

**Board Members**

Matthew J. Hayes, P.E., Chair  
Robert Tucker, Vice Chair  
Richard Di Iulio, Clerk  
Jessica Chabot, Member  
Sarah Raposa, A.I.C.P., Member  
Thomas A. Gay, Associate  
Member



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**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS  
**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

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July 15, 2022

**MULTI-FAMILY HOUSING SPECIAL PERMIT, MAJOR SITE PLAN,  
and LAND DISTURBANCE PERMIT DECISION  
288 Village Street  
APPROVED with Waivers and Conditions**

**Decision Date:** July 12, 2022

**Name of Applicant/Permittee:** Tony J. Leland, Sr. and Dawn M. Leland

**Address of Applicant:** 290 Village Street  
Medway, MA 02053

**Name/Address of Property Owners:** Tony J. Leland, Sr. and Dawn M. Leland  
290 Village Street  
Medway, MA 02053

**Project Location:** 288 Village Street

**Assessors' Reference:** Map 58, Parcel 83

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

**Engineer:** Norman, G. Hill, P.E.  
Land Planning Inc.  
Bellingham, MA 02019

**Site Plan:** *Site Development Plan, Multi-Family Building Located at 288 Village Street, Medway, MA* by Land Planning, Inc. of Bellingham, MA, dated April 1, 2022, last revised June 30, 2022, to be further revised as specified herein

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# **TOWN OF MEDWAY**

## COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

July 15, 2022

### **MULTI-FAMILY HOUSING SPECIAL PERMIT, MAJOR SITE PLAN, and LAND DISTURBANCE PERMIT DECISION 288 Village Street APPROVED with Waivers and Conditions**

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**I. PROJECT DESCRIPTION** – The Applicant proposes to construct a 3-unit residential condominium building at 288 Village Street. The site is .52 acres in area and is located in the Agricultural-Residential II zoning district and the multi-family housing overlay district. The project includes construction of one 3-family, townhouse style building; each unit will have a front porch and a rear deck. Site improvements include a 16’ driveway, parking, utilities, grading, landscaping, and stormwater management facilities. Access to the development will be from Village Street in the location where the current driveway is located. A total of 9 off-street parking spaces will be provided at the rear of the site. Connections will be made to existing Town sewer and water services on Village Street.

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

**II. VOTES OF THE BOARD**

A. **Multi-Family Housing Special Permit** - After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on July 12, 2022, on a motion made by Robert Tucker and seconded by Sarah Raposa, *voted to approve with CONDITIONS a Multi-Family Housing Special Permit for a 3-unit multi-family residential development at 288 Village Street to Tony J. Leland, Sr. and Dawn L. Leland of Medway, MA (hereafter referred to as the Applicant or the Permittee)*

The motion was approved by a vote of five in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

B. **Site Plan** - After reviewing the application and information gathered during the public hearing and review process, the Board, on July 12, 2022, on a motion made by Robert Tucker and seconded by Sarah Raposa, voted to approve with WAIVERS and CONDITIONS a site plan for the development of a three unit, multi-family residential development and associated site improvements at 288 Village Street as shown on a plan titled *Site Development Plan, Multi-Family Building located at 288 Village Street, Medway, MA*, dated April 1, 2022, last revised June 30, 2022, prepared by Land Planning, Inc. of Bellingham, MA, to be further revised as specified herein before endorsement and recording.

The motion was approved by a vote of five in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

C. **Land Disturbance Permit** - After reviewing the application and information gathered during the public hearing and review process, the Board, on July 12, 2022, on a motion made by Robert Tucker and seconded by Sarah Raposa, voted to approve with **CONDITIONS** a Land Disturbance Permit for the development of a three unit, multi-family residential development and associated site improvements at 288 Village Street, Medway, MA as shown on a plan titled *Site Development Plan, Multi-Family Building located at 288 Village Street, Medway, MA*, dated April 1, 2022, last revised June 30, 2022, prepared by Land Planning, Inc. of Bellingham, MA, to be further revised as specified herein before endorsement and recording.

The motion was approved by a vote of five in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

### **III. PROCEDURAL HISTORY**

- A. April 19 and 27, 2022 – Special permit, site plan, and land disturbance applications and associated materials filed with the Board
- B. April 27, 2022 – Special permit and site plan applications and associated materials filed with the Medway Town Clerk
- C. April 26, 2022 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. April 26, 2022 - Public hearing notice mailed to abutters by certified sent mail.
- E. May 9 and May 17, 2022 - Public hearing notice advertised in *Milford Daily News*.
- F. May 23, 2022 – Site plan information distributed to Town boards, committees and departments for review and comment.
- G. May 24, 2022 - Public hearing commenced. The public hearing was continued to June 28 and July 12, 2022 when the hearing was closed, and a decision rendered.

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

- A. The special permit, site plan, and land disturbance application submittal for the proposed 288 Village Street condominium development included the following documents, plans, studies and information that were provided to the Board at the time the application was filed:
  - 1. Multifamily Housing Special Permit, site plan approval, and land disturbance permit applications received April 19 and 27, 2022 with Project Narrative prepared by William Halsing, P.L.S, of Land Planning, Inc. of Bellingham, MA.
  - 2. *Site Development Plan, Multi-Family Building Located at 288 Village Street, Medway, MA* by Land Planning, Inc. of Bellingham, MA, dated April 1, 2022

3. Building elevation and landscaping plan *Leland Triplex – Front and Left Exterior Elevations*, dated February 3, 2022 by CME Architects, Inc. of Plainville, MA
  4. Certified abutters list from Medway Assessor’s office dated April 12, 2022
  5. *Development Impact Statement* prepared by Land Planning Inc.
  6. Requests for Waivers from *Site Plan Rules and Regulations* dated April 26, 2022 prepared by Land Planning, Inc.
  7. Quit Claim deed dated October 9, 2018 conveying 288 Village Street from Donald and Susan Lloyd to Tony J. Leland, Sr. and Dawn M. Leland, recorded at the Norfolk County Registry of Deeds.
  8. *Stormwater Report – Multi-Family Site Development, 288 Village Street, Medway, MA*, dated April 5, 2022 prepared by Land Planning, Inc.
- B. During the course of the Board’s review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Updated Land Disturbance Permit application – received June 24, 2022.
  2. *Site Development Plan, Multi-Family Building Located at 288 Village Street, Medway, MA* prepared by Land Planning, Inc. of Bellingham, MA, dated April 1, 2022, REVISED May 25, 2022, June 23, 2022, and June 30, 2022,
  3. *Stormwater Report – Multi-Family Site Development, 288 Village Street, Medway, MA*, prepared by Land Planning, Inc., prepared by Land Planning, Inc. dated April 5, 2022, REVISED June 23, 2022
  4. Response letters dated May 25, 2022 and June 23, 2022 from William Halsing, Land Planning, Inc. to various Tetra Tech plan review letters.
  5. Resubmission email dated June 24, 2022 from Stephen Balcewicz, Land Planning, Inc. with revised site plan, additional waiver requests, and other revised documents.
  6. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated June 1, 2022, June 30, 2022 and July 11, 2022 prepared by Land Planning, Inc.
  7. Architectural plans *New Construction for Leland Triplex, 288 Village ST. Medway, MA* by CME Architects, dated April 14, 2022
  8. Building elevation and landscaping plan *Leland Triplex – Front and Left Exterior Elevations*, dated February 3, 2022 by CME Architects, Inc. of Plainville, MA with additional landscaping plan shown on west side of proposed building (received July 12, 2022).
- C. Other documentation submitted to the Board during the course of the public hearing:
1. Tetra Tech plan review letters dated May 17, June 13, and July 7, 2022.
  2. Email from DPW Compliance Officer Stephanie Carlisle dated June 3, 2022 re: compliance with Town’s MS4CD requirements.
  3. Email from Deputy Fire Chief Mike Fasolino dated May 23, 2022 authorizing a 16’ driveway width.
  4. Email from DPW Water and Sewer Superintendent Barry Smith dated June 13, 2022 re: water and sewer connections and fire hydrant.
  5. *Mullin Rule Certification* from Robert Tucker for absence from the June 28, 2022 public hearing.

6. Email communication dated May 23, 2022 from abutter Rick Luzetti, 6 Williams Street.
7. Email communication from Conservation Agent Bridget Graziano dated July 11, 2022.

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town’s Consulting Engineer
- William Halsing, P.L.S, Land Planning, Inc. for the Applicant
- Stephen Balcewicz, E.I.T., Land Planning Inc. for the Applicant
- Tony Leland, Applicant

**VI. FINDINGS** - The Board, at its meeting on July 12, 2022, on a motion made by Robert Tucker and seconded by Sarah Raposa, voted to approve the following **FINDINGS** regarding the site plan, multi-family special permit, and land disturbance permit applications for the proposed 288 Village Street condominium development. The motion was approved by a vote of five in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

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

Applicability

- 1) **Location** - *The site is within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for the multifamily housing proposal.*
- 2) **Traffic capacity** - *Village Street is a major artery within the town and has sufficient capacity to handle the traffic from the 3 additional proposed dwelling units. The 3 units do not rise to the level of triggering the requirement for a traffic study.*
- 3) **Parcel size & frontage** –*The site consists of 0.52 acres, which exceeds the minimum lot area requirement of 22,500 square feet. The site has 133 linear ft. of frontage on Village Street so it meets the minimum 50’ frontage requirement of Section 5.6.4.B. 1. of the Bylaw.*

Dimensional

- 4) **Dimensional Adjustments** – *The other dimensional requirements of the underling AR-II zoning district apply to this project, as set forth in Table 2 of Section 6 of the Bylaw. As shown on the site plan dated 6-30-22, the proposed front setback is 30’; the required minimum front setback is 35’. Section 5.6.4.C.2. of the Bylaw authorizes the Board, by a four-fifths vote, to adjust dimensional requirements. The Board finds that such*

*adjustment is suitable for the site as the reduced front setback allows for the required parking to be located at the back of the site, out of public view.*

*The minimum rear setback requirement is 15'; the site plan shows a rear setback of 73'. The minimum side setback requirement is 15'; the site plan shows 17' on the west and 36' on the east. The project complies with maximum lot (building) coverage (15% provided vs. 30% maximum allowed) and the maximum impervious surface standard (39.5% provided vs. 40% allowed).*

- 5) **Building Height** - *As noted on the plans, the height of the 3-unit building will be 30' feet, less than the maximum 40' allowed.*

#### Density

- 6) **Density** - *The maximum density for a multifamily development on a lot less than one acre shall not exceed its relative portion of an acres. With 0.52 acres, the maximum number of possible dwelling units would be 4. With 3 units as proposed, the project is under the maximum possible density.*

#### Special Regulations

- 7) **Affordable Housing** - *At only 3 dwelling units, the affordable housing requirements of Section 8.6.C. of the Bylaw does not apply.*
- 8) **Open Space** - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 60.5% open space provided as noted on the site plan. See Specific Condition D. 1 requiring that open space areas on the site be specifically designated as such on the revised site plan to be presented for endorsement.*
- 9) **Parking spaces** - *Two off-street spaces per unit (6 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw (1.5 spaces per unit plus 1 visitor space per every 2 units). 9 off-street parking spaces are provided.*
- 10) **Town water and sewer service** - *The project will be served by Town water and sewer.*
- 11) **Number of units** - *The number of units proposed (3) is less than the 4 unit maximum possible allowable for a site of this size under the Bylaw.*
- 12) **Historic Properties** - *The former vintage residential structure building on the site was razed in January 2022 after the Medway Historical Commission determined it was not a "historically significant building".*

#### Decision Criteria

- 13) **Meets purposes of Multi-family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations** - *The project meets the following purpose of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of townhouse style units. The project, as reviewed and revised, also meets the purpose of the Site Plan Rules and Regulations. The plans have been reviewed by Town officials and the Board's Consulting Engineer to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were reviewed, considered and plan revisions have been incorporated.*

- 14) **Consistent with the Medway Housing Production Plan** - *The project is consistent with Medway's Housing Production Plan in that it fulfills the implementation strategy of encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for multifamily housing.*
- 15) **Impact on abutting properties and adjacent neighborhoods** - *The impact on abutting properties and adjacent neighborhoods has been suitably addressed. The northern boundary of the site includes fencing to screen the properties of the addressed through vegetative screening, and the aesthetics of the buildings.*
- 16) **Variety of housing stock** - *The development increases the variety of housing stock in the community by providing four duplex buildings, and one 3-unit building.*
- 17) **Designed to be reflective of or compatible with the character of the surrounding neighborhood** - *The surrounding neighborhood includes a mix of housing types including single family, multi-family, and a complex of independent living cottages and assisted living units currently under construction. Therefore, the proposed development is compatible with the surrounding neighborhood.*

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

- 1) **The proposed site is an appropriate location for the proposed use.** *The site has direct access from Village Street and traffic will not impact abutting residential neighborhoods. The previous building on the property was a 2-family structure. The site is nearby to Anderson Village, a multi-family condominium development in a former school building at 280 Village Street. A 12-unit multi-family development is under construction at 274-276 Village Street and the Salmon Willows multi-family senior living community is operational and under construction at 257-261 Village Street.*
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed multi-family use. Town officials and the Town's Consulting Engineer have all reviewed the proposed facilities. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. And the stormwater management system has been designed in accordance with the applicable State and local regulations.*
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.** *The proposed use adds 3 residential dwelling units off a major east/west through street. The driveway entrance from Village Street to the site has more than adequate sight distance in both directions and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist in front of the property*

*on Village Street and within the new development. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and will not present a hazard to the environment.*

- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** *Village Street has the capacity to handle the traffic from the additional 3 residential units. The entrance has been designed for maximum sight distance so the development will not cause undue traffic congestion or conflicts.*
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. Household refuse will be disposed of by curb-side pickup as is standard along Village Street. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts.*
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** *The proposed use is within the Multi-Family Housing Overlay District. It is near a multi-family condominium development (Anderson Village) and an independent and assisted living development currently under construction (Salmon Willows) and thus will not alter the character of the neighborhood.*
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** *The Multi-Family Housing Overlay District was established to accommodate this type of use subject to certain conditions to limit adverse impacts. The proposed use is in harmony with the general purpose and intent of the Bylaw.*
- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity.*
- 9) **The proposed use will not be detrimental to the public good.** *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impact. The proposed development has reasonable and appropriate density in a suitable location.*

***For all the above reasons, the Board finds that the beneficial impacts of the proposed 288 Village Street tri-plex residential building outweigh the effects of the proposed use on the Town and neighborhood.***

C. **SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019. and Section 3.5 of the *Bylaw*:

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

**traffic backing up into the public way is minimized?** *The plan has been thoroughly reviewed by Town officials and the Board's Consulting Engineer. No access from minor streets is necessary or available, there is no backing onto a public way, and Village Street is adequate to safely handle the additional traffic from the 3 new housing units.*

- 2) **Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?** *The proposed building is residential, and its scale and materials are suitable for the site and use. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials and scale.*
- 3) **Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g., waste removal) from public views or from (nearby) premises residentially used and zoned.** *Resident and visitor parking for the dwellings is located at the rear of the site and was relocated there from originally proposed front parking as had been recommended by the Board. The abutting property to the north includes a fence so abutter screening is already in place. The eastern portion of the site is heavily wooded and will remain as such.*
- 4) **Is adequate access to each structure for fire and service equipment provided?** *The proposed structure is accessible from the driveway and is located relatively close to Village Street. The Deputy Fire Chief has reviewed the plan, has not identified any access issues, and has authorized the use of a 16' wide driveway. A sprinkler system will be installed in the building.*
- 5) **Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?**
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and recommended modifications have been incorporated into the plan set. Appropriate soil pollution and erosion controls are included. The plan does not show any waterways or environmental resource areas. No extraordinary noise will be generated by a tri-plex building. No stone walls are being removed. The subject site was previously disturbed so the impact on the environment is minimal.*

- 6) **Is pedestrian and vehicular safety both on the site and egressing from it maximized?** *The proposed use is for 3 residential units off a major street. The entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians. There is sidewalk along the north side of Village Street adjacent to the subject property. Within the site, sidewalks will be constructed to connect parking areas to unit entrances.*

- 7) **Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?** *There are no visually prominent natural or historic features on site.*
- 8) **Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?** No site lighting is planned for the parking area. Building light fixtures are those standard for residential use.
- 9) **Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources?** *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work is reasonable and there are no sensitive environmental resources on the property. The Conservation Agent has indicated that the proposed scope of work is not within the Commission's jurisdiction.*

D. **LAND DISTURBANCE FINDINGS** - The Board finds that the work proposed for construction of a 3-unit residential development with the associated stormwater management system, utilities, parking and access was presented at a public hearing where the Applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI Stormwater Management and Land Disturbance.

**VII. WAIVERS** – At its July 12, 2022 meeting, the Board, on a motion made by Robert Tucker and seconded by Sarah Raposa, voted to grant **WAIVERS** from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of five in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Matthew Hayes	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

**SITE PLAN SUBMITTAL REQUIREMENTS – Section 204-3**

- 1) **Section 204 – 3. F. 1 Traffic Impact Assessment** - A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
  - (a) proposes an additional twenty or more parking spaces;
  - (b) contains frontage or proposes access on a public way.
  - (c) includes uses expected to generate an additional one hundred trips to or from the site on an adjacent roadway during a peak hour.

*The Applicant has requested a waiver from the requirement for a full traffic impact analysis due to the relatively small size of this proposed development (3 units). Instead, the Applicant has provided a brief traffic overview. The development's proposed access and egress is on a straight portion of Village Street that offers more than 610' feet of sight distance to the west and more than 800' to the east. It is noted*

*that the site previously housed a 2-family structure, so the new development will have a minimal incremental traffic impact. The location is served by a sidewalk on the north side of Village Street, the same side as the proposed development, and provides safe pedestrian access to and from the site. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 2) **Section 204 – 3. F.2. Environmental Impact Assessment** - An *Environmental Impact Assessment* is needed if the project involves one or more of the following characteristics:

- (a) proposes an additional thirty or more parking spaces;
- (b) proposes a building footprint of fifteen thousand (15,000) square feet or greater;
- (c) proposes to disturb twenty thousand square feet of land or greater;
- (d) proposes a project that is subject to the Town’s Stormwater and Land Disturbance Bylaw.

*The Applicant has requested a waiver from the requirement for a full environmental impact assessment and has asked that the scope of environmental review be limited to stormwater evaluation. The Applicant has provided a stormwater drainage report which has been thoroughly reviewed by the Board’s consulting engineer. The Town’s Conservation Agent has commented that the proposed scope of work is not within the Conservation Commission’s jurisdiction. The site is already disturbed due to its most recent past use with a 2-family structure. Given the previously disturbed nature of the site, it does not contain substantive undisturbed animal habitats nor are there any endangered species on the site. Movement of wildlife will not be impeded by the development as there are no large parking areas and the landscaping will include native trees, grasses and bushes. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 3) **Section 204 – 3 F.3 Neighborhood Impact Assessment**

*The Applicant has requested a waiver from this requirement indicating that the project is consistent with the surrounding neighborhood. The proposed project is quite modest in size and is only slightly larger than the previous two-family building on the property. The site is nearby to Anderson Village, a multi-family condominium development in a former school building at 280 Village Street. A 12-unit multi-family development is under construction at 274-276 Village Street and the Salmon Willows multi-family senior living community is operational and under construction at 257-261 Village Street. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 4) **Section 203 – 3 H. Construction Management Plan**

*The Applicant has requested a waiver from the requirement to prepare a full construction management plan. Instead, a general construction sequencing was*

*included in the project narrative. This seems sufficient considering the small scale of this residential project. During the pre-construction meeting, the Applicant will be required to provide an updated construction sequencing plan. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

5) **Section 204 – 3 K. Order of Resource Area Determination, Order of Conditions, or a Determination of Applicability from the Conservation Commission**

*The Applicant has requested a waiver from this requirement indicating that the nearest resource area is more than 150' away from the property boundaries. The Conservation Agent has provided an email indicating that the proposed work depicted on the 288 Village Street site plan is not within the Conservation Commission's jurisdiction. In light of that communication, there is no added value in requiring the Applicant to go through the Conservation permitting process. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

**SITE PLAN CONTENTS REQUIREMENTS – Section 204-5**

6) **Section 204-5 D. 8) Landscape Plan** - A Landscape Plan shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts and shall (*details on what is to be included in a landscape plan.*)

*The Applicant has requested a waiver from this requirement because of the small size of the proposed residential development. A modest landscaping plan prepared by CME Architects of Plainville, MA. has been provided which includes typical residential plantings along the front of the new building. **For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

7) **Section 204-5 D. 10) Color Renderings** – Color renderings of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent property.

*The Applicant has requested a waiver from this requirement asking that the provided colored elevation of the building's front façade be considered as sufficient. **Due to the small scale of this residential development, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

8) **Section 204-5 D. 14) Master Signage Plan**

*The Applicant has requested a waiver from this requirement and has indicated that signage is not consistent with the neighborhood. As this is a very small development, there is no plan for a building specific sign at the driveway entranceway, and there are no commercial tenants who need signage. Accordingly, there is no need for a master signage plan. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

9) **Section 204-5 D. 15) Lighting Plan** in conformance with Section 7.1.2 D. of the Zoning Bylaw.

The Applicant has requested a waiver from this requirement indicating that no light poles are proposed in the parking lot area. The only planned lighting is that consistent with typical residential use. *For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

#### **SITE PLAN DEVELOPMENT STANDARDS**

10) **Section 207-11 Traffic and Vehicular Circulation A. Site Access 3) Site entrance and exit driveways shall have an obstructed paved width of at least twenty feet.**

*The Applicant has requested a waiver from this requirement to reduce the driveway width from the required 20' to 16'. The Applicant indicates this is more characteristic of the residential neighborhood as compared to a commercial development and will also reduce the amount of impervious surface needing stormwater management. The Deputy Fire Chief has reviewed the request and approved the reduced driveway width to 16'. Further the new building will be sprinklered. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

11) **Section 207-11 Traffic and Vehicular Circulation A. Site Access 4) Site entrances shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening, shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway, and shall be sloped at the end to prevent a vertical obstruction to exist.**

*The Applicant has requested a waiver from this requirement and has asked that the entire requirement be waived such that there is no curbing at the driveway entrance. The Applicant notes this approach will be more consistent with the Village Street aesthetic and other driveway entrances in the area. However, a granite transition curb will be provided on each side of the driveway. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent*

*of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 12) **Section 207-11 Traffic and Vehicular Circulation A. Site Access 13) No part of any driveway shall be located within 15' of a side property line when the property abuts a residential use or zone.**

*The Applicant has requested a waiver from this requirement to allow the driveway to be located within 11' of the adjacent property to the east. The Applicant indicates this is consistent with the neighborhood. Further, such accommodation is needed to provide a 16' wide driveway as specified by the Medway Fire Department. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 13) **Section 207-11 Traffic and Vehicular Circulation B. Internal Site Circulation 2) - The perimeter of drive aisles shall be bounded with vertical granite curbing**

*The Applicant has requested a waiver from this requirement as it pertains to the driveway into the site from Village Street and has asked that no curbing be required at all on the driveway. The Applicant indicates this is consistent with the surrounding neighborhood. The absence of curbing contributes to suitable stormwater retention on site. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 14) **Section 207-12 Parking G. Parking Spaces 3) b) Parking spaces shall not be located within fifteen feet of the front, side, and rear property lines.**

*The Applicant has requested a waiver from this requirement to reduce the rear setback distance for the parking area from 15' to 9'. This adjustment allows for the placement of the required number of parking spaces at the rear of the site (out of public view) and provides suitable vehicular maneuverability. The Applicant indicates that there is already a 6' high fence along the full length of the northern (back property line) so there will be sufficient buffering for the adjacent property. Further, the use of the adjacent property is for a garage for 290 Village Street. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 15) **Section 207-12 Parking H. Curbing 1) – The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement curb to delineate the parking lot and collect and direct stormwater runoff.**

*The Applicant has requested a waiver from this requirement and proposes to have no curbing in the parking area. The Applicant indicates this is consistent with the neighborhood. No curbing is beneficial for on-site stormwater runoff infiltration. For the foregoing reasons, the Board approves this waiver request as being*

***consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

- 16) **Section 207-12 Parking H. Curbing 2) – All curbing (in parking areas) shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.**

*The Applicant has requested a waiver from this requirement. The Applicant indicates this is consistent with the neighborhood. No curbing is beneficial for on-site stormwater runoff infiltration. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 17) **Section 207-16 Utilities A. All electric, telephone, cable TV, and other utilities shall be located underground.**

*The Applicant has requested a waiver from the requirement that all utilities be located underground and has asked that they be allowed to use the existing utility pole located on the south side of Village Street across from the subject property and to run overhead electrical service from that pole to the new building. Doing so will avoid the disruption that would occur from working within Village Street to install underground service or from adding a new utility pole on the north side of Village Street. For the foregoing reasons, the Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board’s approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), is consistent with *Site Plan Rules and Regulations*, and complies with ARTICLE XXVII Stormwater Management and Land Disturbance of the Medway General Bylaws, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board’s issuance of a special permit, site plan approval, and land disturbance permit is subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The maximum number of dwelling units to be developed under this special permit shall be three.
  2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *Site Development Plan, Multi-Family Building Located at 288 Village Street*,

Medway, MA by Land Planning, Inc. of Bellingham, MA, dated April 1, 2022, last revised June 30, 2022, to be further revised as specified herein; and

- c) in accordance with subsequent approved plans or amendments to this special permit and site plan.
3. The tract of land for 288 Village Street shall not be used, sold, transferred, or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for 288 Village Street prepared by Land Planning Inc. dated April 1, 2022, last revised June 30, 2022, including a landscaping plan, building elevations, and floor plans by CME Architects, shall be further revised to reflect all Conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the June 30, 2022 site plan shall be revised as follows:
1. Include the full list of APPROVED Requests for Waivers
  2. Add reference to the architectural elevations with landscaping and floor plans by CME Architects, Inc. of Plainville, MA to the Legend
  3. Include a new plan revision date
  4. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
  5. Add a reference to the Long-Term Stormwater Operations and Maintenance Plan to the Legend
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the June 30, 2022 site plan by Land Planning Inc.
1. Designate permanent open space areas to fulfill the minimum 15% open space requirement.
  2. A sheet shall be added to the plan set to include the property's Long Term Stormwater Operations and Maintenance Plan.
  3. The curb detail for the driveway opening from Village Street shall be revised to include a 6' straight GRANITE transition curb at each side of the driveway opening to match existing driveways in the immediate area
  4. The following shall be added to the plan set - Building elevation and landscaping plan *Leland Triplex – Front and Left Exterior Elevations*, dated February 3, 2022 by CME Architects, Inc. of Plainville, MA with additional landscaping plan shown on west side of proposed building as provided July 12, 2022.
  5. The site plan set shall be revised to indicate that the landscape buffer on the east side of the site is comprised of existing vegetation.

- E. **Other Documentation** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
1. *Stormwater Report – Multi-Family Site Development, 288 Village Street, Medway, MA*, prepared by Land Planning, Inc., prepared by Land Planning, Inc. dated April 5, 2022, last revised June 23, 2022 shall be further revised to include:
    - calculations pertaining to a stone diaphragm and vegetated filter strip
    - calculations pertaining to phosphorus removal
  2. Copy of a sample deed to be used to convey each dwelling unit for review, comment, revision and approval by Town Counsel. The deed shall clearly state that the 288 Village Street Condominium Association (or whatever name will be used) shall own and be responsible for the maintenance and upkeep of development's driveway, the stormwater management system, and all other infrastructure.
  3. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, revision and approval by Town Counsel.
- F. **Recording of Plans and Documents**
1. The Plan of Record associated with this special permit is titled: *Site Development Plan, Multi-Family Building Located at 288 Village Street, Medway, MA* by Land Planning, Inc. of Bellingham, MA, dated April 1, 2022, last revised June 30, 2022, to be further revised as specified herein.
  2. No construction shall begin on the site and no building permit for any of the new units shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds.
    - a) This special permit, site plan, and land disturbance permit decision
    - b) Plan of Record endorsed by the Board
    - c) Performance Security Covenant with the Board
  3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.
    - a) 288 Village Street Condominium Master Deed
    - b) Declaration of Trust of the 288 Village Street Condominium Association
  4. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded or supply another alternative verification that such recording has occurred.
- G. **Open Space/Yard Area** - At least 15% of the site shall be permanently retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the 288 Village Street Condominium Association. This area shall be unpaved but may be

landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space, subject to field change or plan modification requirements. The landscaped area along the eastern edge of the site shall not be included in the minimum required 15% open space area.

H. ***Ownership/Maintenance of Common Areas***

1. The driveway, stormwater drainage facilities, commons areas, and all other infrastructure shall be owned and maintained by the 288 Village Street Condominium Association. It is the intent of the Board that these facilities will not be accepted by the Town of Medway.
2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
  - a) Driveway and parking areas
  - b) Stormwater management facilities
  - c) Internal site sidewalks
  - d) Snowplowing/sanding
  - e) Landscaping

I. ***Occupancy Permit*** - No occupancy permit may be issued for any unit until the following items, at a minimum, are installed in compliance with this Decision, the Plan of Record, and applicable by-laws and regulations and approved by the Board's consulting engineer.

1. Driveway and parking area gravel sub-base
2. Driveway area and parking area binder course
3. Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
4. As-built plan of each stormwater facility with all critical elevations and details.
5. Stop line pavement markings and stop sign if required.
6. Provisions for fire prevention and protection. Private water main/service to be constructed, installed and functional.

See General Condition L. for performance security requirements.

J. ***Sidewalk*** – Any damage to the sidewalk on the north side of Village Street along the subject site's frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works before the occupancy permit is issued for the 2<sup>nd</sup> condominium unit.

K. ***The Master Deed for the 288 Village Street Condominium shall include the following language:*** "The construction and operation of the condominium is authorized by a Multi-family Housing Special Permit and Site Plan approval granted by the Medway Planning and Economic Development Board on July 12, 2022, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds.

- L. **Water Conservation** – The development is relying on the Town’s public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
1. Any landscape irrigation system may not be connected to municipal water supply
  2. rain-gauge controlled irrigation systems
  3. low flow household fixtures
  4. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
- M. **Addresses** – The addresses for the 288 Village Street condominium shall be as determined by the Medway Assessor’s office upon consultation with the Medway Fire and Police Departments.
- N. **Development Signage** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- O. **Parking** – The plan includes 3 off-street parking spaces per unit for a total of 9 spaces. Parking shall occur only on the 288 Village Street premises and reference to this requirement shall be included in the unit deeds and condominium association documents.
- P. **Stormwater Management and Land Disturbance – Pre-Construction**
1. See General Condition H. 2. regarding the required Pre-Construction Meeting.
  2. No clearing of vegetation, including tree cutting or disturbance of soil, shall occur prior to the Permittee’s Pre-Construction Meeting with Town staff and the Board’s consulting engineer.
  3. Prior to the Pre-Construction Meeting and commencement of any work on the site, the erosion control plan included in the Plan of Record shall be set and the limit of work lines shall be staked. The Permittee shall notify the Board’s consulting engineer to schedule an inspection to ensure that erosion controls and limits of work have been properly located and installed. The location of erosion controls and limits of work lines shall be adjusted, if necessary, during this inspection. No site work shall be conducted until the Board’s consulting engineer has inspected and approved the installation of the erosion controls and limits of works.
  4. Immediately after the Pre-Construction meeting, all erosion controls and limits of work lines shall be installed along the approved and staked lines. Such installation shall occur with the least possible disturbance to vegetation. Erosion controls should be placed around trees, shrubs and other vegetation, on the uphill side. The installed erosion control measures shall be inspected, adjusted if needed, and approved by the Board’s consulting engineer to ensure they have been properly installed.
  5. At least 5 business days prior to the commencement of construction activity, the Permittee shall advise the Board of the name(s) and contact information

of the person(s) responsible on site for compliance with this Permit. This person shall serve as Clerk of the Works and shall supervise the contractor and inspect the site regularly. The Permittee shall be responsible for immediately notifying the Board of any change in the identify or contact information for the on-site person responsible for compliance.

6. Prior to construction, the general contractor shall designate a construction staging area within designed location as depicted on the approved site plan. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be located in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
7. Prior to construction, an area for cleanup and/or maintenance of construction equipment shall be designated. Prior to commencement of work, the Permittee shall designate a location for a concrete washout and other washout areas which shall be surrounded by siltation controls. The locations and form of siltation controls shall be approved by the Board's consulting engineer.
8. Prior to commencing any work on site, the Permittee shall install a stone construction entrance (tracking pad) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".

Q. **Stormwater Management and Land Disturbance During Construction** – Until transferred to the 288 Village Street Condominium Trust, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition in accordance with the stormwater management plan and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Board. Construction is subject to the Stormwater Operations and Maintenance Plan within the Stormwater Report for 288 Village Street, prepared by Land Planning, Inc. dated April 5, 2022, last revised June 23, 2022, to be further revised as specified herein.

1. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the authorized work are fully aware of the Permit's terms and Conditions and the stormwater operations and maintenance plan for construction. This decision document shall be included in all construction contracts, subcontracts, and specifications dealing with the planned work.
2. Copies of this decision, the Plan of Record, the stormwater report including the stormwater operations and maintenance plan shall be kept on site at all times while the site is under construction.
3. Erosion Control - It is the Permittee's responsibility to conduct monitoring, maintenance, reporting, and repair of erosion control measures, and to take any additional measures necessary to control erosion from the site. The

erosion control measures specified in the Plan of Record shall be the minimum standard for compliance.

- a) The Permittee shall designate an Erosion Control Inspector who shall be responsible for these duties.
  - b) Erosion Control Measures shall be placed to ensure that no sedimentation will reach the Town's right-of-way (Village Street) or abutting properties. Choice of suitable silt fence materials shall be in accordance with the approved plan and details.
  - c) Maintenance of Erosion Control Measures - Appropriate erosion control devices shall be maintained during construction. The erosion control specifications provided in the Land Disturbance Application and the erosion control provision in the Permit and approved site plan will be the minimum standards for this project; additional measures may be required by the Board. These will be maintained until the Permittee's Erosion Control Inspector and the Board's consulting engineer agree that they are no longer needed, at which time they will be removed, using removal procedures that the Board's consulting engineer finds satisfactory. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the Permittee or its designee shall inspect the erosion controls daily and shall remove all sediment when accumulated to a depth of two inches or greater. The Permittee shall immediately control all erosion on the site and shall immediately notify the Board of any breaches of the erosion control barriers by sediment or silt-laden water.
  - d) Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped into, any on-site drainage system. Any such washing shall occur only in the designated washout areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - e) All construction equipment shall be inspected regularly and properly maintained and precautions shall be taken to prevent any leakage or spilling of oil, gasoline, hydraulic fluid, and other pollutants. Any leakages shall be repaired immediately. Any such leakage or spilling must be cleaned up immediately and disposed of off-site. The Board's consulting engineer shall be notified immediately in the event of any leakage or spillage.
5. Reporting – The Permittee's Erosion Control Inspector shall conduct, and document inspections of all erosion control measures no less than bi-weekly during construction and immediately after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours and provide such reports to the Board and the Board's consulting engineer. The purpose of such inspections will be to determine the overall effectiveness of the erosion control plan and the need for maintenance or additional control measures.
  6. Throughout construction and until the development is transferred to the 288 Village Street Condominium Association, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-

functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of a field change by the Board.

7. Throughout construction, the Board's consulting engineer shall regularly inspect the site to determine if the site and erosion controls are being maintained and shall provide corrective guidance to the Permittee for actions needed to address any stormwater management and erosion control deficiencies. Failure to adequately maintain the site shall be grounds for the Town to withhold building and/or occupancy permits.
8. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
9. All stockpiles shall be positioned within the limit of work area as depicted on the approved plan or as authorized by the Board's consulting engineer.
10. Fill – Any fill being brought onto the site from any off-property sources shall be free of trash, invasive species, deleterious material, and chemical contaminants in excess of the Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Prior to delivering fill to the project site, the soil shall be sampled at its source and a certification provided to the Board and. The certification shall include a letter signed by a Licensed Site Professional (LSP) describing the site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this Condition. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

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

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

Washed stone materials are exempt from testing.

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

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

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

1. The stormwater drainage system, water and sewer systems shall be maintained by the Permittee, its successors and assigns, and the 288 Village Street Condominium Association and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
2. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the long-term stormwater operation and maintenance plan included with the stormwater/drainage report submitted with the application, as revised, and as included in the Plan of Record.
3. Ongoing enforcement of compliance with the long-term *Stormwater Operations and Maintenance Plan* is the responsibility of the Medway Department of Public Works (DPW). The plan may be amended by mutual agreement of the DPW and the 288 Village Street Condominium Association.
4. In the event a management company is engaged by the condominium association, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
5. The Permittee and its successors shall submit an annual report of inspections and maintenance of all stormwater management structures as prescribed in *Stormwater Operations and Maintenance Plan* to the Board and the Medway Department of Public Works starting one year after the Certificate of Site Plan Completion is issued. The annual report shall be submitted no later than December 1<sup>st</sup> of every year. The inspections shall be conducted in accordance with the approved *Stormwater Operations and Maintenance Plan*.
6. In the event that the Permittee, its successors and assigns, its agent, and the 288 Village Street Condominium Association fail to maintain the stormwater management system in accordance with the applicable guidelines for

operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Permittee shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Permittee fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Applicability** – This permit shall apply to any successor in control or successor in interest of the subject property.
- B. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

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

- C. **Other Permits** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay for, and comply with all other required Town permits.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. Monday – Saturday. No construction shall take place on Sundays and federal holidays or state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.

3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
4. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction to an appropriate off-site facility.
5. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
6. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
7. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.

E. ***Landscape Maintenance***

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

F. **Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 72 hours after the conclusion of the storm event.

G. **Right to Enter Property** – Board members, its staff, consultants, or other designated agents of the Town shall have the right to enter upon the common areas of the 288 Village Street Condominium to inspect the site, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.

H. **Construction Oversight**

1. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
  - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. **Pre-Construction Meeting** – At least seven days prior to the start of any site preparation or construction, the Permittee shall meet with the Town's consulting engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, other Town staff as appropriate, the site contractors, and the Permittee's project engineer for a pre-construction meeting. At or before the pre-construction meeting, the Permittee shall provide the following information:
  - An updated construction sequencing plan and schedule
  - Revised earth removal calculations
  - Revised earth fill estimates

- Copies of its National Pollutant Discharge Elimination System (NPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP) for this project as filed with the U.S. EPA.
  - list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), on-site management, and erosion control inspector.
3. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and the sewer and water connection permits.
  4. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis and shall start immediately once any site work begins on the property. The engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

**I. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**J. Plan Modification**

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to

the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.

3. Any work that deviates from an approved site plan shall be a violation of the *Bylaw* unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**K. *Plan Compliance***

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**L. *Performance Security***

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the driveway and all related infrastructure and installation of utilities and services, sidewalks and site amenities as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Approved Plan. The *Covenant* shall specify that no unit except may be occupied or conveyed until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the driveway, parking area, and all infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The *Covenant* shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.
2. *Alternative Performance Security*
  - a) At such time as the Permittee wishes to secure an occupancy permit for any dwelling unit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41,

Section 81U, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:

- 1) the date by which the Permittee shall complete construction
- 2) a statement that the agreement does not expire until released in full by the Board
- 3) procedures for collection upon default.

b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the driveway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work;

plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

M. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to issuance of the occupancy permit for the third dwelling unit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

- N. ***Construction Standards*** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

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

## **IX. APPEAL**

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

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

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

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**Medway Planning and Economic Development Board  
Site Plan, Multi-Family Special Permit and Land Disturbance Permit Decision  
288 Village Street**

Approved by the Medway Planning & Economic Development Board: July 12, 2022

**AYE:**

**NAY:**

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**ATTEST:**

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Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

- COPIES TO:** Michael Boynton, Town Administrator  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Chris Park, Deputy Assessor  
Pete Pelletier, Medway DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Tony Leland, Sr., Applicant  
Bill Halsing, Land Planning, Inc.  
Steven Bouley, Tetra Tech

**Medway Planning and Economic Development Board  
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Approved by the Medway Planning & Economic Development Board: July 12, 2022

AYE:

NAY:

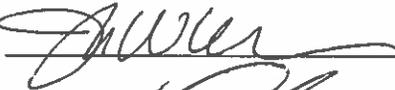
  
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ATTEST:

  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

July 12, 2022  
Date

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