

## Board Members

Andy Rodenhiser, Chair  
Sarah Raposa, A.I.C.P., Vice  
Chair  
Timothy Harris, Clerk  
John Parlee, Member  
Janine Clifford, Member



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

20 Day Appeal  
4/29/25

## MULTI-FAMILY HOUSING SPECIAL PERMIT, SITE PLAN, LAND DISTURBANCE DECISION 20 Milford Street

RECEIVED TOWN CLERK  
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**Decision Date:** April 8, 2025

**Applicant/Permittee:** Metal Beard, Inc.  
16 Mowry Street  
Mendon, MA 01756

**Property Owner:** Metal Beard, Inc.  
16 Mowry Street  
Mendon, MA 01756

**Location:** 20 Milford Street  
**Assessors' Reference:** Map 47, Parcel 113

**Applicable Plans:** "Henry Garnsey Condominiums Medway MA Site Plan, prepared by Legacy Engineering, LLC, dated October 7, 2024, revised February 24, 2025

**Zoning District:** Village Residential (VR)  
Multi-Family Housing Overlay District

**Board Members Voting:** Andy Rodenhiser, Sarah Raposa, Timothy Harris, John Parlee, Janine Clifford

### I. PROJECT DESCRIPTION

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway Zoning Bylaw (the "Zoning Bylaw"), major site plan review and approval pursuant to Section 3.5 of the Zoning Bylaw, and Land Disturbance permit pursuant to Article 26 of the General Bylaws. The proposed project includes construction of a

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multi-family residential development, with three buildings consisting of 6 dwelling units. The existing single-family home will be preserved, and one duplex and one triplex building will be constructed, for a total of six units, with associated driveways, utilities, grading, and landscaping. The property is in the Multi-family Housing Overlay district.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on April 8, 2025 voted to approve this decision.

### **III. PROCEDURAL HISTORY**

A. Special permit, major site plan, and Land Disturbance applications filed with the Medway Town Clerk and the Board on November 25, 2023.

B. The public hearing notice was posted at the Town Hall and on the Town of Medway web site and mailed to parties of interest as required by chapter 40A and published in the MetroWest Daily News on December 31, 2024 and January 7, 2025.

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

D. The public hearing commenced on January 14, 2025, and was continued to February 25, 2025, March 25, 2025, and April 8, 2025 when the hearing was closed, and a decision rendered.

### **IV. INDEX OF DOCUMENTS**

A. Information submitted on behalf of the applicant:

- Applications
- “Henry Garnsey Condominiums Medway MA Site Plan”, prepared by Legacy Engineering, LLC (Legacy), dated October 7, 2024
- Stormwater Report (Report) titled “Stormwater Report for Henry Garnsey Condominiums, 20 Milford Street, Medway, MA, Proposed Multi-Family Development”, dated October 7, 2024, prepared by Legacy
- Traffic Assessment Letter (Traffic Letter) titled “Sight Distance Assessment Henry Garnsey Condominiums 20 Milford Street – Medway, Massachusetts”, dated November 15, 2024, prepared by Vanasse & Associates, Inc.
- Fire Truck Access Exhibit titled “20 Milford Street Fire Truck Plan of Land in Medway, MA” dated November 19, 2024, prepared by Legacy
- Project Narrative

B. Other information submitted on behalf of applicant:

- “Henry Garnsey Condominiums Medway MA Site Plan”, prepared by Legacy Engineering, LLC (Legacy), dated October 7, 2024, revised February 24, 2025
- Updated Stormwater Report dated February 24, 2025
- Letter from Legacy dated February 25, 2025 responding to Tetra Tech review letter, with attachments

- Updated Project Narrative dated February 25, 2025
- Sketch Plan entitled “Sight Distance Improvements” Progress Print dated 2/18/25
- Letter from Legacy dated March 15, 2025 regarding waiver requests.
- Letter from Legacy dated March 20, 2025 regarding waiver requests.
- Email from Legacy dated March 25, 2025 regarding January 6, 2025 comments from Stephanie Carlisle, Sustainability Coordinator.

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

- Email from Bridget Graziano, Conservation Agent, dated 1/8/25
- Email from Lt. Watson, Medway Police, dated 1/14/25
- Email from Nolan Lynch, Deputy Director, DPW, dated 1/6/25
- Email from Nolan Lynch, Deputy Director, DPW, dated 2/18/25
- Email from Deputy Fire Chief Paul Molla dated 2/21/25
- Two Emails from Stephanie Carlisle, Sustainability Coordinator, dated 1/6/25
- Memo from Lt. Watson dated 1/22/25
- Letter from DPW received 1/22/25
- Email from Barbara Saint Andre, Director of CED, dated 1/13/25 and response from Dan Merrikin, Legacy
- Email from Steve Carew, Tree Warden 10/24/24
- Letter from owners of 18 Milford St. dated 2/20/2025 regarding removal of tree and relocation of stone wall
- Sarah Raposa G.L. c. 39, §23D certificate for 2/25/25 meeting
- Andy Rodenhiser G.L. c. 39, §23D certificate for 3/25/2025 meeting
- DRC draft letter dated 4/8/2025

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

- Review Letter dated January 24, 2025
- Updated Review Letter dated March 20, 2025

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

Dan Merrikin, Legacy Engineering LLC  
Mark Smith, Metal Beard, Inc.  
Ben LaFrance, Hawk Design, Inc.

VI. **FINDINGS** - The Board made the following findings regarding the multi-family special permit, site plan approval, and Land Disturbance permit.

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

1. **Section 5.6.4.B.1:** The site has more than 50 feet of frontage on Milford Street, which meets the minimum 50-foot frontage requirement of Section 5.6.4.B (1) of the Bylaw. The Board finds

that Milford Street, which is also designated as state highway Route 109, has sufficient capacity to accommodate the projected additional traffic flow from the development.

**2. Section 5.6.4.C:** The dimensional requirements of the underlying VR zoning district apply to the project, as set forth in Table 2 of Section 6 of the Zoning Bylaw. The existing house does not comply with the front yard setback and is legally existing nonconforming; since there will be no increase in dimensional nonconformity or creation of a new nonconformity, it meets the requirements of Section 5.6.4.C.2. The plans indicate that the project complies with maximum lot coverage. The property is also in the Rabbit Hill National Historic District; the maximum building height is 35 feet; the plans show compliance with this requirement. The site consists of 1.56 acres, which meets the minimum area requirement for multi-family housing.

**3. Section 5.6.4.D:** The maximum density for multifamily projects is 8 units per whole acre of Land Available for Development. The applicant states that the Land Available for Development in accordance with the Zoning Bylaw is the entire 1.56 acres. Accordingly, the Board finds that the application for a total of six dwelling units is permissible on this site.

**4. Section 5.6.4.E.1:** With a proposed net increase of 5 dwelling units, there is no requirement for the provision of affordable units.

**5. Section 5.6.4.E.2:** The Zoning Bylaws requires open space equal to at least 15% of the parcel's total area. The project narrative indicates that over 65% of the site will be open space.

**6. Section 5.6.4.E.3:** Two off-street spaces per unit (12 spaces) plus one visitor parking space for every two units (3 spaces) for a total of 15 are required. There are 25 parking spaces, including garage spaces, which fulfills this requirement.

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

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

**8. Meets purposes of Multi-Family Housing section of the Zoning Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations** - The project meets the purpose of the Multifamily Housing section of the Bylaw to provide a diversity of housing types in the form of multi-family style units. It also meets the purpose of the Site Plan Rules and Regulations to assure protection of the public interest consistent with a reasonable use of the site. The plans have been reviewed by Town officials to provide measures to protect the health, safety and welfare of Town residents.

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

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

**11. Variety of housing stock** - The development increases the variety of housing stock in the community by providing a mix of multi-family housing buildings.

**12. Designed to be reflective of or compatible with the character of the surrounding neighborhood** - The architectural design has been reviewed by the Design Review Committee and is compatible with the neighborhood.

**B. SPECIAL PERMIT DECISION CRITERIA** – The Board makes the following findings in accordance with Section 3.4 of the Zoning Bylaw. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- 1) **The proposed site is an appropriate location for the proposed use.** The site is in the Multi-family Housing Overlay District, with the access to the site from Route 109 (Milford Street), a major connector street in Town.
- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed residential use. The project will be serviced by Town water and sewer systems. The stormwater management system has been designed in accordance with the applicable local and State regulations. Town staff and the Town's engineering consultant, Tetra Tech, have reviewed the plans and all comments have been addressed.
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.** It is estimated that the development will generate minimal additional traffic. The entrance to the site will not create a hazard to abutters, vehicles, or pedestrians. Sight line issues will be addressed by the removal of two trees along the frontage, and by reconfiguration of the stone wall to the east of the site.
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** The development site is located on Milford Street, also known as Route 109, which has the capacity to handle the additional traffic to be generated by the additional residential units.
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** The Applicant has provided documentation that its stormwater management plan is adequate. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable impacts from the residential use.
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** There are currently both single-family and multi-family residential uses in the neighborhood. The architectural design has been reviewed by the Design Review Committee (DRC) and the applicant has incorporated DRC suggestions.
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** The Multi-Family Housing Overlay District was established to accommodate this type of use subject to certain conditions to limit adverse impacts. The multi-family housing units will help to diversify Medway's housing supply.

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

For all of the above reasons, the Board finds that the beneficial impacts of the proposed multi-family development outweigh the effects of the proposed use on the Town and neighborhood.

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

- 1) The site plan meets the requirements of the Zoning Bylaw and Site Plan Regulations, except to the extent any Rules and Regulations are waived by the Board.
- 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the Medway Design Review Guidelines.
- 3) Reasonable use is made of building location, grading, and landscaping and other site features and improvements to reduce the visible intrusion of structures, parking areas, loading and off-loading areas, and outside facilities for the storage, handling, and disposal of sewage, refuse and other solid wastes from public views or from adjacent residential properties.
- 4) Private Roads and driveways are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.
- 5) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.
- 6) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and use throughout the site.
- 7) Design and construction minimize, to the extent reasonably practical, the following impacts:
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;

- d) the removal of existing stone walls;
  - e) the impacts on waterways and environmental resource areas;
  - f) impacts on natural features such as hills, wooded areas, rock outcrops, wildlife habitat;
  - g) soil erosion and pollution
- 8) Pedestrian ways, access driveways, loading and unloading areas and facilities, and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees, and the general public.
- 9) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.
- 10) The project's impact on abutting residential neighborhoods has been adequately mitigated with various on-site and off-site measures. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 11) The extent of building and site design features to promote energy conservation, low-impact development practices, and sustainability.
- 12) The project complies with the requirements of Medway General Bylaws, Article 26, Stormwater Management and Land Disturbance; the Town's Land Disturbance Permit Rules and Regulations, the Massachusetts DEP Stormwater Handbook, and EPA's National Pollution Discharge Elimination System requirements. The project design utilizes low impact design and nature-based stormwater management techniques where appropriate and feasible.

**D. LAND DISTURBANCE FINDINGS** - The Board finds that the proposed work for construction of a six-unit residential development with the associated stormwater management system, utilities, parking and access was presented at a public hearing where the Applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article 26 Stormwater Management and Land Disturbance.

## **VII. WAIVERS**

The applicant has requested waivers from the following sections of the Rules and Regulations for Submission, Review and Approval of Site Plans as amended May 9, 2023:

1. From Section 204-4.B to allow a plan scale of 1" = 20'.
2. From Section 204-5.B.3 to show lot line dimensions on the existing conditions sheet instead of the site context sheet.
3. From Section 204-5.B.4 to show existing topography on the existing conditions sheet instead of the site context sheet.

These are minor waiver requests. The Board's consulting engineer had no issue with any of these requests.



4. From Section 207-12.H.1 to allow cape cod berm where shown on the Site Plan.

The Town DPW requested granite curbing be used along the roadway when extending the sidewalk to the agreed-upon crosswalk location, in order to maintain a uniform curbing detail consistent with the opposite side of Milford Street. This is reflected on the Site Plan.

**The Board voted to GRANT these waiver requests as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.**

**VIII. CONDITIONS** – The Conditions included in this Decision shall assure that the Board’s approval of this site plan complies with the Zoning Bylaw, Section 3.4 (Special Permits), is consistent with Site Plan Rules and Regulations, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

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

1. This Decision shall apply to any successor in control or successor in interest of the subject property. The Permittee (sometimes referred to herein as the applicant) shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto. This permit does not relieve the Permittee from its responsibility to obtain, pay any applicable fees for, and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, pay applicable fees for and comply with all other required Town permits.
2. Notwithstanding any future amendment of the Zoning Bylaw, G.L. c.40A, or any other legislative act:
  - A. The maximum number of dwelling units allowed on the site under this special permit is six.
  - B. The land on which this multi-family development will be located shall not be altered or used except:
    - 1) as granted by this special permit and site plan decision;
    - 2) substantially as shown on the Plan to be modified as specified herein;
    - 3) in accordance with any subsequently approved modified plans or amendments to this special permit and site plan.
  - C. The land and buildings comprising 20 Milford Street shall not be used, sold, transferred, or leased except in conformity with this special permit and shall not be further divided.
3. **Plan Endorsement** - Within sixty days after the Board has filed its Decision with the Town Clerk, the Site Plan shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance

with the Board's Decision. (Said plan is herein referred to as the Plan). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set. The specific plan sheets to be recorded shall be determined by the Community and Economic Development staff.

4. **Plan Revisions** – Prior to plan endorsement, the following revisions will be made to the Site Plan:
  - A. Cover Sheet – Provide list of approved waivers
  - B. Update the wall details and notations to be consistent with the Design Review Committee presentation. The wall in front of the abutters house to the east is to be rebuilt substantially in-kind in the new location. The wall near the mail kiosk is to be natural stone. The remaining walls are to be Versalok Square Foot, color Fieldstone.
  - C. Add the location of an irrigation well, if desired by the Applicant.
  - D. Revise Landscape Plan to relocate two evergreen trees to the base of the retaining wall at Unit 4.
  - E. The Plan Set with the revisions set forth in this decision, shall be recorded at the Norfolk County Registry of Deeds.
5. **Plan Endorsement** – Prior to plan endorsement, the applicant shall also provide:
  - A. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall clearly state that the Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway, the stormwater management system, and all other infrastructure. Approval by Town Counsel of the sample deed is required prior to conveyance of any unit.
  - B. Copy of Condominium Master Deed and Declaration of Trust, for review, comment, amendment and approval by Town Counsel. The Master Deed, and the Declaration of Trust for the Condominium shall include the following language: "The construction and operation of the condominium is authorized by a Multi-family Housing Special Permit, Site Plan approval and Land Disturbance Permit granted by the Medway Planning and Economic Development Board on April 8, 2025, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds" and shall clearly state that the Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private driveway, including snow removal and sanding, the stormwater management system, landscaping, on-site water and sewer, lighting, and all other infrastructure. Approval by Town Counsel of the Master Deed and Declaration of Trust is required prior to conveyance of any unit.

- C. Operations and Maintenance plan for stormwater management system, which shall be reviewed by the Board's consulting engineer.

**6. Recording of Plans and Documents**

- A. No construction shall begin on the site and no building permit shall be issued before this Multi-Family Housing Special Permit, Site Plan and Land Disturbance Decision, and endorsed Plan, are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board.
- B. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded or supply another alternative verification that such recording has occurred.
- C. The Condominium Master Deed and Declaration of Trust of the Condominium Association in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.

- 7. Sight Lines** – In order to provide for adequate sight lines for vehicles exiting the property, and vehicles traveling on Milford Street, the Applicant has agreed to make a number of improvements along Milford Street. The Applicant shall make the improvements as shown on the Plan, Sheet C-4, which include removal of a 32-inch diameter maple tree, relocation of a stone wall on property abutting to east (18 Milford Street) with permission of owners, and regrading the shoulder to increase sight lines for vehicles exiting site, prior to the issuance of any occupancy certificate.

- 8. Open Space and Yard Area** - At least 15% of the site shall be retained and function as open space and/or yard area in perpetuity. This is an ongoing obligation of the owner. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs, and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements.

**9. Ownership and Maintenance**

The driveway (denoted on the Plan as "Patriot Way"), the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the condominium association. It is the intent of the Board that these facilities will not be accepted by the Town of Medway. The Board requires that the following aspects of the development shall be and shall remain forever privately owned, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:

- 1) Driveway and parking areas
- 2) Stormwater management facilities
- 3) Snowplowing and sanding
- 4) Landscaping
- 5) Lights
- 6) Sewer and water
- 7) Trash removal and recycling

10. **Occupancy Permits** – No occupancy certificate may be issued until the following items, at a minimum, are installed in compliance with this Decision, the endorsed Plan, and applicable by-laws and regulations and approved by the Board’s consulting engineer.
  - A. Drainage system completed with frame and grates set to binder grade, as well as stormwater basins, swales, rain gardens, infiltrations systems or any other stormwater management facilities.
  - B. As-built plan of each stormwater basin, rain garden and forebay and all critical elevations and details of the associated structures, pipes, and headwalls.
11. **Patios** – To not increase stormwater runoff, all patios constructed in the development shall be constructed with pervious paving materials.
12. **Rubbish Removal** – No dumpsters are shown on the plan, and the applicant has confirmed that no dumpsters will be used (other than construction dumpsters during construction). Accordingly, the use of dumpsters on this property for trash, recycling, or any other reason, other than temporary dumpsters during construction, is prohibited. Trash pick-up will be the responsibility of the condominium association and shall be done by a single company and scheduled for at least once per week. Trash pick-up shall provide for recycling of paper, cardboard, glass, cans, plastic, and other commonly recyclable materials.
13. **Soil Management Plan** – Applicant proposes a net fill of approximately 1000 cubic yards. The applicant shall comply with Section 207-8 of the Site Plan Regulations. Fill must be from an approved site or be tested as provided in site plan regulations. Applicant must comply with requirements of Section 207-8 of the Site Plan Regulations.
14. **Streets** – Any damage to the existing sidewalks along the subject site’s frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works (DPW) before the final occupancy certificate. All signage and pavement markings shall comply with Mass. Uniform Traffic Control Device guidelines and Medway DPW requirements. Applicant shall obtain street opening and any other required permits from DPW and comply with all DPW requirements for utility work and work within the Town right of way. Any markings disturbed on Milford Street shall be replicated. The sidewalk within the Milford Street ROW, extending from the development to the crosswalk, shall be constructed with asphalt to align with the existing sidewalk on the opposite side of Milford Street.
15. **Trees** – The applicant is removing sixteen trees with a dbh of at least 15 inches, with a total loss of 348 inches at dbh. Under Site Plan Regulations, Section 207-19.G, the applicant is required to mitigate this tree loss by planting the equivalent of 174 caliper inches of trees. New and replacement deciduous trees must have a minimum of 2 ½ inch caliper; the species are to be native species, no invasive species are permitted. Planting of replacement trees shall be in accordance with the approved Landscape Plan. The removal of any trees that are within the Milford Street right of way is subject to the Public Shade Tree statute and requires a hearing by the Tree Warden. A permit may also be required under General Bylaws, Section 31, Tree Preservation.

16. **Water Conservation** – The development will be connected to the Town’s public water system, and the Town is subject to its Water Management Act Permit with the Massachusetts Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
  1. any landscape irrigation may not be connected to municipal water supply, private well water only
  2. rain-gauge controlled irrigation systems only
  3. low flow household fixtures
  4. water efficient appliances (dishwashers, washers, toilets, etc.)
17. **Well** – The applicant has indicated that it will include the location of a proposed irrigation well. The Board’s approval of this site plan does not constitute approval of the well location, which must be approved by the Board of Health. The applicant must obtain Board of Health approval for the location of the well before installing.
18. **Stormwater Management and Land Disturbance**
  - A. No construction, clearing of vegetation, or any site work shall commence until after the pre-construction meeting as provided in condition 24. The Permittee agrees to provide the Board’s consulting engineer with advance notice (48 hours preferred) of all required inspections of the stormwater system or other site work that requires inspection. The Applicant shall provide proof of coverage under the NPDES CGP and provide a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) prior to commencement of construction.
  - B. Throughout construction the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of a field change by the Board.
  - C. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
19. **Stormwater Management and Land Disturbance – Post Construction**
  - A. The stormwater drainage system shall be maintained by the Permittee, its successors and assigns. It is the intent of the Board and the Permittee that the stormwater management system shall not be accepted by the Town.
  - B. The Permittee and its successors shall submit an annual report of inspections of all stormwater management structures as prescribed in the Stormwater Management Operations and Maintenance Plan to the DPW. The annual report shall be submitted no later than December 1<sup>st</sup> of every year. The inspections shall be conducted in accordance with the approved Stormwater Management Operations and Maintenance Plan.
20. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:

- A. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
- B. any construction inspection fee that may be required by the Board; and
- C. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- D. The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

**21. Restrictions on Construction Activities** – During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

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

**22. Landscape Maintenance**

- A. The site's landscaping shall be maintained in good condition throughout the life of the development and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.
- B. Within 60 days after the last occupancy permit is issued, the Town's consulting engineer or the Building Commissioner may conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's consulting engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board.

**23. Snow Storage and Removal**

- A. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Zoning Bylaw.
- B. The Permittee and future owners shall inform snow removal operators of the approved locations for on-site snow storage.
- C. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.

**24. Right to Enter Property** – To the maximum extent allowed by law, Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the common areas of the site at reasonable times during construction to inspect the site to evaluate for compliance with the terms and conditions of this permit and the endorsed Plan and may acquire any information, measurements, photographs, and/or observations deemed necessary for that evaluation.

**25. Construction Oversight**

- A. Construction Account
  - 1) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and erosion controls by the Town's consulting engineer is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction and installation, identify what site plan work remains to be completed, prepare surety estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a Certificate of Site Plan Completion.
  - 2) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be

determined by the Board based on an estimate provided by the Town's consulting engineer.

- 3) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board, until the driveway, stormwater system and other infrastructure are completed, and the as-built plan and Certificate of Site Plan Completion has been granted.
- 4) Any funds remaining in the Permittee's construction inspection account after the Certificate of Site Plan Completion is issued shall be returned to the Permittee.

B. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Permittee shall meet with the Town's consulting engineer, Community and Economic Development staff, the Department of Public Works staff, other Town staff as appropriate, the site contractors, and the Permittee's project engineer for a pre-construction meeting. At or before the pre-construction meeting, the Permittee shall provide the following information:

- a Construction Management Plan as specified in Section 208-1.F of the Site Plan Rules and Regulations,
- earth removal calculations
- earth fill estimates
- copies of its National Pollutant Discharge Elimination System (NPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP) for this project as filed with the U.S. EPA.
- list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), on-site management, and erosion control inspector.

C. Any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and any utility connection permits must meet the requirements of the Medway Department of Public Works and is subject to inspection by the Department of Public Works.

D. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved plan and improvements. Inspections shall occur at least on a monthly basis. The Permittee's engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within five days of inspection.

## **26. On-Site Field Changes**

A. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved Plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the Zoning Bylaw nor conflict with a



specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.

- B. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's consulting engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the Zoning Bylaw, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**27. Plan Modification**

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

**28. Performance Security**

- A. Prior to the issuance of any certificate of occupancy, unless a Certificate of Site Completion has been issued, the Permittee may request that the Board accept suitable performance security, to the Board's satisfaction, to cover the cost of all remaining site work, and that the Board so notify the Building Commissioner. A certificate of occupancy can be issued for any unit in the site after the performance security has been provided.
- B. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Permittee fails to do so. The Town's

consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the first occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall also include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Permittee fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount.

- C. The performance security shall be accompanied by a performance security agreement executed by the Permittee, the Board, and the performance guarantee company, in a form acceptable to the Board, the Town Treasurer/Collector, and Town Counsel, which shall define the obligations of the Permittee and the performance security company. It shall include:
  - 1) the date by which the Permittee shall complete construction
  - 2) a statement that the agreement does not expire until released in full by the Board
  - 3) procedures for collection upon default.
- D. Final Release of Performance Security - Final release of performance security is contingent on project completion.

**29. Project Completion**

- A. As provided in Sections 3.4.E and 3.5.7 of the Zoning Bylaw, special permits and site plan approvals shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.
- B. Upon completion of all work, the Permittee shall request and secure a Certificate of Site Plan Completion from the Board. The Certificate serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The Certificate also serves to release any security or performance guarantee that has been provided to the Town of Medway. To secure a Certificate of Site Plan Completion, the Permittee shall:
  - 1) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this decision, the approved and endorsed site Plan, and any modifications thereto; and

- 2) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work including landscaping and trees shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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**Medway Planning and Economic Development Board  
Site Plan, Multi-family Special Permit, Land Disturbance Decision  
20 Milford Street**

**Date of Action by the Planning and Economic Development Board: April 8, 2025**

_____ Andy Rodenhiser, Chair	_____ Date
_____ Sarah Raposa, AICP, Vice-Chair	_____ Date
_____ Timothy Harris, Clerk	_____ Date
_____ John Parlee, Member	_____ Date
_____ Janine Clifford, Member	_____ Date


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

Any person aggrieved by the Special Permit or Site Plan Decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk. Appeals of Land Disturbance Permit shall be in accordance with Section 26.6.5 of the General Bylaws.


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

**Medway Planning and Economic Development Board  
Site Plan, Multi-family Special Permit, Land Disturbance Decision  
20 Milford Street**

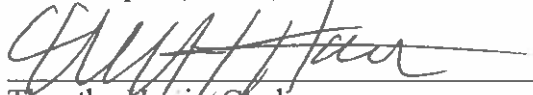
**Date of Action by the Planning and Economic Development Board: April 8, 2025**

  
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Andy Rodenhiser, Chair

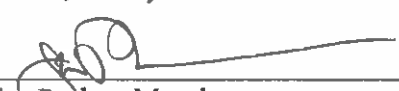
4/8/25  
Date

  
\_\_\_\_\_  
Sarah Raposa, AICP, Vice-Chair


4/8/25  
Date

  
\_\_\_\_\_  
Timothy Harris, Clerk

4.8.25  
Date

  
\_\_\_\_\_  
John Parlee, Member

4/8/25  
Date

  
\_\_\_\_\_  
Janine Clifford, Member

4/8/25  
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