



TOWN OF MEDFIELD

Office of the

Board of Appeals on Zoning

TOWN HOUSE, 459 MAIN STREET
MEDFIELD, MASSACHUSETTS 02052-2009

(508) 906-3027
(508) 359- 6182 Fax

NOTICE OF DECISION

APPLICANT: Country Estates of Medfield, LLC

DECISION DATE: April 5, 2017

DATE OF FILING DECISION: April 6, 2017

DECISION NUMBER: 1300

At a public meeting held on April 5, 2017 the Town of Medfield Zoning Board of Appeals, acting in the above referenced matter, approved with conditions the requested Comprehensive Permit, G.L. c. 40B, §§ 20-23.

The property is located at 21, 25, and 29 Hospital Road, Assessors Map 64, Lots 008, 009, 010, 011 and 108. RT Zoning District.

An appeal of this decision of the permit granting authority may be made by any person aggrieved pursuant to MGL Chapter 40A Section 17, as amended, within 20 days after the date of filing the notice of decision in the Office of the Town Clerk.

Copies of the decision may be obtained at the office of the Board of Appeals in person or via email.

Sarah Raposa
Town Planner
(508) 906-3027
sraposa@medfield.net



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INSTRUCTIONS FOLLOWING THE RECEIPT OF A DECISION:

- Your decision was filed with the Town Clerk on: Thursday, April 6, 2017
- Your 20 day appeal period ends: Wednesday, April 26, 2017
- On Thursday, April 27, 2017 or thereafter you should contact the Town Clerk for the certified decision as well as a letter from the Town Clerk indicating that no appeals have been taken regarding the Board's decision. Please call or email prior to coming in to make sure that the letter is ready.
 - Carol Mayer, Town Clerk, (508) 906-3024 or cmayer@medfield.net
- Take the Town Clerk's letter & the decision to the Registry of Deeds in Dedham and record them. (There is a fee of around \$76 according to recent filings.)

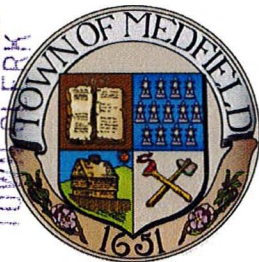
Norfolk County Registry of Deeds
649 High St, Dedham, MA
(781) 461-6101 norfolkdeeds.org

Directions from Town Hall, Medfield:

- Take 109 East to Dedham
 - Bear Right on High Street
 - Destination will be on the left in approximate ½ mile
 - Note: On street meter parking or parking in rear (w/ fee)
-
- Save the numbers they will give you as proof of recording. Call or email my office with the Book and Page numbers. ***This is a required part of the process!***
 - When you apply to the Building Department for a permit, you will also give them the Book and Page numbers.

Sarah Raposa, Town Planner
(508) 906-3027
sraposa@medfield.net

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TOWN OF MEDFIELD

Office of the **Board of Appeals on Zoning**

TOWN HOUSE, 459 MAIN STREET
MEDFIELD, MASSACHUSETTS 02052-2009

Decision Number: 1300

Date Application Filed: September 23, 2016

Applicant: Country Estates of Medfield, LLC

Property: Certain parcels of land, known and numbered as 21, 25, and 29 Hospital Road, Medfield, Massachusetts, depicted on the Town of Medfield Assessors Maps as Map 64, Lots 008, 009, 010, 011 and 108. The property consists of 7.34 acres, entirely located in the Residential Town (R-T) Zoning District and partially within the Aquifer Protection District. The Norfolk County Registry of Deeds title references for the property are Book 33500, Page 500 and Book 33564, Page 340, as well as Norfolk Country Land Court Certificate No. 191842.

Approval Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23, and endorsement of "Approval Not Required" plan, G.L. c. 41, § 81P.

Public Notice: Notice published in the Metrowest Daily News on September 28, 2016 and October 5, 2016, and notice sent by mail, postage prepaid, to all interested parties pursuant to G.L. c. 40A, § 11.

Public Hearing(s) held: October 13, 2016, November 10, 2016, December 8, 2016, January 12, 2017, February 9, 2017, February 27, 2017, and April 5, 2017 (hearing closed).

Decision of the Board: Comprehensive Permit APPROVED WITH CONDITIONS

Members participating: Douglas C. Boyer (Acting Chair), John J. McNicholas, Charles H. Peck

Date of Decision: April 5, 2017

I. PROCEDURAL HISTORY

- 1) On September 23, 2016, Country Estates of Medfield, LLC, having a principal place of business at 172 Brookside Road, Needham, Massachusetts 02492 (the “Applicant”), submitted a Comprehensive Permit Application to the Zoning Board of Appeals (the “Board”). The application as initially submitted proposed the creation of a total of forty-eight (48) ownership units, parking, landscaping and other improvements to be located on the “Property” as defined above, all as described in the application as well as civil engineering, landscaping environmental, drainage and stormwater management, and traffic reports and plans prepared by experts.
- 2) The public hearing was opened on October 13, 2016, and continued to November 10, 2016, December 8, 2016, January 12, 2017, February 9, 2017, February 27, 2017, and April 5, 2017, at which time the Board closed the public hearing.
- 3) The Board conducted a site visit to the Property on November 4, 2016.
- 4) The Board retained the following consultants to assist in the review of the Application:
 - a) Civil Engineering and Traffic: Sean P. Reardon, P.E. and Steven Bouley, EIT, Tetra Tech, Marlborough, MA
 - b) Legal: Mark Bobrowski, Blatman, Bobrowski & Haverty, LLC, Concord, MA
 - c) Architecture/Land Planning: Steve A. Heikin, FAIA, ICON Architecture, Inc., Boston, MA
 - d) MHP Chapter 40B Technical Assistance Consultant: Michael Jacobs, MHJ Associates, Brookline, MA
- 5) Aspects of the Applicant’s proposal were reviewed by the departments and officials of the Town of Medfield, who provided testimony and/or written submissions to the Board, including:
 - (a) Fire Department
 - (b) Police Department
 - (c) Board of Selectmen
 - (d) Conservation Commission
 - (e) Planning Board
 - (f) School Department
 - (g) Board of Health

- (h) Medfield Housing Partnership
 - (i) Board of Water and Sewer
 - (j) Department of Public Works
 - (k) Building Commissioner
- 6) The Board's consulting traffic engineering firm, Tetra Tech, reviewed the Applicant's "Preliminary Traffic Impact Statement," dated September 21, 2016, as amended by a "Traffic Impact Assessment," dated December 2016, both prepared by Vanasse Associates, Inc. (collectively, the "TIAS") and summarized findings in comment letters dated January 12, 2017 and February 20, 2017. 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 was appropriate; (4) speed and sight distance measurements in the TIAS were appropriate for the proposed use; (5) there are no high accident locations in the TIAS study area; (6) the methodology of projecting traffic impacts attributable to the project was appropriate; (7) the TIAS projects for level of service (LOS) impacts at nearby intersections were appropriate. Tetra Tech made recommendations to the Board for conditions to mitigate impacts of the proposed project, and these recommendations are incorporated in the conditions set forth below.
- 7) The Board's consulting civil engineer, Tetra Tech, reviewed the Applicant's plans and specifications for the 49-unit project, and summarized findings in comment letters to the Board dated December 12, 2016, January 12, 2017 and February 20, 2017. Tetra Tech concluded that (1) the plan set included wetland resource areas that were adequately delineated, but subject to final Town of Medfield Conservation Commission confirmation and approval; (2) the site design and building layout plans were generally acceptable, subject to comments detailed in review letters; (3) proposed traffic and circulation on the Property were generally acceptable, subject to comments detailed in review letters; (4) utility connections and service should be verified with appropriate Town authorities, but were generally adequate; (5) grading and drainage revisions were required but were not so extensive as to render the project infeasible; (6) proposed plantings and landscaping were generally adequate; (7) the existing site is serviced by municipal water and sewer systems in Hospital Road and both are expected to be adequate to serve the needs of the development, given that: (a) the Town's peer review engineer concluded that the existing water main was replaced two years ago, that the main would provide ample capacity for existing uses and forecasted development in the area, and that adequate water volume and pressure are available to serve the fire safety and domestic needs of the Project; and, (b) the Town's peer review engineer concluded that since the Hospital Road sewer main was replaced in 2000, that current wastewater infrastructure is adequate to serve the needs of the development, all as described in a Letter to the Board, dated January 12, 2017, from Tetra Tech; and, (8) the Applicant proposed to provide 158 parking spaces on the Property and this number is adequate. Tetra Tech made recommendations to the Board

for conditions to mitigate impacts of the proposed project and these recommendations are incorporated in the conditions set forth below.

- 8) The Board's consulting architect, Steven A. Heikin, FAIA, reviewed the Applicant's plans and specifications, and summarized his findings in a letter to Ms. Sarah Raposa, Town Planner, dated December 23, 2016.
- 9) At the Board's January 12, 2017 hearing, the Applicant proposed several changes to the development it was willing to accept in the context of a mutually agreeable Comprehensive Permit issued by the Board. This proposal, under which the Applicant agreed to add one (1) additional affordable unit to bring the total number of affordable units to thirteen (13), and total units to forty-nine (49), also included enhanced landscaping improvements as well as a pavilion to be located in the common area as shown of the Approved Plans.
- 10) The documents and exhibits received during the public hearing, which constitute the record for this decision, are on file with the Board of Appeals.

II. FINDINGS

- 11) As evidenced by the Project Eligibility Letter issued by MassHousing by letter, dated September 23, 2016, the Applicant is qualified to make the Application pursuant to 760 CMR 56.04 in that:

a. The Applicant is or will become a "limited dividend organization" as that term is used in G.L. c.40B, s. 21 and 760 CMR 56.02, and it and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder by executing and recording a Regulatory Agreement in accordance with the rules governing the NEF Program, and agreeing to restrict its profit to a "Reasonable Return" as defined under 760 CMR 56.02, meaning such return shall be as calculated according to guidelines issued by the DHCD, and with respect to building an ownership project, that profit to the Applicant is not more than 20% and not less than 15% of the total development costs.

b. The "Project," as defined herein, is fundable by a subsidizing agency under a low and moderate income housing subsidy program as evidenced by the site approval letter issued by MassHousing, dated September 23, 2016, pursuant to the Federal Home Loan Bank of Boston's New England Fund ("NEF") Program where MassHousing acts as the Project Administrator;

c. The Board finds that the Applicant has shown evidence of its interest in the Property sufficient to qualify as a recipient of a Comprehensive Permit. It maintains "site control" of the Property within the meaning of 760 CMR 56.04(1)(c), as evidenced by, among other things, three separate deeds into the Applicant, and included within the Comprehensive Permit Application, all as described the documents of record referenced above; and,

d. Moreover, Section 56.04(1) of the 40B Rules states that “compliance with these project eligibility requirements shall be established by issuance of a written determination of Project Eligibility by the Subsidizing Agency that contains all the findings required under 760 CMR 56.04(4), based upon its initial review of the Project and the Applicant’s qualifications in accordance with 760 CMR 56.04, and such Project Eligibility Letter has been issued to the Applicant as described above.

- 12) The “Project Site” (or “Property” or “Site”) as defined in the Application, and as supplemented by documentation and site plans filed with the ZBA, is that real property consisting of those certain parcels of land, known and numbered as 21, 25, and 29 Hospital Road, Medfield, Massachusetts, depicted on the Town of Medfield Assessors Maps as Map 64, Lots 008, 009, 010, 011 and 108. The Property consists of 7.34 acres, and is entirely located in the Residential Town (R-T) Zoning District and partially within the Aquifer Protection District. The Norfolk County Registry of Deeds title references for the Property are Book 33500, Page 500 and Book 33564, Page 340, as well as Norfolk County Land Court Certificate of Title No. 191842.
- 13) The Applicant has submitted a complete Application which substantially conforms to the Board’s Comprehensive Permit Rules, except where such Rules are inconsistent with 760 CMR 56.05(2), in which case the latter controls. The Applicant has satisfied all applicable submission requirements.
- 14) The Town of Medfield has not met the statutory minimum set forth in G.L. c. 40B, s. 20 or 760 CMR 56.03(3) nor is affordable housing located on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial or industrial use. The development of affordable units consistent with the Application will not result in the commencement of construction of such housing on sites comprising more than three tenths of one percent of such land area.
- 15) Subject to the conditions imposed by 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).
- 16) The Property is located in the Residential Town (R-T) Zoning District, as established in the Medfield Zoning By-law, as well as partially within the Aquifer Protection District. But for the issuance of a Comprehensive Permit, the Project could not be built because multi-family housing is prohibited in the R-T Zoning District.
- 17) Based on reports from the Board’s technical consultants, the Board finds that the Project will not endanger public health or safety or the environment, subject to the conditions set forth below.

III. DECISION

Pursuant to G.L. c. 40B, the Zoning Board of Appeals of Medfield, after the public hearing and findings of fact, hereby grants a Comprehensive Permit to the Applicant for the construction of single family, two-family and three family units collectively consisting of a total

of 49 residential ownership units on the Property and associated infrastructure and improvements, subject to the following conditions. Unless otherwise indicated herein, the Board may designate the appropriate municipal agent or agents (or their consultants) to review and approve matters set forth herein; provided, however, that such reviews and approvals shall be of Local Concerns, as that term is defined in 760 CMR 56.02, and shall be conducted only for the purpose of verifying that the Applicant and the Project have complied with the requirements of this Comprehensive Permit, applicable state and federal law and regulations, and those applicable bylaws and regulations of the Town of Medfield that are not waived by this Comprehensive Permit.

IV. CONDITIONS

A. General

- A.1. The holder of this Comprehensive Permit is Country Estates of Medfield, LLC. Based on the information submitted by the Applicant as part of the Application, and as supplemented by documentation and site plans filed with the Board, the Applicant contends it is qualified to make the Application to the Board pursuant to 760 CMR §§ 56.04, and 56.05 for the reasons described below.
- A.2. The Applicant is a "limited dividend organization" as that term is used in G.L. c.40B, § 21 and 760 CMR § 56.02, and it and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder by executing and recording a Regulatory Agreement in accordance with the rules governing the NEF Program, and agreeing to restrict its profit to not exceed 20% of the Project's total development costs.
- A.3. The Project as defined herein, is fundable by a subsidizing agency under a low and moderate income housing subsidy program as evidenced by the project eligibility letter issued by MassHousing, dated September 23, 2016, pursuant to the Federal Home Loan Bank of Boston's New England Fund ("NEF") Program where MassHousing acts as the Project Administrator.
- A.4. The Project is located on the Property and includes parking, utilities, stormwater systems and facilities, landscaping, sidewalks, walkways, recreational improvements and other improvements, all as depicted on a set of Preliminary Civil Engineering Site Plans and well as Preliminary Landscaping Plans listed in **Exhibit A**.
- A.5. The Project includes the construction of forty-nine (49) units of ownership housing, including:
 - (a) twenty four (24) single family residential units in separate buildings, each of each of which consisting of three- and four-bedroom units;

- (b) Twenty-two (22) duplex units where the units are contained within one of eleven (11) duplex buildings, and the units shall consist of three- and four-bedroom units; and,
- (c) Three (3) triplex units contained within a single building, where each of the units contains three bedrooms.
- (d) Of the forty-nine ownership units, total of thirteen (13) units would be “affordable” as that term is defined under the Act, the 40B Rules and the NEF Program, including five (5) of the single family units, six (6) of the duplex units, and two (2) of the triplex units.

Collectively, the residential units identified above shall be referred to as the “Units.”

- A.6. The Units and Buildings containing the Units are depicted in a set of architectural plans listed as Preliminary Architectural Plans in Exhibit A. No Unit shall have more bedrooms than the number designated in the Preliminary Architectural Plans, and the Project shall include no more than a total of 182 bedrooms, and bedrooms shall not be constructed within the basements of Units unless the Applicant designates a basement area as a bedroom, in which case, such bedroom shall be deducted from the total bedroom count above. Notwithstanding the foregoing, this condition does not prohibit the finishing of basements as livable space.
- A.7. The Project includes all features shown on the Preliminary Civil Engineering Plans, Preliminary Landscaping Plans and Preliminary Architectural Plans listed in Exhibit A, or as otherwise required by this Comprehensive Permit.
- A.8. The market rate Units and the Affordable Units shall be indistinguishable from the exterior.
- A.9. Except as may be provided for in the following conditions, the Project shall be constructed substantially in conformance with the plans and drawings listed in Exhibit A, which for purposes of this Comprehensive Permit shall hereafter be considered the approved plans for the Project (“Approved Plans”) unless otherwise described herein. Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Commissioner who shall have the authority to approve such changes as immaterial changes. If the Building Commissioner determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, s/he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this decision or seek modification in accordance with 760 CMR 56.07(11).

- A.10. There shall be a minimum of 146 parking spaces, plus a total of 12 additional overflow parking spaces to be distributed evenly across the site, for a total of 158 Project parking spaces as depicted on the Approved Plans. The Zoning Bylaw requires two spaces per unit, and the Project proposes an average of 3.22 spaces per unit.
- A.11. All residential units approved under this Comprehensive Permit shall be for ownership only to be formed as a part of a condominium, and shall not be converted to rental or co-operative or other form of individual unit ownership unless otherwise provided herein or as otherwise allowed by the Board.
- A.12. The Applicant shall comply with all local regulations of the Town of Medfield and its boards and commissions unless specifically waived herein or as otherwise addressed in these conditions.
- A.13. The Applicant shall copy the Building Commissioner on all correspondence by and between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.14. Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Commissioner or other Town Departments, the Applicant shall pay all permit application fees as set forth in Exhibit B as well as reimburse technical peer review costs normally charged by the Town at such fees and rates in effect as of the date of the Application, which fees shall be the only fees chargeable to the Applicant, and provide performance bonds or guarantees as normally required by the Town except as otherwise waived herein. The Building Commissioner or applicable department head will use reasonable efforts to review and issue a building permit within thirty (30) days following submission of a complete application and payment of application fees.
- A.15. The Applicant shall obtain a funding commitment from an approved lender as required under the NEF Program for "Final Approval" as that term is defined under 760 CMR 56.04(7), and a Regulatory Agreement executed by MassHousing and the Applicant or the Applicant's successors and assigns shall be recorded at the Norfolk Registry of Deeds no later than the issuance of any certificate of occupancy for the Project.
- A.16. The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the Applicant and the successors and assigns of the Applicant, and the obligations shall run with the land in perpetuity unless otherwise amended by the Board; and reference to this Decision shall be incorporated in the condominium master deed described in Section K. to be recorded in connection with the Project. In the event that the Applicant sells, transfers, or assigns its interest in the Project, this Comprehensive Permit shall be binding upon the

purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the Project regardless of sale, transfer or assignment of the Project. Prior to substantial completion of construction, this Decision may be transferred pursuant to the provisions of 760 CMR 56.05(12)(b), upon approval of the Subsidizing Agency and after submission of notice to the Board. After substantial completion, this Decision shall be deemed to run with the land pursuant to 760 CMR 56.05(12)(b).

- A.17. The sidewalks, driveways, roads, utilities, drainage systems, sanitary sewer system, water system and all other infrastructure located on the Property and shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town of Medfield shall not have, now or in the future, any legal responsibility for the operation or maintenance of such infrastructure, including but not limited to water, sewer, snow removal, trash removal, recycling, and landscape maintenance, which obligations shall be incorporated into the Condominium Documents described in Section K.
- A.18. The Applicant shall provide for testing, inspection, and maintenance of fire protection systems as required by 780 CMR, NFPA 72, 13 & 25 for the triplex building, given that single family and two-family buildings are exempt from such requirements.
- A.19. All affordability conditions required by this Comprehensive Permit for the affordable units shall be “in perpetuity”, and shall remain in full force and effect for so long as the Project (without the benefit of waivers allowed by this Comprehensive Permit) does not fully comply with the Medfield Zoning By-law.
- A.20. The Applicant shall permit the Board and/or its representatives to observe and inspect the Property and construction progress until such time as the Project has been completed as evidenced by the issuance of a certificate of occupancy issued for the last Project Unit to be conveyed by the Applicant.

B. Affordability Requirements

- B.1. In perpetuity, at least 13 of the 49 Units in the Project, which is greater than the 25% minimum affordability requirement under Chapter 40B, shall be “Affordable Units,” meaning they shall be available for sale to and restricted for occupancy by households whose income does not exceed 80 percent of the area median income, as determined by the NEF Program and the United States Department of Housing and Urban Development (“HUD”) requirements, all as approved by MassHousing. Affordable Units shall be dispersed throughout the residential structures as depicted on the Affordable Housing Unit Plan of the Approved Plans, subject to Final Approval by MassHousing, and there shall be a mix of bedroom types as set forth above. The Applicant shall be responsible for

maintaining records sufficient to comply with MassHousing and NEF Program guidelines for occupancy of such Affordable Units by income-eligible households.

- B.2. The 13 Affordable Units noted above and constructed at the Project shall meet the criteria for inclusion in DHCD's "Subsidized Housing Inventory" (SHI) in accordance with 760 CMR 56.03(2).
- B.3. The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan and selection plan in compliance with all federal and state laws and regulations prior to the sale of any of the Units. In concert with the Medfield Housing Partnership and the Town Planner, the Applicant shall provide the Subsidizing Agency with evidence of the need in Medfield for Local Preference as defined in DHCD's Comprehensive Permit Guidelines, and shall incorporate Local Preference in the affirmative fair housing marketing and selection plans for the Project if the Subsidizing Agency approves the same.
- B.4. Selection of Buyers for Affordable Units: The Applicant shall obtain the Monitoring Agent's approval of a Buyer Selection Plan for the sale of the Affordable Units prior to putting the Affordable Units on the market. Buyers shall be selected through a fair lottery process (the "Lottery"). Subject to Section B.3 above, and to the maximum extent permitted by law, first preference for the purchase of 70% of the Affordable Units shall be given to households that meet one or more of the following "Medfield Connection" preference criteria:

(a) Medfield residents: A household in which one or more members is living in Medfield at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.

(b) Medfield Employees: At least one member of the household is an employee of the Town of Medfield, such as a teacher, janitor, firefighter, police officer, librarian, or a town hall employee.

(c) Private Employees in Medfield: At least one member of the household is currently privately employed within the Town of Medfield.

The selection of purchasers for the Affordable Units, including the administration of the Lottery, shall be administered by a consultant retained by the Applicant, subject to the Monitoring Agent's approval. The Lottery shall be implemented pursuant to a Lottery Plan developed by the lottery consultant and approved by the Monitoring Agent. The Monitoring Agent shall oversee the lottery.

The Monitoring Agent shall develop rules and guidelines to carry out the provisions of this section, as necessary. Income eligibility shall be governed by the rules and regulations of MassHousing under the NEF Program, or in default,

the rules and standards employed by the Massachusetts Department of Housing and Community Development (DHCD) or the Department of Housing and Urban Development in the selection of income-eligible tenants for publicly subsidized housing.

The provisions of this section are intended to complement and not to override or supersede any applicable fair marketing regulations of the Department of Housing and Community Development, the Massachusetts Commission Against Discrimination, MassHousing, or any authority with jurisdiction and like purpose, to provide low and/or moderate income housing.

- B.5. Subject to a change in the subsidy program used to finance the Project, MassHousing (or its appointed agent) shall be the Project Administrator in connection with the NEF Program, with responsibility for regulating, monitoring, and enforcement in accordance with its Regulatory Agreement and MassHousing and NEF Program requirements.
- B.6. Affordable Units shall be constructed contemporaneously with the market-rate Units in the Project as follows. No more than an average of three certificates of occupancy shall be issued by the Building Commissioner for Units designated for sale at fair market prices (the "Market Rate Units") until at least one certificate of occupancy is issued for an Affordable Unit. The Affordable Units shall be reasonably interspersed within the Project as determined by MassHousing.

C. Waivers

- C.1. The Applicant has requested, and the Board has granted, waivers from the Medfield Zoning By-Law and other local by-laws and regulations as specified below and in Exhibit C hereto. 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).

D. Submission Requirements

The following conditions identify minimum submission requirements the Applicant must meet from pre-construction through project completion, recognizing that the Project will be constructed in phases as contemplated under Section D.1(b) below. Sections E through L of this Decision list additional requirements that the Applicant must meet as well.

- D.1. Prior to any construction, whether or not pursuant to a building permit, the Applicant shall:
 - a. Request and participate in a preconstruction conference with Town departments prior to the commencement of construction. For the purposes of this decision, "commencement of construction" shall occur when the

relocation of topsoil has been initiated. The Applicant shall request such conference at least twenty-one (21) days prior to commencing construction by contacting the Building Commissioner in writing. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards.

- b. Submit to the Building Commissioner for review and approval a Phasing Plan, in form and substance consistent with industry standards or satisfactory to the Building Commissioner, showing construction of the roadways and utilities associated with each building.
- c. Provide a lighting plan to the Town Planner and Building Commissioner.
- d. Obtain approval of site access details and proposed fire hydrant locations from the Medfield Fire Department.
- e. Obtain approval from the School Department, of a designated area for a school bus stop for the Project as shown on the Approved Plans.
- f. Submit to the Building Commissioner for review and approval Final Drawings, Plans¹ ("Final Plans") and supporting documentation that conform to the requirements of this Comprehensive Permit and which incorporate the conditions herein. The Final Plans shall incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Registered (Civil) Engineer of record, the Registered Landscape Architect of record, or the Registered Architect of record. No construction of buildings, structures, or improvements shall be performed on the Property except in accordance with the Final Plans.
- g. Submit to the Building Commissioner for review and approval a final landscaping plan consistent with the Approved Plans, signed and sealed by a Registered Landscape Architect. All plantings shall consist of non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall be salt-tolerant as well. The landscape plan shall utilize plantings that create year-round, low maintenance visual buffers in areas utilized as buffers.
- h. Submit to the Building Commissioner, a construction maintenance plan for ensuring that construction vehicle tires are cleaned to minimize dust and dirt onto Hospital Road, and the Applicant may substitute a Stormwater Pollution Prevention Plan (SWPPP) developed in accordance with the EPA NPDES Construction General Permit for the Project.

¹ See Exhibit A, Approved Plans, which shall be the basis for the Final Plans as amended by the various conditions stated herein.

- D.2. Prior to the issuance of a building permit for the Project, the Applicant shall:
- a. Record this Comprehensive Permit and ANR Plan with the Norfolk County Registry of Deeds, at the Applicant's expense, and provide proof of the same to the Building Commissioner.
 - b. Submit to the Building Commissioner evidence of Final Approval from MassHousing, as required by the Project Eligibility Letter and the Chapter 40B regulations.
 - c. Obtain and file with the Building Commissioner a copy of all federal, state, and local permits and approvals required for the Project.
 - d. Submit for review and approval by the Building Commissioner plans and specifications concerning the proposed sewer connections, including profiles of the piping and all related structures, prior to the issuance of a foundation permit.
 - e. Submit to the Building Commissioner final Architectural Plans prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts provided, however, that only the final architectural plans for the first phase of building(s) need to be delivered to the Building Commissioner prior to the issuance of building permit(s) for the first phase of building(s) to be constructed, and the subsequent set of building permits shall be issued only upon the Building Commissioner's receipt of the final architectural plans for those specific subsequent building(s) to be constructed as part of each subsequent phase of the Project. The Architectural Plans shall be submitted in such form as the Building Commissioner may reasonably request in conformance with accepted residential building industry standards.
 - f. Request and obtain permits and approvals from the Medfield Fire Department for proposed fire protection systems, including the fire alarm system and fire sprinkler systems (if required by law). Such request shall include all required plans, cut sheets, and other related documentation. The Applicant shall submit a Fire Protection Narrative Report (780 CMR, Chapter 9) to the Fire Department for review and approval for the three family building only.
 - g. Obtain and file with the Building Commissioner a copy of a written technical review from the Board's consulting civil engineer of the Applicant's construction plans and engineering details to tie into the public water distribution system and the public sanitary sewer system, and to undertake any work and improvements within public ways, all in a manner consistent with the approved Final Plans and Specifications and the Conditions of this Comprehensive Permit and the Town of Medfield.

At a minimum, the Applicant shall address all requirements identified in this Comprehensive Permit.

- h. Provide details of all drainage infrastructure and supporting technical materials required to prove compliance with applicable Massachusetts Stormwater Management Standards.
- i. Provide evidence to the Building Commissioner that a Regulatory Agreement executed by MassHousing and the Applicant, including an acknowledgment executed by the Board, has been recorded at the Norfolk Registry of Deeds.

D.3. Prior to the issuance of a building permit for the triplex building, the Applicant shall:

- a. Submit to the Building Commissioner final Architectural Plans prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts. The Architectural Plans shall be submitted in such form as the Building Commissioner may reasonably request in conformance with accepted residential building industry standards. The three family building in the Project shall be designed and constructed under the "controlled construction" provisions of the Massachusetts State Building Code. As such, the Architectural Plans for the three-family building shall undergo a Building Code review by the architect of record who shall provide a certification to the Building Commissioner that the project has been designed in accordance with the applicable provisions of the Massachusetts State Building Code.
- b. Request and obtain permits and approvals from the Medfield Fire Department for proposed fire protection systems, including the fire alarm system and fire sprinkler systems (if required by law). Such request shall include all required plans, cut sheets, and other related documentation. The Applicant shall submit a Fire Protection Narrative Report (780 CMR, Chapter 9) to the Fire Department for review and approval for the three family building only.

D.4. Prior to issuance of a certificate of occupancy for any phase of the Project, the Applicant shall:

- a. Submit interim as-built utilities plan and profiles, showing actual-in ground installation of the utilities, to the Department of Public Works.
- b. Obtain acceptance from the Fire Department of testing of all fire protection systems required by law, and local smoke alarms within the dwelling units for which a certificate of occupancy is sought.

- c. In addition to the requirements in Condition No. D.4(b) above, obtain acceptance from the Fire Department of testing of all fire protection systems and fire sprinkler systems for the three-family building only.
 - d. Provide evidence in a form satisfactory to the Building Commissioner that the Applicant complies with the Traffic Safety conditions listed in Section H. of the Conditions.
- D.5. Prior to issuance of the final certificate of occupancy for the first unit of each construction phase of the Project, the Applicant shall satisfy the following preconditions, recognizing that the Project will be constructed in phases, and provided that life safety measures are adequate to serve such phase as determined by the Building Commissioner as each phase is proposed:
- a. Provide the Building Commissioner with the identification of the affordable units within the Project in the form required by MassHousing, as applicable.
 - b. Submit to the Building Commissioner and Department of Public Works, in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all utilities, rim and invert elevations, roadway, sidewalk and associated construction and stormwater management systems for each phase of the Project. The file format shall be in a form compatible with the Town's system (AutoCAD DWG (or ASCII DXF) version 2010 or earlier and GIS shapefile) and Adobe PDF, delivered on USB devices or other media as the Department of Public Works may require. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and National Geodetic Vertical Datum of 1929, in U.S. Survey Feet. The digital as-built plan shall be accompanied by a certificate from the site engineer of record stating that the as-built utilities substantially comply with the Final Plans and listing any revisions or exceptions.
 - c. Submit an as-built drawing of the water and sewer system to the Building Commissioner and Department of Public Works for each Project phase. The as-built drawing shall include the name of the person or company installing the sewer service, the date it was installed, and the name of the inspector.
 - d. Notwithstanding the foregoing, if the Project Units are constructed in Phases, then the requirements in this Section D.4 must be completed only

for the particular phase, provided that the Building Commissioner is satisfied that emergency and life safety infrastructure and other requirements are adequate without full buildout.

E. Architectural and Landscape Design Conditions

Through preparation and submission of the Landscaping Plan, Final Plans, (see D.1) and/or Architectural Plans (see D.2), the Applicant shall demonstrate compliance with the following comments and recommendations from the Board, which the Board hereby accepts and imposes as conditions of approval of this Comprehensive Permit.

- E.1. If the Project is constructed in more than one phase, the pavilion and mail kiosk shall be constructed and completed during the first phase, if available. In addition, all major utilities systems, including water, sewer, gas, and underground electric, telephone, and cable necessary to serve the first phase will be installed in the first phase. Further, all storm water basins and systems will be constructed in the first phase.
- E.2. Exterior lighting shall consist of “Dark Sky” fixtures and shall be designed and installed so as to minimize glare or spillover onto or into any adjacent property. Light pole height shall not exceed sixteen (16) feet, and exterior light fixtures shall be consistent with residential scale and style typically acceptable to the Town and which preclude point sources of light that are visible to motorists and to the residents abutting the Property.
- E.3. Existing trees that will remain on the site post-construction (to be shown on the Landscaping Plan) shall be protected during construction with snow fencing or other physical barriers as determined by the Building Commissioner.
- E.4. Snow storage areas shall be designated on the Final Plans. Such locations shall be located outside paved areas and on adjacent grassed areas to maximize recharge, as may be further adjusted based upon the Wetlands Order of Conditions to be issued for the Project. When snowfall exceeds the capacity of the designated snow storage areas and impacts the ability to use travel ways, sidewalks or designated parking spaces or otherwise limits safe access to/from the site for residents or emergency vehicles, the Applicant shall truck the excess snow off-site for proper disposal.
- E.5. The Applicant shall provide fencing of work areas during construction as required by the Building Commissioner.
- E.6. The Applicant shall complete the landscaping improvements located on the Property as depicted on the Landscaping Plans in accordance with the construction phasing plan.

- E.7. The landscaping shall be maintained by the Applicant, and subsequently the condominium association, which obligations shall be incorporated in the Condominium Documents described in Section K.
- E.8. Dead or diseased plantings shall be replaced as soon as possible in accordance with growing and weather conditions but in no event shall replacement occur more than one year from the discovery of the dead or diseased planting unless otherwise provided in the wetlands order of conditions for the Project.
- E.9 The exterior color of the buildings shall not be the same color throughout the project, but shall be varied.

F. Civil Engineering Conditions

Through preparation and submission of the Final Plans, the Applicant shall demonstrate compliance with the following conditions of approval of this Comprehensive Permit:

- F.1. No certificate of occupancy for any building shall be issued until all improvements specified in this decision and set forth on the Final Plans are constructed and installed so as to adequately serve said building or phase. After the base course of the pavement has been installed, and after drainage facilities adequate to serve the building or phase have been installed, the Applicant may provide a performance guarantee, reasonably acceptable to the Board, to ensure such completion. Any such performance guarantee shall be governed by the subdivision rules and regulations of the Planning Board and shall be approved as to form by the Board's legal counsel (see also, Section L). In determining the amount of the bond or surety, the Board shall be guided by the following formula in setting the sum of the security:
 - a. The Board's estimate of the cost to complete the work; plus
 - b. A ten percent (10%) construction cost contingency; plus
 - c. An additional (10%) contract administration fee; plus
 - d. An appropriate rate of inflation over a five-year period.
- F.2. A dedicated equipment fueling area shall be provided for the Project throughout the construction phase of the Project.
- F.3. The Applicant shall prepare and submit a final Approval-Not-Required plan to consolidate all of the lots comprising the Property into a single lot, as shown on the Preliminary Approval-Not-Required Plan, and shall submit such plan to the Board which, pursuant to the authority of Section 20 of Chapter 40B, shall

endorse such ANR Plan in accordance with the provisions of the State Subdivision Control Law.

G. Environmental and Construction Conditions

- G.1. Soil material used as backfill for pipes, access drives, infiltration beds, and other underground drainage structures shall meet design specifications on the Final Plans.
- G.2. Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- G.3. All construction shall be performed in accordance with applicable laws and regulations regarding noise, vibrations, dust, glare, and sedimentation.
- G.4. The Applicant shall ensure that nuisance conditions do not exist in and around the Site during construction operations. The Applicant shall at all times use reasonable means to minimize inconvenience to residents in the surrounding area.
- G.5. All building areas shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements of the U.S. Environmental Protection Agency's (EPA) Construction General Permit (CGP), including the requirements of a Stormwater Pollution Prevention (SWPPP) Plan, required to be obtained by the Applicant prior to construction commencement.
- G.6. Outside construction activities and deliveries shall be conducted only between the hours of 7:00 a.m., and 5:00 p.m., Monday through Friday. Indoor construction activities may be conducted from 7:00 a.m. to 7:00 p.m. Monday to Saturday. Deliveries may also be conducted Saturday from 7:00 a.m. to 1:00 p.m. For this condition, construction activities shall be defined as: start-up of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Department of Public Works and shall not be subject to the timing restrictions set forth above. Finish work inside a structure once fully enclosed (walls, doors, windows and roof) is not restricted by this condition. Parking of all vehicles and equipment must be on site during construction.
- G.7. Truck traffic at the site shall be restricted to the hours of 7:00 am to 5:00 pm Monday through Friday and 7:00 a.m. to 1:00 p.m. Saturday. All trucks with

more than two (2) axles shall use Route 27 to access the site, and not Harding Street. Drivers for contractors and vendors shall be provided with this instruction, which shall be enforced by the Police Department.

- G.8. The final Stormwater Pollution Prevention Plan (SWPPP) which will be provided to the Conservation Commission during the hearing process for the Project Notice of Intent shall address equipment fueling areas in accordance with the requirements of the EPA CGP.
- G.9. The Applicant shall ensure safe and convenient vehicular access to the Site during the entire duration of the Project.
- G.10. Dust - The Applicant shall implement dust control operations, in an approved manner, whenever necessary or when directed by the Building Commissioner or the Director of the DPW, even though other work on the project may be suspended as a result thereof. Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
- G.11. Noise - The Applicant shall implement measures to ensure that noise from Project construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud activities when directed by the Building Commissioner.
- G.12. Vibration - The Applicant shall implement necessary controls to ensure that vibration does not exceed applicable state standards and create a nuisance or hazard for property abutters, subject to other provisions within this Decision.
- G.13. Traffic - The Applicant shall implement necessary traffic safety controls during construction to ensure a safe and convenient vehicular access in and around the site. Any traffic problems that occur as a result of site operations and construction shall be mitigated immediately, at the expense of the Applicant.
- G.14. Roads – The Applicant is responsible for the sweeping, removal of snow, and sanding of the internal roadways and driveways permitting access to residents, emergency vehicles, and others during construction and until the Condominium Association assumes responsibility for the same. Applicant shall take all required measures to prevent tracking of soils, construction materials and other construction debris onto the public right-of-way.
- G.15. Stabilization Requirements - No building areas shall be left in an open, unstabilized condition longer than 180 days or as may be governed by the NPDES Permit or Order of Conditions. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- G.16. Parking - Construction vehicles shall be parked on the Site, and off Hospital Road at all times.

- G.17. Blasting - Pursuant to 527 CMR 1.00, Chapter 65, a licensed blasting professional shall perform all blasting on the Property after proper pre-blast inspections and surveys have been conducted and all required permits have been obtained from the Medfield Fire Department, and such work shall be performed in accordance with all local, state and federal requirements. Prior to any blasting or rock removal, the Fire Chief shall review and approve a plan, including a schedule, for such drilling, blasting, and hammering. No blasting shall take place before 10:00 a.m. or after 4:00 p.m., Monday through Friday. The plan and schedule shall be provided to the Board two weeks before commencement of drilling, blasting, or hammering.
- G.18 Rock Crushing. No onsite rock crushing shall be conducted except for that necessary for use onsite from 10:00 a.m. to 3:00 p.m. , Monday to Friday. All other rock shall be crushed offsite.
- G. 19. Monitoring Requirements. The Applicant shall be responsible for consultant review/monitoring as described in the scope/estimate dated February 23, 2017 provided by Tetra Tech.

H. Traffic Safety Conditions

- H.1. Prior to the issuance of any certificate of occupancy, the Applicant shall comply with the following:
- (i) Any landscaping or signage in the vicinity of the driveway and in other areas designated on the Approved Plans should be chosen and located so that sight triangles depicted on the Final Plans, including sight distance, is not obstructed (less than 24 inches in height). Landscaping shall also be maintained in the area of the driveways and Hospital Road to maintain safe lines of sight for exiting and approaching vehicles;
 - (ii) The main roadway shall provide for one entering and one exiting lane at the intersections with Hospital Road, and the roadway should be placed under STOP sign control with painted STOP bars present. All signage and pavement markings should conform to the latest guidelines issued by the Manual on Uniform Traffic Control Devices (MUTCD);
 - (iii) High-visibility painted crosswalks should be installed across the main roadway at the intersections with Hospital Road and other areas recommended by Tetra Tech in its December 12, 2016 letter to the Board. Accessible wheelchair ramps should also be installed to transition between the crosswalks and the Hospital Road sidewalk and other areas recommended by Tetra Tech in its December 12, 2016 letter to the Board.

- (iv) "No Parking" signs shall also be located within 200 feet of each internal roadway intersection at such intervals as may be recommended by the Town Planner to promote good general vehicular access and circulation and to ensure emergency vehicle access. Parking shall be prohibited along the internal site roadways.
- H.2. Prior to the issuance of the first building permit, the Applicant shall provide to the Town Treasurer the sum of \$3,000.00, pursuant to G.L. c. 44, s. 53A, with such funds to be used for the purchase of portable speed monitor(s) having such specifications as determined by the Police Chief of the Town of Medfield.
- H.3. The Condominium Documents shall provide for no on-street parking within the development and on Hospital Road.
- H.4. During construction, there shall be no parking on Hospital Road.
- H.5. The Final Plans should include a construction detail of the proposed sidewalk ramps to show that they will be ADA-compliant.
- H.6. Install a school bus stop on the Applicant's Property.
- H.7. After occupancy, the Applicant shall regularly trim and maintain the vegetation in the designated sight triangle areas so that adequate sight triangles are maintained and landscaping is kept below 24 inches to ensure adequate sightlines in each
- H.8. Snow shall not be stockpiled near the driveway intersections with Hospital Road, or at internal site driveway intersections in a manner that limits sight distances for traffic entering and exiting the Project.

I. Police, Fire, and Emergency Medical Conditions

- I.1. Each building in the Project shall be equipped with local smoke alarms approved by the Medfield Fire Department.
- I.2. The Applicant shall designate an on-call representative of the Applicant or other personnel at all times to respond to emergencies at the Property.
- I.3. Water pressure, volume, alarms, and fire suppression and protection systems shall be approved by the Fire Department in accordance with the Building Code, if required by law, prior to construction.
- I.4. Fire hydrant locations shall be approved by the Medfield Fire Chief and shall be shown on the Approved Plans to be provided as part of the Building Permit process.

J. Water, Sewer, and Utilities Conditions

- J.1. Utilities shall be installed underground by the Applicant using methods standard to those installations, except for so-called electrical “green boxes” if so required by the electrical utility along with existing overhead lines serving Units along Hospital Road. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit, stormwater management systems, and the like.
- J.2. The water, sewer, drainage, and stormwater management systems servicing the buildings in each phase shall be installed and tested in accordance with applicable Town of Medfield standard requirements and protocols unless otherwise waived herein.

K. Condominium Requirements

- K.1. Prior to the conveyance of the first Unit in the Project, the Applicant shall establish a condominium, including a Master Deed, Trust and Bylaws establishing the owners’ association (the “Condominium Documents”) for the Project, and shall establish reserves specifically for repairs to, or replacement of, and maintenance of the common storm water management facilities as set forth herein. Such reserves, including the amount thereof, shall be reviewed and approved by the ZBA prior to the first conveyance.
- K.2. The Condominium Documents shall include the following provisions in a form acceptable to the Board and Town Counsel, and shall include the following private maintenance obligations:
- a. Access to Fire Hydrants;
 - b. Maintenance of Landscaping;
 - c. Private Street Maintenance;
 - d. Private Sidewalk Maintenance;
 - e. Private trash removal;
 - f. Centralized mail delivery facilities;
 - g. Maintenance of all sewer and water line facilities located on the Property;
 - h. Maintenance of Project Storm Water Management Facilities; and,
 - i. The on-site driveways, roads, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private and the Town of Medfield shall not have, now or ever, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, and landscape maintenance.
- K.3. The Condominium Documents shall also include a provision, in a form acceptable to the Zoning Board of Appeals and Town Counsel, that no building as shown on the Site Plans may be expanded, and all accessory building as shown on the Approved Plans, pools, sheds (except for water well shed to be shown on the

Final Plans), car ports, portable buildings, swing sets, tennis courts, swimming pools, and other similar improvements on the Property shall be prohibited unless otherwise approved by the Zoning Board of Appeals. Moreover, the Condominium Documents shall also provide that garage space shall not be converted into habitable space.

- K.4. The applicant shall be responsible for the private maintenance obligations set forth in para. K.2 until such obligations are transitioned to the condominium trustees of the condominium association no sooner than after 75% of the units have been sold, as provided in the condominium documents.

L. Other Conditions

- L.1. This decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- L.2. This permit prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service or repair of any vehicles on the site.
- L.3. The Applicant or its designee shall be responsible for the operation and regular maintenance of all pedestrian walkways, parking areas, stormwater management systems, and other common facilities shown or described in the Final Plans and materials, including, but not limited to, regular snow plowing and garbage removal until such time the Condominium is formed and the Condominium Association assumes responsibility for these obligations.
- L.4. The Applicant's registered professional engineer shall prepare guidelines for the operation and maintenance of the stormwater management system, subject to modification and the approval by the Conservation Commission. Such guidelines shall be binding upon the Condominium. In the event that the Applicant or its agent fails to maintain the stormwater management system in accordance with such guidelines for operation and maintenance, or the water distribution system, or the sanitary sewer system, the Town may perform necessary maintenance or repairs and the Applicant hereby authorizes the Town to enter the Property for this purpose. In such event, the Applicant shall reimburse the Town for any and all expense associated therewith; in the event of nonpayment, the Town may place a lien on the Property and any improvement thereupon.
- L.5. The Wetlands Order of Conditions issued under the State Wetlands Protection Act (WPA) and WPA Regulations, or any order of the Department of Environmental

Protection (DEP), if applicable, regarding this property, shall be made a part of this Comprehensive Permit. If there is any inconsistency between those plans among the Final Plans that are applicable to this paragraph and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan to the Board for approval. Said amended plan shall be accompanied by a letter setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

- L.6. All performance bonds shall contain the following provision, or a provision that is substantially the same:

If the Principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, agreements, terms and provisions set forth in the following:

- * The Final Plans;
- * This Decision attached hereto as an exhibit with all attachments thereto

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforesaid sum shall be paid to the Town of Medfield as liquidated damages.

- L.7. Performance bonds, if any, shall be released by the Board in accordance with the Subdivision Rules and Regulations of the Planning Board.
- L.8. If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (b) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.
- L.9 In the preparation of final plans, the Applicant shall comply with all recommendations set forth in the following peer review reports of Tetra Tech:

- * Engineering Peer Review – Revised February 20, 2017; and
- * Traffic Impact Assessment Engineering Peer Review – Revised February 20, 2017.

V. CONCLUSION

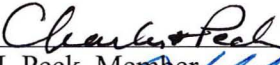
For all the reasons stated above and pursuant to the Board's authority found in G.L. c.40B, §§ 20-23, the Comprehensive Permit application is hereby **APPROVED WITH CONDITIONS** by a vote of 3 to 0. The Board reserves the right to cause this Decision to be recorded at the Norfolk County Registry of Deeds.

RECORD OF VOTE

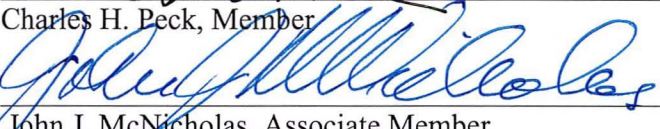
The following members of the Zoning Board of Appeals vote to grant a comprehensive permit subject to the above-stated terms:



Douglas C. Boyer, Acting Chair



Charles H. Peck, Member



John J. McNicholas, Associate Member

The following members of the Zoning Board of Appeals are in opposition to the grant of the comprehensive permit:

Filed with the Town Clerk on April 6, 2017.

EXHIBIT A
Approved Plans

Preliminary Civil Engineering Site Plans, Comprehensive Permit Plans, Country Estates of Medfield, LLC

Firm	Sheet	Title	Latest Revision Date
McKenzie Engineering Group, Inc.	CS-1	Cover Sheet	January 31, 2017
McKenzie Engineering Group, Inc.	EX-1	Existing Conditions Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-1	Site Layout Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-2	Grading & Utility Plan Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-3	Profile Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-4	Fire Truck Access Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-1a	Affordable Housing Unit Plan	January 4, 2017
McKenzie Engineering Group, Inc.	C-ANR	Approval Not Required Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-1b	Site Triangles Plan	January 31, 2017
McKenzie Engineering Group, Inc.	C-1c	Site Triangles Profile	February 27, 2017
McKenzie Engineering Group, Inc.	C-1d	Site Triangles Profile	February 27, 2017

Preliminary Landscape Plans

Firm	Sheet	Title	Revision
Kattman Corporation Richard Kattman, Landscape Architect	L-1	Preliminary Landscape Plan	January 30, 2017
Kattman Corporation Richard Kattman, Landscape Architect	L-2	Preliminary Details	January 30, 2017
Kattman Corporation Richard Kattman, Landscape Architect	L-3	Preliminary Pavilion Plan	January 30, 2017

Preliminary Architectural Plans

Firm	Sheet	Title	Last Revision
Axiom Architects, Inc.	Bldg Type A	Single Family/Type 402 (3BR)	May 20, 2016
	A1	First Floor, Second Floor	
	A2	Basement	
	A3	Front, Side, Rear Elevation	
Axiom Architects, Inc.	Building Type B	Single Family/Type 403 (4BR)	May 20, 2016
	A1	First Floor, Second Floor	
	A2	Basement	
	A3	Front, Side, Rear Elevation	
Axiom Architects, Inc.	Building Type C	Duplex/Bldg Type C/322 (3BR)	May 20, 2016
	A1	First Floor	
	A2	Second Floor	
	A3	Basement	
	A4	Front, Side Elevation	
	A5	Rear, Side Elevation	
Axiom Architects, Inc.	Building Type D	Duplex/Bldg Type D/302 (3BR)	May 20, 2016
	A1	First Floor	
	A2	Second Floor	
	A3	Basement	
	A4	Front, Side Elevation	
	A5	Rear, Side Elevation	
Axiom Architects, Inc.	Building Type E	Duplex/Bldg Type E/303 (4BR)	May 20, 2016
	A1	First Floor	
	A2	Second Floor	
	A3	Basement	
	A4	Front, Side Elevation	
	A5	Rear, Side Elevation	
Axiom Architects, Inc.	Building Type F	Triplex/Bldg Type D/E (3BR)	December 6, 2016
	A1	First Floor	
	A2	Second Floor	
	A3	Basement	
	A4	Front, Side Elevation	
	A5	Rear, Side Elevation	

EXHIBIT B

Local Fees

APPLICABLE FEE	RATE
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Zoning Board of Appeals

Comprehensive Permit Application Fee \$1,000 base fee + \$100/unit proposed

APPLICABLE FEE	RATE
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Board of Selectmen

Earth Removal Permit Fee \$100/7-day permit + inspector's costs
 Master Box Fire Alarm System \$180/year
 Maintenance Fee

Building Inspection Department

Building Permit Fee (single and duplex) \$1.00/sf
 Re-Inspection Fee \$75
 Building Permit Fee (triplex) \$1.50/sf
 CO/unit \$25
 Temp CO/unit \$125
 Garage \$35/bay
 Plumbing Permit Fee \$100 + \$10 ea. additional fixture/unit
 Gasfitting Permit Fee \$100 + \$10 ea. additional fixture/unit
 Electrical Inspection Fee \$15/\$,1000 cost of electrical work
 (\$100 min.)
 Non-Potable Well Construction \$75/well
 Temporary Trailer \$50

<u>Department of Public Works</u>	
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Water Connection Permit Fee \$2,000/unit
 Sewer Connection Permit Fee \$2,000/unit

Current Residential Water Usage Rates:²

First 0-10,000 gal. \$47.49 base charge
 10,001-35,000 gal. \$4.19/1,000 gal.
 35,001-70,000 gal. \$6.67/1,000 gal.
 Over 70,000 gal. \$9.45/1,000 gal.

Current Residential Sewer Usage Rates (based on 75% of usage):³

First 0-10,000 gal.	\$85.75 base charge
Over 10,000 gal.	\$8.84/1,000 gal.
Trench Permit Fee	\$50/trench
Street Excavation Permit Fee	\$200/street opening
Street Excavation Security Deposit	\$5,000/street opening (certified check)
Driveway Permit Fee	\$20

EXHIBIT C
List of Approved Waivers

***Applicant: COUNTRY ESTATES OF
MEDFIELD, LLC***

Project: Country Estates

LIST OF WAIVERS

COUNTRY ESTATES OF MEDFIELD

As required under 760 CMR 56.05(2)(h), the following is a list of Waivers to “Local Requirements and Regulations,” including waivers from the Code of the Town of Medfield, Updated Through April 25, 2016, as amended (“General Bylaw”) , the Zoning Bylaw for the Town of Medfield, Massachusetts, with amendments through April 25, 2016, as amended (Zoning Bylaw), Land Subdivision Rules and Regulations of the Planning Board of the Town of Medfield, Massachusetts, as most recently amended through August 29, 2012, as amended, and other Local Requirements and Regulations as defined under Section 56.02 of the Chapter 40B Regulations, including all local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances, subdivision and board of health rules, and other local bylaws, codes, and regulations, in each case which are in effect on the date of the Project’s application to the Board. In addition to the following list of requested Waivers listed below, the Applicant requests a waiver from each and every provision or requirement of all Local Requirements and Regulations issued by a “Local Board” to the extent inconsistent with the Approved Plans.

****Note that pursuant to 760 CMR 56.00 (the “Chapter 40B Rules”) specifically described under 760 CMR 56.05(7), “Zoning waivers are required solely from the “as-of-right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.” Accordingly, any waivers which reference special permit requirements are included only for illustration purposes.**

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A. GENERAL BYLAWS OF THE TOWN OF MEDFIELD (UPDATED THROUGH APRIL 25, 2016, AS AMENDED (GENERAL BYLAWS))				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Division 1, Part II., Chapter 110, Article IV, Section 110-12	Public Sewer Extensions	Town Meeting Approval Required for Certain Extensions	There shall be no extensions of the public sewer system for new residential construction in excess of 500 feet in any fiscal year unless approved by a majority of voters present at an Annual Town Meeting or a Special Town Meeting called for that purpose.	Waived to allow any public sewer connections and extensions to be as depicted on the Final Plans and as approved under the Comprehensive Permit Decision.
Division 1, Part II., Chapter 130, Article IV, Section 130-2	Fire Lanes and Restricted Areas	Fire Lanes and Restricted Areas	Fire lanes shall be designated by the Fire Chief and the Police Department Safety Officer, and posted as such. Said fire lanes shall be a distance of 12 feet from the curbing of a sidewalk in a shopping center, apartment and/or condominium complex and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Fire Chief along with the Safety Officer.	Waived to allow fire access as depicted on the Approved Plans.

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Division 1, Part II., Chapter 240, Article IV., Sections 240-17 and 240-18, and Town policies on street openings related to recently paved areas.	Excavations	Permit Required; Penalties.	No person, other than a duly authorized officer or employee, shall dig a trench or lay a pipe in, or in any way disturb the earth or materials on, in or under any street or public way without a permit in writing given by the Board of Selectmen upon application by said person made to said Board; and whenever such a permit is so issued, the person or persons to whom it shall be issued shall file with said Board a plan of the same, showing the location and elevation of such pipe, drain or other structure, said plan to be of such size and standard as said Board may require. Fine: \$100 (Medfield police officers or Highway Superintendent).	Waived by the Board to allow for Board's approval of necessary excavations within public ways, notwithstanding any policy or moratorium related to opening of a recently paved street in order to allow construction of the project, all of which is too be Governed by the Comprehensive Permit Decision.
Division 1, Part II., Chapter 290, Article V., Sections 290-1 through Section 290-13.	Wetlands	Local Wetland Protection Bylaw and Regulations and Fees	Procedures, jurisdictional requirements, applications, fees, costs, regulations, policies and enforcement	Waived by the Board in their entirety, but subject to all requirements under the State Wetlands Protection Act and Regulations at 310 CMR 10.00 where the Medfield Conservation Commission has authority to issue a wetlands Order of Conditions in connection with the Approved Plans.

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ZONING BYLAW OF THE TOWN OF MEDFIELD, MASSACHUSETTS, WITH AMENDMENTS THROUGH APRIL 25, 2016, AS AMENDED (the ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Division 1, Part II., Chapter 300				
Article 4, Section 300-4.1	Interpretation and Application	Applicability of Use Regulations	Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, Bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.	Waiver by Board is necessary to allow Project to be constructed as approved under the Comprehensive Permit Decision.
Article 5, Section 300-5.1	Use Regulations	Applicability of Use Regulations	No building, structure, or land shall be used or occupied except for the purposes permitted in its district.	Waiver by Board is necessary to allow the Project uses as described within the Comprehensive Permit Decision.

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ZONING BYLAW OF THE TOWN OF MEDFIELD, MASSACHUSETTS, WITH AMENDMENTS THROUGH APRIL 25, 2016, AS AMENDED (the ZONING BYLAW)				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 5, Section 300-5.2 and 300-5.4	Permitted Uses and Table of Use Regulations	Limitations on Permitted Uses within the RT Zoning District.	The permitted uses of buildings, structures or land are set forth in the Table of Use Regulations included as an attachment to this Bylaw. One family dwellings allowed, two family dwellings not allowed, accessory dwelling unit on a Single Family Dwelling are allowed by special permit. Multifamily dwellings are not allowed. A Family Apartment and Open Space Residential Development is allowed by Special Permit. Pursuant to 760 CMR 56.05(7), however, waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements.	Waiver of permitted uses in the R-T Zoning District is necessary to allow the construction and operation of the Project as described in the Comprehensive Permit Decision. The waiver would allow for the construction, management and use of the Project for a total of 49 residential ownership units, including single family, two-family and three-family units, parking, landscaping and lighting, open space, recreational areas, a pavilion/terrace/ fire pit area, a bus stop area, and stormwater improvements and all other improvements depicted on the Approved Plans, along with related customary residential accessory uses, utilities and other appurtenant uses customary to the above-referenced uses including those uses allowed within an RT Zoning District under the Zoning Bylaw.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 5, Section 300-5.3	Uses Subject to Other Regulations	Specific Restrictions.	A. Uses permitted by right or by special permit shall be subject to all provisions of this Bylaw. H. To erect or externally enlarge any multifamily, business or industrial building not requiring a special permit from the Board of Appeals, site plan approval from the Planning Board is required if the ground floor area of the construction exceeds 500 square feet. J. For use of a construction trailer during the course of a building construction program, a permit may be issued for one year by the Building Inspector. No wheels, tires, or other means of keeping the construction trailer mobile shall be removed; any construction trailer shall have no skirts, porches, fences, or similar materials or equipment added which would detract from its mobility. Each construction trailer and its lot shall be subject to the requirements of the district.	Waived by the Board to allow the Project to be governed by Comprehensive Permit Decision and as provided herein. Waive by the Board is necessary to waive special permit and site plan review requirements, but shall be governed by Comprehensive Permit Decision and as provided herein. A waiver is requested to allow the use of a temporary construction trailer on the Property for a period of time extending from the commencement of construction until the issuance of a certificate of occupancy for the last remaining unit to be sold.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 6, Section 300-6.1, Table of Area Regulations, and Table of Height and Bulk Regulations	Area, Height and Bulk Regulations	Applicability of Area, Height, and Bulk Regulations	The regulations for each district pertaining to lot area, dimensions, and residential floor space shall be as specified in this Article and set forth in the Table of Area Regulations and Table of Height and Bulk Regulations, ⁽¹⁾ and shall be subject to the further provisions of this Article.	A waiver by the Board is necessary to allow for the Project to be constructed in accordance with the Approved Plans in conformity with all dimensional, parking and other requirements of the Zoning Bylaw except as modified by the approved waivers depicted on the Final Plans.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 6, Section 300-6.2	Area Regulations	Various Area Regulations	A. Except for multifamily residential developments, ..., only one principal structure shall be permitted on one lot. C. A legal service driveway shall have a minimum width of 12 feet and a maximum width of 24 feet. F. Building within the following districts will be subject to the respective Zoning Bylaw Section: ... Aquifer Protection District, Article 16. K. In any R District, permitted accessory buildings shall conform to the following provisions: not less than 60 feet from any street lot line, ...; and they shall be set back from side and rear lot lines at least the distance specified in the Table of Area Regulations, provided that one accessory structure that will not exceed 15 feet by 10 feet, and not exceeding 12 feet in height, shall be allowed to be located in the rear yard with a setback to the rear lot line of no less than 20 feet and side lot line of no less than 12 feet. O. All R and A uses shall conform to R and A District regulations.	A waiver is necessary to allow more than one principal structure on the lot, as depicted on the Approved Plans. A waiver is necessary to allow for a driveway of no more than 30 feet for Unit Types 322. A waiver is necessary to allow the construction and operation of the Project in accordance with the Approved Plans. A waiver by the Board is necessary to allow the construction of the proposed Pavilion with dimensions of 16 feet x 14 feet with a maximum height of 18 feet, all as depicted on the Site Plans; and, an aboveground enclosure or shelter for irrigation improvements, the location of which shall be approved by the Town Planner and Building Inspector, and be depicted on the Final Plans. A waiver by the Board is required to allow the proposed residential uses despite not conforming with all RT District regulations.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 6, Section 300 Attachment 2	Table of Area Regulations	Area Regulations for Lots within the RT Zoning District	Perfect Square (feet) – 142 x 142 (No structure shall be built on any lot in any Residential Zoning District unless the lot is of sufficient size and shape to contain a perfect square, as defined in this Bylaw, in accordance with the dimensions set out in the Table of Use Regulations.) Table of Dimensional Regulations Front Yard (feet) – 40 Side Yard (feet) -- 15 Rear Yard (feet) -- 50	A waiver from the Board is necessary to allow the construction of the Units in a manner not in accordance with a perfect square requirement. A waiver by the Board is necessary to permit the buildings to be constructed as depicted on the Approved Plans, but in no event shall any building setback depicted on said Approved Plans be less than the following: Front Yard (feet) – 8'-0" Side Yard (feet) – 0' 3" Rear Yard (feet) 12'-8"
Article 6, Section 300-6.3	Height and Bulk Regulations	Impervious Surfaces	D. In order to minimize drainage and erosion problems as well as to discourage disturbance of natural areas, the maximum amount of impervious surface allowed shall be 15% for the R-T Zoning District as indicated in the Table of Height and Bulk Regulations.	A waiver is required to allow the impervious surfaces depicted on the Approved Plans to be no more than 49.6%, and shall be subject to the issuance of a Wetlands Order of Conditions.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 6, Section 300- Attachment 3	Table of Height and Bulk Regulations	Various Requirements for Height and Bulk For Structures within the RT Zoning District	Building Height is defined as “the vertical distance, not to exceed the maximum identified in the Table of Height and Bulk Regulations, between the highest point of the roof and the average elevation of the naturally existing grade (the measurements to be taken around the structure, or at the four corners) prior to any excavation, leveling, grading, or filling at the building foundation. Building height applies to all buildings and/or structures. The building shall remain in compliance with the height requirement after final grading. Max. Building Height (feet) – 35 feet Max. FAR – 0.25 Max. Lot Coverage 15% Multifamily Dwelling Min. Unit Floor Area (square feet) – Not Permitted	A waiver is requested such that all Units shall have a maximum height of 33 feet, except a waiver is required for Unit Nos. 7, 8, 9, 10 and 11 which shall have a maximum building height of 42 feet as measured from the rear of such units due to grade. Max. FAR -- 0.5475 Max. Lot Coverage -- 49.63% Waived.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 12, Sections 300-12.1 through 300-12.11	Rules and Regulations Governing Earth Removal	Earth Removal Requirements and Restrictions.	The removal of earth from all zoning districts of the Town of Medfield shall be permitted only after special permission of the Board of Selectmen and under these rules and regulations unless otherwise allowed. The Board of Selectmen shall grant no such permit except in conjunction with the construction of subdivision streets approved by the Planning Board; public works or other municipal projects approved by a public authority; or private land development where the Selectmen find that no reasonable alternative contour plan is practicable, and, in that event, that minimal disruption of the natural contours of the site may be permitted. The Board of Selectmen shall grant no such permit as would, in their opinion, adversely affect the scheme of growth laid down in the Zoning Bylaw or elsewhere, or the economic status of the Town, or tend to impair the beauty of the Town, or of the district most immediately affected, or result in health or other hazards. <u>B.</u> If any earth shall be removed without obtaining a special permit or otherwise in violation of this Article, the Selectmen may order the restoration of the property involved.	The Board's waiver is required to permit the removal of earth in accordance with the Approved Plans and without an earth removal permit other than the Comprehensive Permit Decision.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 13, Sections 300-13.1 through 300-13.10	Signs	Allowed Signs in RT Zoning District	No sign, except noncommercial signs less than one square foot or specifically enumerated in § 300-13.4, Required signs, and § 300-13.5 Temporary signs, shall be erected without a permit issued by the Building Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as the Building Inspector may require.	Waived to allow for two (2) permanent subdivision, or Project, signs, or one sign at each entrance, and each of which is no greater than 32 square feet in size, nor greater than five (5) feet in height, to be located and as may be depicted on the Final Plans. Also allow temporary sign which is no greater than 32 square feet identifying the parties involved and the nature of the construction project, on the Property where the construction is located, and to be installed no more than 14 days before construction commences and must be removed 14 days after any portion of any structure is occupied or after any portion of the last structure in a multiple-building construction project is occupied.
Article 14, Sections 300-14.12 through 300-14.14	Site Plans	Site Plan Review	No building, except a single-family dwelling, shall be constructed or expanded in ground area, no residential use shall be changed to a nonresidential use, and no nonresidential use shall be changed to another, substantially different, nonresidential use except in conformance with this § 300-14.12.	A waiver is necessary in order to clarify that the Project does not require Site Plan Review, but is instead governed by the Comprehensive Permit Decision.

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<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Article 16, Sections 300-16.1 through 300-16.8	Aquifer Protection Districts	Conditions or Prohibits Uses within the defined Primary Aquifer Zone and Secondary Aquifer Zone.	Conditions or Prohibits Uses and activities within the Districts, including: Section 300-16.6 (A.(3) Allows single family development on lots of 40,000 s.f. or greater, and A.(4) any residential development permitted in the underlying district which is connected to a Town sewer system; Section 300-16.7 (f) – prohibits removal of soil, loam, sand or gravel or any other mineral substances within four feet of an historical high groundwater table elevation subject to exceptions, and (g) the land use that results in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, unless a system for artificial recharge or precipitation is approved that will not result in the degradation of water quality. groundwater.	A waiver is required to clarify that the District requirements do not apply so that the Project and allowed uses can be constructed in accordance with the Approved Plans, provided such work is conducted in accordance with best management practices, all of which shall be governed by Comprehensive Permit Decision, and a stormwater management system to be approved in accordance with a Wetlands Order of Conditions, and a US EPA Construction General Permit.

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Article 16, Sections 300-16.1 through 300-16.8	Aquifer Protection Districts	Conditions or Prohibits Uses within the defined Primary Aquifer Zone and Secondary Aquifer Zone.	Conditions or Prohibits Uses and activities within the Districts, including: Section 300-16.6 (A.(3) Allows single family development on lots of 40,000 s.f. or greater, and A.(4) any residential development permitted in the underlying district which is connected to a Town sewer system; Section 300-16.7 (f) – prohibits removal of soil, loam, sand or gravel or any other mineral substances within four feet of an historical high groundwater table elevation subject to exceptions, and (g) the land use that results in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, unless a system for artificial recharge or precipitation is approved that will not result in the degradation of water quality. groundwater.	A waiver is required to clarify that the District requirements do not apply so that the Project and allowed uses can be constructed in accordance with the Approved Plans, provided such work is conducted in accordance with best management practices, all of which shall be governed by Comprehensive Permit Decision. a stormwater management system to be approved in accordance with a Wetlands order of Conditions, and a US EPA Construction General Permit.
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***Applicant: COUNTRY ESTATES OF
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MEDFIELD BOARD OF HEALTH REQUIREMENTS				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Local Requirements	Plan Review	Review of Site Plans	Rules and Procedures for Board Review of Site Plans	A waiver is requested since the Approved Plans have been reviewed as a part of the Comprehensive Permit Decision.
Local Regulations	Board of Health Stormwater and Runoff Management Regulations	Local stormwater management, hydrologic calculations, basin design, detention basin design. Infiltration, O & M, and water supply and sewage disposal standards.	Compliance with local stormwater management, hydrologic calculations, basin design, detention basin design. Infiltration, O & M, and water supply and sewage disposal standards.	A waiver of the Regulations is provided since all stormwater management has been reviewed on a preliminary basis by the Board's peer review engineer, and stormwater management and design facilities will be completed in accordance with the DEP Stormwater Management Policy and applicable State Wetlands Protection Regulatory requirements as a part of the Wetlands Notice of Intent review by the Medfield Conservation Commission.

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MEDFIELD BOARD OF WATER AND SEWER REQUIREMENTS				
<u>BY-LAW/REG.</u>	<u>TITLE</u>	<u>DESCRIPTION</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
Sewer Use	Sewer Use Bylaw, Medfield Board of Water and Sewerage, Town of Medfield, Massachusetts, dated November 1996, as amended	Requirements for sewer connections and usage.	Requirements for sewer connection and usage.	A waiver is requested so that the Applicant shall not be required to obtain separate Sewer Connection and Use Permits from the Board of Water and Sewerage, but that under Chapter 40B, the Board has sole authority to grant permits and approvals through the Comprehensive Permit Decision. The Applicant shall be allowed to construct connections to, and discharge to and use, the sewer system as shown on the Final Plans, all of which shall be in compliance with generally acceptable industry standards.
Water Use	Regulations of the Medfield Water Department Town Offices, Medfield, MA 02052, last re-adoption date listed April, 1995	Requirements for water connections and usage.	Requirements for sewer connection and usage.	A waiver is requested so that the Applicant is not be required to obtain separate Water Connection and Use Permits from the Board of Water and Sewerage, but that under Chapter 40B, the Board of Appeals has sole authority to grant permits and approvals through the Comprehensive Permit Decision. The Applicant shall be allowed to construct connections to, and use, the water supply system as shown on the Final Plans, all of which shall be in compliance with generally acceptable industry standards.