

## Board Members

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Thomas Gay, Clerk  
Matthew Hayes, P.E.,  
Member  
Richard Di Iulio, Member  
Jessica Chabot, Associate  
Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

## TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

#### MULTI-FAMILY HOUSING SPECIAL PERMIT, SITE PLAN, and LAND DISTURBANCE PERMIT DECISION

**Harmony Village – 218 & 220 Main Street  
APPROVED with Waivers and Conditions**

**Decision Date:** January 12, 2021

**Name of Applicant/Permittee:** Harmony Village LLC

**Address of Applicant:** Harmony Village LLC  
5 Exchange Street, Suite 4  
Milford, MA 01757

**Name/Address of Property Owners:** Harmony Village LLC  
5 Exchange Street, Suite 4  
Milford, MA 01757

**Engineer:** Mark Beaudry, P.E.  
Meridian Associates, Inc.  
69 Milk Street, Suite 208  
Westborough, MA 01581

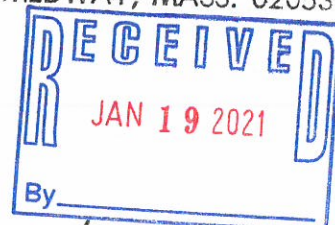
**Site Plan:** *Harmony Village Site Plan Review Submittal – 218-220 Main Street*  
Dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc.

**Location:** 218 & 220 Main Street

**Assessors' Reference:** Map 55, Parcel 44

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District

TOWN CLERK  
MEDWAY, MASS. 02053



*20 day appeal date  
Feb 01, 2021*

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Multi-Family Housing Overlay District

**I. PROJECT DESCRIPTION** – The Applicant sought a multi-family special permit to develop a 7-unit residential community at 218 - 220 Main Street. The site is 1.22 acres in size (52,993 sq. ft.). The Applicant intends to develop and sell the units as condominiums. Initially, the proposed project included construction of one 3-unit building, one 2-unit building, and the renovation of two existing single family houses on the premises. Access to the development will be from a single curb cut from Main Street via a permanent, private roadway to be known as Harmony Lane to be owned by the future condominium association. Stormwater management facilities will be constructed to manage stormwater and include a sub-surface infiltration system for roof runoff and a detention basin at the southwest corner of the property. Landscaping, site lighting, buffering, and a common outdoor space are planned. Connections will be made to the existing Town sewer and water services in Main Street.

During the course of review, the plan was downsized to a total of 6 units to include renovation of the two existing single family houses and the construction of one, 4-unit building. A total of 21 off-street parking spaces will be provided.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”), and site plan review and approval pursuant to Section 3.5 of the *Bylaw*. The property is also subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance for a Land Disturbance Permit

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on January 12, 2021, on a motion made by Robert Tucker and seconded by Richard Di Iulio, *voted to APPROVE with CONDITIONS a Multi-Family Housing Special Permit to Harmony Village, LLC of Milford, MA (hereafter referred to as the Applicant or the Permittee) and to APPROVE a Land Disturbance Permit, and to APPROVE with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a six unit, condominium development and associated site improvements on the property at 218-220 Main Street as shown on a plan titled Harmony Village Site Development Plans, 218 - 220 Main Street, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc., to be further revised as specified herein before endorsement and recording.*

The motion was approved by a roll call vote of 5 in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	AYE
Matthew Hayes	AYE
Thomas A. Gay	AYE
Andy Rodenhiser	AYE
Robert Tucker	AYE

### **III. PROCEDURAL HISTORY**

- A. June 5, 2020 – Special permit, site plan and land disturbance permit applications and associated materials filed with the Board. Due to the COVID 19 State of Emergency and Governor Baker’s Executive Orders, the Board held off on scheduling a hearing right away.

- B. August 6, 2020 – Special permit, site plan and land disturbance permit applications filed with the Medway Town Clerk
- C. August 6, 2020 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. August 7, 2020 - Public hearing notice mailed to abutters and parties of interest by certified sent mail.
- E. August 6 and 19, 2020 – Site plan information distributed to Town boards, committees and departments for review and comment.
- F. August 10 and August 18, 2020 - Public hearing notice advertised in *Milford Daily News*.
- G. August 25, 2020 - Public hearing commenced. The public hearing was continued to September 22, October 27, November 24, December 8, 2020 and to January 12, 2021 when the hearing was closed and a decision rendered. Public hearing continuation notices were filed with the Town Clerk and distributed to Town staff, boards and committees to continue to request review comments.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The application package for the proposed Harmony Village condominium development included the following documents, plans, studies and information that were provided to the Board.
  - 1. Multifamily Housing Special Permit application dated June 4, 2020
  - 2. Major Site Plan application dated June 4, 2020
  - 3. Land Disturbance Permit application dated June 4, 2020.
  - 4. *Harmony Estates Site Plan Review Submittal – 218-220 Main Street* dated June 9, 2020, prepared by Meridian Associates of Westborough, MA
  - 5. Certified Abutters List from Medway Assessor's office provided April 1, 2020.
  - 6. Building architectural plans including elevations and floor plans for duplex and triplex by Pacific Visions Studio, LLC, dated March 12, 2020
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. *Project Description* dated June 11, 2020, prepared by Drew Garvin, Meridian Associates
  - 2. *Development Impact Report* dated June 19, 2020 prepared by Drew Garvin, Meridian Associates
  - 3. Deed dated January 26, 2001 conveying 218-220 Main Street from Elliott F. Edwards to Elliott F. Edwards and Linda S. Resner
  - 4. Deed conveying the subject property from Linda S. Resner to Harmony Village LLC dated October 16, 2020.
  - 5. Purchase and Sale Agreement dated July 5, 2019 between Linda S. Resner and Gary Feldman and Marcelo Alves to purchase 218-220 Main Street

6. Letter dated February 4, 2020 from Scott Goddard of Goddard Consulting indicating there are no wetland resources on the subject property.
  7. Proposed sewer flow calculations dated May 12, 2020 prepared by Meridian Associates.
  8. *Project Criteria Summary* narrative dated June 24, 2020 prepared by Meridian Associates
  9. *Request for Waiver from Site Plan Rules and Regulations* (dated June 29, 2020) prepared by Meridian Associates.
  10. *Additional Requests for Waivers from the Site Plan Rules and Regulations* (dated September 8, 2020 and November 10, 2020) prepared by Meridian Associates
  11. *Stormwater Management Report for 218-220 Main Street, Medway, MA* dated June 10, 220 prepared by Meridian Associates
  12. *Stormwater Management Operations and Maintenance Plan* for 218-220 Main Street, dated June 10, 2020, prepared by Meridian Associates
  13. *Stormwater Management Report for 218-220 Main Street, Medway, MA* revised November 12, 2020 prepared by Meridian Associates.
  14. *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates
  15. Response letters dated August 25, 2020, September 8, 2020 and November 10, 2020 from Drew Garvin of Meridian Associates to the plan review letters from Tetra Tech and PGC Associates.
  16. Email review memorandum dated September 21, 220 from Fire Chief Jeff Lynch regarding roadway width, fire hydrant accessibility, and turning access for Medway fire apparatus meeting fire code requirements,
  17. *Harmony Village Site Plan Review Submittal – 218-220 Main Street* revised September 8, 2020 prepared by Meridian Associates of Westborough, MA
  18. *Harmony Village Site Plan Review Submittal – 218-220 Main Street* revised October 22, 2020 prepared by Meridian Associates of Westborough, MA
  19. *Harmony Village Site Plan Review Submittal – 218-220 Main Street* revised November 12, 2020, prepared by Meridian Associates of Westborough, MA (includes a revised landscaping plan dated November 9, 2020)
  20. Quadplex building elevation plans for 218-220 Main Street, dated October 19, 2020 and quadplex renderings, dated October 23, 2020 by Pacific Visions Studio, LLC of Bristol, RI.
  21. Residential Renovation Plans for 218 and 220 Main Street, dated September 18, 2020 by Pacific Visions Studio, LLC of Bristol, RI.
- C. Other documentation submitted to the Board during the course of the public hearing:

1. PGC Associates plan review letters dated August 14, 2020, September 17, 2020 and November 19, 2020.
2. Tetra Tech plan review letters dated August 7, 2020, September 18, 2020 and November 18, 2020
3. Memorandum dated August 28, 2020 from the Medway Cultural Council
4. Email dated September 17, 2020 from Barry Smith, Medway DPW Water/Sewer Superintendent re: water service connection
5. Email dated August 24, 2020 from Medway DPW Director David D’Amico regarding trash pick-up
6. Design Review Committee comment memorandum dated August 19, 2020
7. Email dated May 18, 2020 from Conservation Agent Bridget Graziano regarding the absence of wetlands on the subject property
8. Email dated August 7, 2020 from Medway DPW Director David D’Amico regarding sewer connection
9. Memorandum dated January 7, 2021 from the Medway Design Review Committee
10. Email dated January 12, 2021 from Dave D’Amico re: his request for an I & I condition to be included in the decision

**V. TESTIMONY** - In addition to the special permit and site plan review application materials as submitted and provided during the course of its review, the Board heard and received verbal testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town’s Consulting Engineer – Commentary provided throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town’s Consulting Planner – Commentary provided throughout the public hearing process.
- Drew Garvin, Meridian & Associates, engineer for the Applicant – Commentary provided throughout the public hearing process
- Gary Feldman, Applicant
- Abutter Cathy Sutton, 216 Main Street
- Abutters Carmel and Daniel Bergeron, 214 Main Street
- Abutter Denise Hallman, 212 Main Street
- Abutter Krystyna McQueeney, 222 Main Street
- Abutter Terri Tiernan, 210 Main Street
- Abutters Jovante and Myriam Santos, 224 Main Street
- Property Owner Linda Resner, 218 Main Street

Additionally, the following written comments were provided and entered into the record during the public hearing:

- Email dated August 25, 2020 from Krystyna McQueeney, 222 Main Street
- Letter dated August 21, 2020 from Carmel and Daniel Bergeron, 214 Main Street
- Letter dated September 22, 2020 from Linda Resner, 218 Min Street

**VI. FINDINGS** - The Board, at its meeting on January 12, 2021, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the multi-family special permit, site plan, and land disturbance permit applications for

the proposed Harmony Village located at 218 & 220 Main Street. The motion was approved by a roll call vote of 5 in favor and none opposed.

**MULTIFAMILY HOUSING SPECIAL PERMIT** - The Board makes the following findings in relation to this development's compliance with Section 5.6.4 Multifamily Housing of the *Bylaw*.

**Applicability**

- 1) **Location** - *The site is located within the Multifamily Housing Overlay District (Section 5.6.4) and thus is eligible for a multi-family housing special permit.*
- 2) **Traffic capacity** – *Main Street is the town's major artery and has sufficient capacity to handle the traffic from the six residential dwelling units that are proposed. The 6 units do not rise to the level of triggering the requirement for the submittal and review of a traffic study.*
- 3) **Parcel size & frontage** – *The site consists of 1.22 acres which exceeds the minimum area requirement of 22,500 square feet for the AR-II zoning district. The site has 190.08 feet of frontage on Main Street, so it meets the minimum 50-foot frontage requirement of Section 5.6.4.B (1) of the Bylaw.*

**Dimensional Regulations**

- 4) **Minimum Dimensional Requirements** – *The dimensional requirements of the underling AR-II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The new quad building is setback approximately 180 feet from Main Street; the minimum front setback for the AR-II district is 35 feet. The plan shows a side setback of 16.3' for the quad building where the minimum required is 15'. The plan shows a rear setback of 17.8 feet for the quad building where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (17% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).*
- 5) **Non-Conforming Buildings** – *The two pre-existing non-conforming houses do not meet the standard front (35') and side (15') setbacks requirements for the AR-II zoning district. However, as they are remaining in their current location with no plans to increase their non-conformity, they are allowed per Section 5.6.4 C. 2.*
- 6) **Building Height** - *As indicated on the site plan, the building height will not exceed 30 feet, less than the maximum 40 feet height allowed.*

**Density**

- 7) **Density** - *The maximum density for multifamily projects is 8 units per whole acre. With 1.22 acres, the maximum possible number of dwelling units is 8. With 6 units, the project is under the allowed maximum.*

**Special Regulations**

- 8) **Affordable Housing** – *With only a proposed net increase of 4 dwelling units, the provisions of Section 8.6 Affordable Housing of the Zoning Bylaw do not apply to the proposed development project.*
- 9) **Open Space** - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 47% open space being provided which includes the front yards of*

*the existing houses, the common area, and the back yards (exclusive use areas) for the new units.*

- 10) **Parking spaces** - *Two off-street spaces per unit (12 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 21 off-street parking spaces are provided. Each of the 4 new units will have a 2-car garage.*
- 11) **Town water and sewer service** - *The project will be served by Town water and sewer.*
- 12) **Number of units** - *The total number of units proposed (6) is less than the 40 maximum possible number of units allowed under the Bylaw for a multi-family development (without consideration of density limits).*
- 13) **Historic Properties** – *Section 5.6.4 E. 7 requires that historic properties determined to be “historically significant” by the Medway Historical Commission cannot be demolished unless certain criteria are met. The subject property is not located within a historic district. However, the two existing older houses on the site will be renovated as part of this project so this is not an issue.*

#### **Decision Criteria**

- 14) **Meets purposes of Multi-Family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations** - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of townhouse style units; (2) It encourages the preservation of older properties with the renovation of the two existing older houses on the property.*  
  
*It also meets the purpose of the Site Plan Rules and Regulations which is to provide for a uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the Zoning Bylaw. The plans have been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered and changes were made during the course of the hearing to improve the project.*
- 15) **Consistent with the Medway Housing Production Plan** - *The development meets the implementation strategies of the Housing Production Plan by providing additional multifamily housing.*
- 16) **Impact on abutting properties and adjacent neighborhoods** - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening through a comprehensive landscaping plan, a reduction in the number of dwelling units, and the aesthetics of the buildings as reviewed by the Design Review Committee.*
- 17) **Variety of housing stock** - *The development increases the variety of housing stock in the community by providing a quadraplex building.*
- 18) **Designed to be reflective of or compatible with the character of the surrounding neighborhood** - *The project retains and renovates the two existing vintage homes which front on and are highly visible from Main Street. The new construction will be set back approximately 200 feet from Main Street and is well screened from adjacent properties. The architectural design of the new units has been thoroughly reviewed by the Design*



*Review Committee and modified to better blend with the architecture of the existing houses. The size of the new dwelling units, minus the attached garages, is comparable in size to the residences in the adjacent neighborhood. The number of newly constructed dwelling units has been reduced 20% from 5 to 4 units to reduce the overall density of the development. Therefore, the proposed development is compatible with the character of the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA** – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The Board makes the following findings in accordance with Section 3.4 of the *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *Bylaw*, shall make findings on all of the applicable criteria specified below:

- 1) **The proposed site is an appropriate location for the proposed use.** *The proposed use is a multi-family development on a property located on Main Street within the Multi-Family Housing Overlay District as approved by Town Meeting. The Main Street property is located .3 miles from the Medway Public Library and .6 miles from Choate Park, home to Choate Pond, Thayer Homestead, a multi-age playground, and the beginning of Medway's trail system. Both the Library and Park are accessible from the subject property via sidewalk.*
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed residential use. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities and site improvements. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. And the stormwater management system has been designed in accordance with the applicable local and State regulations.*
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.** *The proposed use adds 4 residential units off a major east-west through street. It is estimated that the development will generate minimal traffic. The entrance to the site has more than 500' of sight distance in both directions and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Main Street and provide suitable access to the Medway Library and Choate Park. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and has been modified during the course of review. There are no wetland resources located on the property.*
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** *The development site is located off of Main Street from which the site will be accessed. Main Street has the capacity to handle the additional traffic to be generated by the 6 residential units. The roadway entrance/exit for Harmony Lane has been designed for maximum sight distance in both directions so the development will not cause undue traffic congestion or conflicts.*

- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting and street lights. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup at Main Street by the Town's solid waste collection service. A substantial landscaping plan will be implemented to provide considerable screening to adjacent residences. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts.*
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** *The project retains and renovates the two existing vintage homes which front on and are highly visible from Main Street. The new construction will be set back approximately 200 feet from Main Street and will be well screened from adjacent properties with substantive landscaping. The architectural design of the new dwelling units has been thoroughly reviewed by the Design Review Committee and modified to better blend with the architecture of the existing houses. The size of the new dwelling units, minus the attached garages, is comparable in size to the residences in the adjacent neighborhood.*
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** *The Multi-Family Housing Overlay District was established to accommodate this type of use subject to certain conditions to limit adverse impacts. The project includes construction of 4 townhouse style units which will help to diversify Medway's housing supply. Its location serves to promote pedestrian oriented development. And the project scope includes the retention and renovation of two older residential properties which will provide compatibility with the adjacent neighborhood.*
- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** *The proposed multi-family use is consistent with the Master Plan goal of implementing projects to increase housing diversity.*
- 9) **The proposed use will not be detrimental to the public good.** *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed development has reasonable and appropriate density in a suitable location.*

*For all of the above reasons, the Board finds that the beneficial impacts of the proposed Harmony Village outweigh the effects of the proposed use on the Town and neighborhood.*

**SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended December 3, 2002, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic

backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. No access from minor streets is necessary or available, there is no backing onto a public way, and Main Street is adequate to safely handle the traffic from the 4 new housing units and the 2 existing dwellings.*

- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The proposed buildings are residential and their scale and materials are suitable for the site and use. The design has been reviewed by the Design Review Committee and is acceptable for its location. The buildings are located well off Main Street and are mostly not visible from the public way. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings are mostly set back off Main Street and are a residential use so there is no outside storage, large intrusive parking lots, or dumpsters. Appropriate vegetation is proposed to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveways and are located relatively close to the street. The Fire Chief has reviewed the plans and not identified any access issues. The quadraplex building will have sprinklers installed.*
- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential neighborhood. Visibility is limited from Main Street. No stone walls are being removed. A robust landscaping plan will be implemented to offset the removal of two, significant mature trees. The subject site was previously disturbed so the impact on the environment is minimal.*

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 4 residential units off a major street. The entrance/exit to the site has adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. There is sidewalk along the north side of Main Street adjacent to the subject property to provide for secure pedestrian travel from the neighborhood.*

- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *There are no visually prominent natural or historic features on site.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. As conditioned herein, there is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. *The limit of work is reasonable. There are no sensitive environmental resources on the subject property.*

### **LAND DISTURBANCE PERMIT FINDINGS**

- 1) The Board finds that the work proposed for construction of a residential roadway with the associated stormwater management system, utilities and landscaping was presented at a public hearing where the Applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI Stormwater Management and Land Disturbance.

**VII. WAIVERS** – At its January 12, 2021 meeting, the Board, on a motion made by Thomas Gay and seconded by Richard Di Iulio, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a roll call vote of 5 in favor and none opposed.

### **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 207-9 B. Sidewalks – Five foot sidewalks shall be provided within parking areas.**

The Applicant has requested a waiver from this requirement and proposes that no sidewalks be required within the development. As the development site is small in terms of both area and number of units, pedestrian circulation can be readily accommodated by the 20' wide roadway. Not constructing sidewalks also reduces the extent of impervious surfaces for which stormwater management would be needed. ***The Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 3) **Section 207-11 B. 2 – Internal Site Circulation and Parking Lot Drive Aisles – The perimeter of drive aisles shall be bounded with vertical granite curb.**

The Applicant has requested a waiver from the use of granite curbing along the drive aisle (Harmony Lane) and to proposes to use Cape Cod berm instead. As this is a residential neighborhood, not a commercial development, the use of Cape Cod berm is

more suitable. ***The Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 4) **Section 207-11 B. 3 – Internal Site Circulation and Parking Lot Drive Aisles – Two-way drive aisles shall be twenty-four feet wide.**

The Applicant has requested a waiver from the required 24-foot roadway width and has proposed a width of 20 feet instead. Fire Chief Jeff Lynch was consulted on this adjustment and he has provided documentation that this reduced width is acceptable. Reduced width also reduces the amount of impervious pavement and the consequent stormwater runoff. A 20' wide roadway is workable for a small residential development and is consistent with small neighborhoods approved under the *Subdivision Rules and Regulations*. ***The Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 5) **Section 207-19. Landscaping – H. Tree Preservation – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish grade that are to be removed from the site shall be replaced with new trees on the site.**

A tree inventory was performed by Meridian Associates, MA and is shown on Sheet C-2 Existing Conditions of the revised Plan dated November 9, 2020. Sheet C-5 Landscape Plan identifies three 30" diameter trees to be removed as part of site preparation, clearance, and construction.

According to the revised landscape plan dated November 9, 2020 (Sheet C-5) prepared by Jacqueline Trainer, RLA of Meridian Associates, 52 hardwood and evergreen trees will be installed as part of the comprehensive landscape plan for the property. NOTE - 52 three-inch caliper trees x 7 sq. inches per tree = 364 sq. inches of tree replacement plantings. In addition, 206 miscellaneous shrubs, 445 perennials and groundcover plants, and 236 ornamental grasses will be planted throughout the site along building foundations, around the perimeter of the open parking area, and along the boundaries of the subject property adjacent to neighboring properties to provide suitable screening and buffering.

At the Board's request, the Design Review Committee reviewed the above noted landscape plan. The DRC has provided a letter dated January 7, 2021 which indicates that the referenced landscape plan aligns with the Medway *Design Review Guidelines* and will provide sufficient and appropriate buffers and screens with the abutting properties.

***The Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

**VIII. CONDITIONS** - The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been

adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a special permit and site plan approval is subject to the following conditions:

### **SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The maximum number of dwelling units to be developed under this special permit shall be six: one unit in each of the existing buildings and four new dwelling units).
  2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *Harmony Village Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc., to be modified as specified herein;
    - c) in accordance with any subsequently approved modified plans or amendments to this special permit; and
    - d) in accordance with the *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates
  3. The tracts of land and buildings comprising Harmony Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for Harmony Village entitled *Harmony Village Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc., including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the November 12, 2020 Plan shall be revised as follows:
1. Include the list of APPROVED Requests for Waivers
  2. Add references to the architectural elevations, floor plans and renderings, and Stormwater Operations and Maintenance plan to the Drawing Index
  3. Include the original plan date and the revised plan date
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the November 12, 2020 Plan.
1. Add planned location for irrigation well.

2. A sheet shall be added to the Plan to display the property's *Stormwater Operations and Maintenance Plan*.
  3. An updated photometric plan shall be added to the Plan. The photometric plan shall comply with the Outdoor Lighting provisions of the Zoning Bylaw, Section 7.1.2.
  4. Revisions shall be made to the Plan to locate snow storage areas that do not conflict with the planned landscaping. Resolve conflicting information about snow storage on sheets C-3 and C-5.
  5. Add a detail for a shed structure for the "gang mailbox" and the roadway post light fixtures for review and approval by the Design Review Committee.
  6. Add information on where trash containers will be positioned at the end of Harmony Lane for pick-up by the Town's trash removal service.
  7. Granite curbing at the Harmony Lane roundings with Main Street shall be shown.
  8. A note shall be added to the Plan to indicate that an electric vehicle charging station shall be installed in the garage of each of the four new dwelling units.
  9. Sheets C-9 (Landscape Plan) shall be revised to completely identify all of the existing trees to be retained on the subject property.
  10. *Stormwater Revisions* – The plan and stormwater documents shall be revised and supplemented to address items 9 through 22 as specified in the November 18, 2020 review letter from Steve Bouley, P.E. of Tetra Tech, the Town's Consulting Engineer, attached hereto and made a part hereof. The revised plan shall include the addition of a leaching catch basin at the end of the roadway on the west side with suitable pitching of the roadway to catch stormwater prior to entering Main Street.
  11. Detailed notes on siding and roofing materials and colors, door style, and light fixtures for the new dwelling units shall be added to the plan for review and comments by the Design Review Committee to the Board.
  12. The project name "Harmony Estates" shall be revised to "Harmony Village" throughout the plan set.
- E. ***Other Documentation*** - Prior to plan endorsement, the Permittee shall provide the following additional documentation to the Board:
1. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall reference the recorded Multi-Family Housing Special Permit and Plan. The deed shall clearly state that the Harmony Village condominium association shall own and be responsible for the maintenance and upkeep of development's private roadway (Harmony Lane), the stormwater management system, and all other infrastructure.
- F. ***Recording of Plans and Documents***
1. The Plan of Record associated with this special permit, land disturbance permit, and site plan approval is titled: *Harmony Village Site Plan Review Submittal – 218-220 Main Street*, dated June 9, 2020, last revised November 12, 2020 by Meridian Associates, Inc. with additional sheets for architecture and building improvements, to be further revised as specified herein.
  2. No construction shall begin on the site and no building permit for any of the new units in the quadplex shall be issued before this Multi-Family Housing Special Permit, Site Plan Decision, Land Disturbance Permit, Plan of Record endorsed by the Board, the post-Construction Stormwater Management Plan, and the Long

Term Operation and Maintenance Plan are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board.

3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development. The Permittee shall provide proof of recording.
  - a) Harmony Village condominium master deed
  - b) Declaration of Trust of Harmony Village condominium association
4. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded, or supply another alternative verification that such recording has occurred.

G. **Tree Preservation** - The landscape inventory as shown on Sheet C-2 Existing Conditions of the Plan identified:

- twenty existing hardwood and evergreen trees with a diameter of 15” or greater at four feet above grade.
  - forty-two existing trees with a diameter of 8” – 14”.
1. Three 30” diameter trees are approved for removal during construction.
  2. Sheet C-9 Landscape Plan is to be revised to clearly designate the fifty-nine existing trees to be retained on the subject property and the three existing trees to be removed during construction, subject to approval by the Board before plan endorsement.
  3. The noted trees shall be clearly identified in the field and verified by the Town’s consulting engineer before site preparation and construction commences.
  4. During site preparation and construction of infrastructure and buildings, the Permittee and its contractors shall not remove any of the noted trees to be retained.
  5. If any of the identified trees for retention are removed or damaged during construction, the Permittee shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one square inch per two square inch replacement basis within one year after the tree removal or damage has occurred. The one square inch per two square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved, and that square inch total is the amount of required square inches of the replacement tree(s). A 3” caliper tree equals seven sq. inches. The location of the replacement trees shall be recommended by the Permittee and are subject to approval by the Board and Tree Warden as a field change, and may be located off site of the subject premises including on adjacent properties with approval of the property owner. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of



the removed tree(s).

6. In lieu of tree planting, for any trees removed or damaged as described in subsection (5) preceding, the Permittee may contribute to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden and based on wholesale pricing for 3-inch caliper trees from a reputable area landscape supplier.
- H. ***Open Space/Yard Area*** - At least 15% of the site shall be retained and function as open space and/or yard area in perpetuity. This is an ongoing obligation of the Harmony Village condominium association. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements. It does not include the exclusive use areas specifically designated for each individual condominium owner.
- I. ***Ownership/Maintenance of Common Areas***
1. Harmony Lane, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the Harmony Village condominium association. It is the intent of the Board that these facilities will not be accepted by the Town of Medway.
  2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
    - a) Harmony Lane and parking areas
    - b) Stormwater management facilities
    - c) Snowplowing and sanding
    - d) Landscaping
    - e) Street lights
    - f) Sewer and water
- J. ***Building Permits***
1. Foundation Permits - A foundation only permit to begin construction of the quadplex building (Units 3 – 6) may be issued prior to installation of the base coat of paving (binder course) on the development's roadway, Harmony Lane.
  2. For the Remaining Work – No building permit may be issued until the following items, at a minimum, are installed in compliance with this Decision, the endorsed Plan, and applicable by-laws and regulations and approved by the Board's consulting engineer.
    - a) Roadway area gravel sub-base (excluding unit driveways)
    - b) Roadway area binder course (excluding unit driveways)
    - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
    - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
    - e) Street name signs in a size and form as specified by the Medway Department of Public Works, and all regulatory signs as specified on the approved Plan.

- f) Stop line pavement markings.
  - g) Provisions for fire prevention and protection. Private water main/service to be constructed, installed and functional.
- K. **Patios** – To not increase stormwater runoff, all patios constructed in the development shall be constructed with pervious paving materials. This requirement shall be included in the condominium master deed and individual unit deeds.
- L. **Sewer/Stormwater Inflow and Infiltration (I&I) Survey and Report** – Commencing no more than three years after the issuance of the first occupancy permit, the Harmony Village condominium association shall perform an I&I survey of both the sewer and stormwater infrastructure in accordance with Medway Department of Public Works (DPW) requirements and provide such report to the DPW. Such surveys shall include all sewer and stormwater piping and structures located on the property and along Main Street abutting the property frontage. Following the first survey, subsequent I&I surveys of the sewer and stormwater infrastructure shall be performed every three years by the condominium association and reported to the DPW. The surveys, reporting requirements, and maintenance activities shall be coordinated with the Medway DPW as part of the association's implementation of the *Long Term Stormwater Operations and Maintenance Plan*.
- M. **Sidewalk** – Any damage to the existing sidewalk on the north side of Main Street along the subject site's frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works before the occupancy permit is issued for the 6<sup>th</sup> condominium.
- N. **Stone Walls** – Any repairs to existing stone walls and any newly constructed retaining walls shall be as specified in the Stone Retaining Wall Detail included on Sheet C-8.
- O. The Master Deed for the Harmony Village condominium shall include the following language: *"The construction and operation of the condominium is authorized by a Multi-Family Housing Special Permit, Site Plan Approval, and Land Disturbance Permit granted by the Medway Planning and Economic Development Board on January 12, 2021 which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds."*
- P. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- Q. **Water Conservation** – The development will be connected to the Town's public water system, and the Town is subject to its Water Management Act Permit with the Massachusetts Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
  - 1. any landscape irrigation may not be connected to municipal water supply, private well water only
  - 2. rain-gauge controlled irrigation systems only
  - 3. low flow household fixtures
  - 4. water efficient appliances (dishwashers, washers, toilets, etc.)
- R. **Addresses** – The addresses for the Harmony Village residences shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.

- S. ***Development Signage*** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- T. ***Stormwater Management and Land Disturbance – Pre-Construction***
1. See General Condition H-2 regarding the required Pre-Construction Meeting.
  2. No clearing of vegetation, including tree cutting or disturbance of soil, shall occur prior to the Permittee's Pre-Construction Meeting with Town staff and the Board's consulting engineer.
  3. Prior to the Pre-Construction Meeting and commencement of any work on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The Permittee shall notify the Board's consulting engineer to schedule an inspection to ensure that erosion controls and limits of work have been properly located and installed. The location of erosion controls and limits of work lines shall be adjusted, if necessary, during this inspection. No site work shall be conducted until the Board's consulting engineer has inspected and approved the installation of the erosion controls and limits of works.
  4. Immediately after the Pre-Construction meeting, all erosion controls and limits of work lines shall be installed along the approved and staked lines. Such installation shall occur with the least possible disturbance to vegetation. Erosion controls should be placed around trees, shrubs and other vegetation, on the uphill side. The installed erosion control measures shall be inspected, adjusted if needed, and approved by the Board's consulting engineer to ensure they have been properly installed.
  5. At least 5 business days prior to construction activity, the Permittee shall advise the Board of the name(s) and contact information of the person(s) responsible on site for compliance with this Permit. This person shall serve as Clerk of the Works and shall supervise the contractor and inspect the site regularly. The Permittee shall be responsible for immediately notifying the Board of any change in the identify or contact information for the on-site person responsible for compliance.
  6. Prior to construction the general contractor shall designate a construction staging area within designed location as depicted on the approved site plan. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be located in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
  7. Prior to construction, an area for cleanup and/or maintenance of construction equipment shall be designated. Prior to commencement of work, the Permittee shall designate a location for a concrete washout and other washout areas which shall be surrounded by siltation controls. The locations and form of siltation controls shall be approved by the Board's consulting engineer.
  8. Prior to commencing any work on site, the Permittee shall install a stone

construction entrance (tracking pad) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".

**U. *Stormwater Management and Land Disturbance - During Construction***

1. Construction of this project will disturb greater than one-acre and thus is subject to the United States Environmental Protection Agency (US EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities.
2. Construction is subject to a Stormwater Pollution Prevention Plan (SWPPP) to be prepared by the Permittee for submittal to the US EPA and provided to the Board. The SWPPP shall be included in all construction contracts, subcontracts, and specifications dealing with the planned work. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the authorized work are fully aware of the SWPPP and its operation and maintenance plan.
3. Copies of this Decision, the endorsed site plan, the stormwater report including the long term stormwater operations and maintenance plan, and the SWPPP shall be kept on site at all times while the site is under construction. These documents shall be included in all construction contracts, subcontracts, and specifications dealing with the approved work and shall supersede any conflicting contract requirements. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Permit's terms and conditions. Thereafter, the Permittee, the contractors, and subcontractors will be held jointly liable for any violation of this Permit resulting from failure to comply with its conditions.
4. Erosion Control - It is the Permittee's responsibility to conduct monitoring, maintenance, reporting, and repair of erosion control measures, and to take any additional measures necessary to control erosion from the site in accordance with the SWPPP. The Permittee shall designate an Erosion Control Inspector who shall be responsible for these duties. The erosion control measures specified in the endorsed plan shall be considered to be the minimum standard for compliance.
  - a) Erosion Control Measures shall be placed to ensure that no sedimentation will reach the Town's right-of-way (Main Street) or abutting properties. Choice of suitable silt fence materials shall be in accordance with the approved plan and details.
  - b) Maintenance of Erosion Control Measures - Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction, and shall be maintained during construction. The erosion control specifications provided in the Land Disturbance Application and the erosion control provision in the Permit and approved site plan will be the minimum standards for this project; additional measures may be required by the Board. These will be maintained until the Permittee's Erosion Control Inspector and the Board's consulting engineer agree that they are no longer needed, at which time they will be removed, using removal procedures that the Board's

consulting engineer finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the Permittee or its designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The Permittee shall immediately control all erosion on the site, and shall immediately notify the Board of any breaches of the erosion control barriers by sediment or silt-laden water.

- c) Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped into, any on-site drainage system. Any such washing shall occur only in the designated washout areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - d) All construction equipment shall be inspected regularly and properly maintained and precautions shall be taken to prevent any leakage or spillage of oil, gasoline, hydraulic fluid, and other pollutants. Any leakages shall be repaired immediately. Any such leakage or spillage must be cleaned up immediately and disposed of off-site. The Board's consulting engineer shall be notified immediately in the event of any leakage or spillage.
- 5. Reporting – The Permittee or its agent shall conduct and document inspections of all erosion control measures no less than bi-weekly during construction and following after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours. The purpose of such inspections will be to determine the overall effectiveness of the erosion control plan and the need for maintenance or additional control measures.
  - 6. Throughout construction and until the development is transferred to the Harmony Village condominium association, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of a field change by the Board.
  - 7. Throughout construction, the Board's consulting engineer shall regularly inspect the site to determine if the site is being maintained pursuant to the SWPPP and shall provide corrective guidance to the Permittee for actions needed to address any stormwater management deficiencies. Failure to adequately maintain the site shall be grounds for the Town to withhold building and/or occupancy permits.
  - 8. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
  - 9. All stockpiles shall be positioned within the limit of work area as depicted on the approved plan or as authorized by the Board's consulting engineer.

10. Fill – Any fill being brought onto the site from any off-property sources shall be free of trash, invasive species, deleterious material, and chemical contaminants in excess of the Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Prior to delivering fill to the project site, the soil shall be sampled at its source and a certification provided to the Board and. The certification shall include a letter signed by a Licensed Site Professional (LSP) describing the site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.
- Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Washed stone materials are exempt from testing.

The Board may consider alternative sampling plans or soil materials at its discretion. Approval of the Board is required for alternative plans. These may include management of soils consistent with MASSDEP WSC#-13-500, Similar Soils Provision Guidance.

11. If unforeseen problems occur during construction which may affect abutting properties, Town roadways and/or the Town's stormwater infrastructure, upon discovery by either the Board, its consulting engineer, or the Permittee, the Board shall be notified immediately, and an immediate meeting shall be held with the Permittee and its agents and the Board's consulting engineer and other concerned parties to determine the corrective measures to be employed. The Permittee shall then act to correct the problems using the corrective measures agreed upon and in accordance with General Condition F. Field Changes, if necessary. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

**U. Stormwater Management and Land Disturbance – Post Construction**

1. The stormwater drainage system shall be maintained by the Permittee, its successors and assigns, and the Harmony Village condominium association. It is

- the intent of the Board and the Permittee that the stormwater management system shall not be accepted by the Town.
2. The Permittee, its successors and assigns, and the Harmony Village condominium association shall maintain the stormwater management system in accordance with long term *Stormwater Management Operations and Maintenance Plan for 218-220 Main Street*, revised November 12, 2020, prepared by Meridian Associates, as may be further revised prior to plan endorsement and after project completion.
  3. Ongoing enforcement of compliance with the long term *Stormwater Management Operations and Maintenance Plan* is the responsibility of the Medway DPW. The plan may be amended by mutual agreement of the DPW and the Harmony Village condominium association.
  4. In the event a management company is engaged by the condominium association, the above noted long term *Stormwater Management Operations and Maintenance Plan* shall be incorporated by reference in the management contract.
  5. The Permittee and its successors shall submit an annual report of inspections of all stormwater management structures as prescribed in *Stormwater Management Operations and Maintenance Plan* to the Board, Conservation Commission, and the DPW. The annual report shall be submitted no later than December 1<sup>st</sup> of every year. The inspections shall be conducted in accordance with the approved *Stormwater Management Operations and Maintenance Plan*.
  6. In the event that the Permittee, its successors and assigns, its agent, or the Harmony Village condominium association fail to maintain the stormwater management system in accordance with the long term *Stormwater Operations and Maintenance Plan* and take needed corrective measures, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Permittee hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in the referenced Plan. In the event the Town conducts such maintenance or repairs, the Permittee shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Permittee fails to so reimburse the Town, the Town may use any and all available legal remedies to secure such payment including charging a fee for the services through the sewer utility for the property.
  7. See requirements of Special Condition L. *Sewer/Stormwater Inflow and Infiltration (I&I) Survey and Report*

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Applicability** – This permit shall apply to any successor in control or successor in interest of the subject property.
- B. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:
  1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and

2. any construction inspection fee that may be required by the Board; and
3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- C. ***Other Permits*** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- D. ***Restrictions on Construction Activities*** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. ***Construction Time*** - Construction work at the site and in the building and the operation of construction equipment including truck, vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday through Saturday. No construction shall take place on Sundays, or on federal and/or state legal holidays, without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel or dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
  4. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.
  5. ***Construction Traffic/Parking*** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.



E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's consulting engineer or the Building Commissioner may conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's consulting engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. The Permittee and the future condominium association shall inform snow removal operators of the approved locations for on-site snow storage.
3. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.

- G. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the common areas of the Harmony Village site at reasonable times during construction to inspect the site to evaluate for compliance with the terms and conditions of this permit and the endorsed site plan and may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.

H. ***Construction Oversight***

1. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and erosion controls by the Town's consulting engineer and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction and installation, identify what site plan work remains to be completed, prepare surety estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.

- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's consulting engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board, until the road, stormwater system and other infrastructure are completed and the as-built plan and Certificate of Site Plan Completion has been granted.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Permittee shall meet with the Town's consulting engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, other Town staff as appropriate, the site contractors, and the Permittee's project engineer for a pre-construction meeting. At or before the pre-construction meeting, the Permittee shall provide the following information:
  - a Construction Management Plan as specified in Section 204-3 H. of the *Site Plan Rules and Regulations*,
  - earth removal calculations
  - earth fill estimates
  - copies of its National Pollutant Discharge Elimination System (NPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP) for this project as filed with the U.S. EPA.
  - list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), on-site management, and erosion control inspector.
3. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit, the sewer and water connection permits, and any other applicable DPW permits associated with this project.
4. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved plan and improvements. Inspections shall occur at least on a monthly basis. The Permittee's engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within five days of inspection.

#### H. ***On-Site Field Changes***

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific

condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.

2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's consulting engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**I. *Plan Modification***

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from an approved site plan may be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process, including a public hearing, the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**J. *Plan Compliance***

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.

3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

K. ***Performance Security***

1. If the Permittee seeks an occupancy permit before completion of the approved site improvements, the Permittee may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and all off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion.
2. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Permittee fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall also include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Permittee fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount.
3. The performance security shall be accompanied by a performance security agreement executed by the Permittee, the Board, and the performance guarantee company. It shall include:
  - a) the date by which the Permittee shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Board
  - c) procedures for collection upon default.
4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

L. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of the occupancy permit for the sixth dwelling unit, the Permittee shall request a *Certificate of Site Plan Completion* from the Board. The *Certificate* serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The *Certificate* also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a *Certificate of Site Plan Completion*, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this permit, the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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

## **IX. APPEAL**

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

Any person aggrieved by the Special Permit or Site Plan Decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, 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 an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

An appeal may be taken from the Land Disturbance Permit under the Medway General Bylaws in accordance with the provision of Massachusetts General Laws chapter 249 within sixty days of the issuance of this decision.

###

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
Harmony Village – 218 – 220 Main Street**

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

**AYE:**

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**ATTEST:**

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Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

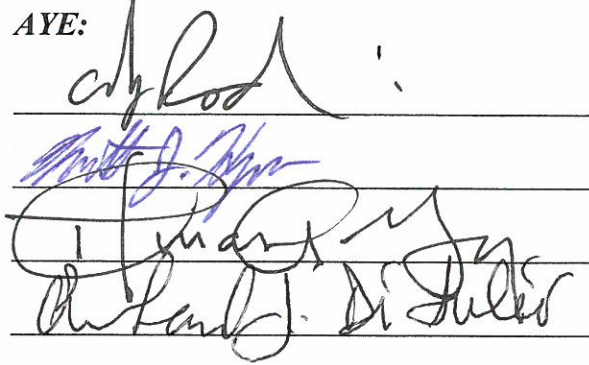
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Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D’Amico, Department of Public Works  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Gary Feldman  
Marcelo Alves  
Drew Garvin, Meridian Associates  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
Harmony Village – 218 – 220 Main Street**

Approved by the Medway Planning & Economic Development Board: 1-12-2021

AYE:

Four handwritten signatures in black ink are written over four horizontal lines.

ATTEST:

  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

1-12-2021  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
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