



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway MA 02053
(508) 321-4915

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Carol Gould, Member
Tom Emero, Associate Member
Brian Cowan, Associate Member

Zoning Board of Appeals Meeting
Wednesday, July 31, 2019 at 7:30 p.m.
Sanford Hall
155 Village Street Medway, MA 02053
Meeting Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair; Gibb Phenegar, Clerk; Carol Gould, Member; Christina Oster, Member; Brian Cowan, Associate Member

Also Present: Barbara Saint Andre, Director, Community and Economic Development

Call to Order

Chairman Rori Stumpf called the meeting to order at 7:30 p.m.

Public Hearings

39 Main Street Comprehensive Permit Application – (Continued from July 17, 2019) The Applicant SLV Medway, LLC seeks a Comprehensive Permit under MGL c. 40B, Sections 20 – 23 as amended, to allow construction of a 190-unit complex called “39 Main” in which 25% of the units (48 units total) will be affordable. The complex will be located on a 12.3-acre parcel in the Agricultural Residential I (AR-I) district of Medway, MA.

Mr. Stumpf asked Ms. Saint Andre for an update on the decision. She stated there are two versions, a red line and a “clean” version.

Mr. Stumpf then welcomed new Associate Member Brian Cowan to the Zoning Board of Appeals.

Ms. Saint Andre then reviewed the few major changes made to the decision. These changes were in regard to the findings on traffic safety, conditions related to the Conservation Commission, modification or changes, certificate of occupancy and permitting fees, as well as the requested waivers. She stated that the draft had been reviewed by Tetra Tech, Town Counsel, as well as town staff. She then thanked the Board, the Applicant and Town committees and staff that helped throughout the application process.

Mr. Engler stated they agreed with the decision.

Mr. Stumpf asked if the Board and the public had any questions or concerns to add. There were no comments.

Mr. Stumpf stated the draft had been reviewed in its entirety.

Motion to accept the conditions set forth in the 39 Main Street Comprehensive Permit Decision made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Motion to grant the waivers as set forth in the 39 Main Street Comprehensive Permit Decision made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Motion that the Board finds that the 39 Main Street Comprehensive Permit with conditions is consistent with local needs made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Motion to approve the 39 Main Street Comprehensive Permit with conditions for the Applicant SLV, Medway I, LLC made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Motion to close the public hearing for the 39 Main Street Comprehensive Permit made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Mr. Engler then thanked Ms. Saint Andre, the Town Administrator and the Board for their work throughout the application process.

Ms. Saint Andre mentioned that Glen Brook Way just received their Phase I building permit.

Approval of Minutes

- July 17, 2019

Motion to approve the July 17, 2019 meeting minutes made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Upcoming Meetings

- August 7, 2019
 - 14-16R Franklin Street Variance and Special Permit Application Continuation
- September 4, 2019
 - 1 Rolling Lane Special Permit Accessory Family Dwelling Unit Application

Adjournment

Motion to adjourn the meeting at 07:48 p.m. made by Brian White seconded by Gibb Phenegar passed with a vote of 5–0–0.

Respectfully submitted,

Stefany Ohannesian
Administrative Assistant
Community and Economic Development

List of Documents Reviewed at Meeting

1. Decision Comprehensive Permit 39 Main Street



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

Rori Stumpf, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Christina Oster, Member
Gibb Phenegar, Member

Draft DECISION
COMPREHENSIVE PERMIT
39 MAIN STREET

Date Application Filed: March 25, 2019

Applicant: SLV Medway I, LLC (the "Applicant")
c/o Geoff Engler
Strategic Land Ventures, LLC
Needham, MA 02494
The Applicant shall include its successors and assigns.

Location of Property: 33 and 39 Main Street, Medway, MA (Assessor Parcel nos. 41-035 and 41-035-001) ("Property")

Approval Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23

Members Participating: Rori Stumpf (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Christina Oster (Member), Gibb Phenegar (Member)

Members Voting: Rori Stumpf (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Christina Oster (Member), Gibb Phenegar (Member)

Hearing Opened: April 24, 2019

Hearing Closed: July 31, 2019

Date of Decision: July 31, 2019

I. PROCEDURAL HISTORY

On March 25, 2019, the Applicant filed a comprehensive permit application, under General Laws chapter 40B, sections 20 – 23 and the Local Initiative Program for a development of 190 rental units, of which 48 will be low or moderate income units, at 33 and 39 Main Street. The Local Initiative Program application was approved and a Project Eligibility [Letter](#) issued by the Department of Housing and Community Development (“DHCD”) on March 6, 2019.

1. Notice of the public hearing was published in the Milford Daily News on 04/10/19 and 04/17/19, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
2. The public hearing was opened on April 24, 2019. The public hearing was continued on May 15, 2019, May 29, 2019, June 19, 2019, July 17, 2019, and July 31, 2019.
3. The Project is proposed for the Property at 33 and 39 Main Street in the Agricultural Residential I (AR-I) zoning district. A portion of the Property is also located in the Groundwater Protection District.
4. The Property is a 12.3-acre parcel located proximate to commercial and retail concentrations in the Town of Medway. The neighborhood features a variety of mixed uses including single family residential, retail, restaurants, businesses and a few small multi-family residential properties. Currently there is a single-family house on the Property which will be razed.
5. During the public hearing, the Applicant was represented primarily by Geoff Engler.
6. The Board retained Tetra Tech, of 100 Nickerson Road, Marlborough, MA (“Tetra Tech”), to serve as the Board’s engineering peer review consultant. Tetra Tech provided engineering peer review services with respect to traffic, water, sewer, and overall civil design services. The Applicant funded all of the engineering peer review expenses of the Board pursuant to G.L. c. 44 §53G.
7. The Board notified Town departments, boards and committees of this application. The Board received written comments from the Planning and Economic Development Board, Design Review Committee, Conservation Commission, Fire Department, and Department of Public Works.
8. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal’s files and listed in Appendix A attached hereto.
9. On May 15, 2019, Board member Carol Gould was unable to attend the meeting; however, she reviewed the video of the May 15, 2019 meeting on June 4, 2019 and submitted a Mullin Rule form. The Mullin Rule form was stamped in by the Town Clerk on June 6, 2019.
10. On June 19, 2019, Board member Christina Oster was unable to attend the meeting; however, she reviewed the video of the June 19, 2019 meeting on July 18, 2019 and submitted a Mullin Rule form. The Mullin Rule form was stamped in by the Town Clerk on July 22, 2019.

II. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40B, §§ 20-23 and its implementing regulations, 760 CMR 56.00 et seq., the Board's Rules and Standards for Comprehensive Permits, and by town bylaws and regulations. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

1. Jurisdictional Requirements

The Board finds that the Applicant has adequately demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:

- a. The Applicant has indicated in its application that it will conform to the limited dividend requirements of G. L. c. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 257 Hillside Avenue Needham, MA 02494.
- b. The Applicant has received a written determination of Project Eligibility from the Massachusetts Department of Housing and Community Development ("DHCD") dated March 6, 2019, a copy of which was provided to the Board with the original application.
- c. The Applicant provided a copy of a purchase and sale agreement dated August 13, 2018 for the property located at 33 and 39 Main Street.
- d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.

2. Statutory Minimum for Low and Moderate Income Housing

Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, as of September 8, 2018 the Town of Medway has 7.2% of its available housing units dedicated to low and moderate-income households. In a letter from DHCD dated October 5, 2018, ~~as a result of~~ additional units approved at Glen Brook Way, the Town's percentage of affordable housing units stands at 8.17%. The Town is currently in a Housing Production Plan Safe Harbor until August 15, 2019. The Board voted to assert this Safe Harbor at the initial public hearing on April 24, 2019, but also elected to proceed with the public hearing. The Board provided the Applicant written notice of Safe Harbor on April 24, 2019; and mailed a copy of the notice of Safe Harbor to DHCD in accordance with 760 CMR 56.03(8).

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3. Civil Engineering and Site Design

The Property where the building will be constructed is fairly flat, so that only nominal cutting and filling will be required as shown on the Approved Plans. The building will maintain front, rear and side setbacks as shown on the Approved Plans, which are approximately 232 feet from Main Street (Route 109) at the closest point, and approximately 89 feet from the closest side lot line.

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The Project will connect to the Medway municipal water and sewer systems.

The Applicant proposes to construct 304 parking spaces for the Project. The Board finds that the Applicant has adequately demonstrated that the parking ratio of 1.6 spaces per unit as proposed by the Applicant is sufficient for apartment units with the proposed bedroom mix.

On-site amenities will include, but not be limited to, open space, a play area, a swimming pool and patio, benches, bike racks, and one or more administrative offices.

Approximately forty percent of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is acceptable.

The Applicant provided a lighting plan for the Project which shows that there will be no light spillage onto adjacent properties. Light poles will be a maximum of 20 feet high, and comply with dark-sky requirements by being angled down. The on-site lighting will provide some illumination for Route 109 in front of the access driveway.

4. Stormwater Management

The Applicant filed a Notice of Intent under the Wetlands Protection Act with the Conservation Commission. The Commission reviewed the Applicant's stormwater management plan and issued an Order of Conditions on July 16, 2019, which includes the approved stormwater management system. As a result, the Board defers to the Conservation Commission with respect to stormwater management review. The Applicant, however, is required to comply with 310 CMR 10.05(6) (k-q) DEP Stormwater Management Standards and the Conservation Commission's Order of Conditions.

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5. Traffic, Traffic Safety and Access

The entrance to the Project will be a boulevard driveway with separate, sixteen-foot wide lanes for entrance and exit. The two lanes will be separated by a landscaped island. The Board finds that the boulevard driveway will provide adequate access and egress. Because the boulevard is curved as it comes in from Route 109, the landscaping along the boulevard will also partially screen the building from Route 109. Turning radii internally for the Project have been reviewed and comply with Fire Department requirements. The Applicant has agreed to provide a gated, emergency access per the Fire Department's request as shown on the Approved Plans.

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The Applicant provided a Traffic Impact Assessment Study from Jeffrey Dirk of Vanasse & Associates, Inc., which was peer reviewed by Courtney Jones of Tetra Tech, the Board's consulting engineer. The Study shows that Main Street in the area of the proposed Project carries approximately 15,000 vehicles per weekday. The Project is expected to generate approximately 1,034 vehicle trips on an average weekday. The Study analyzed the projected increases in vehicles at the key intersections near the Project, Coffee Street and Holliston Street. The weekday morning and weekday evening peak vehicle trips projected to be generated by the Project at these intersections range from 7 to 33 vehicles, which would not significantly impact motorist delays or vehicle queuing. The peer review consultant confirmed the accuracy of the figures set forth in the Study.

The Study also included a Level of Service analysis, which concluded that there would be slight average increases of less than 2 seconds in motorist delays at the intersections studied, and negligible increases in vehicle queues. Based upon the Study and peer review, as well as the presentations made by Mr. Dirk and Ms. Jones, the Board finds that the expected vehicular traffic to be generated by the Project will not negatively impact the existing levels of service on Route 109 (Main Street).

Finally, with respect to traffic safety, the Study shows that sight lines for the access driveway are 600+ feet in both directions along Main Street and therefore exceed requirements for Stopping Sight Distance and Intersection Sight Distance.

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There is a commercial shopping center located west of the Property on Main Street, as well as a Walgreen's also to the west but on the other side of Main Street, both within walking distance. The Applicant has agreed to install a crosswalk and Rectangular Rapid Flashing Beacon across Main Street to assist in pedestrian safety. Further, the Applicant has entered into a Memorandum of Agreement with the Town, pursuant to which it is providing mitigation funds to the Town for design and installation of a sidewalk along Main Street from the Property to the se commercial properties to the west.

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6. Architecture

Concerns were raised as to the bulk and height of the building, which is larger than other buildings in the area. The Applicant explained that the fact that the building is set back from Main Street, and that existing vegetation along the street will be maintained as much as possible, will help screen the building from view. The Applicant made a number of changes to the architectural design based on review by the Design Review Committee. The Board finds that the architectural design has been enhanced as a result of the applicant's dialogue with the Design Review Committee.

7. Zoning Bylaw

The Project Site is located in the Agricultural-Residential I (AR-I), as established on the Town's Zoning Map, which allows for detached single family dwellings by-right, Open Space Residential Development (OSRD) and Adult Retirement Community Planned Unit Development (ARCPUD) by special permit. Two-family homes and multifamily housing are not allowed in the AR-I district.

Dimensional regulations of the ARI require a lot size of 44,000 square feet and lot frontage of 180 feet for by-right uses. Additionally, the AR-I District requires minimum front, side, and rear setbacks of 35, 15, and 15 feet, respectively. All Zoning Districts require a minimum lot shape factor and upland requirement. Alternative less-stringent dimensional regulations are allowed as part of special permit uses. A portion of the Property is also in the Groundwater Protection District.

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III. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board voted ____ to grant to SLV Medway I, LLC a Comprehensive Permit to construct 190 rental units, of which 25% will be low or moderate

income units, in accordance with G.L. c. 40B and its implementing regulations 760 CMR. § 56.00, subject to the conditions and limitations set forth herein.

The Comprehensive Permit described herein incorporates the requested relief from local zoning, bylaws and regulations identified herein. In granting or denying this relief, the Board recognizes that the legal requirements for issuing a comprehensive permit have been met and finds that the Comprehensive Permit is consistent with local needs as defined in G.L. c. 40B, §20.

General Conditions

1. The holder of this Comprehensive Permit is SLV Medway I, LLC a limited dividend organization. The Property is defined as those properties located at 33 and 39 Main Street, Medway, containing a total of approximately 12.3 acres (Assessor Parcel nos. 41-035 and 41-035-001). The Project is defined as all features shown on the plans listed below in Condition #2 or as otherwise required by this Comprehensive Permit.

2. Except as may be provided for in the following conditions or in the Final Plans referenced below, the Project shall be constructed in conformance with the plans and drawings listed below in this Condition #2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Changes necessitated by field conditions, construction changes that are not inconsistent with this Decision, and differences between detailed construction plans and plans approved under this Decision that are not inconsistent with this Decision shall be minor changes to the Approved Plans (collectively, "Minor Changes") and submitted to the Building Commissioner who shall have the authority to confirm and approve the same. The purpose of this condition is to acknowledge the flexibility required to address minor alterations inherent to actual construction and to authorize the Building Commissioner to review and approve same. However, this condition shall not be construed as delegating to the Building Commissioner the authority reserved to the Zoning Board of Appeals to decide insubstantial and substantial modifications pursuant to 760 CMR 56.05(11). If the Building Commissioner determines that the proposed changes are not Minor Changes or do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Board shall retain the authority to administratively approve all other changes to the Project which are neither Minor Changes nor substantial changes, with reference to the factors set forth at 760 CMR 56.07(4). The Approved Plans consist of the following plan set, entitled "39 Main Street Site Plan of Land", dated October 11, 2018, latest revision June 26, 2019, prepared by Legacy Engineering, LLC:

- i. Cover Sheet
- ii. Existing Conditions
- iii. Erosion Control
- iv. Layout Sheet
- v. Snow Storage
- vi. Grading
- vii. Utilities – 2 sheets
- viii. Lighting
- ix. Details – 3 sheets

In addition, the Applicant submitted the following plans, entitled “Approval Set – 07.17.19, 39 Main Street – Medway, MA” by Cube 3, dated July 17, 2019, which are also part of the Approved Plans, containing the following sheets:

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Cover Sheet

- 39 Main Street Medway, MA – Landscape Plan
- 39 Main Street Medway, MA – Ground Floor Plan
- 39 Main Street Medway, MA – Second to Fourth Floor Plan
- 39 Main Street Medway, MA – Fifth Floor Plan
- 39 Main Street Medway, MA – Residential Unit Mix
- 39 Main Street Medway, MA – Affordable Unit Locations
- 39 Main Street Medway, MA – Exterior View
- 39 Main Street Medway, MA – Exterior View
- 39 Main Street Medway, MA – Building Elevations (North and East Elevation)
- 39 Main Street Medway, MA – Building Elevations (South and West Elevation)
- 39 Main Street Medway, MA – Section
- 39 Main Street Medway, MA – Typical 1 Bed Unit
- 39 Main Street Medway, MA – Typical 2 Bed Unit
- 39 Main Street Medway, MA – Typical 3 Bed Unit

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3. The Applicant shall be a Limited Dividend Entity as required by Chapter 40B, and the Applicant and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder. The Board shall receive notice of any change in the principals of SLV Medway I, LLC during construction of the Project.
4. All plans submitted shall be prepared, signed and sealed by persons with valid registration in the Commonwealth of Massachusetts.
5. The Project shall consist of 190 rental apartment units, located in one residential structure, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of 76 one-bedroom apartments (76 bedrooms), 95 two-bedroom apartments (190 bedrooms) and 19 three-bedroom apartment units (57 bedrooms) for a total of 323 bedrooms. All units shall remain as rental apartment units; no units shall be converted to condominium or other separate ownership.
6. There shall be a minimum of 304 outdoor parking spaces (inclusive of required handicap spaces).
7. The provisions of this Comprehensive Permit Decision and conditions shall be binding upon and inure to the benefit of the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
8. The sidewalks, driveways, roads, utilities, drainage systems, and all other infrastructure on the Property as shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the

operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.

9. Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision, except any matters that may constitute a substantial or insubstantial modification to this Decision pursuant to 760 CMR 56.07(4).

10. The Applicant shall comply with the "Memorandum of Agreement, 33 and 39 Main Street, Medway", dated January 7, 2019, between the Applicant and the Town of Medway ("Memorandum of Agreement").

11. The Applicant shall comply with the Order of Conditions issued by the Medway Conservation Commission dated July 16, 2019 (the "Order of Conditions"). The Order of Conditions and the Approved Plans require the Applicant to comply with the 25 foot no-work zone set forth in Section 21.2(b) of the Town's General Wetlands Bylaw, and the Board does not waive said Section 21.2(b), which provides:

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(b) Except as permitted by the [Conservation] Commission, no work shall be allowed within 25 feet of wetland resource areas identified in this By-Law (exclusive of the 100 foot buffer zone). This provision shall establish a permanent vegetative buffer between wetland resource areas and developed areas. No removal of vegetation will be permitted within this 25 foot setback except as specifically waived [sic] by the Commission (I.E. Limited Project Wetland Crossings). In cases where the Commission allows the removal of vegetation within the 25 foot setback a comparable area within the 100 foot buffer zone shall be preserved.

Affordability

12. Under state requirements, a minimum of 25% of rental units in a Chapter 40B development must be low- or moderate-income units ("Affordable Units"), meaning that they shall be rented to, and occupied by, households whose income is not more than eighty percent of the Area Median Income ("AMI"), as determined by the United States. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the occupancy of Affordable Units by income-eligible households.

13. All of the Project's Affordable Units shall be restricted for lease to households earning no more than the maximum allowable area median income of DHCD or any substitute Subsidizing Agency. The units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply with applicable zoning requirements without the benefit of this Comprehensive Permit.

14. The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.

15. For the initial rent-up of the Project, the maximum number of affordable units allowed by law and the applicable subsidy program, but not more than seventy percent of the units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall provide reasonable and timely assistance to the Town with the

Town's submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. If the Board or its designee does not provide such information within sixty days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

Submission Requirements

16. Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:

- a. Deliver to the Board a check in a reasonable amount determined by the Board to be used for the Board to retain outside experts for technical reviews and inspections required under these conditions. Said funds shall be deposited by the Board in an account pursuant to G.L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews and inspections, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.
- b. Obtain coverage under the National Pollution Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) and an Operations and Maintenance Plan and Long-term Pollution Prevention Plan.
- c. Submit to the Board for review, and review by its peer review consultant, and receive its approval of Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect.

The Final Plans shall be submitted to the Board at least thirty days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the “Final Site Plan Submission Date”). The Final Plans shall be in accordance with the comments from the peer review consultants detailed during the course of the hearing. If no written response or comments have been given to the Applicant by the Board concerning the Final Plans within thirty days after the Final Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

d. The Applicant shall submit to the Building Commissioner for approval a construction mitigation plan including, but not limited to, dust and erosion control measures, fill delivery schedules, stockpiling areas, and like matters, which shall be consistent with any construction mitigation requirements of the Order of Conditions and with this Decision.

e. Submit to the Board for review and obtain its approval of Final Landscape Plans which include landscaping and lighting plans, signed and sealed by a Registered Landscape Architect, depicting the following:

- i. Overall planting plan that includes a demarcation of clearing and the limits of work;
- ii. Planting plans for access drive showing shade trees and lighting fixture locations;
- iii. Prototype planting plans that includes shade trees, ornamental trees, shrubs, and groundcovers;
- iv. Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;
- v. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- vi. Clearly show dedicated and adequate area for snow storage;
- vii. Tree protection and preservation plans;
- viii. Construction details; and
- ix. Specifications for site amenities (including benches, trash cans, light fixtures, fencing, bike racks, etc.).

All plantings shall consist of non-invasive, drought-tolerant species to the extent practicable. Plantings installed along drives and walkways should also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The contract with the management company shall require ongoing maintenance of landscaping features.

17. Prior to the issuance of any building permit, the Applicant shall:

- a. Record this Comprehensive Permit with the Norfolk Registry of Deeds, at the Applicant's expense, and provide proof of such recording to the Building Commissioner and Board.
- b. Submit to the Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (Department of Housing and Community Development), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board and the Building Commissioner a copy of the fully executed Regulatory Agreement for the Project, and proof that the Regulatory Agreement has been properly recorded at the Norfolk County Registry of Deeds.
- d. Submit to the Building Commissioner Final Architectural Plans in such form as the Building Commissioner may request.
- e. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- f. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.
- g. Applicant shall demonstrate compliance with Massachusetts DEP Stormwater Management Standards through the Order of Conditions, including compliance with all conditions of the Order of Conditions for Stormwater Management. Prior to commencement of work, the Applicant will provide the final Stormwater Pollution Prevention Plan and Long Term Operations and Maintenance Plan.
- h. Fire protection measures for construction shall be installed and in working order, in the form of installed and charged fire hydrants or other fire protection deemed adequate by the Fire Chief.
- i. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is thirty days or more overdue. In addition, any outstanding taxes, fees, betterments, or other monies due to the Town for any of the lots that are part of the Property shall be paid in full prior to issuance of any building permit.

Construction Completion/Certificate of Occupancy

18. Prior to issuance of a certificate of occupancy for a specific portion of the Project, the Applicant shall:
 - a. Submit an engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Building Commissioner.
 - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the portion of the Project has been constructed in compliance with the Final Plans in all material respects, as modified by any minor changes approved by the Building Commissioner pursuant to Condition 2 of this Comprehensive Permit, and any modifications approved in accordance with 760 CMR 56.05(11)

c. Obtain acceptance from the Medway Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, fire hydrants and local smoke alarms within the dwelling units.

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d. Be in good standing (meaning there are no outstanding enforcement by other Town Departments) with all regulatory boards, committees, and commissions.

e. Install and complete construction on all components of the proposed Stormwater Management System. Additionally, the Applicant's engineer shall submit a letter stating that the system was constructed as designed and is in good working order.

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19. Prior to issuance of the final certificate of occupancy, the Applicant shall:

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a. Submit to the Building Department, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the North American Vertical Datum 1988, in U.S. Survey Feet. Applicant shall also submit all shape files and other relevant GIS files in Massachusetts State Plan Coordinate System, North American Datum 1983.

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b. Submit to the Building Commissioner as-built plans for the Project.

c. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans in all material respects, as modified by any minor changes approved by the Building Commissioner pursuant to Condition 2 of this Comprehensive Permit, and any modifications approved in accordance with 760 CMR 56.05(11).

c. The Applicant shall retain a management company, which may be an affiliate of the Applicant, its successors or assigns. The Applicant shall submit to the Board all information relating to the management company being retained to act as the property manager that the Applicant submits to the Subsidizing Agency as part of the Final Approval process, including a copy of the Applicant's contract therewith. Such property management agreement shall, at a minimum, address building security, public access, pet policy, staffing, trash removal, snow storage and/or removal, and smoking policies, and other issues addressed in the conditions herein.

Project Design and Construction

20. Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Commissioner, Department of Public Works, the Conservation Agent, the Town's Consulting Engineer and other Town staff as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Community and Economic Development Office.

21. Prior to Commencement of Construction, the Applicant shall provide to the Building Commissioner:

- a. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
- b. a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Property have been paid;
- c. certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
- d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work;
- e. at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice is required prior to restarting work.

22. Upon completion of all work on site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board's construction monitor shall be notified in writing of the final disposition of the materials.

23. The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.

24. All site retaining walls four feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer. Structural designs of retaining walls and guardrails shall be provided in the Final Plans for review and approval by the Building Commissioner. Materials for the proposed fence along the top of the retaining wall shall be set forth in the Final Plans for review and approval by the Building Commissioner.

25. During construction, the Applicant shall conform to all state and federal laws regarding noise, (including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001), vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate Town officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable state and federal requirements.

26. Soil material used as backfill for pipes, access drives, or structures shall be certified by the Design Engineer to the Building Commissioner as meeting design specifications, as applicable. If more than 500 cubic yards of fill are brought onto the Property from off-site, the fill shall be tested in accordance with the protocols set forth in condition number 19 of the Order of Conditions.

27. Construction activities shall not commence prior to 7:00 a.m. and shall not continue beyond 6:00 p.m., Monday through Friday, and shall not commence prior to 8:00 a.m. and shall

not continue beyond 4:00 p.m. on Saturdays. There shall be no construction on any Sunday or legal holidays without advance approval of the Building Commissioner. No equipment on-site shall be started and allowed to warm up prior to the start of the allowed construction hours. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery; delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.

28. Blasting, if any, shall be performed in a manner approved by the Medway Fire Department and Building Department and proper evidence of insurance shall be provided to the Building Commissioner before blasting begins. The Applicant shall provide at least 48 hours written notice of the scheduled ~~ed~~ blasting to all property owners and residents within 500 feet of the subject parcels. Such residents shall be provided the option of having a pre-blasting inspection at applicant's expense. Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting shall occur on Saturdays, Sundays, or legal holidays.

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29. Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. At the end of each work day, all erosion control measures are to be in place in order to comply with NPDES, the SWPPP and the Order of Conditions. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.

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30. No building areas shall be left in an open, non-stabilized condition longer than sixty days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.

31. There shall be screening between the proposed Project and adjacent properties in accordance with the landscape plans submitted with the Final Plans, subject to review and determination of consistency with this Decision by the Board and the Building Commissioner. All such screening shall be installed prior to issuance of final Certificate of Occupancy. If requested by the owners of land directly opposite the Property entrance/exit drive, and if granted permission of said owners, the Applicant shall install screening on said properties to reduce glare from vehicle headlights exiting the Property.

32. The Applicant shall ensure that adequate snow storage is provided at the Property as shown on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site and dispose of it properly. Snow shall not be placed within Stormwater Management Structures or in such a manner as to compromise the functionality of these systems and shall not be placed within the buffer zone. Signage shall be installed in accordance with the Order of Conditions to clearly restrict such storage.

33. The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles.
34. The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
35. The Applicant shall consult with the Department of Public Works and the Board of Health regarding trash and recycling services.
36. The parking or storage of any unregistered vehicle on the site is prohibited, and likewise the service of any vehicles on the site is prohibited, except during construction.
37. Temporary construction fencing shall be installed per the Final Plans at the commencement of construction. Such fencing shall include fabric screening along the street frontage and along the western property line to help shield view of the construction site from abutters and Main Street.

Traffic Safety Conditions

38. The Applicant shall incorporate the requisite signs and pavement markings to provide continuous bicycle accommodations along Main Street within the study area (between Coffee Street and Holliston Street). Said accommodations will include bicycle lanes and associated signs and pavement markings where a 5-foot wide shoulder (minimum) can be provided, “Sharrow” pavement markings where shoulder widths of less than 5-feet are available, and the installation of “Share the Road” signs at locations where bicycle lanes cannot be accommodated. These improvements will be completed prior to the issuance of any Certificate of Occupancy for the Project and subject to receipt of all necessary rights, permits and approvals.
39. The Applicant shall coordinate a meeting with the Town and GATRA to discuss the feasibility of expanding bus service within the Town to serve the Project and other area residential communities and businesses. The Project includes the installation of a bus stop and shelter along the Project site frontage on Main Street to accommodate future bus service prior to issuance of a final Certificate of Occupancy. The Applicant shall work with the School Department to establish the location of a school bus stop for the development.
40. The Applicant shall retain the services of an independent Traffic Engineer with experience in performing Road Safety Audit (“RSA”) to conduct a RSA at the Main Street/Medway Commons/Walgreens driveway to identify potential safety improvements. The RSA will be paid for by the Applicant and will be completed and submitted to the Board prior to the issuance of a final Certificate of Occupancy for the Project.
41. The Applicant shall install a Rectangular Rapid Flashing Beacon and crosswalk across Main Street in front of the Project site, final location to be determined by Department of Public Works, subject to receipt of all necessary rights, permits and approvals, prior to issuance of a final Certificate of Occupancy. The Applicant shall also provide “crosswalk ahead” signs 250 feet both east and west of the crosswalk on Main Street.

42. The Applicant shall install marked crosswalks and wheelchair ramps compliant with federal and state laws and regulations, including the Americans with Disabilities Act (ADA) at all pedestrian crossings. The Applicant shall provide the following signage: (1) stop sign and painted stop line at the exit to Main Street; (2) "one-way" sign at the island marked "Landscape Area"; (3) two "no parking" signs on each side of the "Landscape Area"; and (4) "Emergency Vehicles Only" sign on both sides of the "Fire Lane". All signs and pavement markings installed within the Property shall conform to the applicable standards of the Manual on Uniform Traffic Control Devices.

43. All obstructions (vegetation, fencing, etc.) within the sight triangles shown on the Approved Plans shall be maintained at heights that do not inhibit sight distance.

44. Trash pick-up activity shall be conducted so as not to block on-site parking or circulation.

45. The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Medway Fire Department shall review the Final Plans to ensure compliance with this condition. All driveways, including in parking areas, shall be a minimum paved width of 20 feet, except the entrance and exit drives as shown on the Approved Plans.

46. The Applicant shall provide professional property management and maintenance personnel on the premises during normal daytime hours and an emergency contact name and number for tenants and the Medway Police and Fire Departments.

Water, Sewer and Utilities

47. The Applicant shall be responsible for the design and installation of the utilities servicing the Project. All utilities, sewer and water infrastructure shall be installed in conformance with the Town's requirements. Location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans. The Applicant shall consult with the Department of Public Works prior to the commencement of construction. Final as-built plans for utilities shall be provided within 90 days after completion of construction. Applicant shall provide the final endorsed plans in CAD and GIS format to be put into the Town's GIS system. All files shall use the layering and format as specified by the Department of Public Works (DPW).

48. Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Medway Fire Department. If the Medway Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11). The Applicant shall be responsible for maintaining two fire hydrants that will be placed on the Property. Make and model of installed fire hydrants shall be approved by the DPW. The Applicant shall submit a maintenance plan for the on-site fire hydrants for approval by the Fire Department prior to the issuance of any Certificate of Occupancy. The Applicant shall provide a fire flow analysis to the Fire Department prior to final approval of fire hydrant locations by the Fire Department.

49. The service size for the domestic water service should be verified by the Department of Public Works and information on the fire service size and requirements should be verified by the Fire Department. Any fire lines will need backflow devices. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Department of Public Works and the Fire Department respectively.

50. The Applicant shall provide written confirmation from DPW of the Applicant's proposal to use the existing model of the Town's water system and that DPW confirms the Property has adequate water access. The Applicant shall provide written confirmation from DPW that there are no known downstream issues associated with the sewer system which may be intensified by the Project prior to the issuance of any Certificate of Occupancy.

51. The use of Town water for irrigation purposes is prohibited. Proposed locations for irrigation wells shall be shown on the Final Plans.

52. All water and sewer improvements necessary to serve the Project must be completed, and interim as-built plans must be submitted to and approved by the Department of Public Works, prior to the issuance of any Certificate of Occupancy.

53. The water, sewer and drainage utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols.

54. Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, sewer service lines, stormwater drainage lines, CATV lines, municipal conduit and the like. All work shall be in compliance with DPW requirements, and comments received from DPW dated April 23, 2019.

55. All utility work and any other roadwork, within the public right of way shall be performed and conducted in conformance with the regulations of the Department of Public Works including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Medway. All such work shall be performed in accordance with current engineering and construction standards and shall be completed prior to the issuance of a Certificate of Occupancy.

56. The Applicant shall utilize Sensus water meters with automated reading capability to match the system currently used by the Town. All such equipment shall be approved by DPW.

57. The Applicant shall equip each unit with low-flow toilets and high-efficiency water sense faucets and 1.5-gallon shower heads to reduce water usage.

Other General Conditions

58. The Applicant shall use bituminous "Cape Cod berm" throughout the Project except where the concrete walkways are used as the curb line.

59. The Applicant shall inform all parties in interest (as listed in the certified list accompanying the application) prior to start of work of a phone number and email contact to use for questions, concerns and complaints. The Applicant shall reply to such inquiries within 48 hours.

60. This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final adjudicatory decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.

61. The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.

62. The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.

63. In the event that the Applicant (or its management company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any Certificate of Occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town is required to perform such maintenance, the Applicant shall reimburse the Town within forty-five days for all of its reasonable expenses related to such work.

64. If the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency (a "Termination Event") the Applicant and its successors in title and assigns covenant and agree that it shall re-execute the Regulatory Agreement naming the Town of Medway as the enforcement agency thereunder (the "Town Regulatory Agreement"), which shall then be recorded with the Norfolk Registry of Deeds. At a minimum, the Town Regulatory Agreement shall require that 25% of the units in the Project shall be affordable and rented to low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23 so long as the Project does not conform to local zoning. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the affordable units shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

65. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c. 40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

66. If the Regulatory Agreement with the Subsidizing Agency is terminated, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. Nothing contained herein may be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee.

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67. If any default, violation or breach of these conditions by the Applicant is not cured within thirty days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

68. The Applicant shall apply for the following permits from the applicable local officials: trench permit; street opening permit; water and sewer connection permits; well permit for irrigation wells. The purpose of requiring the Applicant to apply for these permits is to ensure that all requirements related to public health, safety, technical compliance, and similar requirements of local permits are met. However, the Board grants the Applicant's request to waive the permit fees for these local approvals, subject to the Applicant complying with the requirements of this Decision and the Memorandum of Agreement.

IV. Relief from Local Rules, Regulations and Bylaws

The Applicant shall comply with all bylaws, rules and regulations of the Town of Medway unless: (1) specifically waived hereunder; or (2) as set forth in the Conditions in the previous section. Nothing herein may be construed as a waiver of any applicable state or federal law. The following specific waivers are granted as and to the extent set forth below; in the event of any conflict between the waivers set forth below and any Conditions set forth above, the Conditions shall control.

No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of building permit or inspection fees has been granted. A partial waiver of the comprehensive permit filing fee was granted by the Board on April 24, 2019. These waivers are granted to the extent necessary for the Applicant to construct the Project as shown on the Final Plans. Any subsequent revision to the Approved Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations must be approved by the Board in accordance with 760 CMR 56.05(11).

Medway General Bylaws			
Section Number	Bylaw	Waiver Requested	Board Action
21.2.a General Wetlands Protection	No person shall alter freshwater wetlands or the lands within 100 feet of them without a permit from the Conservation Commission	The Applicant requests a waiver from this bylaw in its entirety and will defer to the Medway Conservation Commission Order of Conditions for requirements relating to resource areas.	Granted, subject to condition number 11.
21.4 General Wetlands Protection	A written application shall be submitted to the Conservation Commission to perform	The Applicant requests a waiver from this bylaw in its entirety and will defer to	Granted, subject to condition number 11.

	activities in the resource areas protected by the Bylaw	the Medway Conservation Commission Order of Conditions for requirements relating to resource areas.	
26.5.2.4 Land Disturbance Permit	A land disturbance permit shall be submitted for projects disturbing one or more acres	The Applicant requests a waiver from any local permit relating to land disturbance or the need to obtain any local permit	Granted.

Rules and Regulations of the Town of Medway Conservation Commission			
Section Number	Bylaw	Waiver Requested	Board Action
Section 2 & 8	A submission is required to the Conservation Commission for the projects affecting jurisdictional areas.	The Applicant requests a waiver in its entirety from any requirement to apply for or receive a local permit from the Medway Conservation Commission. The Applicant has received a Notice of Intent with the Medway Conservation Commission under the Massachusetts Wetlands Protection Act.	Granted, subject to condition number 11.
Medway Zoning Bylaws (AR-I District)			
Section Number	Bylaw	Waiver Requested	Board Action
3.5 Site Plan Review	A Site Plan Review shall be conducted by the Planning Board	The Applicant requests a waiver from this section in its entirety and will not be applying for any local permit from the Planning Board.	Granted.
5.6.3.E.3.e	Requiring a special permit for uses with > 15% impervious coverage	The Applicant requests a waiver from this section in its entirety and will not be applying for any local permit from the Planning Board.	Granted to allow a lot coverage of 40% as shown on the Plan Set of Record

5.4 Table 1.C , 5.6.4.B, 5.6.4.H, & 5.6.4.I – Multi-Family Dwellings	A multifamily dwelling requires a special permit from the Planning Board in the AR-I zoning district	The Applicant requests a waiver from this section in its entirety and will not be applying for any local permit from the Planning Board. Moreover, the Applicant requests that multi-family use be allowed in this zone..	Not applicable, this site is not in the Multi-family Housing Overlay District.
5.6.4.C.3 and Section 6.1 Table 2, Dimensional Regulations	Height is limited to 40 feet and 35 feet respectively.	To allow as shown on the Plan Set of Record.	Granted under Section 6.1; Section 5.6.4.C.3 is not applicable.
5.6.4.D.1 Density Regulations	Density shall be 12 dwelling units per acre, plus 2 for an affordable housing development	To allow a total density of 190 units which equates to approximately 15.5 units per acre	Not applicable, this site is not in the Multi-family Housing Overlay District.
5.6.4.E.3 Special Regulations	1.5 parking spaces shall be provided per unit, with an additional visitor space per 2 units	To allow a parking capacity of 1.6 parking spaces per unit as represented on the Plan Set of Record.	Not applicable, this site is not in the Multi-family Housing Overlay District.
5.6.4.E.5 Special Regulations	An apartment house shall not contain more than 12 units	To allow more than 12 units per building as represented on the Plan Set of Record	Not applicable, this site is not in the Multi-family Housing Overlay District.
5.6.4.E.6 Special Regulations	The multifamily development shall not exceed 40 dwelling units	To allow the development to contain 190 dwelling units as represented on the Plan Set of Record	Not applicable, this site is not in the Multi-family Housing Overlay District.
6.1 Dimensional Regulations	The maximum impervious lot coverage is 35%	To allow a lot coverage of 40% as shown on the Plan Set of Record	Granted.
7.1.2.E.1 Outdoor Lighting	Prohibits illumination of adjoining streets	To allow illumination of the street as represented on the Plan Set of Record.	Granted.
7.1.2.E.3 Outdoor Lighting	Prohibits exterior illumination between 11pm and 6am.	To allow illumination of the street as represented on the Plan Set of Record during the restricted hours and	Granted.

		restricted to access, emergency and parking-lot illumination..	
7.3.C Noise Bylaw	Establishes noise requirements	The Applicant requests a waiver from this bylaw in its entirety.	Granted.
Chapter 200: Planning Board Site Plan Regulations			
Section Number	Bylaw	Waiver Requested	
Chapter 200	Site Plan Rules and Regulations	The Applicant requests a waiver from this section in its entirety and will not be applying for any local permit from the Planning Board.	Granted.
Medway Zoning Board of Appeals “Rules and Standards for Comprehensive Permit Applications” MGL Chapter 40B			
Section Number	Regulation	Waiver Requested	Board Action
Fee Schedule	151 – 300 Units - \$40,000 plus \$50 per unit (totaling \$49,500 for this project)	The Applicant is requesting a waiver for the calculated \$49,500 fee to be reduced to \$10,000 total.	Granted to reduce filing fee to \$10,000

V. Vote

By a vote of _____, the Zoning Board of Appeals hereby GRANTS the Applicant, SLV Medway I, LLC., a Comprehensive Permit to construct 190 rental units on 33-39 Main Street Medway, MA, in accordance with G.L. c. 40B §§ 20-23 and its implementing regulations at 760 CMR 56.00 et seq., in accordance with the Approved Plans and subject to the conditions herein.

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RECORD OF VOTE

The following members of the Zoning Board of Appeals voted to grant a Comprehensive Permit with conditions:

Member:	Vote:	Signature:
Rori Stumpf		_____
Brian White		_____
Carol Gould		_____
Christina Oster		_____
Gibb Phenegar		_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Comprehensive Permit on the terms hereinafter set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

This Decision was filed in the office of the Town Clerk on _____.

Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40B, §21 and Chapter 40A, §17, and shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty days after the filing of this decision in the office of the Medway Town Clerk.

The Comprehensive Permit granted by this Decision shall not take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty-day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision shall be furnished to the Board.

APPENDIX A: LIST OF DOCUMENTS AND EXHIBITS

The following documents were filed with the Zoning Board of Appeals (“Board”) as part of the public hearing process and are contained in the Board’s files.

I. General

1. Application for a Comprehensive Permit for 39 Main, prepared by SLV Medway I, LLC received March 25, 2019 and stamped in by the Town Clerk on March 25, 2019
2. Comprehensive Permit Plans entitled “39 Main Street Site Plan of Land”, dated October 11, 2018, latest revision March 10, 2019, prepared by Legacy Engineering, LLC, received and stamped by the Town Clerk March 25, 2019
3. List of Waivers, as a part of the Comprehensive Permit, received on March 25, 2019.
4. Transportation Impact Assessment prepared for SLV Medway I, LLC, prepared by Vanasse and Associates, Inc. dated November 2018 received as part of the Comprehensive Permit Application on March 25, 2019
5. Request for an Extension of Time to Open Hearing from SLV Medway I, LLC signed by Geoff Engler and Justin Krebs on March 22, 2019 stamped by Town Clerk April 4, 2019
6. Letter dated April 4, 2019 from Barbara J. Saint Andre to Applicant, SLV Medway I, LLC regarding Project Review Fee with enclosures: Invoice and Letter from Tetra Tech dated January 21, 2019
7. Letter dated April 5, 2019 from Legacy Engineering, LLC to Board with enclosures: Stormwater Management Report and Site Plans
8. “Stormwater Report for 39 Main Street, Medway, MA 02053 Proposed Residential Development”, prepared by Legacy Engineering, LLC dated March 26, 2019, signed on June 14, 2019
9. Letter dated April 24, 2019 from Board to Geoff Engler, SLV Medway I, LLC re: Notice of Safe Harbor
10. “Stormwater Report for 39 Main Street, Medway, MA 02053 Proposed Residential Development”, prepared by Legacy Engineering, LLC dated March 26, 2019, revised June 10, 2019, signed on April 4, 2019
11. Letter dated May 11, 2019 from abutter Deborah Boczanowski
12. Comprehensive Permit Plans entitled “39 Main Street Site Plan of Land”, dated October 11, 2018, latest revision March 26, 2019, prepared by Legacy Engineering, LLC
13. Comprehensive Permit Plans entitled “39 Main Street Site Plan of Land”, dated October 11, 2018, latest revision May 29, 2019, prepared by Legacy Engineering, LLC
14. Comprehensive Permit Plans entitled “39 Main Street Site Plan of Land”, dated October 11, 2018, latest revision June 10, 2019, prepared by Legacy Engineering, LLC
15. “39 Main Street Layout Plan of Land” dated October 11, 2018, latest revision March 26, 2019, showing Sight Distance Requirements
16. Plans (3 pages) showing locations of trash rooms and bicycle rack placement prepared by Cube 3, undated, submitted May 29, 2019.
17. “39 Main Street Fire Access Exhibit Plan of Land”, dated October 11, 2018, latest revision May 29, 2019, prepared by Legacy Engineering, LLC
18. Email dated May 16, 2019, from Nick Griffin, Cube 3, to Susan Affleck-Childs, with attached: Alternative Site Designs Schemes A, B, and C (6 pages); and proposed Street Views (4 pages); and attached emails

19. Mullin Rule form for Carol Gould for May 15, 2019 Board meeting, stamped by Town Clerk on June 6, 2019
20. "Main Street Medway" dated June 19, 2019, PowerPoint presentation made to Board, prepared by Cube 3
21. Letter dated June 26, 2019 from Legacy Engineering, LLC to Board with enclosures: Operations and Maintenance Plan and Revised Site Plans
22. Comprehensive Permit Plans entitled "39 Main Street Site Plan of Land", dated October 11, 2018, latest revision June 26, 2019, prepared by Legacy Engineering, LLC
23. "Operations & Maintenance Plan for 39 Main Street" dated March 26, 2019, latest revision June 26, 2019 prepared by Legacy Engineering, LLC
24. "Medway Post Meeting Design Alts" received June 28, 2019 from Nick Griffin, Cube 3 to Matthew Buckley with options 1-4
25. "WPA Form 5 – Order of Conditions" for 33-39 Main Street received July 16, 2019 from Bridget Graziano, Medway Conservation Agent

II. Comments from Town Staff

1. Email dated March 27, 2019 from Medway Fire Department Chief Jeff Lynch
2. Memorandum dated April 17, 2019 from the Medway Conservation Agent, Bridget Graziano and Chairman of the Medway Conservation Commission.
3. Letter dated April 22, 2019 from Medway Community Housing Coordinator Doug Havens to Stefany Ohannesian on behalf of the Affordable Housing Trust and Affordable Housing Committee
4. Memorandum dated April 22, 2019 from Matthew Buckley, Chair, Medway Design Review Committee on April 22, 2019.
5. Email dated April 23, 2019 from David D'Amico, Director, Department of Public Works
6. Letter dated April 24, 2019 from Medway Planning and Economic Development Board
7. Email dated May 21, 2019 from Fire Department Deputy Chief Michael Fasolino
8. Memorandum dated June 19, 2019 from Matthew Buckley, Chair, Medway Design Review Committee
9. Letter dated July 17, 2019 from Police Sgt. Jeff Watson, Safety Officer

III. Peer Review

1. Letter dated April 22, 2019 from Tetra Tech to Barbara J. Saint Andre re: Scope of Services Proposal
2. Letter dated May 13, 2019 from Tetra Tech to Barbara J. Saint Andre
3. Letter dated May 14, 2019 from Vanasse and Associates, Inc. to Barbara J. Saint Andre
4. Letter dated May 29, 2019 from Legacy Engineering, LLC to Board
5. Letter dated June 10, 2019 from Tetra Tech to Barbara J. Saint Andre
6. Letter dated June 14, 2019 from Legacy Engineering, LLC to Conservation Commission
7. Letter dated June 17, 2019 from Legacy Engineering, LLC to Board re: stormwater revisions with enclosures
8. Letter dated June 17, 2019 from Legacy Engineering, LLC to Board re: DPW comments

9. Letter dated June 19, 2019 from Tetra Tech to Bridget Graziano, Conservation Agent

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