

**January 26, 2016
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	Remote Participation	X	X	X	X

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development
Stephanie Mercandetti, Director of Community and Economic Development
Amy Sutherland, Recording Secretary

Vice Chairman Bob Tucker opened the meeting at 7:00 pm and announced that Andy Rodenhiser had submitted the necessary paperwork to participate remotely in the meeting via speakerphone. **(See Attached Approved Remote Participation Form)**

TRI VALLEY COMMONS – WINDOWS AT ADVANCE AUTO

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

- An email from Susy Affleck-Childs to Rich Landry dated 1-21-2016
- Sheet A2.2 of endorsed TVC site plan dated 7-14-15.

The Board discussed that the windows installed at the Advance Auto building were not what was expected. The window area and trim are covered completely in white. The drawings showed some definition and depth. The Board hopes that there is some way both parties can come to a middle ground. Rich Landry has requested meeting copies of the minutes and audio recordings for when the Board and the DRC reviewed this project. He did email the Town Administrator about this issue. The date of the endorsed plans was July 14, 2015. The plans from July 10, 2015 show real windows on the first floor and fake windows on the second floor. The definition of the windows was noted. There was a second approval under a modification from the September 8, 2015 meeting. It was suggested that those plans be reviewed.

The Board would like to place this on the agenda for the February 9, 2016 meeting.

PINE MEADOW II PROJECT COMPLETION:

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

- Project Completion Checklist
- Certificate of Completion and Release of Subdivision Performance Security

The Board reviewed the Pine Meadow project completion paperwork. The balance in the bond account is presently \$40,000. The bond account was first established in June 2009 in the amount of \$147,616.

Pine Meadow Completion:

On a motion made by Andy Rodenhiser and seconded by Matt Hayes, the Board voted by roll call vote to approve and sign the Certificate of Completion for Pine Meadow and also to authorize the refund of the bond in full.

Roll Call Vote:

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

The Board signed the required paperwork.

PEDB MEETING MINUTES

January 12, 2016:

On a motion made by Andy Rodenhiser and seconded by Rich Di Iulio, the Board voted by roll call vote to approve by the minutes from the January 12, 2016 PEDB meeting.

Roll Call Vote:

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

REPORTS

Medway Link Trail Forum:

The Medway Link Trail Forum will be held on Wednesday, January 27, 2016 at 7:00 pm at the Thayer House. The project is to extend the trail from Adams to Lovering Street. The fall Town Meeting authorized purchase of land to make the extension possible. The consultant Beals and Thomas will be present at the forum. The application for a grant is being completed by the Conservation Agent.

Eversource Site Plan:

The Board has received a major site plan application from Eversource for two buildings to house switching station equipment off of West Street. This item will be placed on the PEDB agenda for Tuesday, February 23, 2016 for a public hearing.

Conway School Meeting:

There will be a meeting with the Conway School next week to work on a land management plan for the Town owned property on the south side of Adams Street, formerly owned by Robert Briggs.

SALMON/WILLOWS ARPUD – PUBLIC HEARING CONTINUATION:

The Vice Chairman opened the continued public hearing for the Willows.

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

- Conservation Commission status memo dated 1-22-16 from Conservation Agent Bridget Graziano.
- Letter dated 1-6-16 from Fire Chief Jeff Lynch re: provisions of radio fire alarm box receivers.
- Memo dated 1-20-16 from applicant's attorney Paul Kenney
- Letter dated 1-22-16 from planning consultant Gino Carlucci.
- Confidential email from Town Counsel Barbara Saint Andre dated 1-25-16. (NOT INCLUDED with minutes).
- Salmon Health and Retirement Construction Phasing Plan dated January 27, 2016

Attorney Paul Kenney was present to address the ARCPUD bylaw and the buffer area issue that arose during the last meeting. It is his interpretation that the bylaw is very specific that no "building" shall be constructed within 50 ft. of the perimeter lot line. The exclusions need to be noted specifically. There are no specific exclusions in the bylaw text about a roadway being excluded in buffer zone. The applicant's engineer designed the project based specifically on what the ARCPUD bylaw states. Attorney Kenney referenced a case Leominster Materials Corp. v. Board of Appeals of Leominster, 42 Mass. Appt. Ct. 458, 461, and (1997). He further explained that the applicant's plan conforms to the Bylaw and to construe it differently would be prejudicial to the applicant and any applicant. Applicants rely on specificity. We feel the project is certainly compliant with the bylaw and that our site plan should be approved.

The Board next asked Consultant Carlucci to explain his interpretation of the section of the ARCPUD bylaw in question.

Per his letter, all of the residential buildings and medical building and pavilion meet this requirement. Mr. Carlucci stated the text does not require that a 50 ft. buffer along the entire perimeter be maintained in its natural state or as landscaped open space. If that were the intent, there would have been a standalone item to state that requirement, not a statement tacked on to the requirement about the setback requirement from buildings. The 50 foot buffer area identified is clearly not applicable to the roadway where no buildings are proposed, and the eastern entrance to the site is not in conflict with E.5. The space between the buildings and the eastern lot line meet the requirement that at least the 50 ft. closest to the lot is "maintained in its natural

state or as landscaped open space.” This is met for most of the buildings. There is a section of roadway within the 50 ft. area to the lot line.

Mr. Carlucci indicated that the bylaw states that no building shall be constructed within 50 feet and that the 50 foot buffer shall be maintained in its natural state or as a landscaped open space. I interpret that language to apply only to the distance between the buildings and the lot line. I don’t interpret that to mean there has to be a 50’ buffer around the whole perimeter.

There is a reference in the OSRD bylaw that a 15’ buffer area has to be located on the whole perimeter. There is no such specific language in the ARCPUD bylaw. There is no definition of landscaped open space in the ARCPUD bylaw. The ARCPUD bylaw does refer to the definition of common open space in the OSRD bylaw which allows for not more than 10% of the area to be dedicated to paving, roadway or structures.

In my viewpoint, it allows some pavement or roadway to be within landscaped open space and therefore it meets the requirements of the bylaw. Mr. Carlucci stated it is his interpretation that the proposed Willows ARCPUD plan is in compliance with Section 8.5. E. 5.

Member Rodenhiser commented that he didn’t recollect that consultant Carlucci had raised this as an issue in his previous review letter.

Mr. Carlucci noted that he had referred back to his July letter. I did make a comment about that provision of the bylaw but all li meant is that the 50 fete setback was met for the buildings. I didn’t feel there was any issue in my original memo.

Resident, Karyl Spiller Walsh, 168 Holliston St:

Ms. Spiller-Walsh stated that the 2012 ARCPUD bylaw called out a requirement for a 50 ft. setback calling the space between the building and the perimeter line as a setback. It refers to the space as setback. The 2014 bylaw said exactly the same thing. In 2015, the bylaw was clarified and the second sentence called it a “buffer” meaning that we were looking to preserve a buffer between the perimeter lot line and the interior of a project and not necessarily referring to a building. Therefore, there should be a prescribed setback line of 50 feet around the perimeter.

The Board confirmed that the zoning bylaw in effect at the time of the application was the bylaw approved by the May 2015 Town Meeting.

Resident, Dan Hopper, 6 Naumkeag Street:

Resident Dan Hooper read his letter into the record. He indicated that the proposed ARCPUD does not comply with the bylaw due to the required buffer on the east side. The bylaw states there “shall be” a perimeter 50 ft. buffer and it shall be maintained in its natural state or landscaped open space. Mr. Hooper further communicated that Gino Carlucci during the January 12, 2016 meeting stated that the proposed “roadway” could not be considered as a buffer maintained in its natural state or landscaped open space. A sidewalk and a drainage swale with grade changes are also proposed in the 50 ft. buffer along the eastern perimeter lot line. This is not within the intent to have a protective buffer along the entire perimeter. He explained that the members who drafted this bylaw (originally) did look at this issue and were concerned about the

neighborhoods surrounding such proposed ARCPUD projects and how the projects would affect the visual, property values and quality of life of the abutters. This is why the word “buffer” was clarified.

Another area of concern is that it has been represented that the easterly roadway to Village Street is the only option for a second means of egress. This is not true as reflected in the prior ARCPUD application from another developer for this site. The design feasibility of a site and options for alternative designs should come from the applicant and not the respective Boards. Mr. Hooper hopes that the PEDB will evaluate the intent of the ARCPUD bylaw and that their decision not be based on a sympathetic interpretation of the bylaw for the reason of “economic viability”. He respects the members of the Board and appreciates the complex issues facing the Board.

There was a question about who counsel is and why the email from Town Counsel is confidential and not for public. Susy responded that Counsel is Barbara St. Andre from Kopelman and Paige. The reason the email is confidential is in case a decision were to be appealed and went to court we would need any documents provided by counsel as evidence.

Resident, Dave Kaeli, 7 Puddingstone Lane:

Mr. Kaeli noted that he was a co-author of the original ARCPUD and he recollects that the intent was for buffers around the perimeter.

Resident, Jim Wieler, 62 Adams Street:

Mr. Wieler indicated that he was one the original committee which wrote the ARCPUD bylaw and it was always the intent to have a vegetative buffer. His interpretation is that the plan does not meet the intent of the past or current bylaw. We want the development, but we need to protect the residents of Medway.

Project architect Dario DiMare responded that this design has not changed from the beginning and we have met with many Boards and Committees and there was not an issue. It was designed to comply with the bylaw.

Resident Patti Brenneman, 7 Naumkeag St:

Ms. Brenneman is concerned that there will be no vegetative buffer near her property.

Resident Tim Choate, 7 Iroquois Street:

Mr. Choate indicated that he has attended many meetings on this project. It is his understanding that the Board has the authority to approve part and not all of the plan.

The Chairman asked if there is anything which prohibits the applicant from tying this development into the side streets.

Consultant Carlucci responded that there is nothing in the bylaw which prohibits the developer from tying into the side streets.

Resident Jim Wieler indicated that the setback was always 15 ft. (standard side setbacks). It was the feeling back then (when the bylaw was first written) that the setback should be greater 35 or 50 ft. This project is different since it is almost institutional. He suggested special mitigation such as speed bumps and curbs.

Architect Dario DiMare responded that the applicant can mitigate where the employees enter and exit but not the residents.

Resident Karyl Spiller-Walsh remembers the setback being more than 25 ft. This is called out as being in its natural state. The impact will include a massive amount of stormwater on the site. There is now a swale and no buffer or no vegetation. The detention area is mammoth. The buffer was to be 50 ft. There is not a definition for buffer or landscape. There is language about keeping the buffer as “natural state or a landscape open space”.

Resident Tim Choate indicated that the size of the building is not compatible to the character and scale of the surrounding neighborhood. The Rules and Regulations also address the size of the building and the maximum height is 60 ft. and this building is 73 ft.

Member Gay responds that there is no applicability of height limitations for ARCPUDs.

The memo from the Conservation Agent was reviewed. There remain several items which need to be discussed and addressed by the Conservation Commission before the PEDB can make a decision. The letter notes items 1-10 and then an additional 1-15. The item which is of concern is the review of the impacts to the 25’ no alteration zone for the secondary road access along the eastern side of the development and whether this will be allowed. The Commission will be meeting on Thursday, January 28, 2016 to discuss these items.

Resident Kathy Hooper asked why the legal opinion is being kept confidential.

Susy Affleck-Childs explained that this is standard practice as the Town Attorney and the Board have attorney/client privilege.

Member Andy Rodenhiser explained that if there is an appeal, and the PEDB needs the legal opinion, we need to hold the document to defend the decision we make. If the Board made it a public record, we are giving up information which needs to be part of court documents and not part of a public meeting.

The project’s proposed construction sequencing plan was entered into the record. **(See Attached)**. It show the seven phases. The first phase would be completed in 1-20 months including the main buildings and the medical office and few cottages.

Resident Tim Choate asked how the developer will deal with construction for the next year and a half. What happens if the developer cannot meet their goals? What will the financial and land implications be for build out?

The applicant responded that they do not want standing buildings.

Design Review Committee Chairman Matt Buckley provided an update and that the DRC had discussed the retaining wall on the south side of the main building. A sample of the versa-lok stone was provided. There was discussion about the need for buffering. The fencing at the top of the slope was brought up and sample of the style of fence was shown and the DRC is comfortable with that. The DRC will be writing a recommendation letter.

The Board reviewed the memo from Fire Chief Jeff Lynch dated January 6, 2016 regarding the master box system for fire alarm notifications. The Fire Department would like a condition included in the decision to have the applicant provide the department with radio fire alarms box receivers at the dispatch center located at the Medway Police Station to receive fire alarm transmissions. The cost to install is \$59,500.00.

Salmon Willows ARCPUD Continuation Hearing:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to continue the hearing for the Salmon Willows ARCPUD to Tuesday, February 9, 2016 at 7:30 pm.

Roll Call Vote:

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

ZONING ARTICLES MEETING:

It was agreed that the Board will hold an additional meeting on Tuesday, February 2, 2016 at 7:00 pm to discuss spring town meeting warrant articles. It was recommended that the Board review the proposed village residential district in regards to dimensional perimeters.

The Board needs to put an article together for street acceptance for a short piece of land extension for Neelon Lane.

SIGN REVIEW TASK FORCE:

There will be a sign review task force meeting to be held on Wednesday, January 27, 2016 at 7:00 pm.

Member Tucker informed the board that NF241 became in effect. This is a new requirement for projects.

ADJOURN:


On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by roll call voted to adjourn the meeting at 9:00pm.

Roll Call Vote:


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

Respectfully Submitted,


Amy Sutherland
Recording Secretary

Reviewed and edited,


Susan E. Affleck-Childs
Planning and Economic Development Coordinator



January 26, 2016

Medway Planning & Economic Development Board Meeting

**Tri Valley Commons – Faux Windows at
Advance Auto Building**

- SAC email to Rich Landry dated 1-21-2016
- Sheet A2.2 of endorsed TVC site plan dated 7-14-15

If you have not already noticed the faux windows at the Advance Auto building at Tri Valley Commons, please drive by to view them before Tuesday night.

NOTE – I wrote the attached email with input from Andy R and Matt Buckley. Rich Landry will attend Tuesday's PEDB meeting. He has indicated he will bring his attorney, engineer and architect with him. Rich believes he and his team fully disclosed the nature of the "decorative" windows during the plan review process. He has requested copies of the minutes of PEDB hearings and DRC meetings which I have provided to him. Rich has also asked for recordings of the PEDB hearings and DRC meetings; I haven't yet responded to that request. He stated that installing regular windows would cost \$40,000 to \$50,000. Rich called Andy Rodenhiser on Thursday morning and spoke with him about this. Andy has encouraged Rich to try to devise a remedy that would improve the appearance.

Susan Affleck-Childs

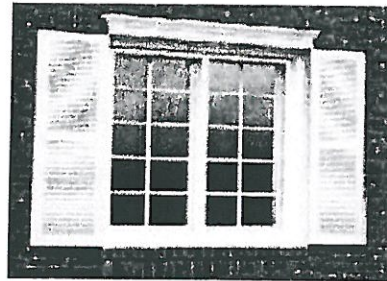
From: Susan Affleck-Childs
Sent: Thursday, January 21, 2016 9:59 AM
To: 'Richard Landry'
Cc: Andy Rodenhiser ; Matthew Buckley; Stephanie Mercandetti; Jack Mee
Subject: Windows at Advance Auto Building - Tri Valley Commons

Dear Rich,

At the next PEDB meeting on Tuesday, January 26th, the Planning and Economic Development Board will discuss the decorative "windows" which have been constructed at the Advance Auto building at Tri Valley Commons. Members of the PEDB and DRC have received questions and complaints from the community and are concerned about the use of painted white boards masquerading as "windows" and how fake they look.

We have reviewed the approved elevation plans for the Advance Auto building (Sheet A 2.2). The plan notes state "Decorative Windows with Accent Trim White". The plans show definition and depth to the windows. We all understood that the windows would not open and close nor would they serve as product display windows. However, we believed that they would look like actual windows even if frosted or opaque. We did not expect them to look as phony as they do. The current appearance of the windows is not what anyone had anticipated. A white painted board cannot be interpreted as a window. They actually look as though they are boarded up! This is not acceptable and needs to be remedied.

We have all seen faux windows which have glass or a reflective surface with a dark background that convey the purpose and form of a window far more completely and attractively than what is currently installed at Advance Auto. See below.



Please find a solution for a replacement window surface that is more glass-like in appearance and provide this information to us before next Tuesday's PEDB meeting.

You, of course, are invited to attend the PEDB meeting or have someone attend in your place to discuss this further with the Board.

This matter must be addressed to the Board's satisfaction before it will act positively on any bond agreement or authorization for an occupancy permit.

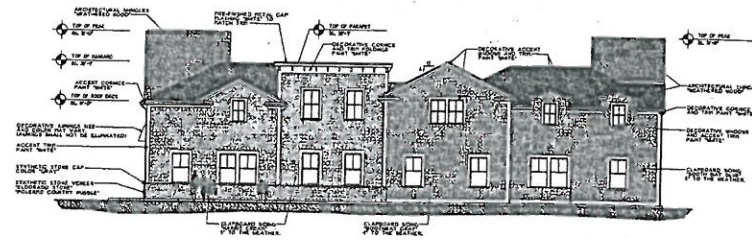
Please do not hesitate to call me if you have any questions.

Thanks for your help.

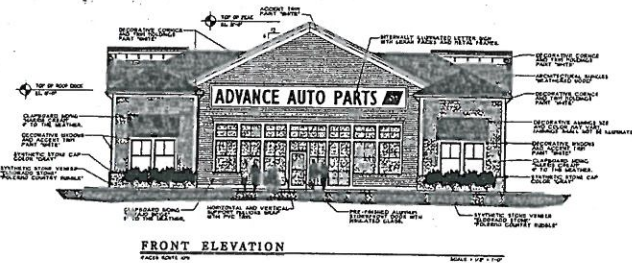
Susy Affleck-Childs

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

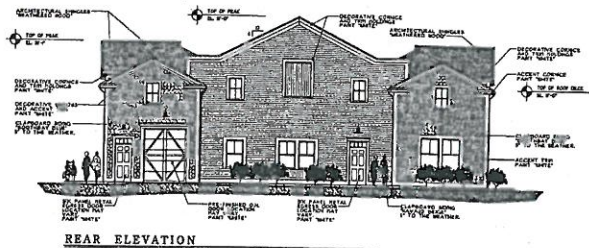
APPROVED DATE: 6-23-15
 MEDWAY PLANNING AND
 ECONOMIC DEVELOPMENT BOARD
 SIGNATURE DATE: 7-14-15
 BEING A MAJORITY



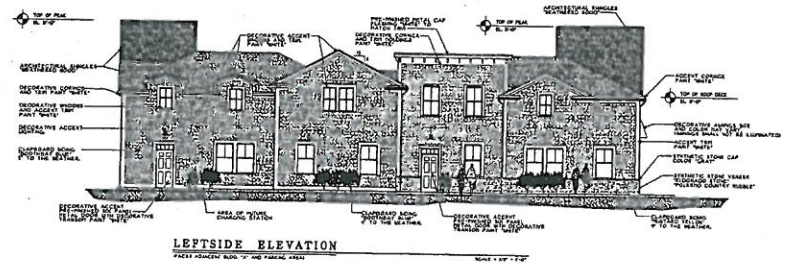
RIGHTSIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

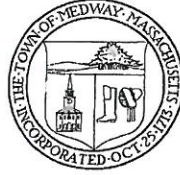


LEFTSIDE ELEVATION

Landry
 ARCHITECTS

PROPOSED ELEVATIONS
 RETAIL BUILDING 'B'
 TRI VALLEY COMMONS
 MEDWAY, MA

NO.	DATE	DESCRIPTION
1	6-23-15	ISSUED FOR PERMIT
2	7-14-15	ISSUED FOR PERMIT
3		
4		
5		
6		
7		
8		
9		
10		



January 26, 2016

**Medway Planning & Economic Development Board
Meeting**

Pine Meadow II Project Completion

- Project Completion Checklist
- Certificate of Completion and Release of Subdivision Performance Security

The balance in the bond account is presently \$40,000.
NOTE – The bond account was first established in June 2009 in the amount of \$147,616.

The refund should be for \$40,000 plus any interest that has accrued.

*Approved -
1-26-16*

Pine Meadow II - Project Completion Report

TASK	WHO is RESPONSIBLE?	STATUS & NOTES - 1/20/16
Check status of Pine Meadow II Construction Account	Susy	Balance = \$2,736.36
Conduct site inspection and prepare punch list re: completion of all items shown on Pine Meadow II definitive plan	Tetra Tech	7/9/2016
Complete punch list items	Gary Feldman	10/26/2015
TT Re-inspection	Tetra Tech	9/28/2016
Project Completion Sign off	Tetra Tech	TT email - 10/14/2015
As-Built Plan		
Prepare as-built plan & submit to PEDB for TT review	Faist Engineering	Submitted 6/25/15
Review as-built plan and provide comments	Tetra Tech	7/15/2015
Revise as-built plan if needed & resubmit to PEDB	Faist Engineering	Submitted 9/3/15
Review revised as-built plan and sign off	Tetra Tech	TT email - 9/14/2015
Document that taxes are paid to the Town for all property owned by developers (remaining house lots and road parcel)	SAC to check with Treasurer/Collector's office	Email 11/2/15 from Joanne Russo, Assistant Town Treasurer/Collector
Street Acceptance		
TT approves street acceptance plan	Tetra Tech	TT email - 9/24/15
BOS Public Hearing and vote to Layout Roadway	BOS	11/2/2015
Town Meeting Vote	Town Meeting	11/16/2015
Sign Street Acceptance Plan	BOS & PEDB	Signed by BOS 11/23/15; Signed by PEDB 11/24/15
BOS Vote - Order of Street Acceptance	BOS & PEDB	11/23/2015
Record Roadway & Easement Conveyance Documents	Petrini & Associates	12/15/2015 Order of Acceptance - Book 33709, Page 396 Street Acceptance Plan - Plan Book 644 of 2015, Page 23
Provide documentation that the completed stormwater drainage system has been maintained in compliance with the subdivision's Stormwater Operations and Maintenance Plan	Gary Feldman	9-25-15 provided by Bridget Graziano, Conservation Agent

Convey Parcel A to abutting neighbor at 8 Fisher Street	Gary Feldman	Recorded 11-1-2015 at Norfolk County Registry of Deeds - Book 33627, Page 235
Sign offs from various Town Departments		
<i>Conservation Commission Certificate of Compliance (if applicable)</i>	ConCom	Approved 6-25-15
<i>Fire Department</i>	SAC to contact and request	9/29/15 sac request OK per 9/30/15 email from Jeff Lynch
<i>Police Department</i>	SAC to contact and request	9/29/15 sac request Jeff Watson provided punch list provided 10/6/15 - All items have been addressed
<i>DPS</i>	SAC to contact and request	9/21/2015 request
<i>PEDB</i>	SAC to schedule	1-26-16 PEDB mtg
1/20/2016		



**Medway Planning and Economic Development Board
Certificate of Completion and Final Release of
Subdivision Performance Security**

The Planning and Economic Development Board of the Town of Medway has received a request from subdivision developer Gary Feldman requesting a *Certificate of Completion and Final Release of Performance Security* for the Pine Meadow II subdivision.

Title of Plan: Pine Meadow II Definitive Subdivision Plan

Drawn by: DeSimone & Associates, Medway, MA
Barbara J. Thissell, PE, Norwood, MA

Date of Plan: June 13, 2005, last revised December 11, 2005

Decision Date: November 1, 2005

Date of Plan Endorsement: December 20, 2005

Owner's Name:

Original Owner: Matthew Barnett (Bellingham, MA)
Most Recent Owner: Pine Meadow Development, LLC (Allston, MA)

Plan Recording Information:

Date: January 10, 2006
Plan Book 549 of 2006, Plan #28 - Norfolk County Registry of Deeds

Plan Modification: Alternative Intersection Plan/ Fisher Street and Pine Meadow Road
Dated December 1, 2006, last revised December 4, 2006
By O'Driscoll Land Surveying and Faist Engineering
Endorsed by PEDB on February 6, 2007
Recorded - March 12, 2007, Book 565, Plan #93 - Norfolk County
Registry of Deeds

Plan Refinement: ANR Plan of Land dated May 15, 2008, last revised June 10, 2008
By O'Driscoll Land Surveying
Endorsed by PEDB on June 10, 2008
Recorded - June 25, 2008, Book 583 of 2008, Plan #36 - Norfolk County
Registry of Deeds

Street Acceptance: Approved by Town Meeting, November 16, 2015
Authorized by Board of Selectmen, November 23, 2015

Order of Street Acceptance and Plan Recording Information:

December 15, 2015
Order of Acceptance - Book 33709, Page 396
Street Acceptance Plan - Plan Book 644 of 2015, Page 23

The Planning and Economic Development Board has determined that the subdivision as approved has been fully and satisfactorily completed in accordance with 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 Action and all conditions of approval of this subdivision
- 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 any performance guarantee and any amendments thereto; and the following additional documents if any: _____

(hereinafter "approval instruments").

All existing methods for securing construction of ways and installation of municipal services in the subdivisions are hereby released.

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 members of the Medway Planning and Economic Development Board: _____

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 and for its stated purpose.

Notary Public
My commission expires:



TOWN OF MEDWAY
Conservation Commission
155 Village Street
Medway, Massachusetts 02053

David Travalini, Chair
Ken McKay
Brian Snow
Scott Salvucci
David Blackwell
Bridget Graziano, Agent

MEMORANDUM

To: Planning and Economic Development Board
From: Bridget R. Graziano, Conservation Agent
Subject: Salmon Retirement Community Review Status
Date: January 22, 2016

The Conservation Commission has reviewed the most recent submitted materials from Coneco Engineering for the Salmon Retirement Community proposed project, submitted to our office on December 17, 2015. Our staff has met with representatives from Salmon Retirement on December 22, 2015 to review the new submission, although some issues were addressed during this meeting, there was not sufficient time between submission and this meeting to complete a full review of all revisions and newly submitted materials. It should be noted that Tetra Tech was present at this meeting as well to address stormwater issues at the applicant's request. After review of all submitted materials, the Commission had the following requests for amendments at the January 14, 2016 meeting;

1. Commission required retaining walls and slopes in particular locations based on the wildlife habitat impacts, this will be shown in the revised plans.
2. Commission required that all slopes to wetlands resources be planted with native seed mix and native woody shrub vegetation, this will be shown on revised plans. Additionally, erosion control blanket details are to be shown on the plans and used for all slopes where Agent requires.
3. Commission required, where retaining walls are placed near Vernal Pools that the applicant add salamander and frog directional movement walls to direct amphibians to the Vernal Pool locations. This will be shown on revised plans.
4. Review of Stormwater Management Standards per Volume 2, Chapter 2, page 91 of the 2008 Massachusetts Stormwater Handbook Basins 1, 2 and 3 shall have a 15 foot vehicle access around the entire basin perimeter.
5. Review and proposed reduction to the size or location of the 4,000 sq ft Pavilion and reconfiguration of stormwater basin below pavilion within the Riverfront Area to reduce wildlife habitat impacts and impacts to Riverfront Area and Bordering Land Subject to Flooding. The Commission noted their concerns for the size and need of this pavilion to allow impacts to the wetlands resources. This will be discussed and reviewed at January 28, 2016 meeting.
6. Completed Detailed Wildlife Habitat Study, 310 CMR 10.60 for impacts to potential Vernal Pool near road for main building. Additionally, an evaluation of the Potential Vernal Pool will need to be completed along with flagging of the Vernal Pool. This will be completed for revised plans.
7. The Commission continues to review impacts to the 25' No Alteration Zone for secondary road access along the eastern side of the development and whether this will be allowed. This will be discussed and reviewed at January 28, 2016 meeting.

8. Commission requested that the road to the main building on page C26 be reduced to reduce impacts to Vernal Pool Habitat and that the applicant assess square footage impacts to the Vernal Pool Habitat.
9. Commission requested that the applicant remove the shown impacts to the Bank on C26 for Boat Ramp.
10. Review Abutter comments and addressed.

The Commission was not able to complete discussions on the proposed project and requested to continue to the next meeting. The applicant agreed and the meeting was continue to January 28, 2016 at 8:15pm. The following items have not been addressed and are planned to be addressed at the January 28, 2016 meeting;

1. 310 CMR 10.55 (3) Wetlands Replication proposal not yet reviewed with the Commission.
2. 310 CMR 10.57 (3) Compensatory Flood storage proposal not yet reviewed with the Commission.
3. 310 CMR 10.60 Complete Detailed Habitat Evaluation and have Commission review. This is planned for a meeting in February once this report is submitted.
4. Review of impacts of 25' No Alteration Zone and Request for waiver of 25' No Alteration Zone.
5. Detail sheets for the materials and construction of boat/canoe launching ramp and a note on the plans that no fill will be used within the flood plain (BLSF) for construction of boat ramp. Also impacts to Riverfront Area have not been noted or addressed from Boat Ramp.
6. Summary of Isolated Land Subject to Flooding finding under the Bylaw to be submitted and reviewed.
7. Stormwater Management Standards not met- review of Long Term Pollution Prevention Plan, not completed. Comments from Tetra Tech letter dated January 7, 2016 note this as well. This needs to be submitted and reviewed, likely at the February 11, 2016 meeting.
8. Trails and details on the trails still not provided and Commission to review options for locations and construction associated to impacts to wetland resources.
9. Review of Bonding for wetlands replication and compensatory flood storage.
10. Review of actual number for square footage of all wetlands resource alterations. Applicant to provide a sheet in detail discussing the alterations 0-25" (waivers requested and explanations), 25"-100,0-100' riverfront, 100'-200' riverfront, BVW, BLSF, etc
11. Review of L1.06 – all fencing should have (especially near sensitive resources) 6"-12" of wildlife passage from the ground up.
12. Review of landscaping practices associated with fertilizers and mowing.
13. Review of snow operations.
14. Review proposed trail details and how to place on plan for clarity during construction.
15. Review Conservation Restriction details.

Please note that the above anticipated items are based on the Agents' review only and not additional comments from the public or the Commission. Therefore, additional items could be addressed or commented on at the January 28, 2016 meeting. This memo is to provide the Board with a better understanding of where the Conservation Commission stands with regards to review of the plans and revisions needed. If you have question please contact the Agent.



44 MILFORD STREET
MEDWAY, MA 02053

TOWN OF MEDWAY

FIRE DEPARTMENT

JEFFREY P. LYNCH
FIRE CHIEF



TEL: (508) 533-3211
FAX: (508) 533-3254

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

January 6, 2015

Dear Board Members,


In our review of the plans for the proposed Willows at Medway and Whitney Place Adult Retirement Community, it is required that the main residence/campus and medical office buildings will be serviced by a master box system for fire alarm notifications. To that end, the Fire Department would like to request the Board include a condition in any decision regarding the project that the applicant provide the department with radio fire alarm box receivers at the dispatch center located at the Medway Police Station to receive fire alarm transmissions. The cost of these receivers installed is \$59,500. Please see enclosed quote.

I have had preliminary discussions regarding this request with the applicant, Mr. Jeff Robinson of Continuing Care Management, who has tentatively agreed to purchase the receivers.

If you have any questions please feel to contact me at 508-533-3211 or via email,
Chieflynch@Townofmedway.org

Thank you for your consideration in this matter.

Sincerely,


Jeffrey P. Lynch
Chief of Department

MEMORANDUM

RE: Salmon Health And Retirement Community
ARCPUD Special Permit
Continuing Care Management, LLC

This Memorandum is submitted on behalf of Continuing Care Management, LLC in response to a comment made by an abutter at the Planning Board meeting held on January 12, 2016. The abutter's comment centered on Section 8.5(E)(5) of the Bylaw which states:

"No buildings shall be constructed within 50 feet from the right-of-way line of a public way or within 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space".


The statement from the abutter was to effect that a roadway cannot be constructed within the 50-foot buffer. The Bylaw, however, is very specific in stating that no "buildings" shall be constructed within 50 feet of the perimeter lot line.

The applicant's engineer and architect have designed the ARCPUD relying on the wording of the Bylaw that no buildings would be constructed within 50 feet from the perimeter lot line. Provisions of a Bylaw are not to be construed to include that which is not clearly within their express terms. See Leominster Materials Corp. v. Board of Appeals of Leominster, 42 Mass. Appt. Ct. 458, 461 (1997), holding that because Bylaw provisions expressly permitted the removal of "sand, loam and gravel" within the district, without any further allowances, the provision therefore excluded the removal of rock and stone.

Based on the language contained in 8.5(E)(5) the applicant's plan conforms to the Bylaw, and to construe it differently would be prejudicial to the applicant. If anything other than buildings were to be excluded from the 50-foot buffer, the Bylaw needed to specifically state such exclusions, or at a minimum, state that the 50-foot buffer was a "no touch zone".

Continuing Care Management, LLC, therefore, requests that its ARCPUD Special Permit Site Plans be approved as submitted.

Respectfully submitted,


Paul V. Kenney, Esq.
Attorney for
Continuing Care Management, LLC.

PGC ASSOCIATES, INC.

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

January 22, 2016

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

RE: THE WILLOWS ARCPUD PLAN

Dear Mr. Rodenhiser:

At the Planning and Economic Development Board hearing about The Willows ARCPUD project held on January 12, 2016, a question was raised as to whether the proposed plan complies with Sub-section E.5 of Section 8.5 of the Zoning Bylaw, which specifies the use and dimensional requirements to qualify for an ARCPUD special permit. That sub-section states:

No **buildings** shall be constructed **within 50 feet** from the right-of-way line of a public way or within 50 feet from the perimeter lot line. **The 50-foot buffer** shall be maintained in its natural state or as landscaped open space. [Emphasis added]

This sub-section requires any buildings to be located a minimum of 50 feet from any lot line. All buildings, including the medical building and pavilion meet this requirement. It also requires that **the 50 feet between a building and the lot line** shall be maintained either in its natural state or as "landscaped open space." It does **NOT** require that a 50-foot buffer along the entire perimeter of the site be maintained in its natural state or as landscaped open space. Had that been the intent, there would have been a standalone item to state that requirement, not a statement tacked on to a setback requirement for buildings. At a minimum, the phrase would have used the word "A" instead of "The" in that sentence.

As evidence of this, in Section 8.4, pertaining to Open Space Residential Developments (OSRD), Subsection E.3 stands alone requiring that:

There shall be a buffer area at least 15 feet wide, consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, located along the boundary of the site where it abuts existing neighborhoods unless waived by the Planning and Economic Development Board.

Therefore, the 50-foot buffer area identified in 8.5 E.5 is clearly not applicable to a roadway where there is no building, and the eastern entrance to the site is not in conflict with E.5.

That leaves the question of whether the space between the buildings and the eastern lot line meet the requirement that at least the 50 feet closest to the lot is "maintained in its natural state or as landscaped open space." The standard is clearly met for most of the buildings. However, there is a

section of roadway within 50 feet of the lot line between the building closest to Village Street on the west side of the east access road as well as between the 6 units on the west side of the roadway that are closest to the proposed pavilion.

The distance between the buildings and the eastern lot line in these areas ranges from about 75 to 100 feet. All of that area is maintained in its natural state or as landscaped open space, but the road runs through it and is less than 50 feet (as little as about 23 feet) from the eastern lot line. Thus, the question is whether this access road can be considered as part of the "landscaped open space."

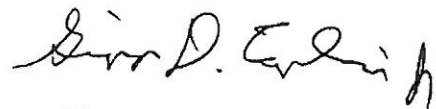
There is no definition of landscaped open space within Section 8.5. However, Section 8.5.H.2 states that 50 percent of the Common Open Space shall be as described in Section 5.5.3(F). Unfortunately, this reference is incorrect since Section 5.5.3(F) referring to the Common Open Space provisions of the OSRD section of the bylaw was from the 9-2-2014 draft version of the then-proposed recodified Zoning Bylaw. That provision was later moved to 8.4.F but the reference in 8.5 was missed. The recodified Zoning Bylaw was adopted by Town Meeting on May 11, 2015 with the incorrect reference so the reference needs to be changed to the new designation (8.4.f). In any case, Subsection 1.b of 8.4.F states:

To the maximum extent feasible, the Common Open Space shall be undisturbed, unaltered and left in its natural or existing condition. It shall be appropriate in size, shape, dimension, location and character to assure its use a conservation area, or where appropriate, a recreational area. Not more than 10% of the open space may be covered by gravel roadways, **pavement** or structures accessory to the dedicated use or uses of the open space. However, principal or accessory structures and access roads essential to an agricultural use are exempt from this limitation.

It is evident from this section that a limited (up to 10%) amount of pavement is acceptable within open space areas. Furthermore, Subsection 1.f of 8.4.F lists a number of factors that are excluded from inclusion in open space and neither roads nor pavement are on that list.

In summary, the Willows proposed ARCPUD plan is in compliance with Subsection E.5 of Section 8.5.

Sincerely,

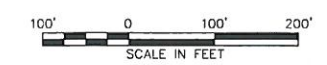
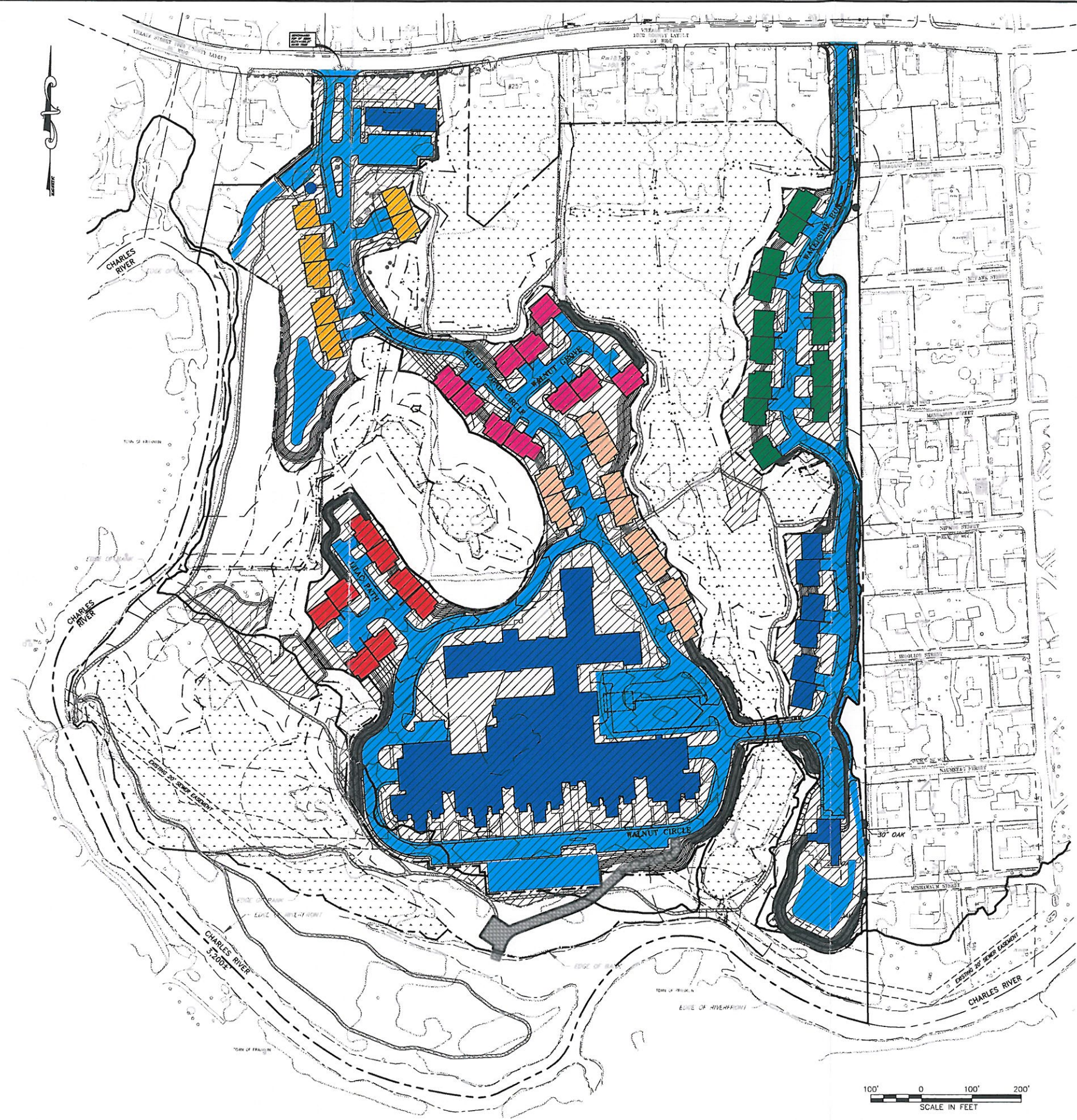


Gino D. Carlucci, Jr.

CONSTRUCTION SEQUENCING PLAN



1. PRE-CONSTRUCTION ACTIVITIES, FLOOD PLAN COMPENSATORY STORAGE, AND WETLAND REPLICATION
 - 1.1. PLACE EROSION CONTROL SILT FENCE LINE AROUND PERIMETER OF ALL FUTURE CONSTRUCTION ACTIVITIES, AND SECURE SILTATION CURTAINS IN RIVER AREAS.
 - 1.2. CLEAR TREES AND SHRUBS WITHIN CONSTRUCTION ZONE AND REMOVE ORGANIC AND TOP SOIL LAYER.
 - 1.3. CONSTRUCT FLOOD PLAN COMPENSATORY STORAGE AND WETLAND REPLICATION AREAS.
2. PRIMARY INFRASTRUCTURE CONSTRUCTION
 - 2.1. CONSTRUCT ALL SURFACE DRAINAGE COMPONENTS INCLUDING DETENTION BASINS AND CONVEYANCE SWALES.
 - 2.2. CONSTRUCT ROADWAY TO FINISHED GRADE WITH ALL SUBSURFACE INFRASTRUCTURE IN PLACE.
 - 2.3. BUILD WETLAND/STREAM CROSSING BRIDGES.
3. PHASE I STRUCTURES (CAMPUS, MEDICAL, PAVILION, 6 COTTAGES)
 - 3.1. PERFORM ALL SITE WORK ASSOCIATED WITH MAIN CAMPUS BUILDING, MEDICAL OFFICE BUILDING, PAVILION, AND 6 COTTAGES.
 - 3.2. ERECT MAIN CAMPUS BUILDING, MEDICAL OFFICE BUILDING, PAVILION, AND 6 COTTAGES.
 - 3.3. BEGIN LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
4. PHASE II STRUCTURES (13 COTTAGES)
 - 4.1. PERFORM ALL SITE WORK ASSOCIATED WITH COTTAGE BUILDINGS.
 - 4.2. ERECT COTTAGE BUILDINGS.
 - 4.3. LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
5. PHASE III STRUCTURES (10 COTTAGES)
 - 5.1. PERFORM ALL SITE WORK ASSOCIATED WITH COTTAGE BUILDINGS.
 - 5.2. ERECT COTTAGE BUILDINGS.
 - 5.3. LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
6. PHASE IV STRUCTURES (8 COTTAGES)
 - 6.1. PERFORM ALL SITE WORK ASSOCIATED WITH COTTAGE BUILDINGS.
 - 6.2. ERECT COTTAGE BUILDINGS.
 - 6.3. LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
7. PHASE V STRUCTURES (10 COTTAGES)
 - 7.1. PERFORM ALL SITE WORK ASSOCIATED WITH COTTAGE BUILDINGS.
 - 7.2. ERECT COTTAGE BUILDINGS.
 - 7.3. LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
8. PHASE VI STRUCTURES (7 COTTAGES)
 - 8.1. PERFORM ALL SITE WORK ASSOCIATED WITH COTTAGE BUILDINGS.
 - 8.2. ERECT COTTAGE BUILDINGS.
 - 8.3. COMPLETE LANDSCAPING AND FACILITY AMENITY CONSTRUCTION.
7. FINISHING AND DEMOBILIZATION
 - 7.1. REMOVE EQUIPMENT FROM SITE AS PROJECT COMPLETION BEGINS.
 - 7.2. FINALIZE FACILITY LANDSCAPING AND CLEAN CONSTRUCTION MATERIAL FROM SITE.
 - 7.3. DEMOBILIZE ALL ON-SITE TEMPORARY BUILDINGS/CONSTRUCTION EQUIPMENT OFF SITE.



PLANNING BOARD APPROVAL
REQUIRED UNDER THE SPECIAL
PERMIT ARCPUD ZONING BY-LAW.

MEDWAY PLANNING BOARD:

DATE OF APPROVAL: _____

DATE OF ENDORSEMENT: _____

NO.	DATE	DESCRIPTION	DR/CK
4	01/27/2016	TOWN & FEER REVIEW	JEN/TLD

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT
COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

DATE:
12/11/2015

CONNECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE: 508-697-3191 OR 800-548-3355; FAX: 508-697-5996
WEBSITE: www.conneco.com

DESIGNED: JEN CHECKED: TLD
DRAFTED: DJD IN CHARGE: SMO

SCALE: 1" = 100'

PROJECT NO. 8548.0

SHEET NO. **C62**