

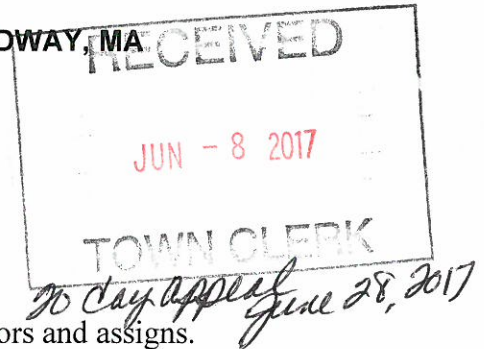
Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway, MA 02053

David J. Cole, Chairman  
Carol Gould, Clerk  
Eric Arbeene, Member  
William Kennedy, Member  
Brian White, Member  
Rori Stumpf, Associate Memb

**DECISION**  
**TIMBER CREST ESTATES DEVELOPMENT, MEDWAY, MA**

**Date Application Filed:** March 23, 2016

**Applicant:** Timber Crest LLC (the "Applicant")  
c/o Mounir Tayara  
135 Main Street, Suite 5  
Medway, MA 02053  
The Applicant shall include its successors and assigns.



**Location of Property:** The Project is located on multiple parcels of land in Medway with proposed access to the property via frontage on Winthrop Street, Fairway Lane, Holliston Street and Fern Path. The property is comprised of 170.36 +/- acres and consists of 143 Holliston Street (Assessor Parcel No. 15-019), 153R Holliston Street (Assessor Parcel No. 15-001), 165 Holliston Street (Assessor Parcel No. 09-051), 177A Holliston Street (Assessor Parcel No. 09-006), 21R Fairway Lane (Assessor Parcel No. 08-016), 13 Ohlson Circle (Assessor Parcel No. 14-020), 102 Winthrop Street (Assessor Parcel No. 08-020), 11 Woodland Road (Assessor Parcel No. 09-058), and OR Woodland Road (Assessor Parcel Nos. 08-019 and 14-005) in Medway, MA (the "Property" or "Project Site"). The Property is located in Agricultural Residential I and II Zoning Districts.

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

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

**Members Voting:** Carol Gould (Clerk), Eric Arbeene, William Kennedy, Brian White, and Associate Member Rori Stumpf

**Hearing Opened:** May 4, 2016

**Hearing Closed:** May 3, 2017

**Date of Decision:** May 31, 2017

## I. PROCEDURAL HISTORY

1. On March 23, 2016, the Applicant filed a Comprehensive Permit Application, pursuant to G.L. c. 40B, to construct one hundred eighty eight units on the site, comprised of seventy-two single-family homes and one hundred sixteen duplex condominium units in fifty-eight buildings, of which forty-eight units were restricted as affordable homes. The Applicant acquired an additional parcel, 165 Holliston Street, in August 2016. In revised plans submitted via a notice of project change dated September 6, 2016, the Applicant proposed that all dwelling units be single family homes, eliminating the proposed condominiums, and decreased the number of proposed dwellings to one hundred fifty-seven single-family homes, of which thirty-nine homes were to be restricted as affordable. The Applicant submitted further revised plans, dated January 30, 2017, which eliminated an additional three homes, bringing the number of single family homes proposed to one hundred fifty-four. The Project includes two distinct areas of development, referred to as the east side and the west side of the Project. Each of these two project areas is further divided into three phases, shown on the Phasing Plan dated February 14, 2017, as IE, 2E, 3E, 1FERN, 1W, 2W, and 3W (referred to herein as "Phases").
2. Notice of the public hearing was published in the Milford Daily News on April 13, 2016 and April 20, 2016, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11. With the revised plans and notice of project change, a revised notice was published in the Milford Daily News on September 14, 2016 and September 21, 2016, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on May 4, 2016, and was continued to June, 1, 2016; June 15, 2016; July 20, 2016 (*continued without testimony*); August 3, 2016; August 17, 2016 (*continued without testimony*); September 7, 2016; October 5, 2016; October 19, 2016; November 2, 2016; November 16, 2016; December 7, 2016; January 4, 2017 (*continued without testimony*); January 18, 2017 (*continued without testimony*); February 1, 2017; February 15, 2017; March 1, 2017; March 15, 2017 (*continued without testimony*); April 5, 2017; April 19, 2017; and May 3, 2017. The Board closed the public hearing on May 3, 2017.
4. With technical assistance provided by the Massachusetts Housing Partnership, the Board retained the services of Ezra Haber Glenn of Public Planning, Research and Implementation, Inc., 8 Hall Street, Somerville, MA 02144, to provide technical assistance under G.L. c. 40B.
5. The Board retained Tetra Tech, of 100 Nickerson Road, Marlborough, MA 01752 ("Tetra Tech"), to serve as the Board's engineering peer review consultant. Tetra Tech provided engineering peer review services with respect to wetlands, water and sewer capacity, traffic, stormwater and overall civil design services.



6. The Board also retained Kleinfelder, of 215 First Street, Suite 320, Cambridge, MA 02142, to provide a water supply and water pressure analysis for the proposed development.
7. The Applicant funded an escrow account to pay for all of the engineering peer review expenses of the Board pursuant to G.L. c. 44 §53G.
8. The Board notified Town departments, boards and committees of this application. The Board received testimony and written comments from the Planning and Economic Development Board, Design Review Committee, Conservation Commission, Fire Department, Police Department, Department of Public Services, Community and Economic Development Department, Building Department, Treasurer/Collector, Board of Health and the School Department.
9. The Applicant participated in several work sessions with the Board's peer review engineers, Town departments and other technical experts to discuss technical aspects of the proposed project as follows: June 15, 2016 (*emergency access and safety considerations*); November 17, 2016 (*wetlands and stormwater management*); December 2, 2016 (*water and sewer*); January 24, 2017 (*traffic, safety and access*); and March 1, 2017 (*traffic, safety and access*).
10. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Appendix A attached hereto.

## **II. FINDINGS**

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40B, §§ 20-23 and its implementing regulations, 760 CMR 56.00 et seq., the Board's Rules and Standards for Comprehensive Permits, by the Medway Zoning Bylaw, and by Medway's Subdivision Rules and Regulations. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

### **1. Jurisdictional Requirements**

The Board finds that the Applicant has met the jurisdictional requirements to apply for and obtain a comprehensive permit as evidenced by the project eligibility letter #746 issued by MassHousing in a letter dated January 6, 2016. The Applicant duly notified MassHousing of Applicant's proposed changes to the project pursuant to 760 CMR 56.04(5) and requested that MassHousing confirm Project Eligibility Letter #746 remains in full force and effect with respect to proposed changes to the Applicant's plans. MassHousing confirmed that Project Eligibility Letter #746 remains applicable for the Applicant's revised plans by letter from MassHousing dated September 13, 2016.

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

Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, the Town of Medway has 5.37% of its available housing units dedicated to low and moderate-income households, therefore it does not meet the 10% requirement, as defined by G.L. c. 40B. The Board finds that the Town of Medway has not otherwise satisfied any of the statutory minima set forth under G.L. c. 40B.

## **3. Affordable Housing**

G.L. c. 40B requires the Board to balance local concerns with the mandate of G.L. c. 40B and the need to provide low and moderate income housing. The Applicant proposes to finance the development under the New England Fund Program (NEF) whereby twenty-five percent of the homes in the development shall be offered for sale to families with a gross annual income that is eighty percent of the area median income. The Applicant provided a unit tabulation chart showing the distribution of unit types for both the affordable and market rate units. The Board finds that there is a shortage of low and moderate income housing in Medway. Subject to the conditions set forth in this Decision, the Project is "Consistent with Local Needs" within the meaning of G.L. c. 40B §20, and Section 56.02 of DHCD's Chapter 40B Regulations (760 CMR 56.02).

## **4. Drainage / Stormwater Management**

A preliminary drainage report and supporting documentation were presented and discussed between the Applicant and the Board's peer review engineering consultant regarding the adequacy of the Applicant's preliminary stormwater management system design. As the plans and report were preliminary, Tetra Tech could not complete a thorough stormwater review until the layout is finalized and a complete design package and drainage calculations are submitted to the Board. Documentation submitted did not include details required to confirm accuracy of hydrologic analysis. Along with the submission of the Final Plans, the Applicant will provide a complete drainage report reflecting conditions described on the Final Plans and include all supporting documentation necessary to confirm compliance with stormwater standards. The Applicant stated at the hearing that the Project will meet or exceed the requirements of the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Regulations, as conditioned by the Board herein.

The Board finds that the proposed development, as conditioned herein, will incorporate a drainage scheme that will comply with the standards of the DEP Stormwater Management Regulations as more precisely described in the Applicant's plans identified in the conditions below, including conditions 1 through 3. Given the presence of state jurisdictional wetlands on the project site, the Applicant must prove compliance with the DEP Stormwater Management Regulations under the State Wetlands Protection Act.



## **5. Municipal Sewer**

The Applicant provided information regarding existing sewer capacity downstream of the proposed sewer connection from the proposed development. Based on information presented and discussed between the Applicant and the Board's Peer Review Engineer, the Applicant modified its preliminary plans to use lift stations and gravity sewer lines thereby reducing the need for force mains and pump stations, except where needed. The Board recognizes and has considered Article XXIX of the Town's General Bylaws, prohibiting sewer line extensions, passed by Medway Special Town Meeting on March 9, 2015. Pursuant to correspondence dated March 20, 2017, the Applicant requested a waiver of this Bylaw under G.L. c. 40B. Based on correspondence from the Charles River Pollution Control District dated October 12, 2016, the Board finds that there currently exists adequate municipal sewer capacity to safely accommodate the anticipated sewer flow from the Project. Based on the data provided, Tetra Tech has also stated that the capacity in the existing sewer main appears to be adequate to convey expected flows from the development. Although the anticipated sewer flow will bring the Town to its reserve capacity under its sewer discharge permit, the Board finds that it is not technically or financially unfeasible for the Town to accommodate the projected sewer flow from this Project.

## **6. Water Supply / Pressure**

The Board heard testimony and received evidence regarding the Town's limited water supply under its Water Management Act ("WMA") Permit administered by the DEP. Pursuant to email correspondence between Susan Connors of the DEP and Thomas Holder, Director of the Medway Department of Public Services, dated February 5, 2016, the Board finds that there is adequate capacity under the Town's WMA Permit to serve this Project's projected water needs.

Additionally, the Board heard testimony regarding the ability of the Town's existing wells to supply the water needed for the Project. The existing wells are nearing capacity. The Town intends to expand the capacity of its emergency water supply, used when an existing well is off-line, by installing an additional emergency Town well. Understanding concerns of water capacity, the Applicant has offered to partially mitigate the Town's concerns regarding water supply by contributing \$25,000 towards the planning and installation of an additional Town well for emergency water supply capacity.

The Board also heard testimony regarding the adequacy of water flow in the Town's water mains in surrounding neighborhoods. The Applicant funded a water flow modeling analysis by Kleinfelder, which concluded that the additional connections and looped water mains proposed as part of the Project will actually serve to increase water flow in the area of the Project and will not significantly alter water flow in the existing surrounding neighborhoods. The proposed plan calls for the water system to be connected between the eastern and western portions (east-west connection) of the development but no connection between Road F and Fern Path (Fern Path Connection).



As indicated in the water analysis (Page 8) the southern end of Road F will not meet industry standards of 1,000 gpm for required fire flow. The report finds that if the Fern Path connection or the combination of the East-West connection and the upgraded Holliston Street water main are implemented, the recommended fire flow requirements would be met. See condition number 44. The analysis shows that proposed houses above the 270 elevation will experience domestic water pressure levels at or below the 35 psi minimum recommended by MassDEP for water distribution systems. Kleinfelder recommends that the developer mitigate the anticipated low domestic water pressures in this area by installing a booster pump station in each home or a single, larger system to serve the entire development will increase system pressure above minimum standards. The applicant recommends installing booster pumps in any house as may be required to achieve adequate domestic water pressure. Based on the Kleinfelder study, there will be adequate water flow to serve the Project post-development, as conditioned herein. The Board will impose conditions to ensure that each home in the development has sufficient water pressure and fire flow from hydrants. See condition number 44.

## **7. Traffic / Safety / Access**

A traffic impact and access study (TIAS) and supporting documentation were presented and discussed between the Applicant and the Board's peer review engineering consultant regarding the adequacy of the roadways and its connect with Project site entrances. Tetra Tech concluded that (1) the TIAS contained the information typically provided in such studies and was consistent with engineering guidelines; (2) the TIAS proposed an adequate traffic study area; (3) the methodology used in the TIAS to assess volume and peak hours were appropriate; (4) with the proposed mitigation, speed and sight distance measurements in the TIAS are expected to meet or exceed standard "Stopping Sight Distances" established by the American Association of State Highway and Transportation Officials (AASHTO); (5) Winthrop Street, from Hill Street to just north of Lovering Street, Holliston Street, from Fairway Lane to just north of Redgate Drive, and Holliston Street, from Redgate Drive to just north of Lovering Street, experienced accident rates below statewide average; the intersection of Winthrop Street and Lovering Street was well above the average for accident rates for unsignalized intersections; and multiple severe accidents occurred along Holliston Street within the study area between Redgate Drive and Fairway Lane; (6) the methodology of projecting traffic impacts attributable to the Project was appropriate; and (7) the capacity analyses were generally prepared in accordance with industry standards and indicate that the study intersections generally operate below capacity at Level of Service (LOS) C or better operations under Existing, No-Build and Build conditions with the exception of the Holliston Street/Lovering Street/Coffee Street intersection. Tetra Tech made recommendations to the Board for conditions which were incorporated in the conditions herein. See conditions number 48-61.

Concerns about the adequacy of access and egress to the main Project entrance at Holliston Street were adequately mitigated by the Applicant's proposal to regrade Holliston Street near the site entrance in order to increase sight-distance. The Board heard testimony that the proposed alterations to Holliston Street were previously required



in connection with other developments in the area, but were never completed. Therefore, the Board will require that this Holliston Street work be completed by the Applicant in connection with this Project, as further described herein. See condition number 35.

The Board finds that the Applicant has not provided the detailed surveys around Property entries (Fairway Lane and Holliston Street) to address concerns regarding locations of site entrances, therefore those surveys shall be provided as conditioned herein. See condition number 5.w.

The Board finds that the easement existing on 21-R Fairway Lane provides access and a driveway to 21 Fairway Lane, which is proposed to be eliminated and utilized as a site entrance for the proposed project, therefore a curb-cut shall be provided to 21 Fairway Lane as conditioned herein. See condition number 61.

The Applicant is requesting a waiver from the requirement limiting dead end streets to 600 feet maximum. The Applicant has proposed subdivision roads on the West Side as a series of several roads totaling approximately 4,300 linear feet. To address public safety access concerns, the Applicant is providing an emergency access proposed to connect the last cul de sac (Road E) to Ohlson Circle. Due to the length of Road F on the East Side, after its intersection with Road I, of approximately 1165 feet, and in lieu of providing a secondary means of egress, the Applicant has proposed to sprinkler Lots numbered 112-134. See condition number 16.

The Board finds that the Applicant has adequately and satisfactorily addressed any public safety issues raised during the public hearing process related to traffic and safety, or as otherwise provided as conditions herein.

The Board finds that Fern Path, Redgate Drive, and a portion of Howe Street are not publicly accepted roadways and that the Applicant has not demonstrated the rights to access such roadways during the public hearing. The Board finds that in order to build Phase 1FERN, i.e. the lots proposed off of Fern Path, the Applicant shall demonstrate the rights to access as conditioned herein.

## **8. Internal Site Circulation**

The Applicant submitted analyses of truck turning movements using the Medway Fire Department's ladder and fire tanker vehicles. The Board received comment letters from the Medway Fire and Police Departments with respect to internal roadways and cul-de-sacs. The Applicant has proposed to maintain a paved width of 26-feet for all internal roadways, which will reduce the likelihood of any blockage or traffic conflicts. The Applicant also agreed to limit on-street parking to one side of the streets and prohibit any on-street parking within the cul-de-sacs. See condition number 54.

The Fire Chief has expressed concerns regarding the length of Road F. The Applicant has offered to add sprinkler systems to the homes on Road F beyond the Town's 600-foot dead-end road limitation, Lots numbered 112-134, in order to mitigate any fire safety

concerns raised by the length of Road F, which the Board has incorporated into the conditions for this Comprehensive Permit. See condition 16. Internal traffic signage must comply with the recommendations of the Town's Safety Officer as further described herein. See condition number 5.1.

The Applicant has agreed to install a 5-foot sidewalk with no grass strip on one side of all streets, with the exception of Roads B, G, H, and Fern Path extension. See condition number 57.

## **9. Wetlands and Environment**

The Board heard extensive testimony and received substantial evidence regarding wetlands resources on the Project site and the implications of local bylaws and regulations governing setbacks to wetland resources. Tetra Tech reviewed the Project for conformance with the Wetlands Protection Act (WPA) Regulations as they relate to the surrounding wetland system due to the link between stormwater management facilities and the potential effect on on-site and adjacent wetland areas. Review of the Project is expected by the Medway Conservation Commission during the Notice of Intent (NOI) process. Tetra Tech provided comments in their correspondence dated October 4, 2016 and February 15, 2017 indicating potential plan changes which could affect development density and layout of the proposed site. Their comments focused on their review of the Project for compliance with the WPA and related to wetlands impacts and proposed mitigation. Tetra Tech could not complete review as the information provided does not include enough detail to adequately assess and evaluate Project impacts to wetlands resources beyond the comments provided. However, the Medway Conservation Commission maintains jurisdiction over most of the Project and is expected to require the information noted during the course of its review under the WPA.

The Applicant plans to preserve as much of the 100-foot buffer around both certified and potential vernal pools, under the State Wetlands Protection Act as is feasible. The Town's Wetland Regulations require a 25-foot no touch buffer around wetland resources to provide additional protection of such resources. While the Applicant has requested a waiver of this local regulation, the Applicant has proposed to maintain a 15-foot buffer from wetlands resources, with the exception of certain areas designated on a plan submitted to the Board. In addition, the Applicant has proposed a number of other accommodations in its letter from Ruberto, Israel, & Weiner, RE: Timber Crest Estates Comprehensive Permit Application – Wetlands Planning, dated December 5, 2016. See conditions numbered 6, 8, and 10.

There was also discussion regarding a portion of stream on 165 Holliston Street and whether the stream is perennial or intermittent. The Applicant has volunteered to condition certain construction on a final determination that the "intermittent stream" on the 165 Holliston Street parcel is in fact an intermittent stream and not a perennial stream under the WPA. See condition number 7. The Board finds that as conditioned, the Project will not have undue impact on wetlands and the environment and must comply with the WPA.



## **10. Open Space / Recreational Space**

The Project Site comprises a vast amount of wetlands and some uplands in the center of the site which is largely undevelopable. As this area will remain undisturbed, it may be available for passive recreational use in the future and is an important open space and recreational resource for this Project. The Applicant is encouraged to work with the Conservation Commission during the notice of intent (NOI) process on a potential trail system, in particular to connect the east and west sides of the development. See condition number 9. The Board also discussed with the Applicant opportunities to enhance open space as well as provide adequate buffer and screening to adjacent properties. During the public hearing, the elimination of certain lots near the proposed site entrances were also discussed to provide such buffer and take into account the pattern of existing street frontage as advised in the Chapter 40B Design Handbook. The Board will require by condition an additional passive recreation area for residents of both sides of the Project Site, as further described herein. See conditions numbered 5.c. through 5.e. and 5.g. As conditioned, the proposed development, including the open space described above provides for adequate open space and recreational space. Any further development or loss of open space and recreational area would affect this finding.

## **11. Zoning Bylaw**

The Project Site is located in the Agricultural-Residential I (ARI) and Agricultural-Residential II (ARII) Zoning Districts, as established on the Town's Zoning Map, which allows for detached single family dwellings by-right, as well as Open Space Residential Development (OSRD) and Adult Retirement Community Planned Unit Development (ARCPUD) by special permit.

Dimensional regulations of the ARI and ARII require lot sizes of 44,000 and 22,500 square feet and lot frontage of 180 and 150 feet, respectively, for by-right uses. Additionally, ARI and ARII Districts require minimum front, side, and rear setbacks of 35, 15, and 15 feet, respectively. All Zoning Districts require a minimum lot shape factor and upland requirement. Alternative less-stringent dimensional regulations are allowed as part of special permit uses.

During the course of the Public Hearing, the Board requested a "by-right" plan which was never received. The Applicant has proposed single family dwellings on lots sizes of approximately 7,500 sq. ft. on the West Side and 5,000 sq. ft. on the East Side with 50 feet of frontage (except lots 20, 48-50, 83, 84, 120-123, 130, 131, 142, and 143). The Applicant has proposed front, side, and rear setbacks of 20, 7, and 10 feet, respectively (except for bus shelter and mail box station lots). The Applicant has proposed Lots 83, 84, 130, and 131 to exceed a lot shape factor greater than 22.0.

For the issuance of a comprehensive permit, the Board finds that the Project could not be built in accordance with the requirements of ARI and ARII Zoning Districts for detached single family dwellings, given the density being proposed.

### III. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants to Timber Crest LLC a Comprehensive Permit to construct one hundred forty-seven single-family residences on the Property in accordance with G.L. c. 40B and its implementing regulations 760 CMR. § 56.00, subject to the conditions and limitations set forth herein.

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

#### Plans

1. This Comprehensive Permit is granted to Timber Crest LLC and its limited dividend successors and assigns for the purpose of constructing one hundred forty-seven single-family homes off of Winthrop Street and Holliston Street in Medway as conditioned herein and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b) or any successor regulation. Said construction is to be carried out consistent with the Final Plans as defined herein, most particularly in condition number 3, including all notes on the Final Plans, and subject to the conditions set forth in this Decision. The Final Plans shall consist of the following plans, (collectively referred to as the “Preliminary Plans”), which shall be modified as necessary to comply with this Decision and submitted to the Board as provided in conditions number 3 and 5:

A. A set of Preliminary Plans entitled “Timber Crest Estates, a Proposed Residential Development in Medway, Massachusetts,” dated August 26, 2016 as revised through January 30, 2017, prepared by Outback Engineering Incorporated, which includes:

- i. Sheet 1 – Cover Sheet/Site Locus/Affordability Distribution
- ii. Sheet 2 – Existing Conditions Sheet
- iii. Sheet 3 – Existing Conditions Sheet (continued)
- iv. Sheet 4 – Existing Conditions Sheet (continued)
- v. Sheet 5 – Lot Layout Sheet
- vi. Sheet 6 – Lot Layout Sheet (continued)
- vii. Sheet 7 – Grading and Utility Sheet
- viii. Sheet 8 – Grading and Utility Sheet, East Timber Crest
- ix. Sheet 9 – Grading and Utility Sheet, East Timber Crest (continued)
- x. Sheet 10 – Road Profile Sheet
- xi. Sheet 11 – Road Profile Sheet (continued)
- xii. Sheet 12 – Subdivision Profile Sheet
- xiii. Sheet 13 – Detail Sheet
- xiv. Sheet 14 – Detail Sheet



- B. Vernal Pool Work Limits Plan, dated November 30, 2016
- C. 15' No Touch Plan (Wetlands Buffer), dated November 30, 2016
- D. Landscaping Plan, dated February 14, 2017
- E. Phasing Plan, dated February 14, 2017
- F. Green International Affiliates, Inc., letter dated March 15, 2017, with attachments depicting regrading of Holliston Street.
- G. Green International Affiliates, Inc., Updated Figure 14: Conceptual Plan, Proposed Traffic Safety Improvements on Holliston Street.

2. The development shall consist of 1- and 2-story, single-family homes (depending on the home styles identified herein) consistent with the schematic plans submitted with the Applicant's application as identified below. These styles shall be reasonably varied and interspersed throughout the development, subject to market demands.

- A. A set of Architectural Plans, dated May 4, 2016 as revised to February 1, 2017, provided by the Applicant, consisting of roughly thirty-nine sheets, including preliminary schematic floor plans and elevations for:
  - i. The Irving
  - ii. The Jackson
  - iii. The Twain
  - iv. The Whitman
  - v. The Morrison
  - vi. The Fuller
  - vii. The Rand
  - viii. The Thoreau
  - ix. The Mitchell
  - x. The Alcott
  - xi. The Eliot
  - xii. The Angelou
  - xiii. The Hawthorne
  - xiv. The Adler
  - xv. The Dickinson
  - xvi. The Hemingway
  - xvii. The Lee
  - xviii. The Hughes

3. Prior to any ground disturbance, clearance of vegetation, or construction at the site, the Applicant shall revise the Preliminary Plans to comply with the following: i) any additional plan details and revisions called for under the Conditions set forth herein; ii) any additional changes

required by other local boards and agencies to comply with state and federal law, including any Order of Conditions under the State Wetlands Protection Act and local regulations not waived by this Comprehensive Permit; and iii) any requirements of MassHousing upon final approval of the Project (the Final Plans). Upon completion of Applicant's Final Plans as described herein, the Applicant shall submit its Final Plans to the Board for review to determine consistency with this Comprehensive Permit. The Final Plans shall be reviewed as provided in conditions 96 through 100 herein.

4. This Comprehensive Permit Decision shall be a master permit which shall subsume all local permits and approvals normally issued by local boards, as that term is defined in 760 CMR 56.00 *et seq.* Upon presentation of this Comprehensive Permit, subsequent more detailed final plans as required pursuant to this Decision and in order to obtain other relevant approvals, together with final approval from the MassHousing pursuant to 760 CMR 56.04(7), all Local Boards shall take all actions necessary, including but not limited to issuing all necessary permits, approvals, waivers, consents, and affirmative action such as plan endorsements and requests for waivers, after reviewing such plans only to ensure that they are consistent with this Comprehensive Permit (including any waivers or lack of waivers set forth herein), the final approval of the Subsidizing Agency, and in compliance with applicable state and federal laws, regulations, and codes.

#### **Final Plan Design Requirements**

5. The Applicant's Final Plans shall incorporate the following design changes and additions to the Preliminary Plans referenced above. References to Lot numbers shall be these Lot numbers shown on grading plans identified as Sheets 7 through 9 of the Preliminary Plans.

- a. Lot 135 shall be eliminated in order to preserve additional upland adjacent to Certified Vernal Pool #1540
- b. Lot 156 shall be eliminated in order to preserve additional upland adjacent to Potential Vernal Pool #7
- c. Lot 85 shall be eliminated and combined with adjacent lot with bus shelter in order to maintain open space and provide additional buffer to the neighbor at 167 Holliston Street
- d. Lot 71 shall be eliminated and combined with adjacent lot with bus shelter in order to maintain open space and provide additional buffer to the neighbor at 106 Winthrop Street
- e. Lots 1 and 2 shall be combined in order to provide a more continuous appearance with the existing neighborhood streetscape, lot sizes and setbacks.
- f. Lot 153 shall be eliminated and Lots 154 and 155 shall be reoriented in order to increase the buffer to 5 Fern Path and increase the lot size for the two remaining lots to be constructed off of Fern Path to no less than 20,000 square feet.
- g. Lots 73 - 75 shall not be considered buildable lots and shall remain in its natural state to provide additional buffer to the neighbor at 21 Fairway Lane.



- h. A common driveway shall be shown for Lots 83 and 84, and Lots 130 and 131 and must comply with the recommendations of the Medway Fire Department in their letter dated March 3, 2017.
- i. The proposed emergency access with gate and utility easement off of Ohlson Circle shall be constructed to support a 75,000 pound emergency vehicle. Appropriate construction details of proposed emergency access and specifications for proposed materials shall be included.
- j. All turning movements for proposed internal site roadways and cul-de-sacs shall be tested in the Final Plans to ensure no turning movement conflicts based on turning dimensions for the Medway Fire Ladder and Fire Tanker Trucks.
- k. Fire hydrant details and locations shown and subject to review and approval by the Medway Fire Department.
- l. The recommendations contained in correspondence from Sgt. Jeffrey Watson of the Medway Police Department, dated March 5, 2017, shall be shown on the Final Plans.
- m. A landscaping/planting plan, which is to include additional screening and buffering for adjacent properties and bus shelter/parking, plantings and screening for the detention basins and rain gardens, shall be prepared by a registered landscape architect and submitted with the Final Plans.
- n. Provide a complete drainage report to confirm compliance with MassDEP Stormwater Management Regulations.
- o. An Operations and Maintenance Plan shall be provided for the proposed sewer lift stations and pump as well as the drainage and detention basins.
- p. The recommendations contained in correspondence from James Pavlik of Outback Engineering, dated March 6, 2017, shall be shown on the Final Plans.
- q. A lighting and photometric plan showing proposed site lighting, which shall be dark-sky compliant, for Property entries, along the stretches of Roads "C", "F" and "I", where there are no homes, shall be prepared by a registered professional engineer and submitted with the Final Plans.
- r. Architectural Plans and Elevations prepared in accordance with building permit requirements.
- s. Bus shelters/parking and mail kiosks to be clearly shown on the Final Plans.
- t. Provide locations for snow storage and/or snow removal shown consistently across plans including throughout all phases of construction.
- u. Details on trash and recycling shall be provided.
- v. Details on water and sewer connections to Town system, subject to review for consistency with this Decision. See condition number 38.
- w. Detailed survey plans prepared by a registered land surveyor shall be provided to show no intrusion onto adjacent properties at the Project Site Entrances at

Fairway Lane and Holliston Street and all proposed work is on the Applicant's property.

- x. The Final Plans shall continue to incorporate the following design standards with respect to traffic safety as shown in the Preliminary Plans:
  - i. Sight distance plans and profiles at the Fairway Lane/Proposed Site Driveway to ensure that adequate sight lines will be provided based on the observed 85<sup>th</sup> percentile travel speeds.
  - ii. Sight distance plans and profiles that show that adequate SSD and ISD, determined in accordance with industry standards, will be provided at the Winthrop Street/Proposed Site Driveway based on the observed 85<sup>th</sup> percentile travel speeds and that all proposed signage be included in the final plans.
  - iii. Sight distance plans and profiles that show that adequate SSD and ISD, determined in accordance with industry standards, can be provided at Holliston Street/Proposed Site Driveway based on the observed 85<sup>th</sup> percentile travel speeds that the appropriate construction plans be included for the proposed roadway improvements.
  - iv. Sight distance plans and profiles for all proposed site driveways shall be shown on the Final Plans to ensure that adequate sight distance will be provided.
- y. The Final Plans shall clearly show the 26-foot roadway width and include a comprehensive network of sidewalks as required by conditions 57 and 58 and ADA-compliant handicap ramps provided throughout the site.
- z. All proposed signage shall be compliant with MUTCD standards and be included in the Final Plans.
- aa. The updated AutoTurn graphics indicate that ladder and tanker fire trucks can be accommodated within the Road B cul-de-sac using a proposed mountable apron. Construction details of the proposed mountable apron shall be included.
- bb. Stop bars and Stop signs along the minor leg approaches to the internal intersections shall be shown on the Final Plans in accordance with MUTCD standards.
- cc. Stop bars and Stop signs at all proposed site driveway approaches to Holliston Street, Winthrop Street, and Fairway Lane in accordance with MUTCD standards.
- dd. Stop bars and Stop signs at all proposed central mail pickup area approaches to Road A and Road F in accordance with MUTCD standards.
- ee. Any other modifications or details required by this Decision.



### **Environmental and Wetland Resource Protections**

6. The Applicant shall apply for an Order of Conditions under the State Wetlands Protection Act for the Final Plans, as conditioned herein.

- a. The Final Plans shall maintain the vernal pool buffers shown on the Vernal Pool Work Limits Plan, dated November 30, 2016, subject to the exceptions shown therein. The Applicant has agreed to treat all vernal pools, whether certified or potential, the same.
- b. The Applicant shall maintain a 15-foot buffer to all wetland resources, subject to the exceptions shown on the 15' No Touch Plan (Wetlands Buffer), dated November 30, 2016. The recommendations set forth in the Applicant's letter regarding wetlands resources dated December 5, 2016 shall be incorporated into the final design.
- c. The Applicant shall prepare and submit final and detailed stormwater management plans in accordance with the DEP's Stormwater Management Regulations.

7. Lots in the vicinity of the "intermittent stream" identified on Map 9, Lot 51 (165 Holliston) shall be contingent upon the Applicant obtaining a final determination from the Conservation Commission under the WPA that the "intermittent stream" qualifies as an intermittent stream and not as a perennial stream. In the event the stream identified on Map 9, Lot 51 (165 Holliston) is determined to be a perennial stream, the Applicant's Final Plans shall be revised to meet requirements for construction adjacent to a perennial stream under the WPA.

8. Prior to the issuance of any building permit (i.e. permit for wood construction) for any home in the development, the Applicant shall receive an Order of Conditions for construction on the Project Site under the WPA, consistent with this Decision.

9. The Applicant shall work with the Conservation Commission to develop a trail system within the Project Site, and, to the extent feasible, possible connections to existing trails.

10. The recommendations contained in correspondence from Ruberto, Israel, & Weiner, RE: Timber Crest Estates Comprehensive Permit Application – Wetlands Planning, dated December 5, 2016 shall be incorporated into the development.

11. Calcium chloride shall be used to treat the roadways and parking areas during inclement weather.

### **General Conditions**

12. This comprehensive permit is issued pursuant to the Applicant's MassHousing project eligibility letter dated as of January 6, 2016, which approved up to one-hundred eighty eight units, as affected by correspondence from MassHousing, dated September 13, 2016. In accordance with MassHousing's final approval process, the Applicant shall submit to

MassHousing for review and final acknowledgement of consistency with this Decision, the Final Plans.

**13.** The development shall be limited to one hundred forty-seven single-family homes, as generally shown on the Final Plans described herein. Of these homes, not less than twenty-five percent (thirty-seven), shall be reserved for ownership by qualifying households earning at or below 80% of the area median income, as defined and amended from time to time by the subsidizing agency for this project. The affordable homes shall be evenly dispersed throughout the development, as may be determined by the subsidizing agency upon final approval. Location of the affordable homes may be changed with approval of MassHousing and with notification to the Board. The affordable homes shall be indistinguishable from the exterior from the market rate homes in the Project. The affordable homes shall remain affordable in perpetuity by deed riders in form and substance acceptable to the subsidizing agency for the project.

**14.** The affordable units shall be constructed on a schedule that provides substantially for the construction of one affordable unit for every three market rate units constructed. In no event shall any five market rate units be constructed without completion of one affordable unit.

**15.** During construction Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence on any weekday before 7:00 A.M. and shall not continue beyond 6:00 P.M., Monday through Saturday. There shall be no construction on any Sunday or legal holidays without advance approval of the Inspector of Buildings. No equipment on-site shall be started and allowed to warm up prior to the start of the allowed construction hours.

**16.** Any homes built on roadways beyond the 600ft road length, currently Lots numbered 112 through 134 (Sheets 8 and 9), shall be built with fire sprinkler systems based on recommendations of Medway Fire Department by letter dated March 3, 2017.

**17.** Based on recommendations of the Medway Fire Department by letter dated October 4, 2016 and March 3, 2017, a one-hour fire rated wall assembly of any home that is less than thirty feet away from another home.

**18.** Monitoring of the Applicant's compliance with the affordability requirements, local preferences, affordable unit marketing and limited dividend requirements shall be the responsibility of MassHousing. The Board shall be informed prior to the selection of any affordability monitoring agent by MassHousing.

**19.** To the extent permitted by state and federal law, and DHCD Guidelines, including DHCD Affirmative Fair Housing and Marketing Policy, preference for the purchase of fifty percent of the affordable homes (nineteen), shall be given to: a) Medway residents, b) employees of the Town of Medway, c) employees of businesses within the Town of Medway, or d) households with children attending Medway schools, such as METCO students. The preferences set forth herein shall be incorporated into the lottery process for the sale of affordable homes. The preferences include applicants who have been hired to work in the Town of Medway, and



applicants who demonstrate that they expect to live in Medway because of a bona fide offer of employment. The Board acknowledges that the Town will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence.

**20.** Blasting, if any, shall be performed in a manner approved by the Medway Fire Department and Building Department so as to prevent injury or property damage to the residents of the Town and proper evidence of insurance shall be provided to the Building Commissioner before blasting begins. The Applicant shall provide at least 48 hours written notice of the scheduling blasting to all property owners and residents within 500 feet of the subject parcels. Such residents shall be provided the option of having a pre-blasting inspection at applicant's expense. Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Friday only. No blasting shall occur on Saturdays, Sundays, or legal holidays.

#### **Pre-Construction, Site Preparation and Construction Conditions**

**21.** Prior to the commencement of any ground disturbance, clearing of vegetation, or construction the Applicant's engineer shall provide to the Board's peer review engineer a detailed construction sequencing plan, which may be incorporated in the Applicant's Stormwater Pollution Prevention Plans ("SWPPP") in connection with its National Pollutant Discharge Elimination System ("NPDES") Permit, detailed plans of the wetlands crossings and related infrastructure as approved under the Wetlands Protection Act, and a construction traffic management plan during each phase of the work, which includes requirements relative to any and all appropriate signage and police details during the construction phase. The Applicant's construction sequencing plan may allow for the issuance of foundation permits (i.e. permit for concrete foundation only) prior to construction of the project roadways and site infrastructure, provided that the Applicant's engineer certifies that appropriate measures will be taken to stabilize the project site prior to any foundation excavation.

**22.** The Final Plans shall show the layout of the erosion control devices. An erosion control, construction management and construction sequencing plan(s) showing the construction methods, scheduling, phasing, winter stabilization measures, and location of necessary water pollution and erosion control methods shall be submitted as part of the Final Plans. The Final Plans shall show the location of the storage areas and designation of temporary stump storage or spoils material area, in accordance with state regulations.

**23.** The Applicant shall pay all reasonable fees imposed for the purpose of inspecting and monitoring the compliance of the Project's construction with the terms of this permit, local bylaw requirements not waived by this permit, and other permits and approvals issued with respect to this Project for which the Town has monitoring responsibility. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is 30 days overdue.



24. Inspection by the Town's Consulting Engineer of the construction of the roadways, infrastructure, stormwater management facilities, water and sewer facilities, site amenities including landscaping, and other utilities is required. Prior to plan endorsement, the Applicant shall pay a construction observation fee under G.L. c. 44 §53G to the Town of Medway for such inspections. The Board will use the funds at its discretion to retain professional outside consultants. In addition to inspections, the funds may be used to pay professional outside consultants to review legal documents, prepare bond estimates, and review as-built plans. The amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer and shall be paid prior to the pre-construction meeting. The Applicant shall provide supplemental payments to the Town of Medway, for reasonable construction services, upon invoice from the Board until the road construction and stormwater drainage system are completed, utilities and site amenities are installed, and the as-built plan has been reviewed and determined to be satisfactory for filing with the Town. The frequency and nature of such inspections shall be consistent with the nature and complexity of the work in progress.

Board members, its staff, consultants or other duly authorized agents of the Town of Medway shall have the right to enter upon the property to inspect the site at any time, for compliance with the Final Plans and the terms, provisions and conditions of this comprehensive permit.

25. The Department of Public Services 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.

26. A preconstruction conference with the developer, general contractor, Department of Public Services, Police and Fire Departments, the Conservation Agent, the Building Department, the Community and Economic Development Staff, and the Town's Consulting Engineer shall be held prior to the commencement of construction. For the purposes of this Decision, "Commencement of Construction" shall occur when the clearing and grubbing (*removal of stumps and topsoil*) has been initiated. The general contractor shall request such conference at least one week prior to commencing construction by contacting the Community and Economic Development office. At the conference, a schedule of inspections shall be agreed upon by the developer, the Town's Consulting Engineer and other municipal officials or boards in accordance with Section 6.5 Construction Observation/ Inspection of the *Subdivision Rules and Regulations*. At the pre-construction meeting, the developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPP) and a detailed construction schedule.

27. Prior to Commencement of Construction, the Applicant shall provide to the Building Inspector:

- (a) the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site;
- (b) a copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Premises have been paid;
- (c) certification from the Applicant that all required federal, state and local licenses and permits have been obtained;



- (d) proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work (can be provided for each Phase);
- (e) proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel (can be provided for each Phase); and
- (f) at least 48 hour written notice. If activity on site ceases for longer than one month, 48 hour written notice prior to restarting work.

During construction, at the end of each work day, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to as-built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board's construction monitor shall be notified in writing of the final disposition of the materials.

**28.** The bus shelters, mail kiosks and parking lots shall be constructed prior to the issuance of any occupancy permit.

**29.** The Applicant shall use deep sump catch basins with hooded discharge basins rather than a "tee" connection as outlined in correspondence provided by the Department of Public Services. Catch basins shall be no more than 300 feet apart except where required to meet the setbacks of wetlands or vernal pools; in no instance shall catch basins exceed 450 feet apart. Catch basins shall not be located within the apron of any driveway.

**30.** No driveway which runs down gradient from the street to the house shall exceed an 8% grade.

**31.** Roadway grades shall be a minimum of 1%, except may be reduced to 0.7% where necessary. Roadway grades must provide proper drainage.

**32.** Prior to the sale of or issuance of the first Certificate of Occupancy for any affordable dwelling unit, the Applicant shall have entered into a regulatory agreement with MassHousing (the "Regulatory Agreement") and recorded the Regulatory Agreement at the Norfolk County Registry of Deeds.

**33.** The final design and construction plans for the proposed roadway improvements shall be submitted to the Board and the Department of Public Services for review. Prepared by a registered professional engineer, these plans shall include, but not limited to, all lot lines, easements, slopes and grading to driveways, existing and proposed vegetation, trees, stone walls, fencing, and retaining walls and proposed mitigation in the event that any of these items are removed. The 50% design plans for the proposed roadway improvements shall be submitted to the Department of Public Services for review prior to the development of final design, and at which time affected abutters will be notified and provided an opportunity to comment within twenty days on the proposed roadway changes.



**34.** No building permit shall be issued for any Phase of the construction until such Phase's stormwater collection system is functional, all utilities serving such Phase, including fire hydrants, are installed and available for service and the binder course of bituminous concrete is completed. The Applicant shall be eligible to receive occupancy permits upon substantial completion of infrastructure (i.e. roadway pavement base course, wetlands crossing, etc.) and utilities in each Phase of the Project sufficient to adequately service the needs of the homes in such Phase for which an application for certificate of occupancy has been made, subject to standard inspections in the ordinary course. Final roadway and infrastructure as-built plans shall be certified by the Applicant's engineer and submitted to the Building Inspector prior to issuance of the final occupancy permit for each Phase.

**35.** The Applicant has agreed to regrade Holliston Street between Fairway Lane and the Proposed Site Entrance to satisfy Stopping Sight Distances ("SSD") and minimum Intersection Sight Distances ("ISD") criteria at the Proposed Site Entrance looking to/from the north for the observed 85<sup>th</sup> percentile travel speed of 41mph. These improvements are expected to also enhance sight lines at the Holliston Street/Fairway Lane intersection looking to/from the south. Prior to the issuance of any building permit for Phase 2E on the eastern portion of the Project site, the Applicant shall complete the proposed re-grading of Holliston Street, as depicted in plans prepared by Green International Affiliates, Inc. ("GIA") submitted as part of the final plans, so as to achieve the stopping sight distance and intersection sight distance shown on the GIA plans. Prior to the issuance of any building permit for Phase 2E on the eastern side, the Applicant and the Board's construction monitor, shall meet at the Project site to confirm appropriate site lines at the intersection of Holliston Street and the Project entrance, consistent with the requirements of the approved plans. The Applicant shall work with the Town to clear any vegetation within the layout of Holliston Street necessary to maintain adequate sight lines as depicted on the approved plans, but shall preserve any major trees (i.e. greater than 3" diameter) to the extent practicable.

**36.** Prior to the issuance of any building permit for Phase 1W on the western portion of the Project site, the Applicant shall complete the proposed mitigation, as depicted in plans prepared by Green International Affiliates, Inc. ("GIA") submitted as part of the Preliminary Plans, so as to achieve the stopping sight distance and intersection sight distance shown on the GIA plans. Prior to the issuance of any building permit for Phase 1W on the western side, the Applicant and the Board's construction monitor, shall meet at the Project Site to confirm appropriate sight lines at the intersection of Winthrop Street and the Project entrance, consistent with the requirements of the Final Plans. The Applicant shall work with the Town to clear any vegetation within the layout of Winthrop Street necessary to maintain adequate sight lines as depicted on the approved plans, but shall preserve any major trees (i.e. greater than 3" diameter) to the extent practicable.

**37.** The Applicant has proposed to construct the Project roadway as shown on the Final Plans, such that the subdivision roadways for the project will be eligible for adoption by the Town of Medway as a public road. If the Applicant chooses to petition the Town of Medway for acceptance of the project roadway, the Applicant shall be solely responsible to apply for the subdivision roadway to be dedicated and accepted by the Town of Medway as a public way for all purposes.



38. All utilities and water and sewer construction and materials shall be constructed consistent with the Final Plans and otherwise in accordance with Town of Medway requirements except as otherwise shown on the Final Plans.

39. All utilities within the Premises shall be installed underground. No stumps or construction debris shall be buried or disposed of at the Property.

40. All utility work and any other roadwork, within the public right of way shall be performed and conducted in conformance with the regulations of the Medway Department of Public Services including requirements for street opening permits and trench permits. Contractors shall be duly licensed as required by Town of Medway. All such work shall be performed in accordance with current engineering and construction standards and shall be completed prior to issuance of the first occupancy certificate.

41. No more than two Phases as shown on the Phasing Plan shall be under construction at any time. After Commencement of Construction on the first Phase, no construction on another Phase shall commence until at least 50% of the houses in a Phase under construction have been completed. Each Phase shall be completed within six years of the Commencement of Construction for that Phase. A Phase shall be deemed completed when all infrastructure, houses, road work, drainage, landscaping, and other work shown on the Final Plans is completed, provided however, that for the limited purpose of determining when the Applicant is eligible to commence a subsequent Phase the finished top coat of asphalt, sidewalks and curbing need not be installed. In any event, construction in accordance with this Comprehensive Permit shall be completed within eighteen years of the Commencement of Construction or approval of any further construction of any dwelling not already begun shall lapse. The Applicant may apply to the Board for an extension of up to one year of this deadline for good cause, but must do so before any lapse occurs. Additional extension after the first may be applied for but not until at least nine months have expired on the extension in effect.

42. As proposed by the Applicant, no more than thirty occupancy permits for the Project shall be issued in any given calendar year. Beginning with calendar year after the Commencement of Construction, the Applicant shall provide a written report annually to the Board outlining the progress of the development, including the status of the infrastructure construction, the number of houses constructed, the number of affordable houses constructed, and the anticipated construction schedule for the upcoming year. This report will be filed with the Board on or before January 31<sup>st</sup> of each applicable year.

#### **Water and Sewer Conditions**

43. As agreed to by the Applicant, prior to the issuance of any building permit the Applicant shall deposit \$25,000 with the Medway Department of Public Services, which shall be used to defray the costs of planning and constructing a new emergency backup water supply well for the Town.

44. All homes shall be connected to the public water system through on-site water mains as shown on the Final Plans and consistent with the results of the Kleinfelder study, which

recommended the Fern Path connection or the combination of the East-West connection and the updated Holliston Street water main. Phasing of the proposed utility connections shall be in accordance with the Phasing Plan approved herein, provided that prior to the issuance of any building permit for any lot in “Phase 3E” of the proposed development the Applicant shall demonstrate available flow for Phase 3E of no less than 1000 gallons per minute. The Applicant shall install sprinklers in any home where the required water flow of 1000 gallons per minute cannot be met. The Applicant shall install a pressure booster pump in any home that does not have 35psi water pressure. If a pressure booster pump is required for any home to be sprinklered then the pressure booster pump shall be rated for fire service.

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

46. The Applicant shall equip each house with low-flow toilets and high-efficiency water sense faucets and 1.5 gallon shower heads to reduce water usage.

47. The Project shall be served by municipal sewer and water, at the Applicant’s sole expense, in accordance with the Medway Department of Public Services requirements.

#### **Traffic, Safety and Access Conditions**

48. All proposed signage shall be compliant with MUTCD standards and the appropriate signage plans be included in the Final Plans subject to the review and determination of consistency with this Decision by the Board and the Town’s Safety Officer.

49. The Applicant has proposed safety improvements at the Lovering Street approach to Holliston Street and Coffee Street approach to Holliston Street. Any proposed signage will be included in the Final Plans.

50. The final roadway and signage plans shall be subject to review and determination of consistency with this Decision by the Town’s Department of Public Services and Police and Fire Departments. Street names will be approved by the Town’s Street Naming Committee.

51. All internal and on-site intersections shall be constructed in compliance with required sight distances.

52. Additionally, since the 85<sup>th</sup> percentile travel speeds southbound along Winthrop Street were observed to be 10 mph or more above the posted speed limit, the Applicant shall install a speed feedback sign along the Winthrop Street southbound approach to the proposed site driveway.

53. The Applicant shall work with the Town’s Safety Officer to identify specific improvements at off-site locations identified by GIA, by letter dated 2/21/17, where improvements to existing crosswalks may be warranted to ensure the safety of pedestrians originating from the proposed project.



54. On-street parking along the proposed site roadways within all cul-de-sacs shall be prohibited to ensure safe and efficient emergency vehicle access. On-street parking shall be restricted to only one side of the street elsewhere within the site. The Applicant shall install adequate signage indicating these parking restrictions along the roadway and cul-de-sacs.

55. The Applicant shall work with the Medway School Department to identify safe locations for the school bus stops and ensure that any planned stop locations have adequate sight lines based on the 85<sup>th</sup> percentile travel speeds. Details of specific locations and accommodations shall be included in the Final Plans and reviewed by the School Department and applicable public safety personnel.

56. The Applicant shall provide a crosswalk and appropriate signage across Winthrop Street at the intersection with Stephanie Road and the proposed site entrance compliant with MUTCD standards, which will be shown on the Final Plans.

57. The Applicant shall install 5 foot wide ADA compliant sidewalks on one side of the streets throughout the development, with the exception of Roads B, G, H, and Fern Path Extension. The Final Plans shall show the sidewalks and the tie-in of the sidewalks to the existing sidewalks along Fairway Lane where available.

58. The Final Plans shall include crosswalks that are provided where sidewalks end on one side of the street and begin on the opposite side of the street and ensure that all sidewalks begin and end at internal intersections wherever possible to ensure that midblock crossings are avoided.

59. Prior to the application for a building permit for the homes on Fern Path, the Applicant shall confirm to the Board that it has the right to use Fern Path, Redgate Drive, and Howe Street for access to build on the two lots being proposed, and secure all, if any, easements required to construct the proposed connection to the two proposed homes off of Fern Path.

60. Parking or idling along the proposed internal site roadways with 100 feet of Holliston Street and Winthrop Street shall be prohibited to avoid obstruction of sight lines. The Applicant shall install adequate signage indicating along the roadway and cul-de-sacs.

61. The Applicant shall provide a curb cut for 21 Fairway Lane at the site entry off of Fairway Lane for purposes of access to the property.

#### **Emergency Secondary Access Conditions**

62. The proposed emergency access with gate and utility easement off of Ohlson Circle shall be constructed to support a 75,000 pound emergency vehicle and provide for clear access at all times. Details of proposed emergency access and specifications for proposed materials are subject to the review and approval by the Medway Fire Chief. The emergency access with gate and utility easement shall be constructed prior to the issuance of the first occupancy permit for the West Project.

### **Stormwater Management Conditions**

63. The Applicant shall demonstrate compliance with MassDEP's Stormwater Management Standards. The Applicant will provide an Operations and Maintenance Plan and Long-term Pollution Prevention Plan prior to the issuance of the first building permit.

64. No stormwater collection systems or other water collection area to be constructed by the Applicant as part of the Project shall hold water for more than 72 hours, to prevent the breeding of mosquitos except for "wet ponds" built in compliance with MassDEP Stormwater Management Regulations. The Applicant, and subsequently the Homeowner's Association, shall implement any necessary mosquito control measures to protect residents of the Project and nearby residents in the event that water collects for longer than 72 hours.

65. Snow shall never be placed within the stormwater management systems.

### **Landscaping and Lighting Conditions**

66. There shall be screening of bus shelters and parking areas in accordance with the landscape plans submitted with the Final Plans, subject to review and determination of consistency with this Decision by the Board and the Building Commissioner.

67. There shall be screening between the proposed Project and adjacent properties in accordance with the landscape plans submitted with the Final Plans, subject to review and determination of consistency with this Decision by the Board and the Building Commissioner.

68. If requested by affected homeowners, the Applicant shall provide off-site screening to the properties on Fairway Lane across from the Proposed Site Entrance off of Fairway Lane to prevent glare from the headlights of exiting vehicles.

69. Landscaping plans shall include appropriate plantings, screening and overall design of the detention basins and rain gardens. Trees shall include a mix of at least 3 native, non-invasive species.

70. Retaining wall and fencing details shall be submitted to the Building Commissioner for review and determination of consistency with the Final Plans and applicable State Building Code requirements.

71. The Applicant shall provide a minimum of one street tree per lot, to be planted at least 6 feet from the Right-of-Way.

### **Establishment of Homeowner's Association**

72. The Applicant proposes that the Project roads and infrastructure will be accepted by the Town as public facilities; however, the Applicant shall establish a homeowners' association to operate, maintain, and repair all roadways and infrastructure, trash and recycling, easements, open space, common areas, including the stormwater management system including mosquito



control measures, sewer lift station pumps, force mains, snow removal, landscaping, emergency access to Ohlson Circle and other improvements within the subject property until such time, if any, that such facilities are accepted as public facilities and ways by the Town of Medway.

73. Prior to release from the covenant described in condition number 77 of any lot for sale, the Applicant shall establish a Homeowners' Association Trust or Homeowners' Association Corporation in a form consistent with this Decision, and record such document with the Norfolk County Registry of Deeds, which shall be approved as to form and content by both the Board and Town Counsel, for the purposes of the operation, maintenance and repair of the items noted in condition number 72. Until the Homeowners' Association is established and becomes responsible for such operation, maintenance and repair, the Applicant shall be responsible.

74. The Applicant shall prior to the sale of the first lot in the project, provide a draft deed and appropriate draft language relative to any easements on the property, any restrictions, and require participation in the Homeowners' Association among other considerations which draft deed and supplemental language shall be subject to Town Counsel approval for consistency with the requirements of this Decision. Such approved language shall thereafter be used for all relevant deeds in the Project. The Applicant shall retain all easements that are to be conveyed to the Homeowners' Association for all roadways and infrastructure, easements, open space, common areas, including the stormwater management system including mosquito control measures, sewer lift station pumps, force mains, snow removal, landscaping, emergency access to Ohlson Circle and other improvements within the subject property and shall convey same to the Homeowners' Association prior to the conveyance of the last lot. The Applicant shall also retain an appropriate easement to use the roadways for all purposes for which a public way may be used when each lot is deeded out, as well as any drainage, utility or other easements to be conveyed to the Town, and convey the appropriate easements to the Town if and when each roadway is accepted by the Town as a public way.

75. The Homeowners' Association shall include funds in its annual budget to conduct all routine repair and maintenance of the storm water management system in accordance with the O & M Manual, and shall provide annual funding to create a savings reserve so as to provide for the timely replacement of failed system components.

76. To the extent not covered by any order of conditions for the project, the Applicant and the Homeowners' Association, as may be applicable, shall submit an annual report to the Building Commissioner in which a qualified contractor certifies that it has timely performed all inspection, maintenance and repair called for by the O & M Manual. Such report shall be filed no later than January 31<sup>st</sup> of each year. If the order of conditions for the project includes any alternative O & M reporting requirement, such reporting requirement shall control and satisfy the requirements of this condition.

#### **Performance Guaranty**

77. Prior to Final Plans endorsement, the Applicant shall provide security as provided in and required by G.L. c. 41, §81U, and the Planning Board Rules and Regulations for the Review and Approval of Land Subdivisions ("Subdivision Regulations") to the extent not waived by this



Decision, in an amount and form approved by the Board, to secure construction of the roadways, installation of stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all site amenities including but not limited to lighting, landscaping, fencing, and any off-site improvements, all as shown on the Final Plans. If the form of security includes a covenant, the covenant shall be in a form reviewed and approved by the Board. Reference to the covenant shall be noted on the cover sheet of the Final Plans of Record. The covenant shall be recorded at the Norfolk County Registry of Deeds.

**78.** The form or combination of performance security measures shall be selected and from time to time may be varied by the Applicant in compliance with G.L. c. 41, §81U, in a sufficient amount, source and form acceptable to the Board. Such performance guarantee shall secure the Applicant's completion of the construction of the remaining roadways and installation of the remaining stormwater management facilities, utilities, services, pedestrian facilities/trails/pathways, all appurtenances thereto, and all site amenities including but not limited to lighting, landscaping (except for individual cottage landscaping), and fencing and any off-site improvements, all as shown on the Final Plans. The performance guarantee agreement shall:

- a. define the obligations of the Applicant and performance guarantee company;
- b. state that it does not expire until released in full by the Board; and
- c. include procedures for collection upon default.

The Applicant shall be current with the Town of Medway for any taxes/fees associated with the subject property before the Board may enter into a performance security agreement.

**79.** The choice of performance guarantee shall be governed by the provisions of G.L. c. 41 §81U and shall be approved as to form by Town Counsel. The Board shall notify the Building Commissioner, in writing, of such completion or performance guarantee. A letter of credit is not a suitable form of surety under G.L. c. 41 §81U, paragraph 7.

**80.** The face amount of the performance guarantee shall be the amount that would be required under Section 81U and the Subdivision Regulations to the extent not waived by this Decision. The Board shall be guided by the estimate of the Town's Consulting Engineer of the cost to complete the work. A twenty-five percent contingency shall be added as provided in the Subdivision Regulations.

**81.** At the Applicant's written request, the amount of the performance guarantee may be reduced, from time to time, by the Board and the obligations of the parties thereto released by the Board in whole or in part, as provided under Section 81U and the Subdivision Regulations to the extent not waived by this Decision. The Board shall be guided by the estimate of the Town's Consulting Engineer of the cost to complete the work. A twenty-five percent contingency shall be added as provided in the Subdivision Regulations.

The Applicant shall not make any request for a reduction of the performance guarantee of less than \$40,000 or such lesser amount remaining on the performance guarantee.



82. Performance bonds, if any, shall be released by the Board in accordance with Section 81U and the Subdivision Regulations to the extent not waived by this Decision.

#### **As-Built Plans**

83. As-Built Plans shall be provided in accordance with the Subdivision Regulations within 90 days after completion of construction and submitted to the Zoning Board. The estimated costs to provide as-built plans shall be included in any performance guarantee.

#### **Miscellaneous Conditions**

84. The Applicant shall commence construction within three years of the date the permit becomes final pursuant to 760 CMR 56.05(12).

85. The Applicant shall inform the residents of Fairway Lane, Winthrop Street, Holliston Street, Fern Path, and the adjacent neighborhoods (*as listed in the certified list of abutters accompanying the application*) of the construction schedule, and shall update the schedule from time to time as needed.

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

87. The Applicant may make alterations to the exterior style of the homes in the development, so long as such alterations do not constitute a substantial change and do not encroach into any existing wetlands setbacks or building envelopes shown on the approved plans. Subsequent owners of homes in the development may extend or alter their homes, provided that no such extension or alteration shall encroach into any existing wetlands setbacks or building envelopes shown on the approved plans.

88. This Decision with its conditions shall be recorded with the Norfolk County Registry of Deeds. The Decision shall run with the land and be binding on the Applicant and/or its successors or assigns and shall be recorded senior to any other liens.

89. The Applicant shall provide the final endorsed plans in CAD and GIS format to be put into the Town's GIS system. All files shall use the layering and format as specified in the correspondence by the Department of Public Services on May 2, 2016.

90. The Board, as the comprehensive permit granting authority, rather than the Planning and Economic Development Board, will be responsible for endorsing the Final Plans, which are the project subdivision plans, upon confirming that such plans comply with any applicable provisions set forth in this comprehensive permit for recording at the Norfolk County Registry of Deeds.

91. The development shall have different names for the west and east sides for public safety purposes.

**92.** The Applicant has agreed to extend the proposed sewer lines for the development to provide a sewer line stub to the properties at #11, #13, #15 and #17 Fairway Lane as well as plant trees for the purpose of screening as outlined in agreements with the property owners, dated January 23, 2017. This will be completed before the first occupancy permit for the second phase of the east side of the development.

**93.** The Applicant shall consult with the Department of Public Services and Board of Health regarding trash and recycling services.

**94.** The Applicant shall comply with all local bylaws and regulations of the Town of Medway and its boards and commissions unless specifically waived herein or as otherwise addressed in these conditions, or as required to build Project pursuant to Final Plans, subject to the following section.

**95.** The Applicant has requested, and the Board has granted certain waivers from the Medway Zoning Bylaw and other local bylaws and regulations as specified below. To the extent that additional waivers are subsequently determined to be required to construct the improvements shown on the Approved Plans, such waivers must be requested by the Applicant in accordance with 760 CMR 56.05 (11).

**96.** Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04 (7) and shall provide evidence of such Final Approval to the Building Commissioner and the Board.

**97.** The Applicant shall provide post-permit documents and plans required in this Decision to the Board which shall forward such documents and plans to its peer review engineers and other consultants, if deemed necessary. The Board's peer review engineers and consultants shall provide an estimated cost for a peer review to the Board and the Applicant for review of materials for completeness and compliance with this Decision.

**98.** Once the Applicant has provided a completed set of post-permit documents and plans and the peer review funds are in place, the Board shall have 45 days to obtain the necessary peer review comments and to determine whether the final plans submittals are consistent with the requirements of this Decision.

**99.** If the Board votes to determine that the post-permit documents and plans are not consistent, the Board shall notify the Applicant of the inconsistencies and the Applicant shall have an opportunity to cure the inconsistencies and the Applicant and the Board may mutually agree to extend the 45 day period for review to cure the inconsistencies.

**100.** If the inconsistencies are not timely cured, then the Board may vote to determine that the Final Plans are not consistent with this approval and the Applicant may avail itself of any avenue of appeal that may exist or may take further action to make additional submissions to the Board and its peer review consultant, to try to obtain a determination of consistency required by this condition, so long as this Comprehensive Permit has not lapsed pursuant to 760 CMR



56.05(12)(c) and so long as the Applicant pays the reasonable fees of the peer review consultant(s).

**101.** If any substantive changes are required during the additional permit filings with the Conservation Commission, or other federal and state permits then the Applicant shall request a modification of the Comprehensive Permit per 760 CMR 56.05 (11) and the Board's Rules and Regulations.

**102.** The Project Site is traversed by easements in favor of Boston Edison Company, now NSTAR Electric Company, and Algonquin Gas Transmission Company. The Applicant will obtain approval from Algonquin and NSTAR for all work within those easements prior to commencement of construction.

**103.** As a condition of any approval hereunder, at least 25% of the dwelling units shall be and shall remain affordable and shall be marketed and sold to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (the "Affordable Units"); and, subject to approval by DHCD, the Affordable Units shall be and shall remain eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

The Applicant shall notify the ZBA and the Town Administrator when building permits are issued for Affordable Units and cooperate with the preparation of request forms to add the Affordable Units to the Town's SHI. The Applicant shall notify the ZBA and the Town Administrator when occupancy permits are issued for the Affordable Units and cooperate with the preparation of request forms to add the units to the Town's SHI permanently. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

**104.** If the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency (a "Termination Event") the Applicant and its successors in title and assigns covenant and agree that it shall re-execute the Regulatory Agreement naming the Town of Medway as the enforcement agency thereunder (the "Town Regulatory Agreement"), which shall then be recorded with the Norfolk Registry of Deeds. At a minimum, the Town Regulatory Agreement shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; and (ii) shall require that at least 25% of the dwellings in the Project shall be affordable and owned by low and moderate income households as that term is defined in M.G.L. Chapter 40B, Sections 20-23. The Town Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the affordable dwellings and shall be enforceable by the Town and shall require that the affordable dwellings shall remain affordable in perpetuity, meaning, specifically, for so long as the Project does not conform to the Town Zoning Bylaws or for the longest period allowed by law, whichever period is longer.



**105.** While the Regulatory Agreement with the Subsidizing Agency (or one with another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency and may take any steps allowed under G.L. c.40B and 760 CMR 56.00 in relation to excess profits and enforcement of affordability provisions.

**106.** Upon a Termination Event, the affordability requirements shall be enforceable by the Town or its designee, to the full extent allowed by M.G.L. Chapter 40B, Sections 20-23. Nothing contained herein may be used or construed or otherwise exercised in conflict with the holdings in Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010) or any other relevant decisional law or amendment to G.L. Chapter 40B, §§20-23, nor shall the foregoing be deemed to limit the Town's authority to enforce the provisions of this Comprehensive Permit in accordance with the legal exercise of its zoning enforcement powers. At such time as the Town becomes responsible for monitoring the affordability requirements for the Project following a Termination Event, the Applicant shall provide the Town with a reasonable monitoring fee.

**107.** If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.

**108.** The Applicant shall provide the ZBA with copies of any and all documents and statements provided by the Applicant to the Subsidizing Agency or its designated auditor of the Applicant's costs and revenues for informational purposes.

### **III. Relief from Local Rules, Regulations and Bylaws**

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

<b>PLANNING BOARD SUBDIVISION RULES AND REGULATIONS</b>	
<b>1.</b>	Waive the entirety of Sections 1 (General), 4 (Procedure for Submission and Review of Preliminary Plans), 6 (Subdivision Administration) with the exception of 6.7 As-Built Plans, 6.8 Procedure for Street/Infrastructure Acceptance, and 6.9 Final Release of Performance Guarantee, and 8 (Administration), with the exception of 8.3.2 Replenishment and 8.3.4 Refund.
<b>2.</b>	<b>Section 1.6.1</b> Waive requirement that no subdivision plan shall be approved unless



	all buildings, structures and lots therein comply with all zoning requirements, unless variances have been issued by the Zoning Board.
3.	<b>Section 5.0</b> Waive requirement of Definitive Subdivision submittal, review, approval and endorsement by the Planning Board.
4.	<b>Section 5.2</b> Waive requirement of Definitive Subdivision submittal of all items in Sections 5.5 and 5.7, Definitive Plan filing and plan review to the Planning Board, as well as submittals to the Town Clerk and Board of Health.
5.	<b>Section 5.5</b> Waive requirement of submittals to the Planning Board, including 18 sets of plans under 5.5.1, Form C under 5.5.2, Form D under 5.5.3, receipts of submittals to the Town clerk and Board of Health under 5.5.7 and 5.5.8, and a Stormwater Analysis under 5.5.9, Stormwater System Operation and Maintenance Plan under 5.5.10, Development Impact Report Form F under 5.5.11.
6.	<b>Section 5.5.14</b> Waive requirement that an ANRAD determination be obtained from the Conservation Commission certifying the limit of all wetland and adjacent upland resource areas within the proposed subdivision and up to 150 ft. beyond the property line of the subdivision.
7.	<b>Section 5.7</b> Waive requirements for all required plan submittals.
8.	<b>Sections 5.7.23</b> Waive requirement for compliance with town stormwater design regulations in accordance with Section 7.7 of the regulations.
9.	<b>Sections 5.8 - 5.10</b> Waive requirements for review by Bd. of Health and other town boards and the Public Hearing process by the Planning Board, where Zoning Board shall act on this plan under the Comp. Permit.
10.	<b>Section 5.20</b> Waive compliance with Planning Board rules regarding performance guaranties except as provided in the Conditions.
11.	<b>Section 7.7.2.d.</b> Waive requirement that subdivision shall not result in any increase in the peak rates or volumes of stormwater runoff over natural and existing conditions for the two, ten, twenty-five and one-hundred year storm

	<p>events. As required in the DEP Stormwater Management Regulations, runoff rates shall be controlled for the 2, 10 and 100-yr. storm events and volumes shall not result in flooding downstream properties in the 100-yr. storm event. Runoff rates shall also be controlled for the 25-yr. storm as was requested by the Zoning Board. This request is necessary because the project as preliminarily designed complies with the DEP regulations, but does not meet the town's standard to control runoff volumes below existing conditions for the 2 and 10 year storms to the central wetland (Design Point 3) and for the 10 and 25 year storms at onsite isolated wetlands (Design Point 5).</p>
12.	<p><b>Section 7.7.2.e.</b> Waive requirement that the drainage analysis assume a minimum forty-foot by eighty foot building footprint and a paved driveway for each lot.</p>
13.	<p><b>Section 7.7.2.f.</b> Waive requirement that catch basins or inlets shall be spaced along both sides of a street at 300-ft. maximum intervals and located at all low points and corner roundings at street junctions.</p>
14.	<p><b>Section 7.7.2.g</b> Waive requirement for runoff rates and volumes from all subdivisions be detained on-site for the two, ten, twenty-five and one-hundred year storm events, where we propose to conform to DEP Stormwater Management Regulations requiring runoff rates to be controlled to not exceed existing conditions for the 2, 10 and 100-yr. storms and to not cause any downgradient flooding in the 100-yr. storm.</p>
15.	<p><b>Section 7.7.2.p</b> Waive requirements for drainage basin systems to be on their own lots and with "limits" (defined as the bottom of the berm slope on the exterior side of the pond where it meets the existing grade) set back 30 ft. from lot lines, where proposed detention/retention basins and underground leaching systems shall be located on easements on some of the house lots and shall cross lot lines.</p>
16.	<p><b>Section 7.7.2.r.</b> Waive requirement for substantial landscaping such as a double row of trees and shrubs for screening purposes around drainage basins, where space limitations may not allow for these plantings.</p>
17.	<p><b>Section 7.7.2.s.</b> Waive requirement that stormwater management systems shall be designed so that maintenance shall not be required more than two times per year.</p>



18.	<b>Section 7.7.2.s.</b> Waive requirement to install an independent drainage system to collect and discharge subsurface runoff from the foundation perimeter drains for the houses along the proposed roadway as outlined in this section.
19.	<p><b>Section 7.9.2.a.</b> Waive requirements for 150' minimum centerline offset between intersecting streets where Road F intersects Holliston Street within 150' of unconstructed ways (Wingate Farm Road and a small paper street cul de sac opposite 165 Holliston St. that provides frontage for 1 lot to the rear).</p> <p>Waive requirement for 150' min. centerline distance for roadway jogs caused by reverse curves (1 at Road C is approx. 99', 3 along Road F are between 90' and 145', and Road I has 2 at approx. 20' and 98').</p>
20.	<b>Section 7.9.2.b.</b> Waive 200 ft. min. centerline radius for a Secondary Street to allow Road A with a 150 ft. radius and Road C a 60 ft. radius, and Road F on East Side proposes 150 ft. radii at 4 locations between Holliston Street and Road I. Waive 150 ft. minimum centerline radius for a Local Street to allow Road I with one 100 ft. radius.
21.	<b>Section 7.9.2.d.</b> Waive requirement for property lines at a street intersection to be rounded or cut back to provide a property line radius of 28', and for a curb radius of not less than 40', where property line radii proposed are 20' and curb radii at 28' (except no property line radii are proposed at Road I/Fairway Lane or south side of Road F/Holliston Street, and south curb radius at Road F/Holliston Street intersection is 23' to avoid existing driveway at 163 Holliston Street).
22.	<b>Section 7.9.4.a</b> Waive roadway right of way width of 50 ft. to 40 ft. proposed.
23.	<b>Section 7.9.5.a</b> Waive minimum road grade of 2% to 0.7% where necessary to meet grading and drainage requirements or 1.0% as standard minimum grade elsewhere. This request is necessary because maintaining 2% minimum grades would result in significantly more fill for the roads at a tremendous cost; the 1% minimum grades can be easily constructed to provide proper drainage.
24.	<b>Section 7.9.6.a.</b> Waive requirement prohibiting dead end streets, where (1) an emergency access road is proposed at the end of Road E to connect to Ohlson Circle, (2) a small turnaround is proposed at the end of the existing Fern Path roadway where currently there is no turnaround for emergency vehicles or others,

	(3) Roads C and D are interconnected but have cul de sacs that are less than 350' long, (4) Road F ends in an approximately 1165' long dead end cul de sac, and (4) Roads B, G and H are all less than 270' long cul de sacs. T-shaped turnarounds are allowed for private ways per 7.9.6.e.2, as proposed on Fern Path Extension.
<b>25.</b>	<b>Section 7.9.6.b.</b> Waive requirement limiting dead end streets to 600 ft. max.
<b>26.</b>	<b>Section 7.9.7.g.</b> Waive requirement for Secondary Street pavement width of 29 ft. to allow 26 ft. pavement for Roads A and C on West Side and for Road F on East Side. Neighborhood Streets (defined as access for 5 homes or less in the regs), where cul de sac Roads B, C, D, E, G and H may provide access for up to 7 homes maximum, shall also utilize 26 ft. pavement widths, whereas 20 ft is allowed for up to 5 homes (no waiver required).
<b>27.</b>	<b>Section 7.10.2</b> Waive the requirement for sloped granite curbing (Type S-A for Neighborhood Street, Type S-B for Local Street) or vertical granite curbing (Type VA-3 for Secondary Street).
<b>28.</b>	<b>Section 7.11.2</b> Waive requirement that no driveway openings be allowed within 65' of road intersection centerlines or within 14' of a catch basin.
<b>29.</b>	<b>Section 7.11.3</b> Waive maximum grade of 8% for driveways. Short driveways with steeper grades up to 16% are commonplace, and may be necessary on this project (driveways and homesites have not been fully design at this time).
<b>30.</b>	<b>Section 7.13.2</b> Waive sidewalk requirements where regulations specify Neighborhood Street have 6-ft. asphalt sidewalk on one side with a minimum 4-ft. grass strip, Local Street to have 6-ft. asphalt on one side with a minimum 6.5-ft. grass strip, and Secondary Street to have 6-ft. cement concrete on two sides with no grass strip.
<b>31.</b>	<b>Section 7.13.3</b> Waive requirement to construct sidewalk along project frontage on Winthrop Street, Ohlson Circle and Holliston Street where none exists now (Fern Path and Fairway Lane have one sidewalk).
<b>32.</b>	<b>Section 7.14.4</b> Waive requirement for retaining walls to be constructed of stone and mortar or to have a natural stone appearance, the design of which shall be



	reviewed and recommended by the Design Review Committee for the Planning Board's approval. Waive also requirement for fencing design on top of a retaining wall to be reviewed and recommended by the Design Review Committee and the Police Department's Safety Officer.
<b>33.</b>	<b>Section 7.19.2</b> Waive street tree requirements of 3 trees per lot at 40' intervals, to be planted on private lots at least 6' from the street layout.
<b>34.</b>	<b>Section 5.7.28 and 7.21.1</b> Waive requirement for 25' high street lights, where street lights are typically not required on town subdivisions.
<b>35.</b>	<b>Section 7.27.3</b> Waive requirement to sweep all streets on which a dwelling is occupied on a monthly basis until street acceptance by the town.

<b>Planning Board Development Impact Report</b>	
<b>1.</b>	A general waiver is requested from requiring a DIR submittal to the Planning Board, where this subdivision project is to be administered by the Zoning Board and subject to a Comprehensive Permit per G.L. c. 4MG0B.

<b>Planning Board Scenic Road Work Permit Regulations – Chapter 400</b> <b>Adopted July 16, 2002 (corrected August 5, 2002)</b>	
<b>1.</b>	<b>Article V.</b> Where Winthrop Street is designated by town as a Scenic Road, a general waiver is requested to replace Zoning Board wherever the Planning Board is given authority in the regulations.

<b>Zoning By-law</b>	
<b>1.</b>	<b>Section V.B.4.</b> To allow dwellings or structures to be erected on lots which have less than 50% of the required minimum lot area for that zoning district comprised of

	uplands.
2.	<b>Section V.B.5.</b> To allow lots with a Shape Factor greater than 22.0.
3.	<b>Section V.E.4.</b> Waive required 44,000 sq. ft. with 180 ft. frontage in the AR-I Zoning District.
4.	<b>Section V.E.5.</b> Waive required yards of 35' front, 15' side and 15' rear.

<b>ZBA Rules and Standards for Comprehensive Permits, dated September 20, 2004</b>	
1.	Waive all town requirements including, but not limited to, Standard 4 that requires 30 ft. green belt to adjacent residential lots, Standard 7 that requires 30 ft. between buildings, Standard 8 that specifies no building setback waivers are to be granted along Scenic Roads.

<b>Article XXI of Town General By-laws, General Wetlands Protection Amended 2014</b>	
1.	<b>Section 21.1(a)</b> Waive town jurisdiction as specified in the wetland by-law, specifically where Home Rule authority is exercised to protect additional resource areas for additional values with additional standards and procedures stricter than those of the state regulations.
2.	<b>Section 21.2(a)</b> Waive jurisdiction over <u>any</u> freshwater wetlands as listed, isolated vegetated wetlands encompassing a minimum surface area of 5,000 s.f., and lands within 100 ft. of any of the listed resource areas. Applicant proposes to adhere to jurisdiction of wetland resource areas as defined in the Massachusetts Wetlands Protection Act and its regulations, which may exclude regulation of vernal pools and 100-ft. buffer zones to lands subject to flooding or inundation by ground water or surface water, for instance, by town regulations.
3.	<b>Section 21.2(b)</b> Waive requirement that no work or vegetation removal be allowed within 25 ft. of wetland resource areas, and to allow a no disturbance work zone of 15



	ft., except the no disturbance zone shall be reduced to 0 ft. at several locations shown on the plans where roadways and utilities are to cross wetlands, where replication areas are provided, and where grading is proposed for house lots and drainage basins. Waive also the requirement to preserve a comparable area of the 100-ft. buffer zone when removal of vegetation within the 25-ft. buffer is allowed.
4.	<b>Section 21.4(a)</b> Waive requirement to file under the town wetland by-law for any work within jurisdiction, and to follow the Massachusetts Wetlands Protection Act and its regulations.
5.	<b>Section 21.4(b)</b> Waive requirement for payment of town fees under the by-law.
6.	<b>Section 21.5(a)</b> Waive local by-law filing and review fees.
7.	<b>Section 21.6(c)</b> Waive requirement that permits and determinations issued under the by-law may be renewed one time for an additional one year period given the project's size and anticipated build-out period that will exceed 4 years total.
8.	<b>Section 21.7(a)</b> Waive requirement where the Commission has authority under the by-law to enforce its regulations, where as outlined above, applicant proposes to adhere to the state Wetlands Protection Act and its regulations.
9.	<b>Section 21.8(a)</b> Waive requirement for applicant to provide evidence that the proposed work does not harm the interests protected by the by-law.

<b>Rules and Regulations of the Medway Conservation Commission</b> <b>Amended August 14, 2014</b>	
1.	<b>Section 1.02</b> Waive requirement wherein the town by-law and regulations identifies and allows the Commission to have jurisdiction over additional public interests and expands jurisdiction over other interests identified in the Massachusetts Wetlands Protection Act (surrounding habitat, erosion and sedimentation control, protection of rivers, streams, ponds and other bodies of water, water quality enhancements and recreation).

2.	<b>Section 1.03</b> Waive requirement where Commission has jurisdiction over resource areas identified in its by-law that exceed the state Wetlands Protection Act and its regulations, including, but not necessarily limited to, vernal pools, certain freshwater wetlands that may not meet definition of BVW under MA WPA, and the buffer zone surrounding the resource areas which are also deemed to be a resource area protected by the By-law.
3.	<b>Section 1.04</b> Waive requirement defining terms differently from the MA WPA as those listed herein.
4.	<b>Section 2.1.(c)</b> Waive requirement for filing fees under the town by-law.
5.	<b>Section 2.2.</b> Waive requirement for public hearings under the town by-law.
6.	<b>Section 2.3. &amp; 2.4</b> Waive requirement for delineating wetlands and describing proposed work to resource areas under the town by-law.
7.	<b>Section 2.6</b> Waive requirement for providing security for wetland replication as permitted under Section 4.5 of the by-law.
8.	<b>Section 2.10.</b> Waive requirement that permits and determinations issued under the by-law may be renewed one time for an additional one year period given the project's size and anticipated build-out period that will exceed 4 years total.
9.	<b>Section 2.12.</b> Waive requirement for providing security as part of any Order of Conditions, in addition to any security required by any other municipal or state board or official, as outlined in this regulation.
10.	<b>Section 2.19.</b> Waive requirement whereby the Commission may re-delineate wetland resource areas after the applicant is issued an Order of Resource Area Delineation.
11.	<b>Section 3.01 Permitted Activities.</b> Waive requirement for no work within 25 ft. of bank, where a stream crossing is planned for Road F.
12.	<b>Section 4.02(3)(c)</b> Waive requirement that plans accomplish 75% of original cover percentage within 2 complete growing seasons where existing trees and other vegetation within the wetland areas to be filled consists of mature trees and shrubs that may take longer to re-establish the original tree cover in replication areas.
13.	<b>Section 4.02(4)(c)</b> Waive requirement for assessing soils for replication and relating



	observed field characteristics to published information or determine each soil horizon, physical parameters including porosity, hydraulic conductivity and bulk density.
<b>14.</b>	<b>Section 4.02(4)(d), (e) and (f)</b> Waive requirement to determine chemical parameters of soil, including pH, conductivity, total phosphorus, total nitrogen, organic carbon, and toxins testing, and waive requirement for a plan for soil type and characteristic replication.
<b>15.</b>	<b>Section 5.06(a)</b> Minimum Performance Standards and No Disturb Setback Waive requirement for no work within 25 ft. of wetland resource areas identified in the town by-law and regulations, and to allow a no disturbance work zone of 15 ft., except the no disturbance zone shall be reduced to 0 ft. at several locations shown on the plans where roadways and utilities are to cross wetlands, where replication areas are provided, and where grading is proposed for house lots and drainage basins.
<b>16.</b>	<b>Section 5.06(b)</b> Minimum Performance Standards and No Build Setback Waive requirement for no structures within 25 ft. from any resource area except by waiver from the Conservation Commission, and to allow a 15 ft. no build setback where structures shall not be allowed except retaining walls for roadways and other purposes as may be needed and as shown on the plans.
<b>17.</b>	<b>Section 5.06(b)i.</b> Waive requirement for no build setback to extend 75 ft. from any resource area under the circumstances identified by the Commission herein.
<b>18.</b>	<b>Section 6.02</b> Waive requirement for definition of vernal pool buffer to extend 100 ft. horizontally landward from the perimeter or outer border of the vernal pool, and to otherwise define vernal pool boundaries and habitat areas according to state and federal regulations.
<b>19.</b>	<p><b>Section 6.03.</b> Performance Standards Waive requirement for no work within 100 ft. of a vernal pool, where proposed setbacks are as follows:</p> <ul style="list-style-type: none"> <li>a. Vernal Pool #1 has work on 3 lots as close as 34 ft., and Road C has work at approximately 75 ft. away</li> <li>b. Vernal Pool #2 has work on 6 lots as close as approx. 40 ft.</li> <li>c. Cert. Vernal Pool #3 has work on Road I at approximately 40 ft. away and 1 lot (#73) at approximately 95 ft. away.</li> <li>d. Vernal Pool #4 has work on 2 lots and grading for a drainage basin as close as 70 ft. away.</li> <li>e. Vernal Pool #5 has work on 4 lots as close as 20 ft., and Roads F and G have work at approximately 52 ft. away</li> <li>f. Cert. Vernal Pool #1540 has work on 5 lots as close as approx. 38 ft., and Road F has work at approximately 60 ft. away</li> <li>g. Vernal Pool #6 has a 100-ft. no disturbance zone with no work proposed.</li> <li>h. Vernal Pool #7 has work on 2 lots as close as 34 ft., and proposed Fern Path Extension is approximately 20 ft. away.</li> </ul>

<b>20.</b>	<b>Sections 8.01 to 8.04</b> Waive all filing and site plan requirements as described herein, where applicant proposes to comply with state wetland regulations for filing requirements and as otherwise noted per the subdivision plans and drainage report to be submitted during final design.
<b>21.</b>	<b>Section 8.05</b> Waive all filing and review fees required under the local by-law and regulations.

	<b>Water &amp; Sewer Department Regulations</b>
<b>1.</b>	Waive any town-imposed moratoria on water and sewer connections and/or extensions. The Board hereby grants permission for the Project to connect to the municipal water system and sewer system as proposed.
<b>2.</b>	<p><b>Article VI.10.</b> Waive requirement prohibiting sewage pump and force main installations to the town sewer system, where:</p> <ul style="list-style-type: none"> <li>• Sewage lift station #1 on bus shelter lot 72 is proposed with a 360' force main, to serve 15 homes on Roads A and B; the lift station and force main shall be on private property,</li> <li>• Lift station #2 is proposed at the back of Infiltration Basin #4, and will be used to lift sewage from the East side area to gravity sewer in Road D,</li> <li>• Lift station #3 is proposed on lot 106, and will be used to lift sewage from Road F to gravity sewer in Road I,</li> <li>• Lift station #4, adjacent to Infiltration Basin #5 off Road F, is proposed with a 550' force main, to serve 13 lots on Road F closest to Holliston Street. This force main will run across lots 88 through 90 and then into Road F over the top of the box culvert over the stream where it will connect to gravity sewer in front of lot 91.</li> <li>• E-One sewage pumps and a low-pressure sewer line is proposed for 2 homes at the end of proposed Fern Path Extension to be connected to the existing gravity sewer in Fern Path.</li> </ul>
<b>3.</b>	<b>Article VI.11.</b> Waive permitting, notification and hearing requirements with the Board of Water/Sewer Commissioners for sewage pump installations as outlined in this regulation.



Design Review Guidelines (dated August 2015) & DRC Committee Review	
1.	Waive requirement, if any, to adhere to town's Design Review Guidelines, where we note the Guidelines are applicable for Site Plans and Special Permit applications submitted to the Planning & Economic Development Board and for signs over 6 sq. ft. per Section 1.D in the Design Review Guidelines.

[remainder of page blank]

## V. Vote

By a vote of 5 to 0, the Zoning Board of Appeals hereby grants to the Applicant, Timber Crest, LLC, a Comprehensive Permit to construct one hundred forty-seven single-family homes off of Winthrop Street and Holliston Street, in accordance with G.L. c. 40B §§ 20-23 and its implementing regulations at 760 CMR 56.00 et seq., subject to the conditions herein.

### RECORD OF VOTE

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

Carol Gould

[Signature]

Will Perry

Eric Allen

[Signature]

This vote was taken on May 31, 2017.

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

This Decision was filed in the Office of the Town Clerk on June 8, 2017. Any appeal from this Decision by any party other than Applicant shall be made pursuant to G.L. c. 40B § 21 and G.L. c. 40A, §17 and must be filed within twenty days after the filing of the Decision with the Town Clerk. Any appeal by the Applicant must be filed in accordance with G.L. c. 40B, §22 within twenty days of notice of the Decision.

The Comprehensive Permit granted by this Decision shall not take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed



appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

## APPENDIX A: LIST OF DOCUMENTS AND EXHIBITS

(Not attached unless noted)

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

1. Application Cover Letter for the Comprehensive Permit Application for Timber Crest Estates, prepared for Timber Crest, LLC, prepared by Delphic Associates LLC, dated March 22, 2016, received and stamped by the Town Clerk on March 23, 2016
2. Comprehensive Permit Application received and stamped by the Town Clerk on March 23, 2016.
3. Comprehensive Permit Plans for "Timber Crest Estates" off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated March 16, 2016, received and stamped by the Town Clerk on March 23, 2016
4. Preliminary Waiver List Timber Crest Estates Medway, Massachusetts, as part of the Comprehensive Permit Application, received and stamped with the Town Clerk on March 23, 2016
5. Preliminary Drainage Report for "Timber Crest Estates" Medway, MA, prepared for: Timber Crest Estates, LLC, prepared by Outback Engineering, dated March 16, 2016, received and stamped by the Town Clerk on March 23, 2016
6. Letter from the Applicant, Timber Crest, LLC, re: granting of an extension of time beyond the 30 day requirement to open the hearing on May 4, 2016, dated on March 29, 2016 and stamped in with the Town Clerk on March 31, 2016
7. Letter from the Applicant's Representative, Delphic Associates LLC, re: granting of an extension of time beyond the 30 day requirement to open the hearing on May 4, 2016, dated on March 30, 2016 and stamped in with the Town Clerk on March 31, 2016
8. Traffic Impact and Access Study Proposed Timber Crest Estates Residential Development Medway, MA, prepared for: Timber Crest Estates, LLC, prepared by Green International Affiliates, Inc., dated May 2016
9. Architectural Renderings for Timber Crest Estates Proposed Residential Development in Medway, Massachusetts, prepared for Timber Crest Estates, prepared by Timber Crest, LLC, received at the May 4, 2016 Public Hearing
10. Correspondence from Delphic Associates re: Tetra Tech Engineering Peer Review Estimate, email received on May 17, 2016
11. News Article on "Private Ways, Public Access" provided by the Applicant, Timber Crest, LLC, received on June 17, 2016



12. Correspondence from Delphic Associates re: Hearing Follow Up, email received on June 28, 2016
13. Correspondence from Delphic Associates re: Request for Continuance of Public Hearing scheduled for July 20, 2016, email received on July 5, 2016
14. Correspondence from Delphic Associates re: Hearing Follow Up, email received on July 8, 2016
15. Concept Alternative Subdivision for Timber Crest Estates in Medway Massachusetts, prepared for Timber Crest, LLC, prepared by Outback Engineering Incorporated, dated July 14, 2016
16. Letter of Response to Comments from Tetra Tech for Timber Crest Estates, prepared for Timber Crest, LLC, prepared by Goddard Consulting LLC, dated July 18, 2016
17. Cover Letter for the Timber Crest Estates Revised Site Plan, prepared for Timber Crest, LLC, prepared by Delphic Associates LLC, dated July 21, 2016
18. Letter of Response to Stormwater & Wetlands Comments, Timber Crest Estates 40B Residential Development, prepared for Timber Crest, LLC, prepared by Outback Engineering Incorporated, dated July 21, 2016
19. Cover Letter and attachment for Second Request to Connect to Town Water & Sewer, Timber Crest Estates 40B Residential Development, prepared for Timber Crest, LLC, prepared by Delphic Associates LLC and Outback Engineering, dated July 22, 2016 and July 21, 2016 respectively
20. Letter from Kelly & Mancini PC, re: Timber Crest Estates, LLC Development & Fern Path, email received on July 31, 2016
21. Correspondence from Delphic Associates re: Request for Continuance of Public Hearing scheduled for August 17, 2016, received on August 16, 2016
22. Comprehensive Permit Plans for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated August 26, 2016
23. Letter from Ruberto, Israel & Weiner, re: Notice of Project Change Timber Crest Estates Comprehensive Permit Application, dated September 6, 2016
24. Request for an Extension of Time to April 3, 2017 from Timber Crest, LLC, re: Timber Crest Estates Comprehensive Permit Application, dated September 7, 2016 and accepted by the Zoning Board of Appeals at the September 7, 2016 Public Hearing
25. Letter from Ruberto, Israel & Weiner, re: Timber Crest Estates Comprehensive Permit Application Project Eligibility Confirmation, dated September 16, 2016
26. Comprehensive Permit Plans for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated August 26, 2016 and revised September 26, 2016
27. Preliminary Drainage Report for “Timber Crest Estates” Medway, MA, prepared for: Timber Crest Estates, LLC, prepared by Outback Engineering, dated September 26, 2016

28. Cover Letter for the Drainage Report with Added Plan Details Timber Crest Estates Comprehensive Permit per MGL Ch. 40B Job #OE-2765, prepared by Outback Engineering Incorporated, dated September 30, 2016
29. Updated Traffic Impact and Access Study Proposed Timber Crest Estates Residential Development Holliston Street and Winthrop Street Medway, MA, prepared for: Timber Crest Estates, LLC, prepared by Green International Affiliates, Inc., dated October 2016
30. Letter from Ruberto, Israel & Weiner, re: Chapter 40B §20-23 Request to Connect to Medway Town Water & Sewer Timber Crest, LLC, dated October 6, 2016
31. Preliminary Waiver List Timber Crest Estates Medway, Massachusetts, Revised November 15, 2016, received on November 15, 2016
32. Correspondence from Mounir Tayara, Timber Crest, LLC re: Request for Continuance of Public Hearing scheduled for January 4, 2017, email received on December 28, 2016
33. Correspondence from Mounir Tayara, Timber Crest, LLC re: Request for Continuance of Public Hearing scheduled for January 18, 2017, email received on January 13, 2017
34. Cover Letter re: Timber Crest Updated Plan Submission – February 1, 2017 Comprehensive Permit per MGL Ch. 40B Job #OE-2765, prepared by Outback Engineering Incorporated, dated February 1, 2017
35. Comprehensive Permit Plans for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated August 26, 2016 and revised January 30, 2017 and received February 1, 2017
36. Flow Monitoring Report December 2016 – January 2017, prepared for Outback Engineering Incorporated, prepared by Flow Assessment Services, dated January 13, 2017 and received February 1, 2017
37. Supplemental Drainage Calculations for Timber Crest Estates Medway, Massachusetts, prepared by Outback Engineering Incorporated, dated January 30, 2017 and received February 1, 2017
38. Post-Development Drainage Map for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated March 16, 2016 and revised January 30, 2017 and received February 1, 2017
39. Preliminary Waiver List Timber Crest Estates Medway, Massachusetts, Revised January 30, 2017, received on February 1, 2017
40. Plan showing lots affected by 25ft No Touch, prepared by Timber Crest, LLC, received on February 14, 2017
41. Timber Crest Estates Proposed Landscaping Elements Medway, Massachusetts, prepared by Timber Crest, LLC, received on February 14, 2017
42. Proposed Architectural Plans & Elevations for Timber Crest Estates Medway, Massachusetts, prepared by Timber Crest, LLC, received on February 14, 2017
43. Phasing Plan for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated February 14, 2017, received February 15, 2017



44. Landscaping Plan for “Timber Crest Estates” off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane & Fern Path in Medway, Massachusetts, prepared for Timber Crest Estates, LLC, prepared by Outback Engineering Incorporated, dated February 14, 2017, received February 15, 2017
45. Letter and Attachments in Response to Comments on the updated Traffic Impact and Access Study from Tetra Tech for Timber Crest Estates, prepared for Timber Crest, LLC, prepared by Green International Affiliates, Inc., dated February 21, 2017
46. Letter of Response to Wetlands Review, Timber Crest Estates 40B Residential Development, prepared for Timber Crest, LLC, prepared by Outback Engineering Incorporated, dated March 6, 2017
47. Letter of Response to Stormwater Comments, Timber Crest Estates 40B Residential Development, prepared for Timber Crest, LLC, prepared by Outback Engineering Incorporated, dated March 6, 2017
48. Letter of Response to Water, Sewer and General Site Design Review, Timber Crest Estates 40B Residential Development, prepared for Timber Crest, LLC, prepared by Outback Engineering Incorporated, dated March 6, 2017
49. Correspondence re: Proposed 40B Residential Development Timber Crest Estates, Medway MA, Supplemental Sight Distance Analysis – Holliston Street Site Drive, prepared by Green International Affiliates, Inc., dated March 15, 2017
50. Request for an continuance of the public hearing to April 5, 2017 from Timber Crest, LLC, re: Timber Crest Estates Comprehensive Permit Application, and accepted by the Zoning Board of Appeals at the March 15, 2017 Public Hearing
51. Letter from Ruberto, Israel & Weiner, re: Timber Crest Estates Development – Fern Path Access Questions, dated April 13, 2017
52. Assignment of Purchase & Sale Agreement, received at May 3, 2017 Public Hearing

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

1. Application Submission Checklist for Timber Crest Estates Comprehensive Permit Application, prepared by the Community and Economic Development Department, dated March 29, 2016
2. Letter from the Zoning Board of Appeals, re: Acceptance of extension of time to open the hearing on May 4, 2016, dated April 6, 2016 and stamped with the Town Clerk on April 7, 2016
3. Legal ad for Timber Crest Estates Comprehensive Permit Application, stamped with the Town Clerk on April 15, 2016, and ran in the Milford Daily News on April 13, 2016 and April 20, 2016
4. Letter of comment from the Fire Department, dated April 19, 2016
5. Correspondence from the School Department, email received on April 23, 2016
6. Correspondence from the Department of Public Services, email received on April 25, 2016

7. Letter of comment from the Building Department, re: Timber Crest Estates, dated April 27, 2016
8. Letter of comment from the Conservation Commission, re: Comprehensive Permit – Timber Crest Estates, dated April 29, 2016
9. Letter of comment from the Community and Economic Development Department, re: Timber Crest Estates, dated April 29, 2016
10. Letter of comment from the Planning and Economic Development Board, re: Proposed Timber Crest Estates, dated May 2, 2016
11. Correspondence from the Board of Health, email received on May 3, 2016
12. Correspondence from Department of Public Services, email received on May 3, 2016
13. Correspondence from the Department of Public Services, email received on May 3, 2016
14. Memorandum from the Community and Economic Development Department re: Timber Crest Filing Fees, dated May 18, 2016
15. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Stormwater and Wetlands, dated June 1, 2016
16. Memo: Timber Crest 40B Review prepared by Ezra Haber Glenn, MHP 40B Technical Consultant to the Zoning Board of Appeals, dated June 2, 2016
17. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Traffic Impact and Access Study, dated June 14, 2016
18. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Stormwater and Wetlands, dated June 1, 2016 and revised August 11, 2016
19. Legal ad for the revised Timber Crest Estates Comprehensive Permit Plans, stamped with the Town Clerk on September 9, 2016, and ran in the Milford Daily News on September 14, 2016 and September 21, 2016
20. Letter of comment from the Department of Public Services, re: Plan Review – Timber Crest Estates, dated October 3, 2016
21. Letter of comment from the Board of Health, dated October 3, 2016
22. Letter of comment from the Conservation Commission, re: Comprehensive Permit – Timber Crest Estates (Updated Proposal), dated October 3, 2016
23. Letter of comment from the Fire Department, dated October 4, 2016
24. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Wetlands Review, dated October 4, 2016
25. Mullin Rule Certification Form (G.L. c. 39 §23D) for William Kennedy re: September 7, 2016 Public Hearing, submitted to the Town Clerk and Zoning Board of Appeals on October 5, 2016
26. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Stormwater Review, dated October 19, 2016
27. Letter of comment from the Police Department re: Timber Crest Estates Residential Development, Holliston and Winthrop Street, dated October 31, 2016
28. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Traffic Impact and Access Study, dated November 1, 2016



29. Letter of comment from the Planning and Economic Development Board, re: Timber Crest Estates – Revised Comprehensive Permit Plan, dated November 4, 2016
30. Letter of comment from Department of Public Services, re: Timber Crest Estates – Water & Sewer Service, dated November 7, 2016
31. Letter of comment from Planning and Economic Development, re: Timber Crest Estates – Revised Comprehensive Permit Plan Street Naming, dated November 21, 2016
32. Correspondence from the Treasurer/Collector re: delinquent taxes, email received on December 14, 2016
33. Letter of comment from the Conservation Agent, re: Response letter to Timber Crest Estates Comprehensive Permit Application – Wetland Permitting, dated December 22, 2016
34. Letter of comment from the Design Review Committee, re: Timber Crest Estates Residential Development, dated January 12, 2017
35. Memorandum from Kleinfelder, re: Water System Hydraulic Analysis for Timber Crest Estates Development, dated January 20, 2017
36. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Water, Sewer and General Site Design Review, dated February 15, 2017
37. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Stormwater Review, dated October 19, 2016 and revised February 15, 2017
38. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Wetlands Review, dated October 4, 2016 and revised February 15, 2017
39. Correspondence from the Board of Health, email received on February 27, 2017
40. Letter of comment from the Conservation Commission and Conservation Agent, re: Comprehensive Permit – Timber Crest Estates (Updated Proposal 1-30-17), dated March 6, 2017
41. Memorandum from Kleinfelder, re: Water System Hydraulic Analysis for Timber Crest Estates Development, dated March 14, 2017
42. Letter of comment from the Design Review Committee, re: DRC Comments regarding Timber Crest Estates Residential Development, dated March 15, 2017
43. Letter of comment from the Fire Department, re: Water System Hydraulic Analysis for Timber Crest, dated March 27, 2017
44. Review Letter from Tetra Tech, Peer Review Engineering Consultant, re: Timber Crest Estates – 40B Review Traffic Impact and Access Study, dated November 1, 2016 and revised March 27, 2017
45. Correspondence from the Fire Department, re: Fire Flow, email received on April 13, 2017

The Zoning Board of Appeals received correspondence from the public and is contained in the Zoning Board files.

1. Correspondence from Lori McCurley MacKay of 106 Winthrop Street, email received on May 31, 2016
2. Letter from Jarrod and Anastasia O'Neil of 4 Fern Path, re: Timber Crest Estates Development, dated June 16, 2016
3. Letter from Kenny & Sams, P.C., re: Timber Crest Estates Development, dated June 17, 2016
4. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received on June 17, 2016
5. Correspondence from Kurt Schaefer of 13 Fairway Lane, received on June 20, 2016
6. Correspondence from Eugene Walsh and Karyl Spiller Walsh, re: Accident data from the Police Department, received on August 2, 2016
7. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received on August 4, 2016
8. Letter from Kenny & Sams, P.C., re: Timber Crest Estates Development, dated August 8, 2016
9. Correspondence from Rachel Walsh, email received on August 10, 2016
10. Correspondence from Tawny Desjardins of 1 Stephanie Road, email received on August 17, 2016
11. Correspondence from Tawny Desjardins of 1 Stephanie Road, supplemental email received on August 17, 2016
12. Letter from Kenny & Sams, P.C., re: Timber Crest Estates Development, dated October 7, 2016
13. Correspondence from Cerissa Lafferty of 2 Woodland Road, re: Timber Crest development questions and concerns, email received October 19, 2016
14. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received October 19, 2016
15. Correspondence from Tawny Randall of 1 Stephanie Road, email received October 19, 2016
16. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received on November 1, 2016
17. Correspondence from Charlie Myers of 9 Curtis Lane, received at the November 2, 2016 Public Hearing
18. Correspondence from Lynn Hancock of 181 Holliston Street, email received on November 2, 2016
19. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received on November 2, 2016
20. Correspondence from David Dahlheimer of 21 Fairway Lane, email received on November 16, 2016
21. Letter from Kenny & Sams, P.C., re: Timber Crest Estates Development, dated November 17, 2016
22. Letter from Kenny & Sams, P.C., re: Timber Crest Estates Development, dated December 12, 2016



23. Correspondence from Andrew Hamilton of 7 Fairway Lane, email received February 2, 2017
24. Correspondence from Sean MacEvoy of 31 Fairway Lane, re: Timber Crest comment for ZBA, email received February 9, 2017
25. Correspondence from David Dahlheimer of 21 Fairway Lane, email received February 13, 2017
26. Correspondence from Ellen Schaefer of 13 Fairway Lane, re: Timber Crest Estates, email received February 15, 2017
27. Correspondence from Andrew Hamilton of 7 Fairway Lane, re: comments regarding Timber Crest, email received February 15, 2017
28. Correspondence from David Dahlheimer of 21 Fairway Lane, email received February 15, 2017
29. Correspondence from David Dahlheimer of 21 Fairway Lane, supplemental email received February 15, 2017
30. Correspondence from Andrew Hamilton of 7 Fairway Lane, re: Comment and observations from 2/15/17 ZBA meeting, email received on February 28, 2017
31. Correspondence from Kevin Healy of 1 Diane Drive, re: Comment to ZBA regarding Timbercrest and 40B, email received on March 1, 2017
32. Correspondence from Cindy Maliniak of 14 Fairway Lane, email received March 2, 2017
33. Correspondence from Charles Myers of 9 Curtis Lane, re: Timber Crest Public Comments for consideration by the Medway Zoning Board of Appeals, email received on March 29, 2017
34. Correspondence from David Dahlheimer of 21 Fairway Lane, re: 40B Access Roadway Comments, email received April 3, 2017
35. Letter from Kenney & Sams, P.C., re: Timber Crest Estates Development, dated April 11, 2017
36. Correspondence from Sean MacEvoy of 31 Fairway Lane, re: Comments to ZBA on Timber Crest Estates, email received on April 18, 2017
37. Correspondence from Charles Myers of 9 Curtis Lane, email received on April 19, 2017
38. Correspondence from Lori MacKay of 106 Winthrop Street, re: 106 Winthrop Street and Timber Crest, email received April 19, 2017
39. Memorandum of Understanding regarding Sewer Infrastructure & Connections between Timber Crest LLC and Dan and Barbara Strachan dated January 23, 2017, from Dan Strachan of 11 Fairway Lane, received April 25, 2017
40. Memorandum of Understanding regarding Sewer Infrastructure & Connections between Timber Crest LLC and Mary and Bill Price dated January 23, 2017, from Mary and Bill Price of 17 Fairway Lane, received April 27, 2017
41. Memorandum of Understanding regarding Sewer Infrastructure & Connections between Timber Crest LLC and Ellen and Kurt Schaefer dated January 23, 2017, from Ellen and Kurt Schaefer of 13 Fairway Lane, received April 27, 2017
42. Correspondence re: Timber Crest Safety Concerns/Proposed Eastern Access from Karyl Spiller Walsh, Eugene Walsh, Rachel Walsh and Richard Murphy of 168 Holliston Street, letter received on April 27, 2017

43. Memorandum of Understanding regarding Sewer Infrastructure & Connections between Timber Crest LLC and Sean and Maryann Corbett dated January 23, 2017, from Sean and Maryann Corbett of 15 Fairway Lane, received April 28, 2017
44. Correspondence from Charles Myers of 9 Curtis Lane, re: Timber Crest Public Comments, email received on May 1, 2017
45. Correspondence from Sean MacEvoy of 31 Fairway Lane, re: Comments for ZBA, email received May 3, 2017
46. Correspondence from David and Sarah Dahlheimer of 21 Fairway Lane, re: Timber Crest 40B application, email received May 3, 2017
47. Change.org petition signed by various residents from Andrew Hamilton of 7 Fairway Lane, email received May 3, 2017
48. Correspondence from Michael Zimmerman, re: Timbercrest Estates, email received on May 3, 2017