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: 86 Plain St, LLC.
DECISION DATE: October 16, 2025
DATE OF FILING DECISION: October 30, 2025
DECISION NUMBER: 1505

At a public meeting held on October 16th, 2025, 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 Sections 20-23.

The property is located at 86 Plain St; Assessors' Map 06, Lot 009; RT Zoning District; no Aquifer Protection Overlay.

Copies of the decision may be obtained by emailing mdelafuente@medfield.net at the Town Clerk's Office at Town Hall, or by using the following link: https://town.medfield.net/2280/86-Plain-St-40B

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.

Maria De La Fuente
Director of Land Use and Planning
(508) 906-3027
mdelafuente@medfield.net

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Office of the

BOARD OF APPEALS

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INSTRUCTIONS FOLLOWING THE RECEIPT OF A DECISION:

- Your decision was filed with the Town Clerk on: Thursday, October 30, 2025
- Your 20-day appeal period ends: Wednesday, November 19, 2025
- On Thursday, November 20, 2025 or thereafter you should contact the Town Clerk's Office 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.
    - Marion Bonoldi, Town Clerk (508) 906-3024 or mbonoldi@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 $106 according to recent filings.)

  Norfolk County Registry of Deeds
  649 High St, Dedham, MA
  (781) 461-6101 norfolkdeeds.org
  email: registerodonnell@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. 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 need to upload a copy of your decision with the recording information.

Maria De La Fuente, Director of Land Use
(508) 906-3027
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TOWN OF MEDFIELD

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Board of Appeals on Zoning

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

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

RECEIVED
TOWN OF MEDFIELD, MASS
2025 OCT 30 A 9:56
OFFICE OF THE
TOWN CLERK

DECISION NUMBER: 1505

DATE APPLICATION WAS FILED: February 28, 2025

APPLICANT: 86 Plain St, LLC

PROPERTY: A parcel of land, known and numbered as 86 Plain St, Medfield, Massachusetts, depicted on the Town of Medfield Assessor's Map 06 Lot 009. The property consists of approximately 15.28 acres, located in the RT district with no Overlay Districts. The Norfolk County Registry of Deeds title references for the property are Book 41796 and Page 62.

APPROVAL REQUESTED: Comprehensive Permit, G.L. c. 40B, §§20–23

PUBLIC NOTICE: Notice published in Hometown Weekly on March 13, 2025 and March 20, 2025, and notice sent by mail, postage prepaid, to all interested parties pursuant to G.L. c. 40A, §11.

PUBLIC HEARING(S) HELD: April 2, 2025; April 10, 2025 (site visit); April 28, 2025; June 2, 2025; June 30, 2025; July 14, 2025; August 13, 2025; September 3, 2025; September 25, 2025.

DECISION OF THE BOARD: Comprehensive Permit APPROVED WITH CONDITIONS

MEMBERS PARTICIPATING: John McNicholas (Chair), Jared Gustafson, Kristine Barton. William McNiff sat in as Alternate.

DATE OF DECISION: October 16, 2025

ZONING BOARD OF APPEALS OF THE TOWN OF MEDFIELD
DECISION ON THE APPLICATION OF
86 PLAIN STREET, LLC
FOR A COMPREHENSIVE PERMIT

RECEIVED
TOWN OF MEDFIELD, MASS
2025 OCT 30 A 9:46
OFFICE OF THE
TOWN CLERK

I. BACKGROUND

1. On February 28, 2025, 86 Plain Street, LLC, (the "Applicant") submitted a comprehensive permit application to construct a multi-family development consisting of twenty-four (24) home ownership residential units on approximately 14.86 acres of land located at 86 Plain Street, Medfield, Massachusetts (the "Site" or the "Property").

2. The Zoning Board of Appeals ("Board") opened the public hearing on April 2, 2025. The Board closed the public hearing on September 25, 2025. The Applicant submitted a letter agreeing to the opening of the hearing outside of the 30-day period. The Board voted to grant this Comprehensive Permit, with conditions, on September 30, 2025.

3. The Site is located in the Residential Town (RT) Zoning District. The Site contains significant wetland resource areas and buffer zones to wetland resource areas, including vernal pool resources.

4. The Site is shown as 86 Plain Street, on Assessors Map 06, Parcel 009.

5. The Site has frontage on Plain Street.

6. The Site contains an existing structure that is proposed to be razed. Nearby land uses are residential. The Site will be served by municipal water and by private septic.

7. The on-site private septic system will be designed and permitted pursuant to Title V, 310 CMR 15.00. The proposed septic system will incorporate enhanced nitrogen treatment as part of the design.

8. The Site is surrounded on three sides by conservation land, which contains extensive wetlands resource areas.

9. The Site is located within a Zone II wellhead protection area.

10. Stormwater runoff will be collected and treated in compliance with the Department of Environmental Protection's Stormwater Handbook.

11. The stopping sight distance that will be available after all site work has been completed (including proposed work clearing vegetation, grading and other obstruction removal within the public right of way on Plain Street) will exceed the AASHTO minimum stopping

sight distance by six feet (6'). The Project does not meet the minimum intersection sight distance guidelines.

12. To evaluate the plans, documents, and testimony submitted by the Applicant's development team, the Board sought technical assistance and comments from Town staff and other boards and commissions. The Board received general civil peer review comments from Steven M. Bouley, P.E., traffic peer review comments from Courtney E. Sudak, P.E., and environmental/wetlands peer review comments from Ken Deshais, CPSS, all of Tetra Tech. Paul Haverty from Blatman, Bobrowski, & Haverty, LLC served as the Board's Chapter 40B consultant, pursuant to the Massachusetts Housing Partnership Technical Assistance Program.

13. The proposed dwellings will each have two (2) outdoor parking spaces and two (2) garage spaces for a total of four (4) spaces per unit. There will also be eight (8) guest parking spaces plus an additional two (2) spaces at the site entrance. The Project complies with the parking requirements of the Town of Medfield.

14. Sitting for the Board and present for the public hearing process were Chair John McNicholas, Jared Gustafson, Associate Member, and Kristine Barton, Associate Member. William McNiff, Member, sat as an Alternate, participated in all hearing sessions and deliberations, but did not vote.

15. Exhibit A contains a list of documents the Board received during the public hearing process.

II. GOVERNING LAW

16. The law governing this application is the Comprehensive Permit Law, Massachusetts General Laws, Chapter 40B, §§ 20-23 (the "Act" or "Chapter 40B"), and the regulations promulgated by the Executive Office of Housing and Livable Communities ("EOHLC"), 760 CMR 56.00 et seq. (the "Regulations").

17. The Act promotes regional distribution of low- or moderate-income housing by preventing individual cities and towns from using exclusionary zoning to block construction of such housing. Toward these ends, the purposes of the Act are satisfied if: (a) a town has low or moderate income housing in excess of 10 percent of the total number of year-round housing units reported in the latest decennial census or (b) which is on sites comprising 1 ½ percent or more of the town's total land area zoned for residential, commercial, or industrial use, or (c) if the application results in the commencement of low and moderate income housing construction on sites comprising more than .3 percent of such total area or 10 acres, whichever is larger, in one year.

18. EOHLC's Regulations expand the definition of what constitutes satisfaction of the statute to include regulatory safe harbors contained at 760 CMR 56.03(4) through 56.03(7).

19. The Board's decision on a comprehensive permit must balance the regional need for low- or moderate-income housing against the Town's long-range planning goals, local

requirements and regulations to the extent that they are applied equally to subsidized and unsubsidized housing, and valid concerns about the health and safety of residents of the proposed housing, the surrounding neighborhood, or the Town as a whole.

III. FINDINGS:

The Board makes the following findings in connection with the application:

20. The Applicant has complied with all rules and regulations of the Town of Medfield as they pertain to the application for a Comprehensive Permit, or to the extent that the Applicant has not fully complied with the rules and regulations regarding submittal requirements, the Board finds that the requirements will be met as part of the submittal of Final Plans.

21. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:

    (a) The Applicant a limited dividend organization within the meaning of General Laws, Chapter 40B, is eligible to receive a subsidy under a state or federal affordable housing program after a Comprehensive Permit has been granted.

    (b) The Applicant received a written determination of Project Eligibility from MassHousing dated December 10, 2024, a copy of which was provided to the Board with the original application.

    (c) By including with its application a copy of the Deed for the Property, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.

    (d) The Applicant will execute a Regulatory Agreement in accordance with Chapter 40B and the regulations and guidelines adopted thereunder by EOHLC.

22. The Town of Medfield does not meet the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 56.03(3) to 56.03(7), with one exception discussed below:

    (a) At the time of the filing of the application, according to the most-recently published Subsidized Housing Inventory (SHI) dated October 7, 2024, the number of low- or moderate-income housing units in the Town of Medfield constituted 9.45% of the total year-round units in the Town. Thus, the Town does not meet the ten percent (10%) statutory minimum.

    (b) Existing affordable housing units are on sites which comprise less than one- and one-half percent (1.5%) of the total land area of the Town which is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).

(c) The granting of this comprehensive permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent (.3%) of land area in the Town of Medfield or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.

(d) The Town of Medfield has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but has not achieved certification of said Plan.

(e) The Town of Medfield has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).

(f) The Project does not constitute a Large Project pursuant to 760 CMR 56.03(6).

(g) The Applicant's comprehensive permit application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

23. The development, if constructed and operated in conformance with the plans and conditions set forth hereunder, will adequately provide for stormwater drainage, sanitary sewer services and water services. Minimum safe stopping sight distance will be provided if all of the proposed vegetative clearing and grading is completed and maintained as shown on the plans and as conditioned herein.

24. The Board finds that the conditions imposed in Section V of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.

25. The Board finds that granting certain waivers from local by-laws and regulations is necessary to address the regional need for affordable housing, even though granting any waivers may have an adverse impact on Local Concerns. The Board finds that the Local Concerns affected thereby do not outweigh the regional need for affordable housing given the mitigation that has been provided by the Applicant.

26. The Board finds that construction of twenty-four (24) units on one lot at the Property will increase the affordable housing inventory from 9.45% to approximately 9.6%, which is deemed to be consistent with local needs.

IV. DECISION

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit under Chapter 40B for the development described herein, subject to the conditions set forth below.

V. CONDITIONS

A. General

A.1 The holder of this Comprehensive Permit is defined as the Massachusetts Limited Liability Company, 86 Plain Street, LLC. The site is the property located at 86 Plain Street, Medfield, Massachusetts. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.

A.2 Except as may be provided for in the following conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Additional revisions of locations of structures which do not require additional waivers shall also be allowed as insubstantial changes pursuant to 760 CMR 56.05(11). If the Building Commissioner determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, 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 56.05(11). The Approved Plans consist of the following:

i. Site Plan titled "Winder Estates Residential Development, M.G.L. c. 40B Comprehensive Permit Project, 86 Plain Street, Medfield, Massachusetts" Prepared by Merrill Engineering and Land Surveyors, dated February 3, 2025, with revisions through September 25, 2025, consisting of sheets C.1.1 through C.81-8.5.

ii. Architectural Plans undated and unstamped entitled Model A.2, Model B.2, Model C.2, Model A, Model B, and Model C.

A.3 The Applicant is a limited dividend organization within the meaning of General Laws, Chapter 40B as required by Chapter 40B and it and its successors and assigns, shall comply with all applicable requirements of Chapter 40B and the regulations adopted thereunder.

A.4 The Project shall consist of not more than twenty-four (24) home ownership condominium units located on one (1) lot, and other related residential amenities, all as shown on the Approved Plans. Six (6) of the units are proposed as affordable units.

A.5 There shall be a minimum of two (2) parking spaces per unit.

A.6 The total number of bedrooms for the Project shall be no more than 90 bedrooms.

A.7 Pursuant to the Waiver List voted upon by the Board, the Applicant has requested, and the Board has granted, waivers from the Medfield Zoning Bylaw and other

local by-laws and regulations as specified herein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23. No waivers are granted from permit or inspection fees. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations (except as discussed above in A.2), must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent that additional waivers are subsequently determined to be required with respect to improvements that are otherwise shown on the Approved Plans, such waivers shall be deemed an insubstantial change to the Comprehensive Permit under 760 CMR 56.05(11), and can be granted administratively by the Board.

A.8 The Applicant shall comply with all local regulations of the Town of Medfield and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.

A.9 The Applicant shall copy the Board on all correspondence 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.10 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 Building Commissioner or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission.

A.11 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan construction financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.

A.12 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, 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.

A.13 The sidewalks, 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, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance.

A.14 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

B. Affordability Requirements

B.1 The Applicant has proposed that six (6) of the units in the Project shall be sold to purchasers whose household income is no more than eighty percent (80%) of the area median income, as determined by the United States Department of Housing and Urban Development ("HUD") and EOHLC.

B.2 Upon completion of the Project and in perpetuity, all the affordable units shall meet the criteria for inclusion in EOHLC's "Subsidized Housing Inventory" (SHI).

B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.

B.4 At the approval of the applicable subsidy program, the maximum number of affordable units allowed by law and applicable subsidy program, but no more than seventy percent (70%) percent of the units, shall be reserved for current residents of the Town of Medfield, municipal employees of the town of Medfield, employees of businesses located in the Town of Medfield and households with children attending Medfield's schools. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement.

C. Submission Requirements

C.1 Prior to any construction on the Site, whether or not pursuant to a building permit, the Applicant shall:

a. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall signed and sealed by the Professional Land Surveyor, the Registered (Civil) Engineer of record, and the Registered Landscape Architect of record. The Final Plans shall be submitted to the Board at least twenty-one (21) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").

The Final Plans shall address the following additional issues:

i. Submit to the Building Commissioner a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Building Commissioner, no other construction of units shall commence and no building permits shall issue under this Comprehensive Permit until the Building Commissioner, in consultation with the Board's engineer, has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

b. Submit to the Board and the Building Commissioner a landscaping plan with the Final Plans, depicting the following:

(1) Overall planting plan that includes a demarcation of clearing and the limits of work;

(2) Planting plans for drives showing shade trees and lighting fixture locations;

(3) Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers;

(4) Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;

(5) Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;

(6) Tree protection and preservation plans; and

(7) Construction details.

All plantings shall consist of non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant.

C.2 Prior to the issuance of a building permit for the project, the Applicant shall:

a. Record this Comprehensive Permit 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 Board and the Building Commissioner evidence of Final Approval from the Subsidizing Agency (MassHousing), as required by the Project Eligibility letter and the Chapter 40B regulations.

c. Submit to the Board and the Building Commissioner a copy of the Regulatory Agreement for the Project. Execution and recording of such Regulatory Agreement shall be complete prior to the issuance of any building permit.

d. Submit to the Building Commissioner final Architectural Plans prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request.

e. The Board's Consulting Engineer shall approve the maintenance schedule for the stormwater system.

f. Obtain and file with the Building Commissioner a copy of all federal, state, and local permits and approvals required for the Project. These permits shall include, but are not limited to, an Order of Conditions (OoC) from the Medfield Conservation Commission pursuant to the Wetlands Protection Act, and a Disposal Works Permit from the Medfield Board of Health pursuant to Title 5.

C.3 The Applicant shall submit with Final Plans an updated Lighting and Photometric Plan to the Board with the submittal of Final Plans. Such plan shall ensure light trespass does not occur on abutting properties.

D. Construction Completion; Certificate of Occupancy

D.1 Prior to issuance of a certificate of occupancy for any unit in the Project, the Applicant shall:

a. Submit interim engineer's certification of compliance with utilities plan and profiles to the Department of Public Works.

b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans.

c. Obtain acceptance from the Building Department and/or Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units.

d. Submit to the Board's counsel the Condominium Master Deed, Condominium Declaration of Trust (which shall include the Rules and Regulations) and accompanying condominium plans (together, the "Condominium Documents"). Such condominium documents shall incorporate the conditions of this Decision.

D.2 Prior to issuance of the final certificate of occupancy, the Applicant shall:

a. Submit to the Building Department, in digital file format, a final as-built plans showing rim and invert elevations, roadway, and associated construction. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, 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 North American Vertical Datum 1988, in U.S. Survey Feet.

b. Submit to the Building Commissioner as-built plans for all buildings in the Project.

c. Submit to the Board all information relating to the management company being retained to act as the property manager for the Project (which may be the same as what the Applicant submits to the Subsidizing Agency as part of the Final Approval process). Such property management agreement shall, at a minimum, address maintenance of common areas, trash removal, snow removal and maintenance of stormwater systems.

E. Project Design and Construction

E.1 Prior to any construction, the Applicant and the site general contractor shall attend a preconstruction conference with the Building Commissioner and other Town Department heads as may be determined. In advance of such meeting, the Applicant shall provide a Construction Management Plan including a cut-fill analysis, construction traffic management, trucking routes, construction phasing plans, staging and stockpiling plans and other information that may be required by the Building Commissioner.

E.2 If blasting is necessary, the Applicant shall comply with the blasting guidelines required by applicable Massachusetts state law, rule and regulations. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.

E.3 The proposed construction shall be in accordance with applicable federal and state laws, rules and regulations.

E.4 The Applicant shall confirm with the Medfield Fire Department that no new fire hydrant locations are required to serve the Project.

E.5 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.

E.6 During construction, the Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction

mitigation plan. The transport and delivery of the pre-fabricated homes shall be under the direction and supervision of the Medfield Police Department.

E.7 Appropriate signage shall be shown on the Final Plans.

E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans. The location of features shown on the approved design including but not limited to fill pipes, vents, bollards, connections between tanks (if applicable) etc., shall be shown on the Final Plans.

E.9 If natural gas is proposed, gas service locations shall be included on the Final Plans.

E.10 Soil material used as backfill for access drives shall be certified by the Project Engineer to the Building Commissioner as meeting design specifications, as applicable.

E.11 Construction activities shall be conducted between the hours of 7 a.m. and 7 p.m., Monday through Friday. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; 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. Parking of all vehicles and equipment must be on site during construction. No work shall be conducted on State or Federal holidays.

E.12 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. 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.

E.13 No building areas shall be left in an open, unstabilized condition. If construction ceases for a period of more than sixty days, temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.

E.14 All retaining walls shall be constructed in an aesthetic manner, specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.

E.15 Snow removal shall be the obligation of the Applicant, until such time, if ever, that the Town agrees to accept responsibility for snow removal. To the extent that snowfall exceeds the capacity of the designated snow storage on the Site, the

Applicant (or the successor Condominium Association) shall be responsible for trucking excess snow off-site.

E.16 Removal of trash and recycling shall be the responsibility of the Applicant until such time as the control of the Condominium Association is turned over to the purchasers, at which point it shall be the responsibility of the Condominium Association.

E.17 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.

E.18 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to residents of the Project, as well as emergency vehicles, until such time that the majority of the units are owned by the purchasers at which point the Condominium Association will be responsible.

E.19 The Applicant shall maintain all portions of any public road, whether state or local roads, and Plain Street used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.

E.20 The Board's representatives shall be permitted access to the Property, subject to conformance with applicable safety standards, to observe and inspect the Property and constructions progress until such time as the project has been completed.

E.21 All construction vehicles shall be parked on the Property and off of Plain Street at all times.

F. Roadway and Traffic Safety Conditions

F.1 Access and egress to the Project shall be consistent with the Approved Plans.

F.2 The Applicant proposes installation of speed radar and advance warning signage along Plain Street in advance of the proposed site driveway. The Applicant shall review the proposed signage plan with the Medfield Department of Public Works to confirm final traffic calming measures to be implemented as part of the Project. The Applicant shall also ensure all new signage installed as part of the Project be compliant with the current version of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).

F.3 The Applicant shall work with the Town to explore the feasibility of implementing traffic calming measures. The Applicant shall coordinate with the Medfield Department of Public Works to identify specific traffic calming measures that shall be implemented as part of the Project.

F.4 The revised sight distance plans and profiles indicate that trees, vegetation, and grading within the Stopping Sight Distance (SSD) and Intersection Sight Distance (ISD) triangles will need to be removed to meet minimum AASHTO requirements, as shown on the Approved Plans. The Applicant shall coordinate with the Medfield Department of Public Works for implementation of the improvements in the Plain Street right of way. These improvements shall be completed prior to the grant of an occupancy permit for any unit. The Applicant and/or the successor Condominium Association will be required to maintain adequate sightlines in perpetuity by trimming vegetation as required.

F.5 The Applicant shall work with the Town to review the feasibility of installing lighting, signage and pavement markings on Plain Street to improve driveway visibility with the Town. The Applicant shall coordinate with the Medfield Department of Public Works for implementation of the improvements in the Plain St right of way. Any improvements agreed upon shall be completed prior to the grant of an occupancy permit of any unit.

F.6 The Applicant shall include provision in the Condominium Documents that restricts trash receptable placement for homeowners on Drives 2 and 3 to the end of the drives. Trash trucks shall not travel down Drives 2 and 3.

F.7 The Applicant shall work with the Town to determine the feasibility of providing a gravel parking area at the Medfield Community Gardens site.

F.8 The Applicant shall post signage prohibiting parking along the site access driveway. The Condominium Documents shall reflect the prohibition of parking along the site access driveway.

F.9 The Applicant shall use MUTCD-compliant signs and pavement markings within the Site.

F.10 Appropriate sight distance shall be maintained at all times at the intersection of the Project Driveway and Plain Street.

G. Site/Civil Conditions

G.1 The Applicant shall provide proof of coverage under the NPDES CGP and provide a copy of the approved Stormwater Pollution Prevention Plan (SWPPP) to the Town prior to commencement of construction.

G.2 The Applicant shall provide a final stormwater Operation and Maintenance Plan (O&M Plan) that includes estimated operation and maintenance budget.

G.3 The abutters at 88 Plain Street have expressed concern relating to the impact of the excavation proposed within the public way on Plain Street. Specifically, they have expressed concern about the impact on three (3) trees on their property located at the top of a berm on their property.The Applicant shall have a Massachusetts Certified Arborist present during excavation to help minimize impacts to the root systems of these trees.

H. Water, Septic, and Utilities

H.1 The water and drainage utilities servicing the Project shall be installed and tested in accordance with applicable Town of Medfield requirements and protocols, except as may be waived herein.

H.2 The Applicant has proposed a shared septic system in contravention with the Medfield Board of Health Regulations. Such system is permitted subject to obtaining a Disposal Works Permit pursuant to Title V from the Medfield Board of Health.

H.3 Seasonal high groundwater determinations in the septic design must apply the Title V groundwater adjustment methodology (i.e. the "Frimpter Method") in sandy soils when no indicators are observed; the lowest elevation observed in a pit shall not be used by default.

H.4 Soil test pits shall be conducted at the proposed dwelling locations, in addition to system filled areas, prior to construction.

H.5 All units shall have a recorded deed restriction prohibiting the installation of garbage grinders.

H.6 The Condominium Documents shall include explicit prohibitions against the installation of garbage grinders, which shall remain in place in perpetuity (unless and until such time that the Project is connected to a municipal sewer system).

H.7 The septic system shall be pumped and maintained in accordance with Title V schedules (not less than once every two (2) years), with pump-out records to be filed with the Board of Health.

H.8 When Title V inspections occur (e.g. every three (3) years), they shall include documented confirmation of each unit's compliance with the garbage grinder prohibition.

H.9 The Applicant proposed the use of a Presby leaching field. Any Presby leaching field shall be designed strictly in accordance with the Department of Environmental Protection's (DEP's) applicable use designation.

H.10 No unit shall be allowed to increase the number of bedrooms beyond what is shown on the Approved Plans.

H.11 Because the use of the Presby system allows the configuration of the leaching field in a non-rectangular shape, this flexibility shall be utilized to re-design the primary leaching field to maximize the compliance with the one-hundred-foot (100') setback to swamp/marsh resources while maintaining required Title V setbacks.

H.12 The groundwater mounding analysis required by Title V for systems over 2,000 gallons per day shall be conducted and must demonstrate adequate vertical separation.

H.13 Any Advantex or other innovative/alternative nitrogen-removal system technology must be designed and operated consistent with the DEP approval letters, including gallons-per-day-per-acre density limits.

H.14 If constant uphill pitch cannot be achieved, safeguards shall be incorporated consistent with Title V, including provisions for frost prevention, drain-back, and anti-siphoning/air relief.

H.15 Utilities shall be installed as shown on the plans using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.

I. Wetlands/Stormwater Conditions

I.1 The Applicant shall seek an opinion from the DEP related to the implementation of stormwater "Treatment BMP's" within the Zone II area in compliance with MA DEP Stormwater Standard 6. If required by the DEP, the Applicant shall provide the Treatment BMP's (consistent with Table CA3 Standard 6 of the Massachusetts Stormwater Handbook) in the final design and shall submit the revised design to the Town for review and approval prior to commencement of construction.

I.2 The Applicant shall perform required test pitting at the proposed rain garden and Subsurface Infiltration System 4 locations and provide test pit logs and any required revisions to the stormwater design to the Town for review prior to commencement of Construction.

I.3 The Applicant (and the successor Condominium Association) shall not use salt, de-icing chemicals or equal for treatment of any vehicular or pedestrian travelled way or driveway during snow events. Clean sand may be used in moderation. This prohibition of the use of salt or de-icing chemicals shall be included in the Condominium Documents.

I.4 The Applicant (and the successor Condominium Association) shall not store snow within the locally regulated vernal pool area (up to and including the 50 ft no-disturb zone) or within any state or local wetlands buffer zone. The Applicant shall provide signs where snow shall not be stored.

I.5 The Applicant may not commence any work on the Property until it has obtained a final Order of Conditions from the Medfield Conservation Commission (or

alternatively a Superseding Order of Conditions from the Department of Environmental Protection).

J. Other General Conditions

J.1 The proposed structures shall be constructed in accordance with the approved Site Plans and Architectural Plans. Any changes to the structures from the approved site Plans and Architectural plans prior to initial occupancy must comply with the procedures set forth in 760 CMR 56.05(11). This includes any change to the number of bathrooms per unit.

J.2 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 substantial use of the Comprehensive Permit 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.

J.3 The Applicant (and/or the successor Condominium Association) shall be responsible for the operation and regular maintenance of all pedestrian walkways, parking areas, and other common facilities shown or described in the Approved Plans and materials, including, but not limited to, regular snow plowing in full compliance with all conditions set forth in this comprehensive permit, until such time, if ever, the roadway is accepted by the Town of Medfield.

J.4 If any default, violation or breach of these conditions by the Applicant (and/or the successor Condominium Association) 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 (and/or the successor Condominium Association) 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; (b) have access to, and inspect, examine and make copies of all of the books and records of the Applicant (and/or the successor Condominium Association) pertaining to the project; or (c) 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 (and/or the successor Condominium Association) shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

J.5 The Applicant may, at its discretion, submit a copy of this Decision to the Subsidizing Agency for its review, irrespective of whether such Decision has yet been filed with the Medfield Town Clerk.

RECORD OF VOTE

The Board of Appeals voted 3-0, at its public meeting on October 16, 2025, to grant a Comprehensive Permit subject to the above-stated Conditions, with this decision as attested by the signatures below.

Members in favor:

Dated: October 29, 2025

Filed with the Town Clerk on October 29, 2025.

Town Clerk

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Medfield, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

Decision on Waivers

The Board grants the following waivers from local requirements and regulations as it has determined necessary for the construction of the Project as approved by the Board:

Chapter 300 – Medfield Zoning By-Law:

1. Section 300-5.1 – Prohibits the use of land for any purpose not allowed in the zoning district. The Applicant seeks a waiver to allow a multi-family use in a district where it is not allowed.

Board Action: Waiver granted.

2. Section 300-5.2 – Permitted Uses – This section does not allow multi-family development in the Residential Town Zoning District. The Applicant seeks a waiver to allow the development of a twenty-four (24) unit multi-family development.

Board Action: Waiver granted.

3. Section 300-5.3(A) – Requires uses permitted by right or special permit to be subject to the provisions of the Bylaw. The Applicant seeks a waiver.

Board Action: Waiver granted to the extent that such provision imposes substantive requirements upon the Project.

4. Section 300-5.4 – Table of Use Regulations. The Applicant seeks a waiver to allow a multi-family use in a zoning district where it is not allowed.

Board Action: Waiver Granted.

5. Section 300-6.2(A) – Area, Height and Bulk Regulations. This section prohibits more than one principal structure per lot. The Applicant seeks a waiver to allow twenty-four (24) detached condominium units on the Site.

Board Action: Waiver Granted.

6. Section 300-6.2(O) – Area Regulations. This section requires all uses to conform to the applicable regulations. The Applicant seeks a waiver to allow the construction of a twenty-four (24) unit multi-family development as shown on the Approved Plans.

Board Action: Waiver Granted.

7. Section 300-6.2 – Area Regulations. This section requires a minimum rear setback of fifty feet (50'). The Applicant seeks a waiver to allow a minimum rear setback of 14.2'.

Board Action: Waiver Granted.

8. Section 300-6.3(D) – Height and Bulk Regulations. This Section imposes a maximum lot coverage requirement of fifteen percent (15%). The Applicant requests a waiver to allow a maximum lot coverage of 17.8%.

Board Action: Waiver Granted.

9. Section 300-8.2(F) – General Parking and Loading Regulations – This section prohibits accessory off-street parking within the front or side yards in any residential district. The Applicant seeks a waiver to allow two (2) bus stop parking spaces at the front driveway entrance.

Board Action: Waiver Granted.

10. Section 300-12.1 – Rules and Regulations Governing Earth Removal Uses -This section requires a permit for earth removal. The Applicant states that there is no earth removal anticipated, but requests a waiver if it becomes necessary.

Board Action: Waiver Denied as unnecessary. A comprehensive permit is a master permit that subsumes all other local permits, accordingly the issuance of the comprehensive permit includes the issuance of an earth removal permit.

11. Section 300-14.5 – Permit and Certificate Fees – The Applicant requests a waiver of applicable building permit and water department fees for the affordable units.

Board Action: Waiver Denied.

12. Section 300-14.12(A) – Site Plan Approval – The Applicant requests a waiver of the Site Plan Approval requirements to allow the construction of twenty-four (24) condominium units on a single lot.

Board Action: Waiver Denied as unnecessary. To the extent that this waiver request is a procedural waiver of the site plan approval requirements, the waiver is unnecessary. To the extent that this waiver request is determined to be a substantive waiver request to allow the construction of twenty-four (24) condominium units in a zoning district where such development is not allowed, this waiver is Granted.

13. Section 300-14.16 – Inclusionary Zoning Bylaw – This section requires a special permit to be issued by the Planning Board. The Applicant seeks a waiver to allow the special permit to be included as part of the comprehensive permit.

Board Action: Waiver Denied as unnecessary. As noted above, a comprehensive permit is a master permit that subsumes all other local permitting requirements, therefore a waiver of this special permit requirement is not required.

Medfield Board of Health Regulations – Septic Systems

14. Article IV. General Regulations, Section 6 On-Site Wastewater System Limitations – This section prohibits an on-site septic system serving more than one property or a single dwelling unit.

The Applicant requests a waiver to allow a common on-site septic system to service twenty-four (24) residential units.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

15. Article VII. Specifications for Systems, 1 Plans – This section requires drawings at a 1" = 20' scale. The Applicant requests a waiver to allow the varied scales as shown on the Approved Plans. This section also requires the use of NGVD Datum of 1929. The Applicant requests a waiver to allow the use of NGV Datum of 1988.

Board Action: Waiver Granted.

16. Article VII. Specifications for Systems 2, Percolation and Water Table Data – This section requires soil testing to be completed after December 20th, and before May 29th. The Applicant seeks a waiver to allow for testing completed in October, 2024.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

17. Article VII. Specifications for Systems 2, Percolation and Water Table Data – This section requires monitoring of groundwater conditions during the 22nd and 29th of the month following soil testing. The Applicant seeks a waiver of this requirement.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

18. Article VII. Specifications for Systems 2, Percolation and Water Table Data – This section requires test pits to be dug at the location of proposed dwellings. The Applicant seeks a waiver of this requirement.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

19. Article VII. Specifications for Systems 2, Percolation and Water Table Data – This section requires a grain size sieve analysis when design flows exceed 1,000 gallons per day. The Applicant seeks a waiver to allow for compliance with Title V.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

20. Article VII. Specifications for Systems, 3 Septic Tanks – B(1) – This section requires septic tanks to be designed to incorporate the use of garbage grinders. The Applicant seeks a waiver to allow for no garbage grinders.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

21. Section VII. Specifications for Systems – 4. Leaching Facilities, A and C – This section requires the use of leaching trenches, and prohibits the use of leaching systems in bed configurations. The Applicant requests a waiver to allow for the use of a Presby leaching field in a bed configuration.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

22. Section VII. Specifications for Systems – 4. Leaching Facilities, D – This section requires that all single-family dwellings be designed for a minimum of four (4) bedrooms. The Applicant requests a waiver to allow for six (6) of the units to be designed for three (3) bedrooms.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

23. Section VII. Specifications for Systems – 6. Expansion Area and Trench Spacing – This section requires the minimum distance between trenches for new construction to be ten feet (10'). The Applicant requests a waiver to allow the leaching system to be constructed in a bed configuration.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

24. Section VII, Specifications for Systems – 7 Minimum Setback Distances and Vertical Clearance – This section prohibits a leaching area from being constructed within one hundred feet (100') of a swamp or marsh and also prohibits a leaching area from being constructed within fifty feet (50') of bordering vegetated wetlands. The Applicant seeks a waiver to allow the leaching field to be within eighty-five feet (85') of the nearby wetland (without determining whether it is classified as a swamp/marsh or a bordering vegetated wetlands).

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

25. Section VII, Specifications for Systems – 7. Minimum Setback Distances and Vertical Clearance – This section also imposes a minimum setback of twenty-five feet (25') from the leaching area to a foundation or basement drain. The Applicant seeks a waiver to allow a foundation drain line within twenty-five feet (25').

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

26. Section VII, Specifications for Systems – 7. Minimum Setback Distances and Vertical Clearance – Finally, the section also requires a minimum of six feet (6') of separation to groundwater. The Applicant requests a waiver to allow compliance with the Title V standard of five feet (5').

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

27. Section VII, Specifications for Systems – 9. Vertical Separation to Wetlands and Floodplains – This section prohibits basement floors from being constructed less than two feet (2') above the high groundwater elevation. The Applicant requests a waiver to allow basements to be constructed with less than two feet (2') separation to groundwater.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

28. Section VII, Alternative, Innovative and Share Systems – This section prohibits the use of share systems for new construction. The Applicant seeks a waiver to allow the use of a common septic system with advanced treatment pursuant to Title V.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

29. Section XIII, Pump Systems Following a Septic Tank – This section requires a pump force main pipe to have a constant uphill pitch from the pump to the point of discharge. The Applicant seeks a waiver to allow this to apply only to the reserve leach area.

Board Action: Waiver Granted, subject to the conditions contained in Section H of this Comprehensive Permit.

Regulations for Stormwater and Runoff Management – Board of Health

30. Section 5 – This section prohibits detention or retention ponds to have slopes steeper than four (4) horizontal to one (1) vertical. The Applicant requests a waiver to allow three (3) to one (1) slopes in the proposed wet basin.

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

31. Section 7 – This section requires compliance with USDS SCS Publication TR-60 for containments for detention or retention areas. The Applicant requests a waiver to allow compliance with the Massachusetts Stormwater Handbook requirements.

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

32. Twenty-four (24) Hour Rainfall – This section requires the use of twenty-four (24) hour rainfall events for design purposes. The Applicant seeks a waiver to allow the use of twenty-four (24) hour storm events from the National Oceanic Atmospheric Administration (NOAA) Atlas for Medfield.

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

33. Stormwater Checklist – This section requires stormwater conductivity testing at stormwater facilities. The Applicant seeks a waiver to allow for compliance with DEP Stormwater Management Handbook requirements.

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

34. Stormwater Checklist – This section also requires groundwater mounding to be considered in the design of infiltration systems. The Applicant seeks a waiver to allow for four feet (4') of separation to seasonal high groundwater per DEP Stormwater Management requirements.

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

Chapter 290 (Article IX) – Medfield Wetlands Bylaw

35. Section 8.4 – Vernal Pool (Section 290-11 Definitions) – This section sets the boundary for the resource area for vernal pools to be one hundred feet (100') offset from the vernal pool. The Applicant requests a waiver and proposes compliance with the Wetland Protection Act requirements defining a vernal pool as up to the bordering vegetated wetland line when within a defined resource area (BVW).

Board Action: Waiver Granted, subject to the conditions contained in Section I of this Comprehensive Permit.

36. Section 290-2D Restricted Activities; application for permit; outside consultants – This section requires consultant review fees. The Applicant requests that review be conducted as part of the comprehensive permit application.

Board Action: Waiver Denied as unnecessary. As noted above, the comprehensive permit is a master permit that subsumes all other local permitting requirements. Accordingly, no waiver of this section is required.

Medfield Wetlands Bylaw Rules and Regulations (Article IX, Section 6)

37. Requirements for Plans – This section requires all plan scales to be one inch (1") equals twenty feet (20') or one inch (1") equals forty feet (40'). The Applicant requests a waiver to allow for the scale of one inch (1") equals fifty feet (50') as shown on the Approved Plans.

Board Action: Waiver Granted.

38. Fifty foot (50') Undisturbed Resource Area – This section requires a fifty foot (50') undisturbed buffer adjacent to wetlands resource areas. The Applicant requests a waiver to allow a minimum setback of twenty feet (20'), with two exceptions along the project driveway entrance and at the wetland crossing as shown on the Approved Plans.

Board Action: Waiver Granted.

Chapter 310 – Subdivision of Land

39. The Applicant requested multiple waivers of Subdivision Rules and Regulations. Pursuant to 760 CMR 56.05(7), "[i]f a Project does not request a subdivision approval, waivers from subdivision requirements are not required[.]"

Board Action: All subdivision waiver requests are Denied as unnecessary.

Exhibit A

A. Application and Project Overview

1. "Cover Letter re: Comprehensive Permit Application – Winder Estates," prepared by Delphic Associates LLC on behalf of 86 Plain Street, LLC, dated February 28, 2025. *(Confirms submission contents and grants extension of statutory hearing timeline to April 2, 2025.)*
2. "Board of Appeals on Zoning Application for Hearing," prepared by 86 Plain Street, LLC, dated February 3, 2025.
3. "Narrative," prepared by Bill Fornaciari Architects, Inc., dated February 3, 2025.
4. "Winder Estates Project Eligibility/Site Approval," prepared by MassHousing, dated December 10, 2024.
5. "Development Team Information," detailing all development members, submitted with the application.

B. Site Conditions and Historic Context

6. "Quitclaim Deed," prepared by Faceoff Holdings LLC to 86 Plain Street, LLC, recorded with the Norfolk County Registry of Deeds on May 28, 2024, in Book 41796, Page 62.

C. Site Plans and Engineering Submissions

7. "Comprehensive Permit Plan – Site Layout Plan," prepared by Merrill Engineers and Land Surveyors, dated February 3, 2025, and revised through April 22, 2025.
8. "Comprehensive Permit Plan – Hydrant Location Plan," dated February 3, 2025, revised through June 16, 2025.
9. "Comprehensive Permit Plan – Overall Site Setback Plan," dated February 3, 2025, revised through August 11, 2025.
10. "Comprehensive Permit Plan – Septic System Conceptual Layout Plan," dated February 3, 2025, revised through August 11, 2025.
11. "Comprehensive Permit Plan – Septic System Setback Plan," dated February 3, 2025, revised through September 25, 2025.
12. "Comprehensive Permit Plan Set" prepared by Merrill Engineers and Land Surveyors, dated February 3, 2025, and revised through September 25, 2025.

D. Civil Engineering and Environmental Reports

13. "Stormwater Management Report," prepared by Merrill Engineers and Land Surveyors, dated February 3, 2025, and revised through July 17, 2025.
14. "Stormwater Management Report (Summary)," dated February 3, 2025.
15. "Long Term Source Control/Pollution Prevention Plan and Operation and Maintenance Plan," prepared by Merrill Engineers and Land Surveyors (Deborah Keller, P.E.), dated February 3, 2025, and revised through August 14, 2025.

E. Peer Reviews and Responses

16. "Traffic Impact Study," prepared by Howard Stein Hudson, dated October 2024.
17. "Traffic Peer Review – Response to Comments," dated April 25, 2025.
18. "Traffic Peer Review – Response to Comments: Additional Information," dated May 22, 2025, and revised through July 18, 2025.
19. "Response to Peer Review Comments – Site/Civil," prepared by Merrill Engineers and Land Surveyors, dated July 17, 2025 and revised through August 14, 2025.
20. "Response to Peer Review Comments – Wetlands," prepared by Merrill Engineers and Land Surveyors, dated July 17, 2025 and revised through August 14, 2025.
21. "Winder Estates Residential Development – Comprehensive Permit Engineering Peer Review – Wetlands," prepared by Tetra Tech, dated May 20, 2025, and updated August 8, 2025.
22. "Application of Title 5 Nitrogen Loading Limitations for Zone II – Correspondence between Medfield Conservation Commission and MassDEP," compiled and forwarded by John Woodhull, P.E., dated September 3–8, 2025.
23. "Winder Estates Residential Development – Comprehensive Permit Engineering Peer Review – Site/Civil," prepared by Tetra Tech, dated May 8, 2025 and updated through September 11, 2025.
24. "Winder Estates Residential Development – Comprehensive Permit Engineering Peer Review – Traffic," prepared by Tetra Tech, dated March 28, 2025 and updated July 10, 2025.

F. Technical Memoranda and Coordination

25. "Email re: 86 Plain Street – Fire Department Review," prepared by Deborah Keller, P.E., dated June 16, 2025.
26. "Email re: Follow-up for Next Week (9/25): Outstanding Items," prepared by Deborah Keller, P.E., dated September 25, 2025.

G. Financial and Regulatory Submissions

27. "Preliminary Waiver List," prepared by Delphic Associates LLC, dated February 12, 2025.
28. "Comprehensive Requested Waiver List," prepared by Merrill Engineers and Land Surveyors, dated August 20, 2025, revised through September 23, 2025.
29. "Pro Forma," prepared by 86 Plain Street, LLC, date unknown.
30. "Consultant Fee Letter," prepared by Delphic Associates LLC, dated February 12, 2025.

H. Abutters and Resident Letters

31. Forty-five (45) letters received as part of various abutters and residents feedback to the Board.

I. Letters from Other Boards and Departments

32. "Memo re: Board of Health Decision on Local Septic Regulation Waiver Requests – 40B Comprehensive Permit Application," prepared by the Medfield Board of Health, dated September 16, 2025.
33. "Medfield Conservation Commission Comments re: Winder Estates (40B Comprehensive Permit), 86 Plain Street, Medfield, MA 02052," prepared by the Town of Medfield Conservation Commission, addressed to John J. McNicholas, Chair, Medfield Zoning Board of Appeals, dated March 31, 2025.
34. "Walpole Conservation Commission Comments re: Plain Street 40B/Winder Estates, 86 Plain Street," prepared by the Town of Walpole Conservation Commission, addressed to John J. McNicholas, Chair, Medfield Zoning Board of Appeals. Undated.
35. "40B Development: 86 Plain Street – Memorandum," prepared by Maurice G. Goulet, Director of Public Works, Town of Medfield Department of Public Works, dated August 8, 2025.

J. Regulatory and Reference Materials

36. "Article IX of the Medfield General Bylaws: Medfield Wetlands Bylaw"
37. "Medfield Wetlands Rules and Regulations: Article IX, Section 6," adopted October 12, 1995, and amended February 18, 2010.
38. "Municipal Comment Letter – Application for Project Eligibility/Determination/Site Approval, 86 Plain Street," prepared by Town of Medfield Office of the Select Board, dated October 29, 2024.

K. Conditions and Findings (Draft or Final)

39. "Draft Conditions – Winder Estates (40B Comprehensive Permit)," prepared by Tetra Tech, dated September 11, 2025.
40. "Comprehensive Requested Waiver List – Winder Estates Residential Development – Comprehensive Permit," prepared by Merrill Engineers and Land Surveyors, dated August 20, 2025 and revised September 23, 2025.