

## Board Members

Matt Hayes, P.E, Chair  
Robert Tucker, Vice Chair  
Sarah Raposa, Clerk  
Jessica Chabot, Member  
Tom Gay, Associate  
Member



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# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

#### MULTI-FAMILY HOUSING SPECIAL PERMIT, ADMINISTRATIVE SITE PLAN DECISION

#### APPROVED WITH CONDITIONS

**Decision Date:** May 9, 2023

**Applicant/Permittee:** 7 Sanford Street, LLC  
6 Green Street, No. 2  
Medfield, MA 02052

**Property Owner:** 7 Sanford Street, LLC  
6 Green Street, No. 2  
Medfield, MA 02052

**Location:** 7 Sanford Street

**Assessors' Reference:** Map 60, Parcel 88

**Applicable Plans:** (1) "Site Plan for Proposed Building and Site Improvements", dated 3.23.2023, revised 5.1.2023, prepared by Site Engineering Consultants, Inc., 3 sheets (the Site Plan); (2) "Medway Apartment" dated 2.23.2023 by Hawk Design, Inc. Landscape Architecture (the Landscape Plan); (3) Architectural elevations and rendering dated 2.6.2023 prepared by Donahue Architects (Architectural Plans).

**Zoning District:** Village Commercial (VC)  
Multi-Family Housing Overlay District  
Groundwater Protection District

**Board Members Participating:** Matthew Hayes, Robert Tucker, Jessica Chabot, and Thomas Gay (associate member designated by Chair to sit on special permit application); Member Sarah Raposa recused herself from participation in this application

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**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

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MAY 12 '23 AM 9:29

20 Day Appeal  
June 1, 2023

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## I. PROJECT DESCRIPTION

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 “Zoning Bylaw”), and administrative site plan review and approval pursuant to Section 3.5 of the Zoning Bylaw. The site includes the main, 2 story, vintage house fronting Sanford Street with two existing dwelling units; a single story attached wing fronting Sanford Street currently not occupied but it appears to have been previously used for residential purposes; an attached, two and a half story barn building with 5 garage bays. The barn is currently used for business storage by the property owner. There are two paved parking areas, one accessed from Sanford Street and the other accessed from John Street.

The applicant seeks a multi-family housing special permit for a total of six units, including the two existing dwelling units. The proposal includes exterior façade improvements to the existing house and attached wing and construct a second story. This area will become the substantive portion of the newly created, 2 story residential unit #4. The ground floor level of this area will be used for storage units for the residences. The applicant will also renovate the existing, attached barn building to create three new residential dwelling units, and 2 interior garage spaces. This work includes removal of the existing roof and increasing the height. Other improvements include construction of a three story, 882 sq. ft. addition between the existing attached wing and the barn to square off the southwest corner of the building. (Footprint is 294 sq. ft.) Space to be used for tenant storage and portions of residential unit #4. Applicant will also improve and expand the driveways and parking areas and install landscaping and other site improvements.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on May 9, 2023, **voted to GRANT with CONDITIONS a Multi-Family Housing Special Permit to 7 Sanford Street, LLC of Medfield, MA (hereafter referred to as the Applicant or the Permittee)**, the motion was approved by a vote of 4 in favor and 0 opposed, with members Hayes, Tucker, Chabot, and Gay voting;

**and to APPROVE with WAIVERS and CONDITIONS as specified herein, a site plan for a six-unit, multi-family development and associated site improvements on the property at 7 Sanford Street as shown on a plan titled “Site Plan for Proposed Building and Site Improvements”, dated 3.23.2023, revised 5.1.2023, prepared by Site Engineering Consultants, Inc., 3 sheets (the Site Plan) to be further revised as specified herein before endorsement and recording.**

The motion was approved by a vote of 3 in favor and 0 opposed, with members Hayes, Tucker, and Chabot voting.

## III. PROCEDURAL HISTORY

A. Special permit application filed with the Medway Town Clerk and PEDB on January 13, 2023. Administrative site plan application filed with Town Clerk and PEDB on April 14, 2023.

B. The public hearing notice was posted at the Town Hall and on the Town of Medway web site and mailed to parties of interest as required by chapter 40A and published in the MetroWest Daily News on 1/31/23 and 2/7/23.

C. The Board notified Town departments, boards and committees of this application and requested review and comment.

D. The public hearing commenced on February 14, 2023 (no testimony taken), and was continued to February 28<sup>th</sup>, March 28<sup>th</sup> (no testimony taken), April 11<sup>th</sup> (no testimony taken), April 25<sup>th</sup>, and May 9<sup>th</sup>, 2023, when the hearing was closed, and a decision rendered.

E. Member Robert Tucker filed a certificate pursuant to G.L. c. 39, §23D with respect to the April 25, 2023, public hearing date.

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

A. Information submitted on behalf of the applicant:

- Multi-Family housing special permit application received 1.13.2023
- Project Narrative received 1.13.2023
- Supplemental project narrative received 1.24.2023
- “Apartment Renovations Site Plan” dated 10.7.2022 prepared by Donahue Architects, Inc., 7 sheets
- “Medway Apartment Existing Conditions” dated 1.23.2023 prepared by Donahue Architects, Inc., one sheet
- Architectural elevations and rendering dated 2.6.2023 prepared by Donahue Architects, Inc.
- Letter dated 1.23.2023 from Attorney Danielle Justo of Rich May, explaining the non-conforming use of the existing property
- Letter dated 1.25.2023 from Anthony Stella, P.E., of Site Engineering Consultants, re: stormwater and utilities
- Administrative site plan review application received April 14, 2023
- Letter from attorney Justo dated 3.14.2023
- “Plan Showing Existing Conditions, dated 3.17.2022, revised 1.19.2023, prepared by D. O’Brien Land Surveying
- “Architectural Site Plan” dated 1.25.2023, prepared by Donahue Architects, Inc.
- Photos of property
- Presentation slide (aerial view of site) from Donahue Architects, Inc. dated 12.10.2021
- “Site Plan for Proposed Building and Site Improvements”, dated 3.23.2023, prepared by Site Engineering Consultants, Inc., 2 sheets
- Stormwater Management Analysis
- “Medway Apartment” dated 2.23.2023 by Hawk Design, Inc. Landscape Architecture
- Radi-35w LED Outdoor Post Light
- Stormwater Management Analysis revised 5.2.2023
- Post-Construction Operation and Maintenance Plan
- “Site Plan for Proposed Building and Site Improvements”, dated 3.23.2023, revised 5.1.2023, prepared by Site Engineering Consultants, Inc., 3 sheets

B. Other documentation submitted to the Board during the course of the public hearing:

- Email note dated 1.26.2023 from Derek Kwok, Health Agent
- Email note dated 1.26.2023 from Police Chief, William Kingsbury
- Series of emails among Town staff re: stormwater
- Review memo from Susan Affleck-Childs dated 2.20.2023
- Review letter from the Design Review Committee dated 2.13.2023

- Email note dated 2.16.2023 from Nolan Lynch, Medway DPW Highway Superintendent
- Email note dated 5.4.2023 from Nolan Lynch, Medway DPW Highway Superintendent
- Zoning Board of Appeals Decision dated March 15, 2023

C. Correspondence from Town’s consulting engineer, Tetra Tech:

- Project review letter from Tetra Tech dated 2.20.2023
- Project review letter from Tetra Tech dated 4.21.2023
- Email communications between Tetra Tech and Site Engineering Consultants

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:

- Danielle Justo, esq., for the applicant
- Brian Donahue, for the applicant
- Steve Bouley, P.E. of Tetra Tech, Inc., the Town’s Consulting Engineer
- Anthony Stella, P.E., of Site Engineering Consultants

VI. **FINDINGS** - The Board voted to approve the following findings regarding the multi-family special permit by a vote of 4 in favor and none opposed, with members Hayes, Chabot, Tucker, and Gay voting.

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.

**1. Section 5.6.4.B.1:** The site has more than 50 feet of frontage on Sanford Street, which meets the minimum 50-foot frontage requirement of Section 5.6.4.B (1) of the Bylaw. The Board finds that the streets that provide frontage (Sanford, John, River, and Mansion Streets) have sufficient capacity to accommodate the projected additional traffic flow from the development.

**2. Section 5.6.4.C.1:** The dimensional requirements of the underlying VC zoning district apply to the project, as set forth in Table 2 of Section 6 of the Zoning Bylaw. The buildings are pre-existing, and comply with the VC minimum setbacks, and the small addition will not intrude into any required setback. The plans indicate that the project complies with maximum lot coverage.

**3. Section 5.6.4.C.3:** Because the property is in the Medway Village Historic District, the maximum building height is 35 feet; the plans show compliance with this requirement.

**4. Section 5.6.4.C.5:** The site consists of 0.53 acres in size (23,060 sq. ft.), which does not meet the minimum area requirement of one acre for a multi-family housing; however, the Zoning Board of Appeals granted a variance from the minimum lot size requirement on March 15, 2023, so the Board finds this is in compliance.

**5. Section 5.6.4.D.2:** The maximum density for multifamily projects is 8 units per whole acre. The maximum density for lots of less than one acre shall not exceed the relative portion of an acre of Land Available for Development. Assuming the entire site is Land Available for Development, with 0.53 acres, the maximum possible number of dwelling units is four. With six units, the project is over the allowed maximum; however, the Zoning Board of Appeals on March 15, 2023, granted a special permit to allow the existing nonconforming use of the property (two-family home) to be changed to multi-family housing with a maximum of six units,

subject to obtaining a multi-family housing special permit. Accordingly, the Board finds that up to six units are permissible on this site.

**6. Section 5.6.4.E.1:** With only a proposed net increase of 4 dwelling units, the provisions of Section 8.6 Affordable Housing of the Zoning Bylaw do not apply to the proposed development project.

**7. Section 5.6.4.E.2:** The Zoning Bylaws requires open space equal to at least 15% of the parcel's total area. The project narrative indicates that over 50% of the site will be open space, and the landscaping plan shows lawns and patios for use by the residents.

**8. Section 5.6.4.E.3:** Two off-street spaces per unit (12 spaces) plus one visitor parking space for every two units (3 spaces) for a total of 15. There are 13 outdoor parking spaces and two garage parking spaces, which fulfills this requirement.

**9. Section 5.6.4.E.4:** The project will be served by Town water and sewer.

**10. Section 5.6.4.E.7:** The site contains buildings that are over 75 years of age. The Medway Historical Commission reviewed the application and determined that the buildings are historically significant and are preferably preserved. Accordingly, Section 5.6.4.E.7 applies, and the buildings are to be preserved. The Board finds that the proposed renovations of the historic buildings will enhance their historic exterior features and architecture.

#### **Section 5.6.4.I Decision Criteria**

**11. Meets purposes of Multi-Family Housing section of the Zoning Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations** - The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of multi-family style units; (2) It encourages the preservation of older properties with the renovation of the existing historic buildings on the property. It also meets the purpose of the Site Plan Rules and Regulations to assure protection of the public interest consistent with a reasonable use of the site. The plans have been reviewed by Town officials to ensure that the health, safety and welfare of Town residents is protected.

**12. Consistent with the Medway Housing Production Plan** - The development meets the implementation strategies of the Housing Production Plan by providing additional multifamily housing.

**13. Impact on abutting properties and adjacent neighborhoods** - The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening through a comprehensive landscaping plan.

**14. Variety of housing stock** - The development increases the variety of housing stock in the community by providing a multi-family building.

**15. Designed to be reflective of or compatible with the character of the surrounding neighborhood** - The project retains and renovates the existing historical buildings. The architectural design of the renovations has been reviewed by both the Historical Commission and the Design Review Committee and is compatible with the neighborhood.

**B. SPECIAL PERMIT DECISION CRITERIA** – The Board makes the following findings in accordance with Section 3.4 of the Zoning 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 Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- 1) **The proposed site is an appropriate location for the proposed use.** The proposed use is a multi-family development on a property located in Medway Village within the Multi-Family Housing Overlay District. Nearby stores, businesses, post office, churches, and Town Hall are accessible from the subject property via sidewalk.
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed residential use. The project will be serviced by Town water and sewer systems. The stormwater management system has been designed in accordance with the applicable local and State regulations.
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.** The proposed use adds 4 residential units off of Sanford Street. It is estimated that the development will generate minimal additional traffic. The entrances to the site are existing and will not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Sanford Street. There are no wetland resources located on the property.
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** The development site is located on Sanford Street, with main access from Sanford Street and some parking off of John Street. Sanford Street has the capacity to handle the additional traffic to be generated by the four additional residential units.
- 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 that its stormwater management plan is adequate. The development will utilize residential style post lamps, and there will be evergreen shrubs planted along the south side of the property between the parking area and Mansion Street to shield neighboring properties from headlights. Additional shrubs and trees will be planted in accordance with the landscaping plan. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts.
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** The project retains and renovates the existing historic buildings. The architectural design of the renovations has been reviewed by the Design Review Committee and Historical Commission.
- 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 multi-family housing units will help to diversify Medway's housing supply. Its location serves to promote pedestrian oriented development. The project also includes the retention and renovation of historic buildings which will provide compatibility with the adjacent neighborhood.
- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** The proposed multi-family use is consistent with the Master Plan goal of implementing multi-family housing to increase housing diversity.

- 9) **The proposed use will not be detrimental to the public good.** As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed development has reasonable and appropriate density in a suitable location.

For all of the above reasons, the Board finds that the beneficial impacts of the proposed Sanford apartments 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, and Section 3.5 of the Zoning 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? There is limited parking accessed from John Street, a minor street. Vehicles backing onto John Street is minimized at the existing parking area, and Sanford Street is adequate to safely handle the traffic from the 4 new housing units and the 2 existing dwellings.
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? The applicant will be renovating the existing historic buildings, with a small addition and an increase in height that comply with the Zoning Bylaw. The design has been favorably reviewed by the Design Review Committee and Historical Commission and is acceptable for its location. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials, and scale.
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.? The buildings are existing. There is no outside storage or dumpsters. Residential trash will be stored inside the building on the lower level and picked up by a commercial service. Appropriate vegetation is proposed to screen the development from abutting residences.
- 4) Is adequate access to each structure for fire and service equipment provided? The proposed structures are accessible from the driveways and are located relatively close to the street. The Fire Chief has reviewed the plans and not identified any access issues. The building will have sprinklers installed.
- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

The site work will not be substantial since the building and much of the parking area is existing. The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential neighborhood. No stone walls are being removed. The landscaping plan will provide for additional trees and plantings.

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? The proposal utilizes the existing entrance to the site off Sanford Street, as well as the existing small parking area off of John Street, which do not create a hazard to abutters, vehicles, or pedestrians. There is sidewalk along Sanford Street adjacent to the subject property to provide for pedestrian access.
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? There are no visually prominent natural or historic features on site.
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? The planned site lighting is residential in scale and minimizes light pollution.
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work is reasonable. There are no sensitive environmental resources on the subject property.

**VII. WAIVERS** – At its May 9, 2023, meeting, the applicant requested that the Board waive any provisions of the Rules and Regulations for the Submission and Approval of Site Plans with which the Administrative Site Plan application did not conform. The Board found that the documents, plans, correspondence, and other information submitted were sufficient for the purposes of the limited Administrative Site Plan review process and voted to grant the waiver by a vote of 3 in favor and 0 opposed, with members Hayes, Tucker, and Chabot voting.

**The Board voted 3 to 0 to Grant 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 Conditions included in this Decision shall assure that the Board's approval of this site plan complies with the Zoning Bylaw, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), is consistent with Site Plan Rules and Regulations, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

If there is a conflict between the Site Plan and the Decision's Conditions of approval, the Decision shall apply. If there is a conflict between this Decision and/or Site Plan and the Zoning Bylaw, the Zoning Bylaw shall apply. The Board's issuance of a special permit and site plan approval is subject to the following conditions:

1. This permit shall apply to any successor in control or successor in interest of the subject property. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto. This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
2. Notwithstanding any future amendment of the Zoning Bylaw, G.L. c.40A, or any other legislative act:
  - A. The maximum number of dwelling units allowed on the site under this special permit shall be six.
  - B. The land on which this multi-family development will be located shall not be altered or used except:
    - 1) as granted by this special permit;
    - 2) substantially as shown on (a) "Site Plan for Proposed Building and Site Improvements", dated 3.23.2023, revised 5.1.2023, prepared by Site Engineering Consultants, Inc., 3 sheets (the Site Plan); (2) "Medway Apartment" dated 2.23.2023 by Hawk Design, Inc. Landscape Architecture (the Landscape Plan); (3) Architectural elevations and rendering dated 2.6.2023 prepared by Donahue Architects (Architectural Plans), said Site Plan to be modified as specified herein;
    - 3) in accordance with any subsequently approved modified plans or amendments to this special permit.
  - C. The tracts of land and buildings comprising 7 Sanford Street shall not be used, sold, transferred, or leased except in conformity with this special permit and shall not be further divided.
3. **Plan Endorsement** - Within sixty days after the Board has filed its Decision with the Town Clerk, the Site Plan shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's Decision. (Said plan is hereinafter referred to as the Plan). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.
4. **Plan Revisions** – Prior to plan endorsement, the following revisions will be made to the Site Plan:
  - A. Provide Cover Sheet that includes to the architectural elevations, floor plans and renderings.
  - B. Add Stormwater Operations and Maintenance Plan to one of the detail sheets.
  - C. The Cover Sheet, along with the site plan and detail sheets dated 5.1.2023 with the revisions set forth in this decision, and the Landscape Plan, shall be the plans to be recorded at the Registry of Deeds.
5. **Recording of Plans and Documents**
  - A. No construction shall begin on the site and no building permit shall be issued before this Multi-Family Housing Special Permit and Site Plan Decision, and endorsed Plan, are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board.

- B. 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.
6. **Easement** – The “Plan Showing Existing Conditions” shows an apparent small portion of the public way pavement encroaching on the site along John Street, River Street, and the corner of River Street and Mansion Street. The applicant has agreed to grant the Town an easement to maintain the current pavement in place. The applicant has agreed to grant the easement prior to December 31, 2023.
7. **Open Space and Yard Area** - At least 15% of the site shall be retained and function as open space and/or yard area in perpetuity. This is an ongoing obligation of the owner. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs, and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements.
8. **Ownership and Maintenance**  
A. The Board requires that the following aspects of the development shall be and shall remain forever privately owned, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:  
1) parking areas  
2) Stormwater management facilities  
3) Snowplowing and sanding  
4) Landscaping  
5) lights  
6) Sewer and water
9. **Occupancy Permits** – No occupancy permit may be issued until the following items, at a minimum, are installed in compliance with this Decision, the endorsed Plan, and applicable by-laws and regulations and approved by the Board’s consulting engineer.  
A. 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.  
B. As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes, and headwalls.
10. **Patios** – To not increase stormwater runoff, all patios constructed in the development shall be constructed with pervious paving materials.
11. **Sidewalk** – Any damage to the existing sidewalks 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 final occupancy permit.
12. **Water Conservation** – The development will be connected to the Town’s public water system, and the Town is subject to its Water Management Act Permit with the Massachusetts Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:  
1. any landscape irrigation may not be connected to municipal water supply, private well water only  
2. rain-gauge controlled irrigation systems only  
3. low flow household fixtures

4. water efficient appliances (dishwashers, washers, toilets, etc.)

**13. Stormwater Management and Land Disturbance**

- A. At least 48 hours prior to the commencement of any construction, clearing of vegetation, or any site work, the Permittee shall notify the Medway Community and Economic Development Department, the Town's consulting engineer, and the Building Department of the anticipated commencement of work. In lieu of a pre-construction meeting, the Permittee agrees to provide the Board's consulting engineer with advance notice (48 hours preferred) of all required inspections of the stormwater system or other site work that requires inspection. The tree shown on the Landscape Plan over the proposed stormwater management recharge area shall be relocated during construction so as not to interfere with the stormwater management system or the snow storage area.
- B. Throughout construction 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.
- C. 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.

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

- A. The stormwater drainage system shall be maintained by the Permittee, its successors and assigns. It is the intent of the Board and the Permittee that the stormwater management system shall not be accepted by the Town.
- B. The Permittee and its successors shall submit an annual report of inspections of all stormwater management structures as prescribed in the Stormwater Management Operations and Maintenance Plan to the DPW. The annual report shall be submitted no later than December 1<sup>st</sup> of every year. The inspections shall be conducted in accordance with the approved Stormwater Management Operations and Maintenance Plan.

**15. Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:

- A. 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
- B. any construction inspection fee that may be required by the Board; and
- C. 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.
- D. The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

**16. 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.

- A. Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. Monday through Saturday. No construction shall take place on Sundays, federal holidays, or state legal holidays without the advance written approval of the Building Commissioner. The limits in this subsection do not apply to interior construction work such as painting, installation of drywall, flooring, and similar work.
- B. 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.
- C. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel or dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
- D. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.
- E. 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.

**17. Landscape Maintenance**

- A. 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.
- B. Within 60 days after two years after the last occupancy permit is issued, the Town's consulting engineer or the Building Commissioner may conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's consulting engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner to ensure that the comprehensive landscaping plan is maintained.

**18. Snow Storage and Removal**

- A. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Zoning Bylaw.
  - B. The Permittee and future owners shall inform snow removal operators of the approved locations for on-site snow storage.
  - C. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.
- 19. 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 site at reasonable times during construction to inspect the site to evaluate for compliance with the terms and conditions of this permit and the endorsed site plan and may acquire any information, measurements, photographs, and/or observations deemed necessary for that evaluation.
- 20. Construction Oversight**
- A. Construction Account
    - 1) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and erosion controls by the Town’s consulting engineer is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board’s discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction and installation, identify what site plan work remains to be completed, prepare surety estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a Certificate of Site Plan Completion.
    - 2) 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.
    - 3) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project’s construction inspection account, upon invoice from the Board, until the road, stormwater system and other infrastructure are completed, and the as-built plan and Certificate of Site Plan Completion has been granted.
    - 4) 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.
  - B. At least seven days prior to the start of any site preparation or construction, the Permittee shall provide the Town’s consulting engineer, Community and Economic Development staff, the Medway Department of Public Works, other Town staff as appropriate, a list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), and on-site management.

- C. Any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and any utility connection permits must meet the requirements of the Medway Department of Public Works and is subject to inspection by the Department of Public Works.
- D. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved plan and improvements. Inspections shall occur at least on a monthly basis. The Permittee's engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within five days of inspection.

**21. On-Site Field Changes**

- A. 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 Zoning 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.
- B. 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 Zoning Bylaw the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**22. Plan Modification**

- A. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
- B. This Special Permit and Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
- C. Any work that deviates from an approved site plan may be a violation of the Zoning Bylaw unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
- D. The request for a modification to a previously approved plan shall be subject to the same application and review process, including a public hearing, the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board's decision on the modification application will be filed with the Town Clerk, with copies to the

Permittee and others as provided in Chapter 40A. 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.

### **23. Performance Security**

- A. Prior to grant of a final occupancy permit, the Board shall provide a Certificate of Site Plan Completion to the Building Commissioner. For a temporary or partial occupancy permit, the Permittee may request that the Board accept suitable performance security, to the Board's satisfaction, to cover the cost of all remaining site work, and that the Board so notify the Building Commissioner.
- B. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Permittee fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall also include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Permittee fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount.
- C. The performance security shall be accompanied by a performance security agreement executed by the Permittee, the Board, and the performance guarantee company, in a form acceptable to the Board, the Town Treasurer/Collector, and Town Counsel, which shall define the obligations of the Permittee and the performance security company. It shall include:
  - 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.
- D. Final Release of Performance Security - Final release of performance security is contingent on project completion.

### **24. Project Completion**

- A. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 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.
- B. 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 applicant filed at least 30 days prior to the required date of completion, 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.

- C. Prior to issuance of the final occupancy permit, the Permittee shall request and secure a Certificate of Site Plan Completion from the Board. The Certificate serves as the Board's confirmation that, in its opinion, 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:
- 1) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this permit, the approved and endorsed site plan, and any modifications thereto; and
  - 2) 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.

## **IX. APPEAL**

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

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

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

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
7 Sanford Street**

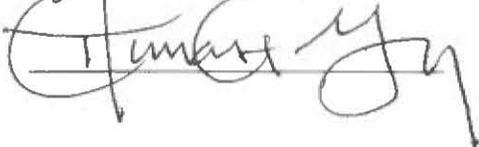
By a vote of 4 to 0 , the Planning and Economic Development Board hereby Grants the Applicant, 7 Sanford Street, LLC, a special permit for Multi-Family Housing under Section 5.6.4 of the Zoning Bylaw, and by a vote of 3 to 0 a site plan approval under Section 3.5 of the Zoning Bylaw for the development of six residential apartments at 7 Sanford Street, to be constructed in accordance with this Decision, the Site Plan, the Architectural Plans, the Landscape Plan, and subject to the Conditions herein.

<b>Member:</b>	<b>Vote:</b>	<b>Signature:</b>
Matthew Hayes, Chair		_____
Robert Tucker		_____
Jessica Chabot		_____
Thomas Gay, Associate member, as to special permit application only		_____

**Date Signed:** \_\_\_\_\_

**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
7 Sanford Street**

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<b>Member:</b>	<b>Vote:</b>	<b>Signature:</b>
Matthew Hayes, Chair	AYE	
Robert Tucker	AYE	
Jessica Chabot	AYE	
Thomas Gay, Associate member, as to special permit application only	AYE	

**Date Signed:** 5/12/2023