

**Tuesday, November 16, 2021**  
**Medway Planning and Economic Development Board**

**Remote Meeting Via Zoom**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**ALSO PRESENT VIA ZOOM:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Tetra Tech Consultant Steve Bouley

Board members introduced themselves for the record.

**PUBLIC COMMENTS:**

- There were no Public Comments.

**MEDWAY PLACE SITE PLAN PUBLIC HEARING CONTINUATION:**

The Board is in receipt of the following: **(See Attached)**

- Revised DRAFT Medway Place site plan decision dated 11-5-21.

The applicant, Medway Place LCC, was contacted with a reminder about tonight's hearing for the Board to work on the decision. It is noted the applicant was not present.

The Board was informed that Consultant Bouley, Susy Affleck-Childs, Andy Rodenhiser, Barbara Saint Andre, and Stephanie Carlisle (DPW Stormwater Compliance Officer) had a meeting regarding the project's MS4 permit. All members were in agreement that any alterations would require a modification to that permit.

Consultant Bouley noted the issues were:

- Current permit did not include the site plan presently in front of Board.
- There is a condition in the PEDB decision that any changes need to go back to the DPW for new approval.
- Suggestion to condition the project in the decision

The Board reviewed the November 5 draft decision for Medway Place. At the 11-9-21 hearing, the Board left off at Finding #11 page 8. This where the discussion picked up.

**FINDINGS**

**Finding #11:**

The Board discussed finding #11. The lights were updated 2-3 years ago with LED. The

applicant has not supplied a photometric drawing. Some of the lights are proposed to be moved. There has also been some underground electric installed to some of the poles. The underground work needs to be completed and the overhead wires need to be removed. This could be written as a condition.

**Finding #12:**

Consultant Bouley communicated that there was information provided with the MS4 permit. The information regarding a filter berm at the low end of lot is not overly detailed but there are erosion control measures noted. Consultant noted it is sufficient. There needs to be language added in a condition to deal with any groundwater. There was no witnessing of test pits. Consultant Bouley will provide wording relative to inclusion of trenching boxes. The applicant does not have a plan for this. The construction process needs to be shown on an erosion and construction plan. The Board would like a land disturbance permit noted in a condition if needed. There are opportunities to reduce impervious cover. The islands could be moved closer to Route 109 and there could be the widening of the driveway. There should be a condition that the tractor trailers enter and exit the site safely.

**Finding 13:**

The Board agrees with the finding that there should be dumpster screenings from residential neighborhoods. There should be language added that the Fire Chief is ok with what is proposed. There was a concern about these causing a fire. The Board wants to make sure these are not close to the retaining wall. This is a safety issue. The Fire Chief did not address this issue in his initial review letter.

**Finding 14:**

The Board finds that this project is not compatible with the future development of the town and the new zoning bylaw. The buildings are set too far back and there is not enough landscaping. The applicant has made effort to bring this in line with regulations, but it is not 100% in compliance.

**Finding 15:**

The Board finds that the vehicles and trucks are not following the one-way traffic pattern being proposed. It was recommended to have a condition that traffic needs to be one way clockwise. The loading dock is not meeting the grade and there is not enough curbing. This is a dangerous site. There could be a one-way route in and out of site. A question was asked if the western side of the site can handle a tractor trailer in the corner area (northwest corner of the site). The Consultant responded that there is not room to have a truck in the east loading dock with another truck coming in where there is an entrance to the day care. This is extremely dangerous.

**Finding 16:**

The Board discussed the repaving of the site. The Board considers this maintenance and not construction. If there will be disturbance of 20,000 sq. ft. or more, there would need to be a land disturbance permit. There has been some stormwater information provided. There needs to be information provided about the amount of land disturbance. The Board would like a sketch and calculations to be provided. There is no proposed grading.

The Board is in receipt of the waiver request list.

**WAIVERS:**

The Applicant is seeking waivers from the following provisions of *the Site Plan Rules and Regulations*:

**Section 204-3 F. Written Development Impact Statement:**

The Board recommends denying this waiver since there is a concern about the circulation of traffic and parking on site.

**Section 204-3 H. Construction Management Plan (CMP):**

The Board recommends denying this waiver since the provided post construction stormwater management plan focuses on the work tied to the Ms4 permit and not the entire site. There has also been no information provided for the land disturbance permit. The site improvement work will spread throughout the site and will take up to five years to complete. The Planning Board would like to see this plan.

**Section 204-3 I. Earth Removal:**

The Board discussed their concern about the removal and disposal of earth material on the premises. This could be added as a condition. It was recommended to deny this request.

**Section 204-3J Earth Fill Estimates:**

The Board discussed that this regulation is not applicable to the scope of work; however, the applicant has additional landscape work proposed which will require the import of fill to site. The volume of earth fill material will be needed. The Board disagrees with this waiver.

**Section 204 – 3 K.**

The Board would like to get some documentation from the Conservation Agent relative to confirmation that there are no wetland resources.

**Section 204-5D. 20 Site Grading:**

The applicant's plan shows existing grade but not the proposed grade post construction. Consultant Bouley has advised that the proposed contours should be included on the site plan particularly in the areas to be paved to help see whether stormwater runoff issues will occur as a result of the proposed curb islands with the curb breaks and whether the catch basin will function adequately.

**Section 204-5D Erosion and Sediment Control Plan:**

The Board discussed that the applicant has provided an erosion and sediment control plan but it is not complete. Consultant Bouley recommends that a complete erosion and sediment control plan be incorporated into the site plan set as the limits of work are spread throughout the site which could affect multiple drainage catchments. The excavation could generate sediment laden stormwater. This waiver is denied. It is recommended there be a condition to address this.

**Section 204-55D. 6) Post Construction Stormwater Plan:**

The Board communicated that the plan is not adequate. There is a history of E-coli in system and there needs to confirmation that this has been resolved. The record during public hearing does not include information on that. Those minutes or letters should be included from the DPW. There should also be information provided from the Board of Health.

The Board discussed that the applicant is providing a utility plan, but it does not show all underground Utilities. There is not a photometric plan. The Consultant communicated that there are some changes to the light pole locations, installation of the electric vehicle stations, and landscaping, all which conflict with the existing utilities. It was recommended to deny this waiver request.

**Section 204-5 D 13) Site Amenities Details:**

The Board discussed that there are items missing in the site plan details sheets to specify light fixtures, trash barrels, planters and associated winter storage plan, and dumpster enclosures. This all needs to be noted on the plan. The Board recommends denying this request.

**Section 204-5 D 15) Lighting Plan:**

The applicant has asked for a waiver from the lighting plan. This is a requirement of the Zoning Bylaw, thus it cannot be waived. This request is denied.

**Section 204-5 D. 16) Horizontal Sight Distances:**

The Board would like to have the applicant show the sight distances on the plans. The Board recommends denying this request.

**Section 204-5 D. 17) – Zoning Bylaw Requirement Compliance Table**

The applicant has provided a parking spaces summary on Sheet C.100 of the revised plan set dated 8-30-21 but none of the other items are addressed. The Board recommends denying this request.

**Section 204-5 D. 18) Locations of fire hydrants, fire lanes. Etc.**

The applicant indicates that it does not apply as there are no changes to the location of existing fire hydrant and that the locations of fire lanes and access for equipment will remain as configured. The fire lanes should be noted on a plan. The Board recommends due to safety concerns this waiver should be denied.

**Section 204-5 D. 19) Information qualifying on-site generation of noise and odor:**

The Board is fine granting this waiver.

**Section 204-5 D. 20) Proposed off-site roadway and traffic management improvements:**

The Board is fine granting this waiver.

**PLAN REVISIONS**

- Lighting Plan
- 2 most westerly marked parking spaces.
- Traffic Flow pattern pavement arrows and other directional signage.
- Pedestrian access between Medway Place and Drybridge Crossing should show two safe means for pedestrian access.
- The handicap parking needs to be rechecked to show the details of the handicapped parking spaces and walkways along with van parking.
- The plan needs to be revised to include the correct location of the recently installed irrigation well and the correct size of the island.

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted by roll call to continue the hearing to November 23, 2021 at 8:30 pm. The motion was approved.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**OTHER BUSINESS:**

- Resident John Lally provided a nice note thanking the Board for all their hard work on the environmental standard warrant articles.
- The Board was asked to think about possible warrant articles for the Spring.

**PEDB MEETING MINUTES:**

**November 2, 2021:**

**On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted by roll call to approve the minutes from the November 2, 2021 meeting. The motion was approved.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

**ADJOURN:**

**On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted by roll call to adjourn the meeting.**

**Roll Call Vote:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

The meeting was adjourned at 9:30pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

**Board Members**

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Jessica Chabot, Member  
Richard Di Iulio, Member  
Matthew Hayes, P.E.,  
Member  
Thomas A. Gay, Associate  
Member



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**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

DRAFT – November 5, 2021  
1:30 p.m.

**Major Site Plan**  
**Medway Place – 98, 108 and 114 Main Street**  
**with Waivers and Conditions**

**Decision Date:** \_\_\_\_\_

**Name/Address of Applicant:** Medway Realty LLC  
c/o Diversified Funding, Inc.  
63 Atlantic Avenue  
Boston, MA 02110

**Name/Address of Property Owner:** Medway Realty LLC  
c/o Diversified Funding, Inc.  
63 Atlantic Avenue  
Boston, MA 02110

**Engineer** Howard Stein Hudson  
114 Turnpike Road, Suite 2C  
Chelmsford, MA 01824

**Representative** Attorney Gareth Orsmond  
Pierce Atwood, LLP  
100 Summer Street, Floor 22  
Boston, MA 02110

**Site Plan:** *Site Plan for Medway Place*  
By Howard Stein Hudson  
Dated August 30, 2021 to be further revised as specified herein.

Drainage Improvement Plan for 98, 108 and 114 Main Street  
By Grady Consulting, LLC of Kingston, MA  
Dated September 7, 2019, last revised March 1, 2021

**Location:** 98, 108 & 114 Main Street

**Assessors' Reference:** 40-055, 40-056 and 40-057

**Zoning District:** Central Business District

**I. PROJECT DESCRIPTION** – The Applicant proposes changes in the layout and landscaping for the 446 space Medway Plaza parking lot. The change in the layout is a result of the recently completed Mass Department of Transportation Route 109 improvement project which included a new traffic light and entrance into Medway Plaza. The parking lot work will align the parking spacing with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on site. The work will include installation of a berm near the entrance to the Shell Station at 86 Main Street and widening of the east side of the entrance aisle to the property to 20' wide. The applicant also proposes new stormwater management controls to treat stormwater collected from the parking lot before it is discharged into the Town's municipal storm drain system. This project is subject to major site plan review pursuant to Section 3.5.3 of the Medway Zoning Bylaw.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the "Board"), on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ **with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of site improvements at 98, 108 and 114 Main Street as shown on *Site Plan for Medway Place*, dated August 30, 2021 by Howard Stein Hudson, to be further revised as specified herein.

The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Planning & Economic Development Board Member**

Richard Di Iulio  
Matthew Hayes  
Andy Rodenhiser  
Robert Tucker

**Vote**

**III. PROCEDURAL HISTORY**

- A. October 28, 2019 - Site plan application and associated materials filed with the Board
- B. November 5, 2019 – Site plan application and associated materials filed with the Town Clerk
- C. November 18, 2019 – Notice for the December 10, 2019 public hearing filed with the Town Clerk and posted at the Town of Medway web site's master meeting calendar.
- D. November 18, 2019 - Site plan information distributed to Town boards, committees and departments for review and comment.
- E. November 19, 2019 – Notice for the December 10, 2019 public hearing was sent to abutters and parties of interest by certified sent mail.
- F. November 26 and December 2, 2019 - Public hearing notice advertised in *Milford Daily News*.
- G. December 4, 2019 – Public hearing notice mailed to Medway Place tenants
- H. December 10, 2019 – Public hearing commenced. The hearing was continued to January 14, 2020, February 11, 2020 and February 25, 2020, March 3, 2020, and March 24, 2020.
- I. Filing of Administrative Plan application for fencing . . .

**NOTE - COVID State of Emergency was established March 10, 2020.**

- J. March 24, 2020 – The public hearing was continued without presentation or testimony to April 14, 2020, May 12, 2020, May 26, 2020, June 9, 2020, June 23, 2020, July 14, 2020, July 28, 2020, August 11, 2020, August 25, 2020, September 8, 2020, September 22, 2020, October 27, 2020, November 24, 2020, January 26, 2021, February 23, 2021, April 13, 2021,

May 11, 2021, June 22, 2021, July 27, 2021, August 10, 2021, September 14, 2021, October 2, 2021, October 26, 2021 and November 9, 2021.

#### **IV. INDEX OF SITE PLAN DOCUMENTS**

- A. The site plan application for the proposed Medway Place site improvement project included the following plans, studies and information that were provided to the Board at the time the application was filed:
1. Site Plan Application dated October 24, 2019 with submittal letter, project narrative, certified abutters' list, deed, and requests for waivers from the *Site Plan Rules and Regulations*
  2. *Site Plan and Landscape Plan – Medway Place*, dated October 15, 2019 prepared by Howard, Stein, Hudson of Chelmsford, MA.
  3. *Drainage Improvement Plan*, dated September 7, 2019 by Grady Consulting, LLC of Kingston, MA
- B. During the course of the Board's review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. **Attorney Gareth Orsmond, Pierce Atwood**
    - **2-6-20 letter** with submittal of a revised *Site Plan and Landscape Plan* dated 2-4-20, an existing conditions plan, and a Response to Comments from the 12-5-19 PGC Associates review letter, the 12-10-19 Tetra Tech review letter, 12-10-19 letter from John Russell of Addler Pollock and Sheehan (counsel to Colbea Property/Shell Station), comments provided during the 12-12-19 public hearing
    - **4-23-21 letter** with submittal of a revised *Site Plan and Landscape Plan* dated 4-22-21, with a summary of the revised site plan changes, a *Temporary Seating Plan* dated 4-22-21, and an administrative site plan application for site fencing.
    - **7-14-21 letter** with submittal of revised *Site Plan and Landscape Plan* dated 7-13-21, and *Supplementary Site Plan Submittal* dated 7-14-21 with a summary of the revised site plan changes, Response to Comments from the 5-4-21 PGC Associates review letter, the 5-6-21 Tetra Tech review letter, comments provided during the 5-11-21 public hearing, the 5-7-21 review memorandum from Susan Affleck-Childs, Planning and Economic Development Coordinator, and comments from the 5-10-21 Design Review Committee memorandum
    - **9-30-21 letter** with *Site Plan for Medway Place* dated 8-30-21, a *Master Signage Plan* dated 9-30-21, a *Landscape Maintenance Program* dated 9-30-21, and *Supplementary Site Plan Submittal* dated 9-30-21 with a summary of revised site plan changes, a Response to Comments from the 7-22-21 PGC Associates review letter, the 7-21-21 Tetra Tech review letter, comments from the 7-27-21 public hearing, and comments from the DRC's 8-30-21 meeting,
    - **10-25-21 letter** in response to Tetra Tech review letter dated 10-20-21.
  2. **Correspondence from attorney Gareth Orsmond, on behalf of the applicant, to extend the deadline for Planning and Economic Development Board action on the site plan application**
    - 3-3-20 email granting an extension to 4-30-20  
COVID – extensions . . . .
    - 6-8-21 email granting an extension to 9-30-21
    - 9-8-21 email granting an extension to 11-15-21



3. **Darren Grady, P.E., Grady Consulting, LLC**

- 1-10-20 letter in response to Tetra Tech review letter dated 12-10-19.
- 4-22-21 letter

4. **Plan Submittals**

- *Existing Conditions Plan*, dated June 12, 2019, prepared by Grady Consulting, LLC.
- *Site Plan and Landscape Plan – Medway Place*, revised February 4, 2020 prepared by Howard Stein Hudson of Chelmsford, MA. (or February 11??)
- *Site Plan and Landscape Plan – Medway Place*, revised April 22, 2021 prepared by Howard Stein Hudson of Chelmsford, MA.
- *Site Plan and Landscape Plan – Medway Place*, revised July 13, 2021 prepared by Howard Stein Hudson of Chelmsford, MA.
- *Temporary Seating Plan and Gate Detail – Medway Place*, dated April 22, 2021 prepared by Howard Stein Hudson of Chelmsford, MA
- *Temporary Seating Plan and Gate Detail – Medway Place*, revised July 13, 2021 Prepared by Howard Stein Hudson of Chelmsford, MA
- *Drainage Improvement Plan* revised March 1, 2021 by Grady Consulting, LLC of Kingston, MA
- *Site Plan for Medway Place*, dated 8-30-21, by Howard Stein Hudson including *Drainage Improvement Plan* revised 3-1-21 by Grady Consulting, LLC

5. **Administrative Site Plan Review application**

C. During the course of the Board's review, a variety of materials were submitted to the Board by its staff and other Town Boards and Committees.

- 1-22-20 email from DPW Director David D'Amico
- 2-10-20 email from Fire Chief Jeff Lynch
- 8-17-20 email from Medway Cultural Council
- 9-2-20 email from DPW Compliance Officer Stephanie Carlisle
- 11-18-20 (or 11-5-20?) email from DPW Director David D'Amico
- 5-7-21 review memorandum from Susan Affleck-Childs, Planning and Economic Development Coordinator
- 5-10-21 review memorandum from the Medway Design Review Committee
- 5-11-21 emails (2) from Fire Chief Jeff Lynch
- Collection of photos of Medway Place site conditions taken on or around 3-5-20 by PEDB member Andy Rodenhiser
- Medway DPW Conditional MS4 Stormwater Permit dated 3-27-21
- ALL documents pertaining to the Rocky's Hardware administrative site plan and outdoor display special permit
- DRC review comments . . multiple

V. **TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of the Board's review, the Board also received verbal and/or written testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated 12-10-19, 1-29-20, 5-6-21, 7-21-21 and 10-20-21 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated 12-5-19, 7-22-21 and 10-7-21 and commentary throughout the public hearing process.
- Sarah White, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer
- Attorney Gareth Orsmond, Pierce Atwood
- Todd Wilson, Medway Realty, LLC
- Project Engineer Richard Latini, P.E., Howard Stein Hudson
- Project Engineer Michael Littman, P.E. Howard Stein Hudson
- Drainage Engineer Darren Grady, P.E., Grady Consulting LLC
- Medway DPW Director David D'Amico
- Medway DPW Compliance Officer Stephanie Carlisle

***Abutter Testimony***

- 2-23-21 comments from resident Lawrence Ellsworth, 148 Holliston Street
- 12-10-19 letter from attorney John Russell on behalf of Colbea LLC (Shell gas station)
- 2-23-21 verbal comments from resident Susan Rorke, 34 Ellis Street
- 2-23-21 verbal comments from residents Dave and Mendy Tarkowski, 82 Fisher Street
- 2-23-21 verbal comments from resident Janine Clifford, 42 Lincoln Street

**VI. FINDINGS** – The Board, at its meeting on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ the following FINDINGS regarding the site plan application for Medway Place. The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

***Planning & Economic Development Board Member***

***Vote***

Richard Di Iulio  
Matthew Hayes  
Andy Rodenhiser  
Robert Tucker

***General Findings***

**Site Plan Rules and Regulations Approval Criteria Findings** – In making its decision, the Board shall consider the following criteria set forth in Section 204-8 F. of the *Site Plan Rules and Regulations*, as amended October 8, 2019, unless specifically waived.

1. The proposed buildings, uses and site improvements are appropriately located on the development site in relation to the terrain and the location and scale of buildings and sites features on abutting sites.

2. The construction and/or renovation of buildings and site improvements are designed to reflect or be compatible with the Medway *Design Review Guidelines*.

*The proposed scope of work does not include either construction of any new building or renovation of existing buildings. The site improvements have been reviewed by the Design Review Committee which has provided comments and recommendations which have been incorporated into the site plan.*

3. Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as Master Plan goals for the area.

4. Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.

5. Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.

*Concern about traffic flow and safety in the alley and drive aisle around the back . . .*

6. Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.

*The proposed parking reconfiguration improves internal circulation. Internal site circulation is improved with better organized parking for customers and employees. There*

*will be no backing out onto a public way. There is no access to the site from minor residential streets. MORE NEEDED HERE,*

7. Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.

*Check on the Fire Department's review comments*

8. Design and construction minimize, to the extent reasonably possible, the following environmental impacts:
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and an MS4 Connection Permit has been issued by the Medway Department of Public Works to address stormwater runoff into the Town's MS4 system. As conditioned herein, erosion controls will be implemented during construction. No increase in noise is anticipated to be generated by the operation of Medway Place post-construction. No stone walls will be removed. A thoughtful landscaping plan has been provided and no existing trees will be removed. The volume of cut and fill is minimal and pertains to landscaping.*

9. Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees and the general public.

*The reworked primary entrance and egress to the site is the major focus of this site plan project. As part of the new entry driveway, a sidewalk is provided connecting Main Street to the shopping center building. The site plan includes the installation of \_\_\_ bicycle racks (\_\_\_ bikes) and \_\_\_ motorcycle parking spaces to accommodate employees and cycling customers. The rearranged parking configuration will be safer and more efficient to the driving public. ADD SOMETHING ABOUT ONE WAY TRAFFIC AROUND THE BACK OF THE BUILDING.*

10. Design and construction, to the maximum extent possible, preserve and incorporate the visual prominence of the site's natural and historic features.

*The Medway Place shopping plaza was established in \_\_\_\_\_, and was constructed as a typical early suburban shopping center, highly focused on parking. 95% of the site is already developed. There are no prominent natural or historic features on the site.*

11. Lighting on the site complies with Section 7.1.2 of the Zoning Bylaw.

*As conditioned herein (Condition \_\_\_\_), and prior to plan endorsement, the Applicant shall provide a lighting plan compliant with the requirements of Section \_\_\_\_ of the Zoning Bylaw and which shall be incorporated into the Site Plan set.*

12. The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

*The limit of work is reasonable. There are no sensitive environmental or cultural resources on the site as it is 95% developed. Erosion control measures are required during construction. The installation of a stormwater management system reduces the current impacts of presently untreated stormwater discharge to the Town's MS4 system and is a positive step toward protecting the community's water resources.*

13. The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development.

*There is an abutting residential neighborhood to the north of the center which is already screened by a fence and vegetated buffer. Those abutters were notified of the hearing and no one attended or expressed any comments or concerns. The scope of work is not anticipated to generate any additional traffic.*

14. The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.

15. Off-street loading facilities and methods for unloading vehicles, good, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view

16. The project complies with the requirements of Section 26.8 of Medway General Bylaws, ARTICLE XXVI, Stormwater Management and Land Disturbance, the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System (NPDES) requirements.

17. The effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, and the community's character, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to S. 204-8 of the *Site Plan Rules and Regulations*.

### **Miscellaneous Findings**

1. Something about the Rocky's site plan
2. Something about scope of site plan review for a pre-existing, non-conforming use
3. Something about safety

**VII. WAIVERS** – At its \_\_\_\_\_ meeting, the Board, on a motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans*, as amended October 8, 2019. The Board's action and reasons for approving each waiver request are listed below. All waivers are subject to the Special and General Conditions of Approval, which follow this section.

The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
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Richard Di Iulio	
Matthew Hayes	
Andy Rodenhiser	
Robert Tucker	

### **SITE PLAN SUBMITTALS**

**Section 204-3 F. Written Development Impact Statement** which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts. The Development Impact Statement shall consist of the following four elements: traffic impact assessment, environmental impact assessment, neighborhood impact assessment, and a parking impact assessment.

*The Applicant has requested a waiver from this requirement indicating that the scope of the proposed project is limited to parking lot improvements only. The impacts of the current use of the center will remain unchanged. Most of the site is already developed; no additional leasable space is proposed in conjunction with the planned site improvements. Therefore, a development impact statement is not necessary or valuable. The Board's Consulting Engineer has opined that the overall impacts of the project are minimal. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

### **Section 204-3 G. Stormwater Documentation**

#### **1) Post-Construction Stormwater Management Plan**

## **2) Stormwater Drainage Report**

*The Applicant has requested a waiver from this requirement indicating that no land disturbance is proposed as part of the proposed project. However, the Applicant is subject to the Town's Stormwater Management Bylaw (Medway General Bylaws, Article XXVI) and has secured a conditional MS4 permit from the Medway Department of Public Works (DPW) to address the site's existing inadequate stormwater management facilities. That application underwent substantial review by the Town's Consulting Engineer before the MS4 permit was issued. Accordingly, there is no need for additional stormwater management analysis and design. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-3 H. Construction Management Plan (CMP)** which includes the proposed construction sequence, timetable, and methods for managing the construction process and minimizing the impacts of construction on public ways and to abutters.

*The Applicant has requested a waiver from this requirement indicating that the proposed construction is for short duration and is limited in scope. The Board's Consulting Engineer advises that a construction management plan should be required, particularly to focus on parking during construction and methods to protect the general public from entering the work areas during construction. The work will be spread throughout the site and public safety should be prioritized. Therefore, the Board disapproves this waiver request.*

*NOTE – The Applicant has agreed, as a condition for site plan approval, to provide a construction management plan for review and approval by the Building Department prior to commencing construction. See Condition \_\_\_\_\_.*

**Section 204-3 I. Earth Removal Calculations** of the estimated volume of earth materials to be removed from the site to be prepared by and show the seal of a licensed professional engineer certified to practice in the Commonwealth of Massachusetts.

*The Applicant has requested a waiver from this regulation due to the limited scope of the planned site work and has indicated that the only earth removal will be a "few square feet" beneath the existing pavement to install the approved stormwater controls. Thus the regulation does not apply to the scope of work under review. The Board's Consulting Engineer has advised that the regulation is not applicable to this site due to the nature of the project and the minimal earthwork needed. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-3 J. Earth Fill Estimates** of the volume of earth materials to be brought on site prepared by and show the seal of a licensed Professional Engineers certified to practice in the Commonwealth of Massachusetts.

*The Applicant has requested a waiver from this regulation as the planned work does not include any fill material except for a minimal amount to support the proposed landscaping. Thus the regulation is not applicable to the scope of work. The Board's Consulting Engineer has advised that the regulation is not applicable to this site due to the nature of the project and the minimal earthwork needed. For the foregoing reasons, the Board APPROVES this waiver request as being consistent*

*with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**Section 204-3 K. A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation Commission depicting the approved wetland resource affecting the proposed project or an Order of Conditions issued within the past three years, or a Determination of Applicability with a finding from the Conservation Commission that the proposed project is not within its jurisdiction.**

*The Applicant has requested a waiver from this regulation. The site is almost completely impervious with no wetland resources. The Board's Consulting Engineer has advised that the regulation is not applicable as jurisdictional conservation areas do not appear to be located on or around the site. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

### **SITE PLAN CONTENTS**

1. **Section 204-5 A. Cover Sheet is required as part of the plan set.** The Cover Sheet shall include the following information: project name and address, name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, plan date, list of plan revision dates, project Assessor's Map and Parcel number, zoning district classification, list of request waivers from the Rules and Regulations, signature block for Board endorsement, and a complete index of drawings.

*The original submittal did not include a separate Cover Sheet as the site plan at that stage was only one sheet. Over the course of the public hearing, numerous other plan sheets have been added, thus necessitating a cover sheet. Both the Board's planning and engineering consultants recommend including a cover sheet as is standard of most projects with multiple plan sheets. Accordingly, the Board disapproves this waiver request.*

*NOTE – With the Applicant's revised submittal on 9-30-21, the updated Site Plan dated 8-30-21 includes a Cover Sheet.*

2. **Section 204-5 B1 Site Context Sheet - Locus Plan** showing the site and its boundaries in relation to all surrounding streets within two thousand feet of the perimeter of the site. The Plan shall be at a maximum scale of one inch equals one thousand feet.

*The Applicant has requested a waiver from the above noted regulation indicating that a site context sheet is not needed due to the limited nature of the proposal to re-stripe the parking lot and make certain improvements to the stormwater management system. The provision of a locus plan is a commonly used, standard element of any site plan and should be incorporated into the site plan set. The Board disapproves this waiver request.*

*NOTE – With the Applicant's revised submittal on 9-30-21, the updated Site Plan dated 8-30-21 includes a Locus Plan on the Cover Sheet.*

**Section 204-5 B4 Site Context Sheet – Existing Topography** at 2 foot intervals from USGS survey maps or actual land survey of the development site.



*The Applicant has requested a waiver from the above noted regulation indicating that topography is shown at two foot intervals on the Drainage Improvement Plan submitted to the Medway DPW as part of the MS4 permit application. The Board disapproves the waiver request.*

*NOTE - The referenced Drainage Improvement Plan which depicts the two foot intervals has been incorporated into the updated Site Plan set dated 8-30-21.*

**3. Section 204-5 C Existing Conditions Sheets**

*The Applicant has requested a waiver from this regulation indicating that it does not apply to this particular situation indicating the limited nature of the proposed site work. Both the Board's consulting planner and engineer recommend the inclusion of an Existing Conditions sheet in the plan set as standard practice for most projects. It is important to understand the proposed scope of work in the context of existing conditions. Accordingly, the Board disapproves this request.*

*NOTE – The Applicant has provided a survey and Existing Conditions Plan as part of the Drainage Improvement Plan dated 9-7-19, last revised 3-2-21, prepared by Grady Consulting, which has been incorporated into the Site Plan set dated 8-30-21.*

**4. Section 204-5 D. 2) Site Grading**

*The Applicant has requested a waiver from this requirement indicating that site grading information is not applicable to the site as the existing grades are being maintained and no significant grading changes are proposed. The Board's Consulting Engineer has advised that proposed contours should be included on the site plan to help understand whether stormwater runoff issues will occur as a result of the proposed curb islands with curb breaks. Accordingly, the Board disapproves this request.*

*NOTE – With the 9-30-21 revised submittal, the Applicant has included a Grading, Drainage and Utilities Sheet in the Site Plan set dated 8-30-21. It shows existing contours and the proposed drainage modifications.*

**5. Section 204-5 D. 5) Erosion and Sediment Control Plan**

*The Applicant has requested a waiver from this requirement indicating that it is not needed as the site is 95% developed and there will be no increase in the amount of impervious surface as a result of the planned site improvements. The Applicant has noted that that Drainage Plan submitted to the Medway DPW for the MS4 permit includes an erosion and sediment control plan for that scope of work and that they will provide similar erosion and sediment controls during construction for the site plan improvements pursuant to this permit. Because very little excavation work is planned, the Applicant does not believe that an additional erosion and sedimentation control plan is necessary. The Board's Consulting Engineer has advised that a complete erosion and sediment control plan should be incorporated into the site plan set as the limits of work are spread throughout the site with potential to affect multiple drainage catchments. The excavation associated with the proposed curbing, landscaping and stormwater controls may generate sediment-laden stormwater; the existing catch basin should be protected and measures should be implemented to prevent sediment from traveling off-site. Further, the Drainage Plan (and associated erosion and sediment control plan) provided to the DPW considered only drainage improvements associated with the MS4 permit and did not address other site*

*drainage measures included in the site plan. Accordingly, the Board disapproves this request.*

**6. Section 204-5 D. 6) Post Construction Stormwater Management Plan**

*The Applicant has requested a waiver from this requirement indicating that the changes to the stormwater system are limited in nature. The Applicant also notes that the Drainage Improvement Plan and Stormwater Report which have been provided to the Medway DPW for an MS4 permit adequately address this requirement. The Board's Consulting Engineer confirms that the Stormwater Report includes operations and maintenance plans for both the construction of stormwater management facilities AND the post-construction, on-going life of those facilities and may be considered to serve as a Post Construction Stormwater Management Plan for the project. **MORE NEEDED HERE***

**7. Section 204-5 D. 7) Utilities Plan** – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal enclosures and systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal, and methods of solid waste storage and disposal (shall be shown on the plan).

*The Applicant has requested a waiver from this regulation noting that there are no changes in use or changes in the layout of utilities except for what is shown on the Drainage Improvement Plan. The Board's Consulting Engineer notes that the planned site improvements include some changes in light pole locations, installation of electric vehicle charging stations, and landscaping, all of which may conflict with existing utilities. Accordingly, the Board disapproves this request.*

*NOTE - With the 9-30-21 revised submittal, the Applicant has included a Grading, Drainage and Utilities Sheet in the Plan set dated 8-30-21 which shows existing utility information, as well as the relocation of light poles and the electrical lines that will have to be relocated to beneath the surface to accommodate installation of electric vehicle charging stations.*

**8. Section 204-5 D. 8) Landscape Plan**

*The Applicant has requested a waiver from the requirement indicating that a landscaping plan is not needed as the scope of the proposed work is limited to parking and stormwater. The Board disagrees with this assessment believing that landscaping is an integral and much needed component to the revised parking layout at this site which will enhance the visual appearance of the property. The planned work on the parking configuration is the ideal time to add much needed landscaping on the premises. The Board disapproves this request.*

*NOTE – With the submittal of a revised site plan dated 8-30-21, a landscaping plan has been included in the Site Plan set. The Applicant has also provided a written Landscape Maintenance Plan.*

**9. Section 204-5 D. 9) Building Elevations and Architectural Plan**  
**Section 204-5 D. 10) Color Renderings**  
**Section 204-5 D. 11) Building Layout or Floor Plan**  
**Section 204-5 D. 12) Entry and Exit to Structures**

*The Applicant has requested waivers from the above noted requirements indicating that no new structures or changes to existing structures are proposed. Therefore, these standards do not apply. For the foregoing reasons, the Board APPROVES this waiver request as being*

*consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

10. **Section 204-5 D 13) Site Amenities Details**

*The Applicant has requested a waiver from this requirement indicating that the details shown on the Site Plan and Landscape Plan are adequate. In the updated version of the site plan dated 8-30-21 details for a bike rack and fence have been provided. However, other details are missing (light fixtures, trash barrels, dumpster enclosures, etc.) and should be addressed. The Board disapproves this request.*

11. **Section 204-5 D 14) Master Signage Plan**

*The Applicant has requested a waiver from this requirement indicating that no additional signage is included as part of this application and thus, the regulation does not apply. This is an opportune time for the Applicant to establish some standards for tenant signage in order to achieve a coordinated signage approach going forward. The Board disapproves this request.*

*NOTE – The Applicant has provided a master signage plan which has been reviewed by the Design Review Committee and determined to be \_\_\_\_\_.*

12. **Section 204-5 D 15) Lighting Plan prepared in conformance with Section 7.1.2 of the Zoning Bylaw.**

*The Applicant has requested a waiver from this requirement indicating that they are not proposing any actions that would involve additional or reduced lighting. A Lighting Plan is a requirement of the Zoning Bylaw, Section 7.1.2 and applies to lighting modifications which are a component of the proposed site improvements. The Bylaw requirements cannot be waived by the Board. The Board disapproves this request.*

13. **Section 204-5 D. 16) Horizontal Sight Distances**

*The Applicant has requested a waiver from this requirement indicating that the proposed work is being undertaken in response to the installation of a new traffic signal at the main Medway Place shopping plaza entrance. This design and location of this entrance was evaluated and approved by the Massachusetts Department of Transportation after extensive traffic studies. Medway Realty indicates that the proposed work will not increase traffic to the center and that the sight distance information is redundant.*

**QUESTION – Has the sight distance information been included on the 8-30-21 plan revision?**

14. **Section 204-5 D. 17) Table Outlining Conformance with Zoning Bylaw Requirements (lot area, frontage, depth, width, setbacks, building height, lot coverages, impervious area, gross floor area, open space calculations, parking space calculations, etc.)**

*The Applicant has requested a waiver from this requirement indicating that no new structures or changes to the existing structures are proposed and therefore the requirement is not applicable. The Applicant has provided a Parking Spaces summary on Sheet C1.00 of the revised site plan set dated 8-30-21 but none of the other items are addressed. The*

*inclusion of a table to indicate zoning compliance is a routine element of any site plan set and is considered standard practice. The preparation of this site plan is the opportune time to provide such a table. The Board disapproves this request.*

15. **Section 204-5 D. 18) Locations of fire hydrants, fire lanes, etc.**

*The Applicant has requested a waiver from this requirement indicating that this does not apply as there are no changes to the location of the existing fire hydrants and that the locations of fire lanes and access for equipment will remain as presently configured.*

**QUESTION - IS THIS INFO included on the existing conditions sheet?**

16. **Section 204-5 D. 19) Information quantifying on-site generation of noise and odors**

*The Applicant has requested a waiver from this requirement indicating that no new structures or changes to existing structures are proposed, no new uses are proposed, and the stormwater management structures to be installed will not generate any noise or odors. The Board's Consulting Engineer notes that this regulation does not pertain to the scope of work for this project. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

17. **Section 204-5 D. 20) Proposed off-site roadway and traffic management improvements**

*The Applicant has requested a waiver from this requirement and has indicated that no new off-site roadway or traffic management improvements are proposed. The Board's Consulting Engineer notes that this regulation does not pertain to the scope of work for this project. For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. APPROVAL CONDITIONS, LIMITATIONS AND SAFEGUARDS** – The Board may require plan modifications, conditions, mitigation measures, limitations and safeguards which the Board finds are consistent with Town bylaws, regulations and standards. The *Special and General Conditions* included in this *Decision* shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's approval of the site plan is subject to the following specific and general conditions.

**SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within one-hundred and twenty days after the Board has filed the *Decision* with the Town Clerk, the Medway Place site plan dated August 30, 2021 prepared by Howard Stein Hudson of Chelmsford, MA which incorporates a Drainage Improvement Plan dated \_\_\_\_\_ by Grady Consulting, LLC of Kingston, MA, shall be further revised to reflect all Conditions specified herein and required revisions and additions, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (Said plan is hereinafter referred to as the *Plan*). The Applicant shall provide a

set of the revised Plan in its final form to the Board for its signature/endorsement. All Plan sheets shall be bound together in a complete set.

- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the August 30, 2021 site plan shall be revised to include:
1. List of approved waivers from the *Site Plan Rules and Regulations*.
  2. Revised plan date.
  3. Lines for the decision date and plan endorsement date with the signature box.
  4. Updated index of site plan sheets to include a photometric plan
  5. References to the Master Signage Plan and Landscape Maintenance Plan
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the 8-30-21 site plan set for review by the Board’s Consulting Engineer and approval by the Board. Revisions can be made to the drawings or details and/or include revised notes. Additional details or drawings may also be added to the plan set.
1. Lighting Plan. A photometric lighting plan shall be added to the site plan set showing site lighting compliant with Section 7.1.2 of the *Zoning Bylaw*.
  2. The marked parking spaces located along the northern edge of the property, behind the center’s buildings, shall be specifically designated for employee parking.
  3. A drawing for a standard dumpster enclosure shall be submitted for the Board’s approval and a detail for such shall be included on the site plan. Such enclosures shall be fabricated with non-glossy material, shall resemble wood, be of a natural wood color, and be of a height to fully shield the view of the enclosed dumpsters and recycling containers. Chain link fencing with plastic slats is prohibited.
  4. Traffic Flow Pattern – The traffic pattern pavement arrows shall be revised to show one-way traffic west to east across the back of the buildings.
  5. Pedestrian Access between Medway Place and Drybridge Crossing – Something, to be approved by the Board prior to endorsement
  6. The pavement markings for the back parking area behind PJ’s as shown on the plan are shown as existing conditions. That is not an accurate depiction. The reflective of existing conditions or proposed? Needs to be clearer.
  7. The plan shall be revised to include the actual location of the irrigation well and the planned landscaping to screen the irrigation well shall be included on the Planting Plan (Sheet C3.00).
  8. Add a pedestrian ramp in front of Ocean State Job Lot.
  - 9.
  - 10.
  - 11.

12.

13.

D. **Use Limitations**

1. Outdoor Storage – Pursuant to Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw, no Outdoor Storage of materials associated with a business operating the Medway Place shopping plaza is permitted.
2. Outdoor Display – Pursuant to Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw, the Outdoor Display of good and products sold by a business establishment operating in the Medway Plaza outside display building on the premises is allowed only by special permit.

E. **Traffic Pattern**

1. Use of the alley/driveway between New England Cabinetry and MG Salon & Spa shall be one-way only (northbound) for vehicular traffic. Exiting traffic out of this drive aisle to the front of the buildings is prohibited.
2. The drive aisle starting at the western end of the building (Ocean State Job Lot) running behind the buildings and concluding at the eastern end of the building (Rocky's Hardware) shall be one-way west to east.

F. **Pedestrian Access** – The Permittee shall provide a safe means for pedestrian access between Medway Place and the adjacent Drybridge Crossing, the location of which shall be approved by the Board prior to plan endorsement and the plan shall be revised to depict such pedestrian connection.

G. **Trash Dumpsters** – Something about dumpster enclosures and consolidation as leases come up; new requirements for new tenants. Provide a drawing for a standard dumpster enclosure and add to the detail sheets. Applicant should come up with a master plan for how to transition including specific parameters for locations.

H. **Lighting** – Site lighting shall comply with Section \_\_ of the Zoning Bylaw which applies to lighting modifications as well as new installations.

I. **Parking** – The marked parking spaces located along the northern edge of the site shall be designated for employee parking.

J. **Parking Lot Paving** – What do you want to say about this? 5 years to complete?

K. **Electric Vehicle Charging Stations** – Something about using the highest level technology available at the time. Before installation of the EVC stations, the Permittee shall secure the Board's approval for the particular model of EVC device to be installed.

L. **Master Signage Plan** – Shall be used by the Permittee and may be adjusted by action of the PEDB without a public hearing.

M. **Food Trucks/landscaping/barriers** – Come back to the Board for a modification at a public meeting.

N. **Construction Schedule and Construction Management Plan**

O. **Landscape Maintenance**

1. Refer to the submitted Landscape Maintenance Plan
2. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
3. Within 60 days after two years after the Board certifies project completion, the Town's Consulting Engineer or the Building Commissioner may inspect the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

P. **Performance Security –**

- Q. **Project Completion** - Site plan approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. Except for the installation of the electric vehicle charging stations, the work shown on the approved site plan shall be completed by the Permittee or its assignees within \_\_\_\_ years of the date of plan endorsement. The electric vehicle charging stations shall be installed by \_\_\_\_\_. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

R.

S.

T.

**GENERAL CONDITIONS OF APPROVAL**

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

1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
2. any construction inspection fee that may be required by the Board; and



3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes business licenses, water/sewer bills, etc.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- B. **Other Permits** – This decision does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Document/Plan Recording** – The Permittee shall file this decision and endorsed plan with the Norfolk County Registry of Deeds. Within thirty days of recording, the Permittee or assign shall provide the Board and the Building Commissioner with evidence of such recording.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
  1. *Construction Time* - Construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner.
  2. *Neighborhood Relations* – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
  5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall, on a daily basis.
  6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
  7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All



parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.

8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

- E. ***Snow Storage and Removal*** - Locations for on-site snow storage are shown on the plan. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall not be placed to encroach upon, nor prohibit the use of, any parking spaces or drive aisles. Any such snow that cannot be accommodated on site in the designated snow storage areas shall be removed from the premises within 24 hours after the conclusion of the storm event.

- F. ***Construction Oversight***

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
    - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
    - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
    - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
  2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction, for compliance with the endorsed site plan and the provisions of this *Decision*.
  3. If applicable, the Department of Public Works may conduct inspections for any construction work occurring in the Town's right-of way in conjunction with a Town of Medway Street Opening/Roadway Access Permit.
  4. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall

prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

**G. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the Bylaw nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the Bylaw, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**H. Modification of Plan and/or Decision**

1. Proposed modifications, not including on-site field changes, to the *Decision* or endorsed plan shall be subject to review by the Board.
2. This site plan approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the approved site plan or this *Decision* shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Board.
4. The request for a modification to a previously approved site plan shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed site plan modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the filing and review fees.
5. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

I. **Compliance with Plan and Decision**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* and any modifications thereto.
2. The Board or its agent(s) may use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the Bylaw (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

J. **Project Completion Requirements**

1. Prior to project completion, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

K. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

L. **Conflicts** – If there is a conflict between the site plan and the *Decision's* Conditions of Approval, the *Decision* shall rule. If there is a conflict between this *Decision* and/or site plan and the Bylaw, the Bylaw shall apply.

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

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

###

DRAFT

Decision Date: \_\_\_\_\_

**AYE:**

**NAY:**

\_\_\_\_\_  
*Signature* *Printed Name*

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*Signature* *Printed Name*

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*Signature* *Printed Name*

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*Signature* *Printed Name*

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*Signature* *Printed Name*

**COPIES TO:** Michael Boynton, Town Administrator  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department Safety Officer  
Gareth Orsmond, Pierce Atwood  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates