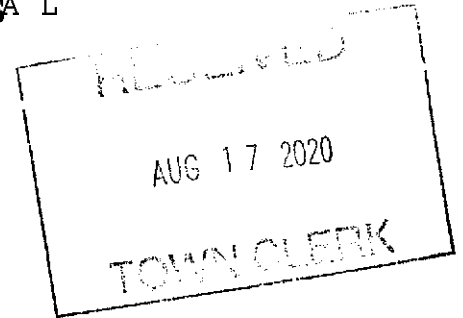




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A N Town of Medway A N
O F F **ZONING BOARD OF APPEALS** A L
C 155 Village Street, Medway, MA 02053



DECISION
INSUBSTANTIAL CHANGES TO MODIFIED
COMPREHENSIVE PERMIT
GLEN BROOK WAY

Date of Modifications: This Modified Decision includes all modification requests up through request dated January 30, 2020 and approved by the Zoning Board of Appeals on February 5, 2020.

Applicant: Metro West Collaborative Development, Inc. (the "Applicant")
c/o Jennifer Van Campen
79-B Chapel Street
Newton, MA 02458
The Applicant shall include its successors and assigns.

Location of Property: The Project is located on multiple parcels of land in Medway with proposed access to the property via frontage on West Street. The property is comprised of 5.87 +/- acres and consists of the originally approved parcels at 0 Glen Brook Way (Assessor Parcel No. 65-025), 1 Glen Brook Way (Assessor Parcel No. 66-001), 3 Glen Brook Way (Assessor Parcel No. 65-026), and 33 West Street (Assessor Parcel Nos. 66-002) in Medway, MA (the "Original Property"), as well as parcel at 31 West Street (Assessor Parcel No. 65-003) and 37 West Street (Assessor Parcel No. 65-024) (collectively the "Property" or "Project Site"). The Property is located in Agricultural Residential II Zoning District.

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

Members Participating: Rori Stumpf (Chair), Brian White, Christina Oster, Gibb Phenegar and Tom Emero.

Members Voting: Rori Stumpf (Chair), Brian White, Christina Oster, Gibb Phenegar and Tom Emero.

Date Modification Requested: January 22 and 30, 2020

Hearing Opened: Not Applicable. Changes deemed insubstantial so no hearing required.

See Decision Book 35420, Page 429

Date of Decision: February 5, 2020

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I. PROCEDURAL HISTORY – ORIGINAL SUBMITTAL

1. On April 24, 2017, the Applicant filed a Comprehensive Permit Application, pursuant to G.L. c. 40B, to construct forty-eight rental apartment units in six residential buildings to be located at 0, 1, and 3 Glen Brook Way and 33 West Street in Medway, Massachusetts.
2. Notice of the public hearing was published in the Milford Daily News on May 3, 2017 and May 10, 2017, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11. Due to a technical error in the notice, a revised notice was published in the Milford Daily News on May 23, 2017 and May 30, 2017, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. On May 17, 2017, the Applicant granted an extension of time beyond the thirty-day requirement to open the public hearing to June 7, 2017.
4. The public hearing was opened on June 7, 2017 and was continued to June 21, 2017 (*continued without testimony*); July 5, 2017; and August 2, 2017. The Board closed the public hearing on August 2, 2017.
5. The Original Project is located on the Original Property which currently consists of four separate lots on Glen Brook Way and West Street that the Applicant proposes to merge into a single lot. For purposes of this Decision, the “Original Project” shall mean the forty-eight rental unit apartment units in six buildings located at 0, 1, and 3 Glen Brook Way and 33 West Street in Medway, Massachusetts.
6. The Original Property was formerly divided under the Hopping Brook Subdivision, which was approved in 2006 for land owned at that time by Barbara Ashman. The Hopping Brook Subdivision plan shows three lots and a subdivision roadway. One of the lots, 33 West Street, has frontage on West Street and an existing house. This lot continued to be owned by Ms. Ashman until her recent death. The other two lots and the roadway were conveyed to Summit Home Builders, Inc., and are currently owned by Glen Brook Way Apartments, LLC. Glen Brook Way Apartments, LLC is a subsidiary of Metro West Collaborative Development, Inc. In 2006, Ms. Ashman entered into the standard form of covenant for the subdivision, which provided, among other things, that the construction of ways and installation of municipal services was to be completed within two years, or it would “result in automatic rescission of approval of the definitive subdivision plan by the Planning Board.” Section 5.D. The Hopping Brook Subdivision was never built.

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7. The Property is located in the Agricultural-Residential II Zoning District. Nearby uses consist of mainly residential uses on the west side of West Street, and the Exelon Power property across the street on the east side of the West Street.
8. During the public hearing, the Applicant was represented primarily by its counsel, Mark Bobrowski, Chris Alphen and Paul Haverty of Blatman, Bobrowski & Haverty, LLC, its engineer Dana Altobello, P.E., of Merrill Engineers and Land Surveyors, and its architect Michael Wolfson of Meander Studio.
9. The Board retained Tetra Tech, of 100 Nickerson Road, Marlborough, MA 01752 ("Tetra Tech"), to serve as the Board's engineering peer review consultant. Tetra Tech provided engineering peer review services with respect to wetlands, water and sewer capacity, stormwater and overall civil design services. At the Applicant's request, to which the Board agreed, Tetra Tech conducted a traffic impact study. The Applicant funded all of the engineering peer review expenses of the Board pursuant to G. L. c. 44 §53G.
10. The Board notified Town departments, boards and committees of this application. The Board received written comments from the Planning and Economic Development Board, Design Review Committee, Conservation Commission, Fire Department, Police Department, Department of Public Services, Community and Economic Development Department, Treasurer/Collector, Board of Health, the School Department and the Affordable Housing Trust and Affordable Housing Committee.
11. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Appendix A attached hereto.
12. The Board approved the Comprehensive Permit with conditions in a decision filed with the Town Clerk on August 10, 2017.

PROCEDURAL HISTORY – REQUEST FOR MODIFICATION

13. On June 13, 2018 the Applicant submitted a request for modification pursuant to 760 CMR 56.05(11), seeking to add additional lot area to the Original Property, in order to add forty-four age-restricted units to the originally approved forty-eight unit project, resulting in a total project density of ninety-two units. For purposes of this decision, an age-restricted unit shall be defined as a unit having at least one occupant who is at least 60 years old; nothing in this decision shall be construed as prohibiting anyone under the age of 60 from living in an age-restricted unit with an occupant who has attained the age of 60. The original forty-eight units will not become age-restricted units. Said additional area is located at 31 West Street and 37 West Street.
14. On June 20, 2018 the Board voted to determine that the proposed modification constituted a "substantial change" pursuant to 760 CMR 56.05(11).

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15. On July 18, 2018, the Board opened a duly noticed public hearing on the proposed modification of F I C I A L O F F I C I A L

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16. Notice of the public hearing was published in the Milford Daily News on June 26, 2018 and July 3, 2018, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
17. During the public hearing on the requested modification, the Applicant was represented by its principal Jennifer Van Campen, by its counsel, Paul Haverty and Chris Alphen of Blatman, Bobrowski & Haverty, LLC, its engineer Dana Altobello, P.E., of Merrill Engineers and Land Surveyors, and its architect Michael Wolfson of Meander Studio.
18. The Board once again retained Tetra Tech to serve as the Board's engineering peer review consultant.
19. The Board notified Town departments, boards and committees of this application. The Board received written comments from the Fire Department, Design Review Committee, and Conservation Commission.
20. All additional documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Appendix A attached hereto.
21. For purposes of this Decision, the "Project" shall mean the ninety-two rental unit apartment units for Phase I and Phase II of "Glen Brook Way," located at 0, 1, and 3 Glen Brook Way and 31 West Street, 33 West Street, and 37 West Street in Medway, Massachusetts as submitted June 13, 2018.

PROCEDURAL HISTORY – REQUEST FOR INSUBSTANTIAL CHANGES

- 21a. One January 22 and 30, 2020, Metro West requested insubstantial changes to the Modified Comprehensive Permit pursuant to 760 CMR 56.05(11) in order to distinguish Phase I of the Project from Phase II for the purposes of financing the development.
- 21b. On February 5, 2020, the Board approved the modifications requested on January 22 and 30, 2020 as insubstantial changes. Accordingly, this Decision entitled “Insubstantial Changes to Modified Comprehensive Permit” shall henceforth govern the development of the Project Site.

II. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G. L. c. 40B, §§ 20-23 and its implementing regulations, 760 CMR 56.00 et seq., the Board's Rules and Standards for Comprehensive Permits, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearings and comments submitted by

The Board finds that the Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and to submit its request for modification pursuant to 760 CMR 56.05(11), and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:

- ## 2. Statutory Minimum for Low and Moderate Income Housing

3. Civil Engineering and Site Design

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The Project will connect to the Medway municipal water and sewer systems. According to comments received, the Board finds that there is sufficient capacity in the municipal water and sewer systems to serve the Project, as modified.

The Applicant proposes to construct 149 parking spaces for the Modified Project, which is not in compliance with the Medway Zoning Bylaw, which requires 184 parking spaces. The Applicant has requested a waiver to allow the approval of the Project with 149 parking spaces. The Board finds that the Modified Project will have a parking ratio in excess of what was approved for the Original Project. Accordingly, the Board finds that the parking ratio is sufficient for apartment units with the proposed bedroom mix.

On-site amenities will include open space, a tot lot, benches, bike racks, and a management office.

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

The Board finds that the landscaping proposed by the Applicant is sufficient in light of the site disturbance that the Project will entail. The landscape design objective for the proposed development will be to enhance the built environment through the creation of a sustainable landscape that blends into the Project Site's natural surroundings. The overall design will emphasize the use of low maintenance, native plantings and strive to integrate the proposed development's needs into the Project Site's surrounding environment.

The Board finds that the Applicant will provide dark-sky sensitive lighting for the Project.

4. Stormwater Management, Wetland and Water Resources

The site design incorporates natural Low Impact Development (LID) practices such as vegetated swales. The stormwater management plan is designed in accordance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Regulations and the applicable local criteria.

The Applicant has proposed two stormwater management concepts: the first plan, C202 Glen Brook Way Phase II: Grading and Utilities, dated July 5, 2018 and corresponding stormwater report, with subsurface infiltration systems and the second plan, at-grade detention in lieu of complete subsurface infiltration, C202 Glen Brook Way Phase II: Grading and Utilities, received July 23, 2018, in order to address potential damming effects on groundwater.

The Board finds that potential subsurface infiltration damming effects pose a reasonable need to explore alternative options, i.e. at-grade infiltration, for placement of the stormwater system.

The Board finds that due to the uncertainty of which stormwater concept the applicant will be moving forward with, and lack of ability to approve either plan as presented, further review and approval from the Board's peer review consultant, as well as the Town's Conservation Agent and Commission, will be necessary prior to the Board's review and approval of the selected stormwater concept.

The Board finds that the Applicant has not provided evidence that they have applied to the EPA for a NPDES permit for the proposed project.

The Board finds that the Applicant has not provided information or depicted on plans how stormwater will be handled during construction.

The Board finds that the Applicant has submitted an Operations & Maintenance Plan (during construction) and Long Term Pollution Prevention Plan (post-construction) under the Order of Conditions DEP #216-0911, which would require amendments should the approved stormwater management system be redesigned.

The Board finds that the Applicant has not provided new test pits in the locations for any new proposed system or locations of a new system not approved under the Order of Conditions DEP #216-0911.

The Board finds that the proposed development, as conditioned herein, will incorporate a drainage scheme that will comply with the standards of the DEP Stormwater Management Regulations.

5. Traffic, Safety, and Access

The Board heard testimony from Tetra Tech regarding the Traffic Impact Study dated July, 2017. The Original Project was expected to result in approximately twenty-seven vehicle trips (five entering and twenty-two exiting) during the weekday morning peak hour and approximately forty-four vehicle trips (twenty-nine entering and fifteen exiting) during the weekday afternoon peak hour for a total of 414 vehicle trips per day. The proposed project is not expected to materially impact operations along West Street with Level of Service (LOS) B or better operations at the Project Site driveway intersections during peak hours. Additionally, review of recent crash data for West Street adjacent to the Project Site indicates no known safety problems with only one crash reported over the most recent three-year study period resulting in property damage only. The study concluded that traffic impacts related to existing intersection delays and queuing as a result of the Project will be minimal.

The Board finds that, given the lack of significant impacts identified pursuant to the original traffic study, the introduction of an additional forty-four age-restricted units did not necessitate a revised traffic study.

The Board acknowledges concerns raised by abutters and other interested parties during the hearing on the Original Project about the Project's potential incompatibility with abutting residential uses, including concerns relating to increased traffic and parking demand. The Board has addressed these concerns by the imposition of appropriate conditions. The Board finds that the conditions imposed below addresses local and regional housing needs while properly protecting valid issues of local concern.

6. Affordable Housing

The Board finds that there is a shortage of low and moderate income housing in Medway. The Town's Housing Production Plan highlights the need for rental units. The Project will help address the lack of year-round affordable rental units in the Town. Subject to the conditions set forth in this Decision, the construction of the Project will be "Consistent with Local Needs" within the meaning of G.L. c. 40B §20, and Section 56.02 of DHCD's Chapter 40B Regulations (760 CMR 56.02).

The Board finds that this Project will address an unmet need as noted in the Town's 2016 Housing Production Plan and that the conditions imposed in Section III of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the regional need for affordable housing.

Medway has a need for senior housing and is especially underserved by apartments and smaller homes and condos for older residents wishing to downsize. The Medway Housing Authority manages three buildings with 164 senior living apartments. According to Medway's recently updated *Housing Production Plan* and based on population projections provided by the Metropolitan Area Planning Council, it is estimated that Medway, in the year 2020, will have 4,373 residents aged 55 years of age and older constituting 35% of the community's population. The Board finds that this additional supply of rental housing for seniors, 60 years of age or older, will help meet the needs of Medway's senior citizen population by offering a greater variety of housing types than the conventional single family detached subdivision home that is customarily provided in the AR-II zoning district.

7. Zoning Bylaw

The Project Site is located in the Agricultural-Residential II (AR-II), as established on the Town's Zoning Map, which allows for detached single family dwellings by-right, as well as two-family house/duplex, Open Space Residential Development (OSRD), and Adult Retirement Community Planned Unit Development (ARCPUD) by special permit. Multifamily housing is allowed via special permit in designated locations in ARII within an overlay zoning district; however, the Project Site is outside of this area.

Dimensional regulations of the ARII require a lot size of 22,500 square feet and lot frontage of 150 feet for by-right uses. Additionally, AR-II Districts require minimum front, side, and rear setbacks of 35, 15, and 15 feet, respectively. All Zoning Districts require a

minimum lot shape factor and upland requirement. Alternative less-stringent dimensional regulations are allowed as part of special permit uses.

For the issuance of a comprehensive permit, the Board finds that the Modified Project is suitable for this site and meets the dimensional requirements of the Zoning Bylaw with the exception of the building height, as well as front and side yard setbacks.

8. Phasing.

The Applicant proposes to develop the Project in two phases. Phase 1 will entail the construction of forty-eight rental apartment units in six residential buildings to be located at 0, 1, and 3 Glen Brook Way and 33 West Street in Medway. Phase 2 will entail the construction of forty-four age-restricted rental apartments at 31 West Street and 37 West Street in Medway. Phase 2 is expected to have a later commencement of construction than Phase 1. As a result, Phase 1 will be separately financed. In order to facilitate such financing, the Board acknowledges that compliance with the Conditions of Approval is initially expected for the development of Phase 1 only. Compliance with the Conditions of Approval for Phase 2 will be expected at the time Phase 2 is ready to close on project financing. This applies to Conditions of Approval at the following stages:

- Prior to commencement of construction;
- Prior to the issuance of a building permit; and
- Prior to the issuance of a certificate of occupancy.

The Conditions of Approval shall be construed accordingly.

III. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants to Metro West Collaborative Development, Inc. a Comprehensive Permit to construct ninety-two rental apartment units, of which forty-four units are age-restricted as defined herein, in six residential buildings on the Property in accordance with G. L. c. 40B and its implementing regulations 760 CMR. § 56.00, subject to the conditions and limitations set forth herein.

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

General Conditions

20. The holder of this Comprehensive Permit is Metro West Collaborative Development, Inc., a non-profit organization. The Property is defined as those properties located at 0, 1, 3 Glen

Brook Way and 33 West Street, Medway, Massachusetts, containing a total of approximately 3.17 acres, and the properties located at 31 and 37 West Street containing a total of approximately 2.7 acres. The Project is defined as all features shown on the plans listed below and as otherwise required by this Comprehensive Permit.

21. Except as may be provided for in the following Conditions or in the Final Permit Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition #21, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of the structures, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Commissioner who shall have the authority to approve such changes as immaterial changes. If the Building Commissioner determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set: "Apartments at Glen Brook Way - Phase 1 & Phase 2" plan set dated July 5, 2018, from Merrill Engineers and Land Surveyors, CBA Landscape Architects, LLC and Meander Studio, consisting of 38 sheets. Each Phase shall be constructed substantially in conformance with those portions of the Approved Plans applicable to that Phase:

- i. Cover Sheet/Project Description/Unit Distribution
- ii. C101 Civil Existing Conditions Plan
- iii. C201 Civil Site Layout
- iv. C202 Civil Grading and Utilities Plan
- v. C401 Civil Details vi. C402 Civil Details vii. C403 Civil Details
- viii. C404 Civil Details
- ix. C405 Civil Details
- x. L1 Landscape Schematic Plan
- xi. A100 Unit Type A – Basement
- xii. A101 Unit Type A – First Floor
- xiii. A102 Unit Type A – Second Floor
- xiv. A103 Unit Type A – Third Floor
- xv. A111 Unit Type B1 – First Floor
- xvi. A112 Unit Type B1 – Second Floor
- xvii. A113 Unit Type B1 – Third Floor
- xviii. A120 Unit Type C1 – First & Second Floors – Revised August 13, 2018
- xix. A121 Unit Type C1 – Third Floor and Roof
- xx. A131 Unit Type D1 – First Floor
- xxi. A132 Unit Type D1 – Second Floor
- xxii. A133 Unit Type D1 – Third Floor
- xxiii. A134 Unit Type D1 – Roof Plan
- xxiv. A141 Unit Type D2 – First Floor xxv. A142 Unit Type D2 – Second Floor
- xxvi. A143 Unit Type D2 – Third Floor
- xxvii. A144 Unit Type D2 – Roof Plan

xxviii. A200 Unit Type A – Elevation 1
 xxix. A201 Unit Type A – Elevation 2
 xxx. A202 Unit Type A – Elevation 3
 xxxi. A203 Unit Type A – Elevation 4
 xxxii. A210 Unit Type B1 – Elevation
 xxxiii. A211 Unit Type B1 – Elevation
 xxxiv. A220 Unit Type C1 – North and South Elevations
 xxxv. A221 Unit Type C1 – East and West Elevations
 xxxvi. A230 Unit Type D1 – Elevations
 xxxvii. A240 Unit Type D2 – Elevations
 xxxviii. A241 Unit Type D2 – Elevations

22. The Applicant is a Limited Dividend Organization.
23. As required by Chapter 40B and its successors and assigns shall comply with the applicable requirements of Chapter 40B and regulations adopted thereunder.
24. Stricken
25. The Project shall consist of not more than ninety-two rental apartment units, located in six residential structures, of which forty-four units shall be age-restricted, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of sixty-one one-bedroom apartments (61 bedrooms), twenty two-bedroom apartments (40 bedrooms) and eleven three-bedroom apartment units (33 bedrooms) for a total of 134 bedrooms.
26. “Age-restricted” shall be defined as units which are expressly for use and residency by persons who have achieved a minimum age requirement for residency of sixty years of age or older in accordance with G.L. c. 151B § 4.
27. Occupants under the age of sixty years of age shall also be allowed to occupy and live in the “age-restricted” units, provided that at least one occupant is at least sixty years of age.
28. If the subsidizing agency determines that the “age-restricted” units, as defined herein, will not qualify for or be accepted for the Town’s SHI, the units shall not be age-restricted, but shall remain affordable units, and all other conditions which address age-restricted units shall be void. Such actions will not nullify this Comprehensive Permit.
29. There shall be a minimum of 149 outdoor parking spaces (inclusive of required handicap spaces). Following completion of Phase I, if the Applicant determines that less parking is needed for Phase II, the Applicant may request to reduce the number of required parking spaces. The Applicant may construct up to six parking spaces in Phase 2 in order to serve the dwelling units in Phase I.
30. Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Commissioner or other Town Departments, the Building Commissioner or applicable Department Head will use reasonable efforts to review and provide a written response within thirty days following submission. For submissions that require assistance from an outside consultant, as determined

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by the Building Commissioner or applicable Department Head, the thirty-day time period shall not begin until the Consultant fee has been fully funded by the Applicant.

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31. This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph. The Board shall receive notice of any change in the principals of Metro West Collaborative Development, Inc., during construction of the Project, except if said change is as a result of the exercise by the Project lender of any rights under the applicable Loan Documents.
32. The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
33. The sidewalks, driveways, roads, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, trash removal, and landscape maintenance. In this regard, the proposed Project Site access road within the Project shall not be dedicated to or accepted by the Town.
34. Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

Affordability

35. Under state requirements, a minimum of 25% of rental units in a Chapter 40B development must be low- or moderate-income units, meaning that they shall be rented to, and occupied by, households whose income is not more than eighty percent of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and DHCD ("Affordable Units"). The Applicant has proposed, and the Board accepts, that the Project will include a deeper level of affordability, and that one hundred percent of the units will be affordable to persons whose income is not more than sixty percent (60%) of the AMI. Accordingly, as a condition of approval, all of the units in this Project shall be low and moderate income units as defined in G. L. c. 40B, §21 and the applicable DHCD regulations and the requirements of the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the occupancy of Affordable Units by income-eligible households.
36. All of the Project's Affordable Units shall be restricted for lease to households earning no more than the maximum allowable area median income of DHCD or any substitute Subsidizing Agency. The units shall be maintained as affordable in perpetuity, which for the purposes of

this Decision shall mean for so long as the Property does not comply with applicable zoning requirements without the benefit of this Comprehensive Permit.

37. The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.
38. For the initial rent-up of the Project, the maximum number of affordable units allowed by law and the applicable subsidy program, but not more than seventy percent of the units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

Submission Requirements

39. Prior to any construction or Prior Site development activities in Phase 1 or Phase 2 (including Project Site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:
 - a. If so requested by the Board in writing, deliver to the Board a check in an amount determined by the Board to be used for the Board to retain outside experts for technical reviews and inspections required under these conditions prior to plan endorsement. Said funds shall be deposited by the Board in an account pursuant to G.L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews and inspections, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in an amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.
 - b. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), and submit copy of the approved permit from EPA. The Board shall also be provided with the following; a copy of the

Stormwater Pollution Prevention Plan (SWPPP), the Operations and Maintenance Plan, and Long-term Pollution Prevention Plan for review and approval prior to the commencement of work.

- c. Submit to the Board for review and receive its administrative approval (not in a public hearing) of Final Engineering Drawings and Plans for Phase 1 and Phase 2 ("Final Permit Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Permit Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Permit Plans for Phase 1 and Phase 2 be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. All plans submitted shall be prepared, signed and sealed with valid registration in the Commonwealth of Massachusetts.

The Final Permit Plans for Phase 1 and Phase 2 shall be submitted to the Board at least thirty days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Permit Plan Submission Date").

At a minimum, the Final Permit Plans for Phase 1 and Phase 2 shall be in accordance with the comments from the peer review consultants detailed during the course of the hearing. If no written response or comments have been given to the Applicant by the Board concerning the Final Permit Plans for Phase 1 and Phase 2 within thirty days after the Final Permit Plan Submission Date, the Final Permit Plans, as delivered, will be deemed to have been approved.

Final Permit Plans for Phase 1 and Phase 2 must include any modifications made to the stormwater management system design and a looped water system.

- d. Submit to the Building Commissioner and the Board's peer review consultants, a construction mitigation plan for Phase 1 and Phase 2 including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than Project Site work and such other work as may be authorized in writing by the Building Commissioner, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Building Commissioner, in consultation with the Board's peer review engineer, has approved the Final Permit Plans for Phase 1 and Phase 2, respectively, as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner concerning the Final Permit Plans within thirty days after the Final Permit Plan Submission Date, the Final Permit Plans, as delivered, will be deemed to have been approved.
- e. Design a stormwater management system for Phase 1 and Phase 2 which meets all the MA Stormwater Management Standards. Provide the final plans and drainage calculations (stormwater report) to the ZBA, peer review consultants, and the Conservation Commission for review and approval. Peer review and Town Officials shall review the proposed system design and report to the ZBA in order to confirm

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that the proposed project for Phase 1 and Phase 2 meets the MA Stormwater Management Standards.

- f. Submit to the Conservation Agent, a construction Mitigation plan for Phase 1 and Phase 2 including, but not limited to, limit of work, testing data for fill as noted within Condition #38 of this Permit, stockpiling areas, Stormwater Report with supporting drainage calculations, Operation and Maintenance Plan (the O&M plan), and Long Term Pollution Prevention Plan. Temporary settling basins used for the storage of stormwater during construction shall not be located in areas where final stormwater basins are designed and located post-construction. At no time shall snow be stored within stormwater basins, if needed snow shall be removed from the Project Site. Stockpiling may not occur outside the limit of work or within wetland resource areas. No construction shall commence under this Comprehensive Permit until the Conservation Agent has approved the Plans as being in conformance with this Decision and any other applicable permits. If no written response or comments have been given to the Applicant by the Conservation Agent concerning the Plans within thirty days after the Plan Submission Date, the Plans, as delivered, will be deemed to have been approved.
- g. All documents submitted shall be consistent with all other plans, documents, calculations submitted and approved to other town departments, this includes but is not limited to, Zoning Board of Appeals, Building Department, Conservation Commission, Board of Health etc. All documents, plans and calculations approved under an Order of Conditions with the Commission shall be used in submissions to these Town Departments unless amendments are approved by the Commission before or after submission. However, no Building Permits shall be issued until ZBA, Building Department and Conservation Commission (and other Town Departments requiring permits for construction of this development) all have the same plans submitted to their office which meet all state and local laws.
- h. Submit to the Board for review and obtain its administrative approval (not in a public hearing) of Final Landscape Plans for Phase 1 and Phase 2 which include landscaping and lighting plans, signed and sealed by a Registered Landscape Architect, depicting the following:
 - i. Overall planting plan for Phase 1 and Phase 2 that includes a demarcation of clearing and the limits of work;
 - ii. Planting plans for drives showing shade trees and lighting fixture locations;
 - iii. Plans of walkways in open space and recreation areas;
 - iv. Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers;
 - v. Prototype screening plans for dumpsters, depicting plantings and fencing;
 - vi. Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;

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xxii. A note be placed on the plan to install a mountable curb at fire access lane north of Building C and appropriate details on detail sheet;

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40. Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit with the Norfolk Registry of Deeds, at the Applicant's expense, and provide proof of such recording to the Building Commissioner.
- b. Stricken.
- c. Stricken.
- d. Submit to the Building Commissioner Final Architectural Plans for Phase 1 and Phase 2 prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request.
- e. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of Phase 1 and/or Phase 2 of the Project required by state law.
- f. The Applicant shall demonstrate compliance with the Massachusetts Stormwater Management Standards for Phase 1 and Phase 2. The Applicant will provide an Operations and Maintenance Plan and Long-term Pollution Prevention Plan.
- g. Prior to commencement of work, fire protection measures for construction shall be installed and in working order, in the form of installed and charged fire hydrants or other fire protection deemed adequate by the Fire Chief.
- h. If notified by the Board in writing, any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is thirty days or more overdue. In addition, any outstanding taxes, fees, betterments, or other monies due to the Town for any of the lots that are part of the Property shall be paid in full prior to issuance of any building permit.

Construction Completion/Certificate of Occupancy

41. Prior to issuance of a certificate of occupancy for a specific portion of the Project, the Applicant shall:

- a. Submit engineer's interim certification of compliance with utilities plan and profiles (as applicable) to the Building Commissioner.

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- b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Permit Plans in all material respects.
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- c. Obtain acceptance from the Medway Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, fire hydrants and local smoke alarms within the dwelling units.
- d. Obtain a sewer connection permit from the Medway Department of Public Services.
- e. Submit to the Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (Department of Housing and Community Development), as required by the Project Eligibility letter and the Chapter 40B regulations.
- f. Submit to the Board and the Building Commissioner a certified copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with the Department of Housing and Community Development shall be complete prior to the issuance of any building permit.
- g. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- 41.[sic] Prior to issuance of the certificate of occupancy for the last residential building to be constructed, the Applicant shall:
- a. Submit to the Building Department, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in a form acceptable to the Building Department. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. Submit to the Building Commissioner as-built plans for all buildings in the Project.
- c. The Applicant shall retain a Management Company. The Applicant shall submit to the Board all information relating to the Management Company being retained to act as the property manager that the Applicant submits to the Subsidizing Agency as part of the Final Approval process, including a copy of the Applicant's contract therewith. Such property management agreement shall, at a minimum, address building security, public access, pet policy, staffing, trash removal, snow storage and/or removal, and smoking policies, and other issues addressed in the conditions herein.

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A N Project Design and Construction

42. After the issuance of the building permit for Phase 1 and/or Phase 2, but prior to the commencement of any work on the Property, the Applicant and the Project Site general contractor shall attend a preconstruction conference with Community and Economic Development Department staff, the Building Commissioner, Department of Public Services, the Conservation Agent, the Town's Consulting Engineer and other Town staff as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Community and Economic Development Office.
43. Prior to Commencement of Construction, the Applicant shall provide to the Building Commissioner:
- the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on Project site;
 - a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Property have been paid;
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 - proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any Project Site work (can be provided for each Phase);
 - proof that street signage is in place to ensure that emergency personnel can locate the Project Site to provide emergency services to protect and secure the Project Site and construction personnel (can be provided for each Phase); and
 - at least 48 hour written notice. If activity on Project Site ceases for longer than one month, 48 hour written notice is required prior to restarting work.

During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured.

44. Upon completion of all work on Project Site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board's construction monitor shall be notified in writing of the final disposition of the materials.
45. The Board of Appeals members, its staff, consultants or other designated Town agents and staff shall have the right to observe and inspect the Project Site at any time, for compliance with the endorsed site plan and the provisions of this Decision, until such time as the Project has been completed and the final occupancy permit issued. Notice shall be given in advance of Project Site visits, via email or a confirmation call, except in instances of receiving a complaint, fire or safety emergencies, or other emergencies as determined by the Board, its

Staff, or peer review consultants. In such instances, notice shall be provided in writing to the Applicant following the Project site visit indicating the purpose of such emergency visit, the time and date, and any results or outcomes of the Project site visit.

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The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way.

The Board may require the Applicant to pay for the expenses of the Board's peer review consultants conduct progress inspections of the construction of the approved Project Site improvements. A copy of the inspection report shall be provided Board and the Applicant within 7 days of inspection.

46. The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
47. All Project Site retaining walls four feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
48. During construction, the Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the Project Site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
49. The Applicant must also provide adequate information to determine it has met all requirements of the Stormwater Management Standards, including but not limited to, log sheets for construction and post-construction and the Long Term Pollution Prevention Plan.
50. Appropriate signage shall be shown on the Final Permit Plans. The Applicant has not requested any waivers from the Town of Medway Bylaws regarding signs, and the Board has granted no such waivers.
51. The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Permit Plans. All transformers and other electric and telecommunication system components shall be included on the Final Permit Plans.
52. All water, sewer, and utility infrastructure shall be constructed and/or installed during Phase I of Glen Brook Way.
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54. The Applicant shall install lighting on the Project Site that conforms to the Town of Medway's Zoning Bylaw. Dark-sky compliant lighting shall be down-lit and/or shielded to prevent light spillover onto surrounding properties. Management of outdoor lighting shall be the responsibility of the Applicant.

55. Utilities, including ^{N O T} but not limited to telephone, ^{N O T} electric, and cable, shall be located underground, to the ^{A N} extent permitted by the utility ^{A N} companies. The contract with the Management Company shall note that no satellite dishes shall be allowed.
55. [sic] Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
56. Construction activities shall be conducted between the hours of 7:00 a.m. and shall not continue beyond 6:00 p.m., Monday through Saturday. There shall be no construction on any Sunday or legal holidays without advance approval of the Building Commissioner. No equipment on-site shall be started and allowed to warm up prior to the start of the allowed construction hours. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities on the Project Site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.
57. Blasting, if any, shall be performed in a manner approved by the Medway Fire Department and Building Department so as to prevent injury or property damage to the residents of the Town and proper evidence of insurance shall be provided to the Building Commissioner before blasting begins. The Applicant shall provide at least 48 hours written notice of the scheduling blasting to all property owners and residents within 500 feet of the subject parcels. Such residents shall be provided the option of having a pre-blasting inspection at applicant's expense. Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting shall occur on Saturdays, Sundays, or legal holidays.
58. Burning or burial of construction or demolition debris on the Project Site is strictly prohibited. All such materials are to be removed from the Project Site in accordance with applicable law. During construction, the Project Site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. All erosion control measures are to be in place. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
59. No building areas shall be left in an open, unstabilized condition longer than sixty days. Temporary stabilization shall be accomplished by 12-inch biodegradable compost socks and siltation fencing. Final stabilization shall be accomplished by loaming and seeding exposed areas. Soil stockpiles shall not be left longer than sixty days without proper stabilization, vegetated cover and/or tarps; all stockpiles existing for more than one day shall be surrounded by a row of staked straw bales or entrenched siltation fencing and shall be covered.

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60. All fill material that is brought onto the Project Site shall be tested to ensure the project meets the standards of GW-B-1 Method 1 Standards, as described in the Massachusetts Contingency Plan environmental regulations, as revised P Y
61. The Applicant shall remove any material that is not consistent with the Approved Plans, such as, but not limited to, concrete, brick, and asphalt.
62. The Applicant shall provide a minimum of 44% TSS removal prior to infiltration in areas with rapid infiltration rate (greater than 2.4 inches per hour) and shall provide a total Project Site minimum of 80% TSS removal. This could most likely be accomplished with a water quality unit or an isolator row within the chamber field. This is not needed for the system recharging roof runoff only.
63. All trash bins and/or dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction).
64. All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete.
65. There shall be screening between the proposed Project and adjacent properties in accordance with the landscape plans submitted with the Final Plans, subject to review and determination of consistency with this Decision by the Board and the Building Commissioner, including fencing and tree/shrub plantings for abutting single family residential properties.
66. Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site.
67. The Applicant shall comply with all applicable local, state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
68. The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles.
69. The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction. Street sweeping shall be performed at minimum once a week.
70. The on-site amenities, including the children's play area, shall be securely fenced.

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Traffic, and Traffic Safety Conditions

71. Access and egress to the Project shall be consistent with the Approved Plans.
72. The northerly Project Site access driveway shall be restricted to entering vehicles only. The southerly Project Site access driveway shall be restricted to exiting vehicles only.
73. All obstructions (vegetation, fencing, etc.) within the sight triangles shall be maintained at heights that do not inhibit sight distance.
74. The Applicant shall ensure that adequate snow storage is provided at the Project Site, and that trash bins and pick-up activity will not block on-site parking or circulation.
75. The Applicant shall ensure that emergency vehicles can adequately maneuver through the Project Site. The Medway Fire Department shall review the Final Permit Plans and may perform testing to ensure compliance with this condition.
76. The Applicant shall work with the Medway Police Department to implement traffic calming measures along West Street in the Project Site vicinity.
77. The Applicant should provide a clear delineation for visitor and management office/maintenance parking.
78. The Applicant shall provide confirmation that vehicles parked in the small compact spaces will not impede traffic in the drive aisle. Wheel stops shall not be installed; the Applicant may provide additional width to sidewalks abutting parking areas to compensate for expected bumper overhang.

Police, Fire, and Emergency Medical Conditions

79. The Applicant shall provide professional property management and maintenance personnel on the premises during normal daytime hours and an emergency contact name and number for tenants and the Medway Police and Fire Departments.
80. The recommendations contained in correspondence from Chief Jeffrey Lynch of the Medway Fire Department, dated May 3, 2017, June 19, 2017, and July 18, 2018, shall be shown on the Final Plans.
81. The recommendations contained in correspondence from Sgt. Jeffrey Watson of the Medway Police Department, dated May 17, 2017, shall be shown on the Final Plans.

Water, Sewer and Utilities

82. The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
83. All utilities, sewer and water infrastructure shall be installed in conformance with the Town's requirements. The water infrastructure shall consist of a looped system. The Applicant shall

consult with the Department of Public Services prior to the commencement of construction. Final as-built plans for utilities shall be provided within 90 days after completion of construction. Applicant shall provide the final endorsed plans in CAD and GIS format to be put into the Town's GIS system. All files shall use the layering and format as specified by the Department of Public Services.

84. Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Medway Fire Department. If the Medway Fire Department approves different hydrant locations, such modification shall be accepted as an insubstantial change pursuant to 760 CMR 56.05(11).
85. The service size for the domestic water service should be verified by the Department of Public Services and information on the fire service size and requirements should be verified by the Fire Department. Any fire lines will need backflow device. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Department of Public Services and the Fire Department respectively.
86. All water and sewer improvements necessary to serve the Project must be completed, and interim as-built plans must be submitted to and approved by the Department of Public Services, before any occupancy permits for the Project may be issued.
87. The water and drainage utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
88. Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.
89. All utility work and any other roadwork, within the public right of way shall be performed and conducted in conformance with the regulations of the Department of Public Services including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by the Town of Medway. All such work shall be performed in accordance with current engineering and construction standards and shall be completed prior to the issuance of the first occupancy certificate.
90. The Applicant shall utilize sensus water meters with automated reading capability to match system currently used by the Town.
91. The Applicant shall equip each house with low-flow toilets and high-efficiency water sense faucets and 1.5-gallon shower heads to reduce water usage.

Other General Conditions

92. The Applicant shall inform all abutters (*as listed in the certified list of abutters accompanying the application*) of a phone number and email contact to use for questions, concerns and complaints. The applicant shall reply to such inquiries within 48 hours.

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93. This Decision ~~will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later.~~ In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three years from the date that this permit modification becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
94. The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
95. The Applicant shall consult with the Department of Public Services and the Board of Health regarding trash and recycling services.
96. This Decision prohibits the parking or storage of any unregistered vehicle on the Project Site, and likewise prohibits the service of any vehicles on the Project Site, except during construction.
97. In the event that the Applicant (or its Management Company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town is required to perform such maintenance, the Applicant shall reimburse the Town within forty-five days for all of its reasonable expenses related to such work.
98. The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such.
99. If the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency (a "Termination Event") the Applicant and its successors in title and assigns covenant and agree that it shall re-execute the Regulatory Agreement naming the Town of Medway as the enforcement agency thereunder (the "Town Regulatory Agreement"), which shall then be recorded with the Norfolk Registry of Deeds. At a minimum, the Town Regulatory Agreement shall require that the Project shall remain 100% affordable so long as the Project does not conform to local zoning; and (ii) shall require that 100% of the units in the Project shall be affordable and rented to low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the Town and shall require that the affordable units shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.

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100. While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c. 40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.
101. If the Regulatory Agreement with the Subsidizing Agency is terminated, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. Nothing contained herein may be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project, the Applicant shall provide the Town with a reasonable monitoring fee.
102. If any default, violation or breach of these conditions by the Applicant is not cured within thirty days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.
103. To the extent that the Hopping Brook Subdivision has not been automatically rescinded by virtue of Section 5.D of the Subdivision Covenant, the Board, as requested by the Applicant, reaffirms its rescission of the Hopping Brook Subdivision approval as it applies to the Project Site, in order to allow the construction of the Project in accordance with this Comprehensive Permit.

IV. Relief from Local Rules, Regulations and Bylaws

The Applicant shall comply with all bylaws, rules and regulations of the Town of Medway unless: (1) specifically waived hereunder; or (2) as set forth in the Conditions in the previous section; or (3) necessary to construct the project consistent with the Final Permit Plans approved by the Board referenced herein, subject to the conditions of this approval. Nothing herein may be construed as a waiver of any applicable state or federal law. The following specific waivers are granted as and to the extent set forth below and as presented in the Approved Plans; in the event of any conflict between the waivers set forth below and any Conditions set forth above, the Conditions shall

control. The Board reserves the right to review, revise, or revoke waivers as currently granted for any revisions to the Final Permit Plans that apparently alter the intent of the waivers granted below.

No waivers are granted from requirements that are beyond the purview of G. L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted, except that the building, water, and sewer fees shall be capped at a total of \$100,000 for each Phase (total of \$200,000 for the development). A partial waiver of the comprehensive permit filing was granted. These waivers are granted to the extent necessary for the Applicant to construct the Project as shown on the Final Plans. Any subsequent revision to the Approved Plans, including but not limited to revisions that are apparent in the Final Permit Plans that require additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).

Medway Zoning Bylaws – Dimensional and Density Regulations (AR-II District)				
No.	Regulation/Section	Required/ Permitted	Provided	Waiver Requested
1.	Front Setback (ft.)	35'	13'	Yes
2.	Side Setback (ft.)	15'	12'	Yes
3.	Maximum Building Height (ft.)	35'	55'	Yes
4.	One Dwelling Per Lot	1 Dwelling Unit per lot (5 dwelling units)	92 Dwelling Units on 5 lots	Yes
	Section Number	Title	Requirement, Waiver Requested	
5.	Section 5.4	Schedule of Uses	The proposed Project includes multi-family structures which is not allowed as a matter of right within all zoning districts and only allowed by special permit by the Planning and Economic Development Board in the Town of Medway. Waiver requested from the use regulations to allow multi-family dwellings.	
6.	Section 5.6.4 (E)(6)	Number of Dwellings	The applicant requests the ZBA to waive the limitation that any multifamily development shall not exceed forty dwellings.	
7.	Section 5.6.4 (C)(3)	Height Restrictions	The proposed Project exceeds two and one half stories in height, located in AR-II zoning district. Waiver requested from height regulation to allow a structure three stories.	
8.	Section 5.6.4 (C)(1),	Lot Shape; Front	The zoning by-laws sets a minimum front setback of 35 feet. The proposed project has a front	

	also see Section 6.1	Setback	setback of 13 feet. The Applicant requests a waiver of the front set back requirement.
9.	Section 5.6.4 (D) and Section 5.6.4 (D)(3)	Density	The proposed Project has a density of about 15.5 units per acre, the by-laws require the density of a multifamily dwelling not exceed twelve dwelling units per acre, unless granted by the Planning and Economic Development Board.
10.	Section 3.5.3	Site Plan Approval	The applicant requests the ZBA waive the Site Plan Approval requirement.
11.	Section 5.6.4 (E)(3)	Parking	The proposed project provides 149 parking spaces. The applicant requests the ZBA waive the requirement to provide one and one half spaces for each dwelling plus one additional visitor parking space for every two dwellings (184 parking spaces).


Medway Water/Sewer Department Rules and Regulations		
Section Number	Title	Requirement, Waiver Requested
Article II	Application for Service	Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.

Medway General Bylaws		
Section Number	Title	Requirement, Waiver Requested
Article XXVI	Stormwater Management By-Law	Applicant seeks a waiver from this Section. The Project does meet the intent of the Stormwater Management By-Law.


Rules and Regulations of the Town of Medway Conservation Commission		
Section Number	Title	Requirement, Waiver Requested
Section 1. Also see Article XXI, Section 21.10 of the General By-Laws	General Wetlands Protection	Applicant seeks a waiver from this section as the Zoning Board of Appeals is provided with the authority to issue all local approvals.

By affixing our signatures below, the Zoning Board of Appeals confirms that the foregoing
Insubstantial Changes to Modified Comprehensive Permit memorializes all modifications
approved by the Board through February 5, 2020.

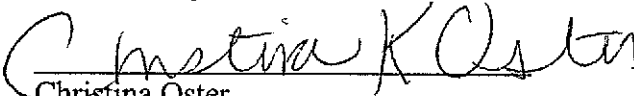
By the Town of Medway Zoning Board of Appeals:



Rori Stumpf, Chair

Brian White, Vice Chair


Gibb Phenegar



Christina Oster

Tom Emero

Dated: August 11, 2020

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APPENDIX A: LIST OF DOCUMENTS AND EXHIBITS

O F F I C I A L

O F F I C I A L

(Not attached unless noted)

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The Applicant has filed with the Zoning Board of Appeals its application, various plans and reports required under the requirements of the G.L. c. 40B Comprehensive Permit Regulations and the local Medway Zoning By-Laws. During the review process the Applicant also submitted revisions to plans and additional information in response to requests by the Zoning Board of Appeals, its peer review consultants and by the various town departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Zoning Board of Appeal's files.

1. Application for a Comprehensive Permit for Glen Brook Way, prepared for Metro West Collaborative Development, Inc., prepared by Blatman, Bobrowski & Haverty, LLC, dated April 24, 2017, received and stamped by the Town Clerk on April 24, 2017
2. Comprehensive Permit Plans for "Glen Brook Way" located at 0, 1 and 3 Glen Brook Way and 33 West Street in Medway, Massachusetts, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated April 24, 2017, received and stamped by the Town Clerk on April 24, 2017
3. List of Waivers, as part of the Application for a Comprehensive Permit, received on April 24, 2017
4. Stormwater Management Report for "Glen Brook Way", prepared by Merrill Engineers and Land Surveyors, dated April 24, 2017, received on April 24, 2017
5. Comprehensive Permit Plan Sheet A100, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated April 24, 2017, received on April 26, 2017
6. Letter from Blatman, Bobrowski & Haverty, LLC re: Glen Brook Way Comprehensive Permit Application Request for Partial Waiver of Filing Fee, dated May 4, 2017
7. Request for an Extension of Time to June 7, 2017 from Metro West Collaborative Development, Inc. re: Glen Brook Way Comprehensive Permit Application, dated May 17, 2017 and accepted by the Zoning Board of Appeals at the May 17, 2017 Public Hearing
8. Glen Brook Way Comprehensive Permit Plan Sheet C201 showing Additional Fire Hydrant Location, prepared by Merrill Engineers and Land Surveyors, dated April 24, 2017, revised May 26, 2017
9. Plan showing Fire Truck Turning Movements Entering Site, prepared by Merrill Engineers and Land Surveyors, dated June 14, 2017
10. Plan showing Fire Truck Turning Movements Exiting Site, prepared by Merrill Engineers and Land Surveyors, dated June 14, 2017
11. Correspondence from Blatman, Bobrowski & Haverty, LLC re: Request for Continuance of Public Hearing scheduled for June 21, 2017, email received on June 21, 2017
12. Stormwater Management Report and Hydrologic-Hydraulic Analysis, prepared by Merrill Engineers and Land Surveyors, dated April 20, 2017 and revised June 26, 2017
13. Pre-Development Watershed Plan for Glen Brook Way in Medway, Massachusetts, prepared by Merrill Engineers and Land Surveyors, revised June 28, 2017

14. Post-Development N O T Watershed Plan for Glen Brook Way in Medway, Massachusetts, prepared by Merrill Engineers and Land Surveyors, revised June 28, 2017
15. Letter from Metro West Collaborative Development, Meander Studio and Merrill Engineers and Land Surveyors re: Proposed Conditions for ZBA Approval, dated June 30, 2017
16. Comprehensive Permit Plans for "Glen Brook Way" located at 0, 1 and 3 Glen Brook Way and 33 West Street in Medway, Massachusetts, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated April 24, 2017, revised June 30, 2017
17. Letter of Response to Engineering Review, Glen Brook Way, Medway MA, Comprehensive Permit Submission, prepared by Metro West Collaborative Development, Meander Studio and Merrill Engineers and Land Surveyors, dated June 30, 2017
18. Glen Brook Way List of Waivers, revised July 5, 2017
19. Letter of Request for Modification, Paul Haverty of Blatman, Bobrowski & Haverty, LLC, re: Metro West Collaborative Development, Inc – 79-B Chapel Street, Request for Modification of Comprehensive Permit, dated June 13, 2018
20. Draft Plans for "Glen Brook Way – Phase 1 & Phase 2" located at 0, 1 and 3 Glen Brook Way and 31 West Street, 33 West Street, and 37 West Street, in Medway, Massachusetts, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated June 18, 2018
21. Letter of Determination, Community & Economic Development, Town of Medway, re: Metro West Collaborative Development, Inc, Request for Modification of Comprehensive Permit, dated June 21, 2018
22. Application for a Comprehensive Permit for Glen Brook Way, prepared by Metro West Collaborative Development, Inc., prepared by Blatman, Bobrowski & Haverty, LLC, dated July 9, 2018, received and stamped by the Town Clerk on July 9, 2018
23. Comprehensive Permit Modification Plans for "Glen Brook Way – Phase 1 & Phase 2" located at 0, 1 and 3 Glen Brook Way and 31 West Street, 33 West Street, and 37 West Street, in Medway, Massachusetts, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated July 5, 2018
24. Purchase and Sale Agreement dated June 22, 2018 for the property located at 31 West Street, received on July 9, 2018
25. Purchase and Sale Agreement dated July 9, 2018 for the property located at 37 West Street, received on July 9, 2018
26. Stormwater Management Report for "Glen Brook Way – Phase II", prepared by Merrill Engineers and Land Surveyors, dated July 5, 2018, received on July 5, 2018
27. Vehicle Trip Generation Estimates, prepared by Merrill Engineers and Land Surveyors, dated July 10, 2018, received on July 10, 2018
28. List of Waivers, as part of the Application for a Comprehensive Permit, received on July 10, 2018

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29. Correspondence from Merrill Engineers and Land Surveyors regarding submittal of Alternative Stormwater Plan, dated July 23, 2018 and July 24, 2018
30. Stormwater Alternative Plan, "Glen Brook Way - Ph 2: Grading & Utilities," dated July 5, 2018 and received July 23, 2018
31. Comprehensive Permit Civil Plans for "Glen Brook Way -Ph 2" depicting fire and emergency access located at 0, 1 and 3 Glen Brook Way and 31 West Street, 33 West Street, and 37 West Street, in Medway, Massachusetts, prepared for Metro West Collaborative Development, prepared by Meander Studio, Merrill Engineers and Land Surveyors, and CBA Landscape Architects, LLC, dated July 5, 2018
32. Fire Truck Turning Movements, prepared by Merrill Engineers and Land Surveyors, dated July 25, 2018
33. Correspondence from Merrill Engineers and Land Surveyors and Medway Fire Chief Lynch, dated July 26, 2018 and July 27, 2018
34. Letter of Response to Engineering and Site Review, prepared by Merrill Engineers and Land Surveyors, dated July 27, 2018
35. Groundwater Mounding Analysis, prepared by Merrill Engineers and Land Surveyors, dated July 27, 2018
36. Soil Report, prepared by Merrill Engineers and Land Surveyors, dated June 29, 2018
37. Correspondence from Merrill Engineers and Land Surveyors regarding submittal of Stormwater Calculations received August 4, 2018
38. Stormwater Calculations: Total Suspended Solids Removal, prepared by Merrill Engineers and Land Surveyors, dated August 4, 2018, received August 4, 2018
39. Stormwater Calculations: Routing Diagram for Post Development, prepared by Merrill Engineers and Land Surveyors, dated August 4, 2018, received August 4, 2018
40. Stormwater Calculations: Recharge and Water Quality volumes, prepared by Merrill Engineers and Land Surveyors, dated July 5, 2018, received August 4, 2018
41. Revised Plan Sheet, First and Second Floors, Building C, Sheet A120, dated August 13, 2018, received August 15, 2018

The Zoning Board of Appeals received correspondence from various Town Departments and its peer review consultants who reviewed the project. The aforesaid correspondence is contained in the Zoning Board files.

1. Letter from Community and Economic Development Department re: Glen Brook Way Comprehensive Permit Application Filing Fee, dated April 27, 2017
2. Legal ad for Glen Brook Way Comprehensive Permit Application, stamped with the Town Clerk on April 28, 2017, and ran in the Milford Daily News on May 3, 2017 and May 10, 2017
3. Correspondence from the Treasurer/Collector re: outstanding taxes, email received on April 28, 2017
4. Letter of comment from the Fire Department, dated May 3, 2017
5. Correspondence from the Board of Health, email received on May 10, 2017
6. Letter of comment from Affordable Housing Trust and Affordable Housing Committee, dated May 10, 2017
7. Correspondence from the School Department, email received on May 12, 2017

8. Correspondence from the Department of Public Services, email received on May 15, 2017
9. Letter of comment from the Conservation Commission, dated May 15, 2017
10. Correspondence from the Police Department, email received on May 17, 2017
11. Memorandum re: application submission and comment from the Community and Economic Development Department, dated May 17, 2017
12. Revised legal ad for the Glen Brook Way Comprehensive Permit Application, stamped with the Town Clerk on May 18, 2017, and ran in the Milford Daily News on May 23, 2017 and May 30, 2017
13. Letter of comment from Design Review Committee, dated May 24, 2017
14. Letter of comment from the Planning and Economic Development Board, dated June 5, 2017
15. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way – 40B Review, General Project Review, Medway, MA, dated June 5, 2017
16. Letter of comment from the Fire Department, dated June 19, 2017
17. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way – 40B Review, General Project Review re: Water/Sewer/Utilities, Medway, MA, dated June 29, 2017
18. Glen Brook Way Traffic Impact Study, West Street, Medway MA, prepared by Tetra Tech, Peer Review Engineering Consultant, dated July 2017
19. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way – 40B Review, General Project Review, Medway, MA, dated June 29, 2017 and revised July 26, 2017
20. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way – 40B Review, General Project Review re: Water/Sewer/Utilities, Medway, MA, dated June 29, 2017 and revised July 26, 2017
21. Correspondence containing Proposed Conditions from Tetra Tech, Peer Review Engineering Consultant, received July 26, 2017
22. Letter of comment from Design Review Committee, dated July 10, 2018
23. Letter of comment from Fire Department, dated July 18, 2018
24. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way (Phase II) – 40B Review, General Project Review, Medway, Massachusetts, dated July 17, 2018
25. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way (Phase II) – 40B Review, General Project Review, Medway, Massachusetts, dated July 17, 2018 and revised August 6, 2018
26. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Glen Brook Way (Phase II) – 40B Review, General Project Review, Medway, Massachusetts, dated July 17, 2018, revised August 6, 2018 and August 13, 2018
27. Mullin Certification Form for Christina Oster, Zoning Board of Appeals Member, dated August 12, 2018

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Documents Related to January, 2020 Substantial Changes
O F F I C I A L O F F I C I A L
C O P Y C O P Y

1. Letter dated January 22, 2020 from Metro West Collaborative Development, Inc., with enclosure, requesting that Board find proposed modifications to be insubstantial changes.
2. Letter dated January 30, 2020 from Metro West Collaborative Development, Inc., clarifying request for partial waiver of fees as proposed insubstantial change