



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

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Medway, MA 02053
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Board Members

Andy Rodenhiser, Chair

Robert Tucker, Vice
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,
Member

Richard Di Iulio,
Member

Staff

Susan Affleck-Childs,
Planning and Economic
Development
Coordinator

**MULTI-FAMILY HOUSING SPECIAL PERMIT
and SITE PLAN DECISION
William Wallace Village
274 & a portion of 276 Village Street
APPROVED with Waivers and Conditions**

Decision Date: January 28, 2020

Name of Applicant/Permittee: DTRT, LLC

Address of Applicant: DTRT, LLC
PO Box 95
Truro, MA 02666

Name/Address of Property Owners:

DTRT, LLC
PO Box 95
Truro, MA 02666

Keith and Judith Spinney
276 Village Street
Medway, MA 02053

Engineer: Daniel Merrikin, P.E.
Legacy Engineering, LLC
730 Main Street
Millis, MA 02054

Site Plan: William Wallace Village
Dated July 1, 2019, last revised December 27, 2019 by
Legacy Engineering of Millis, MA

Location: 274 and a portion of 276 Village Street

Assessors' Reference: Map 55, Parcel 55 and a portion of Parcel 54

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

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JAN 29 2020

TOWN CLERK



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

I. PROJECT DESCRIPTION – The Applicant proposes to develop a 12-unit residential condominium community at 274 Village Street and a small portion of 276 Village Street which is to be conveyed to the Applicant. The combined area of the site is 158,077 sq. ft. The project includes construction of one 3-unit building, four duplex buildings and the renovation of the existing single family house; the units will range in size from 2 – 4 bedrooms. One dwelling unit shall be available for sale to a low or moderate income household and comply with the requirements for inclusion on the Subsidized Housing Inventory (“SHI”) compiled by the Massachusetts Department of Housing and Community Development (“DHCD”) pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 (the “affordable housing units”).

Access to the development will be from Village Street via a permanent, private roadway to be known as Sterling Circle. A total of 52 parking spaces will be provided (2 in the garage and 2 in the driveway for each of the 12 units plus 4 spots for visitors and guests). The existing gym building at 274 Village Street will be demolished. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services on Village Street.

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 includes resources under the jurisdiction of the Medway Conservation Commission and is subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance.

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 28, 2020, on a motion made by Matthew Hayes and seconded by Tom Gay, *voted to grant with CONDITIONS a Multi-Family Housing Special Permit to DTRT, LLC of Truro, MA (hereafter referred to as the Applicant or the Permittee) and to approve with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a twelve unit, condominium development and associated site improvements on the property at 274 and a portion of 276 Main Street as shown on the plan titled William Wallace Village dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein before endorsement and recording.*

The motion was approved by a vote of four in favor and one opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	No

III. PROCEDURAL HISTORY

- A. July 1, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk

- B. July 2, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 8, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. July 9, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. July 8, 2019 and July 16, 2019 - Public hearing notice advertised in *Milford Daily News*.
- F. July 23, 2019 - Public hearing commenced. The public hearing was continued to August 27, September 10, September 24, October 22, November 5, and December 3, 2019 and to January 14 and January 28, 2020 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS

- A. The special permit application for the proposed William Wallace Village condominium development included the following plans, studies and information that were provided to the Board at the time the application was filed:
 - 1. Multifamily Housing Special Permit application dated July 1, 2019 with Special Permit Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 2. Major Site Plan application dated July 1, 2019 with Site Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 3. *William Wallace Village site plan*, dated July 1, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 4. Certified Abutters List from Medway Assessor's office dated May 29, 2019
 - 5. *Development Impact Statement* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 6. Requests for Waivers from *Site Plan Rules and Regulations* dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 7. Quit Claim deed dated March 31, 2019 conveying 274 Village Street from McKenna/Dowley to DTRT, LLC.
 - 8. *Stormwater Report* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 9. Building architectural plans including elevations and floor plan, undated, unattributed, received July 1, 2019.
- 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. *William Wallace Village site plan*, revised September 4, 2019, prepared by Daniel Merrikin, P.E. Legacy Engineering, LLC.
 - 2. *William Wallace Village site plan*, revised October 7, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.
 - 3. *William Wallace Village site plan*, revised October 22, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.

4. *William Wallace Village* revised concept plan/progress print dated November 26, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
5. *William Wallace Village* site plan, revised December 27, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
6. *Stormwater Report* for William Wallace Village, revised September 4, 2019, prepared by Legacy Engineering, LLC.
7. *Stormwater Report* for William Wallace Village, revised October 7, 2019 prepared by Legacy Engineering, LLC.
8. *Stormwater Report* for William Wallace Village, revised October 22, 2019 prepared by Legacy Engineering, LLC.
9. *Stormwater Report* for William Wallace Village, revised December 27, 2019 prepared by Legacy Engineering, LLC.
10. *Landscape Plan for William Wallace Village*, dated August 9, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
11. *Landscape Plan for William Wallace Village*, revised September 11, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
12. *Landscape Plan for William Wallace Village*, revised November 2, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
13. *Landscape Plan for William Wallace Village*, revised January 8, 2020 prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
14. Email communication dated July 29, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. regarding the applicability of the *Scenic Road Rules and Regulations* to the subject site.
15. Response letters dated September 5, 2019, October 7, and October 22, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. to the plan review letters from Tetra Tech and PGC Associates.
16. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received September 23, 2019.
17. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received November 27, 2019.
18. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received December 10 and 11, 2019.
19. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received January 8, 2020
20. Resubmission letters dated October 23, 2019 and December 27, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. with revised site plan.
21. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated September 2 and September 4, 2019, prepared by Legacy Engineering, LLC.
22. Sewer Calculations dated August 21, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.

23. William Wallace Village *Fire Circulation Plan of Land* dated September 4, 2019 prepared by Legacy Engineering, LLC.
 24. Email communication dated October 17, 2019 from applicant Larry Rucki
 25. Letter dated November 4, 2019 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed additional site landscaping
 26. DRAFT waiver pursuant to M.G.L. c 40A, §6 regarding compliance with changes to the *Bylaw* approved November 18, 2019.
 27. Email from Larry Rucki dated January 4, 2020 requesting the Board's authorization to allow construction on one duplex building while the infrastructure is being installed.
 28. Letter dated January 14, 2020 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed site landscaping pursuant to the revised site plan dated December 27, 2019 with 12 units.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. PGC Associates plan review letters dated August 1, 2019 and September 23, 2019
 2. Tetra Tech plan review letters dated July 31, 2019 and September 15, 2019
 3. ANR Plan of Land dated July 15, 2019, revised July 19, 2019, prepared by Colonial Engineering, Inc. of Medway, MA, endorsed by PEDB on July 30, 2019. The ANR plan shows the splitting off a 5,858 sq. ft. portion of 276 Village Street to be conveyed by owners Keith and Judith Spinney to DTRT, LLC and the splitting off a 2,924 sq. ft. portion of 274 Village Street to be conveyed by DTRT, LLC to Keith and Judith Spinney.
 4. Design Review Committee comment memorandum dated September 10, 2019
 5. Design Review Committee comment memorandum dated October 21, 2019.
 6. Review comment letter dated July 11, 2019 from Medway Police Safety Officer Sergeant Jeffrey Watson.
 7. William Wallace Village site plan mark-ups from DPW Director Dave D'Amico dated July 11, 2019
 8. Memorandum from Community and Economic Development Director Barbara Saint Andre dated August 1, 2019 regarding definition of a multi-family development.
 9. Email from Fire Chief Jeff Lynch dated October 18, 2019
 10. Email from DPW Water and Sewer Superintendent Barry Smith dated October 22, 2019 re: sewer connection
 11. Order of Conditions and Land Disturbance Permit dated October 28, 2019 issued by the Medway Conservation Commission
 12. Amended Order of Conditions and Land Disturbance Permit dated January 28, 2020 issued by the Medway Conservation Commission
 13. Email dated 11-5-2019 from Steve Bouley, P.E., Tetra Tech, dated 11-5-2019.
 14. Email from dated 11-5-2019 from DPW Director Dave D'Amico re: sewage treatment capacity

15. Project review letter from Matthew Buckley, Design Review Committee Chairman dated January 21, 2010.
16. Sales price information for townhouse type units in Medway from December 2017 – May 2019, by Medway Assessors' office, compiled 1-14-2020.

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.
- Daniel Merrikin, P.E., Legacy Engineering, LLC, engineer for the Applicant – Commentary provided throughout the public hearing process
- Larry Rucki, Applicant
- Abutter James Rucki, 1 Bedelia Lane
- Abutter Wayne Brundage, 268 Village Street
- Abutter Scott Peterson, 6 Forest Road
- Abutter Patricia Muratori, 8 Forest Road

VI. FINDINGS - The Board, at its meeting on January 14, 2020, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the proposed William Wallace Village located at 274 and a portion of 276 Village Street. The motion was approved by a vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

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 within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for the multifamily housing proposal.*
- 2) Traffic capacity - *Village Street is a major artery within the town and has sufficient capacity to handle the traffic from the 12 units that are proposed. The 12 units do not rise to the level of triggering the requirement of a traffic study.*
- 3) Parcel size & frontage – *Following the land swap proposed for Parcels A and B, the site will consist of 3.62 acres, which exceeds the minimum area requirement of 22,500 square feet. The site has more than 50 feet of frontage on Village Street, so it meets the frontage requirement of Section 5.6.4.B (1) of the Bylaw.*

Dimensional

- 4) Dimension adjustments – *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 plan shows a front building setback of 73.6 feet from Village Street. The minimum front setback for the AR-II district is 35 feet. The plan shows a side setback of 16' where the minimum required is 15'. The plan shows a rear setback of 36.2 feet*

where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (15% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).

- 5) Building Height - *As noted on the plans, the height of the six buildings will be approximately 26 feet, less than the maximum 40 feet allowed.*

Density

- 6) Density - *The maximum density for multifamily projects is 8 units per whole acre. With 3.62 acres, the site could include a maximum possible 24 dwelling units. With 12 units, the project is well under the allowed maximum.*

Special Regulations

- 7) Affordable housing - *At 12 units, 10% (or 1.2 units) must be affordable in accordance with Section 8.6.C. of the Bylaw. The Applicant has decided to provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application (December 2017 – May 2019). That median sales price is \$425,919. The 20% payment amount = \$85,184.*
- 8) Open Space - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 51% open space provided.*
- 9) Parking spaces - *Two off-street spaces per unit (24 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 52 off-street parking spaces are provided (4 per unit plus 4 visitor spaces).*
- 10) Town water and sewer service - *The project will be served by Town water and sewer.*
- 11) Number of units - *The number of units proposed (12) is less than the 36 unit maximum possible allowed under the Bylaw.*
- 12) Historic Properties - *Existing buildings on the site will be razed but they are not designated as "historically significant buildings" by the Medway Historical Commission.*

Decision Criteria

- 13) 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, and (2) increases the number of affordable housing units in the community. It also meets the purpose of the Site Plan Rules and Regulations. 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.*
- 14) Consistent with the Medway Housing Production Plan - *The project is consistent with Medway's Housing Production Plan in that it includes one new affordable housing unit. The development also meets the implementation strategies of*

encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for duplexes and multifamily housing.

- 15) Impact on abutting properties and adjacent neighborhoods - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, elimination of a possible driveway connecting William Wallace Village to the adjacent property on Bedelia Lane, provision of plentiful, on-site guest parking, and the aesthetics of the buildings.*
- 16) Variety of housing stock - *The development increases the variety of housing stock in the community by providing four duplex buildings, and one 3-unit building.*
- 17) Designed to be reflective of or compatible with the character of the surrounding neighborhood - *The surrounding neighborhood includes a mix of housing types including single family, multi-family, and a complex of independent living cottages and assisted living units currently under construction. Therefore, the proposed development is compatible with 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 property abuts an existing multi-family building to the west (Anderson Village), a two-family building and private way to the east, and an abandoned railroad bed to the north. The proposed use is a multifamily development within the Multi-Family Housing Overlay District as approved by Town Meeting. Therefore the proposed use is in an appropriate location.*
- 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 uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. 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 regulations.*
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *The proposed use adds 11 residential units off a major through street and it is estimated that the development will generate less traffic than the most recent previous use of the Property as a gym. The entrance to the site has more than adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Village Street and within the new development. The proposed stormwater management system has been*

- reviewed by the Town's Consulting Engineer and will not present a hazard to the environment.*
- 4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area. *Village Street has the capacity to handle the traffic from 12 residential units. The development is expected to generate less traffic than the most recent previous gym use. The entrance has been designed for maximum sight distance 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 and the Conservation Commission that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup along the private roadway by private collection service. 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 proposed use is within the Multi-Family Housing Overlay District. It is adjacent to a two-family building and multifamily development (Anderson Village) and is nearby an independent and assisted living development currently under construction (Salmon Willows) and thus will not alter the character of the 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 proposed use is in harmony with the general purpose and intent of the Bylaw.*
 - 8) The proposed use is consistent with the goals of the Medway Master Plan. *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity and the number of affordable housing units.*
 - 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 impact. 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 William Wallace 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 Village Street is adequate to safely handle the additional traffic from the 11 new housing units.*
- 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 Village 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 Village 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. All buildings 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 Village Street. No stone walls are being removed. 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 11 residential units off a major street. The entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians. There is sidewalk along the north side of Village Street adjacent to the subject property. Within the site are 690 linear feet of sidewalk.*
- 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. 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 and it protects sensitive environmental resources. The stormwater management system reduces impacts on the sensitive environmental resources.*

VII. WAIVERS – At its January 14, 2020 meeting, the Board, on a motion made by Thomas Gay and seconded by Matthew Hayes, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. 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 vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

- 1) **Section 204 – 3.A. 7. A. Traffic Impact Assessment** - A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
 - (a) proposes an additional thirty (30) or more parking spaces;
 - (b) contains frontage or proposes access on a public way.

The Applicant has requested a waiver from this requirement due to the relatively small size of this proposed development (12 units). Instead, the Applicant has provided a general traffic overview as part of the project narrative submitted with the applications. The traffic overview was prepared by project engineer Daniel Merrikin, P.E. of Legacy Engineering and reviewed by Tetra Tech, the Town's Consulting Engineer, which does not believe that a full traffic impact assessment is merited. The development's proposed access and egress is on a straight portion of Village Street that offers more than 1,000 feet of sight distance to the west and more than 500 feet to the east. The estimated traffic generation from the proposed development (5.86 trips per day per dwelling unit) is less than the estimated traffic generated by the most recent active use of the Property for a gym and one

single family home. The location is served by a sidewalk on the north side of Village Street, the same side as the proposed development, and provides safe pedestrian access to and from the site. For the foregoing reasons, the Board approves this waiver request.

- 2) **Section 204 – 3 A. 7. B. Environmental Impact Assessment** - An *Environmental Impact Assessment* is needed if the project involves one or more of the following characteristics:
- (a) proposes an additional thirty (30) or more parking spaces;
 - (b) proposes a building footprint of fifteen thousand (15,000) square feet or greater;
 - (c) proposes to disturb thirty thousand (30,000) square feet of land or greater.

The Applicant has requested a waiver from this requirement. Due to the presence of wetlands on the property, a Notice of Intent has been filed with the Medway Conservation Commission and the Massachusetts Department of Environmental Protection for site work in the buffer zone of the wetland resources. The Applicant has also filed an application for a Land Disturbance Permit with the Conservation Commission. The site is already disturbed due to its most recent past uses as a single family dwelling and a gym with paved parking at the front of the site. The site had formerly been used for poultry farming and there are a number of abandoned concrete slabs from previously demolished buildings; these will be removed. Given the highly disturbed nature of the site, it does not contain substantive undisturbed animal habitats nor are there any endangered species on the site. Movement of wildlife will not be impeded by the development as there are no large parking areas and the landscaping will include native trees, grasses and bushes. For the foregoing reasons, the Board approves this waiver request.

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

The Applicant has requested a waiver from this requirement because all trees need to be removed from the site to accommodate the proposed development. Locating the trees on site would be an unnecessary additional expense as there will be no opportunity to retain the existing trees in the interior of the site given the scope of the proposed development. Undertaking this task provides no added value. For the foregoing reasons, the Board approves this waiver request.

SITE PLAN DEVELOPMENT STANDARDS

- 1) **Section 205-3 B. 2 Internal Site Driveways** - No part of any driveway shall be located within fifteen (15) feet of a side property line.

The Applicant has requested a waiver from this requirement as it pertains to the location of the main roadway into the development from Village Street. It borders, in part, the eastern boundary of 276 Village Street. The location of the proposed roadway is where the current driveway to the site has been located for many

years, an existing condition. Moving the driveway 15 feet easterly would eliminate the driveways in front of seven of the residential units, resulting in an inferior site design with parking located on portion of the property facing Village Street. The affected abutter at 276 Village Street (and co-applicant) is satisfied with the driveway location and overall site design as it reflects a land swap with the Applicant and an associated easement over the roadway that will give the abutter access to the rear portion of their property. **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.**

- 2) **Section 205-6 Parking G. 3. a) Parking Spaces/Stalls -** Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet

The Applicant has requested a waiver from this requirement seeking authorization for 9' x 18' parking spaces which is consistent with the parking space size provisions of the Bylaw. 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 205-6 Parking H. Curbing –** The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The Applicant has requested a waiver from this requirement and proposes to use Cape Cod berm in lieu of vertical granite curbing on the perimeter of the parking areas. The curbing elsewhere on the property will be Cape Cod berm. Granite curbing shall be retained for use at the roundings of the entrance and exits to the site. 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 205-9. F. Landscaping - Tree Replacement –** The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Board.

The Applicant has requested a waiver from this standard due to the extensive land clearance which is needed for the site, the consequent extent of tree removal, and the demands of meeting this standard. A general tree inventory performed by Legacy Engineering LLC found that 45 existing trees over 10" in diameter at breast height need to be cleared; the approximate total diameter of those 45 trees is 620". Based on the revised landscape plan dated January 8, 2020, 112 new deciduous trees (ornamental and clump style) and evergreen trees are planned for an estimated total of 253 caliper inches of replacement trees. In addition, 165 shrubs in the common areas are planned throughout the site along with 240 shrub plantings and 333 perennial plants, ornamental grasses and groundcover plantings around building foundations. 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 twelve (one unit in the existing building and eleven new 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 *William Wallace Village* dated July 1, 2019, last revised December 27, 2019, to be modified as referenced herein; and
 - c) in accordance with subsequent approved plans or amendments to this special permit.
 - 3. The tracts of land and buildings comprising William Wallace 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 (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for William Wallace Village dated July 1, 2019, last revised December 27, 2019, prepared by Daniel Merrikin, P.E, of Legacy Engineering LLC. including a landscaping plan by Cosmos Associates and architectural drawings including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions as specified herein, including those as follows, 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 Applicant 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 December 27, 2019 site plan shall be revised as follows:
 - 1. Include the list of APPROVED Requests for Waivers

2. Add reference to the architectural elevations, floor plans and renderings to the Legend
 3. Include a new plan revision date
 4. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
 5. Add a reference to the Long Term Stormwater Operations and Maintenance Plan to the Legend
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the December 27, 2019 Site Plan.
1. Change all references to “driveway” on all sheets of the plan to “Sterling Circle”
 2. Show the access easement across Sterling Circle for the benefit of Keith and Judith Spinney of 276 Village Street; approximately 25’ wide and 230’ long.
 3. Change “Bedelia Way” to “Bedelia Lane” on all applicable plan sheets.
 4. Denote the elimination of the driveway for Keith and Judith Spinney of 276 Village Street that presently exists on what will become Sterling Circle.
 5. Add information to specify the color and type of the Versa-Lok blocks for the retaining wall to run along approximately 80’ along the western edge of Sterling Circle, both to be approved by the Design Review Committee.
 6. Change the detail for the type of fencing planned for installation adjacent to the 276 Village Street property from a stockade style to be vinyl with a natural, non-glossy wood tone.
 7. Revise information on the building siding color palette pursuant to the October 21, 2019 DRC memorandum, said revised color palette to be approved by the Design Review Committee.
 8. Per the recommendation of the Design Review Committee, the building elevations shall be revised to show consistently square columns on the building units’ front porches/entryways and side porches and the gas stove-bump out on the south façade of unit #1 shall be removed. The building elevation drawings shall also indicate that Clopay Gallery garage doors shall be used on all garages. The plans shall also be dated and attributed to the designer.
 9. A sheet shall be added to the plan set to document the property’s Long Term Stormwater Operations and Maintenance Plan.
 10. Street addresses, as assigned by the Assessor’s office, shall be added to the plan set in addition to the existing unit numbers.
 11. Incorporate the details as specified in the January 21, 2020 review memo from the Medway Design Review Committee. .
- E. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
1. Revised color palette for building siding as recommended by the Design Review Committee in its October 21, 2019 letter, to be approved by the Design Review Committee

2. Proposed color and type of Versa-Lok stones for retaining wall along western edge of Sterling Circle, to be approved by the Design Review Committee.
3. Copy of the deed conveying the portion of 276 Village Street from Keith B. and Judith M. Spinney, shown as Parcel A on the ANR Plan, to the Permittee and a copy of the deed conveying the portion of 274 Village Street from the Permittee to Keith B. and Judith M. Spinney, shown as Parcel B on the ANR Plan. NOTE - Said deeds are to be recorded prior to recording this Decision and endorsed plan.
4. Copy of the access easement across Sterling Circle from the Permittee for the benefit of Keith and Judith Spinney of 276 Village Street in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable.
5. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
6. Copy of the Restrictive Covenant from the William Wallace Estates Condominium Association (Bedelia Lane) for an approximately 10' wide by 180' long, permanent "no cut zone" along the western edge of the adjacent William Wallace Estates (Bedelia Lane) property behind Units 4-7 of the William Wallace Village property, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
7. Copy of the stormwater and sewer easements from the William Wallace Estates Condominium Association (Bedelia Lane) for the benefit of the Permittee and assigns, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
8. Copy of the Long Term Stormwater Management Operations & Maintenance Plan prepared by Legacy Engineering.
9. 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 clearly state that the William Wallace Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Sterling Circle), the stormwater management system, and all other infrastructure.
10. Written communication from the owners of 1 and 3 Bedelia Lane agreeing, in principle, to the granting of stormwater and sewer easements on the William Wallace Estates Condominium property (Bedelia Lane) and the establishment of a restrictive covenant for a 10' no cut zone along the western edge of the William Wallace Estates Condominium property (Bedelia Lane) in the area behind units 4-7 of William Wallace Village.

F. ***Recording of Plans and Documents***

1. The Plan of Record associated with this special permit is titled: *William Wallace Village*, dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC. of Millis, MA with additional sheets

provided by other building, design and landscape architectural consultants.

2. No construction shall begin on the site and no building permit for any of the new units shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
 - a) This special permit decision with the Plan of Record endorsed by the Board
 - b) Performance Security Covenant with 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.
 - a) William Wallace Village Condominium Master Deed
 - b) Declaration of Trust of William Wallace Village Condominium Association
 - c) Access easement on Sterling Circle granted by the Permittee to Keith and Judith Spinney of 276 Village Street to allow access to the rear of the 276 Village Street property.
 - d) A stormwater and sewer easement through the adjacent William Wallace Estates Condominium (Bedelia Lane) property granted to the Permittee from the William Wallace Estates (Bedelia Lane) Condominium Association.
 - e) A restrictive covenant by the William Wallace Estates Condominium Association (Bedelia Lane) for a 10' wide by approximately 180' long "no cut zone" zone along the western edge of the adjacent William Wallace Estates condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property.
4. The following documents which shall be in compliance with the conditions of this decision shall also be recorded at the Norfolk County Registry of Deeds.
 - a) If and to the extent approved by DHCD, an affordable housing deed rider in compliance with the requirements of the Massachusetts Department of Housing and Community Development's Local Initiative Program.
 - b) Executed Affordable Housing Regulatory Agreement with DHCD, if and to the extent approved by DHCD.
5. 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. *Open Space/Yard Area*

1. At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the William Wallace 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. The no-cut zone on western edge of the adjacent William Wallace Estates Condominium property (Bedelia Lane) shall not be included in the minimum required 15% open space area.

2. The Permittee has agreed to convey an easement of that portion of the railroad right of way (Medway Assessors Map 51, Parcel 26) that is north of and adjacent to the William Wallace Village property, to whatever extent the land is under ownership of the Permittee or its successors, to the Medway Conservation Commission pursuant to G.L. c. 40 for conservation and passive recreation purposes.

H. *Ownership/Maintenance of Common Areas*

1. Sterling Circle, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the William Wallace Village Condominium Trust. 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) Sterling Circle and parking areas
 - b) Stormwater management facilities
 - c) Sidewalks
 - d) Snowplowing/sanding
 - e) Landscaping
 - f) Street lights

I. *Building Permits*

1. For the First Building - The Board authorizes the Permittee to apply for a building permit to begin construction of the first building (Units 1 & 2) prior to installation of the base coat of paving (binder course) on the development's roadway, Sterling Circle. One of the units will be used as a model home for the development.
2. For the Remaining Buildings - Before the Board will authorize a building permit for the second structure, the following items, at a minimum must be installed and inspected and approved by the Board:
 - a) Roadway and parking area gravel sub-base (excluding unit driveways)
 - b) Roadway and parking 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.
- J. **Buffer** – The Applicant has agreed to work with the adjacent William Wallace Estates Condominium Association (Bedelia Lane) to the east to establish a permanent 10' wide by approximately 180' long “no cut zone” along a portion of the western edge of the William Wallace Estates Condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property. Prior to plan endorsement, the Permittee shall provide a suitable easement or comparable restriction to the Board for review.
- K. **Patios** – To not increase stormwater runoff, all patios to be constructed in the development shall be fabricated with pervious paving materials as patio surface areas are not included in the impervious coverage calculations for stormwater.
- L. **Sidewalk Construction** – Any damage to the sidewalk on the north side of Village 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 6th condominium unit.
- M. **Easements**
 - 1. The Applicant has agreed to grant an access easement across the William Wallace roadway to Keith and Judith Spinney of 276 Village Street to provide access to the rear of the 276 Village Street property.
 - 2. The William Wallace Estates Condominium Association (Bedelia Lane) will grant an easement(s) to the Permittee and his assigns for stormwater and sewer access through a portion of the adjacent William Wallace Estates Condominium property (Bedelia Lane)
- N. The Declaration of Trust for the William Wallace Village Condominium shall include the following language: *“The construction and operation of the condominium is authorized by a Multi-family Housing Special Permit and Site Plan approval granted by the Medway Planning and Economic Development Board on January 28, 2020, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds.*
- O. **Affordable Housing**
 - 1. In accordance with the *Bylaw*, Section 8.6 Affordable Housing, 1.2 dwelling units within William Wallace Village shall be “Affordable” and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to William Wallace Village. To fulfill its affordable housing responsibilities under the *Bylaw*, the Permittee shall provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application

(December 2017 – May 2019). Based on data provided by the Medway Assessor's office, that median sales price is \$425,919. The 20% payment amount = \$85,184. The payment schedule shall be as follows: 1/11 of that amount (\$7,744) shall be paid at or prior to the closing on the sale of each market rate unit except that the total amount shall be paid in full before the Town issues a building permit for the last market rate unit.

2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Permittee shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Unit as Local Action Unit on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Permittee shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.
3. The Affordable Housing Unit shall be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.
4. One Affordable Housing Unit shall to be located within the development as required by DHCD for approval of the project's LIP application. The location of the affordable housing unit shall comply with the provisions of Section 8.6 Affordable Housing of the *Bylaw*, F. Location and Comparability of Affordable Housing Units. The Applicant has proposed condominium unit #11 as the Affordable Housing Unit. The unit location must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Unit. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, the Permittee shall work diligently with the Town to take any action necessary to ensure the unit is included on the Town's Subsidized Housing Inventory.
5. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the Affordable Housing Unit pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Unit shall be subject to the

Regulatory Agreement and shall be sold and resold in accordance with its provisions.

6. The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement, and manage the marketing and initial sale of the Affordable Housing Unit. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Unit may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the William Wallace Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.
7. DHCD shall oversee the initial sale of the Affordable Housing Unit pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
8. The ongoing Monitoring Agent for the affordable unit shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Unit.
9. The William Wallace Village Condominium Master Deed and all legal documents related to the Affordable Housing Units shall include language to specify:
 - a) the unit number of the designated Affordable Housing Unit;
 - b) that the Affordable Housing Unit shall be sold to income eligible persons or households that meet the income restrictions;
 - c) that the local preference criteria for the sale and re-sale of the Affordable Housing Unit shall be in accordance with the Massachusetts Department of Housing and Community Local Initiative Program or other applicable state housing program
 - d) that the Affordable Housing Unit is eligible for inclusion on the Town's Subsidized Housing Inventory;
 - e) that the Affordable Housing Unit is subject to a use restriction; and
 - f) that the Affordable Housing Unit shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.
10. Timing of construction of affordable units
 - a) No building permit for units other than Units 1 and 2 shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
 - b) The building permit for the 7th dwelling unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds.
 - c) The building permit for the 8th market rate unit shall not be issued before the building permit for the affordable dwelling unit is issued.
 - d) The occupancy permit for the 10th market rate unit shall not be issued before the affordable unit is determined to be occupiable by

the Building Commissioner.

11. Comparability of construction of affordable housing units
 - a) The Permittee shall construct the affordable housing units to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.
 - b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.
 - c) Product and system warranties for the affordable housing units shall be equivalent to those supplied for market rate units.
- P. **Fire Protection** – In lieu of providing a secondary access to the site, the Applicant has agreed to install sprinklers in all 12 of the dwelling units on the property in accordance with the Fire Chief's request/approval.
- Q. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- R. **Water Conservation** – The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
 1. private well water for landscape irrigation
 2. rain-gauge controlled irrigation systems
 3. low flow household fixtures
 4. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
- S. **Addresses** – The addresses for the William Wallace Village units shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- T. **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.
- U. **Stormwater Management**
 1. Until transferred to the William Wallace Village Condominium Trust, 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 the Board.

2. The stormwater drainage system, water and sewer systems shall be maintained by the Permittee, its successors and assigns, and the William Wallace Village Condominium Trust and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
 3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the long term operation and maintenance plan included with the stormwater/drainage report submitted with the application, as revised.
 4. In the event a management company is engaged by the condominium association, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
 5. In the event that the Permittee, its successors and assigns, its agent, and the William Wallace Village Condominium Trust fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. 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 place a lien on the site or any unit therein to secure such payment.
- V. **Order of Conditions** – As a component of this development, the Permittee shall comply fully with the Amended Order of Conditions issued by the Medway Conservation Commission on January 28, 2020 and the associated Land Disturbance Permit.
- W. **Design Review** – The Permittee shall comply with the provisions of the Design Review Committee’s review memo dated January 21, 2020.

GENERAL CONDITIONS OF APPROVAL

- A. **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.

- B. ***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. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. ***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 – Saturday. No construction shall take place on Sundays and federal and 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/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 (12) 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.
 5. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
 6. ***Construction Traffic/Parking*** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.

7. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.

D. ***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 shall 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/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

E. ***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. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

F. ***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 William Wallace Village Condominium to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.

G. ***Construction Oversight***

1. Construction Account
 - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, 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/installation, identify what site plan work remains to be completed, prepare bond 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.
 - 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. 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 and the sewer and water connection permits.
 3. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

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 changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written

authorization of field change will be provided. 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 shall 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 including 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. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway and all related infrastructure and installation of utilities and services, sidewalks and site amenities as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Approved Plan. The *Covenant* shall specify that no unit except Units 1 and 2 may be occupied or conveyed until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway and parking area (excluding unit driveways) and all infrastructure including the stormwater management system shall be constructed and all utilities

and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The Covenant shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.

2. *Alternative Performance Security*

- a) At such time as the Permittee wishes to secure a building permit for the second building within the development, or secure an occupancy permit for any dwelling unit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
 - 1) the date by which the Permittee shall complete construction
 - 2) a statement that the agreement does not expire until released in full by the Board
 - 3) procedures for collection upon default.
- b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust

the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. 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. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

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 (30) 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 twelfth 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 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. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- N. **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 Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the 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 Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

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**Medway Planning and Economic Development Board
SITE PLAN and SPECIAL PERMIT DECISION
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: _____

AYE:

NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

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
Larry Rucki
Dan Merrikin, Legacy Engineering
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates

**Medway Planning and Economic Development Board
SITE PLAN and MULTI-FAMILY SPECIAL PERMIT DECISION
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: January 28, 2020

AYE:

cdy fah
Barbara D. DiStasio
Janet J. Lynn

NAY:

[Signature]

ATTEST:

Susan E. Affleck-Childs
Susan E. Affleck-Childs
Planning & Economic Development Coordinator

January 28, 2020
Date

COPIES TO: Michael Boynton, Town Administrator
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