PB, EDC	2010	The Town has hired Stephanie Mercandetti as its first Director of Community and Economic Development. Oak Grove is one of the key projects assigned to her.
ED - Goal 4	Economic Development Goal #4 - Update zoning to maximize the economic opportunities of commercial and industrial zones				
ED - Goal 4	2 Review Zoning Bylaw and Site Plan Rules and Regulations and update to assure zoning and design standards are consistent with Master Plan vision	PB	EDC	2009-2013	Zoning Bylaw Recodification approved in May 2015. Design Review Guidelines are in process of being updated and illustrated. New Site Plan Rules and Regulations are "in process".
ED - Goal 4	3 Create overlay district to provide for mixed uses along Village Street that will preserve historic and scenic areas where mixed uses already exist	PB	EDC, HC	2011	A second Adaptive Use Overlay District was established in 2012 including much of the Medway Village historic district.
ED - Goal 4	1 Provide incentives for redevelopment with mixed uses within C1 district	PB	EDC	2009	Provisions for mixed use for Commercial I zone were proposed by the PEDB and approved at November 2014 town meeting.
ED - Goal 4	3 Increase land zoned for industrial purposes by expanding the Industrial I district (East Medway Industrial Park)	PB	EDC	2010-2012	No activity.
ED - Goal 4	3 Increase land zoned for industrial purposes by expanding the Industrial III district (Medway Business Park at 495)	PB	EDC	2010-2012	No activity.
ED - Goal 5	Economic Development Goal #5 - Identify and utilize any "brown field" parcels				
ED - Goal 5	1 Review all "brown field" sites and their current conditions	EDC	PB	2010	I don't believe Medway has any official "brown field" sites
ED - Goal 5	2 Research and identify available grants available for "brown field" cleanups	EDC	PB	2010	No activity.
ED - Goal 5	3 Meet with property owners of identified "brown fields" to discuss options	EDC	PB, BOS	2010 - 2011	No activity.
ED - Goal 5	4 Assist in securing grants to cleanup and potentially redevelop "brown field" sites including Town dump and DPS Highway Barn	EDC	PB, BOS	2011-2012	No activity
					6-18-2015 SAC notes

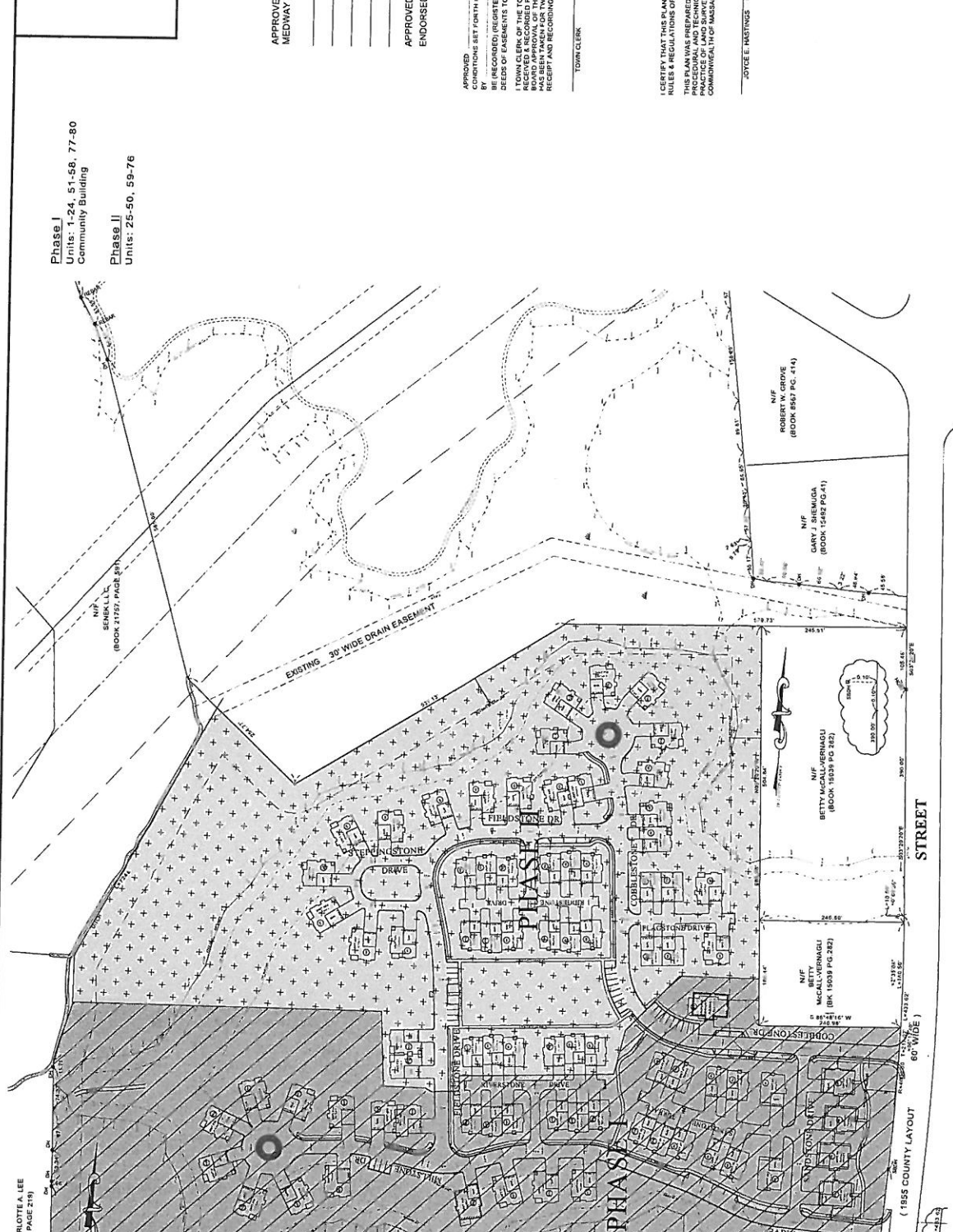
Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
	LAND USE ACTION ITEMS				
LU - Goal 1	Land Use Goal #1 - Provide growth options that encourage optimal land use and aquifer preservation				
LU - Goal 1	1 Develop a plan to purchase or otherwise protect Chapter 61 lands	CPC	OSC, PB, BOS	Ongoing	No specific plan has been established although progress has been made in acquiring Briggs property.
LU - Goal 1	2 Rezone parcels for optimal use and Town benefit (tax revenue, or preservation)	PB		Ongoing	PB as attempted 3 times to rezone residential property around the Commercial V district to business uses. Defeated all 3 times at Town Meeting.
LU - Goal 1	Zoning changes should not increase the Town's overall population density, that is, the maximum expected buildout population. Denser development in one area should be balanced with open space preservation in another.	PB		Ongoing	Overall, I believe we are doing this fairly well.
LU - Goal 1	6 Seek alternative funding sources for planning and growth issues listed in the Master Plan.	PB	BOS	2009-2011	???
LU - Goal 1	2 Review Medway Zoning Subdivision Rules and Regulations to ensure that regulations are consistent with optimal land use and aquifer preservation.	PB		2010-2014	Does this mean researching and applying for grants? This has not occurred.
LU - Goal 1	4 Use Best Practices to encourage development where we want it or to limit the impacts of development on the community's important natural and scenic resources.	PB		Ongoing	
LU - Goal 1	4 Evaluate the merits of adopting a Medway specific Right to Farm bylaw	OSC	PB	2010	No activity. Former TA Suzanne Kennedy directed me to not work on this.
LU - Goal 1	1 Research and Evaluate the establishment of a Transfer of Development Rights program	OSC	PB, BOS	2010-2011	No activity.
LU - Goal 1	8 Aggressively promote availability of OSRD option to residential developers	OSC	PB	Ongoing	I believe we generally promote OSRD.
LU - Goal 1	8 Ensure that Open Space Residential Developments (OSRD) provide contiguous open space wherever possible.	PB	OSC	2009	Recently permitted OSRDs have not afforded this opportunity.
LU - Goal 1	10 Investigate adopting a bylaw to ban underground sprinkler systems to lower overall water consumption.	PB	WS	2009	This has not been undertaken. I would really look to DPS as the lead on this instead of the PEDB. BOS support would be critical. Perhaps now, there is a more compelling need to do this what with Medway's water limitations by DEP.
LU - Goal 1	5 Establish a Wildlife Habitat Corridor Overlay Zoning District, to allow development but also require maintenance of habitat corridors.	PB	OS, WS	2009	No activity.
LU - Goal 1	3 Strive to establish open spaces that are contiguous to other open spaces.	PB		Ongoing	General practice is to pursue this whenever possible.
LU - Goal 1	3 Adopt Zoning Bylaw to encourage mixed use development such as apartments above retail in community centers.	PB		2009	New provisions for mixed use in the Commercial I district were approved by Town Meeting fall 2014.
LU - Goal 1	2 Direct residential development near established C1 district and encourage higher density	PB		2010	New provisions for mixed use in the Commercial I district were approved by Town Meeting fall 2014.
LU - Goal 2	Land Use Goal #2 - Encourage Commercial/Industrial Development				

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
LU - Goal 2	Identify areas adjacent to current industrially zoned areas on or near Rt. 109 and Route 126 which may be identified as "industrial expansion areas" and propose rezoning to create for additional opportunities for industrial development.	PB		2010	No action on this for industrial properties.
LU - Goal 2	Create a unified plan for the expansion of water, public sewer, natural gas, electrical service and storm water drainage to industrial land for the optimal development of that land.	PB	WS	2010	
LU - Goal 2	Rezone portions of Rte. 109 near Millis, at the intersection of Rte. 126, along Village St. near the Police Station, and at the intersection of Clark St., for professional office space, with a residential appearance.	PB		2011	Created a new business/industrial zone along north side of Route 109 near Millis.
LU - Goal 2	Amend the Zoning Bylaw to create new zoning classifications for office space and light industry.	PB		2011	No action on this.
LU - Goal 2	Encourage the Re-development of C1 zone using Traditional Neighborhood/Smart Growth Development practices.	PB	CPC, BOS	2009	New provisions for mixed use in the Commercial I district were approved by Town Meeting fall 2014.
LU - Goal 2	Amend the Zoning Bylaw to create a transitional use zone to buffer residential uses from business uses by allowing non-residential uses, such as professional offices, in buildings which maintain a residential appearance, provide adequate buffering for parking and traffic.	PB		2010	Attempted 3 times for area around the Commercial V district. All attempts voted down by Town Meeting.
LU - Goal 2	Provide Tax Increment Financing (TIF) incentives for Commercial/Industrial development.	PB		2010	No activity. This may be more do-able now with having a Community and Economic Development Director
LU - Goal 2	Pursue District Improvement Financing (DIF) for infrastructure improvements	PB			No activity. This may be more do-able now with having a Community and Economic Development Director
LU - Goal 2	Continue to work to streamline permitting process	PB	CC	2010	Ongoing. Lots of changes in the past 2 years using PeopleGIS for the Building Department permits.
LU - Goal 2	Identify parcels which are no longer suitable for industrial uses because of conflict with environmental resources, existing uses, current traffic, or development patterns (e.g. Sanford Mill and Broad Street). Re-zone parcels as appropriate.	PB		Ongoing	No activity
LU - Goal 2	Create a Rt. 109 Redevelopment Plan to establish vision for development.	PB	CPC, BOS	2010	No activity to develop an overall Route 109 redevelopment plan.
LU - Goal 2	Continue development of site plan and building design standards for renovation and new development of commercial/industrial and town owned facilities	PB/DRC		2009	New Design Review Guidelines are currently in process.
LU - Goal 3	Land Use Goal #3 - Protect Water Resources				
LU - Goal 3	Incorporate low impact development standards into all applicable land development rules and regulations of various town boards	PB	WS,BOH	Ongoing	
LU - Goal 3	Plan and support acquisition of lands to preserve the Chicken Brook ecological corridor to preserve wildlife migration along Chicken Brook from Holliston's Wenakeening Woods to Choate Park.	PB	CPC, OSC	2011	
LU - Goal 3	Develop hiking/biking paths to form a network interconnecting Medway with neighboring Towns	OSC	PB, CPC	2012	
LU - Goal 3	Locate, map and investigate expansion of watershed protection areas and purchase or otherwise protect the adjacent land when possible	BOS	WS, PB, CPC	Ongoing	
LU - Goal 3	Update Medway General Wetlands By-law to increase the no-build zone	CC	PB	Ongoing	This is under CC jurisdiction.

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
LU - Goal 3	Land Use Goal #3 - Protect Water Resources - Continued				
LU - Goal 3	7 Restrict the extension of the Medway's sewers except to encourage commercial/industrial growth in areas where the tax benefit is greater than the cost.	PB	WS	2010	Sewer expansion moratorium put into effect in November 2015
LU - Goal 3	9 Establish Medway Town Forest	CPC	BOS, PB, OSC	2013	There has been no movement on this.
	Land Use Goal #4 - Coordinate Planning				
LU - Goal 4	1 Retain Community Preservation Act so Town is able to leverage State dollars to reach Master Plan goals	BOS	PB, FINCOM		Town has retained CPA.
LU - Goal 4	3 Keep Chapter 61 lands in use for protection and preservation	PB	BOS		
LU - Goal 4	2 Expand GIS system to provide access through a computer network to multiple boards and departments	PB	CIPC	2009-2011	Ongoing. Launched online GIS maps in 2012.
LU - Goal 4	1 Open Space Committee should coordinate Town Boards and Commissions to develop a plan to pursue high value open space land	OSC	BOS, PB	Ongoing	
	TRANSPORTATION ACTION ITEMS				
TR - Goal 1	Transportation Goal #1 - Increase vehicular safety on Route 109 and Main Street				
TR - Goal 1	3 Reduce the number of curb cuts.	PB	DPW	2010	????
TR - Goal 1	4 Review and revise zoning on high-volume drive-thru businesses to reduce or eliminate this safety issue.	PB	Police, DPW	2011	No specific activity on this. New drive-thrus need a special permit so safety issues can be addressed. Additional zoning bylaw language is need to establish criteria for allowing drive-thru businesses.
TR - Goal 1	1 Rigorously assess the traffic flow patterns associated with future commercial/industrial centers along these accident-prone thoroughfares – look for opportunities to make safety improvements during permitting process.	PB	DPW	Ongoing	Traffic studies are required as part of any commercial development project - Cumberland Farms, Tri Valley Commons
TR - Goal 2	Transportation Goal #2 - Increase the number of sidewalks and trails in Medway				
TR - Goal 2	2 Planning Board should work with developers to link adjacent subdivisions.	PB		Ongoing	This is a standard component of any subdivision review.
TR - Goal 3	Transportation Goal #3 - Increase pedestrian safety in Medway				
TR - Goal 3	3 Increase the number of sidewalks and trails linking schools and commercial centers	OSC	PB	2010	Ongoing effort. Town is considering participation in the new MassDOT Complete Streets program.
TR - Goal 4	Transportation Goal #4 - Create bike lanes on main thoroughfares through Medway				
TR - Goal 4	1 Mandate bike lanes on all future road reconstruction where the Town right-of-way will accommodate the wider road/bikeway.	PB		2011	Town is considering seeking designed as a Complete Streets community. Waiting for MassDOT to issue regs.
TR - Goal 4	2 Work with neighboring towns to interconnect bike trails.	PB	OSC	2011	No activity by PB.

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
	NATURAL AND CULTURAL RESOURCES ACTION ITEMS				
NCR - Goal 1	NCR Goal #1 - Protect Groundwater and Other Natural Resources				
NCR - Goal 1	2 Expand buffer zones for wells and continue to enforce all water protection laws and bylaws including the Rivers Act	WS, PB	BOS	2009	No activity by PB.
NCR - Goal 1	2 Codify development practices that prevent water run-off and replenish aquifers.	PB, WS	BOS	2009-2010	Subdivision and Site Plan Rules and Regs have very strict standards on stormwater runoff.
NCR - Goal 2	NCR Goal #2 - Protect Rural, Small Town Character and Enhance Community Spirit				
NCR - Goal 2	3 Create incentives for land developers to consider the topographical character when proposing land use in addition to a site's location and future market opportunities.	PB/OS/DR C		2009-2012	On-Going. PEDB requires a 4 step design process for OSRD and ARPUJ developments which includes identification of important site features to be preserved.
NCR - Goal 2	3 Further the community-friendly objectives of the Design Review Committee and their design recommendations through expanded outreach and educational means.	PB/DRC			DRC has prepared an overview of the Sign Design Review process which is available on the web.
NCR - Goal 2	2 Assist in the preservation of family farms and encourage locally grown produce.	PB/OS	BOS	Ongoing	PB staff supported efforts to establish Medway Community Farm.
NCR - Goal 2	1 Amend zoning to encourage development designed for safe walking and cycling as well as vehicular travel, from neighborhood to neighborhood and from residential to commercial areas.	PB		2009-2012	Requirements exist in various Rules and Regulations to provide for pedestrian and bike access.
NCR - Goal 2	6 Establish Rules and Regulations governing Medway's scenic roads	PB		2011	PB adopted Scenic Road Rules and Regs in July 2002.
NCR - Goal 3	NCR Goal #3 - Implement Sustainable Energy Practices and Environmentally Sound Guidelines				
NCR - Goal 3	2 Assess through energy use audits all municipal buildings and transportation options then implement best and simplest energy efficiency products and practices as a first response while planning for significant long-term energy use reductions	PB	BOS	2009-2010	Energy audits completed at part of Town's Green Communities activities in 2010.
NCR - Goal 3	1 Zone Town's village centers to encourage development practices based on Smart Growth, pedestrian and bike friendly communities while reducing the need for vehicular trips	PB		2009-2012	Added mixed use special permit option to Commercial I zone at the fall 2014 town meeting. Would like to propose a traditional neighborhood development zoning option in the near future.
NCR - Goal 5	NCR Goal #5 - Protect Open Space and Unique Wildlife Habitats				
NCR - Goal 5	3 b). Pursue land protection aimed at keeping water sources clean, linking protected lands and wildlife corridors together and providing buffer areas between residential and commercial/industrial zones.	PB/OSC		Ongoing	
NCR - Goal 5	4 c). Promote awareness and protection of the Charles River and other riverfront lands.	PB/OSC		Ongoing	Open space area adjacent to Charles River has been designated as part of the Charles River Village OSRD project.

Master Plan Section	GOALS AND IMPLEMENTATION ACTIONS	LEAD ORG.	OTHER ORGS.	TIME LINE	IMPLEMENTATION STATUS
NCR - Goal 5	d). Prioritize through a land protection matrix, the approach to protecting lands through the use of Community Preservation Funds as well as other funding and protection means; be prepared as a Town to respond quickly and comprehensively to each Chapter 61X land transaction.	PB/OSC	CPC/BOS	2009-2010	
	KEY				
	Organization Name				Contacts
AHC	Affordable Housing Committee				dhavens@townof.medway.org
AHTF	Affordable Housing Trust Fund			Doug Havens	slack_alison@hotmail.com
BOS	Board of Selectmen			Allison Potter	bos@townof.medway.org
CC	Conservation Commission				Kelley O'Rourke
CIPC	Capital Improvement Planning Committee				Mark Cerel
CPC	Community Preservation Committee			Peter Seacrest	Tom Holder
DPS	Department of Public Services				Tom Holder
DPW	Department of Public Works				Matt Buckley
DRC	Design Review Committee				igallardt@townof.medway.org
FC	Finance Committee			Jeanette Gallardt	
HC	Historical Commission			Jean Johnson	slack_alison@hotmail.com
MHA	Medway Housing Authority				Susy Affleck-Childs
OGTF	Oak Grove Task Force				Tina Wright
OS	Open Space Committee				Andy Rodenhiser
PB	Planning & Economic Development Board				Bob Reagan
PC	Board of Parks Commissioners				Diane Borgatti
SC	School Committee				Tom Holder
WS	Water and Sewer Board				Stephanie Mercandetti
ZBA	Zoning Board of Appeals				
	Section Headings				
LU	Land Use				
OS	Open Space				
ED	Economic Development				
AH	Affordable Housing				
NCR	Natural and Cultural Resources				
PF-WS	Public Facilities - Water and Sewer				
PF-SC	Public Facilities - Schools				
PF-TF	Public Facilities - Town Facilities				



Phase I
Units: 1-24, 51-58, 77-80
Community Building

Phase II
Units: 25-50, 59-76

NIP
GEORGE F & CHARLOTTE A. LEE
(BOOK 8893, PAGE 218)

NIP
ANNE B. WALKER
(BOOK 8022, PAGE 235)

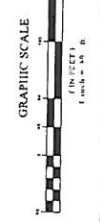
NIP
RONALD F. FORTE
DOROTHY A. FORTE
BOOK 8705, PAGE 183

NIP
BETTY
MCALL-VERNAGLI
(BK 15039 PG 282)

NIP
BETTY
MCALL-VERNAGLI
(BOOK 15039 PG 282)

NIP
GARY
MILICA
(BOOK 15042 PG 41)

NIP
ROBERT W. GROVE
(BOOK 8947 PG 414)



No.	DATE	DESCRIPTION	DES. COO.	DESIGN BY:
1	7/22/14	PLANNING BOARD CONDITIONS OF APPROVAL		WML
2	8/12/15	PHASES		WML

DRAWN BY: WML
CHECKED BY: WML

GLM
ENGINEERING
CONSULTANTS, INC.
19 EXCHANGE STREET
HOLLISTON, MASSACHUSETTS 01746
(508) 342-1100 fax: (508) 429-7140

ADULT RETIREMENT COMMUNITY PLANNED UNIT DEVELOPMENT
"MILLSTONE VILLAGE"
MEDWAY, MASSACHUSETTS

OWNER:
BETTY MCALL-VERNAGLI
ELITE HOME BUILDERS LLC
WESTBORO, MASSACHUSETTS 01581

APPLICANT:
ELITE HOME BUILDERS LLC
P.O. BOX 1205
WESTBORO, MASSACHUSETTS 01581

PHASING PLAN
JOB NO. 14-078
SCALE: 1"=80'
DATE: APRIL 2, 2014
SHEET NO. Sup - B

APPROVED BY _____
MEDWAY PLANNING BOARD

APPROVED: _____
ENDORSED: _____

APPROVED _____ SUBJECT TO COVENANT
CONDITIONS SET FORTH IN A GOVERNMENT EXECUTED
AND TO
BE RECORDED) (REGISTERED HEREWITH _____ AND TO
DEEDS OF EASEMENTS TO BE RECORDED HEREWITH _____

I, TOWN CLERK OF THE TOWN OF MEDWAY,
HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE
RULES & REGULATIONS OF THE REGISTER OF DEEDS
AND THAT THIS PLAN HAS BEEN RECORDED IN THE
OFFICE OF THE REGISTER OF DEEDS FOR THE
PRACTICE OF LAND SURVEYING IN THE
COMMONWEALTH OF MASSACHUSETTS.

TOWN CLERK _____ DATE _____

JOYCE E. HASTINGS P.L.S. _____ DATE _____

AMENDMENT #1
Performance Secured by Lender's Agreement
Millstone Village

Planning & Economic Development Board – Town of Medway, MA

WHEREAS, on the 24th day of April, 2015, 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, 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, entered into a Lender's Agreement to secure the construction of ways and installation of municipal services in accordance General Laws Chapter 41 Section 81U, and all other applicable provisions of the Subdivision Control Law and General Laws on the land shown on an approved 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 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 has modified the phasing plan for building out the Millstone development (see Attached revised Millstone Phasing Plan dated April 2, 2015, last revised June 12, 2015 prepared by GLM Engineering of Holliston, MA) to be comprised of just two phases; and

WHEREAS, the Board approved the modified phasing plan at its June 23, 2015 meeting; and

WHEREAS, the Applicant wishes to construct the remaining residential dwelling units in the Phase I area as shown on the above noted modified Millstone Phasing Plan; and

WHEREAS, the Applicant now needs to modify the Lender's Agreement as follows in order to post additional security to ensure secure the completion of the construction of ways and installation of municipal services in the Phase I area by:

1. reducing the original performance security amount by \$62,978 from \$345,613 to \$282,635 in accordance with the bond reduction estimate prepared by Tetra Tech Engineering dated May 5, 2015 (as Attached); and by
2. increasing the above noted reduced bond amount of \$282,635 by \$187,961 to a total of \$470,596 in accordance with the bond estimate prepared by Tetra Tech Engineering dated May 5, 2015 for the former Phase 4 area which is now part of Phase I (as Attached)

NOW, THEREFORE, the parties agree that the paragraph numbered 1 in the Lender's Agreement shall be modified to read 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 \$470,596, 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. All other provisions of the Lender's Agreement executed April 24, 2015 remain in 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: _____

**TETRA TECH**

Bond Estimate
Millstone Village (Phase 1A/1B)
Medway, Massachusetts
 December 10, 2014 (Revised May 5, 2015)

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	\$100.00	\$36,000
HMA Top Course-Common Road	87	TON	\$100.00	\$8,700
HMA Top Course-Sidewalk	80	TON	\$100.00	\$8,000
HMA Binder Course-Common Road	145	TON	\$100.00	\$14,500
HMA Binder Course-Sidewalk	85	TON	\$100.00	\$8,500
Gravel Borrow-Common Road	398	CY	\$32.00	\$12,736
Gravel Borrow-Sidewalk	334	CY	\$32.00	\$10,688
Catch Basin	2	EA	\$3,000.00	\$6,000
Catch Basin Hood	0	EA	\$400.00	\$0
Drain Manhole	1	EA	\$3,500.00	\$3,500
Frame and Grate	5	EA	\$726.00	\$3,630
Frame and Cover	1	EA	\$726.00	\$726
Adjust Castings	38	EA	\$325.00	\$12,350
12" RCP Pipe	92	EA	\$70.00	\$6,440
Guardrail	0	FT	\$20.00	\$0
Gas Main-Services	0	LS	\$5,000.00	\$0
Electrical Services	1	LS	\$10,000.00	\$10,000
Vertical Granite Curb	701	FT	\$45.00	\$31,545
Cape Cod Berm	1,299	FT	\$6.75	\$8,768
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	\$226,108
25% Contingency	\$56,527
Total	\$282,635

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 5/2014 - 5/2015.



TETRA TECH

Bond Estimate
Millstone Village (Phase 4)
Medway, Massachusetts
May 5, 2015

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	113	TON	\$100.00	\$11,300
HMA Top Course-Sidewalk	8	TON	\$100.00	\$800
HMA Binder Course-Sidewalk	11	TON	\$100.00	\$1,100
Gravel Borrow-Sidewalk	45	CY	\$32.00	\$1,440
Fine Grading and Compacting	116	SY	\$4.00	\$464
Catch Basin Hood	3	EA	\$400.00	\$1,200
Drain Manhole	3	EA	\$3,500.00	\$10,500
Frame and Grate	3	EA	\$726.00	\$2,178
Frame and Cover	8	EA	\$726.00	\$5,808
Adjust Castings	8	EA	\$325.00	\$2,600
Cultec Recharger 3P	1	LS	\$45,000.00	\$45,000
12" RCP Pipe	213	FT	\$70.00	\$14,910
18" RCP Pipe	92	FT	\$72.00	\$6,624
Electrical Services	1	LS	\$10,000.00	\$10,000
Vertical Granite Curb	341	FT	\$45.00	\$15,345
Sloped Granite Curb	75	FT	\$30.00	\$2,250
Cape Cod Berm	434	FT	\$6.75	\$2,930
Rehandled Topsoil	92	CY	\$25.00	\$2,300
Seed	460	SY	\$2.00	\$920
Line Striping (Top)	1	LS	\$1,000.00	\$1,000
Landscaping	1	LS	\$10,000.00	\$10,000
As-Built Plans	340	LF	\$5.00	\$1,700
Subtotal				\$150,369
25% Contingency				\$37,592
Total				\$187,961

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 5/2014 - 5/2015.

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:

- 14 Fieldstone Drive
- 28, 29, 30, 31, 32, 33, 34, 35 and 36 Millstone Drive

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 entitle 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.

Notary Public
My commission expires:



Change Order

Project: Millstone Village
Winthrop Street
Medway, MA

TT Project No.: 143-21583-14018

Change No.: CO-001

Date: June 23, 2015

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

Contract Summary:	
Original Budget:	\$ 19,944
App. C.O.s:	\$ 0
Pending C.O.s:	\$ 0
This Change	\$ 10,195
Revised Budget	\$ 30,139

Scope of Services			
Task	Initial Contract	Change Order 001	Total
002 - Additional Phase 1 Construction Services	\$ -	\$ 10,195.00	\$ 10,195.00
Total	\$ -	\$ 10,195.00	\$ 10,195.00

Task 002 Additional Phase 1 Construction Services:

Provide construction inspection and reporting services during the construction of this phase. See attached Construction Estimate Fee Schedule.

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

Tetra Tech Authorization

Client Authorization

By: Sean P. Reardon, P.E.

By:

Title: Vice President

Title:

Date: June 23, 2015

Date:

P:\21583\143-21583-14018 (MILLSTONE VILLAGE CONST SERV)\ProjMgmt\Contracts\COs\Change Order 001-Additional Services-2015-06-23.doc

One Grant Street
Framingham, MA 01702
Tel 508.903.2000 Fax 508.903.2001

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	1	\$100	\$100
2	Clear & Grub	1	1	\$100	\$100
3	Subgrade/Staking	1	1	\$100	\$100
4	Drainage System	3	3	\$100	\$900
5	Subsurface Detention System	1	4	\$100	\$400
6	Roadway Gravel	1	2	\$100	\$200
7	Water System	2	2	\$100	\$400
8	Water System Testing	1	2	\$100	\$200
9	Sewer System	2	2	\$100	\$400
10	Sewer System Testing	1	2	\$100	\$200
11	Roadway Binder	1	4	\$100	\$400
12	Curb/Berm	1	1	\$100	\$100
13	Private Utilities	2	1	\$100	\$200
14	Sidewalk Base/Gravel	1	2	\$100	\$200
15	Sidewalk Binder	1	2	\$100	\$200
16	Roadway Top	1	4	\$100	\$400
17	Sidewalk Top	1	2	\$100	\$200
18	Frames and Covers/Grates	1	1	\$100	\$100
19	Adjust Frames & Covers/Grates	1	1	\$100	\$100
20	DMH Inverts	1	2	\$100	\$200
21	Bounds	1	1	\$100	\$100
22	Landscape/Plantings	1	3	\$100	\$300
23	O & M Inspections	10	1	\$100	\$1,000
24	Punch List Inspections (See Note 2)	2	6	\$100	\$1,200
25	Bond Estimates	2	3	\$100	\$600
26	As-Built Plans	2	3	\$100	\$600
27	Meetings	4	2	\$100	\$800
28	Admin	3	1	\$50	\$150
	Subtotal				\$9,850
	Expenses			3.5%	\$345
	TOTAL				\$10,195

Notes:

- 1 This estimate reflects changes made to the Phasing Plan dated April 2, 2014 and revised June 12, 2015. This estimate includes area of the project formerly known as Phase 4 in what is now called Phase 1. Phase 1 consists of areas of the project formerly known as Phase 1A/1B and Phase 4.
- 2 Punch List Inspections include a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 3 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Tuesday, May 05, 2015 4:16 PM
To: Steven Venincasa
Subject: FW: Millstone - bond
Attachments: Bond Estimate_04_Millstone Ph 1A-1B_2014-12-10 (Revised 2015-05-05).pdf; Bond Estimate_04_Millstone Ph 4_2014-12-10 (Revised 2015-05-05).pdf

Hi Steve,

See email note below from Steve Bouley at Tetra Tech and the attachments.

Steve has revised the Phase 1A and 1B bond estimate. As you can see it has been reduced to \$282,635.

Steve also prepared a bond estimate for Phase 4. That amount is for \$187,961. HOWEVER, Steve's note lists the remaining minimum items that must be completed before the Board is able to consider any further release for construction.

This information will be shared with the PEDB and discussed at its meeting on 5/12/15.

Please contact me if you have any questions.

Susy Affleck-Childs

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

Town of Medway – A Massachusetts Green Community

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

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

From: Bouley, Steven [mailto:Steven.Bouley@tetrattech.com]
Sent: Tuesday, May 05, 2015 4:03 PM
To: Susan Affleck-Childs

Cc: Reardon, Sean
Subject: RE: Millstone - bond

Hi Susy,

Please see attached Bond Estimates. I have highlighted the items in gray which have been updated as part of this bond reduction. I have also updated unit pricing to current MassDOT pricing. The following items have not been completed as stated in Section 6.6.3 of the Subdivision Regulations:

to be done this week

1. Drainage system in Phase 4 has not been completed. Cultec leaching area 3P has not been installed.
2. As-built plans of Drainage Basin 1P (Phase 1) have not been supplied.
3. Street name signs and regulatory signs have not been installed throughout Phase 1A/1B and Phase 4.
4. Stop Line and word "STOP" have not been painted.
5. Sidewalk binder has only been partially completed in Phase 1A/1B and is completely missing from Phase 4.

Please let me know if you need anything else, thanks.

Steve

From: Susan Affleck-Childs [<mailto:sachilds@townofmedway.org>]
Sent: Wednesday, April 29, 2015 11:12 AM
To: Bouley, Steven
Cc: Reardon, Sean
Subject: Millstone - bond

Hi Steve,

At last night's PEDB meeting, the Board signed the Tri Party Agreement with Southborough Savings Bank and Steve Venincasa in the amount of \$345,613.

As you know, that amount was set last fall.

Please do an inspection of phases 1A and 1B and prepare a bond reduction estimate. I need that from you by 5/6/15.

Then, please prepare a bond estimate for the Phase 4 section (up to the top of Millstone Drive) – Also needed by 5/6/15. Apparently, they have a very interested buyer for a single family home in that section so Steve has asked the Board to consider releasing that section as well. I need to know if they have completed all of the minimum infrastructure work (per the Subdivision Rules and Regs) that must be done for the Board to even contemplate releasing that section for house construction.

Please call me if you have any questions. Thanks.

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*

Susan Affleck-Childs

From: Bridget Graziano
Sent: Tuesday, June 23, 2015 4:36 PM
To: Robert Truax; Susan Affleck-Childs; brian-clarke@live.com; Bouley, Steven
Cc: Jack Mee
Subject: 2-12 Millstone Drive

All-

Brian and I completed site visits to review foundation locations for new units on Millstone Drive. Please be aware this is a very brief review of my findings as I am tight on time right now.

The Conservation Commission office will need the following in order to approved additional building permits for this development;

1. As-built of lots where foundations were completed within our jurisdiction.
2. 23 Millstone Drive – staked in field is 80 square feet larger than originally approved by Conservation and Planning. Additionally, it is closer to the wetlands and will need an amendment to the Order of Conditions in order to proceed with construction.
3. Conservation Office-there is a concern on roof run-off and stormwater now that it was found that some foot prints of buildings may be larger than originally approved. I have requested that GLM review all constructed units using the As-Builts and compare to approved size of buildings then supply those findings with As-Builts to the Commission and Planning. Both boards/commission need to know possible impacts (if any) on stormwater.
4. The new Drainage As-Built Plan has typo on it of 1"=20', as it is supposed to the 1"=40'.

The Commission from this point moving forward will need to review all staked home footprints prior to construction and compare house sizes to those approved by Planning and Conservation, within our jurisdiction. However, this should be done for all. Additionally, we will require as-builts of the foundation within our jurisdiction after they are poured and prior to construction. All buffer zone must be one plans.

I would suggest that house have dry wells or infiltration units installed for roof run-off to avoid stormwater issues if this continues to be an issue. The concern will be that the applicant will need to prove the new increase in roof run-off is not falling onto the driveway then into roadway and into cb's, this if all units continue to increase, issues with stormwater system and new stormwater calculations.

**Town of Medway
Conservation Commisison
Bridget Graziano, Agent
155 Village Street
Medway, MA 02053**

**508.533.3292 (o)
508.918.5986 (c)
bragianc@townofmedway.org**

A Green Community



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

MEMORANDUM

June 22, 2015

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Multifamily housing special permit application/filing fees



We have received an inquiry from a prospective applicant interested in filing an application for a multifamily special permit to convert an existing 2 family home to a 3 family. He has requested an application form which I have prepared. I just need the Board to establish an application/filing fee for this type of special permit and amend its Fee and Bond Schedule accordingly.

Recommendation Multifamily Special Permit Fee - \$500 plus \$25 per proposed dwelling unit, plus a \$1,000 advance toward plan review services to be provided by outside consultants.

The \$25/per dwelling unit is what the PEDB charges for ARCPUD and OSRD projects.

up to 4 units
appeal

Subdivision Covenant

Planning and Economic Development Board – Town of Medway, MA

June ____, 2015

This Covenant is entered into this _____ day of June, 2015 by and between the Town of Medway, a Massachusetts municipal corporation, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053, (*hereinafter referred to as the "Board"*) and Russell S. and Dorothy P. Santoro (*record owner of the parcel of land shown on an approved definitive subdivision plan and including an equitable owner or purchaser on a purchase and sales agreement for the entire parcel or portion of the parcel of land shown on the approved subdivision plan*), with an address of 272 Village Street, Medway, MA (*hereinafter referred to as the "owner"*.)

PREAMBLE

WHEREAS, on November 29, 2011, based on the owner's application dated May 19, 2011, and after a duly noticed public hearing(s), the Board issued a Certificate of Action dated November 29, 2011 approving the development of a two lot, private way subdivision to be known as Village Estates, to be recorded herewith at the Norfolk County Registry of Deeds.

WHEREAS, on _____, the Board endorsed its approval on the Village Estates Definitive Subdivision Plan dated May 19, 2011, last revised _____, prepared by Colonial Engineering, Inc. and Merrikin Engineering LLP, to be recorded herewith at the Norfolk County Registry of Deeds.

WHEREAS, the approved definitive subdivision plan shows the division of a parcel of land located at 272 Village Street on the northerly side of Village Street, (*hereinafter referred to as the "subdivision"*) and further described in a deed or deeds dated January 24, 2008 and recorded at the Norfolk County Registry of Deeds in Book 25456, Page 529.

WHEREAS M.G.L., ch. 41, section 81U requires the Board to secure the construction of ways and the installation of municipal services in an approved subdivision before endorsing its approval on the approved definitive subdivision plan;

WHEREAS, the owner has decided to secure all of the construction of ways and installation of municipal services in the subdivision by means of a Covenant;

WHEREAS, the Board has determined that the form of Covenant is sufficient to secure the construction of ways and installation of municipal services in the subdivision;

WHEREAS, the owner's construction of ways and installation of municipal services within the subdivision are subject to the requirements of M.G.L., ch. 41, sections 81K – 81GG (*the Subdivision Control Law*); the Planning Board's *Subdivision Rules and Regulations* applicable to this subdivision, the application submitted for approval of this subdivision, the Certificate of Approval and all conditions of approval of this subdivision as set forth in the Appendix attached to and made an enforceable part of this Covenant; the recommendations, if any, of the Board of Health, the approved definitive subdivision plan, all conditions subsequent to approval of this subdivision due to any amendment, modification, or rescission of the approval of the definitive subdivision plan, all of the provisions set forth in this Covenant and any amendments thereto; and the following additional documents; Notice of Decision dated November 30, 2011 and "Certificate of Action, Village Estates Definitive Subdivision – Minor Modification, 272 Village Street" dated November 1, 2012 (*hereinafter referred to as "approval instruments"*);

NOW, THEREFORE, for and in consideration of the mutual promises set forth below, and for good and valuable consideration, the parties agree as follows:

SECTION 1. INCORPORATION OF PREAMBLE

The Preamble is incorporated into and is an enforceable part of this Covenant.

SECTION 2. EFFECTIVE DATE

This Covenant shall be effective upon its execution, subject to endorsement of approval of the definitive subdivision plan by the Board and the recording or registering of the plan and this Covenant by the Owner.

SECTION 3. RUNS WITH THE LAND

This Covenant shall run with the land and shall be binding on all subsequent parties who have any title, interest, or rights in and to the parcel of land subdivided, or a portion thereof. This Covenant shall operate as a restriction upon the land until release.

SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE PLANNING and ECONOMIC DEVELOPMENT BOARD

A. Upon construction of a portion of the ways and installation of a portion of the municipal services in accordance with the approval instruments, the Board may release the Owner from this Covenant as to those lots that are adequately serviced by the ways and municipal services so constructed, so long as the construction of ways and municipal services are, in the opinion of the Board, sufficiently secured by another method of performance guarantee as provided in M.G.L., ch. 41, section 81U. A *Certificate of Partial Release* shall be executed by a majority of the members of the Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner.

B. Upon completion of ways and installation of municipal services in accordance with the approved instruments, the Board shall release the owner from this Covenant and shall issue a *Certificate of Completion and Release* that shall be executed by a majority of the members of the Board and shall be recorded or registered at the Norfolk County Registry of Deeds by the Owner.

C. The Board may rescind approval of the definitive subdivision plan for breach of any provision of this Covenant or any amendments thereto. Said rescission shall be in accordance with M.G.L., ch. 41, section 81W.

SECTION 5. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER

A. The Owner covenants that they are the Owner in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land. The Owner shall not convey or transfer title to any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the Owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

B. The Owner shall not build upon any lot within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this subdivision in accordance with the approval instruments, unless and until the owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.

C. The Owner shall complete construction of the ways and installation of the municipal services for this subdivision no later than three years from this date.

D. The Owner agrees and understands that failure to complete construction of the ways and installation of the municipal services by the agreed-upon date shall result in automatic rescission of approval of the definitive subdivision plan by the Board. The Board shall forthwith carry out the rescission as provided in M.G.L., ch. 41, section 81W.

E. The Owner agrees and understands that the Board will not release this Covenant in full, unless another method of security is provided, or until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with the approval instruments, which shall include demonstration of adequate construction and installation for six months prior to said release.

F. No provision of this Covenant shall prevent the Owner from varying the method of securing the construction of ways and the installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods as provided in M.G.L., ch. 41, sections 81U, as long as the Board deems the method or methods chosen for securing the construction of ways and the installation of municipal services as sufficient.

G. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of the current owner or owners of this subdivision or portions thereof and the address of such owner or owners, except that lots released from the provisions of this Covenant are exempt. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

H. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of any mortgagee or mortgagees of this subdivision or portions thereof and the address of such mortgagee or mortgages, except that lots released from the provisions of this Covenant are exempt. At the time of executing this Covenant, the mortgagee(s) of this subdivision is/are: none. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

I. The Owner shall record or register the approved and endorsed definitive subdivision plan; this Covenant, upon its execution; and any certificates of release of this covenant, or portions thereof, at the Norfolk County Registry of Deeds and forthwith provide the Board with written evidence thereof. The Owner further agrees to pay the costs of such recordings.

SECTION 6. MORTGAGEES AND SUCCEEDING OWNERS

Nothing in this Covenant shall preclude the Owner from mortgaging the entire parcel of land, or a portion thereof, which constitutes this subdivision. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the approved definitive subdivision plan, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding owner of the land transferred by the mortgagee may sell any lot, subject to that portion of this Covenant which provides that no lot shall be built upon until the ways are constructed and the municipal services are installed to serve such lot. Said mortgagee and any succeeding Owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

SECTION 7. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT

Nothing in this Covenant shall preclude the owner from conveying by a single deed, the entire parcel of land shown on the approved definitive subdivision plan, or all lots not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this covenant, and any amendments thereto are recorded or

registered at the Norfolk County Registry of Deeds. A deed of any part of the subdivision in violation of this Covenant, or any amendments thereto, shall be voidable by the grantee prior to the release of this Covenant no later than three years from the date of such deed.

SECTION 8. BINDING EFFECT

This Covenant, and any amendments thereto, shall be binding on the Owner, the Owner's agents and representatives, and any successors to the Owner's title interest, and rights in the parcel of land constituting this subdivision, including executors, administrators, devisees, heirs, successors and assigns of the owner.

SECTION 9. USE OF TERMINOLOGY

Use of the term "Owner" in this Covenant is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereon. Use of the term "Planning Board or Board" in this Covenant is for convenience only and may include agents or representatives of the Medway Planning and Economic Development Board.

SECTION 10. APPOINTMENT OF AN AGENT

There is no agent or official representative.

SECTION 11. AMENDMENTS

This Covenant may be amended, in writing, by agreement of all of the parties to this Covenant.

SECTION 12. GOVERNING LAW

This Covenant, and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

SECTION 13. SEVERABILITY

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

IN WITNESS WHEREOF, we, the Owners, hereby certify under the pains and penalties of perjury that the information contained in this Covenant is true and complete; and we, the parties to this Covenant, set our hands and seals to this Covenant on the date(s) written below.

We, the Owners, as far as necessary, hereby release all rights of dower, curtesy, or homestead, or any other interests that we may have in the parcel of land that constitutes the subdivision.

We, the Owners hereby certify that there are no mortgages on this property.

OWNERS

Russell Santoro

Date

Dorothy P. Santoro

Date

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

On this _____ day of June, 2015, before me, the undersigned notary public, personally appeared Russell S. Santoro, and Dorothy P. Santoro, proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:

MEDWAY PLANNING and ECONOMIC DEVELOPMENT BOARD

_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date
_____ Board Member	_____ Date

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

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

proved to me through satisfactory evidence of identification, which was _____

to be the person (s) whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily as members of the Medway Planning and Economic Development Board and for its stated purpose.

Notary Public
My commission expires: