



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

Eric Arbeene, Chair  
Brian White, Vice Chair  
Carol Gould, Clerk  
Bridgette Kelly, Member  
Rori Stumpf, Member

**DECISION  
COMPREHENSIVE PERMIT  
GLEN BROOK WAY, MEDWAY, MA**

**Date Application Filed:** April 24, 2017

**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 3.17 +/- acres and consists of 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 "Property" or "Project Site"). The Property is located in Agricultural Residential II Zoning District.

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

**Members Participating:** David J. Cole (Chair), Carol Gould (Clerk), Eric Arbeene, William Kennedy, Brian White, and Associate Members Rori Stumpf and Bridgette Kelly

**Members Voting:** Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Bridgette Kelly, and Rori Stumpf

**Hearing Opened:** June 7, 2017

**Hearing Closed:** August 2, 2017

**Date of Decision:** August 2, 2017

RECEIVED

AUG 10 2017

TOWN CLERK

20 Day Appeal  
August 30, 2017

## I. PROCEDURAL HISTORY

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 Project is located on the 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.
6. The 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., which has a purchase and sale agreement to sell the property to Metro West Collaborative. Metro West Collaborative has separate purchase and sale agreements with Ms. Ashman's estate and Summit Builders to acquire the site. 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.
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.

## **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 Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

### **1. Jurisdictional Requirements**

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

- a. The Applicant has indicated in its application that it will conform to the limited dividend requirements of G. L. c. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 79-B Chapel Street, Newton, MA 02458.
- b. The Applicant has received a written determination of Project Eligibility from the Massachusetts Department of Housing and Community Development ("DHCD") dated April 18, 2017, a copy of which was provided to the Board with the original application.
- c. The Applicant provided a copy of a Purchase and Sale Agreement dated December 17, 2016 for the property located at 33 West Street, and the Applicant also provided an Option to Purchase with amendments dated through November 15, 2016, for the

properties located at 0, 1 and 3 Glen Brook Way. Thus, the Applicant has shown evidence of site control sufficient to qualify as an Applicant for a Comprehensive Permit.

- d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.

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

Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, the Town of Medway has 5.37% of its available housing units dedicated to low and moderate-income households, therefore it does not meet the 10% requirement, as defined by G.L. c. 40B.

## **3. Civil Engineering and Site Design**

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.

The Applicant proposes to construct 72 parking spaces for the Project, which is not in compliance with the Medway Zoning Bylaw, which requires 96 parking spaces. The Applicant has requested a waiver to allow the approval of the Project with 72 parking spaces. The Board finds that the Applicant has demonstrated that the parking ratio of 1.5 spaces per unit as proposed by the Applicant 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 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 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 site's surrounding environment.

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



#### **4. Stormwater Management**

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

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 Standards.

#### **5. Traffic / Safety / Access**

The Board heard testimony from Tetra Tech regarding the Traffic Impact Study dated July, 2017. The Project is 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 site driveway intersections during peak hours. Additionally, review of recent crash data for West Street adjacent to the 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 acknowledges concerns raised by abutters and other interested parties 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 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.

## **7. Zoning Bylaw**

The Project Site is located in the Agricultural-Residential II (ARII), 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, ARII 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 Project is suitable for this site and meets the dimensional requirements of the Zoning Bylaw with the exception of the front and side yard setbacks.

## **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 forty-eight rental apartment units 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**

1. 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. The Project is defined as all features shown on the plans listed below in Condition #2 or as otherwise required by this Comprehensive Permit.
2. Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and



drawings listed below in this Condition #2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project (“Approved Plans”). 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, dated April 24, 2017 and revised June 30, 2017, from Merrill Engineers and Land Surveyors, CBA Landscape Architects, LLC and Meander Studio:

- i. Cover Sheet/Project Description/Unit Distribution
- ii. C101 Civil Existing Conditions Plan
- iii. C201 Civil Site Layout
- iv. C301 Civil Grading and Utilities Plan
- v. C401 Civil Details
- vi. C402 Civil Details
- vii. C403 Civil Details
- viii. C404 Civil Details
- ix. L100 Landscape Schematic Plan
- x. L200 Playground Enlarged Schematic Plan/Equip
- xi. A100 Unit Type A – First Floor
- xii. A101 Unit Type A – Second Floor
- xiii. A102 Unit Type A – Third Floor
- xiv. A103 Unit Type A – Roof Plan
- xv. A104 Unit Type A – Basement Plan
- xvi. A105 Unit Type B – First Floor Plan
- xvii. A110 Unit Type C1 – First Floor Plan
- xviii. A111 Unit Type C1 – Second Floor Plan
- xix. A112 Unit Type C1 – Third Floor Plan
- xx. A113 Unit Type C1 – Roof Plan
- xxi. A114 Unit Type C1 – Basement Plan
- xxii. A115 Unit Type C2 – First Floor Plan
- xxiii. A116 Unit Type C2 – Second Floor Plan
- xxiv. A117 Unit Type C2 – Third Floor Plan
- xxv. A118 Unit Type C2 - Roof Plan
- xxvi. A119 Unit Type C2 - Basement Plan
- xxvii. A200 Unit Type A – Elevation
- xxviii. A201 Unit Type A – Elevation
- xxix. A210 Unit Type C-1 – Elevation
- xxx. A211 Unit Type C-1 – Elevation
- xxxi. A212 Unit Type C-1 & C-2 – Elevation
- xxxii. A213 Unit Type C-2 – Elevation
- xxxiii. A214 Unit Type C-2 - Elevation

3. The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assign, shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
4. All plans submitted shall be prepared, signed and sealed with valid registration in the Commonwealth of Massachusetts.
5. The Applicant shall submit an Approval Not Required Plan to the Board creating the new lot shown on the plans, and shall file such plan with the Norfolk Registry of Deeds.
6. The Project shall consist of not more than forty-eight rental apartment units, located in six residential structures, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of sixteen one-bedroom apartments (16 bedrooms), twenty-one two-bedroom apartments (42 bedrooms) and eleven three-bedroom apartment units (33 bedrooms) for a total of ninety-one bedrooms.
7. There shall be a minimum of seventy-two outdoor parking spaces (inclusive of required handicap spaces).
8. 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 by the Building Commissioner or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
9. 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.
10. 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.
11. 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 and landscape maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.

12. 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*

13. 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 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.
14. 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.
15. 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.
16. 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**

17. Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit, the Applicant shall:
  - a. Prior to plan endorsement, deliver to the Board a check in a reasonable amount determined by the Board to be used for the Board to retain outside experts for technical reviews and inspections required under these conditions. Said funds shall be deposited by the Board in an account pursuant to G.L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews and inspections, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.
  - b. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP). An Operations and Maintenance Plan and Long-term Pollution Prevention Plan shall be provided prior to the issuance of the first building permit.
  - c. Submit to the Board for review and receive its administrative approval of Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect.



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

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

The Applicant shall submit to the Building Commissioner a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than 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 Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Zoning Administrator concerning the Final Site Plans within thirty days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

- d. Submit to the Board for review and obtain its administrative approval of Final Landscape Plans which include landscaping and lighting plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
  - ii. Planting plans for 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;
  - vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
  - viii. Provide proposed lighting details and a photometric plan for review;

- ix. Clearly show dedicated and adequate area for snow storage;
- x. Show proposed water/sewer/gas/electric services to all buildings;
- xi. Tree protection and preservation plans; and
- xii. Construction details.
- xiii. Specifications for plantings, site amenities (including benches, trash cans, light fixtures, fencing, bike racks) will submitted for review by the Board.

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

18. 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 with the Building Commissioner.
- b. Submit to the Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (Department of Housing and Community Development), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board and the Building Commissioner a 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.
- d. Submit to the Building Commissioner final Architectural Plans. The Architectural Plans shall be submitted in such form as the Building Commissioner may request.
- e. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- f. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.
- g. Applicant shall demonstrate compliance with MassDEP's Stormwater Management Standards. The Applicant will provide an Operations and Maintenance Plan and Long-term Pollution Prevention Plan.



- h. Fire protection measures for construction shall be installed and in working order, in the form of installed and charged fire hydrants or other fire protection deemed adequate by the Fire Chief.
- i. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is thirty days or more overdue. In addition, any outstanding taxes, fees, betterments, or other monies due to the Town for any of the lots that are part of the Property shall be paid in full prior to issuance of any building permit.

**Construction Completion/Certificate of Occupancy**

- 19. 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.
  - 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 Plans in all material respects.
  - 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.
- 20. 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.

### **Project Design and Construction**

21. Prior to the commencement of any work on the Property, the Applicant and the 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.
22. Prior to Commencement of Construction, the Applicant shall provide to the Building Commissioner:
  - a. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
  - b. a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Property have been paid;
  - c. certification from the Applicant that all required federal, state and local licenses and permits have been obtained;
  - d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work (can be provided for each Phase);
  - e. proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel (can be provided for each Phase); and
  - f. at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice is required prior to restarting work.

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.

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



24. The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
25. The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
26. All site retaining walls four feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
27. 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 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.
28. Appropriate signage shall be shown on the Final Plans. The Applicant has not requested any waivers from the Town of Medway Bylaws regarding signs, and the Board has granted no such waivers.
29. The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
30. The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
31. The Applicant shall install lighting on the site that conforms to the Town of Medway's Zoning Bylaw. Dark-sky compliant lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties. Management of outdoor lighting shall be the responsibility of the Applicant.
32. Utilities, including but not limited to telephone, electric, and cable, shall be located underground. The contract with the Management Company shall note that no satellite dishes shall be allowed.
33. Soil material used as backfill for pipes, access drives, or structures shall be certified by the Design Engineer to the Building Commissioner as meeting design specifications, as applicable.
34. 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 both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.

35. 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.
36. Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. 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.
37. No building areas shall be left in an open, unstabilized condition longer than sixty days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
38. All trash bins and dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Applicant has not proposed any dumpsters for the Project.
39. 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 to the greatest extent practicable.
40. 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.
41. 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 and dispose of it properly.



42. 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.
43. 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.
44. 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.
45. The on-site children's play area shall be built according to the plans and renderings approved by the Board.

#### **Traffic/Traffic Safety Conditions**

46. Access and egress to the Project shall be consistent with the Approved Plans.
47. The northerly site access driveway shall be restricted to entering vehicles only. The southerly site access driveway shall be restricted to exiting vehicles only.
48. All obstructions (vegetation, fencing, etc.) within the sight triangles shall be maintained at heights that do not inhibit sight distance.
49. The Applicant shall ensure that adequate snow storage is provided at the site, and that trash bins and pick-up activity will not block on-site parking or circulation.
50. The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Medway Fire Department shall review the Final Plans to ensure compliance with this condition.
51. The Applicant shall work with the Medway Police Department to implement traffic calming measures along West Street in the site vicinity.
52. The Applicant should provide a clear delineation for visitor and management office/maintenance parking.
53. The Applicant shall provide confirmation that vehicles parked in the small compact spaces will not impede traffic in the drive aisle. The addition of wheel stops will further shorten the proposed spaces potentially causing vehicles to extend into the drive aisle.

**Police, Fire, and Emergency Medical Conditions**

- 54. 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.
- 55. The recommendations contained in correspondence from Chief Jeffrey Lynch of the Medway Fire Department, dated May 3, 2017 and June 19, 2017, shall be shown on the Final Plans.
- 56. 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**

- 57. The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- 58. All utilities, sewer and water infrastructure shall be installed in conformance with the Town's requirements. 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.
- 59. 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).
- 60. 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.
- 61. 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.
- 62. 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.
- 63. 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.

64. 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.
65. The Applicant shall utilize sensus water meters with automated reading capability to match system currently used by the Town.
66. 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**

67. 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.
68. 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 the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
69. The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
70. 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.
71. The Applicant shall consult with the Department of Public Services and the Board of Health regarding trash and recycling services.
72. This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction.
73. 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.

74. 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.
75. 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.
76. 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.
77. 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.
78. 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.

79. 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, rescinds 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 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; in the event of any conflict between the waivers set forth below and any Conditions set forth above, the Conditions shall control.

No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. 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 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).

<b>Medway General Bylaws</b>		
<b>Section Number</b>	<b>Title</b>	<b>Requirement, Waiver Requested</b>
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.

<b>Rules and Regulations of the Town of Medway Conservation Commission</b>		
<b>Section Number</b>	<b>Title</b>	<b>Requirement, Waiver Requested</b>
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.

**Medway Zoning Bylaws – Dimensional and Density Regulations (AR-II District)**

<b>No.</b>	<b>Regulation/Section</b>	<b>Required/ Permitted</b>	<b>Provided</b>	<b>Waiver Requested</b>
1.	Front Setback (ft.)	35'	14'	Yes
2.	Side Setback (ft.)	15'	13'	Yes
3.	Maximum Building Height (ft.)	35'	41'	Yes
4.	One Dwelling Per Lot	1 Dwelling Unit	48 Dwelling Units	Yes

	<b>Section Number</b>	<b>Title</b>	<b>Requirement, Waiver Requested</b>
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), also see Section 6.1	Lot Shape; Front Setback	The zoning by-laws sets a minimum front setback of 35 feet. The proposed project has a front setback of 14 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 20 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 72 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 (96 parking spaces).


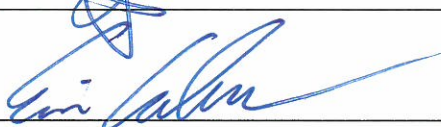



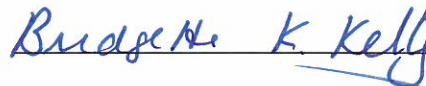

## V. Vote

By a vote of 5 to 0, the Zoning Board of Appeals hereby grants to the Applicant, Metro West Collaborative Development, Inc., a Comprehensive Permit to construct forty-eight rental apartment units in six residential buildings located at 0, 1, and 3 Glen Brook Way and 33 West Street, in accordance with G.L. c. 40B §§ 20-23 and its implementing regulations at 760 CMR 56.00 et seq., subject to the conditions herein.

### RECORD OF VOTE

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

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
  
\_\_\_\_\_

This vote was taken on August 2, 2017.

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

This Decision was filed in the Office of the Town Clerk on August 10, 2017.

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

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

(Intentionally Left Blank)



## **APPENDIX A: LIST OF DOCUMENTS AND EXHIBITS**

(Not attached unless noted)

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 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. Correspondence from Dana Altobello, Merrill Engineers and Land Surveyors, regarding Charles River Pollution Control District sewer capacity, received August 2, 2017

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. Correspondence regarding Lot Release for 33 West Street, received July 5, 2017
20. 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
21. 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
22. Correspondence containing Proposed Conditions from Tetra Tech, Peer Review Engineering Consultant, received July 26, 2017

###