

**Tuesday, November 22, 2022**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

<b>Member</b>	<b>Matt Hayes, Chair</b>	<b>Bob Tucker</b>	<b>Jessica Chabot</b>	<b>Sarah Raposa</b>	<b>Tom Gay Assoc. member</b>
<b>Attendance</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>Absent with Notice</b>

**PRESENT:**

Barbara J. Saint Andre, Director of Community and Economic Development (via Zoom)  
Susan E. Affleck-Childs, Community and Economic Development Coordinator

The meeting was called to order by Chair Hayes at 7:00 pm

There were no Citizen Comments.

**Public Hearing Continuation 16 Holliston Street – Sanderson View:**

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

- Notice dated 11-9-22 to continue the public hearing to the 11-22-22 PEDB meeting
- Email dated 11-15-22 from applicant Cam Bagherpour requesting continuation of the hearing to the 12-13-22 meeting.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted unanimously to continue the hearing to December 13, 2022 at 7:00 pm.**

**Medway's New Building Commissioner:**

The Board was introduced to the newly appointed Building Commissioner Jonathan Ackley who was present to meet the Board. He indicated he had been provided with an update on the recent projects. He previously worked in the Town of Norfolk. He is familiar with the Town's online permitting program as it is the same one used in Norfolk. The inspectional services office continues to process the online applications. The Department is currently doing about 6-10 inspections a day. The Department is also getting the Annual Inspections ready for approval. Mr. Ackley is also eager to provide input on any proposed warrant articles for zoning bylaw amendments.

**Masters Touch – 83 Main Street:**

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

- Notice to continue the public hearing for 83 Main Street site plan to the 11-22-22 meeting.
- Request for extension of PEDB Action Deadline from Jacob Gadbois, dated 11/15/22

- Email from Jacob Gadbois requesting a continuation of the public hearing to January 2023

The Board was made aware that both a continuation and extension were requested for Masters Touch.

**Continuation:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to continue the hearing to January 10, 2023.**

**Extension of Action Deadline:**

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to extend the action deadline permit to January 31, 2023.**

**Newton Lane – Release of Performance Security**

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

- As Built/Street Acceptance Plan dated 10-7-22
- Excerpt from subdivision plan showing Open Space Parcel A
- Tetra Tech email dated 10-11-22 on the 10-7-22 As-Built Street/Acceptance Plan
- 10-18-22 memo from Select Board to Town Clerk to confirm its vote to lay out Newton Lane as a Town street
- Conservation Commission Certificate of Compliance
- Email from KP Law attorney Lee Smith.

The Board was informed that there are a few remaining issues. Town Meeting voted to accept the street at the November 14, 2022 town meeting. The Board is in receipt of an email from KP Law Attorney Lee Smith. It was recommended that the Board hold off on the release of the performance security until all easement details are resolved. This will be placed on the December 13, 2022 agenda.

**Evergreen Village Bond Reduction:**

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

- Evergreen Village Punch List by Tetra Tech dated 11/10/22
- Bond estimate by Tetra Tech dated 11/10/22
- Evergreen performance security agreement dated 1/11/22

Developer Maria Varrichione was present. It was explained that the performance security amount is \$99,056. Staff recommends releasing \$59,056. This would leave \$40,000 in the account, the minimum amount the Board requires before project completion and full release.

**On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted unanimously to reduce the bond for Evergreen Village to \$40,000.00.**

**Construction Reports**

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

- 288 Village Street Field Report #4 Tetra Tech, dated 10/28/22
- William Wallace Village Field Report #38 by Tetra Tech dated 11/11/22

## **PEDB MEETING MINUTES:**

### **November 8, 2022**

**On a motion made by Sarah Raposa, seconded by Bob Tucker, the Board voted to approve the minutes from the November 8, 2022 meeting.**

### **Town Meeting Debrief:**

The Town Meeting on November 14, 2022 went very smooth. The Master Plan was approved at Town Meeting.

## **Public Hearing Continuation – 2 Marc Road – Comm Can:**

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

- Notice of Public Hearing continuation dated 11/9/22
- Revised Site Plan submittal letter dated 10/26/22 from Legacy Engineering
- Revised Site Plan dated 10/26/22 by Legacy Engineering
- Sidewalk Construction estimate from Tetra Tech dated 10/24/22
- REVISED draft decision dated 11/17/22

The Board is in receipt of the most recently revised draft decision. The applicant's representative Dan Merrikin and applicant Ellen Rosenfeld were present. Mr. Merrikin informed the Board that their odor consultant will be meeting on site with abutter Mr. John Lally. It was also communicated that the applicant remains diligent in making sure all items are addressed. The Board was informed that the Conservation Agent requested the relocation of the proposed dumpster enclosures and this change is reflected in the revised plan set. This was placed to the back wall of the building to minimize work around the perimeter of the driveway. There was also an update to the fire circulation plan demonstrating that the location will not interfere with fire truck movement.

Mr. Lally was present via Zoom. He noted the odor mitigation letter dated October 11, 22 item #2. This section was read by the abutter. He was questioning the processing area and ways to mitigate.

All were informed that odor mitigation requirements were included within the decision. Language was added to include the operation and maintenance plan for stormwater within the plan set as recommended by Stephanie Carlisle. There will be money placed into the sidewalk fund in lieu of sidewalk construction. The applicant is fine with the recent revisions.

### **Marijuana Special Permit:**

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to approve modifying the marijuana special permits for Comm Can.**

**Modification to approved Site Plan:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to approve the modification of the site plan for Comm Can.**

**Groundwater Protection Permit:**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to approve modifying the Groundwater Protection Permit.**

**Wingate Farm Modification:**

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

- Modified Wingate Farm subdivision plan dated 9-30-22
- Tetra Tech review email dated 10-7-22
- DRAFT new subdivision covenant
- Wingate Farm subdivision modification decision dated 9-27-22

The Board was made aware that the various legal documents have been provided and reviewed by Town Counsel. It is recommended that the Board endorse the plan and sign the covenant.

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to endorse the modified subdivision plan for Wingate Farm.**

**On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to sign the covenant for Wingate Farm.**

**Site Plan Rules and Regulations:**

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

- Proposed draft amendments to the Site Plan Rules and Regulations dated 11/18/2022.

The Board began to review a draft of possible revisions to the Site Plan Rules and Regulations:

- The purpose section was revised and updated
- A definition was added for development project.
- There will be further discussion about site plan review for redevelopment/virgin sites. Suggestion to classify renovation activities.
- There were revisions to the components of the development impact assessment
- For the traffic assessment study section – suggested that more flexibility be provided. There was a question about how the 20 spaces were determined.
- It was suggested to consolidate the environmental impact assessment and include noise and odor reports.
- Neighborhood mitigation was added.
- The stormwater section was refined based on information from Stephanie Carlisle.
- A suggestion was made that smaller projects under 1 acre have a mini SWPPP for construction. There was a question about what enforcement will look like.



- The section on earth removal needs further discussion. Susy will talk with Bridget Graziano and Stephanie Carlisle about this.
- The landscape inventory section should eliminate the pines and look primarily at hardwoods. The diameter should be 15. The inventory should be done within 90 days.
- There should be language about the landscape plan being done by other professionals such as architects or engineers with landscape design experience.

**NEXT MEETING:**

- December 13, 2022

**ADJOURN:**

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 9:00 p.m.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**83 Main Street – Masters Touch**

- Notice to continue the public briefing for 83 Main Street site plan to November 22, 2022
- Request for Extension of PEDB Action Deadline from Jacob Gadbois, dated 11/15/2022
- Email from Jacob Gadbois requesting a continuation of the public briefing to January 2023

## Board Members

Matthew J. Hayes, P.E., Chair  
Robert Tucker, Vice Chair  
Sarah Raposa, A.I.C.P., Clerk  
Jessica Chabot, Member  
Thomas Gay, Associate Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK  
NOV 10 '22 PM 3:49

## MEMORANDUM

November 9, 2022

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Briefing Continuation for Master's Touch Site Plan, 83 Main Street**  
**Continuation Date – Tuesday, November 22, 2022 at 7:15 p.m.**

At its October 25, 2022 meeting, the Planning and Economic Development Board voted to continue the public briefing on the application of Master's Touch of Holliston, MA for approval of a minor site plan for redevelopment of 83 Main Street to the Board's meeting on Tuesday, November 22, 2022 at 7:15 p.m. at Medway Town Hall, 155 Village Street. The meeting will also be available via Zoom.

The applicant proposes to improve and expand the existing building, renovate the building façade, construct a new building at the back of the site for storage, and add a series of site improvements to the property at 83 Main Street. Planned site work includes construction of a paved parking area, driveway extension, stormwater management facilities, and a second curb cut on Main Street. The property will be used by Master's Touch, a custom home design build construction and remodeling firm, for its offices, showroom, and storage.

The subject property (Map 40, Parcel 79) is owned by DEM Realty Enterprises, LLC of Holliston, MA. It is located in the Central Business zoning district on the south side of Main ST (Route 109).

The application documents and site plan are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The documents are also posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/masters-touch-site-plan-83-main-street>

The Applicant plans to revise the site plan to resubmit to the Board for further review. Upon receipt, we will upload it to the web site and inform you.

Please do not hesitate to contact me if you have any questions at 508-533-3291. Thanks.

**Request for Extension of Deadline**  
**for Action by the**  
**Medway Planning & Economic Development Board**

The undersigned Applicant (or official representative) requests an extension of the deadline for action by the Planning and Economic Development Board on the application of Master's Touch for:

☐ *ANR (Approval Not Required/81P Plan)*

☐ *Preliminary Subdivision Plan*

☐ *Definitive Subdivision Plan*

☒ *Site Plan Application (or modification)*

☐ *Scenic Road Work Permit Application*

☐ *Special Permit Application*

☐ *Land Disturbance Permit Application*

☐ *Other*

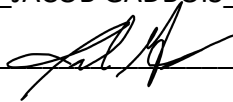
for the development project known as: Master's Touch

address of project: 83 Main Street

to the following date: \_\_\_\_\_1/31\_\_\_\_\_

*Respectfully submitted,*

Name of Applicant or official representative: \_\_\_\_\_JACOB GADBOIS\_\_\_\_\_

Signature of Applicant or official representative: \_\_\_\_\_\_\_\_\_\_

Date: 11-15 \_\_\_\_\_

\*\*\*\*\*

Date approved by Planning and Economic Development Board: \_\_\_\_\_

New Action Deadline Date: \_\_\_\_\_

## Susan Affleck-Childs

---

**From:** Jacob Gadbois <jake@masterstouchweb.com>  
**Sent:** Monday, November 14, 2022 11:13 AM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre; Matthew Hayes  
**Subject:** [External] RE: Master's Touch

Hi Susan,

We will need to continue our hearing as usual please. The new zoning regs are almost an insurmountable hurdle in the design process now and it is taking a bit more time than expected.

### Jacob Gadbois, PMP

Program Manager  
Masters Touch Design Build  
24 Water Street  
Holliston, MA 01746  
P. 508-359-5900 x 219

We Build Trust.

[www.masterstouchweb.com](http://www.masterstouchweb.com) | [MTDB on Facebook](#) | [Blog](#) | [MTDB on Houzz](#) | [MTDB on YouTube](#)

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Monday, November 7, 2022 12:36 PM  
**To:** Jacob Gadbois <jake@masterstouchweb.com>; Doug Masters <doug@masterstouchweb.com>  
**Cc:** Daniel Merrikin <dan@legacy-ce.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Matthew Hayes <hayes7000@msn.com>  
**Subject:** Master's Touch

Hi,

You are scheduled to meet with the Planning and Economic Development Board on Tuesday, November 22. Any submittal of a revised plan needs to be here by November 8<sup>th</sup>. Is that going to happen? What is your timetable.

Please advise.

Thanks.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291





**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Hartney Acres Bond Release**

**Hartney Acres Performance Security History**

- |            |   |
|------------|---|
| 11-8-2005  | Account established at Medway<br>Cooperative Bank - \$93,649.80 |
| 10-30-2007 | Board reduced amount to \$36,414                                |
| 10-31-2022 | Balance is \$37,287.40  |
| 11-14-22   | Town meeting approves street acceptance                         |
- Email dated 11-18-22 from KP Law attorney Lee Smith recommending the Board hold off on release of the Hartney Acres performance security until all easement details are resolved.

NOTE – On 11-21, I informed Paul Yorkis of the status and that the Board would not be acting on the refund at its 11-22-22 meeting.

## Susan Affleck-Childs

---

**From:** Lee S. Smith <LSmith@k-plaw.com>  
**Sent:** Friday, November 18, 2022 3:05 PM  
**To:** Susan Affleck-Childs  
**Cc:** Barbara Saint Andre; Shirin Everett  
**Subject:** [External] FW: Medway - Newton Lane (Hartney Acres subdivision) legal documents

Hi Susy,

I'm back from medical leave and will handle this matter. I recommend that any release of performance security for this project be deferred until the acceptance of the way and related easements has been completed, including the recording of necessary easements in favor of the Town. I should be able to complete my review of the matter within the next few days.

-Lee

Lee S. Smith, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1809  
C: (617) 699 2935  
F: (617) 654 1735  
[lsmith@k-plaw.com](mailto:lsmith@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

---

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Sent:** Friday, November 18, 2022 11:42 AM  
**To:** Shirin Everett <[SEverett@k-plaw.com](mailto:SEverett@k-plaw.com)>  
**Cc:** Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>  
**Subject:** Medway - Newton Lane (Hartney Acres subdivision) legal documents

Hi Sherrin,

I am writing to check in with you regarding the status of your review of the various documents related to Newton Lane/Hartney Acres subdivision. The 11-14-22 Medway Town Meeting did vote to accept Newton Lane as a town street.

The Planning and Economic Development Board is scheduled to consider release of performance security for this development at its 11-22-22 meeting and the Board needs to know if the documents are in order before it votes.

Thanks for your help,

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway



155 Village Street  
Medway, MA 02053  
508-533-3291





**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Evergreen Village Bond Reduction**

- Evergreen Village Punch List by Tetra Tech dated 11/10/2022
- Bond estimate by Tetra Tech dated 11/10/2022
- Evergreen performance security agreement dated 1/11/2022

Developer Maria Varrichione is working toward project completion and has requested a bond reduction.

The Evergreen Village performance security amount is \$99,056. The account was established in January, 2022.

The Evergreen performance security agreement authorizes the PEDB to reduce the amount up to 3 times but not below \$40,000.

I recommend the Board authorize release of \$59,056 +/- of the Evergreen performance security funds.


---

**To:** Susan Affleck-Childs – Medway Planning and Economic Development Board (PEDB) Coordinator

---

**Cc:** Bridget Graziano – Medway Conservation Agent  
Peter Pelletier – Medway DPW Director  
Maria Varrichione – Applicant

---

**From:** Steven M. Bouley, P.E.   
Tucker D. Paradee, E.I.T.

---

**Date:** December 14, 2021  
(revised January 11, 2022)  
(revised November 10, 2022)

---

**Subject:** Evergreen Village Bond List

---

On December 9, 2021 at the request of the Medway PEDB, Tetra Tech (TT) conducted a punch list inspection of the Evergreen Village Project located at 22 Evergreen Street in Medway, MA. A Bond List and Estimate were generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items which remain to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Evergreen Village, 22 Evergreen Street, Medway, Massachusetts", dated September 5, 2019, revised April 6, 2020, prepared by Ronald Tiberi, P.E.
- A Major Site Plan Decision (Decision) titled "Multi-Family Housing Special Permit and Major Site Plan Decision, Evergreen Village – 22 Evergreen Street" dated April 7, 2020.

TT 1/11/22 Update: TT visited the site on January 10, 2022 to conduct an inspection of the site to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

**TT 11/10/22 Update:** TT visited the site on November 7, 2022 to conduct an inspection of the site to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

### **Outstanding Minimum Infrastructure Items (Pursuant to Section VIII.N.a-g of the Project's Decision)**

These items are not included in the bond estimate as they must be completed prior to implementation of bonding for the Project and subsequent authorization of an occupancy permit for units in the first triplex building (Units 4, 5, and 6).

- ~~2. Install regulatory signs as specified on the approved Plans.~~
- ~~4. Provide as-built information for the Drainage System for review. Can be provided in draft form to confirm critical elevations are consistent with the approved Plans. Full as-builts will be required at the completion of the Project.~~

**TT 11/10/22 Update: As-built of the Project has been provided for review. Review of that item will be tracked separately. In our opinion, this item is resolved.**

5. Confirm with Medway DPW that provisions for fire prevention and protection have been installed and functional for Units 4, 5, and 6. **TT 11/10/22 Update: We recommend the Applicant provide written confirmation from Medway DPW and Fire Department regarding their acceptance of the fire protection systems for the Project.**

### **Items to be Completed**

6. Install proposed curbing and edging along Balsam Way. **TT 11/10/22 Update: Proposed bituminous concrete berm and vertical granite curb have been installed. However, berm does not align with granite curbing at the material transition. The curbline shall match what is shown on the approved plans.**
- ~~8. Adjust all drain and utility castings to finish elevation.~~ **TT 11/10/22 Update: Top course has been installed for Balsam Way with all drainage and utility castings adjusted to meet finish grade. Elevations to be confirmed with final as-built plan.**

- ~~9. Install top course for Balsam Way and driveways. TT 11/10/22 Update: The Applicant installed top course without notifying TT for inspection. The paving slips provided show approximately 54 ton was installed along the roadway and driveways. Additionally, the roadway was paved to a 19-foot width which does not meet the 22-foot width shown on the approved plans.~~
- ~~11. Install mail kiosk and mailbox enclosure.~~
- ~~12. Install landscaping, screening and loam and seed. TT 11/10/22 Update: Proposed landscape plantings have been installed throughout the entire property. However, loam and seed remain to be installed at the back of curb.~~
- ~~13. Install garden path at the end of Balsam Way. TT 11/10/22 Update: This item was removed from the approved plans by field change at the PEDB hearing on November 8, 2022. In our opinion, this item is resolved.~~
- ~~15. Install remaining signage and stop lines (top course).~~

#### **Inspection/Maintenance**

16. Provide snow plowing throughout the paved area of the Project. Assume one (1) year of plowing.
17. Perform street sweeping in the Spring and Fall. Assume one (1) year of street sweeping.
18. Clean stormwater infrastructure within the paved area. Assume one (1) cleaning of all catch basins and water quality units per year for one (1) year.
19. Clean infiltration system isolator row downstream of catch basins and water quality units. Assume one (1) cleaning for one (1) year.
20. Perform erosion control maintenance. Assume two (2) new silt sacks for each catch basin per year for one (1) year.
21. Remove erosion controls within limit of work as directed by Medway Conservation Commission.

#### **Administrative**

22. Provide documentation from the engineer of record that the subsurface infiltration basins have been constructed according to the endorsed Plans and whether they are functioning properly.
- ~~23. Provide as-built plans of the Project. TT 11/10/22 Update: As-built of the Project has been provided for review. Review of that item will be tracked separately. In our opinion, this item is resolved.~~

#### **Regulatory Administrative (Other Boards/Commissions)**

24. Install conservation markers. (Conservation Commission)

#### **Additional Items**

25. There are several small diameter conduits exposed adjacent to the electric transformer. The conduit should be terminated in a handhole.
26. Surplus decking stacked adjacent to the rear of Unit 3 and should be removed.
27. Install light fixtures on light poles. It is our understanding these have been ordered and are on back order.
28. Provide confirmation that stormwater system was recently inspected and cleaned.

These comments are offered as guides for use during the Town's review. In addition to this list, we recommend the Applicant conduct their own evaluation of the site to ensure all items included on the approved documents are completed to the satisfaction of the engineer of record for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

**TETRA TECH**

**Bond Estimate  
Evergreen Village  
Medway, Massachusetts  
November 10, 2022**

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST <sup>1</sup>	ENGINEERS ESTIMATE
001	Mobilization (3% of Const. Cost)	1	LS	\$400.00	\$400
002	Granite Curb Type VA4 - Curved	0	FT	\$75.00	\$0
003	Granite Curb Type VA4 - Straight	0	FT	\$66.00	\$0
004	Adjust Drain Castings	0	EA	\$500.00	\$0
005	Adjust Water Gate Box	0	EA	\$285.00	\$0
006	Top Course	10	TON	\$135.00	\$1,350
008	Garden Path	0	LS	\$2,500.00	\$0
009	Landscaping	0	LS	\$20,000.00	\$0
010	Electrical Conduit and Wiring	0	LS	\$5,000.00	\$0
011	Loam Borrow	10	CY	\$70.00	\$700
012	Seeding	50	SY	\$3.00	\$150
013	Jute Mesh for Stabilization	0	SY	\$6.18	\$0
014	Signage	0	EA	\$125.00	\$0
015	Striping	0	LS	\$1,000.00	\$0
016	Conservation Bounds	6	EA	\$750.00	\$4,500
017	Snow Plowing <sup>2</sup>	1	LS	\$500.00	\$500
018	Street Sweeping <sup>2</sup>	1	LS	\$500.00	\$500
019	Clean Catch Basins/WQ Units <sup>2</sup>	3	EA	\$250.00	\$750
020	Maintain Infiltration System <sup>2</sup>	1	LS	\$1,000.00	\$1,000
021	Maintain Silt Sacks <sup>2</sup>	4	EA	\$150.00	\$600
022	Remove Erosion Controls	1	LS	\$2,500.00	\$2,500
023	Legal/Engineering Services	0	LS	\$6,000.00	\$0
024	As-Builts	0	LF	\$5.00	\$0

**Subtotal** \$12,950  
**25% Contingency** \$3,238  
**Total** \$16,188

**Notes:**

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 11/2021 - 11/2022. Items highlighted in gray have changed since our previous estimate.

<sup>2</sup>This item will remain in the estimate until the Project is entirely complete and occupancy is granted to all units.

**Town of Medway  
Planning and Economic Development Board**

**Agreement for Deposit of Money to Secure Performance**

This performance Agreement is entered into this 11th day of January, 2022, between the Town of Medway, acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Broken Tree, LLC, a Massachusetts limited liability company (hereinafter referred to as "the Applicant") with a usual place of business and address of P.O. Box 5, Medway, MA, 02053, to secure the completion of site improvements as shown on an approved site plan described below for the development of a six-unit, residential condominium community at 22 Evergreen Street, to be known as Evergreen Village, with unit addresses on Balsam Way, a permanent private way.

WHEREAS, on April 7, 2020, after a duly noticed public hearing, the Board issued a Multi-Family Housing Special Permit and Site Plan Decision to Sampson Pond, LLC for "Evergreen Village", prepared by Ron Tiberi, P.E. of 9 Massachusetts Avenue, Natick, MA 01760, dated September 5, 2019, last revised April 6, 2020 (hereinafter referred to as "the Site Plan") and endorsed its approval on said plan on August 11, 2020; and

WHEREAS, the Board's Special Permit/Site Plan Decision requires the Applicant to post a performance guarantee if an occupancy permit is sought before all approved site improvements are completed; and

WHEREAS, the Applicant has decided to secure the completion of site improvements by means of providing the sum of \$99,056 Dollars, said amount based on the estimate provided by the Town's Consulting Engineer dated January 11, 2022 and approved by the Board on January 11, 2022.

NOW, THEREFORE, the parties agree as follows:

1. The Applicant hereby binds and obligates itself, its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$99,056.00 and will secure this obligation by depositing with the Town of Medway Treasurer a deposit of money in the above sum to be deposited in an escrow account in the name of the Town of Medway. The deposit of money to be used to secure the performance by the Applicant of all conditions, agreements, terms and provisions contained in the Board's Special Permit/Site Plan Decision; all conditions subsequent to approval of the site plan due to an amendment, modification or revision to the Site Plan; and all of the provisions set forth in this Agreement and any amendments thereto (hereinafter the "Approval Documents").
2. The Applicant shall complete the construction and installation of site improvements no later than June 21, 2024. Said date is three years from the date of the Board's endorsement of the Site Plan (8-11-20) plus an additional 305 days pursuant to the permit tolling provisions of Chapter 53 of the Acts of 2020, as amended by Chapter 201 of the Acts of 2020 adopted in response to the Covid-19 pandemic.
3. At the Applicant's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements. In

order to establish the adjusted amount of performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Site Plan that remains unfinished at the time the request is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Applicant fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus, a 30%-contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

4. Upon completion of all obligations as specified herein and as may be included in the Approval Documents, on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Applicant, the Board shall release the Applicant from this Agreement.

5. In the event the Applicant should fail to complete the site improvements as specified in the Approval Documents and within the time herein specified, the Board may apply the funds held by the Treasurer of the Town of Medway, in whole or in part, for the benefit of the Town of Medway to the extent of the reasonable costs to the Town of Medway to complete the construction of site improvements as provided in this Agreement. Any portion of the funds that are not applied as set forth above, shall be returned to the Applicant upon completion of the site improvements by the Town of Medway.

6. The Board, after notice to the Applicant and an opportunity for the Applicant to be heard, may rescind its approval of the Site Plan for breach of any provision of this Agreement or any amendments thereof.

7. The Board, at its discretion, may grant an extension of time and/or reduce the amount of the deposited funds and notify the Applicant and the Treasurer of the Town of Medway of any authorized adjustment.

8. The Applicant and the Board agree and understand that the Board will not release the funds in full until the site improvements have been deemed by the Board to be constructed and installed in accordance with the Approval Documents and this Agreement. This Agreement does not expire until the Board releases the funds in full.

9. If a court of competent jurisdiction determines that any provision of this Agreement is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 11<sup>th</sup> day of January, 2022.

**Town of Medway  
Planning and Economic Development Board**

[Signature]

[Signature]

Richard J. DiJulio

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

On this 11th day of January, 2022, before me, the undersigned notary public, personally appeared the following members of the Medway Planning and Economic Development Board, Robert Tucker, Matthew Hayes, Richard DiJulio

proved to me through satisfactory evidence of identification, which was (personal knowledge) (Massachusetts driver's license), to be the persons whose names are signed on the preceding document and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Medway Planning and Economic Development Board.

Morgan Harris

Notary Public

Morgan Harris

My commission expires: September 22, 2028



**MORGAN HARRIS**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
September 22, 2028



**Broken Tree, LLC.**

By: Maria Varrichione

Maria Varrichione

Title/Position: Manager

COMMONWEALTH OF MASSACHUSETTS

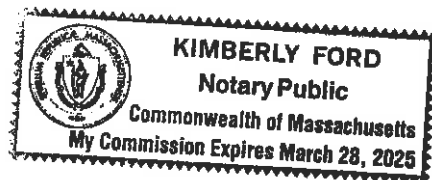
NORFOLK, SS

On this 11<sup>th</sup> day of January, 2022, before me, the undersigned notary public, personally appeared the above-named Maria Varrichione, Manager of Broken Tree, LLC, Applicant or person duly authorized to execute this Agreement on behalf of the Applicant, proved to me through satisfactory evidence of identification, which was \_ (personal knowledge) (Massachusetts driver's license), to be the person whose name is signed on the preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

KJ Ford

Notary Public

My commission expires: 3-28-2025



## ***Appendices***

- A. Evergreen Village Special Permit/Site Plan Decision
- B. SITE IMPROVEMENTS COMPLETION COST ESTIMATE by Tetra Tech

**Board Members**

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Telephone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

April 7, 2020

**MULTI-FAMILY HOUSING SPECIAL PERMIT  
and MAJOR SITE PLAN DECISION  
Evergreen Village – 22 Evergreen Street  
APPROVED with Waivers and Conditions**

**Decision Date:** April 7, 2020

**Name of Applicant/Permittee:** Sampson Pond, LLC

**Address of Applicant:** Sampson Pond, LLC  
PO Box 5  
Medway, MA 02053

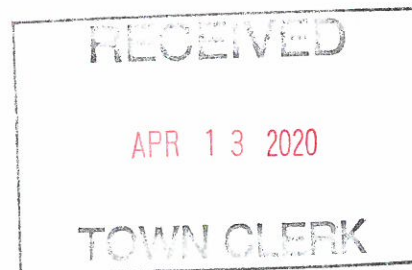
**Name/Address of Property Owners:** John T. Shea III and Cynthia Shea  
9 Pine Ridge Way  
Carver, MA 02330

**Site Plan:** Evergreen Village  
Dated September 2, 2019, last revised February 6, 2020  
Prepared by Ron Tiberi, P.E.  
To be further revised as specified herein

**Location:** 22 Evergreen Street

**Assessors' Reference:** Map 48, Parcel 51

**Zoning District:** Agricultural-Residential II  
Multi-Family Housing Overlay District



**I. PROJECT DESCRIPTION** – The Applicant proposes to develop a 6-unit residential condominium community to be known as Evergreen Village on a 1.44 acre property at 22 Evergreen Street (Assessors Map 46, Parcel 51). The development will include construction of two 3-unit, townhouse style buildings; one affordable housing unit will be provided. Access to the development will be from a new, 150’ long permanent private roadway to be known as Balsam Way off of Evergreen Street. Two existing curb cuts will be removed. A total of 12 off-street garaged parking spaces (2 per dwelling unit) will be provided plus there will be additional driveway parking for two vehicles per unit for a total of 24 parking spaces. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services in Evergreen Street. Evergreen Street is a designated Medway Scenic Road. Construction work in the Town’s Evergreen Street right of way to create the new curb cut involves reconstructing portions of the existing stone wall along Evergreen Street and pruning and grading around a 32” oak tree.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”), site plan review and approval pursuant to Section 3.5 of the *Bylaw* and the Board’s *Site Plan Rules and Regulations* as amended December 3, 2002, and a Scenic Road Work Permit pursuant to the Board’s *Scenic Road Work Rules and Regulations*. The property includes wetland resources and is therefore under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance Permit pursuant to Medway General Bylaws, Article XXVI.

**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”), at a special meeting held on April 7, 2020, on a motion made by Richard Di Iulio and seconded by Robert Tucker, ***voted by roll call to APPROVE with CONDITIONS a Multi-Family Housing Special Permit to Sampson Pond, LLC of Medway, MA (hereafter referred to as the Applicant or the Permittee) and to APPROVE with WAIVERS and CONDITIONS as specified herein, a site plan for the development of a six unit, multi-family townhouse condominium community and associated site improvements on the property at 22 Evergreen Street as shown on the plan titled EVERGREEN VILLAGE, dated September 2, 2019, last revised February 6, 2020, to be further revised as specified herein before endorsement and recording.***

The motion was approved by a vote of four in favor and one opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	AYE
Matthew Hayes	AYE
Thomas A. Gay	AYE
Andy Rodenhiser	NAY
Robert Tucker	AYE

## **II. PROCEDURAL HISTORY**

- A. September 4, 2019 – Scenic Road work permit application filed with the Town
- B. September 16, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk.

- C. September 17, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. September 19, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. October 1, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- F. September 23 and October 1, 2019 - Public hearing notice advertised in *Milford Daily News*.
- G. October 8, 2019 - Public hearing commenced. The public hearing was continued to November 12 and December 10, 2019 and to January 28, February 25, March 5, March 18, March 24, and April 7, 2020 when a decision was rendered, and the hearing was closed.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The various applications for the proposed multi-family development at 22 Evergreen Street included the following plans, studies and information that were provided to the Board at the time the application was filed:
  - 1. Multi-Family Housing Special Permit application dated September 4, 2019.
  - 2. Major Site Plan application dated September 4, 2019.
  - 3. Scenic Road Work Permit application dated September 2019
  - 4. Project Narrative received September 4, 2019
  - 5. Requests for Waivers from *Site Plan Rules and Regulations* dated September 4, 2019 prepared by Ron Tiberi, P.E. of Natick, MA
  - 6. *Evergreen Village* site plan dated September 5, 2019 prepared by Ron Tiberi, P.E. of Natick, MA
  - 7. Certified Abutters List from Medway Assessor's office dated August 27, 2019
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. REVISED Project Narrative dated November 2019, received November 26, 2019
  - 2. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated November 20, 2019 prepared by Ron Tiberi, P.E.
  - 3. *Evergreen Village* site plan dated September 5, 2019, REVISED November 20, 2019 and February 6, 2020, prepared by Ron Tiberi, P.E. of Natick, MA
  - 4. Building Elevations dated September 23, 2019 by Daniel Lewis, Architect of Northborough, MA
  - 5. REVISED Building Elevations dated October 28, 2019 by Daniel Lewis, Architect
  - 6. REVISED Building Elevations and Floor Plans dated November 15, 2019 by Daniel Lewis, Architect
  - 7. Response letters dated December 17, 2019 and February 27, 2020 from project engineer Ron Tiberi to plan review letters from Tetra Tech
  - 8. Proposed Site Landscape Plan dated September 2, 2019 by WDA Design Group, Westborough, MA, last revised January 21, 2020

9. Proposed Site Lighting Plan dated March 14, 2019 by WDA Design Group last revised November 25, 2019.
  10. March 25, 2020 email from Maria Varrichione agreeing to a \$7,874 payment (to the Town's Sidewalk Fund) in lieu of sidewalk construction along the project site's Evergreen Street frontage.
  11. April 4, 2020 email from Maria Varrichione regarding affordable housing requirements.
  12. Updated landscape design plans, Sheets L1 – L3 dated April 2, 2020 by McCarty Engineering of Leominster, MA.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. PGC Associates plan review letters dated October 3 and December 4, 2019 and an email dated March 3, 2020
  2. Tetra Tech plan review letters dated October 7 and December 19, 2019 and March 3, 2020
  3. Email communication dated October 2, 2019 from Fire Chief Jeff Lynch
  4. Email and letter dated October 8, 2020 from Jessica and John Grimes of 1 Royal Heights Drive
  5. Email communications dated February 27, 2020 and March 17, 2020 from Medway Police Sergeant Jeffrey Watson
  6. Tree replacement calculation notes dated March 6, 2020 prepared by Planning and Economic Development Coordinator Susan Affleck-Childs
  7. Order of Conditions and Land Disturbance Permit issued by the Conservation Commission on February 17, 2020
  8. Sidewalk construction estimates prepared by Tetra Tech, dated March 19, 2020, revised March 25, 2020.

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Commentary provided throughout the public hearing process.
- Ron Tiberi, PE, project engineer for the Applicant - Commentary provided throughout the public hearing process
- Maria Varrichione, Applicant

***Abutter Comments During the public hearing***

- Resident at 7 Cottage Street
- Shelley Pacitto, 19A Evergreen Street
- Wallace and Christine Long, 19B Evergreen Street
- Jessica Grimes, 1 Royal Heights Drive
- Kathleen Murray, 17A Evergreen Street
- Marcy Keith, 3 Cottage Street
- Mr. Murray, 17B Evergreen Street

**VI. FINDINGS** - The Board, at its meeting on April 7, 2020, on a motion made by Robert Tucker and seconded by Tom Gay, voted to approve the following **FINDINGS** regarding the SPECIAL Permit, Site Plan, and Scenic Road Work Permit for the proposed multi-family development at 22 Evergreen Street. The motion was approved by a roll call vote of four in favor (Di Iulio, Gay, Hayes and Tucker) and one opposed (Rodenhiser)

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

Applicability

- 1) Location - *The site is within the Multi-Family Housing Overlay District (Section 5.6.4) and thus is eligible for the multi-family housing proposal.*
- 2) Traffic capacity – *Evergreen Street is a local street connecting Pond Street with Cottage Street and has sufficient capacity to handle the traffic from the 6 units that are proposed. The 6 units do not rise to the level of triggering the requirement for preparation of a traffic study. Previously, the property included a two-family house so there is a net increase of 4 dwelling units.*
- 3) Parcel size & frontage – *The site consists of 1.44 acres (66,534 sq. ft.) which exceeds the minimum area requirement of 22,500 sq. ft. for the underlying Agricultural Residential II zoning district. The site has 171 ft. of frontage on Evergreen Street, so it meets the minimum 50-foot frontage requirement of Section 5.6.4.B(1) of the Bylaw.*

Dimensional Requirements

- 4) Dimensional Adjustments – *The dimensional requirements of the underlying Agricultural Residential II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The revised plan dated February 6, 2020 shows a front building setback of 35 feet from Evergreen Street; the minimum front setback for the AR-II district is 35. The plan shows side and rear setbacks of 15 feet where the minimum required is 15 feet. The plan indicates that the project complies with maximum building coverage requirements (16.5% provided vs. 30% maximum allowed). There are no impervious standards for the AR-II district; the site will be 29% impervious upon completion of the building and site improvement construction. No dimensional adjustments are needed.*
- 5) Building Height - *The height of the six units will be approximately 38 feet, less than the maximum 40 feet allowed.*

Density

- 6) Density – *Pursuant to the Zoning Bylaw in effect at the time of applications, the maximum possible density for multi-family project is 12 units per whole acre. With 1.44 acres, the site could include a maximum possible 12 dwelling units. Because of the extent of wetland resources on the site, only 6 units are workable. Therefore, the project meets the allowed density.*

Special Regulations

- 7) Affordable housing – *With a project size of 6 units, the development must provide 1 affordable housing unit pursuant to Section 8.6.C. of the Bylaw.*

- 8) Open Space - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 75% of the site remaining open due to the extent of the property's wetland resources.*
- 9) Parking spaces - *Two off-street spaces per unit (12 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 24 paved, off-street parking spaces are provided, 2 in each garage and the remaining in the driveways.*
- 10) Town water and sewer service - *The project will be served by Town water and sewer service presently located in Evergreen Street.*
- 11) Number of units - *The number of units proposed (6) is less than the 12-unit maximum possible number of units allowed under the Bylaw for a property of this size.*
- 12) Historic Properties – *At the time of this application, there was not a historic building on the site. However, prior to this application, the older 2-family building and barn were demolished following the completion of the 9-month demolition delay process imposed by the Medway Historical Commission.*

#### Decision Criteria

- 13) Meets purposes of Multi-Family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) provide a diversity of housing types in the form of townhouse style conditions; (2) promote pedestrian oriented development as the subject property is located within an older, walkable neighborhood. It also meets the purpose of the Site Plan Rules and Regulations. The site plan has been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered.*
- 14) Consistent with the Medway Housing Production Plan - *The development meets the HPP's implementation strategy of encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for multi-family housing.*
- 15) Impact on abutting properties and adjacent neighborhoods - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, fencing, a rigorous stormwater management system, and the positive aesthetics of the buildings to be constructed.*
- 16) Variety of housing stock - *The development increases the variety of housing stock in the community by providing a total of six townhouse style condominiums to the town's predominantly single-family detached housing supply...*
- 17) Designed to be reflective of or compatible with the character of the surrounding neighborhood - *The surrounding neighborhood includes a mix of housing types including single family, two-family and multi-family residences. Therefore, the proposed development is compatible with the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA FINDINGS** – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use will not outweigh



its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The Board makes the following findings in accordance with Section 3.4 of the *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *Bylaw*, shall make findings on all of the applicable criteria specified below:

- 1) The proposed site is an appropriate location for the proposed use. *The proposed use is a multi-family development within the Multi-Family Housing Overlay District as approved by Town Meeting. Therefore, the proposed use is in an appropriate location.*
- 2) Adequate and appropriate facilities will be provided for the operation of the proposed use. *As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. The stormwater management system has been designed in accordance with the applicable regulations and been approved by the Conservation Commission.*
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *The proposed use adds 6 residential units on a local street off of Main Street. The development has been reviewed by Police Sergeant Jeff Watson and modifications will be made. As conditioned herein, (Specific Condition J.2) the exit from the site has adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and the Conservation Commission and will not present a hazard to the environment.*
- 4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area. *Evergreen Street has the capacity to handle the traffic from the additional 6 residential units. The entrance has been designed for maximum sight distance so the development will not cause undue traffic congestion or conflicts. As conditioned herein (Specific Condition O), the development is not permitted to have additional resident parking on Evergreen Street.*
- 5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use. *The Applicant has provided documentation reviewed by the Town's Consulting Engineer that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns. A revised photometric plan documents that there is no light trespass off site. Household refuse will be disposed of by individual waste containers for each household. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable environmental impacts.*
- 6) The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. *The proposed use is within the Multi-Family Housing Overlay District. The surrounding neighborhood includes other multi-family buildings in the neighborhood and thus this development will not alter the character of the neighborhood.*

- 7) The proposed use is in harmony with the general purpose and intent of the *Zoning Bylaw*. *The Multi-Family Housing provisions of the Bylaw were specifically established to encourage this type of use subject to certain conditions to limit adverse impacts. The proposed use is in harmony with the general purpose and intent of the Bylaw.*
- 8) The proposed use is consistent with the goals of the Medway Master Plan. *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity.*
- 9) The proposed use will not be detrimental to the public good. *As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed development has reasonable and appropriate density in a suitable location.*

***For all of the above reasons, the Board finds that the beneficial impacts of the proposed 6-unit townhouse condominium development at 22 Evergreen Street outweigh the effects of the proposed use on the Town and neighborhood.***

***SITE PLAN RULES AND REGULATIONS FINDINGS*** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended *December 3, 2002*, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. There is no backing onto a public way from the subject site, and Evergreen Street is adequate to safely handle the additional traffic from the 6 new housing units. 24 off-street parking spaces are provided.*
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The design and materials of the proposed residential buildings are suitable for the site and use. The designs have been reviewed by the Design Review Committee and modified based on its recommendations. The new buildings do not conflict with the other nearby buildings in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings include a residential use so there is no outside storage or large intrusive parking lots. Appropriate vegetation is planned on the perimeter of the property to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveway and are located close to the street. The Fire Chief has reviewed the plans which were modified to address his concerns for suitable turnaround at the end of Balsam Way.*

- 5) Will the 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 the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential development. The project has been reviewed for a Scenic Road Work Permit with suitable conditions imposed to preserve the scenic quality of Evergreen Street.*

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 6 residential units on a local street. As conditioned herein (Specific Conditions J.2 and O) the egress from the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians.*
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *The site includes historic stone walls along the Evergreen Street frontage which are subject to Scenic Road work permit review and protection. A pre-existing building on the premises was demolished prior to this application after completing the 9-month demolition delay order instituted by the Medway Historical Commission.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. Per the photometric plan, there is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should 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. The size of the project has been reduced over the course of review from 7 to 6 dwelling units. The wetland resources are protected through an Order of Conditions issued by the Medway Conservation Commission.*

**VII. WAIVERS** – At its April 7, 2020 meeting, the Board, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted by roll call to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting 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 approved by a vote of four in favor (Di Iulio, Gay, Hayes, and Tucker) and one opposed (Rodenhiser).

## **SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

- 1) **Section 204 – 3. Planning Board Submittals A. 7.** - A written *Development Impact Statement* shall be provided 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 or mitigate adverse impacts.

*The Applicant did not submit a Development Impact Statement with the site plan application due to the relatively small size of the proposed 6-unit condominium development. The submitted Project Narrative provides a brief overview of the project's impacts on the community. A Traffic Impact Assessment is not needed as the small size of the development does not trigger this requirement. **The Board approves this waiver 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.***

- 2) **Section 204 – 4. Standards for Site Plan Preparation, B.** - The site plan shall be drawn at a scale of one (1) inch equals forty (40) feet or such other scale that has been approved in advance by the Planning Board and that clearly and adequately represents the proposed improvements. *The submitted plans are drawn at a scale of 1" = 20 feet. Although this does not meet the standard, the Board's consulting engineer has reviewed the plan and found it to be suitable and sufficient to adequately present the project. **The Board approves this waiver 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.***

- 3) **Section 204 – 5 Site Plan Contents. C. Existing Conditions. 3)** An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a "mapped" overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. *As requested by the Board, a tree inventory was prepared to document the existence of 18 trees more than 18" in diameter scattered throughout the site. It was prepared by applicant Maria Varrichione with assistance from Steve Bevilacqua, a certified arborist with Tree Timber Corporation of Canton, MA. **The Board approves this waiver 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 DEVELOPMENT STANDARDS**

- 1) **Section 205-2 Design Standards**

G. Ground floor facades shall have arcades, display windows, entry areas, canopies, awnings or other such features with pleasing aesthetics along no less than sixty (60) percent of their horizontal length.

H. Buildings shall have architectural features that provide visual interest at the pedestrian scale and incorporate local character with detailing that is conservative in color and has a village feel, thus avoiding massive aesthetic effects.

*These particular design standards were established to apply primarily to commercial development. The building elevations show that the residential units have some of these features, but not along 60% of the façade. This standard is not possible to achieve as the garages comprise at least 50% of the width of each dwelling unit. **The Board approves this waiver 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.***

- 2) **Section 205 – 3 B. Internal Site Driveways 3.** - Driveways should intersect the road at an angle of ninety (90) degrees.

*The Applicant has requested a waiver from this requirement and plans instead to have Balsam Way intersect with Evergreen Street at a ninety-three degree angle. This size variation is slight, is more suitable to the shape of this particular parcel, and aligns better with the site configuration. This has been reviewed by the Board's Consulting Engineer who did not object to this variation. **The Board approves this waiver 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.***

- 3) **Section 205 – 3 D. Sidewalks** - Where no pedestrian ways exist, the applicant shall create pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, and other surrounding uses providing safe access to the nearest existing pedestrian facility or sidewalk.

*The Applicant has requested a waiver from this requirement because there are no sidewalks on Evergreen Street and the surrounding neighborhood does not have sidewalks. However, Section 3.5.4 Procedures for Site Plan Review, I. 3 of the Zoning Bylaw requires the provision of sidewalks along the entire frontage of properties subject to site plan review. As this is a Bylaw requirement and not a Site Plan Regulation, the Board does not have the authority to waive that requirement. Therefore, **the Board denies this Waiver Request. An alternative to sidewalk construction is a Payment in Lieu of sidewalk construction elsewhere in the community which is addressed in Specific Condition #H herein.***

- 4) **Section 205 – 4 Drainage and Stormwater Management. B.** Test pits and percolation tests must be performed to support infiltration calculations and assumptions related to the Stormwater Management Design.

*The Applicant has requested a waiver from the requirement for conducting percolation tests. Instead, test pits and soil evaluations have been performed as per MA Department of Environmental Protection stormwater policy standards and industry norms. Rawls infiltration rates were used for the drainage analysis and stormwater design. The Board's consulting engineer is satisfied that the analysis and design were appropriately developed. **The Board approves this waiver 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.***

- 5) **Section 205 – 6 H. Curbing** – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The Applicant has requested a waiver from the requirement for granite curbing for the roadway and driveways and has proposed the use of bituminous berm instead. This is a residential setting, not a commercial development. Granite curb will be used at the roundings of the new roadway (Balsam Way) into the site from Evergreen Street. The use of bituminous curbing is more compatible with the surrounding neighborhood. There is no curbing at all on adjacent Evergreen Street. ***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.***

- 6) **Section 205 – 6 I. Travel Lanes** - Travel lanes in the parking area shall be a minimum of twenty-four (24) feet wide.

The Applicant has requested a waiver from this requirement and proposes instead to have a 22' wide roadway (travel lane). A reduced roadway width will promote reduced vehicular speed, speed, reduce the amount of impervious surface, lessen the extent of site grading, and contribute to a more compact, village appearance. The Fire Chief has reviewed the plan and has not provided any comments or concerns about the roadway width. ***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.***

- 7) **Section 205 – 9 C. Parking Areas** - Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking lots to provide shading and buffering. At least one deciduous tree of a minimum two and one-half (2 1/2) inches caliper in diameter shall be provided for every six (6) parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. This requirement may be waived in lieu of the preservation of existing trees subject to approval by the Board.

The Applicant has requested a waiver from this regulation to not install shade trees over parking areas. In this project, the “parking areas” are the driveways to each individual dwelling unit. Instead, the Applicant will plant additional trees around the property and along the western boundary of the property as a buffer area as shown on the Landscape Plan. ***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.***

- 8) **Section 205-9. F. Landscaping - Tree Replacement** – The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Board.

*A tree inventory performed by applicant Maria Varrichione and Steve Bevilacqua of Tree Timber Corporation of Canton, MA found that there are 18 trees over 18” in diameter on the 1.44 acre site; one 22” diameter oak tree needs to be removed as part of site preparation. Using the standard formula of tree radius<sup>2</sup> x 3.14 to calculate the amount of tree area, removal of this tree triggers a required total of 380 sq. inches of tree replacement.*

*According to the revised landscape plan dated January 21, 2020, prepared by WDA Design Group of Westborough, MA, 29 new deciduous and evergreen trees of at least 3” caliper*

will be planted. 29 three-inch caliper trees x 7 sq. inches per tree = 203 square inches of tree replacement plantings to be installed throughout the site including the area adjacent to the wetland resource portion of the property. In addition, 110 miscellaneous shrubs will be planted throughout the site along building foundations, in the front lawn area adjacent to Evergreen Street, and along the eastern and western boundaries with adjacent properties to provide suitable screening and buffering. **The Board approves this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.**

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4 (Special Permits) and Section 5.6.4 (Multi-Family Housing), 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 issuance of a special permit and site plan approval is subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The maximum number of dwelling units to be developed under this special permit shall be 6. The maximum number of bedrooms for the development shall be 16.
  2. The tract(s) of land on which this multi-family development will be located shall not be altered or used except:
    - a) as granted by this special permit;
    - b) substantially as shown on the site plan entitled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E to be modified as specified herein; and
    - c) in accordance with subsequent approved plans or amendments to this special permit.
  3. The tract of land and buildings comprising the Evergreen Village development shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan entitled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E including landscape plans by WDA Design Group of Westborough, MA as revised by McCarty Engineering of Leominster, MA, and architectural and building plans by Daniel Lewis Architect of Northborough, MA shall be further revised to reflect all Conditions and required revisions as specified herein, 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".) Upon approval, the

Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All Plan sheets shall be bound together in a complete set.

- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the February 6, 2020 Evergreen Village site plan set shall be revised as follows:
1. Include the list of APPROVED Requests for Waivers. Revise the text size and/or line weight to ensure the Waiver language can be properly read. Remove reference to waivers from Adaptive Use Overlay District regulations.
  2. Revise the signature box to include a line for plan endorsement date
  3. Add a reference to the Stormwater Pollution and Prevention Plan (O & M plan) for Construction to the Plan Index
  4. Include a new plan revision date
  5. Add a Registry box and incorporate whatever other formatting is needed for the plan to be recordable at the Norfolk County Registry of Deeds.
  6. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
  7. Add language for the Town Clerk to document that no appeals were filed.
  8. Add reference to McCarty Engineering of Leominster, MA for landscape plan.
- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the February 6, 2020 Evergreen Village site plan set.
1. Include a sheet providing the Stormwater Pollution Prevention Plan (O & M plan) for Construction.
  2. Detail and notes shall be provided to describe the dimensions and composition of the Garden Path at the end of Balsam Way.
  3. Add a datum reference (NAVD 88) to the plan set.
  4. Depict the location of the official “open space” areas.
  5. Add a Registry box and whatever other formatting is needed on each sheet for the full plan set to be recordable at the Norfolk County Registry of Deeds.
  6. The Cheney Engineering Existing Conditions shall be updated to specify the NAVD 88 benchmark information in NOTES and a revised date.
  7. Information to depict regrading of the land to the west of the proposed roadway to establish better sight distance for egressing traffic.
  8. Add a detail to Sheet D-2 for the stone wall/fence to be installed along the western boundary of the property.
  9. Detail Sheet D-3 shall be revised to delete the detail for bituminous machined berm and replace it with a detail for Cape Cod berm.
  10. The notes on Sheets S-3 and S-4 regarding proposed retaining wall shall be revised to refer to the wall section detail included on Sheet L-1.
  11. The Existing Conditions Plan Sheet S-1 originally dated March 2, 2019 shall be revised to remove the building and barn which have been razed and are no longer located on the premises. The date on Sheet S-1 shall be revised accordingly.
  12. Remove reference to split rail fence wherever it appears in the plan set.



13. Remove the ornamental wall shown for installation on the east side of Balsam Way entrance off of Evergreen Street.
  14. Add the Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020 as a sheet in the plan set. Add this item to the Plan Index on the cover sheet of the plan set.
- E. ***Other Documentation*** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
1. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
  2. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall clearly state that the Evergreen Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Balsam Way), the stormwater management system, and all other infrastructure.
- F. ***Recording of Plans and Documents***
1. The Plan of Record associated with this special permit is titled *Evergreen Village*, dated September 5, 2019, last revised February 6, 2020 prepared and compiled by Ronald Tiberi, P.E including landscape plans by WDA Design Group of Westborough, MA and architectural and building plans by Daniel Lewis Architect,, of Northborough, MA to be further revised as specified herein.
  2. No site preparation shall begin on the site and no building permit shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
    - a) This special permit decision with the Plan of Record endorsed by the Board
    - b) Performance Security Covenant with the Board
  3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.
    - a) Evergreen Village Condominium Master Deed
    - b) Declaration of Trust of the Evergreen Village Condominium Association
  4. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded or supply another alternative verification that such recording has occurred.
- G. ***Open Space/Yard Area***

1. At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the Evergreen Village Condominium Association. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space, subject to plan modification requirements.
- H. ***Sidewalk Construction/Replacement on Evergreen Street*** – Pursuant to Section 3.5.4. I. Procedures for Site Plan Review of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of properties subject to site plan review. The property's frontage along Evergreen Street does not presently include sidewalks and the roadway's narrow width limits its capability to include sidewalks. In lieu of sidewalk construction, the Applicant has agreed to make a payment to the Town's Sidewalk Fund in the amount of \$7,874 as calculated by the Board's Consulting Engineer as the amount needed for the Town to construct 135 linear feet of 5' wide asphalt sidewalk with Cape Cod berm and accessible ramps. The funds shall be held in the Town's Sidewalk Fund for use to construct sidewalks elsewhere in the community. The funds shall be paid to the Town before any occupancy permit is issued by the Building Department.
- I. ***Affordable Housing***
1. In accordance with the *Bylaw*, Section 8.6 Affordable Housing, 1 dwelling unit within Evergreen Village shall be "Affordable" and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to Evergreen Village. To fulfill its affordable housing responsibilities under the *Bylaw*, the Permittee shall provide one affordable housing unit to be located within the first triplex building to be constructed.
  2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Permittee shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Unit as a Local Action Unit on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Permittee shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.
  3. The Affordable Housing Unit shall be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.
  4. One Affordable Housing Unit shall to be located within the development's

first triplex building to be constructed as required by DHCD for approval of the project's LIP application. The location of the affordable housing unit shall comply with the provisions of Section 8.6 Affordable Housing of the *Bylaw*, F. Location and Comparability of Affordable Housing Units. The location and size of the affordable housing unit must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Unit. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, the Permittee shall work diligently with the Town to take any action necessary to ensure the unit is included on the Town's Subsidized Housing Inventory.

5. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the Affordable Housing Unit pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Unit shall be subject to the Regulatory Agreement and shall be sold and resold in accordance with its provisions.
6. The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement and manage the marketing and initial sale of the Affordable Housing Unit. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Unit may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the Evergreen Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.
7. DHCD shall oversee the initial sale of the Affordable Housing Unit pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
8. The ongoing Monitoring Agent for the affordable unit shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Unit.
9. The Evergreen Village Condominium Master Deed and all legal documents related to the Affordable Housing Unit shall include language to specify:
  - a) the unit number of the designated Affordable Housing Unit;
  - b) that the Affordable Housing Unit shall be sold to income eligible persons or households that meet the income restrictions;
  - c) that the local preference criteria for the sale and re-sale of the Affordable Housing Unit shall be in accordance with the

- Massachusetts Department of Housing and Community Development Local Initiative Program or other applicable state housing program
- d) that the Affordable Housing Unit is eligible for inclusion on the Town's Subsidized Housing Inventory;
  - e) that the Affordable Housing Unit is subject to a use restriction; and
  - f) that the Affordable Housing Unit shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.
10. Timing of construction of affordable unit
- a) No building permit for the second building shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
  - b) The occupancy permit for the 4<sup>th</sup> market rate unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds and before the affordable unit is determined to be occupiable by the Building Commissioner.
11. Comparability of construction of affordable housing units
- a) The Permittee shall construct the affordable housing unit to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.
  - b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.
  - c) Product and system warranties for the affordable housing units shall be equivalent to those supplied for market rate units.
- J. **Tree Preservation** – The tree inventory included on the Existing Conditions plan identified a total of 18 trees of 18" or larger in diameter located on the subject property; one 22" tree is approved for removal during construction.
1. The Applicant and its contractors shall not remove any of the remaining 17 trees during site preparation and construction of infrastructure and the buildings.

- a) The 17 trees shall be clearly identified in the field and verified by the Town's consulting engineer before site preparation and construction commences.
  - b) If any of the 17 identified trees are removed or damaged during construction, the applicant shall be responsible for tree restoration by replacing the removed or damaged trees with nursery grade trees on a one (1) square inch per two (2) square inch replacement basis within (1) year after the tree removal or damage has occurred. The one (1) square inch per two (2) square inch replacement amount is calculated by squaring 1/2 the established diameter of each tree that is removed or damaged and multiplying that amount by 3.14 to determine its trunk area (tree radius squared x pi rounded to 3.14). The resulting figure is halved, and that square inch total is the amount of required square inches of the replacement tree(s). A 3" caliper tree equals seven (7) sq. ft. The location of the replacement trees shall be recommended by the applicant and approved by the Planning and Economic Development Board and Tree Warden and may be located off site of the subject premises including on adjacent properties. The restoration shall be verified by the Tree Warden as being fully and skillfully performed. The species of replacement tree(s) shall be reviewed and approved by the Tree Warden, or otherwise will be consistent with the species of the removed *tree(s)*.
  - c) In lieu of tree planting, the applicant may contribute to the Medway Tree Fund in an amount to be determined by the Board upon consultation with the Medway Tree Warden and based on wholesale pricing for 3-inch caliper trees from a reputable area landscape supplier.
2. The Applicant has agreed to prune the 32" tree in the Town's right of way on Evergreen Street. Such pruning shall occur under the guidance of the Medway Tree Warden and Police Department Safety Officer.
- K. **Community Mailbox** - It is anticipated that the U.S. Postal Service will require the use of a standard community mailbox kiosk vs. mail delivery to each individual dwelling unit. Before installation, the Applicant is required to provide the Board with information on the proposed location for such a community mailbox change and the design for a shed enclosure for the kiosk, to be reviewed and approved by the Design Review Committee.
- L. **Ownership/Maintenance of Site Improvements**
1. The stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the property owner. It is the intent of the Board that these facilities shall not be accepted by the Town of Medway.
  2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
    - a) Parking areas
    - b) Stormwater management facilities

- c) Internal Sidewalks
  - d) Snowplowing/sanding
  - e) Landscaping
  - f) Light posts
- M. **Building Permits** - The Board authorizes the Building Department to issue a building permit for the triplex building comprised of units 4, 5 and 6 so that construction can occur during construction of the approved roadway and site infrastructure improvements.
- N. **Occupancy Permits** - Before the Board will authorize an occupancy permit for any of the units in the first triplex building (Units 4, 5 and 6), the following items, at a minimum, must be installed and inspected and approved by the Board:
- a) Roadway area gravel sub-base
  - b) Roadway area binder course
  - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
  - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
  - e) All regulatory signs as specified on the approved Plan.
  - f) Stop line pavement markings if required
  - g) Provisions for fire prevention and protection. Private water main/ service to be constructed, installed and functional.
- O. **Patios** – To not increase stormwater runoff, any future patios shall be fabricated with pervious paving materials.
- P. **Parking** – The plan includes two off-street parking spaces per unit (12 spaces total). Regular on-street parking of the occupants of the dwelling units on Balsam Way and Cottage Street shall not be permitted.
- Q. **Scenic Road Work Permit** – This project is also subject to a Scenic Road Work Permit issued by the Board. As a condition of this Decision, the Permittee shall comply fully with the requirements of that Scenic Road Work Permit.
- R. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- S. **Water Use and Conservation**
- 1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
    - a. private well water for landscape irrigation
    - b. rain-gauge controlled irrigation systems
    - c. low flow household fixtures
    - d. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
  - 2. The Permittee shall not use Town water for irrigation of the site's lawn and

landscaping. A private well may be installed pursuant to application and receipt of necessary permits from the Board of Health.

- T. ***Fire Protection*** – This project is subject to local, state and federal fire codes.
- U. ***Addresses*** – The Balsam Way addresses for the 6 condominium dwellings shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- V. ***Development Signage*** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- W. ***Stormwater Management During Construction*** – Construction is subject to the Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.
  - 1. This document shall be included in all construction contracts, subcontracts and specifications dealing with the proposed work. The applicant shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the Construction Period Operation and Maintenance Plan.
  - 2. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting.
  - 3. Prior to the Pre-Construction Meeting and commencement of any activity on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The location of erosion controls shall be adjusted, if necessary, during the first erosion control inspection.
  - 4. Immediately after installation of erosion controls, the Applicant shall notify the Board's consulting engineer to schedule a follow-up inspection to ensure that erosion controls and limits of work have been properly located and installed. No work shall be conducted until the Board's consulting engineer has inspected and approved the installation of the erosion controls.
  - 5. It shall be the responsibility of the Applicant to conduct monitoring, maintenance and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site. The erosion control measures designated on the site plan shall be considered a minimum standard for compliance.
  - 6. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
- X. ***Stormwater Management - Post Construction***
  - 1. The Applicant shall be responsible for keeping the constructed stormwater

drainage system in a clean and well-functioning condition and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of the Board.

2. The stormwater drainage system, water and sewer systems shall be maintained by the Applicant, its successors and assigns, and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the Operations and Maintenance Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.
4. The applicant shall submit annual reports of inspections and maintenance of all stormwater management structures included in the site plan to the Board and the Medway Department of Public Works Compliance Officer starting one year after the Certificate of Site Plan Completion is issued.
5. In the event a management company is engaged by the owner, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
6. In the event that the Applicant, its successors and assigns, or its agent fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.

- Y. ***Order of Conditions*** – As a component of this development, the Permittee shall comply fully with the Order of Conditions and the associated Land Disturbance Permit issued by the Medway Conservation Commission on March 17, 2020.

### **GENERAL CONDITIONS OF APPROVAL**

- A. The term “Applicant” and “Permittee” as used in this decision and permit refers to the owner, any successor in interest, title or successor in control of the property referenced in the applications, supporting documents and this decision and permit. The Board shall be notified in writing within 30 days of all transfers of title of any portion of the property that take place prior to issuance of a Certificate of Site Plan Completion.
- B. ***Fees*** - Prior to 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 and business licenses.

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

C. ***Other Permits*** – This permit 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.

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 in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries 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 and federal and/or state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
2. Prior to commencing any work on the site, the Permittee shall install a stone construction entrance (tracking pad) not less than 20' wide and not less than 30' in length, of a stone size averaging 1" to 4".
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 (12) 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 Medway General Bylaws and the *Bylaw*, 7.3 Environmental Standards, as may be amended.
9. *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with Storm Water Pollution Plan within the Storm Water Report for Evergreen Village, 22 Evergreen Street, Medway, MA by Ronald Tiberi, dated February 6, 2020.

E. ***Landscape Maintenance***

1. 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.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. The Applicant shall inform snow removal operators of the approved locations for on-site snow storage.

3. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.
- G. ***Right to Enter Property*** – To the extent permitted by law, Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the subject property to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.
- H. ***Construction Oversight*** - Inspection of infrastructure and utility construction, installation of site amenities including landscaping by the Town's Consulting Engineer and review of legal documents by Town Counsel is required. -
1. Construction Account
    - a) 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 bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
    - b) 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.
    - c) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Applicant.
  2. Pre-Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, the site contractors, and Applicant's project engineer for a pre-construction meeting. The construction schedule and procedures for inspections shall be reviewed.
  3. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and the sewer and water connection permits.
  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.

Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

**I. *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.

**J. *Plan Modification***

1. Proposed modifications (not including on-site field changes) to the 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 an approved site plan shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**K. Plan Compliance**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall 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).

**L. Performance Security**

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway, stormwater management facilities and related infrastructure and site improvements as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Plan. The *Covenant* shall specify that no unit may secure a building permit until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway (excluding unit driveways) and all infrastructure including the stormwater management system shall be constructed and all utilities and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The *Covenant* shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.
2. *Alternative Performance Security*
  - a) At such time as the Permittee wishes to secure a building permit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Applicant, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
    - 1) the date by which the Permittee shall complete construction
    - 2) a statement that the agreement does not expire until released in full by the Board
    - 3) procedures for collection upon default.
  - b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate

provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.
4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

M. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause.
2. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and 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.

3. Prior to issuance of the occupancy permit for the sixth dwelling unit, 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 final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- N. ***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.
- O. ***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, 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.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does

so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

**###**



**Medway Planning and Economic Development Board  
Evergreen Village MULTI-FAMILY SPECIAL PERMIT, MAJOR SITE PLAN DECISION  
and SCENIC ROAD WORK PERMIT  
22 Evergreen Street**

*Approved by the Medway Planning & Economic Development Board: April 7, 2020*

*Certified by:* \_\_\_\_\_  
Thomas A. Gay, Clerk

*Copies to:* Michael Boynton, Town Administrator  
Stephanie Carlisle, DPW Compliance Officer  
David D'Amico, Department of Public Works  
Mike Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Erika Robertson, Building Department Compliance Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department  
Maria Varrichione, Sampson Pond LLC  
John and Cynthia Shea  
Ron Tiberi, P.E.  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates

**TETRA TECH**

**Bond Estimate  
Evergreen Village  
Medway, Massachusetts  
January 11, 2022**

Marlborough Technology Park  
100 Nickerson Road  
Marlborough, MA 01752  
Tel 508.786.2200 Fax 508.786.2201

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST <sup>1</sup>	ENGINEERS ESTIMATE
001	Mobilization (3% of Const. Cost)	1	LS	\$2,400.00	\$2,400
002	Granite Curb Type VA4 - Curved	65	FT	\$60.00	\$3,900
003	Granite Curb Type VA4 - Straight	150	FT	\$52.00	\$7,800
004	Adjust Drain Castings	2	EA	\$440.00	\$880
005	Adjust Water Gate Box	1	EA	\$250.00	\$250
006	Top Course	30	TON	\$128.00	\$3,840
007	Privacy Fence	0	FT	\$45.00	\$0
008	Garden Path	1	LS	\$2,500.00	\$2,500
009	Landscaping	1	LS	\$20,000.00	\$20,000
010	Electrical Conduit and Wiring	1	LS	\$5,000.00	\$5,000
011	Loam Borrow	200	CY	\$60.00	\$12,000
012	Seeding	900	SY	\$2.50	\$2,250
013	Jute Mesh for Stabilization	100	SY	\$8.00	\$800
014	Signage	1	EA	\$125.00	\$125
015	Striping	1	LS	\$1,000.00	\$1,000
016	Conservation Bounds	6	EA	\$650.00	\$3,900
017	Snow Plowing <sup>2</sup>	1	LS	\$500.00	\$500
018	Street Sweeping <sup>2</sup>	1	LS	\$500.00	\$500
019	Clean Catch Basins/WQ Units <sup>2</sup>	3	EA	\$250.00	\$750
020	Maintain Infiltration System <sup>2</sup>	1	LS	\$1,000.00	\$1,000
021	Maintain Silt Sacks <sup>2</sup>	4	EA	\$150.00	\$600
022	Remove Erosion Controls	1	LS	\$2,500.00	\$2,500
023	Legal/Engineering Services	1	LS	\$6,000.00	\$6,000
024	As-Builts	150	LF	\$5.00	\$750

**Subtotal** \$79,245  
**25% Contingency** \$19,811  
**Total** \$99,056

Notes:

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 1/2021 - 1/2022. Items highlighted in gray have changed since our previous estimate.

<sup>2</sup>This item will remain in the estimate until the Project is entirely complete and occupancy is granted to all units.



**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Construction Reports**

- 288 Village Street Field Report #4 by Tetra Tech, dated 10/28/2022
- William Wallace Village Field Report #38 by Tetra Tech, dated 11/11/2022

# FIELD REPORT

PROJECT 288 Village Street	DATE 10/28/2022	REPORT NO. 04
LOCATION 288 Village St., Medway, MA	TT PROJECT NO. 143-21583-22012	TT INSPECTOR Tucker Paradee, EIT
CONTRACTOR Tony Leland (Owner/Contractor)	WEATHER A.M. CLEAR P.M.	TEMPERATURE A.M. 40-50 (F) P.M.

## SECTION A: FIELD OBSERVATIONS

1. Silt fence barriers (SFB) remain intact along the southern and western property limits. Contractor has been told to place compost filter socks around the stockpiled material in the northeast portion of the site.
2. Subcontractor (Cataldo) installs binder course asphalt for the proposed parking area and driveway. Prior to paving efforts, contractor placed approximately two feet of gravel subbase which was compacted and fine graded. Saw cuts are made at the intersection of Village St. and along the sidewalk on both sides of the proposed driveway. Cataldo begins installing bituminous concrete asphalt directly behind the development, then works their way around the parking area before doing the driveway. Asphalt is installed at a depth of 2.5 inches (loose) to achieve a depth of 2 inches once compacted. Contractor continuously measures the installed asphalt to confirm the required depth is placed. Temperatures out of the screed range between 280°(F) and 310°(F). Asphalt is continuously compacted with vibratory roller directly after installation.
3. Contractor continues exterior and interior work on the building. Exterior work consists of placing trim boards along the front of the development. Plumbers work to connect utilities for each unit.
4. Roof drains are tied into the subsurface infiltration system (SIS). Rain garden installation anticipated for the Spring.

## SECTION B: SCHEDULE

1. TT will maintain communication with the developer and perform site inspections on an as-need basis.

## SECTION C: NEW ACTION ITEMS

1. N/A

## SECTION D: OUTSTANDING ACTION ITEMS

1. Install silt sacks along Village St. **TT Update: We spoke with the developer about this and due to the potential for flooding Village Street the silt sacks were removed from the scope. In our opinion, this item is resolved.**
2. Place compost filter socks around stockpiled material. **TT Update: Stockpiled material has been removed from the site; therefore, this item is no longer necessary. In our opinion, this item is resolved.**

### CONTRACTOR'S FORCE AND EQUIPMENT

### WORK DONE BY OTHERS

LABOR		EQUIPMENT		DEPT./COMPANY	WORK DESC.
Sup't		Excavator (mini)	1	A Custom Co.	Plumbing & HVAC
Foreman	1	Loader		Cataldo	Paving
Laborers	2	Bulldozer			
Drivers		Tri-Axle Dump Truck		<b>OFFICIAL VISITORS TO JOB</b>	
Operators		Trailer Dump Truck			
Surveyors		Asphalt Paver		NAME	DEPT.
Masons		Roller (static) [vibratory]			
Police Detail		Concrete Truck			

Tetra Tech  
100 Nickerson Road, Suite 200  
Marlborough, MA 01752

# FIELD REPORT

Project William Wallace Village	Date 11/11/2022	Report No. 38
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 1 of 2
Contractor M. Phillips Industries (Site Contractor) Larry Rucci (Developer)	Weather A.M. CLEAR P.M.	Temperature A.M. 59°F P.M.

## FIELD OBSERVATIONS

On Friday, November 11, 2022, Tucker D Paradee, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

### 1. OBSERVATIONS

- A. Dry and firm ground conditions throughout the entire site. Major accumulation of sediment is observed along Sterling circle. Developer has been directed to sweep the roadway effective immediately. Construction materials were observed at multiple locations around the site and in areas where units have been sold and are inhabited. We recommend the developer centralize their material stockpiles away from inhabited units and do a general cleanup of the site since there are residents living in the units.
- B. Silt fence barriers (SFBs) have been removed behind Units 20, 22, and 24 as requested by Medway Conservation. Upon arrival, developer is reinstalling SFBs along the northern and eastern limit of work as to not be encroaching on the wetland buffer zone. Stakes to indicate location of proposed granite wetland buffer markers have been installed. Developer has gained permission from Medway Conservation to clear existing knotweed up to the staked buffer zone to allow for more open space.
- C. Contractor to finish installing roof drainage for Units 14 and 16. Corrugated plastic pipe has been installed in the front of the units with approx. 6" of crushed stone surrounding the pipe. Current efforts are concentrated behind Units 14 and 16 to install proposed roof drain similarly to the installed roof drain in front. A rotary laser level and rod are used to ensure sufficient pitch is achieved during the entire span.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers		Loader	1	Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer	1	Vib. Walk Comp.		
Carpenters	6	Hoeram		Compressor		
Masons		Excavator	2	Jack Hammer		
Iron Workers		Mini-Excavator		Power Saw		
Electricians		Grader		Conc. Vib.		
Flagpersons		Crane		Tack Truck		
Surveyors		Scraper		Man Lift		
Roofers		Conc. Mixer		Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Truck		Compact Track Loader		
		Conc. Pump Truck		Porta-John	2	
		Pickup Truck		Dumpster (15 Yard)	1	
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
RESIDENT REPRESENTATIVE FORCE						
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Tucker D. Paradee, EIT	9:00 A.M. – 10:00 A.M.

NOTE: Please use reverse side for remarks and sketches

Project William Wallace Village	Date 11/11/2022	Report No. 38
Location Village Street, Medway, MA	Project No. 143-21583-19012	Sheet 2 of 2

### **FIELD OBSERVATIONS CONTINUED**

- D. Elsewhere on site, contractor is prepping the sidewalk parallel to Village Street for paving. Walk behind vibratory compactor is used to compact gravel subgrade. Contractor intends to install approx. 3" (loose) of bituminous concrete asphalt to achieve a compacted depth 2.5" and meet existing sidewalk elevations.
- E. As previously mentioned, a crushed stone pad has been placed adjacent to Stormwater Basin #1. The tenant of Unit 20 confirms that he placed the stone pad and is expecting to place a prefabricated shed on top. The Applicant should confirm with Medway PEDB if this is permitted.
- F. Vertical construction and carpentry work is ongoing for Units 14 and 16.

#### **2. SCHEDULE**

- A. Developer/Contractor to install the proposed sidewalk in the next couple of weeks.
- B. Developer/Contractor to install loam and seed once the weather permits it.
- C. TT will maintain communication with contractor and will inspect the site on an as-need basis.

#### **3. NEW ACTION ITEMS**

- A. Developer to sweep Sterling Drive at the earliest convenience.
- B. We recommend an overall cleaning and organization of the site to help protect residents who currently live in the construction zone.

#### **4. PREVIOUS OPEN ACTION ITEMS**

- A. Repair fallen sections of SFB along the southeast portion of the site. **TT Update: During the inspection, developer is reinstalling SFBs along the eastern limit of work. This item will remain open until sufficient installation is confirmed.**
- B. Reshape riprap in Stormwater Basin #1 to promote positive flow from roof drain. **TT Update: It appears the riprap apron has been reformed to allow for positive flow from the outlet. In our opinion, this item is resolved.**
- C. Install proposed FES for drainage outlets.
- D. Remove vegetation, trash, and construction materials from riprap drainage outlets.
- E. Install roof drain overflow for Units 20, 22, and 24. **TT Update: The developer has the roof drain overflows on site and expect them to be installed shortly. This item remains open until installation is confirmed.**
- F. Confirm use for crushed stone leveling pad adjacent to Stormwater Basin #1. **TT Update: It has been confirmed the tenant of Unit 22 installed the crushed stone in anticipation of a prefabricated shed. Placement of the shed shall be confirmed with Medway PEDB.**

#### **5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION**

- A. N/A



**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Public Hearing Continuation**  
**2 Marc Road – Comm Can**  
**Modification to Previously Approved**  
**Site Plan, Marijuana Special Permits,**  
**and Groundwater Protection Permit**

- Notice of Public Hearing continuation dated 11/9/22
- Revised Site Plan Submission Letter from Dan Merrikin dated 10/26/2022
- Revised Site Plan dated 10/26/2022 by Legacy Engineering
- Sidewalk construction estimate by Tetra Tech, dated 10/24/2022
- REVISED Draft decision dated 11/17/22

The applicant is eager for the Board to vote this decision; 4 affirmative votes are needed to approve the special permits and 3 affirmative votes are needed for the site plan. The draft decision has been provided to the applicant and project engineer for review.

## Board Members

Matthew J. Hayes, P.E., Chair

Robert Tucker, Vice Chair

Richard Di Iulio, Clerk

Jessica Chabot, Member

Sarah Raposa, A.I.C.P., Member

Thomas Gay, Associate Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: planningboard  
@townofmedway.org  
www.townofmedway.org

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### MEMORANDUM

November 9, 2022

RECEIVED TOWN CLERK  
NOV 10 '22 PM 3:50

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for CommCan – Modification to Previously  
Approved Site Plan, Marijuana Special Permits, and Groundwater Protection  
Special Permit for 2 Marc Road  
Continuation Date – Tuesday, November 22, 2022 at 7:30 p.m.**

At its October 25, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of 2 Marc Road LLC of Millis, MA for approval of modifications to the previously approved major site plan, marijuana special permits, and groundwater protection district special permit for its existing marijuana cultivation and processing establishment (CommCan) at 2 Marc Road to the Board's meeting on Tuesday, November 22 at 7:30 p.m. at Medway Town Hall, 155 Village Street. The meeting will also be available via Zoom.

The proposal is to construct a two-story, 20,000 sq. ft. addition (10,000 sq. ft. footprint) and loading dock at the rear of the existing building to be used for the processing of products, a beverage canning operation, and storage. The proposal also includes constructing a 56-vehicle parking area in the previously disturbed easterly portion of the site with a connecting driveway to the existing access driveway from Marc Road. The existing parking area in front of the building will be modified to include additional handicap spaces and parking spaces for charging electric vehicles. The existing driveway around the building will also be modified to accommodate the building addition and loading dock. The site work includes expanded stormwater management facilities and other site amenities. The property includes wetland resources which are under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance permit.

The planned work is shown on a plan titled *2 Marc Road Site Plan of Land in Medway, MA* dated February 28, 2022, last revision October 26, 2022, prepared by Legacy Engineering of Millis, MA. The architectural drawings and renderings dated February 24, 2022 were prepared by UDA Architects of Walpole, MA. Project information is posted at: <https://www.townofmedway.org/planning-economic-development-board/pages/2-marc-road-commcan-special-permit-and-site-plan>

***We are in receipt of a revised site plan dated October 26, 2022. I expect the Board will vote its decision at the November 22<sup>nd</sup> meeting, so please provide any last comments to us by October 16<sup>th</sup> if you care to do so. Thanks.***





[dan@legacy-ce.com](mailto:dan@legacy-ce.com)

508-376-8883(o)

508-868-8353(c)

730 Main Street

Suite 2C

Millis, MA 02054

October 26, 2022

Planning & Economic Development Board  
Town Offices  
155 Village Street  
Medway, MA 02053

Ref: 2 Marc Road  
Site Modification

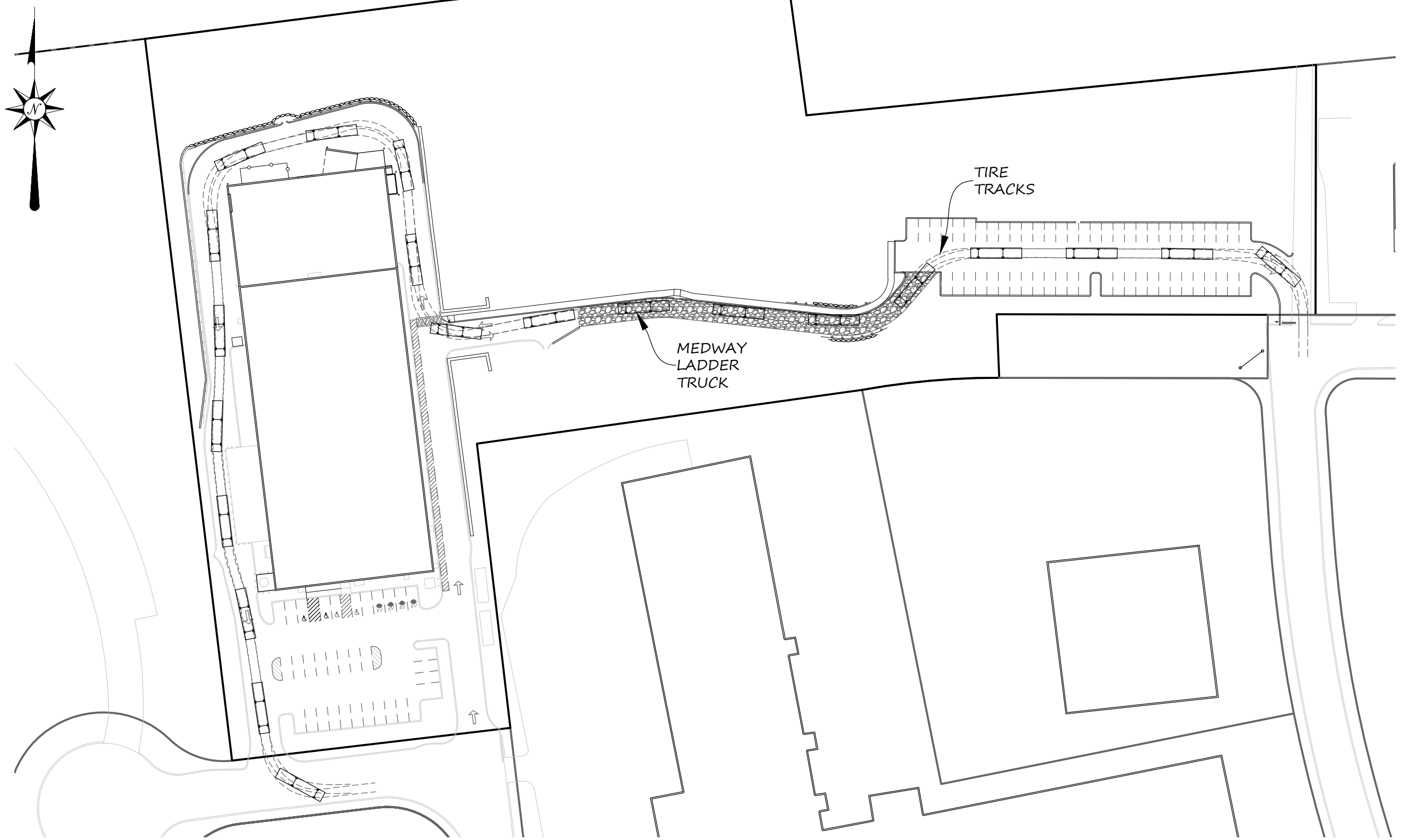
Dear Members of the Board:

Please find enclosed two full-size and one 11x17 copy of a revised site plan. As requested by the Conservation agent, we have relocated the proposed dumpster enclosures to the back wall of the building in order to minimize work around the perimeter of the driveway. Also enclosed is an updated fire circulation plan demonstrating that this location will not interfere with fire truck movement. Do not hesitate to contact me should you have any questions or comments.

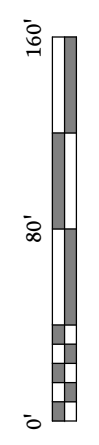
Yours Truly,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E.  
President



PLAN SCALE: 1"=80'



PLAN DATE: AUGUST 26, 2022

REVISION	DATE	BY
DUMPSTER LOCATION	22-10-26	DJM

2 MARC ROAD  
TRUCK TURNING  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)  
SHEET 2 OF 2



LEGACY  
ENGINEERING



2 MARC ROAD  
SITE PLAN OF LAND  
IN MEDWAY, MASSACHUSETTS

PREPARED BY:  
MERRIKIN ENGINEERING, LLP  
730 MAIN STREET, SUITE 2C  
MILLIS, MA 02054

FEBRUARY 28, 2022  
Latest Revision: October 26, 2022

PREPARED FOR:  
2 MARC ROAD LLC  
730 MAIN STREET  
MILLIS, MA 02054

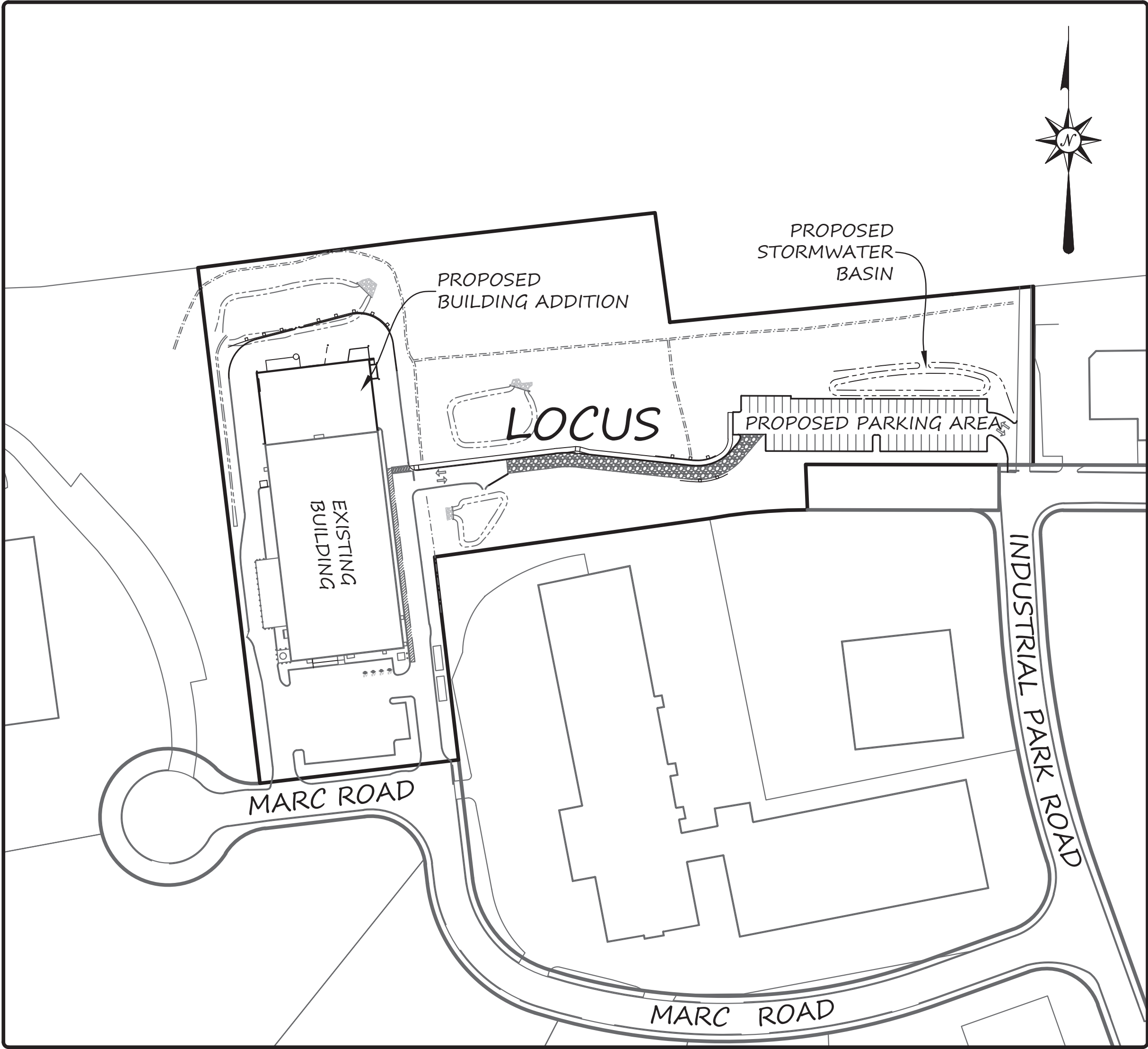


Digitally signed by Daniel  
J. Merrikin, P.E.  
Date: 2022.10.26 11:21:47  
-04'00'

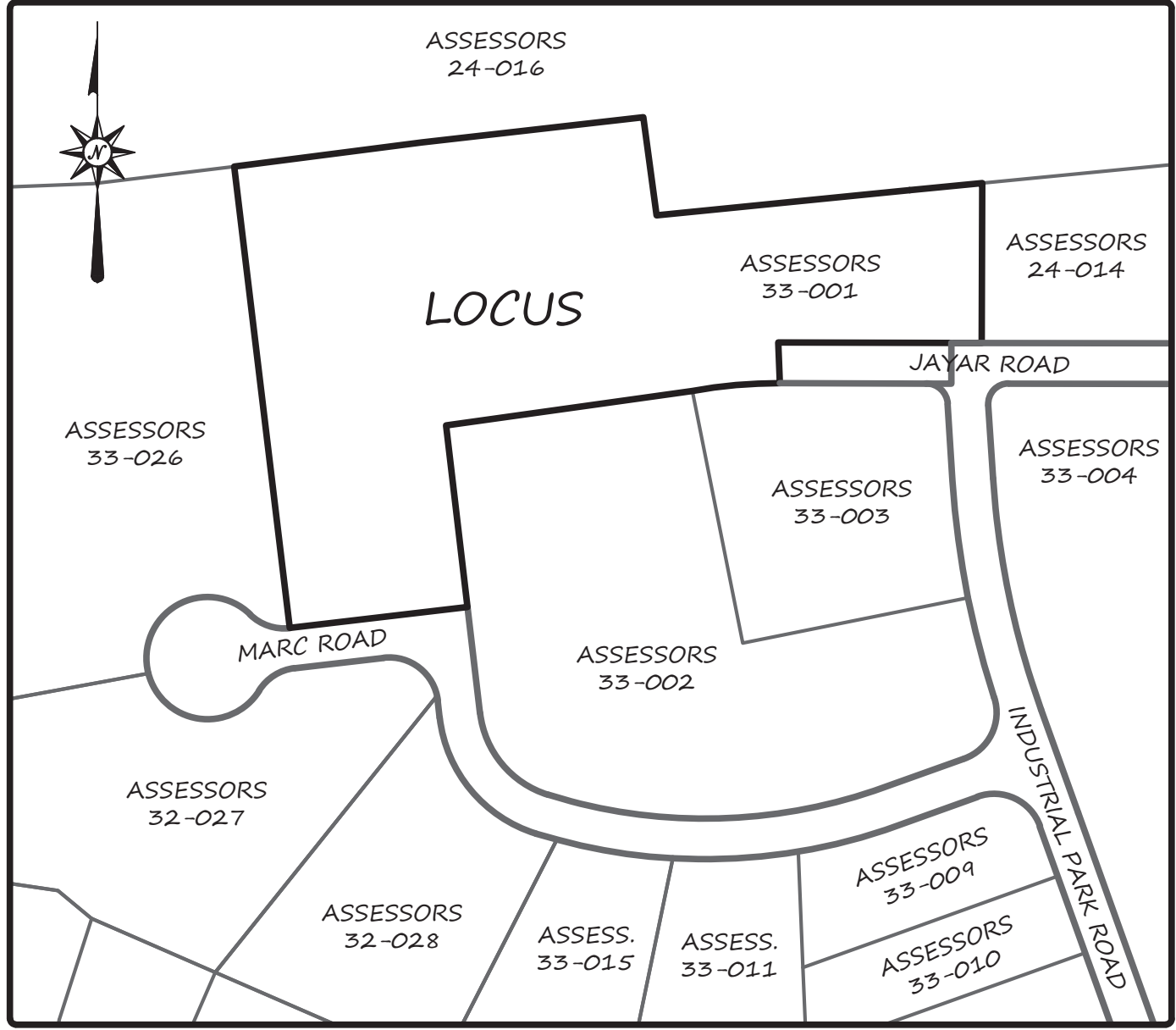
For Registry Use



2019 MASSGIS AERIAL LOCUS  
SCALE: 1" = 300'



LOCUS  
SCALE: 1" = 100'



ASSESSORS LOCUS  
SCALE: 1" = 200'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

PLAN INDEX

- SHEET C-0: COVER
- SHEET C-1: EXISTING CONDITIONS
- SHEET C-2: EROSION CONTROL
- SHEET C-3: LAYOUT
- SHEET C-4: GRADING & UTILITY
- SHEET C-5: LIGHTING
- SHEET C-6: DETAIL
- SHEET C-7: DETAIL
- SHEET C-8: DETAIL
- SHEET A1.0: FIRST FLOOR PLAN
- SHEET A1.2: SECOND FLOOR PLAN
- SHEET A4.0: EXTERIOR ELEVATIONS
- SHEET A4.1: RENDERINGS

WAIVERS GRANTED OR REQUESTED:

- 1. S.204-3.F.1: TO NOT REQUIRE A TRAFFIC IMPACT ASSESSMENT.
- 2. S.204-5.C.3: NOT TO HAVE TO INCLUDE AN "EXISTING LANDSCAPE INVENTORY" PREPARED BY A PROFESSIONAL LANDSCAPE ARCHITECT.
- 3. S.204-5.D.8: NOT REQUIRE THE SUBMISSION OF A LANDSCAPE PLAN.
- 4. S.207-9.A.6, S207-11.B.2: TO ALLOW CAPE COD BERM ACROSS THE SITE.
- 5. S.207-19.C.1.a: TO NOT REQUIRE 10% OF INTERNAL PARKING AREA TO BE LANDSCAPED.
- 6. S.207-19.C.1.c: TO NOT REQUIRE PARKING AISLES EXCEEDING 25 SPACES TO HAVE LANDSCAPED ISLANDS.
- 7. S.207-19.E: TO NOT REQUIRE LANDSCAPING AROUND THE PROPOSED BASIN.

PLAN SCALE: AS NOTED

REVISION	DATE	BY
NEW WETLAND FLAGS	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-26	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

2 MARC ROAD  
COVER SHEET  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



LEGACY  
ENGINEERING

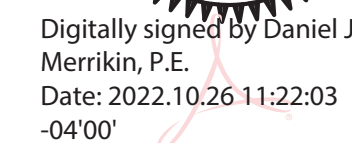
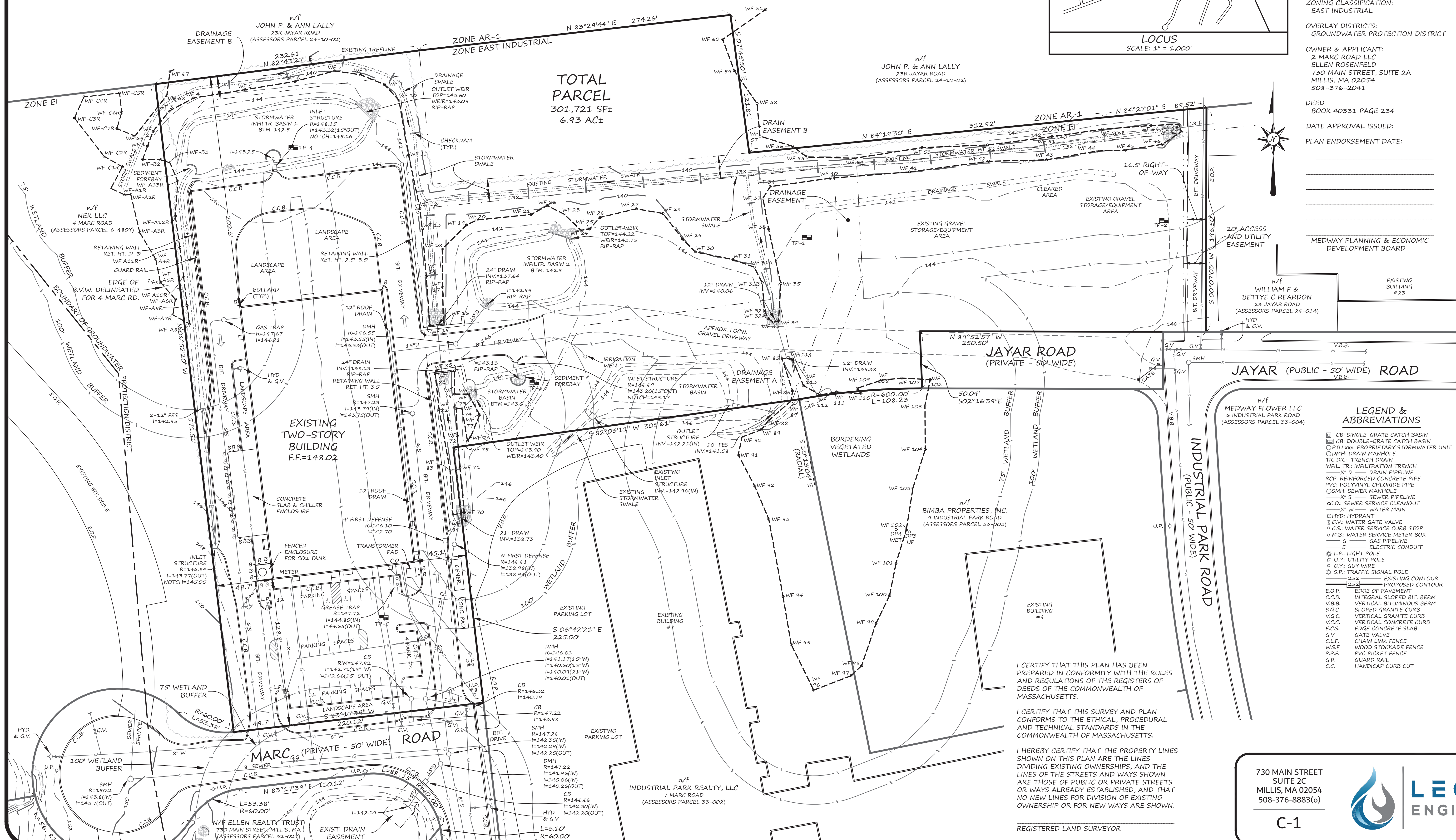
C-0



1. SURVEY & PLAN REFERENCES:
  - A. DEED REFERENCES:
    - BOOK 8379, PAGE 83
    - BOOK 18164, PAGE 320
    - BOOK 40331, PAGE 234
  - B. PLAN REFERENCES:
    - PLAN BOOK 249 NO. 900
    - PLAN BOOK 300 NO. 955
    - PLAN BOOK 326 NO. 1145
    - PLAN BOOK 410 NO. 749
    - PLAN BOOK 454 NO. 94
2. DATUM: NAVD88
3. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES, HYDRANTS, VALVE BOXES, ETC.. EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
4. FEATURES OUTSIDE OF THE SITE SUCH AS ADJACENT STRUCTURES ARE APPROXIMATE ONLY AND BASED ON AVAILABLE AERIAL PHOTOGRAPHY.

1. PER 310 CMR 10.02(2)(C), THE EXISTING ON-SITE STORMWATER SWALES WERE RECONSTRUCTED FOR MAINTENANCE PURPOSES IN 2017 PURSUANT TO AND ORDER OF CONDITIONS AND ARE THEREFORE NOT CONSIDERED TO BE WETLAND RESOURCE AREAS UNDER THE WETLANDS PROTECTION ACT. THE PRIOR WETLAND DELINEATION ALONG THESE SWALES FROM THE 2016 DESIGN IS SHOWN FOR INFORMATIONAL PURPOSES. BUFFER ZONE LINES INCLUDE THE PRIOR SWALE WETLAND DELINEATION SINCE IT IS UNCLEAR HOW THEY ARE TREATED UNDER THE MEDIUM WETLAND BYLAW.
2. WETLANDS BOUNDARIES WERE DELINEATED BY RUSSELL WALDRON.

1. THE CONTRACTOR SHALL CONTACT DIGSAFE AT 811 PRIOR TO ANY EXCAVATION ACTIVITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF ANY STRUCTURAL RETAINING WALLS (WALLS WITH AN EXPOSED FACE OF GREATER THAN 4'). DESIGN SHALL BE BY A REGISTERED STRUCTURAL ENGINEER AND SHALL BE STAMPED ACCORDINGLY.



SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001.

ZONING CLASSIFICATION  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED

PLAN ENDORSEMENT DATE:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

PLAN SCALE: 1" = 40'

A horizontal graphic scale bar with a black border. It is divided into four equal segments by vertical tick marks. The first segment (0' to 40') is filled with a black and white checkerboard pattern. The second segment (40' to 80') is solid black. The third segment (80' to 120') is solid white. The fourth segment (120' to 160') is filled with a horizontal line pattern. Below the bar, the labels '0'', '40'', '80'', and '160'' are positioned at the corresponding tick marks.

PLAN DATE: FEBRUARY 28, 2022		
REVISION	DATE	BY
NEW WETLAND FLAG	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER TOWN COMMENTS	2022-10-13	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

2 MARC ROAD  
EXISTING CONDITIONS  
PLAN OF LAND  
IN  
MEDWAY, MA

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(9)

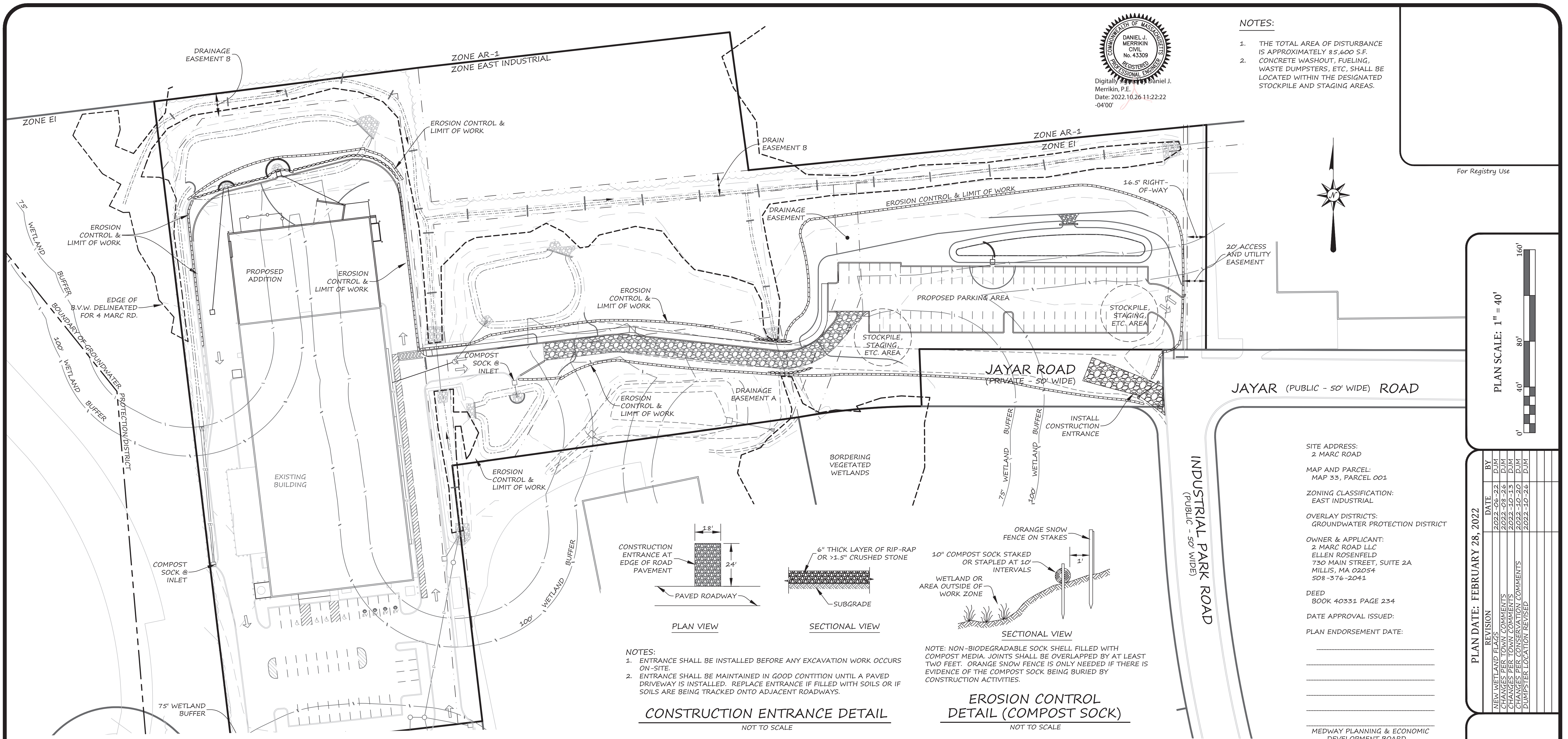


**LEGACY**  
ENGINEERING

C-1

354-D63





SEDIMENT & EROSION CONTROL NOTES

## GENERAL

1. IF APPLICABLE (I.E. >1 ACRE OF DISTURBANCE), FOR COMPLETE EROSION CONTROL AND CONSTRUCTION ACTIVITY GUIDANCE, REFER TO THE SWPPP. OTHERWISE FOLLOW THE SITE PLAN.
2. FOR SWPPP PROJECTS, A NOTICE SHALL BE POSTED VISIBLE FROM A PUBLIC RIGHT-OF-WAY WITH CONTACT INFORMATION AND INSTRUCTIONS TO FIND A COPY OF THE SWPPP.

### PHASING AND CONSTRUCTION SEQUENCE

1. PHASE 1 - CONSTRUCTION SEQUENCE
- 1.1. TAKEOUT AND INSTALL EROSION AND PERIMETER CONTROLS (WHICH WILL DELINEATE THE LIMIT OF WORK FOR THE PROJECT);
- 1.2. DEMARKATE THE LOCATION OF EXISTING UTILITIES ON AND AROUND THE CONSTRUCTION AREA;
- 1.3. CLEAR THE PROPOSED ENTRY AREAS AND INSTALL THE CONSTRUCTION ENTRANCE APRON(S);
- 1.4. CLEAR AND GRUB THE DEVELOPMENT AREA;
- 1.5. STRIP AND STOCKPILE TOPSOIL;
- 1.6. COMMENCE ROUGH GRADING TO SUB-GRADE ELEVATIONS;
- 1.7. INSTALL BUILDING FOUNDATIONS AND BEGIN BUILDING CONSTRUCTION;
- 1.8. INSTALL NEW SITE UTILITIES, INCLUDING THE STORMWATER MANAGEMENT SYSTEM;
- 1.9. COMPLETE CONSTRUCTION OF NEW BUILDING(S);
- 1.10. PAVE THE ROAD/DRIVEWAY AND SIDEWALK (IF APPLICABLE) TO BINDER COURSE;
- 1.11. LOAM, SEED, AND STABILIZE DISTURBED AREAS, INCLUDING ALL SITE LANDSCAPING;
- 1.12. LEAVELT AND CATCHER BASINS AND NEW STORMWATER BMPs IN THE PORTION OF THE SITE AFFECTED BY CONSTRUCTION ACTIVITIES AFTER THE SITE IS FULLY STABILIZED.

### PERIMETER EROSION CONTROL AND SEDIMENT CONTROLS

1. PERIMETER EROSION AND SEDIMENT CONTROL BARRIERS WILL BE PROVIDED, INSTALLED, AND MAINTAINED DOWNSTREAM OF ALL PROPOSED CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH THE SWPPP (IF APPLICABLE), THE SITE PLAN, AND ALL PERMITS ISSUED FOR THE SITE DEVELOPMENT. SUCH CONTROLS MUST BE INSTALLED BEFORE ANY EARTH-DISTURBING ACTIVITIES OCCUR ON THE SITE IN QUESTION. EROSION AND SEDIMENT CONTROLS MAY BE INSTALLED IN PHASES SO LONG AS IT PRECEDES ANY EARTH-DISTURBING ACTIVITIES WITHIN THE CONTROLS' UPSTREAM WATERSHED.
2. SEDIMENT SHALL BE REMOVED ALONG SUCH CONTROLS ON A REGULAR BASIS. IN NO CASE, SHALL SEDIMENT BE ALLOWED TO REACH A DEPTH EQUAL TO ONE HALF OF THE ABOVE GROUND HEIGHT OF THE EROSION CONTROL DEVICE.

## SITE ACCESS CONTROLS

1. CONSTRUCTION VEHICLES WILL USE DESIGNATED ENTRY POINTS FOR EACH SITE. CRUSHED STONE OR RIP-RAP ENTRY APRON(S) WILL BE INSTALLED AND PROPERLY MAINTAINED DURING CONSTRUCTION UNTIL THE SITE IS PAVED. ALL CONSTRUCTION ACCESS WILL BE VIA THE FRONTAGE PUBLIC ROAD STREET, WHICH WILL BE KEPT CLEAN AND SWEEPED AS NEEDED TO MINIMIZE THE TRACKING OF SOILS AND DUST FROM THE SITE.

## STOCKPILED SOILS

1. SOIL STOCKPILES TO BE LEFT IN PLACE MORE THAN 24 HOURS SHALL BE SURROUNDED WITH A LINE OF SILT FENCE OR COMPOST SOCK TO PREVENT THE PILES FROM ERODING INTO THE SITE AND TO DISCOURAGE ON-SITE RUNOFF FROM ERODING THE STOCKPILES. SOIL STOCKPILES TO BE LEFT IN PLACE MORE THAN 14 DAYS SHALL BE STABILIZED TEMPORARILY. DUST CONTROL MEASURES SHALL BE IMPLEMENTED TO PREVENT WIND EROSION OF THE STOCKPILES.

### DUST CONTROL

1. DUST CONTROL MEASURES WILL BE IMPLEMENTED REGULARLY TO PREVENT THE OFF-SITE DEPOSITION OF WIND-ERODED SOILS. THE PRINCIPAL FORM OF DUST CONTROL WILL BE WATER APPLICATION.

## DISTURBANCE OF STEEP SLOPES

1. CONTRACTORS MUST PAY CAREFUL ATTENTION TO STEEP SLOPES AND MUST IMPLEMENT ADDITIONAL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES DURING WORK ON STEEP SLOPES TO PREVENT EROSION. INSTALL EROSION CONTROL BLANKETS IF NEEDED.

## SOIL COMPACTION

1. AREAS DESIGNATED FOR FINAL VEGETATIVE SURFACES OR CONSTRUCTION-STRIC OR FINAL STORMWATER INFILTRATION PRACTICES SHALL BE PROTECTED FROM EXCESSIVE COMPACTION BY RESTRICTING VEHICLE ACCESS AND THE TYPES OF EQUIPMENT THAT MAY BE USED IN SUCH AREAS. PRIOR TO SEEDING/PLANTING OF SUCH AREAS, EXPOSED SOIL THAT HAS BEEN COMPACTED SHALL BE LOOSENEED BY TILLING OR OTHER SIMILAR METHODS. CONDITIONING SHALL CONSIST OF DEEP TILLING WITH A ROTARY TILLER, DISC HARROWING, OR MANUAL LOOSENING AND RE-GRADING WITH AN EXCAVATOR BUCKET. CONDITIONING SHALL EXTEND TO A DEPTH OF AT LEAST 12-INCHES.

### PROTECTION OF STORM DRAIN INLETS

1. ALL STORM DRAIN SYSTEM INLETS INSIDE OF PERIMETER CONTROLS SHALL BE PROTECTED WITH SEDIMENT CONTROL MEASURES DESIGNED TO REMOVE SEDIMENT FROM STORMWATER PRIOR TO ENTERING THE INLET. CATCH BASINS ALONG THE STREET FRONTAGE SHALL ALSO BE PROTECTED. SUCH MEASURES SHALL BE PERIODICALLY MAINTAINED AND REPLACED AS NEEDED TO ENSURE THEIR PROPER FUNCTIONALITY. SEDIMENT SHALL BE REMOVED DAILY WHERE FOUND.

## TEMPORARY STABILIZATION

1. FOR PERMANENTLY OR TEMPORARILY (14 DAYS) CEASED CONSTRUCTION ACTIVITIES, TEMPORARY SOIL STABILIZATION MEASURES WILL BE EMPLOYED AS SOON AS PRACTICABLE BUT NO LONGER THAN 14 CALENDAR DAYS AFTER STABILIZATION HAS BEEN INITIATED. WHERE APPLICABLE, SEE THE SWPPP FOR ADDITIONAL REQUIREMENTS.

### MAINTENANCE OF EROSION & SEDIMENT CONTROL MEASURES

1. EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED IN GOOD CONDITION FOR THE DURATION OF THE CONSTRUCTION ACTIVITY AND UNTIL SUCH TIME AS THE UPSTREAM AREAS ACHIEVE FINAL STABILIZATION. SEDIMENT WILL BE REMOVED ALONG PERIMETER EROSION CONTROLS WHEN THE DEPTH EXCEEDS FOUR-INCHES. ALL CONTROL

MEASURES WILL BE MAINTAINED IN EFFECTIVE OPERATING CONDITION. IF SITE INSPECTIONS IDENTIFY CONTROL MEASURES THAT ARE NOT OPERATING EFFECTIVELY OR FINDS OTHER PROBLEMS, THE CONTRACTOR MUST:

- 1.1. INITIATE WORK TO CORRECT THE PROBLEM IMMEDIATELY UPON DISCOVERY AND COMPLETE THE WORK BY THE CLOSE OF THE NEXT WORK DAY IF THE PROBLEM CAN BE CORRECTED THROUGH ROUTINE MAINTENANCE;
- 1.2. FOR MORE SIGNIFICANT REPAIRS OR WHERE INSPECTIONS DETERMINE THAT ADDITIONAL EROSION AND SEDIMENT CONTROLS ARE NEEDED, SUCH WORK MUST BE COMPLETED AND OPERATION NO LATER THAN 7 CALENDAR DAYS AFTER DISCOVERY OF THE PROBLEM.

## POLLUTION PREVENTION

1. CONSTRUCTION STAGING AREAS WILL BE LIMITED IN QUANTITY AND WILL BE MAINTAINED IN A NEAT AND ORDERLY FASHION. REFER TO THE SITE PLAN FOR STAGING AREA LOCATION(S).
2. VEHICLES SHALL BE STORED IN FUELED IN DESIGNATED AREAS. MONITOR ALL EQUIPMENT FOR LEAKS, WHERE APPLICABLE, REFER TO THE SWPPP FOR ADDITIONAL VEHICLE STORAGE AREA REQUIREMENTS.
3. VEHICLE OR EQUIPMENT WASHING IS NOT ALLOWED ON-SITE.
4. MATERIALS AND EQUIPMENT SHALL BE STORED PROPERLY AND ORDERLY.
5. WHERE APPLICABLE, REFER TO THE SWPPP FOR:
  - 5.1. FURTHER INSTRUCTIONS ON PROPER MATERIAL AND EQUIPMENT STORAGE.
  - 5.2. REFER TO THE SWPPP FOR DISPOSAL OF WASTE, INCLUDING HAZARDOUS WASTE.
  - 5.3. REFER TO THE SWPPP FOR SPILL PREVENTION AND RESPONSE PROCEDURES.

## DEWATERING PRACTICES

1. THIS SITE IS NOT EXPECTED TO ENCOUNTER SIGNIFICANT QUANTITIES OF GROUNDWATER DURING CONSTRUCTION ACTIVITIES BUT IF IT DOES, THE FOLLOWING PRACTICES WILL BE IMPLEMENTED:
2. DO NOT DISCHARGE ANY FLOATING SOLIDS OR FOAM:
3. IF DETERMINING WATER IS FOUND TO CONTAIN OIL, GREASE, ETC., IT MUST BE FILTERED OR PASSED THROUGH AN OIL/WATER SEPARATOR PRIOR TO DISCHARGE;
4. WHEREVER POSSIBLE, DISCHARGE DEWATERING WATER TO VEGETATED UPLAND AREAS FOR INFILTRATION, WHERE IT WILL NOT POSSIBLY BE AFFECTED BY THE CONSTRUCTION OF THE INFILTRATION SYSTEM.
5. DOUBLE ROWS OF HAYBALES LINED WITH THREE LAYERS OF FILTER FABRIC. DO NOT DIRECT DEWATERING WATER INTO WETLANDS WITHOUT PRIOR TREATMENT;
6. VELOCITY DISSIPATION MEASURES MUST BE INCLUDED AT ALL DISCHARGE POINTS (RIP-RAP OR CRUSHED STONE APPROX.)

## INSPECTIONS

- 1.1. THE SITE SHALL BE INSPECTED AT LEAST ONCE EVERY 14 CALENDAR DAYS AND WITHIN 24 HOURS OF THE OCCURRENCE OF A STORM EVENT OF 0.25 INCHES OR GREATER. INSPECTIONS MAY BE REDUCED DURING THE WINTER AND IN STABILIZED AREAS.
- 1.2. ANY DEFICIENCIES SHALL BE REMEDIED IMMEDIATELY AND NO LATER THAN 7 DAYS AFTER DISCOVERY OF THE DEFICIENCY, AND IF POSSIBLE, PRIOR TO THE NEXT RAINFALL EVENT.

NOTES:

1. THE TOTAL AREA OF DISTURBANCE IS APPROXIMATELY 85,600 S.F.
2. CONCRETE WASHOUT, FUELING, WASTE DUMPSTERS, ETC, SHALL BE LOCATED WITHIN THE DESIGNATED STOCKPILE AND STAGING AREAS.

For Registry Use

PLAN SCALE: 1" = 40'

PLAN DATE: FEBRUARY 28, 2022

REVISION	DATE	BY
NEW WETLAND FLAGS	2023-06-22	DJM
CHANGES PER TOWN COMMENTS	2023-08-26	DJM
CHANGES PER TOWN COMMENTS	2023-10-13	DJM
CHANGES PER CONSERVATION COMMENTS	2023-10-20	DJM
DUMPSTER LOCATION REVISED	2023-10-26	DJM

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN  
CONFORMS TO THE ETHICAL, PROCEDURAL  
AND TECHNICAL STANDARDS IN THE  
COMMONWEALTH OF MASSACHUSETTS.

HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



**LEGACY**  
ENGINEERING

C-2

354-D63



LAYOUT NOTES:

1. THE SLOPE OF THE PAVEMENT IN HANDICAP PARKING SPACES SHALL NOT EXCEED 2% IN ANY DIRECTION.
2. SNOW STORAGE IN WINDROWS ALONG PAVEMENT EDGE AND IN OTHER AREAS SHOWN ON THIS PLAN.
3. STANDARD PARKING SPACES SHALL BE 9' WIDE x 18' DEEP, HANDICAP SPACES SHALL BE 8' WIDE x 18' DEEP, AND COMPACT SPACES SHALL BE 9' WIDE BY 15' DEEP.
4. BIKE RACK SHALL HOLD A MINIMUM OF FIVE BIKES.

SNOW STORAGE NOTES:

1. SNOW MAY BE LEFT IN REASONABLY SIZED WINDROWS ALONG THE EDGE OF DRIVEWAYS AND PARKING AREAS. SUCH WINDROWS SHALL NOT INTERFERE WITH PARKING.
2. SNOW MAY BE PILED IN THE VARIOUS SNOW STORAGE AREAS SHOWN HEREON.
3. SNOW ACCUMULATION MAY NOT INTERFERE WITH PARKING OR TURNING MOVEMENTS AT INTERSECTIONS.
4. AT SUCH TIME AS SNOW ACCUMULATIONS EXCEED THE CAPACITY OF ON-SITE STORAGE AREAS, SUCH EXCESS SNOW SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH STATE, LOCAL AND FEDERAL LAWS AND REGULATIONS.



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.10.26 11:22:43  
+04'00'

LANDSCAPE LEGEND



24 @ 2.5" MIN. CALIPER, 12' MIN. HEIGHT DECIDUOUS TREE  
(MIX OF RED MAPLE, RED OAK, AND SWAMP WHITE OAK)



34 SHRUBS, MIN. HEIGHT AT INSTALL=18"  
MIXTURE OF THE FOLLOWING VARIETIES  
Highbush Blueberry (Vaccinium corymbosum)  
Rhodora (Rhododendron canadense)  
Pintax Flower (Rhododendron nudiflorum)  
Early Azalea (Rhododendron roseum)  
Sheep Laurel (Kalmia augustifolia)  
Mountain Laurel (Kalmia latifolia)

PLANTING NOTES:

1. PLANT LOCATIONS MAY VARY.
2. SHRUB QUANTITIES MAY VARY DEPENDING ON AVAILABILITY.
3. TREE SPECIES MAY BE SUBSTITUTED BASED ON AVAILABILITY BUT SHALL BE NATIVE TO MASSACHUSETTS AND SHALL BE OF THE APPROVED SPECIES LISTED IN THE MEDWAY SITE PLAN REGULATIONS. NO CULTIVARS ALLOWED.
4. INVASIVE SPECIES SHALL NOT BE USED.
5. ALL LANDSCAPE AREAS THAT ARE NOT FINISHED AS MULCHED PLANTING BEDS SHALL BE SURFACED WITH A MINIMUM OF 6-INCHES OF LOAM AND SEED.
6. WITHIN THE WORK AREA, FOR DISTURBED/REVEGETATED AREAS THAT ARE NOT PART OF A STORMWATER FACILITY OR OTHERWISE STABILIZED WITH PERMANENT IMPROVEMENTS, LOAM AND SEED WITH CONSERVATION/ WILDLIFE SEED MIX.
7. ALL SEED MIXES AND PLANT SPECIES TO BE APPROVED BY CONSERVATION AGENT PRIOR TO INSTALLATION.

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

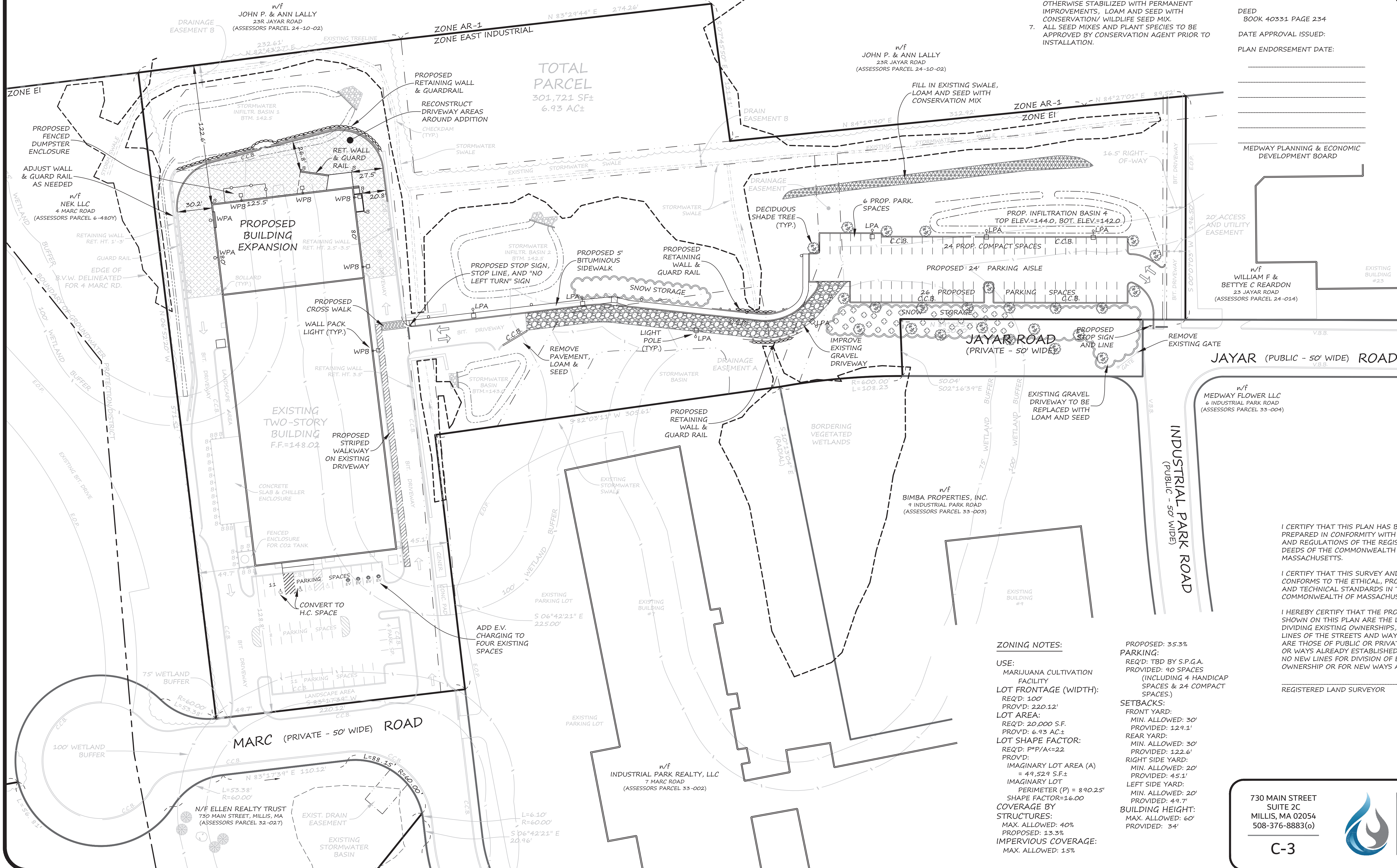
OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

For Registry Use



PLAN SCALE: 1" = 40'

REVISION	DATE	BY
NEW WETLAND FLAGS	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

PLAN DATE: FEBRUARY 28, 2022

2 MARC ROAD  
LAYOUT  
PLAN OF LAND  
IN  
MEDWAY, MA

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



LEGACY  
ENGINEERING

C-3





Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.10.26 11:23:01 -04'00'

#### GRADING NOTES:

1. SITE CUT/FILL CALCULATIONS:
  - 1.1. FILL VOLUME: 1,050 C.Y.
  - 1.2. CUT VOLUME: 150 C.Y.
  - 1.3. TOTAL FILL VOLUME: 900 C.Y.

#### UTILITY NOTES:

1. DRAINAGE PIPING SHALL BE HDPE RATED FOR H<sub>2</sub>O LOADING. (ADS N12 OR EQUAL)
2. PLUMBERS AND DRAIN LAYERS OF ESTABLISHED REPUTATION AND EXPERIENCE WILL BE LICENSED BY THE BOARD AS DRAIN LAYERS AUTHORIZED TO PERFORM THE WORK.
3. ELECTRIC CONDUIT IS TO BE RUN TO THE PROPOSED PARKING AREA FOR FUTURE EV PARKING SPACES.

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

For Registry Use

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD



REVISION	DATE	BY
NEW WETLAND FLAGS	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

PLAN DATE: FEBRUARY 28, 2022

2 MARC ROAD  
GRADING & UTILITIES  
PLAN OF LAND  
IN  
MEDWAY, MA

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-4







Digitally signed by Daniel J.  
Merrikin, P.E.  
Date: 2022.10.26 11:23:19  
+04'00'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

For Registry Use

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

w/f  
WILLIAM F &  
BETTYE C REARDON  
23 JAYAR ROAD  
(ASSESSORS PARCEL 24-014)

w/f  
MEDWAY FLOWER LLC  
6 INDUSTRIAL PARK ROAD  
(ASSESSORS PARCEL 33-004)

PLAN SCALE: 1" = 40'



PLAN DATE: FEBRUARY 28, 2022

REVISION	DATE	BY
NEW WETLAND FLAGS	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF  
DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN  
CONFORMS TO THE ETHICAL, PROCEDURAL  
AND TECHNICAL STANDARDS IN THE  
COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES  
SHOWN ON THIS PLAN ARE THE LINES  
DIVIDING EXISTING OWNERSHIPS, AND THE  
LINES OF THE STREETS AND WAYS SHOWN  
ARE THOSE OF PUBLIC OR PRIVATE STREETS  
OR WAYS ALREADY ESTABLISHED, AND THAT  
NO NEW LINES FOR DIVISION OF EXISTING  
OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

2 MARC ROAD  
LIGHTING  
PLAN OF LAND  
IN  
MEDWAY, MA

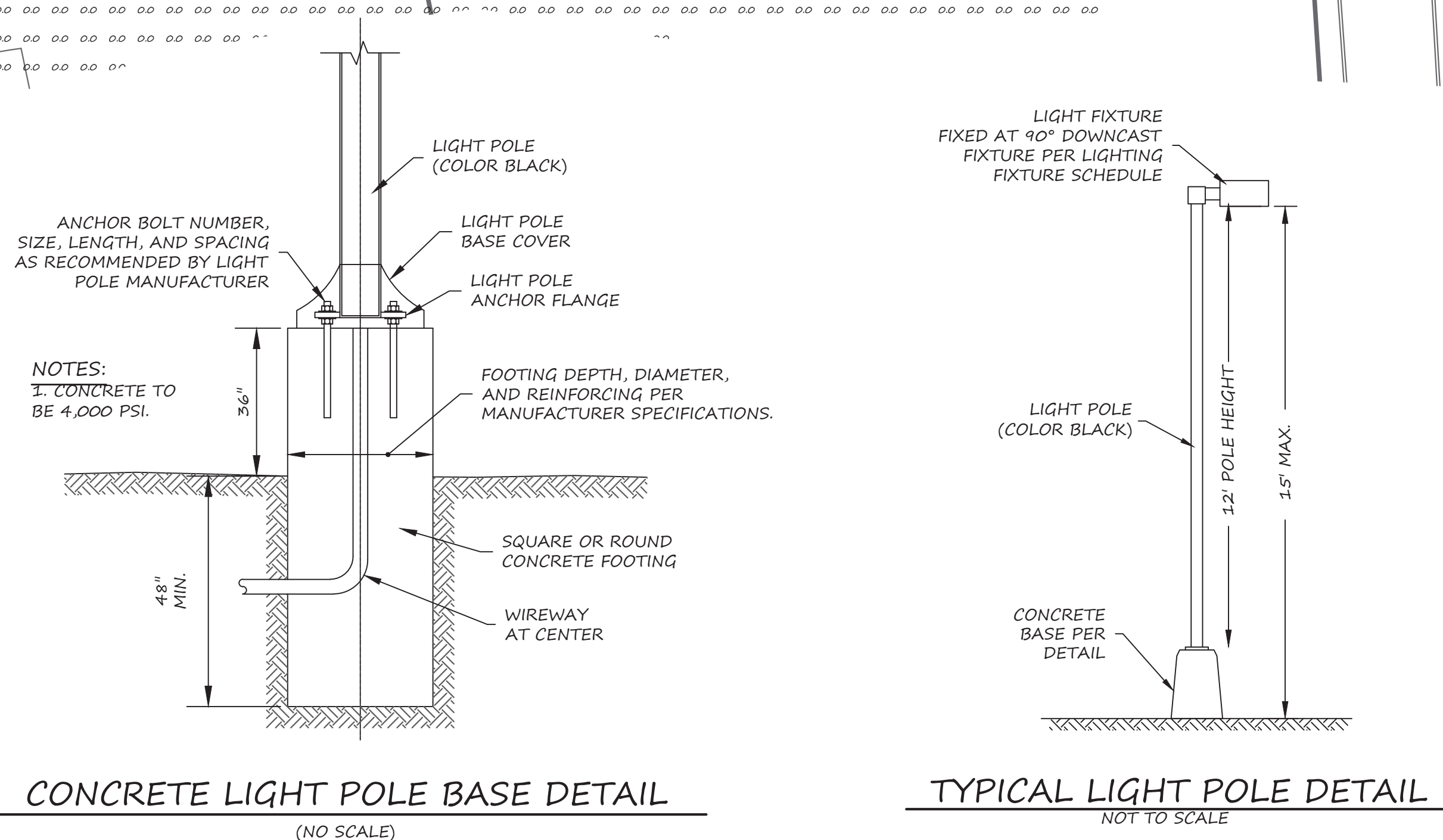
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-5



LEGACY  
ENGINEERING

354-D63



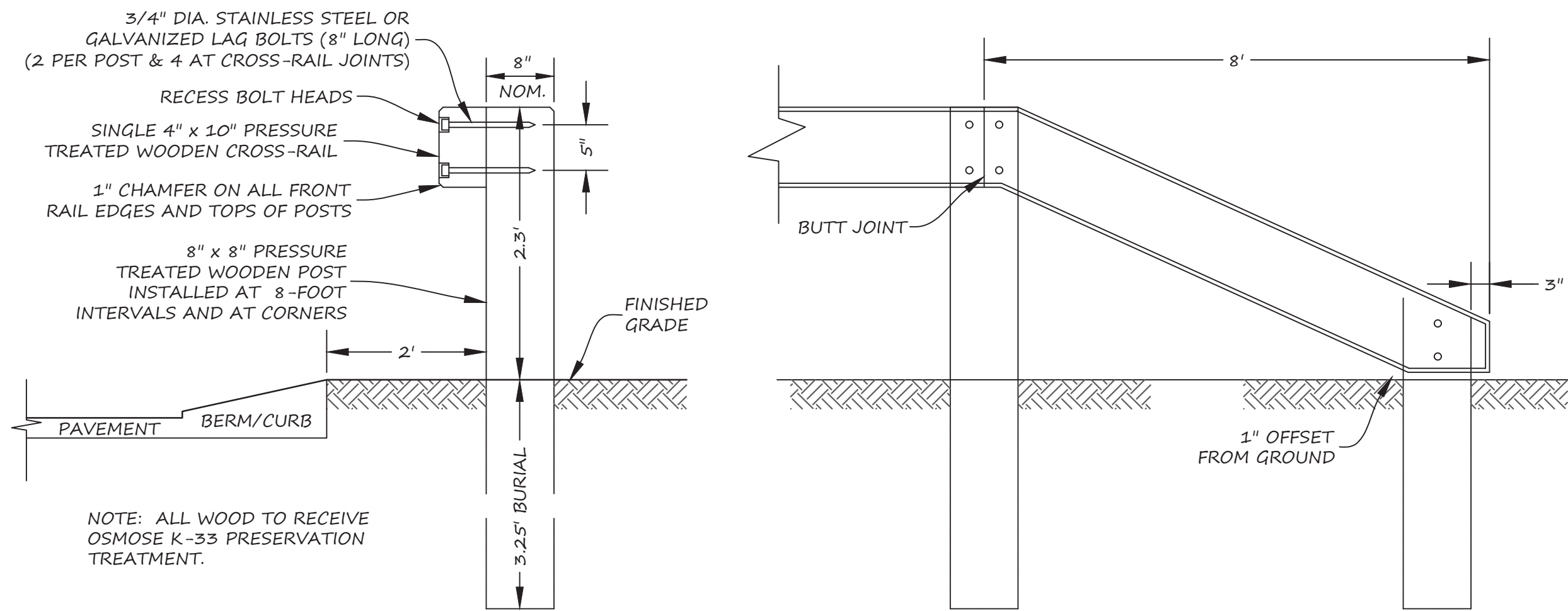
Luminaire Schedule				
Symbol	Qty	Label	Arrangement	Description
⊠	7	LPA	POLE WITH SINGLE FIXTURE @ 15' A.G.	RAB LIGHTING ALED4T105
-o	2	WPA	SINGLE WALL SCONCE @ 10' A.G.	RAB LIGHTING SLIM57Y
-□	5	WPB	SINGLE WALL SCONCE @ 15' A.G.	RAB LIGHTING WPLED4T105Y
o	5	BD	LED BOLLARD LIGHT (ROUND)	RAB LIGHTING BDLED18

LIGHTING FIXTURE SCHEDULE  
NOT TO SCALE





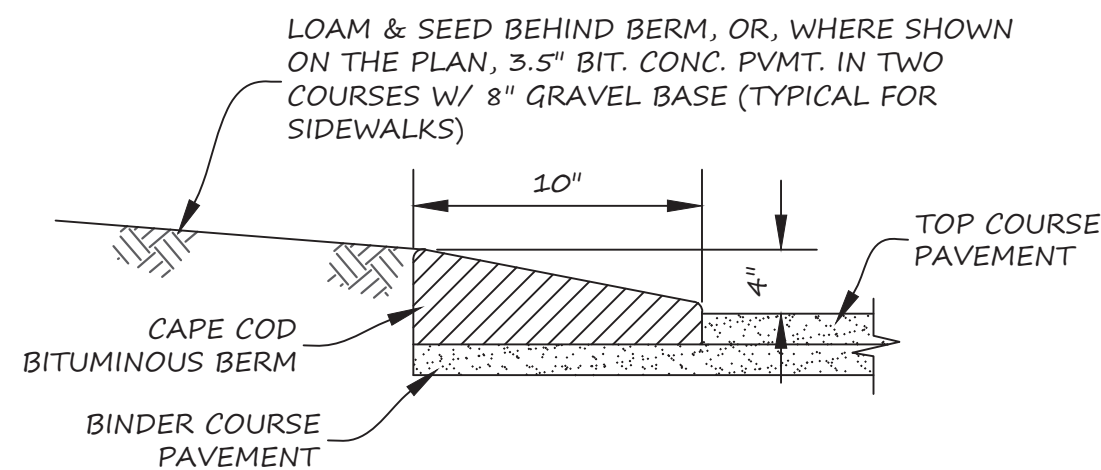




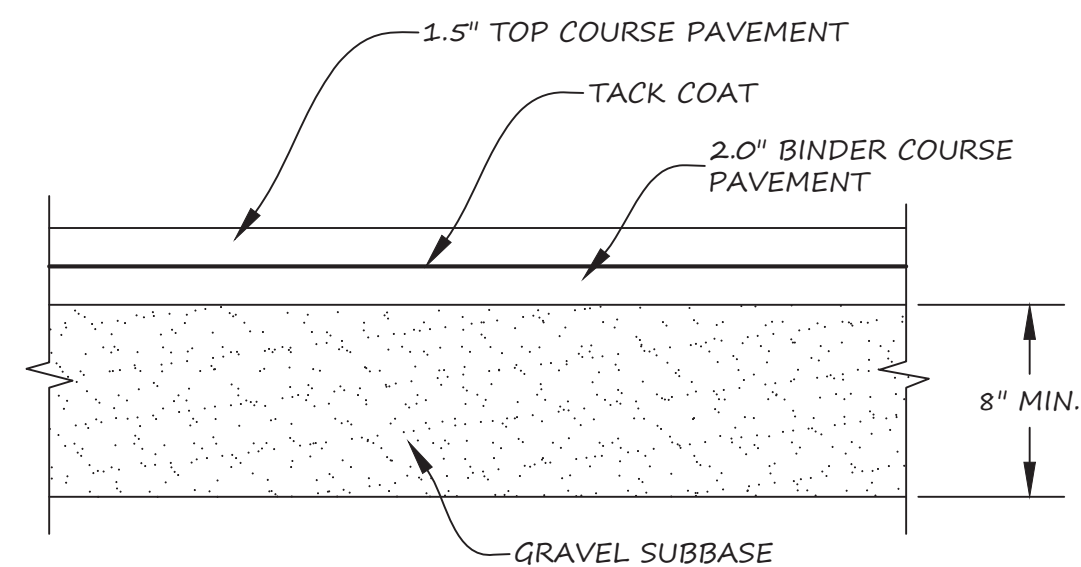
SIDE SECTIONAL VIEW

FRONT VIEW - TYPICAL END SECTION

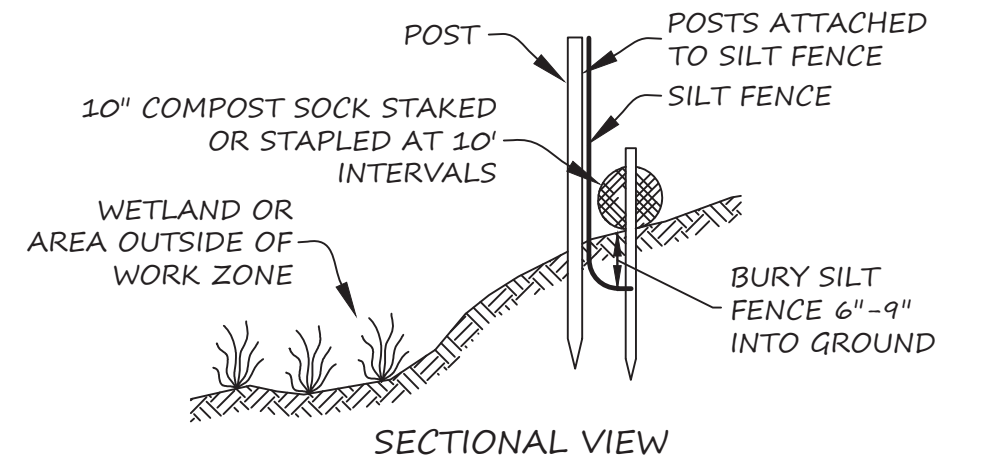
WOOD GUARD RAIL DETAIL  
NOT TO SCALE



CAPE COD BERM DETAIL -  
PAVED DRIVEWAY  
(NO SCALE)

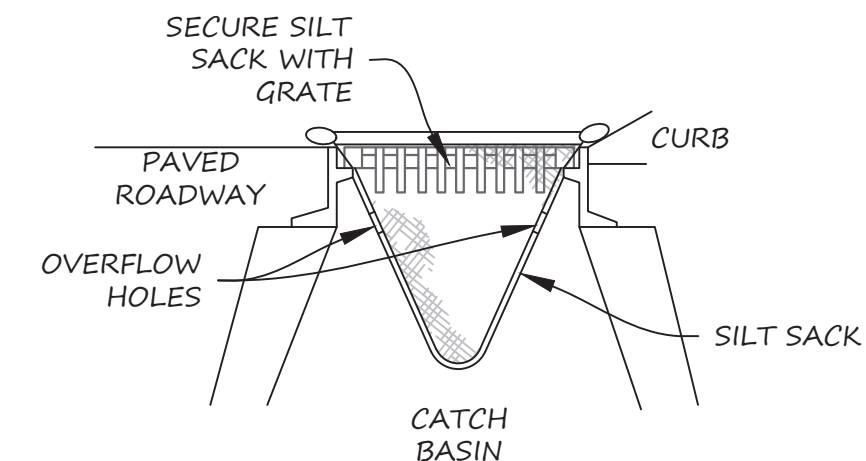


TYPICAL PARKING LOT PAVING SECTION  
NOT TO SCALE



NOTE: NON-BIODEGRADABLE SOCK SHELL FILLED WITH COMPOST MEDIA. JOINTS SHALL BE OVERLAPPED BY AT LEAST TWO FEET. ORANGE SNOW FENCE IS ONLY NEEDED IF THERE IS EVIDENCE OF THE COMPOST SOCK BEING BURIED BY CONSTRUCTION ACTIVITIES.

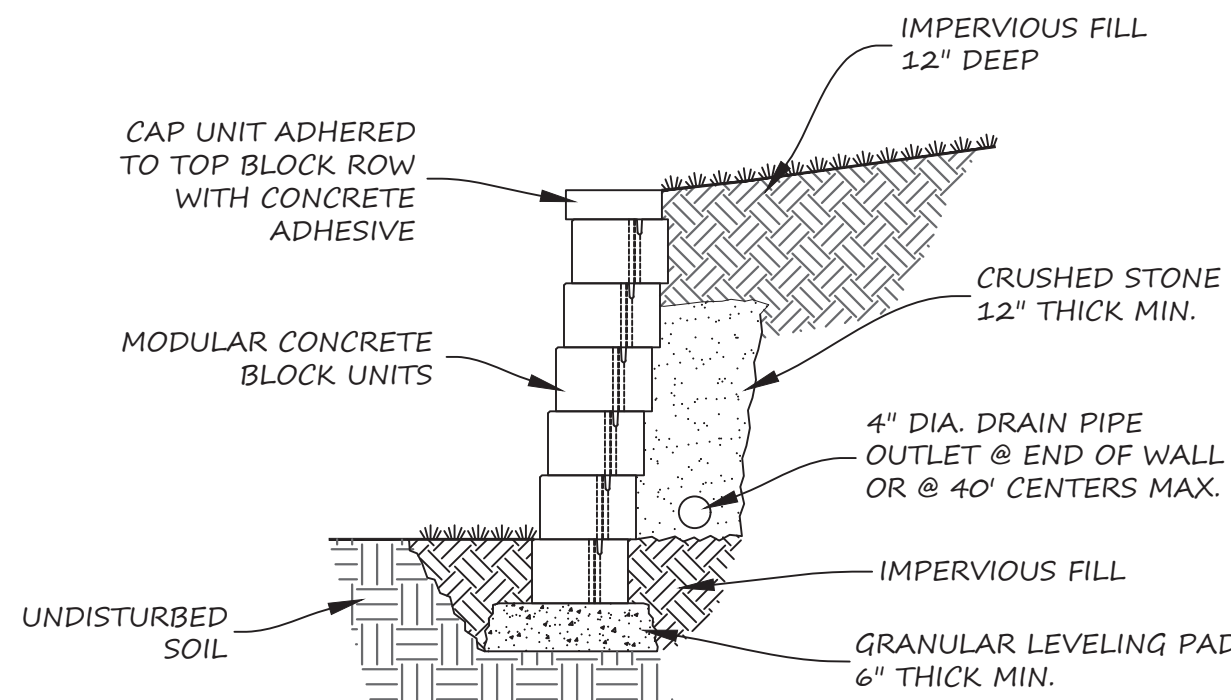
EROSION CONTROL  
DETAIL (COMPOST SOCK)  
NOT TO SCALE



CATCH BASIN SILT SACK DETAIL  
NOT TO SCALE

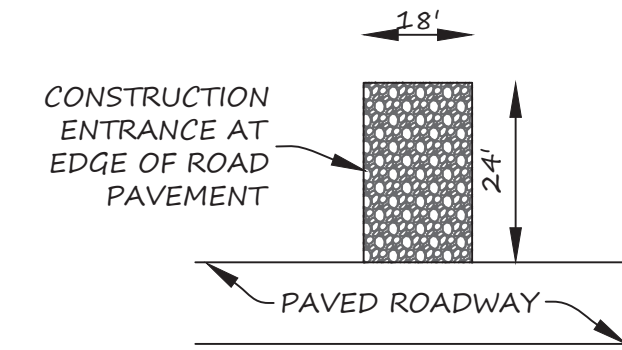


Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.10.26 11:41:01 -04'00'

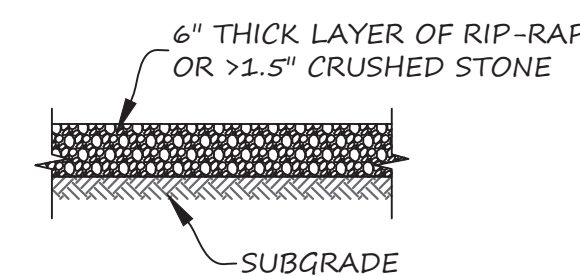


- NOTES:
1. SMALL BLOCK UNITS SHALL BE THE SQUARE FOOT PRODUCT BY VERSA-LOK OR APPROVED EQUAL. WALL HEIGHT WITHOUT REINFORCEMENT SHALL BE LIMITED TO 3.5' EXPOSED FACE.
  2. WALL HEIGHTS OVER FOUR FEET, INCLUDING FOOTING, MAY REQUIRE A BUILDING PERMIT AND/OR STRUCTURAL DESIGN. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY BUILDING PERMITS AND FOR PROVIDING STRUCTURAL WALL DESIGN MEETING THE REQUIREMENTS OF THE MASSACHUSETTS BUILDING CODE, AS DEEMED APPLICABLE BY THE BUILDING INSPECTOR.
  3. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.

TYPICAL "SMALL BLOCK" RETAINING WALL  
NOT TO SCALE



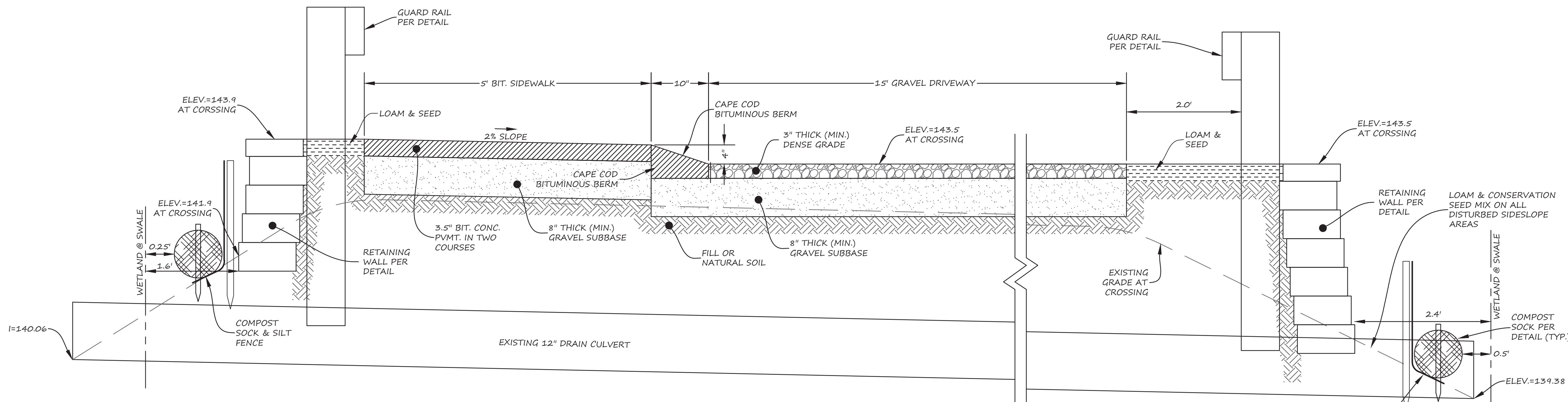
PLAN VIEW



SECTIONAL VIEW

- NOTES:
1. ENTRANCE SHALL BE INSTALLED BEFORE ANY EXCAVATION WORK OCCURS ON-SITE.
  2. ENTRANCE SHALL BE MAINTAINED IN GOOD CONTITION UNTIL A PAVED DRIVEWAY IS INSTALLED. REPLACE ENTRANCE IF FILLED WITH SOILS OR IF SOILS ARE BEING TRACKED ONTO ADJACENT ROADWAYS.

CONSTRUCTION ENTRANCE DETAIL  
NOT TO SCALE



DRIVEWAY AT CULVERT CROSSING DETAIL  
NOT TO SCALE

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
730 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

For Registry Use

PLAN SCALE: N.T.S.

REVISION	DATE	BY
NEW WETLAND FLAGS	2022-06-22	DJM
CHANGES PER TOWN COMMENTS	2022-08-26	DJM
CHANGES PER CONSERVATION COMMENTS	2022-10-20	DJM
DUMPSTER LOCATION REVISED	2022-10-26	DJM

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

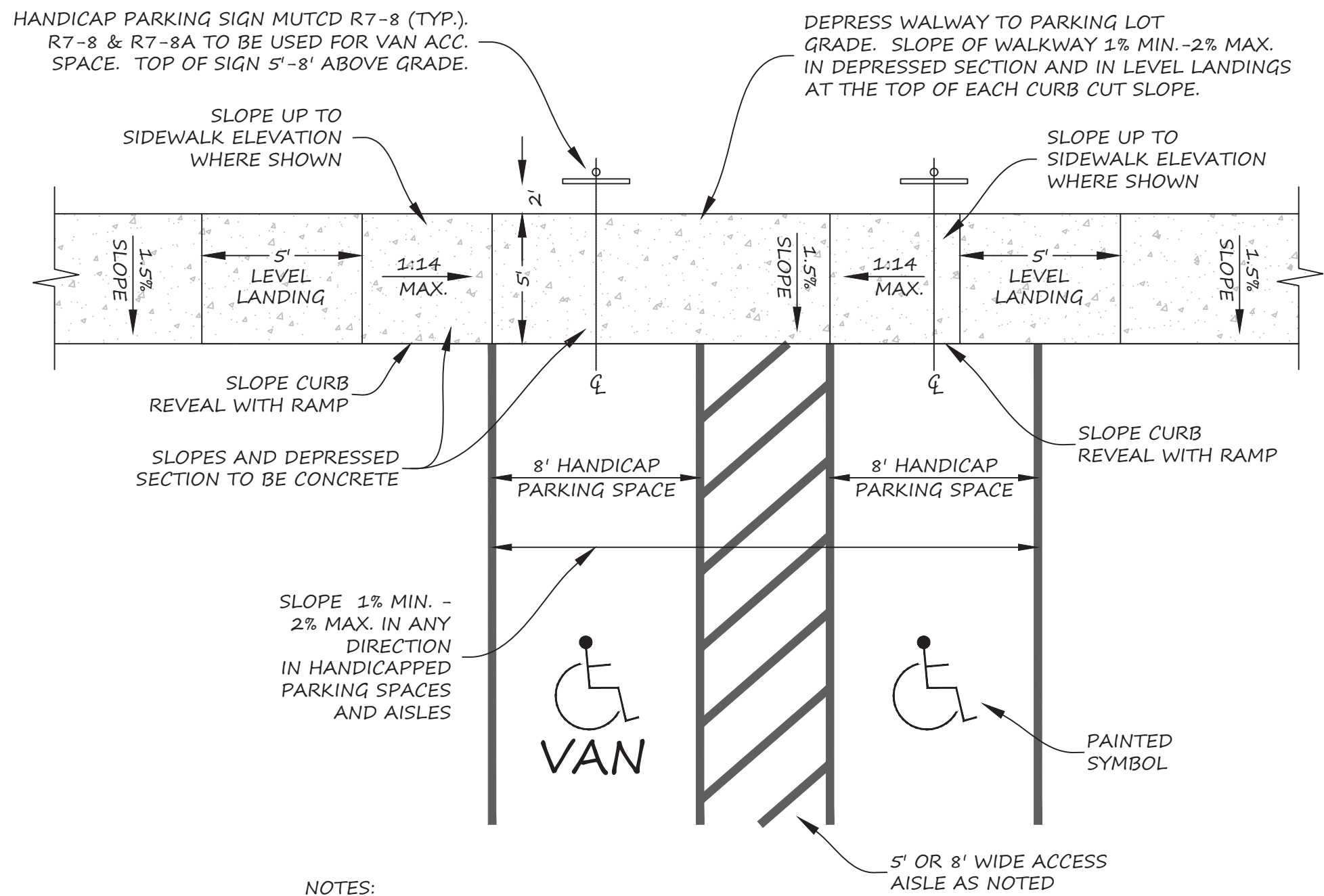
REGISTERED LAND SURVEYOR

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-7



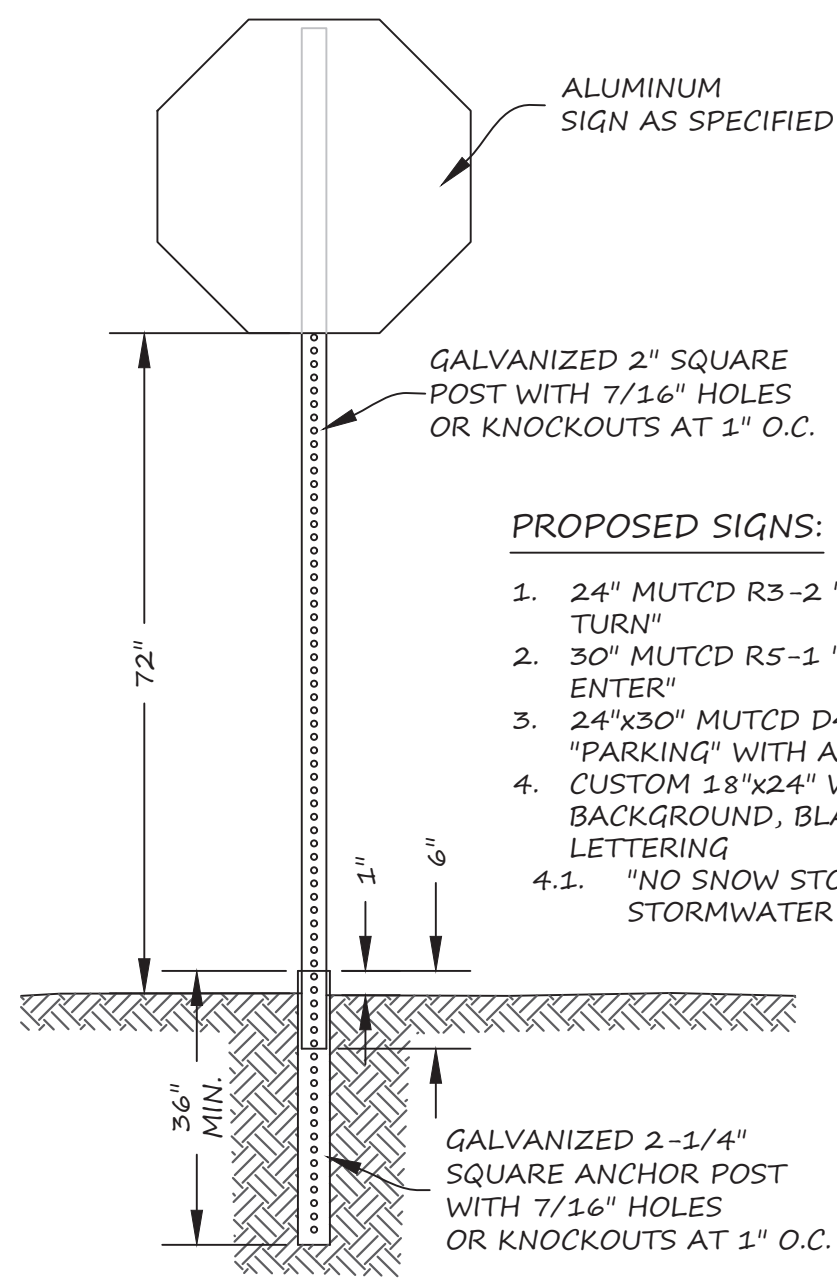




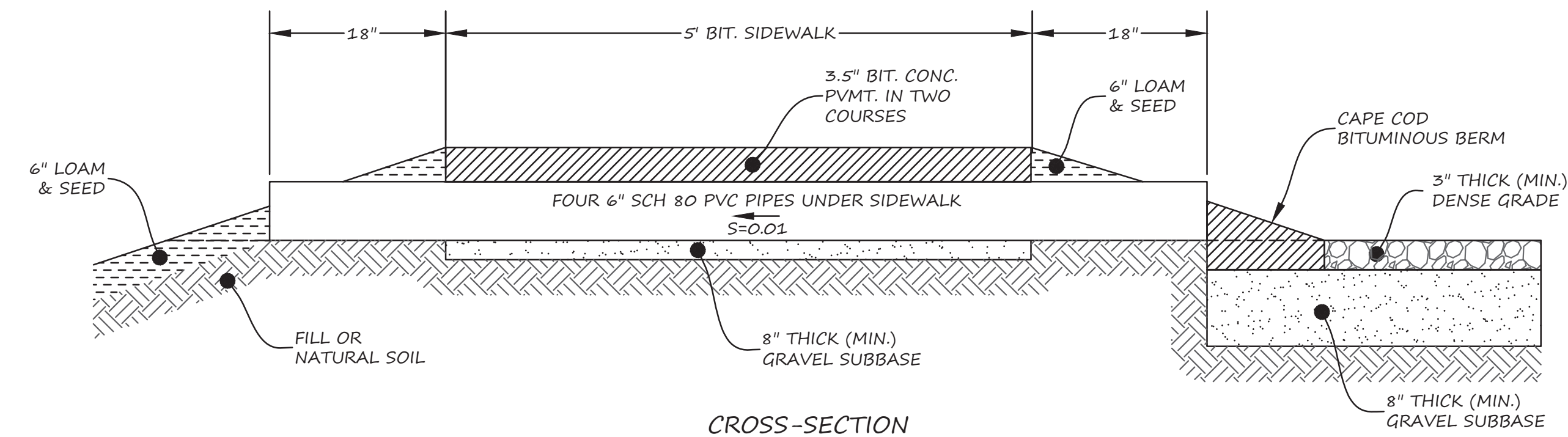
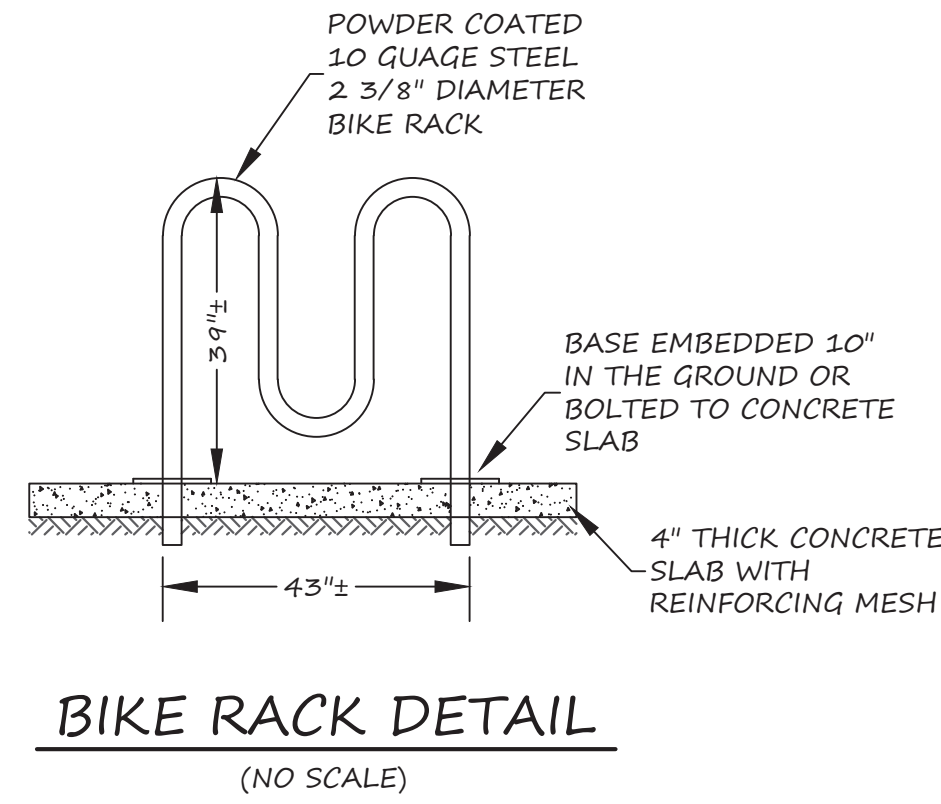
NOTES:

1. REFER TO THE LAYOUT PLAN FOR THE LOCATION, LAYOUT, AND NUMBER OF HANDICAP PARKING SPACES IN RELATION TO ADJOINING WALKWAYS.
2. HANDICAP PARKING SPACES AND ACCESSIBLE ROUTES (CURB CUTS, RAMPS, WALKWAYS, ETC...) SHALL BE IN ACCORDANCE WITH 521 CMR.

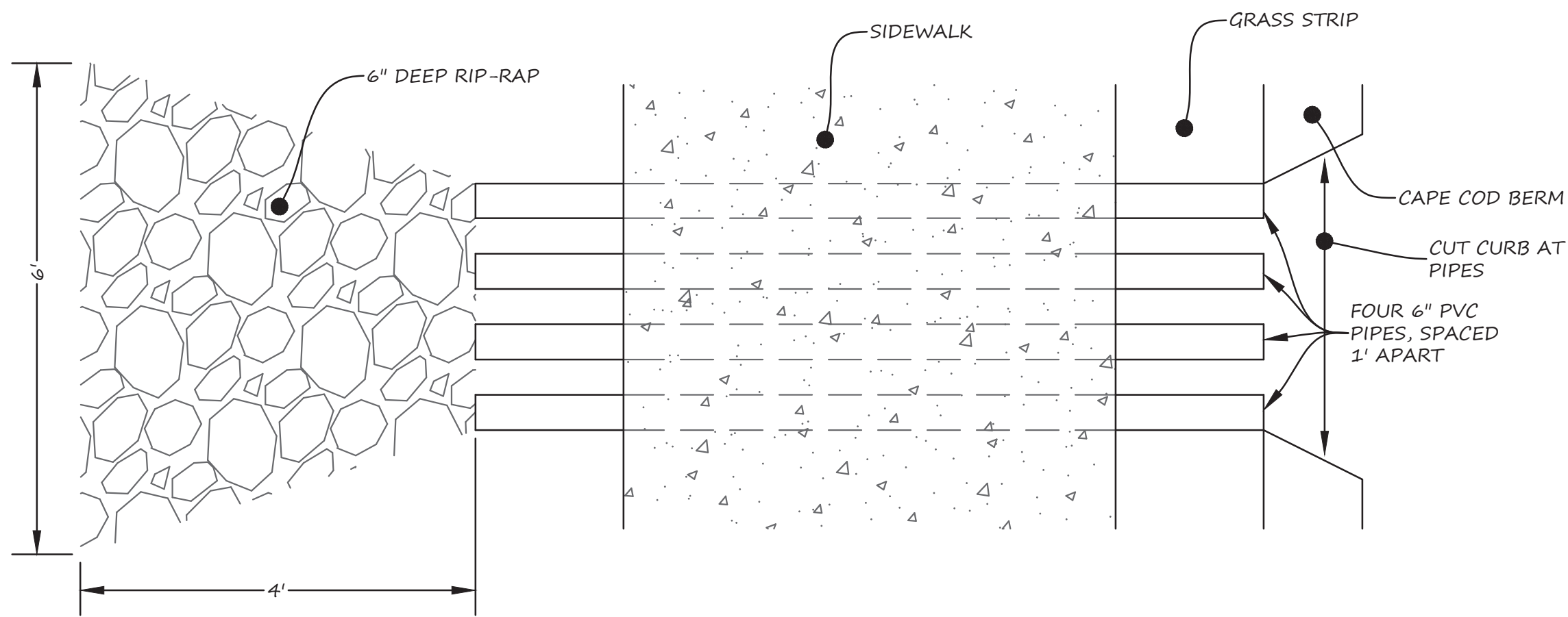
TYPICAL HANDICAP PARKING DETAIL  
(NO SCALE)



TYPICAL SIGN POST DETAIL  
(NOT TO SCALE)



CROSS-SECTION



PLAN VIEW

CULVERTS UNDER SIDEWALK DETAIL  
(NO SCALE)



Digitally signed by Daniel J. Merrikin, P.E.  
Date: 2022.10.26 11:41:18 -04'00'

SITE ADDRESS:  
2 MARC ROAD

MAP AND PARCEL:  
MAP 33, PARCEL 001

ZONING CLASSIFICATION:  
EAST INDUSTRIAL

OVERLAY DISTRICTS:  
GROUNDWATER PROTECTION DISTRICT

OWNER & APPLICANT:  
2 MARC ROAD LLC  
ELLEN ROSENFELD  
750 MAIN STREET, SUITE 2A  
MILLIS, MA 02054  
508-376-2041

DEED  
BOOK 40331 PAGE 234

DATE APPROVAL ISSUED:

PLAN ENDORSEMENT DATE:

MEDWAY PLANNING & ECONOMIC  
DEVELOPMENT BOARD

PLAN SCALE: N.T.S.

REVISION		DATE	BY
NEW METLAND FLAGS	2022-06-22	DJM	
CHANGES PER TOWN COMMENTS	2022-08-26	DJM	
CHANGES PER CONSERVATION COMMENTS	2022-10-30	DJM	
DUMPSTER LOCATION REVISED	2022-10-26	DJM	

2 MARC ROAD  
DETAIL  
PLAN OF LAND  
IN  
MEDWAY, MA

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS IN THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR

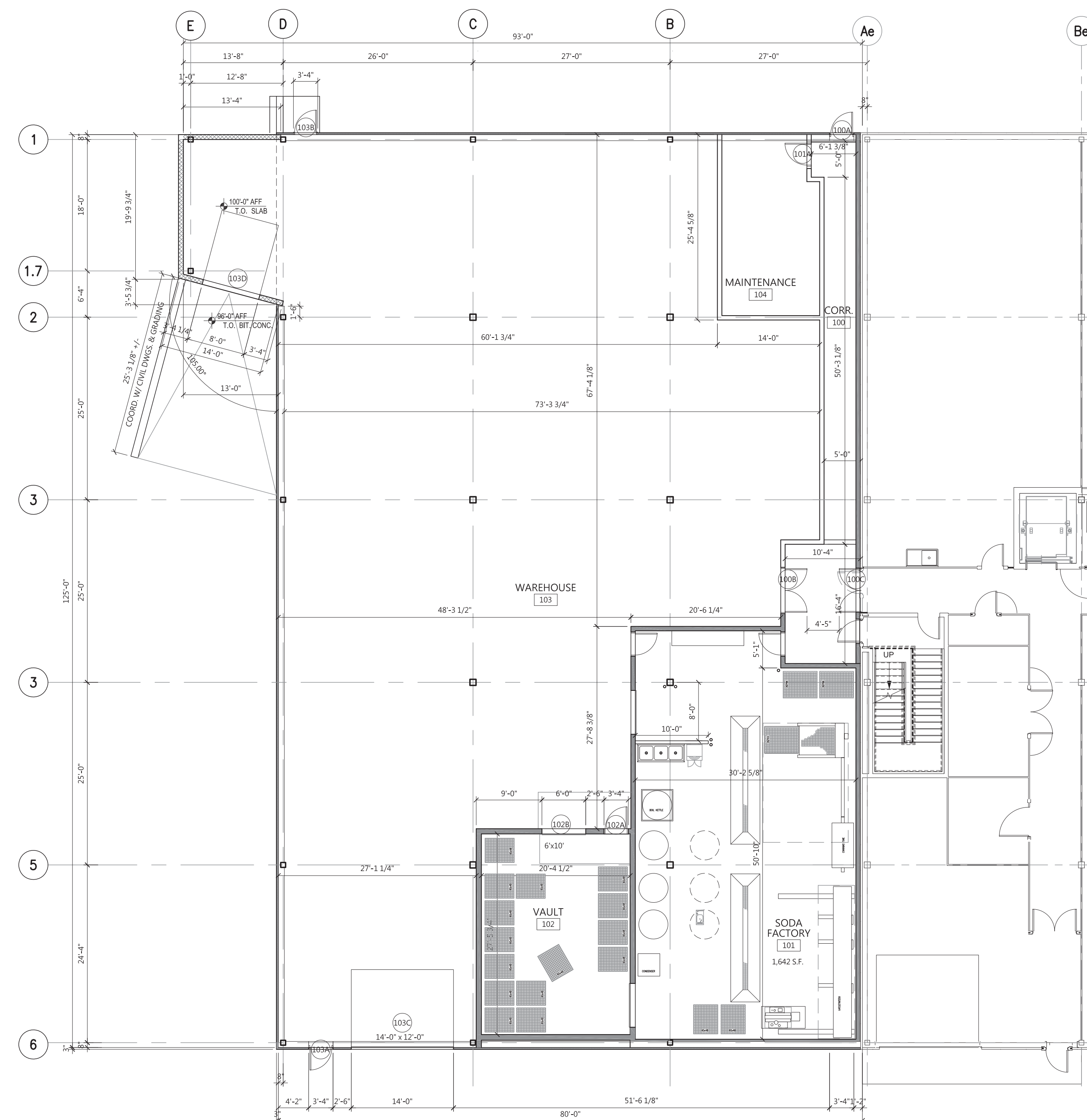
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-8



LEGACY  
ENGINEERING

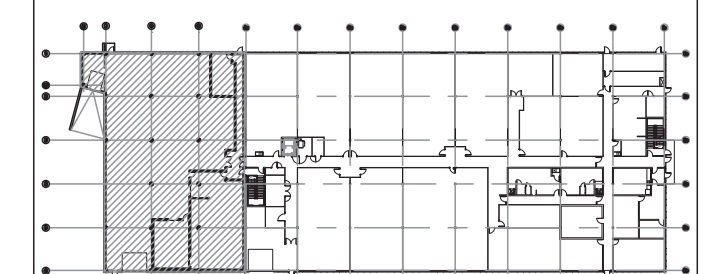




1  
A1.0

# 1st FLOOR PLAN

SCALE: 1/8" = 1'-0"



Drawing Status:

**PLANNING  
BOARD REVIEW**

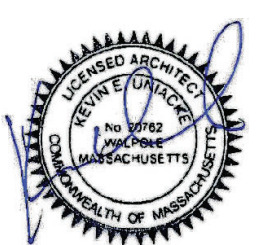
NOT FOR CONSTRUCTION

Client:  
Commonwealth Cannabis  
Company  
2 Marc Rd.  
Medway, MA

Project:  
**Grow Facility Addition**  
2 Marc Rd.  
Medway, MA

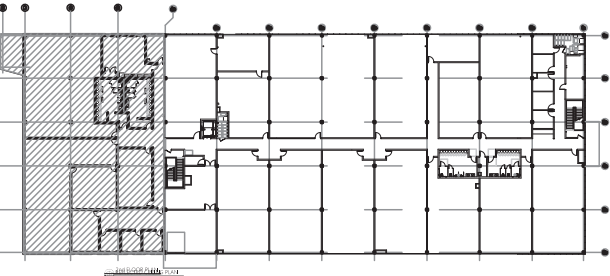
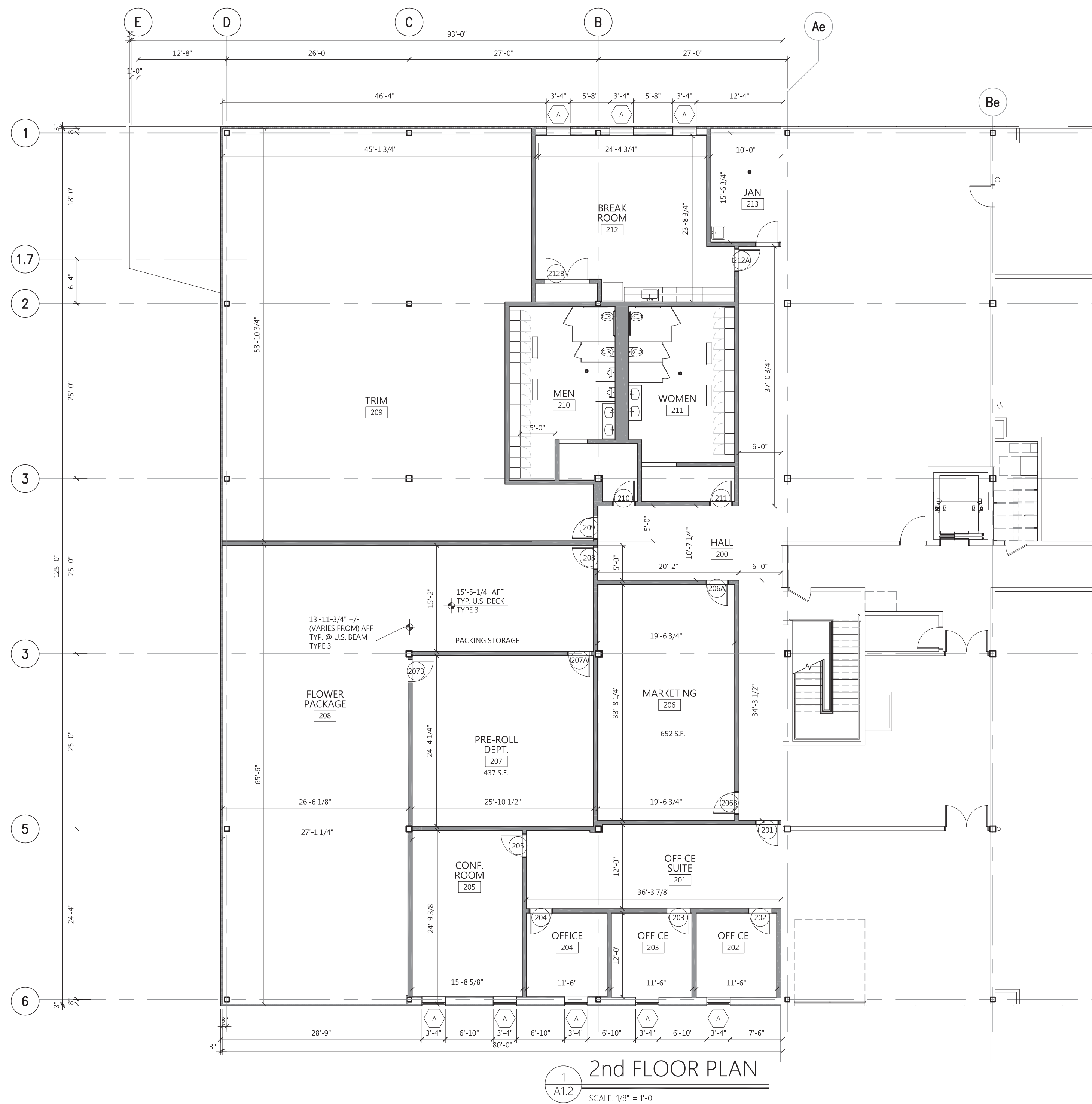
Drawing:

FIRST FLOOR PLAN



Scale:	AS NOTED
Date:	2/24/2022
Job Number:	21052
Drawn By:	TJF
Checked By:	KEU

## A1.0



Drawing Status:  
**PLANNING  
BOARD REVIEW**  
NOT FOR CONSTRUCTION

Client:  
**Commonwealth Cannabis  
Company**  
2 Marc Rd.  
Medway, MA

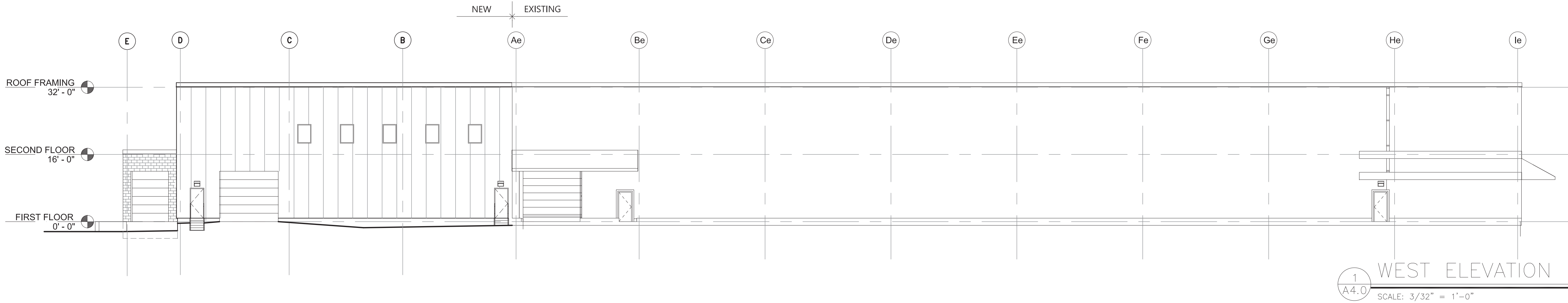
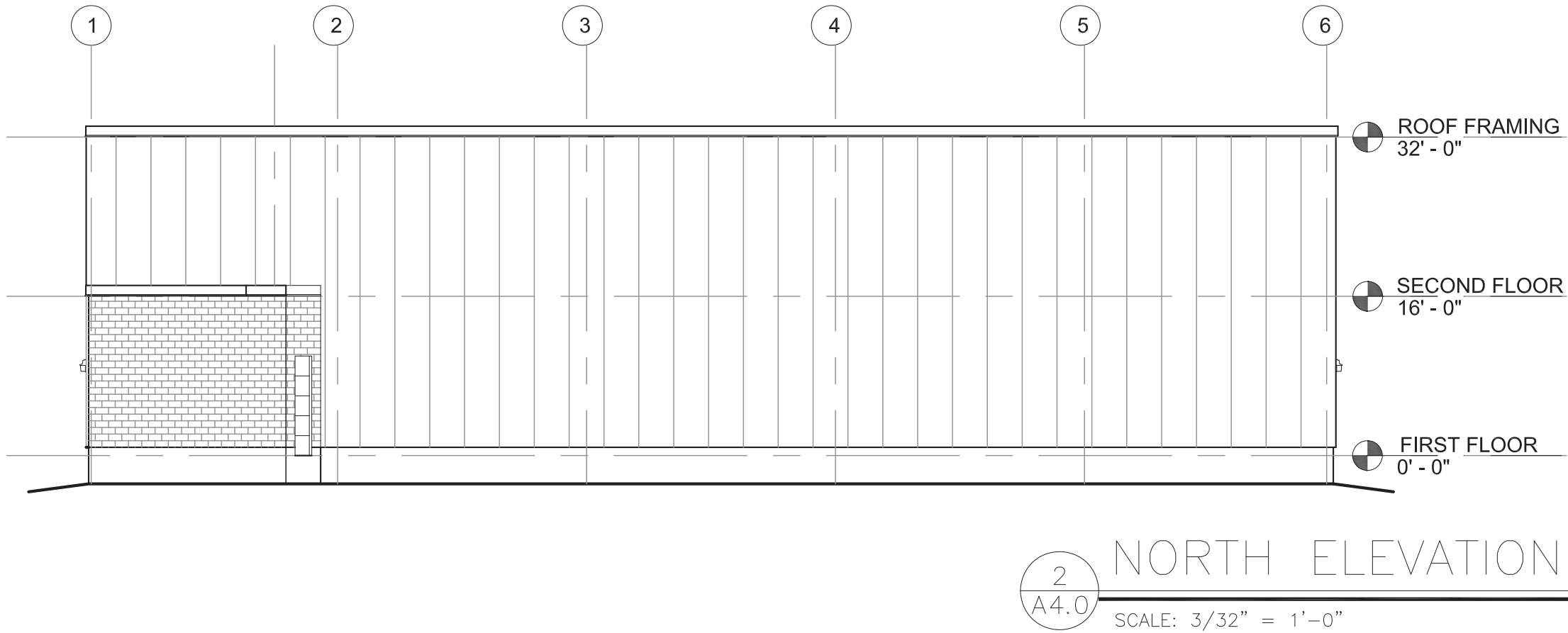
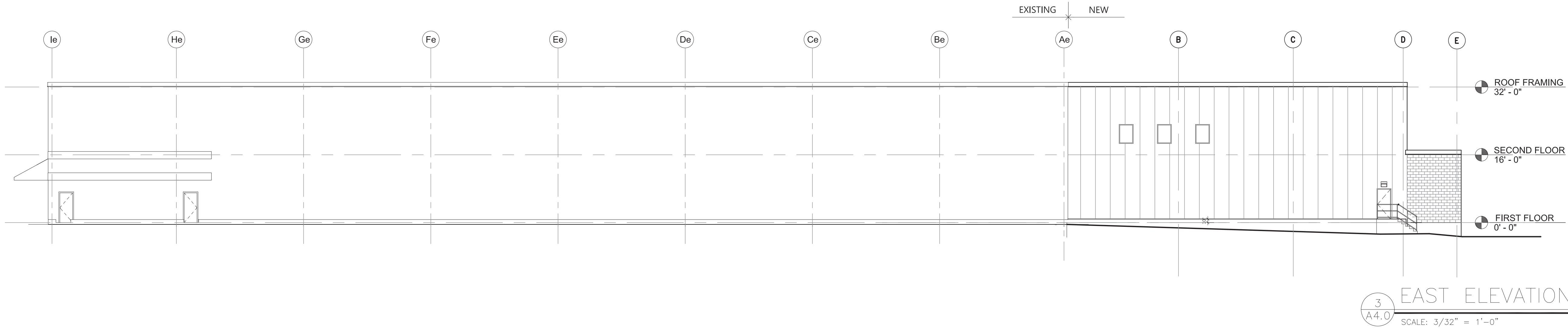
Project:  
**Grow Facility Addition**  
2 Marc Rd.  
Medway, MA

Drawing:  
**SECOND FLOOR PLAN**



Scale: AS NOTED  
Date: 2/24/2022  
Job Number: 21052  
Drawn By: TJF  
Checked By: KEU

**A1.2**



Drawing Status:  
**PLANNING  
BOARD REVIEW**  
NOT FOR CONSTRUCTION

Client:  
**Commonwealth Cannabis  
Company**  
2 Marc Rd.  
Medway, MA

Project:  
**Grow Facility Addition**  
2 Marc Rd.  
Medway, MA

Drawing:  
**EXTERIOR ELEVATIONS**

Scale: AS NOTED  
Date: 2/24/2022  
Job Number: 21052  
Drawn By: TJF  
Checked By: KEU

A4.0





RIGHT REAR CORNER  
LOOKING SOUTH

1  
A4.1  
NTS



LEFT REAR CORNER  
LOOKING SOUTH

2  
A4.1  
NTS

Drawing Status:  
**PLANNING  
BOARD REVIEW**  
NOT FOR CONSTRUCTION

Client:  
**Commonwealth Cannabis  
Company**  
2 Marc Rd.  
Medway, MA

Project:  
**Grow Facility Addition**  
2 Marc Rd.  
Medway, MA

Drawing:  
**EXTERIOR RENDERINGS**

Scale: **AS NOTED**  
Date: **2/24/2022**  
Job Number: **21052**  
Drawn By: **TJF**  
Checked By: **KEU**

**A4.1**





TETRA TECH

**Sidewalk Estimate**  
**2 Marc Road**  
**Medway, Massachusetts**  
 October 24, 2022

Estimate Item #	MA DOT Item #	DESCRIPTION	QUANTITY	UNIT	UNIT COST <sup>1</sup>	ENGINEERS ESTIMATE
1	120.	Earth Excavation	7	CY	\$42.00	\$294
2	151.	Gravel Borrow	4	CY	\$51.00	\$204
3	170.	Fine Grading & Compacting	12	SY	\$8.00	\$96
4	570.2	HMA Curb-Type 2	20	FT	\$15.00	\$300
5	701.2	ADA Ramp	13	SY	\$119.00	\$1,547
6	702.	HMA Sidewalk	3	TON	\$242.00	\$726
7	748.	Mobilization	1	LS	\$100.00	\$100
8	751.	Loam	1	CY	\$70.00	\$70
9	765.	Seed	5	SY	\$3.00	\$15
<b>Total</b>						<b>\$3,352</b>

**Notes:**

<sup>1</sup>Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 10/2021 - 10/2022. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

<sup>2</sup>Sidewalk quantities based on estimated length of proposed sidewalk along frontage of the property on Industrial Park Rd/Jayar Rd, excluding the driveway openings. HMA Sidewalk Dimensions: Sidewalk Length: 20 ft., Excavation Depth/Width=12 in./7.5 ft., Gravel Depth/Width=9 in./5 ft., Curb Length=20 ft., Sidewalk Depth/Width=3 in./5 ft., Loam Depth/Width=6 in./2 ft., Seed Width=2 ft.



### Board Members

Matthew J. Hayes, P.E., Chair  
Robert K. Tucker, Vice-Chair  
Sarah Raposa, A.I.C.P., Clerk  
Jessica Chabot, Member  
Thomas Gay, Associate Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987

Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

## TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

REVISED DRAFT – November 17, 2022

### ***Modification of Previously Approved Medical Marijuana and Adult Marijuana Special Permit, Major Site Plan Approval, and Groundwater Protection Special Permit 2 Marc Road***

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

**Name/Address of Applicant/Permittee:** 2 Marc Road LLC  
730 Main Street, Suite 2A  
Millis, MA 02054

**Name/Address of Property Owner:** 2 Marc Road LLC  
730 Main Street, Suite 2A  
Millis, MA 02054

**Location:** 2 Marc Road

**Parcel Size:** 6.93 acres

**Assessors' Reference:** 33-001

**Zoning District:** East Industrial  
Groundwater Protection District (Mass DEP Zone II wellhead protection area)

**Engineer:** Legacy Engineering  
730 Main Street, Suite 2C  
Millis, MA

**Site Plan:** 2 Marc Road Site Plan of Land in Medway, MA, dated February 28, 202, last revised October 26, 2022, by Legacy Engineering of Millis, MA, to be revised as specified herein.

**Members Voting:** Matthew Hayes, Robert Tucker, Jessica Chabot, Sarah Raposa

**I. PROJECT DESCRIPTION** – The Applicant seeks approval to modify the previous site plan approval and marijuana special permits and approval of a groundwater protection special permit pursuant respectively to Section 3.5, Section 8.9, Section 8.10, and Section 5.6.3 of the Medway *Zoning Bylaw* for the proposed expansion of the marijuana cultivation, manufacturing, and processing business (CommCan) currently operating at 2 Marc Road and associated site improvements. NOTE – The Ellen Realty Trust previously applied for and received site plan approval, groundwater protection district special permit and a medical marijuana special permit from the Board dated June 28, 2016, recorded at Norfolk County Registry of Deeds at Book 34328, Page 450, and an adult recreational marijuana establishment special permit on February 26, 2019, recorded at Norfolk County Registry of Deeds at Book 36679, Page 81. The site plan was subsequently modified on January 14, 2020, that decision is recorded at Norfolk County Registry of Deeds at Book 37927, Page 175. The subject property, located at 2 Marc Road, is 6.93 acres in size. The site presently includes the existing 60,000 sq. ft. marijuana cultivation and processing facility and paved areas which comprise 28.5% of the site (impervious).

The Applicant proposes to construct a two-story, 20,000 sq. ft. addition (10,000 sq. ft. footprint) and loading dock at the rear of the existing marijuana cultivation and processing facility to be used for the processing of products, a beverage canning operation, and storage. The proposal also includes constructing a 56-vehicle parking area in the previously disturbed easterly portion of the site with a gravel connecting driveway to the existing access driveway from Marc Road and a paved connecting driveway to the end of Industrial Park Road to be used as the primary entrance to the new parking lot. The existing parking area in front of the building will be modified to include additional handicap spaces and 10 spaces to charge electric vehicles. The existing driveway around the building will also be modified to accommodate the building addition and a new loading dock. The site work includes stormwater management facilities and other site amenities.

The property also includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission which issued an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the *Medway General Bylaws* on November 8, 2022.

## **II. VOTES OF THE BOARD**

**MAJOR SITE PLAN MODIFICATION** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS and WAIVERS from the *Site Plan Rules and Regulations* as specified herein, a modified site plan titled *2 Marc Road Site Plan of Land in Medway, MA*, dated February 28, 2022, last revised October 26, 2022, by Legacy Engineering of Millis, MA, to be further revised as specified herein, pursuant to Section 3.5 of the *Zoning Bylaw*.

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

**MARIJUANA SPECIAL PERMITS MODIFICATION** - After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS modifications to the previously approved medical marijuana and adult recreational marijuana establishment special permits for 2 Marc Road pursuant to Sections 8.9 and 8.10 of the *Zoning Bylaw*.

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

**C. GROUNDWATER PROTECTION SPECIAL PERMIT** – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board’s consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS, a groundwater protection special permit for 2 Marc Road pursuant to Section 5.6.3 of the *Zoning Bylaw*.

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

### **III. PROCEDURAL HISTORY**

- A. March 3, 2022 – Applications for modification to previously approved site plan and modification to previously approved marijuana special permits and groundwater protection special permit application were filed with the Board,
- B. March 17, 2022 - Public hearing notice was filed with the Town Clerk and posted at the Town of Medway web site and posted at Town Hall.
- C. March 17, 2022 - Public hearing notice was mailed to abutters by certified sent mail.
- D. March 28 and April 5, 2022 - Public hearing notice was advertised in the *Milford Daily News*.
- E. April 12, 2022 - Public hearing commenced. The public hearing was continued to May 24, July 12, August 9, September 13, October 11, October 25, and November 22, 2022 and \_\_\_\_\_ when a decision was rendered, and the hearing was closed.

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

- A. The following documents were provided at the time the site plan and special permit applications were filed with the Board:
  - Application dated 3/3/22 to amend previous site plan and marijuana special permit decision
  - Application dated 3/3/22 for groundwater protection district special permit
  - Site Narrative dated 2/28/22 prepared by Dan Merrikin, Legacy Engineering
  - Abutters List
  - Site Plan dated 2/28/22 prepared Legacy Engineering, Millis, MA
  - Requests for waivers from the *Site Plan Rules and Regulations*
- B. During the course of the review, the following additional materials were submitted to the Board by the Applicant and its representatives and consultants:
  - Letter dated April 5, 2022 from Dan Merrikin of Legacy Engineering with documentation re: change of name and ownership of 2 Marc Rd from Ellen Realty Trust to 2 Marc Road, LLC
  - Marijuana licenses from the Cannabis Control Commission
  - CommCan Annual Reports (2017-2021)
  - Groundwater Protection District Materials MSDS Sheets
  - Email dated August 8, 2022 from Dan Merrikin to Mike Fasolino and Bridget Graziano re: driveway/parking lot

- Letter dated August 31, 2022 from project engineer Dan Merrikin of Legacy Engineering with revised submittal package including the follow items:
  - Additional Requests for Waivers dated August 26, 2022 from *Site Plan Rules and Regulations*
  - Development Impact Statement dated August 26, 2022 prepared by Legacy Engineering
  - Revised Site Plan dated August 26, 2022 by Legacy Engineering including building elevation and floor plan drawings dated February 24, 2022 by UDA Architects of Walpole, MA
  - Revised Stormwater Report dated August 26, 2022 prepared by Legacy Engineering
  - Truck Turning analysis dated August 26, 2022 by Legacy Engineering
  - Noise Analysis memo by Acentech, the Applicant's noise consultant, dated August 25, 2022
  - Review memorandum dated 10-13-22 from Jeff Komrower of Noise Control Engineering, the Board's noise consultant, in response to the Acentech Noise Analysis memo.
  - Odor Mitigation Report by Engineered Systems Consulting Engineers, the Applicant's odor consultant, dated June 10, 2022, September 8, 2022, and October 11, 2022
  - Letter dated 10-7-22 from project engineer Dan Merrikin of Legacy Engineering re: the Cannabis Control Commission's requirement for a back-up generator.
  - Letter dated 10-13-22 from project engineer Dan Merrikin of Legacy Engineering with revised submittal package including the following items:
    - Revised Site Plan dated 10-13-22 by Legacy Engineering
    - Additional Requests for Waivers dated October 13, 2022 from *Site Plan Rules and Regulations*
  - Letter dated October 21, 2022 from Dan Merrikin of Legacy Engineering with revised submittal package including the following items:
    - Revised Site Plan revision dated October 20, 2022
    - Revised Operations and Maintenance Plan, revised October 20, 2022
  - Letter from OMI dated October 21, 2022 re: odor control
  - Letter dated 10-26-22 from project engineer Dan Merrikin of Legacy Engineering with revised submittal package including the following item:
    - Revised Site Plan revision dated October 26, 2022
- C. During the course of the review, the following materials were submitted to the Board by the Board's consultants and Town staff:
- Plan review letter to the Board from Steve Bouley, P.E. Tetra Tech, dated March 31, 2022
  - Host Community Agreement with the Town of Medway
  - Email dated March 16, 2022 from Planning and Economic Development Coordinator Susan Affleck-Childs to Town staff requesting review and comment

- Emails between Susan Affleck-Childs and Dan Merrikin (Applicant's project engineer) dated March 16 – April 5, 2022 regarding needed additional submittals.
- Review of applicant's noise study by Acentech, prepared by Noise Control Engineering, the Board's noise consultant, dated August 29, 2022
- Tetra Tech plan review letter updated September 9, 2022 from Steve Bouley, P.E.
- Review of Applicant's odor mitigation report by Engineered Systems Consulting Engineers, prepared by Straughan Forensic, LLC, the Board's odor consultant, dated September 2, 2022
- Medway Design Review Committee site plan review letter dated 10-11-22
- Tetra Tech plan review letter dated 10-29-22 on revised site plan
- Letter dated September 2, 2022 from Bruce Straughan, the Board's odor consultant in response to the applicant's June 10, 2022 Odor Mitigation Report by Engineering Systems Consulting Services
- Email communications dated September 22, 2022 and October 17, 2022 from Bruce Straughan, the Board's odor consultant in response to the applicant's September 8th and October 11th revised Odor Mitigation Reports by Engineered Systems Consulting Engineers
- Email dated October 24, 2022 from Steve Bouley, P. E., Tetra Tech
- Mass Department of Environmental Protection Notice of Noncompliance dated September 14, 2022 including a site visit report
- Email dated 10-6-22 from Ellen Rosenfeld to Mass DEP in response to the DEP Notice of noncompliance and providing the 9-8-22 Odor Mitigation Report
- Email dated 10-19-22 from Giles Steele Perkins, Mass DEP to Susan Affleck-Childs re: status of the MA DEP enforcement order.
- Order of Conditions dated November 8, 202 from Medway Conservation Commission

D. Other Documentation

- 2 Marc Road medical marijuana special permit and site plan decision dated 6-28-2016
- 2 Marc Road recreational marijuana special permit decision dated 2-26-2019
- ~~Mullins Rule Certification dated April 25, 2022 for Board member Richard Di Iulio pertaining to the April 12, 2022 hearing.~~
- Email from John Lally dated September 15, 2022 with attachments
- Email from John Lally dated October 24, 2022
- Second email from John Lally dated October 24, 2022

V. **TESTIMONY** – During the course of the public hearing, the Board heard and received verbal testimony from:

- Steve Bouley, P.E, Tetra Tech, the Board's consulting engineer
- Dan Merrikin, P.E., Legacy Engineering (for the applicant)
- Jeff Komrower of Noise Control Engineering LLC, the Town's acoustic sound consultant
- Applicant Ellen Rosenfeld, 2 Marc Road LLC
- John Lally, 35 Coffee Street
- William Ray, 22 Spruce Road
- Marlene Gibson, 45 Coffee Street

- Sabrina Farley, 47 Coffee Street
- Donna Barnes, 43 Coffee Street
- Candace Bearce, 44 Coffee Street

## VI. FINDINGS

A. **Site Plan Rules and Regulations Findings** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board shall consider the following criteria as applicable to the proposal in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, and Section 3.5 of the *Bylaw*:

- 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 site features on abutting sites.**

*The 20,000 sq. ft. building addition and expanded parking area are suitably located on the site. The parking area and its access are positioned to protect natural resources under the jurisdiction of the Conservation Commission.*

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

*The proposed building addition is in an industrial style to match the design of the existing industrial building. Its scale and materials are suitable for the site and use. The building design has been reviewed by the Design Review Committee and is acceptable for its location. Feedback from the Design Review Committee has been provided regarding dumpster enclosures, landscaping, and sidewalk lighting which have been incorporated into the revised 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.**

*The building and site design are reflective of the scale and nature of the existing industrial park in which 2 Marc Road is located. There are no particularly distinguished industrial buildings in the vicinity with which the proposed building addition would conflict in terms of character, materials, and scale. The proposed scope of work serves to implement Economic Development Goal #6 of the 2009 Master Plan, to attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

- 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 view or from adjacent residential property.**

*The subject property is located within the East Industrial zone and is abutted on the east, west and south by other industrial and business properties. The dumpster is to be located in the northwest corner of the site, well out of public view from Jayar Road. Suitable provisions have been made to screen the dumpster.*

- 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.** *The project includes construction of a new private driveway off of*

*Industrial Park Road to access the new parking area for use by CommCan employees. The facility is not open to the public, so traffic generation is limited to employees.*

- 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 plan has been thoroughly reviewed by Town officials and the Board's Consulting Engineer. No access from minor streets is necessary or available, there is no backing onto a public way, and Industrial Park Road and Jayar Roads are adequate to safely handle the additional traffic.*
- 7) **Convenient and adequate access for firefighting and emergency vehicles is provided to each structure and throughout the site.** *Access for fire and service equipment is provided with paved surfaces on three sides of the existing building and the planned addition. The Fire Department has reviewed the proposed driveway and parking lot reconfiguration and the provided auto turn analysis provided by the Applicant's traffic consultant. The Fire Department has determined that its fire apparatus will be able to maneuver throughout the site.*
- 8) **Design and construction minimize, to the extent reasonably practical, 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 site plan and proposed stormwater drainage system have been rigorously reviewed by the Town's Consulting Engineer and the Conservation Commission which issued an Order of Conditions and Land Disturbance Permit on November 8, 2022. Appropriate soil pollution and erosion controls have been incorporated into the plan. The building addition will not be visible from Marc Road. The landscaping plan and building design have been reviewed and positively recommended by the Design Review Committee. No stone walls are being removed. Since the site is located within a Groundwater Protection District, this Decision also includes a groundwater protection special permit to ensure that the project will not adversely affect groundwater.*

- 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.** *Because of its use as a marijuana cultivation facility, the building is not open to the general public. The entrances and egresses to the site and its parking facilities have been designed for safe operation and have been reviewed by the Board's consulting engineer. A sidewalk connecting the rear parking area to the main entrance at the front of the building has been added to enable employees to walk safely from their cars to the CommCan building's main entrance.*

- 10) **Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).** *The site is already heavily disturbed with its prior use as a contractor's yard. However, the property includes wetland resources under the jurisdiction of the Conservation Commission which issued an Order of Condition and Land Disturbance Permit on November 8, 2022.*
- 11) **Lighting on the site complies with Section 7.1.2 of the Zoning Bylaw.** *The photometric plan was reviewed by the Board and its Consulting Engineer and found to comply after it was revised. The Permittee is required to comply with Section 7.1.2 of the Zoning Bylaw regarding Outdoor Lighting – See Specific Condition 14.*
- 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 plan has been reviewed by both the Conservation Commission and the Planning and Economic Development Board and their consulting engineer and has been modified to address environmental concerns. The limit of work is reasonable, and the site design has evolved to protect sensitive environmental resources. The project has been reviewed by the Conservation Commission and an Order of Conditions and Land Disturbance Permit was issued November 8, 2022.*
- 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 site.** *There are no abutting residential neighborhoods, but the adjacent land to the north is zoned residential. The project, consisting primarily of an addition to the building, a new parking lot, and related site improvements, should not create harmful effects from noise, traffic, or light. The project has been reviewed by the Town's odor and noise consultants and all of their comments have been satisfactorily addressed by the applicant. Nearby residents have complained about odors generated from the existing cultivation building. The proposed addition will not be used for cultivation and therefore will not be adding any further odors. In addition, the applicant has been working with an odor consultant, OMI, which has installed an odor control system called Ecosorb on the existing building and will extend that odor control system to the addition.*
- 14) **The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.** *The project is compatible with the existing industrial uses in the industrial park*
- 15) **Off-street loading facilities and methods for unloading vehicles, goods, 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.** *The building addition includes construction of a loading dock. It will be located at the back of the building and away from public view from Marc Road.*



- 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.** The stormwater plan for this project has been reviewed by the Town’s consulting engineer and the Conservation Commission which issued an Order of Conditions and associated Land Disturbance Permit on November 8, 2022.
- 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 G of the Site Plan Rules and Regulation**

\*\*\*\*\*

**Vote on Site Plan Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Site Plan Findings regarding the application to approve the previously approved major site plan and decision for 2 Marc Road (the “Property”). The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

B. **Marijuana Special Permit Findings**

*See Marijuana Special Permit Findings included in the previously issued medical marijuana special permit decision issued by the Board on June 28, 2016 and the adult recreational marijuana permit issued by the Board on February 26, 2019. No additional Findings are needed.*

C. **Groundwater Protection Special Permit Findings (Sub-Section 5.6.3 of the Zoning Bylaw)**

– The subject property at 2 Marc Road is located within the Town’s Groundwater Protection District (MA Department of Environmental Protection Zone 2 recharge area). The scope of the project with the building addition and site improvements will increase the extent of impervious surface to more than 15% of the lot area. Accordingly, a groundwater protection special permit is required. Section 5.6.3 specifies that the following findings must be made to issue a groundwater protection special permit:

- 1) **Permitted Uses** – *Enlargement of an existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned herein, the project will comply with those restrictions. See Specific Condition 8.*
- 2) **Prohibited Uses** – *The project includes an on-site emergency generator. Storage of liquid petroleum products is prohibited. There is an exception for emergency generators required by statute, rule, or regulation. The Applicant has provided documentation that the Cannabis Control Commission requires marijuana facilities to maintain the ability to remain operational during power outages for a minimum of 4 hours, thus necessitating the installation of a generator.*

- 3) **Uses and Activities Requiring a Groundwater Special Permit** – *Specific to this project, the following activities are allowed only upon issuance of a special permit.*
  - *Any use which will render impervious more than 15% or 2,500 sq. ft. of any lot whichever is greater. The proposed building expansion and site improvements planned for 2 Marc Road increase the extent of impervious surface to 35.3% of the of the site, thus triggering the need for a Groundwater Protection special permit.*
- 4) **Special Permit Granting Authority** - *The Board of Appeals is the designated special permit granting authority for the Groundwater Protection District. However, the Bylaw (Section 3.5. Site Plan Review, 4. a.) provides that authority to the Planning and Economic Development Board when both site plan approval and a special permit are needed so as to consolidate and streamline the review process.*
- 5) **Does the site design include a system for groundwater recharge which does not degrade groundwater quality? Does the recharge system use stormwater infiltration basins, or a similar system covered with natural vegetation? Are such basins preceded by oil, grease, and sediment traps to facilitate removal of contamination? Is there a plan for all recharge areas to be permanently maintained in full working order by the owner?** *The existing facility, proposed addition, and associated site improvements will render the site to be 35.3% impervious. Stormwater runoff from all proposed impervious surfaces will be routed through pretreatment devices and into stormwater infiltration BMPs (existing or new) in order to meet the treatment and recharge requirements of the bylaw. The Conservation Commission is responsible for stormwater review on this site and has issued an Order of Conditions and a Land Disturbance permit which includes numerous conditions and protective measures. As part of its review, the Commission used the services the Town's Consulting Engineer to review and comment on the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality and to ensure compliance with DEP's Stormwater Management Regulations and the Town's Stormwater Management and Land Disturbance Bylaw.*
- 6) **Does the proposed use, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District?** *The project has been reviewed by the Conservation Commission and the Town's Consulting Engineer to ensure that the planned stormwater management facilities and the associated groundwater recharge does not degrade groundwater quality. The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on November 8, 2022 which specifies suitable measures to protect groundwater.*
- 7) **Is the proposed development designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed?** *The plan for the proposed development has been developed and revised such that the impact of the planned stormwater infrastructure on groundwater is minimized.*
- 8) **Has the applicant provided sufficiently detailed, definite, and credible information to supportive positive findings in relation to the standards given herein?** *The Board finds that the Applicant has provided sufficiently detailed, definite, and credible*

information to support positive findings in relation to the standards for a Groundwater Protection special permit as documented in the application materials and additional information provided during the course of the public hearing.

- 9) **Were the submission requirements and hearing procedures conducted in accordance with Section 3.4 of the Zoning Bylaw?** *The submission requirements and public hearing procedures have been conducted in accordance with Section 3.4 of the Bylaw and the Board's Site Plan Rules and Regulations including the posting of a public hearing notice with the Town Clerk, abutter notification, and legal advertisement. In a local newspaper of general circulation. Information about the project has also been posted to the Board's web page and review and comments have been sought from the Board of Health, Conservation Commission, and the Department of Public Works.*
- 10) **Has the Board consulted with the Board of Health, Conservation Commission, Water and Sewer Commission and the Department of Public Works and referred this project to those entities for review and comment?** *The site plan has been provided to the Board of Health, Conservation Commission, and Department of Public Works Services for review and consultation. The noted boards and committees were kept apprised of the status of the Board's review of the project and were able to provide information and recommendations throughout the process. Further, the Conservation Commission has reviewed this project and has issued an Order of Conditions and Land Disturbance Permit with associated conditions.*
- 11) **Other Conditions** - For further protection, the Board has included a series of conditions in this decision which require certain measures to address groundwater protection. *See Specific Condition 8.*
- 12) **Project Meets the Special Permit Decision Criteria (Zoning Bylaw, Section 3.4 C. 1-9)** **Special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Bylaw, shall make findings on all of the applicable criteria.** *See Special Permit Findings included in the previously issued medical marijuana special permit issued by the Board on June 28, 2016 and the adult recreational marijuana permit issued by the Board on February 26, 2019.*
- 13) Accordingly, the Board finds that the proposed development meets the criteria for a Groundwater Protection Special permit under Section 5.6.3 of the Zoning Bylaw.

**Vote on Groundwater Protection Findings** - The Planning and Economic Development Board, at its meeting on \_\_\_\_\_ voted to \_\_\_\_\_ the above noted Groundwater Protection Special Permit Findings for 2 Marc Road (the "Property"). The motion was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**VII. WAIVERS** - At its October 25, 2022 meeting, the Board, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans*. The Board's action and reasons for granting each waiver are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

The motion was passed by a vote of 4 in favor and 0 opposed.

### **Site Plan Submittal Requirements**

1. **Section 204-5 C. 3) Existing Landscape Inventory** - An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “mapped” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one foot or greater at four feet above grade.

*The Applicant has requested a waiver from this requirement as the site has been used for many years as a contractor’s yard and is already considerably disturbed. 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.*

2. **Section 204-5 D. Landscape Plan, a)** A Landscape Plan shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

*The Applicant has requested a waiver from this requirement. Instead, the Applicant’s project engineer, who has completed many such plans for other development projects, has prepared a landscape plan for the Board’s review. 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.*

### **Development Standards Requirements**

3. **Section 207-11 Traffic and Vehicular Circulation, B. Internal Site Circulation 2)**  
The perimeter of driveway aisles shall be bounded with vertical granite curb.

*The Applicant has requested a waiver from this requirement and has proposed to use Cape Cod berm instead of vertical granite curbing for the perimeter of the driveway aisles. The site is already developed, and the Board previously approved this same waiver in 2016 for the original 2 Marc Road site plan. Use of Cape Cod berm will provide consistency throughout the development. 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.*

4. **Section 207 – 19 Landscaping, C. Parking Areas, 1) Internal Landscaped Planted Divisions, a)** A minimum of ten percent of the total internal parking area shall be provided as landscaped islands, exclusive of perimeter landscaping.

*The Applicant has requested a waiver from this requirement. Strict adherence to this standard for internal landscaped divisions in the new parking lot would reduce the number of much needed parking spaces. The provision of additional parking is one of the critical components of this site plan modification; the spaces are needed to address the current parking shortage and to accommodate both existing personnel and expected additional*

personnel associated with the 20,000 sq. ft. building expansion. The additional parking spaces will address the current situation of overflow employee parking on Marc Road. It is also noted that the site plan includes landscaping around the perimeter of the new parking area. 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.

**5. Section 207 – 19 Landscaping, C. Parking Areas 1) Internal Landscaped Planted Divisions,** c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscape islands shall be installed at regular intervals, not to be more than every thirteen spaces.

*The Applicant has requested a waiver from this requirement. Strict adherence to this standard for intermediary landscaped islands in the new parking lot would reduce the number of much needed parking spaces. The need for parking is explained above. It is also noted that the site plan includes landscaping around the perimeter of the new parking area. 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.*

**6. Section 207 - 19 Landscaping, E. Landscaping Around Stormwater Infiltration Basins** – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purpose.

*The Applicant has requested a waiver from this requirement to install landscaping around stormwater basins. The plan is to plant the area around the basins with a seed mix approved by the Conservation Commission. The Applicant indicates that substantial landscape screening is not warranted at this industrial site as there are no residential abutters who will view the stormwater basin. It is further noted that other stormwater basins in the industrial area are not landscaped on their perimeter. Also, the planned basin is fairly shallow, and as such, it is not intrusive and blends in with the surrounding lawn area. 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. CONDITIONS** The Specific and General Conditions included in this Decision are to assure that the Board's approval of the major site plan, groundwater protection special permit, and reduced parking special permit are consistent with the *Zoning Bylaw*, 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. These conditions are binding on the Permittee.

**A. SPECIFIC CONDITIONS OF APPROVAL**

1. **Limitations** - Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
  - a) The tract(s) of land on which this proposed development will be located at 2 Marc Road shall not be altered or used except
    - i. as granted by this site plan and special permits modification decision;
    - ii. as granted by the medical and adult recreational marijuana uses special permits granted on June 28, 2016 and February 26, 2019 and recorded at the Norfolk County Registry of Deeds.
    - iii. substantially as shown on the *2 Marc Road Site Plan of Land in Medway, MA*, dated February 28, 2022, last revised October 26, 2022, by Legacy Engineering of Millis, MA, to be further revised as specified herein before plan endorsement.
    - iv. in accordance with any subsequently approved field changes, modified plans, or amendments to this site plan/special permit decision; and
  - b) The tract of land and buildings comprising 2 Marc Road shall not be used, sold, transferred, or leased except in conformity with this decision and approved site plan and shall not be further divided.
  - c) The groundwater protection special permits are limited to the operation of the property for the cultivation, manufacturing and processing of medical and adult use recreational marijuana and marijuana products.
2. All conditions included in the previously issued marijuana uses special permits and site plan and modification thereto as approved by the Board on June 28, 2016 and February 26, 2019 are incorporated herein.
3. **Plan Endorsement** – Within 60 days after the Board has filed its *Decision* with the Town Clerk, the *2 Marc Road Site Plan of Land in Medway, MA*, dated February 28, 2022, last revised October 26, 2022, by Legacy Engineering of Millis, MA, including building elevations, renderings, landscaping plan and lighting plan, shall be further revised to reflect all conditions and required revisions as specified herein, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate of No Appeal from the Town Clerk's office.
4. **Recording** - No construction shall begin on the site and no building permit for any work shall be issued before this *Decision* and the *Plan* are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.
5. **Cover Sheet Revisions** – The following revisions shall be made to the Cover Sheet of the plan set. **Check if any other revisions are needed.**
  - a) Revise the cover sheet to include a list of APPROVED waivers.
  - b) Add references to the previously issued marijuana special use permits and site plan decisions including the recording information.

6. **Other Plan Revisions** – The following revisions shall be made to other sheets in the plan set.
  - a) Add the Operations and Maintenance plan (Attachment A of the final 2 Marc Road Stormwater Report) as a sheet of the plan set and reference it on the cover sheet plan index.
7. **Parking**
  - a) The Permittee shall require employees to park on the premises; employee parking is not allowed on Marc Road.
  - b) Parking or use of the parking areas at 2 Marc Road shall be limited only to vehicles for CommCan employees, deliveries, vendors, and customers. The parking area shall not be leased or made available to any other businesses for any purposes.
8. **Conditions Pertaining to Groundwater Protection District Special Permit**
  - a) Use and storage of toxic and hazardous materials is prohibited unless stored within a free-standing container located inside the building. Any accidental spillage must be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
  - b) Any commercial fertilizers, as defined in Massachusetts General Law, c. 128 §64, used for the growing of marijuana plants shall be stored within containers and kept inside the 2 Marc Road building. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to prevent adverse impacts on groundwater.
  - c) Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
  - d) There shall be no outdoor storage of pesticides, herbicides, fungicides, or insecticides anywhere on the site. Any such products shall be stored inside.
  - e) Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
  - f) Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms.
  - g) All vehicles shall be parked or stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.

- h) There shall be no earth removal within six feet of the historical high groundwater level except for excavations for building foundations, roads, or utility work.
  - i) The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.
  - j) The Conservation Commission issued an Order of Conditions and Land Disturbance Permit on which specifies suitable measures and conditions to protect groundwater. This groundwater special permit is subject to those applicable conditions.
9. **Nuisance** – The Permittee shall construct and maintain the property and building so as to not create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area. The Permittee shall comply with Section 7.3 of the *Zoning Bylaw*.
10. **Noise Management**
- a) See conditions included in the marijuana special permit decisions dated June 28, 2016 and February 26, 2019.
  - b) Within 30 days after completion of construction, the site shall be evaluated by the applicant's noise consultant to verify that the additional HVAC equipment associated with the addition does not violate the Zoning Bylaw pure tone requirement. The applicant shall submit the findings of its noise consultant to the Board, which may require that it be peer reviewed by the Board's noise consultant at applicant's expense. Any violation of the DEP noise policy or the Town Zoning Bylaw requirements as to noise that are revealed by this evaluation shall be remedied by the applicant and the site brought into compliance.
11. **Odor Management**
- a) See conditions included in the marijuana special permit decisions dated June 28, 2016 and February 26, 2019.
  - b) No cultivation of any type is allowed in the addition.
  - c) The applicant shall extend the odor control system that is in place on the existing building to cover the addition and will utilize the odor control system as necessary to control any odors that violate the Town Zoning Bylaw.
  - d) Within        days after completion of construction, the site shall be evaluated by the Applicant's odor consultant to verify that:
    - i. the extension of the odor mitigation system is functioning properly and has not negatively affected the overall performance of the system; and
    - ii. that the addition and existing building are not creating any odor nuisances.

Commented [SAC1]: Or "occupancy"



The Applicant shall submit the report of its odor consultant to the Board, which may require that it be peer reviewed by the Board's odor consultant at the Applicant's expense. Any violation of the Zoning Bylaw requirements as to noise that are revealed by this evaluation shall be remedied by the Applicant and the site brought into compliance.

12. **Open Space** – At least 20% of the site shall be permanently retained as open space and/or yard in perpetuity. This is an on-going obligation of the Permittee. This area shall be unpaved but may be landscaped or left natural with the balance being trees, shrubs, and grass suitable for the site. The area may include communal gathering space for employees.
13. **Signage** – Any business signage for this project shall comply with the sign regulations of the Zoning Bylaw (Section 7.2) and is subject to review by the Design Review Committee.
14. **Lighting** – Any outdoor lighting for the site and building shall comply with the outdoor lighting regulations of the Zoning Bylaw (Section 7.1.2).
15. **Sidewalk Construction** – Pursuant to Section 3.5.4. I.3. Procedures for Site Plan Review of the *Zoning Bylaw*, sidewalks shall be provided along the entire frontage of properties along existing public ways. The Applicant has not proposed to provide sidewalks along the property's frontages on Industrial Park and Jayar Roads. In lieu of sidewalk construction, the Applicant will make a payment to the Town's Sidewalk Fund in the amount of \$3,352.00 as calculated by the Board's Consulting Engineer (Tetra Tech 10-24-22 estimate) as the amount needed for the Town to construct 10 linear feet with curbing and handicapped ramp. The funds shall be held in the Town's Sidewalk Fund for use to construct sidewalks elsewhere in the community. The funds shall be paid to the Town before an occupancy permit for the new addition is issued by the Building Department.
16. **Snow Storage and Removal**
  - a) On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Bylaw.
  - b) Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 72 hours after the conclusion of the storm event.
17. **Water Conservation** – The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures:
  - a) Any landscape irrigation system shall not be connected to municipal water supply. Irrigation wells must be permitted by the Board of Health.
  - b) rain-gauge controlled irrigation systems
  - c) low flow plumbing fixtures
  - d) water efficient appliances for toilets, etc.
  - e) any irrigation planned for the property shall not use potable water
18. **Construction** – In conjunction with the pre-construction meeting (*See General Condition 24*), the Permittee shall provide the following:

- a) Stormwater Pollution Prevention Plan (SWPPP) and documentation under the NPDES General Construction Permit program of the US EPA.
  - b) Construction Management Plan compliant with Section 204-3 H. Site Plan Submittals of the *Site Plan Rules and Regulations*
19. **Occupancy Permit** – An occupancy permit for the building addition shall not be issued until:
- a) the following at a minimum, are installed in compliance with this decision, the Plan, and applicable bylaws and regulations and determined to be acceptable to the Board and the Board so notifies the Building Commissioner/Zoning Enforcement Officer.
    - i. driveways and parking areas gravel sub-base
    - ii. driveways and parking areas binder course
    - iii. drainage system completed
    - iv. as-built plan of each stormwater facility with all critical elevations and details
    - v. stop line pavement markings and traffic control signs
    - vi. provisions for fire prevention and protection
    - vii. suitable erosion controls
    - viii. construction of sidewalk/pathway from the new parking lot to the front door.
  - b) suitable performance security has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining site work as specified herein. *See General Condition 28.*

**B. GENERAL CONDITIONS OF APPROVAL**

20. **Applicability** – This Decision shall apply to any successor in control or successor in interest to the subject property
21. **Fees** - Prior to filing this Decision with the Town Clerk, the Board requires the Applicant to pay:
- a) the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering or other consultants;
  - b) any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
22. **Compliance with Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses, and approvals. The Permittee or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
23. **Restrictions on Construction Activities** – During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to

minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

- a) *Construction Time* – Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. Monday through Saturday. No construction shall take place on Sundays, federal holidays, or state legal holidays without the advance written approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
- b) *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.
- c) 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.
- d) 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 and 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.
- e) 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.
- f) 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.
- g) *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.
- h) *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, SECTION 7.3 Environmental Standards.
- i) *Stormwater Management* – During construction, the Applicant shall maintain the site and installed stormwater management facilities in accordance with Stormwater Pollution Prevention Plan (SWPPP) and documentation under the Applicant's NPDES General Construction Permit program of the US EPA.

## 24. Construction Oversight

- a) *Pre-Construction Meeting* – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, other Town officials as may be appropriate, and the Permittee’s project engineer and site contractors for a pre-construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.
- b) *Construction Account*
  - i. 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*.
  - ii. 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.
  - iii. 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.
  - iv. 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.
- c) *Right to Enter Property* - Board members, its staff, consultants or other designated Town agents and staff shall have the right to enter the property at reasonable times during construction and with advance notice to the Permittee to inspect the site for compliance with the terms and conditions of this decision and the Plan and while on site, may acquire any information, measurements, photographs, and observations deemed necessary for that evaluation.
- d) *DPW Inspections* - The Department of Public Works will conduct inspections for any construction work occurring in the Town’s right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
- e) *Monthly Reports* - 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 and shall start immediately once any work begins on the property. The Permittee’s engineer shall prepare a written report of each

inspection and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

25. **On-Site Field Changes**

- a) During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout, or design of the endorsed *Plan*.
- b) Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and the Planning and Economic Development Coordinator and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field 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.

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

- a) Proposed modifications, not including on-site field changes, to this *Decision* or the endorsed Plan shall be subject to review by the Board.
- b) This site plan and special permit 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.
- c) Any work that deviates from the approved *Plan* or this *Decision* may be a violation of the *Zoning Bylaw* unless the Permittee requests approval of a modification pursuant to Section 208-4 of the *Site Plan Rules and Regulations* and such approval is provided in writing by the Board, or as provided in General Condition 25.
- d) The request for a modification to a previously approved special permit and/or *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 modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, 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.

- e) Any modification approved by the Board shall be made a permanent part of the approved special permit documents and shall be shown on the final as-built plan.

27. **Compliance with Plan and Decision**

- a) The Permittee shall construct all improvements in compliance with the approved and endorsed *Plan* and this *Decision* any modifications thereto.
- b) 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 decision and the foregoing Specific and General Conditions of Approval.
- c) The Specific and General Conditions of Approval are enforceable under Section 3.1. F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

28. **Performance Security**

- a) Prior to the grant of an occupancy permit, the Board must provide a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, substantially conforms to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable performance security has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.
- b) The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector, and Town Counsel. The Board requires that the performance security be accompanied by an agreement which shall define the obligations of the Permittee and the performance security company including:
  - i. the date by which the Permittee shall complete construction
  - ii. a statement that the agreement does not expire until released in full by the Board
  - iii. procedures for collection upon default.
- c) The amount of the performance security shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities, and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance security estimate is prepared if the developer failed to do so.
- d) The performance security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate

shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.

## 29. Project Completion

- a) Site plan approval and special permit modification shall lapse after two years of the grant thereof as provided in Sections 3.4.E and 3.5.7 of the Zoning Bylaw if construction has not begun except for good cause. 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 specify the additional length of time requested. If no request for extension is filed and approved, the site plan ~~modification approval and special permit modification~~ shall lapse and may be reestablished only after a new filing, hearing, and decision.
- b) The work shown on the approved Plan including all site work and the building addition shall be completed by the Permittee or its assignees within 3 years of the date of plan endorsement. 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 specify the additional 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.
- c) Prior to issuance of a final occupancy permit, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any performance security that has been provided to the Town of Medway.
  - i. Before issuing such Certificate, the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.
  - ii. To secure a Certificate of Site Plan Completion, the Permittee shall complete or provide the following items to the satisfaction of the Board.
    - a. receipts to document cleaning of the stormwater system
    - b. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
    - c. removal of erosion controls
    - d. full stabilization of the site
    - e. a 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
- f. an electronic version of a final 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.
30. **Landscape Maintenance** – 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 *Plan of Record*. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.
31. **Conflicts** – If there is a conflict between the Plan and the Decision’s Specific and General Conditions, the Decision shall rule. If there is a conflict between this Decision and the *Zoning 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 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.

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

###



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

**AYE:**

\_\_\_\_\_  
Matthew Hayes

\_\_\_\_\_  
Robert Tucker

\_\_\_\_\_  
Jessica Chabot

\_\_\_\_\_  
Sarah Raposa

**COPIES TO:** Jonathan Ackley, Building Commissioner  
Michael Boynton, Town Manager  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Sean Harrington, Deputy DPW Director  
William Kingsbury, Police Chief  
Derek Kwok, Health Agent  
Jeff Lynch, Fire Chief  
Christopher Park, Assessor  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Lieutenant  
Steven Bouley, Tetra Tech  
Ellen Rosenfeld, Applicant  
Dan Merrikin, P.E., Legacy Engineering



**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Plan Endorsement**  
**Wingate Farm Modification**

- Modified Wingate Farm subdivision plan dated 9-30-22 by Legacy Engineering
- Tetra Tech review email dated 10-7-22
- DRAFT new subdivision covenant
- Wingate Farm subdivision modification decided dated 9-27-22

Taxes are current. Legal documents (lot deeds, new covenant, easements, and declaration of trust to establish the Wingate Farm Homeowners Trust) have been provided by attorney Steve Kenney. Attorney Shirin Everett at KP Law has reviewed and provided comments and edits on 11-18-22. Those were forwarded to Mr. Kenney Monday morning for revision and resubmittal.

I recommend the Board endorse the plan and sign the covenant and direct me to not release them to the applicant until all the legal documents are finalized.

*SUBDIVISION MODIFICATION PLAN*  
*WINGATE FARM*  
*A PRIVATE WAY DEFINITIVE SUBDIVISION PLAN*

LOCATED IN  
MEDWAY, MASSACHUSETTS

OWNERS: EUGENE AND KARYL WALSH  
168 HOLLISTON STREET MEDWAY, MA  
(508)-533-8440

PREPARED BY:  
LEGACY ENGINEERING LLC  
730 MAIN STREET, SUITE 2C  
MILLIS, MA 02054

*AUGUST 18, 2022*  
*Latest Revision: September 30, 2022*

## WAIVERS

PREVIOUSLY APPROVED WAIVERS – APRIL 28, 2005 DECISION

SECTION 4.1.2: TO ALLOW FOR A MODIFICATION OF THE STANDARD  
ROADWAY CROSS-SECTION & MASS. HIGHWAY STANDARDS  
AS ON THE APPROVED DRAWINGS, AND TO ALLOW FOR A  
PRIVATE WAY DESIGNATION OF THE MINOR ROADWAY.

SECTION 4.1.8: TO ALLOW FOR AN AS-BUILT PLAN IN LIEU OF A STREET ACCEPTANCE PLAN AND ALLOW FOR THE ROADWAY TO BE MAINTAINED AS A PRIVATE WAY BY THE ABUTTERS.

SECTION 4.2: TO WAIVE ALL CONSTRUCTION STANDARDS FOR A  
TYPICAL ROADWAY AND ALLOW THE PROPOSED  
WAY TO BE CONSTRUCTED AS SHOWN ON THE  
APPROVED DRAWING. SPECIFIC EXCLUSIONS ARE:

- 4.2.2.2: TO ELIMINATE THE MINIMUM CENTERLINE RADIUS OF THE ROADWAY AND ALLOW THE ROAD LAYOUT AS SHOWN.
- 4.2.3.1: TO REDUCE THE ROADWAY RIGHT OF WAY FROM FIFTY (50) FEET TO FORTY FIVE (45) FEET THROUGHOUT THE ROADWAY.
- 4.2.4.3: TO ELIMINATE THE REQUIREMENT FOR A SEPARATE LEVELING AREA AND ALLOW IT TO BE INCORPORATED IN THE VERTICAL CURVE.
- 4.2.6.7: TO REDUCE THE ROADWAY WIDTH FROM 26'-0" TO 20'-0" WITH GRASS SWALES.
- 4.2.6.8: TO ALLOW THE USE OF A RECYCLED ASPHALT MATERIAL FOR THE ROADWAY SURFACE IN LIEU OF FULL BITUMINOUS PAVEMENT (APPLICANT HAS THE OPTION TO PAVE IF DESIRED).
- 4.2.7: TO ELIMINATE THE REQUIREMENT FOR CURBING ALONG THE EDGE OF THE ROAD.
- 4.2.8: TO ELIMINATE THE CURB CUT REQUIREMENTS.
- 4.2.9.1 & 2: TO ELIMINATE THE REQUIREMENT FOR SIDEWALKS.

#### SECTION 4.9.1: TO ALLOW FOR NO STREET LIGHTING

SECTION 4.11.1: TO WAIVE THE REQUIREMENT FOR STREET TREES AS THE SITE HAS MANY MATURE TREES THAT WILL REMAIN AFTER CONSTRUCTION.

SECTION 7.7.2.P: TO NOT REQUIRE INFILTRATION BASINS TO BE ON SEPARATE PARCELS.

SECTION 7.7.4.B: TO ALLOW HDPE STORMWATER PIPE WHERE SHOWN

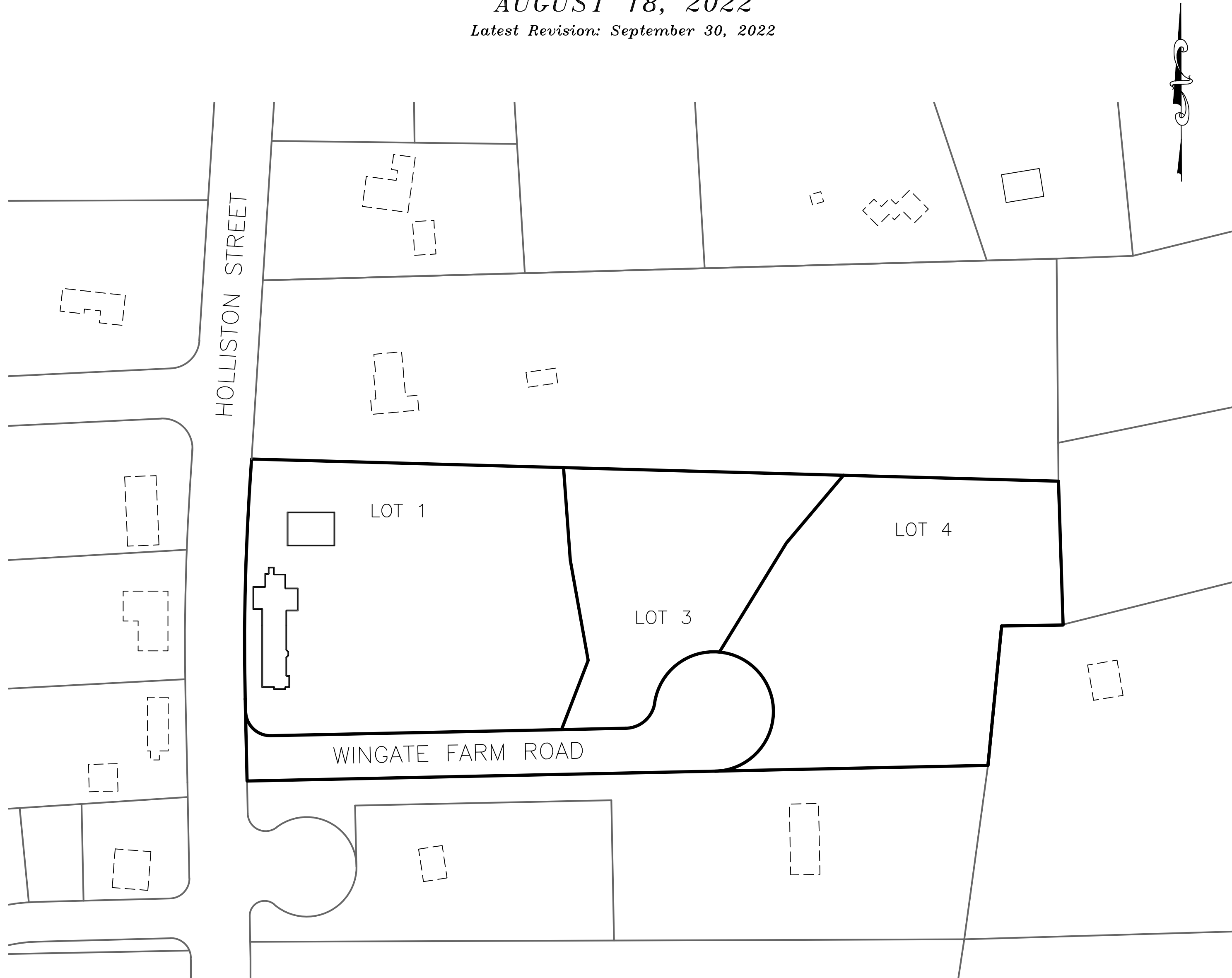
APPROVED WAIVERS – SEPTEMBER 27, 2022 DECISION

SECTION 5.6.3: TO ALLOW THE USE OF THE 1929 NGVD DATUM  
IN LIEU OF THE NAVD 88 DATUM.

SECTION 6.1.3: TO ALLOW AN EXTENSION OF TIME TO COMPLETE THE WAYS  
AND IMPROVEMENTS WITHIN THE SUBDIVISION.

SECTION 7.7.2.p: TO ALLOW THE STORMWATER BASIN TO BE LOCATED ON ONE OF THE LOTS.

SECTION 7.7.4.b: TO ALLOW THE USE OF HDPE DRAINAGE PIPES WHERE SHOWN  
ON THE PLANS.


$$\frac{LOCUS \ MAP}{1' = 100'}$$

*INDEX TO DRAWINGS:*

SHEET C-0: COVER SHEET  
SHEET C-1: KEY SHEET  
SHEET C-2: EXISTING CONDITIONS  
SHEET C-3: LAYOUT  
SHEET C-4: GRADING & UTILITIES  
SHEET C-5: EROSION CONTROL  
SHEET C-6: PROFILES & PLAN VIEW  
SHEET C-7: CONSTRUCTION DETAILS  
SHEET C-8: CONSTRUCTION DETAILS  
SHEET C-9: CONSTRUCTION DETAILS  
SHEET C-10: OPERATION AND MAINTENANCE PLAN

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF  
DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE  
THE PLANNING BOARD APPROVAL AND NO  
APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

# PROGRESS PRINT

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-0



**LEGACY**  
ENGINEERING

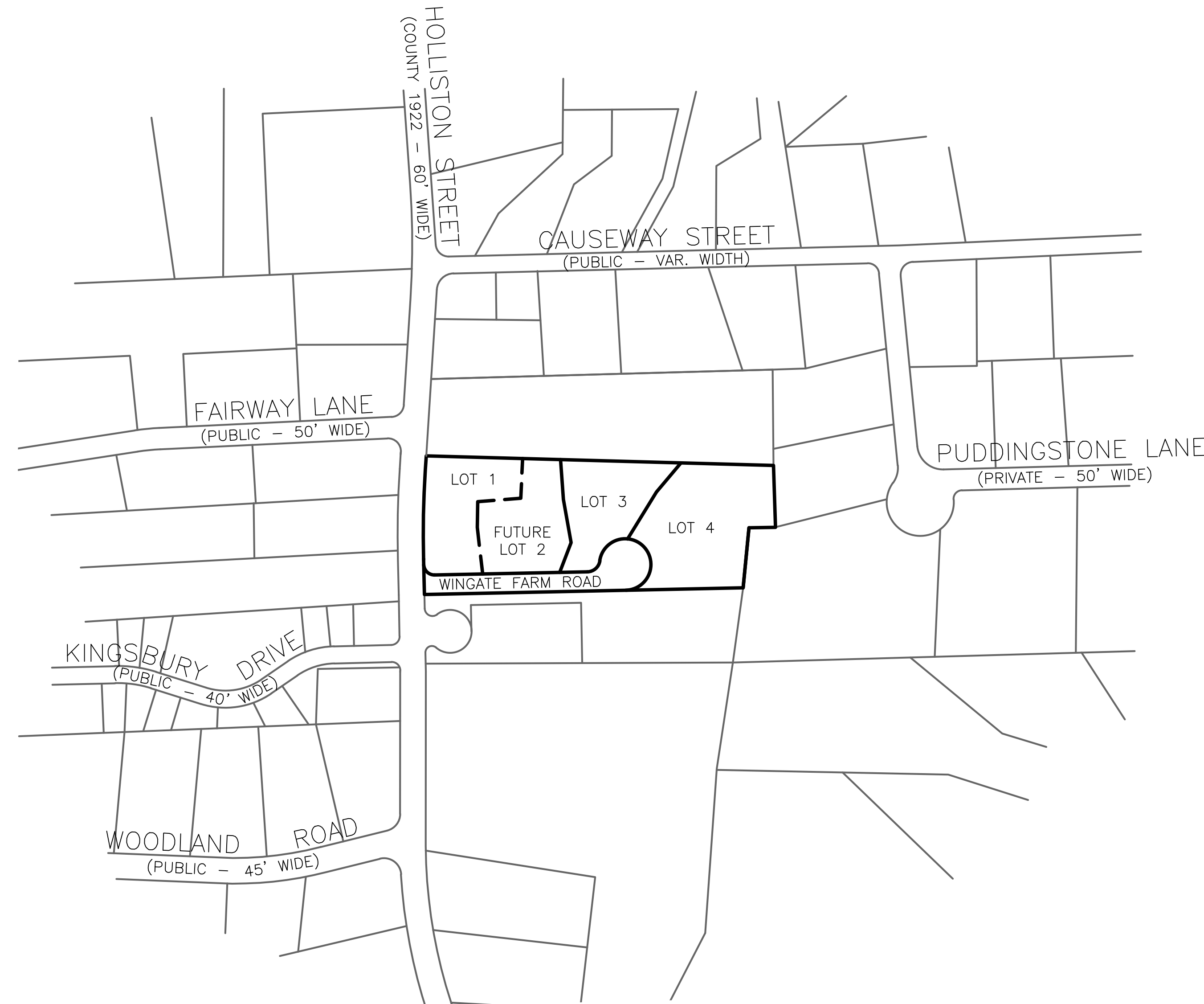


1. SURVEY NOTES:
  - A. SURVEY BY COLONIAL ENGINEERING, INC.
  - B. DATUM: NAVD29 (TO CONVERT TO NAVD88, LOWER ELEVATIONS BY 0.77 FEET)
2. EXISTING UTILITY INFORMATION IS BASED ON BEST AVAILABLE RECORDS FROM THE TOWN OF NORWOOD AND OTHER SOURCES AND VISIBLE SURFACE FEATURES SUCH AS MANHOLES, CATCH BASINS, UTILITY POLES HYDRANTS, VALVE BOXES, ETC... EXISTING UTILITY INFORMATION DEPICTED ON THESE PLANS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL LOCATIONS PRIOR TO COMMENCEMENT OF WORK.
3. WINGATE FARM WAS ORIGINALLY APPROVED ON MAY 23, 2000. CONSTRUCTION BEGAN BUT HAS NOT YET BEEN COMPLETED. AS A RESULT, PORTIONS OF THE DEPICTED IMPROVEMENTS ARE INSTALLED AS OF THE DATE OF THIS PLAN.

1. THE CONTRACTOR SHALL CONTACT DIGSAFE AT 811 PRIOR TO ANY EXCAVATION ACTIVITIES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING THE REQUIRED STREET NAME AND STOP SIGNS.
3. UNLESS OTHERWISE WAIVED, ALL CONSTRUCTION SHALL CONFORM TO THE SUBDIVISION REGULATIONS.
4. DETAILS HAVE BEEN PROVIDED ON THE LAST SHEETS OF THIS PLAN SET. MOST OF THE DETAILS INCLUDED THEREIN ARE INTENDED TO MATCH THE REQUIREMENTS OF THE TOWN OF MEDWAY LAND SUBDIVISION RULES AND REGULATIONS FOR ROADWAY AND UTILITY CONSTRUCTION, WHERE THE STANDARD DETAILS INCLUDED HEREIN DIFFER FROM THE SUBDIVISION RULES, THE SUBDIVISION RULES SHALL BE ADHERED TO UNLESS OTHERWISE AGREED BY THE PLANNING AND ECONOMIC DEVELOPMENT BOARD.

1. ALL PIPELINE LINEAR FOOTAGES REFERENCED IN THESE PLANS ARE HORIZONTAL DISTANCES AND DO NOT REFLECT THE SLOPED DISTANCE OF THE PIPELINE.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL UNDERGROUND FIRE ALARM, GAS, ELECTRICAL, TELEPHONE, AND CABLE DISTRIBUTION SYSTEMS WITHIN THE ROADWAY RIGHT-OF-WAY. THE DESIGN SHALL INCLUDE THE APPROPRIATE CONDUIT RUNS AND JUNCTION BOX LOCATIONS. JUNCTION BOXES HAVE BEEN APPROXIMATELY SHOWN ON THE LOT CORNERS BUT SUCH LOCATIONS MAY BE CHANGED BY THE ELECTRIC COMPANY AT THE TIME OF CONSTRUCTION.
3. WATER MAINS SHALL BE CLASS 52 CEMENT LINED DUCTILE IRON PIPE.
4. ALL PRESSURIZED PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP) UNLESS OTHERWISE NOTED. DRAIN PIPING WITHIN THE STREET LAYOUT SHALL BE CLASS III REINFORCED CONCRETE PIPE (RCP) EXCEPT WHERE OTHERWISE NOTED. DRAIN PIPING ON INDIVIDUAL LOTS MAY BE HOPE SUITABLE FOR H2O LOADINGS.

- CH: SINGLE-GRATE CATCH BASIN
- CH: DOUBLE-GRATE CATCH BASIN
- PTU xxx: PROPRIETARY STORMWATER UNIT
- TR: DRAIN MANHOLE
- TR, DR: DRAIN DRAIN
- INFIL, TR: INFILTRATION TRENCH
  - x'D DRAIN PIPELINE
- RCP: REINFORCED CONCRETE PIPE
- PVC: POLYVINYL CHLORIDE PIPE
- SMH: SEWER MANHOLE
- x"S SEWER PIPELINE
  - o C.O.: SEWER SERVICE CLEANOUT
- x"W WATER MAIN
- X HYD. HYDRANT
- W.V.: WATER GATE VALVE
  - o C.S.: WATER SERVICE CURB STOP
  - o M.B.: WATER SERVICE METER BOX
- G GAS PIPELINE
- E ELECTRIC CONDUIT
- L.P.: LIGHT POLE
- U.P.: UTILITY POLE
  - o G.Y.: GUY WIRE
- S.P.: TRAFFIC SIGNAL POLE
- 252 EXISTING CONTOUR
- 252 PROPOSED CONTOUR
- E.O.P. EDGE OF PAVEMENT
- C.B.B. INTEGRAL CROPPED INLET BERM
- F.B.B. FILL BERM BITUMINUM BERM
- S.G.C. SLOPED GRANITE CURB
- V.G.C. VERTICAL GRANITE CURB
- V.C.C. VERTICAL CONCRETE CURB
- C.C.S. CONCRETE SLAB
- G GATE VALVE
- C.L.F. CHAIN LINK FENCE
- W.S.F. WOOD STOCKADE FENCE
- P.P.F. PICKET FENCE
- G GROUND RAIL
- C.R. HANDICAP CURB CUT



PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

PLAN SCALE: 1":200'

[illegible]

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EXISTING CONDITIONS  
PLAN OF LAND IN  
MEDWAY, MA

PROGRESS  
PRINT

C-1



**LEGACY**  
ENGINEERING



FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F ROBERT  
HOWLETT

N/F JOSEPH  
MARTINO

N/F WILLIAM  
RICHARDS

N/F TIMBER  
CREST LLC

N/F JOHN TIGHE

N/F MARC  
MCNULTY

N/F SHELLY  
SEPULVEDA

N/F H. PATRICIA  
BRESNAHAN TRUST

N/F WILLIAM CHOATE

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A  
MODIFICATION TO A PREVIOUSLY  
APPROVED SUBDIVISION BY  
CONSOLIDATED DESIGN GROUP INC.,  
RECORDED IN THE NORFOLK COUNTY  
REGISTRY OF DEEDS IN PLAN BOOK  
574 NO. 64 AND PLAN BOOK 575  
NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE RULES  
AND REGULATIONS OF THE REGISTERS OF  
DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO  
COVENANT CONDITIONS SET FORTH IN A  
COVENANT EXECUTED BY TRUSTEES OF THE  
WINGATE FARM REALTY TRUST DATED  
\_\_\_\_\_ AND RECORDED AT  
NORFOLK REGISTRY OF DEEDS, BOOK NO.  
\_\_\_\_\_, PAGE NO. \_\_\_\_\_.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE  
THE PLANNING BOARD APPROVAL AND NO  
APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED:

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

PROGRESS  
PRINT

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-2



**LEGACY**  
ENGINEERING

FOR REGISTRY USE

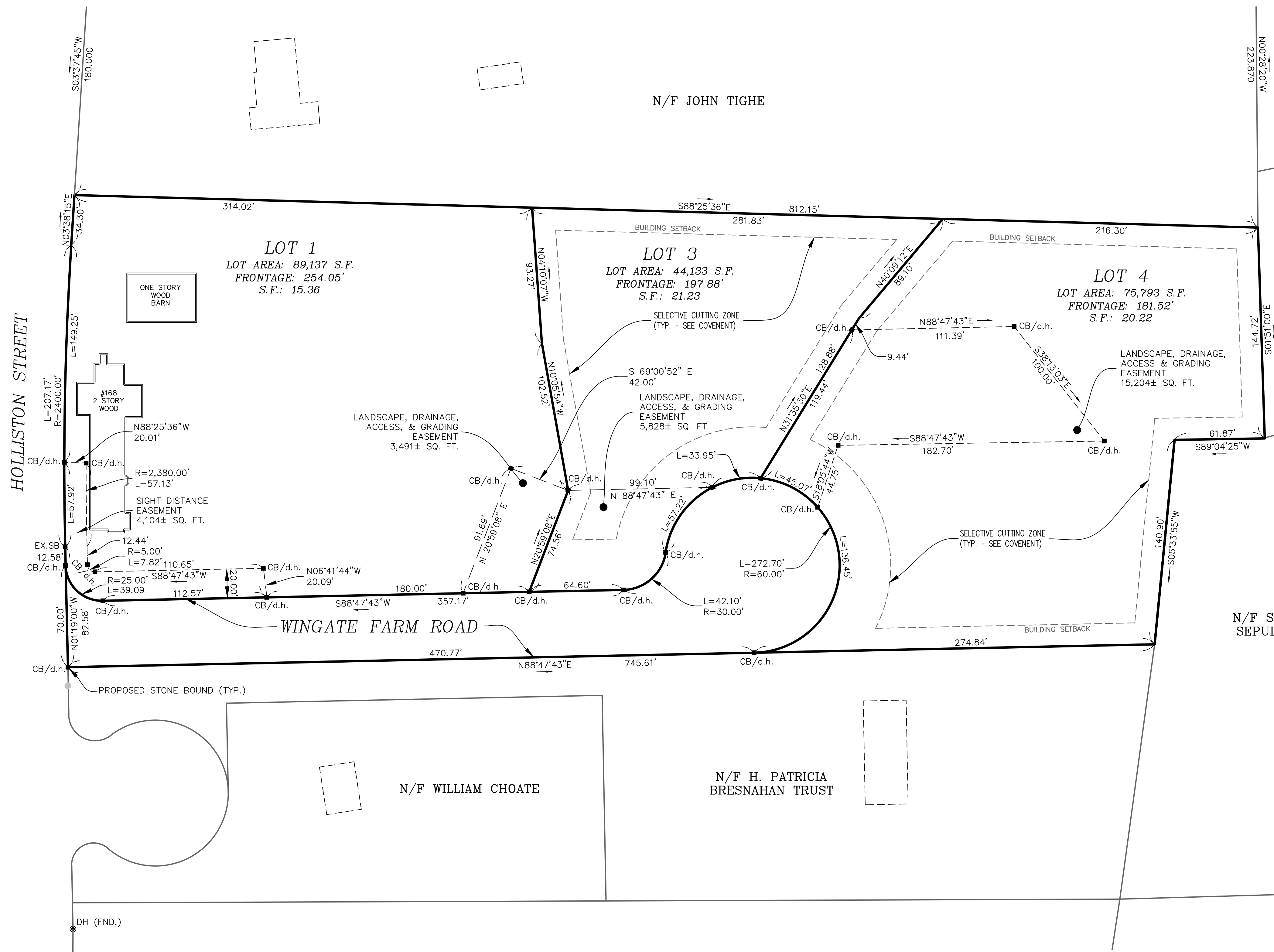
PLAN SCALE: 1"=40'

---

PLAN DATE: AUGUST 18, 2022

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EXISTING CONDITIONS  
PLAN OF LAND IN  
MEDWAY, MA





NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

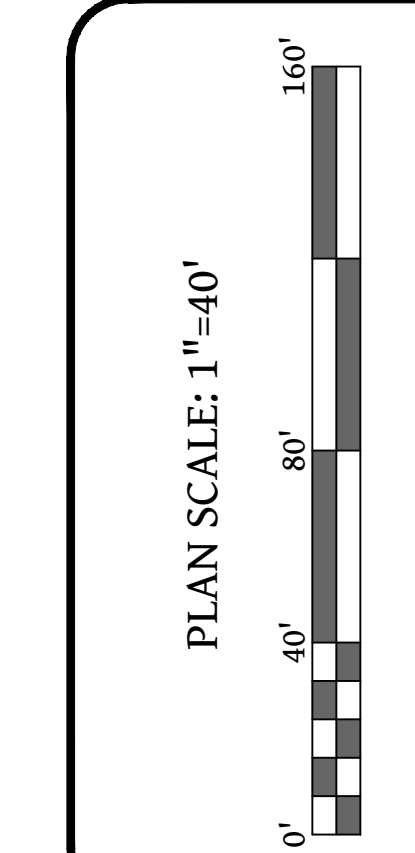
DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.



DATE	BY
2022-09-12	DJM
2022-04-30	DJM
REVISED FOR LAND DIST. APPLICATION	
REVISED PER DECISION	

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
PROPOSED LAYOUT  
PLAN OF LAND IN  
MEDWAY, MA

PROGRESS  
PRINT

ZONING REQUIREMENTS:

ZONE: AR-1  
MIN. LOT AREA: 44,000 S.F.  
MIN. FRONTAGE: 180'  
SHAPE FACTOR: <22  
MIN. FRONT SETBACK: 35'  
MIN. SIDE SETBACK: 15'  
MIN. REAR SETBACK: 15'  
MAX. HEIGHT: 35'  
MAX. LOT COVERAGE: 25%

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-3



LEGACY  
ENGINEERING



- NOTES:
1. NO DWELLING WILL BE CONSTRUCTED ON ANY LOT WITHOUT FIRST SECURING FROM THE BOARD OF HEALTH THE DISPOSAL WORKS CONSTRUCTION PERMIT REQUIRED BY TITLE 5 OF THE STATE ENVIRONMENTAL CODE.
  2. INSTALL 30" W2-2L (LEFT INTERSECTION AHEAD SIGN) WITH W16-4 ("250 FEET"). IF NOT INSTALLED BY OTHERS PRIOR TO LOT DEVELOPMENT, INSTALL A SPEED DISPLAY FEEDBACK SIGN. SPECIFIC SIGN AND LOCATION TO BE APPROVED BY MEDWAY POLICE DEPARTMENT.

FAIRWAY LANE  
(PUBLIC-50' WIDE)

N/F ROBERT  
HOWLETT

N/F JOSEPH  
MARTINO

N/F WILLIAM  
RICHARDS

N/F TIMBER  
CREST LLC

N/F JOHN TIGHE

N/F MARC  
MCNULTY

N/F SHELLY  
SEPULVEDA

N/F WILLIAM CHOATE

N/F H. PATRICIA  
BRESNAHAN TRUST

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

PROGRESS  
PRINT

1. SOIL VOLUMES FOR PHASE 1:
  - 1.1. CUT: 900 C.Y.
  - 1.2. FILL: 750 C.Y.
  - 1.3. TOTAL: 150 C.Y. CUT
2. SOIL VOLUMES FOR PHASE 2:
  - 2.1. CUT: 2,150 C.Y.
  - 2.2. FILL: 1,950 C.Y.
  - 2.3. TOTAL: 200 C.Y. CUT

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-4



LEGACY  
ENGINEERING

FOR REGISTRY USE

PLAN SCALE: 1"=40'



PLAN DATE: AUGUST 18, 2022

REVISION	DATE	BY
UPDATES FOR LAND DIST. APPLICATION	2022-04-12	DJM
REVISIONS PER DECISION	2022-04-30	DJM

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
GRADING AND UTILITY  
PLAN OF LAND IN  
MEDWAY, MA



NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

PLANNING BOARD ENDORSEMENT DOES NOT  
CONSTITUTE A DETERMINATION OF COMPLIANCE  
WITH THE MEDWAY ZONING BY-LAW.

**LEGACY**  
ENGINEERING

C-5

REVISION	DATE	BY
UPDATES FOR LAND DIST. APPLICATION	2022-09-12	DJM
REVISED PER REGION	2022-09-12	DJM

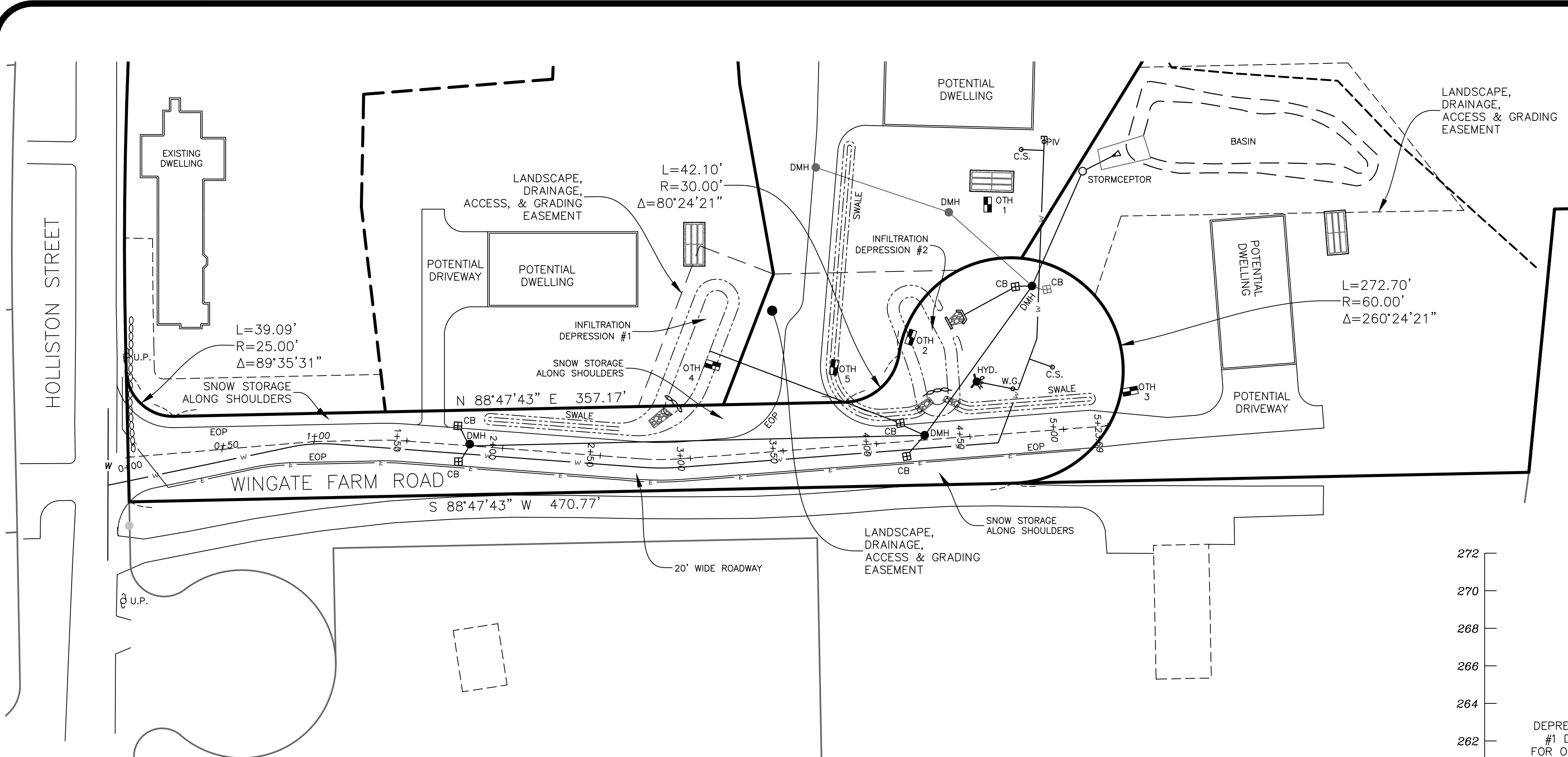
WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
EROSION CONTROL  
PLAN OF LAND IN  
MEDWAY, MA

PROGRESS  
PRINT

1. EROSION AND SEDIMENT CONTROL MEASURES WILL BE MAINTAINED IN GOOD CONDITION FOR THE DURATION OF THE CONSTRUCTION ACTIVITY AND UNTIL SUCH TIME AS THE UPSTREAM AREAS ACHIEVE FINAL STABILIZATION. SEDIMENT WILL BE

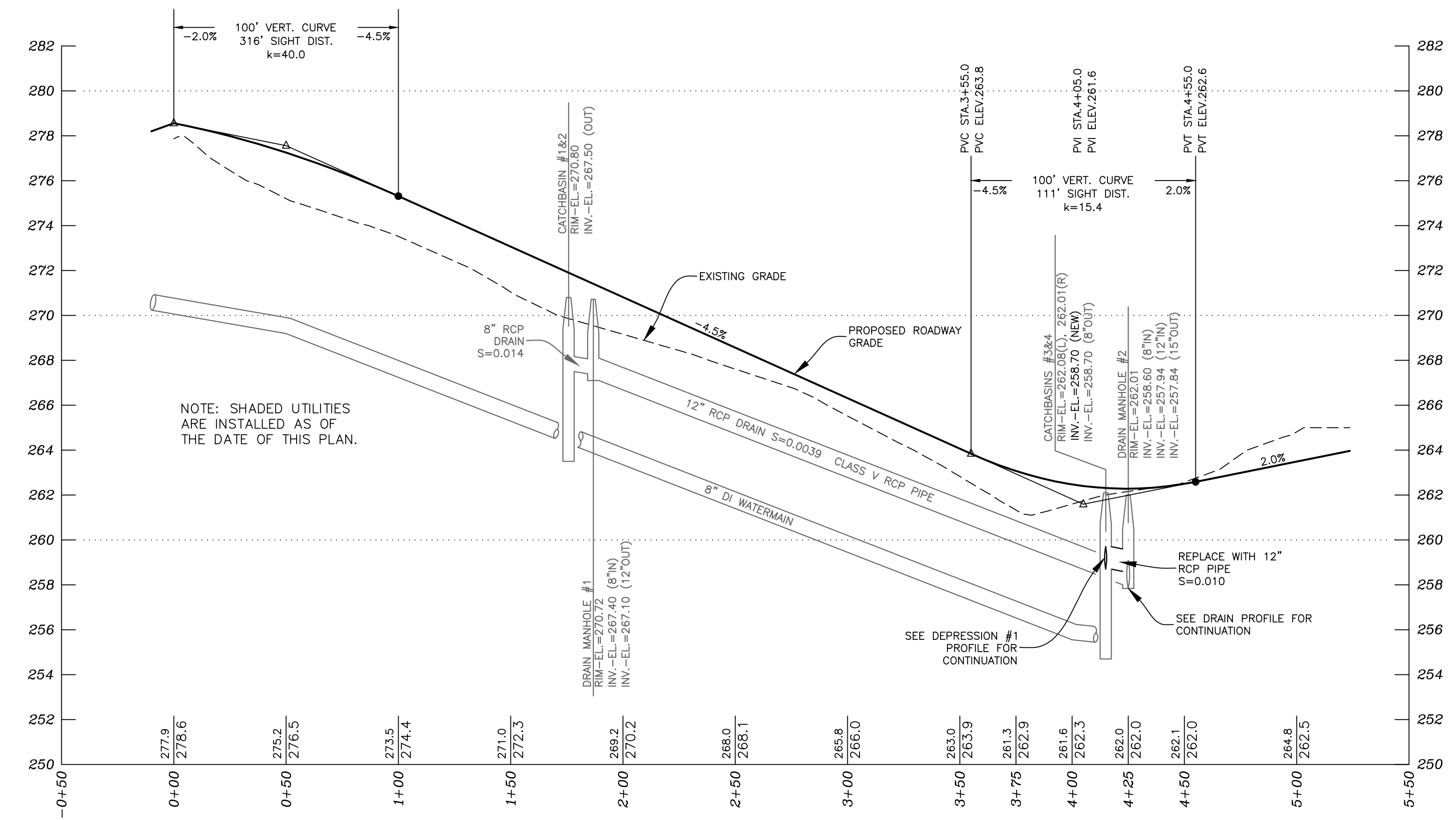
1.2. ANY DEFICIENCIES SHALL BE REMEDIATED IMMEDIATELY AND NO LATER THAN 7 DAYS AFTER DISCOVERY OF THE DEFICIENCY, AND IF POSSIBLE, PRIOR TO THE NEXT RAINFALL EVENT.





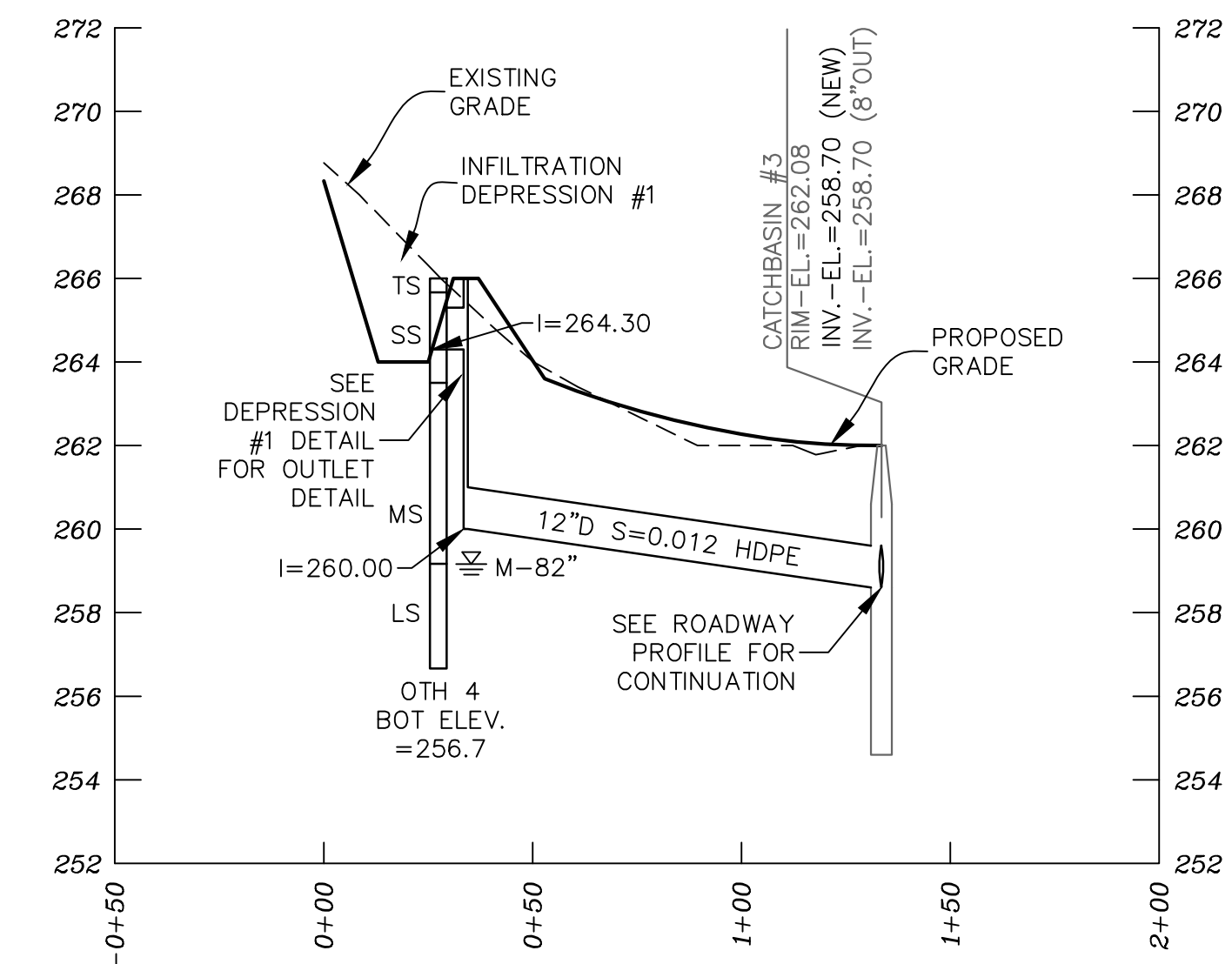
WINGATE FARM ROAD LAYOUT  
SCALE: 1" = 40'

PROGRESS  
PRINT

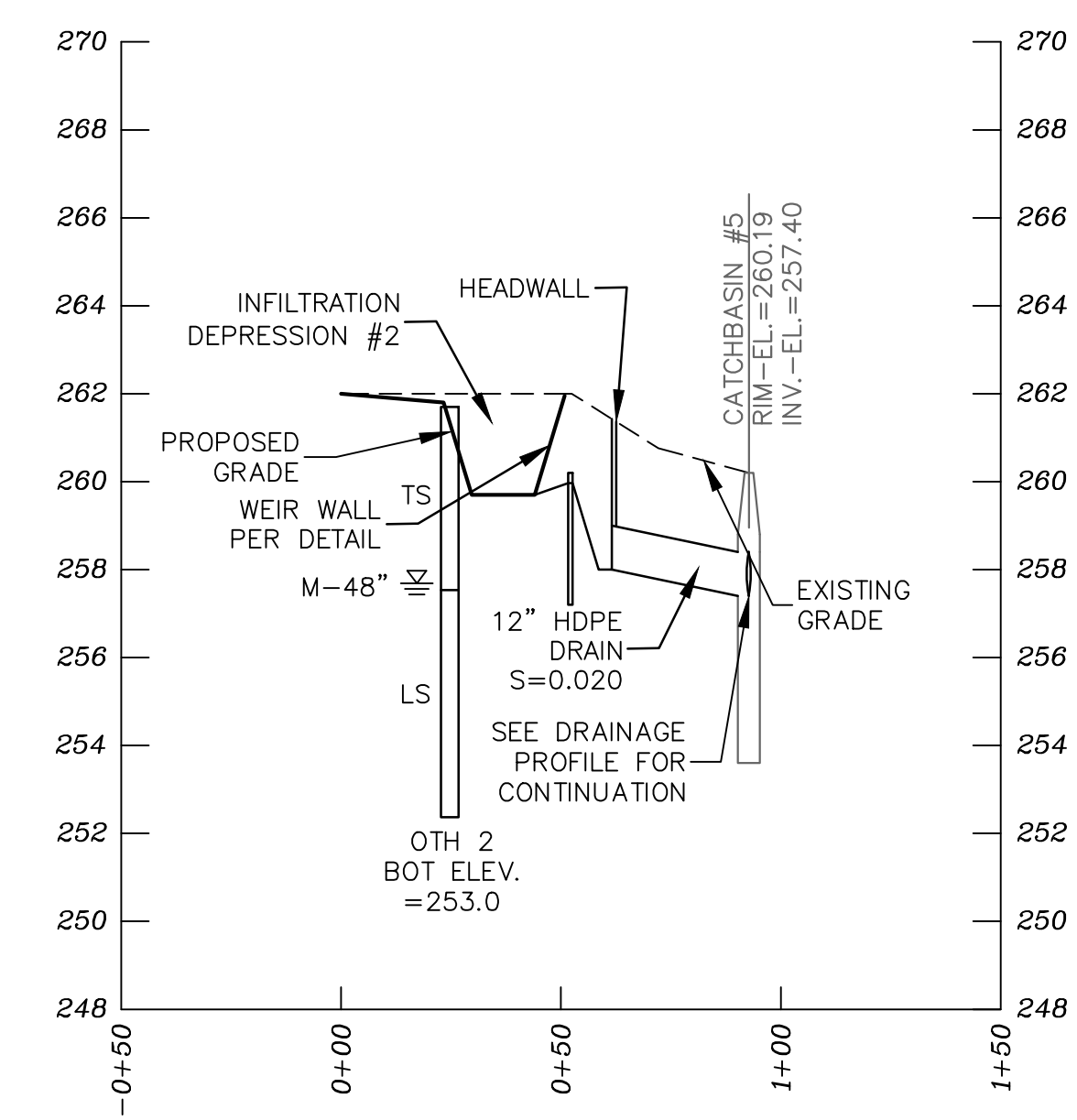


WINGATE FARM ROAD PROFILE  
SCALE: HOR. 1" = 40'  
VERT. 1" = 4'

PROFILE LEGEND	
ABBREV.	DESCRIPTION
M-XX"	REDOX (MOTTLES) AT XX-INCHES
WT-XX"	STANDING WATER AT XX-INCHES
WP-XX"	WEeping WATER AT XX-INCHES
NW-XX"	NO GROUNDWATER INDICATORS
R-XX"	REFUSAL AT XX-INCHES
TS	TOPSOIL
SS	SUBSOIL
MS	MEDIUM SAND
S	SAND
LS	LOAMY SAND
SL	SANDY LOAM



INFILTRATION DEPRESSION #1 PROFILE  
SCALE: HOR. 1" = 40'  
VERT. 1" = 4'



INFILTRATION DEPRESSION #2 PROFILE  
SCALE: HOR. 1" = 40'  
VERT. 1" = 4'

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

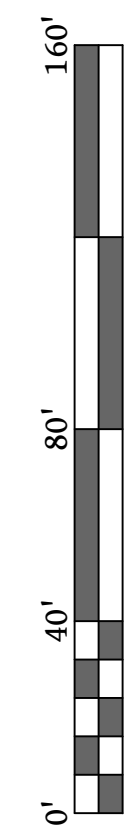
730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-6



LEGACY  
ENGINEERING

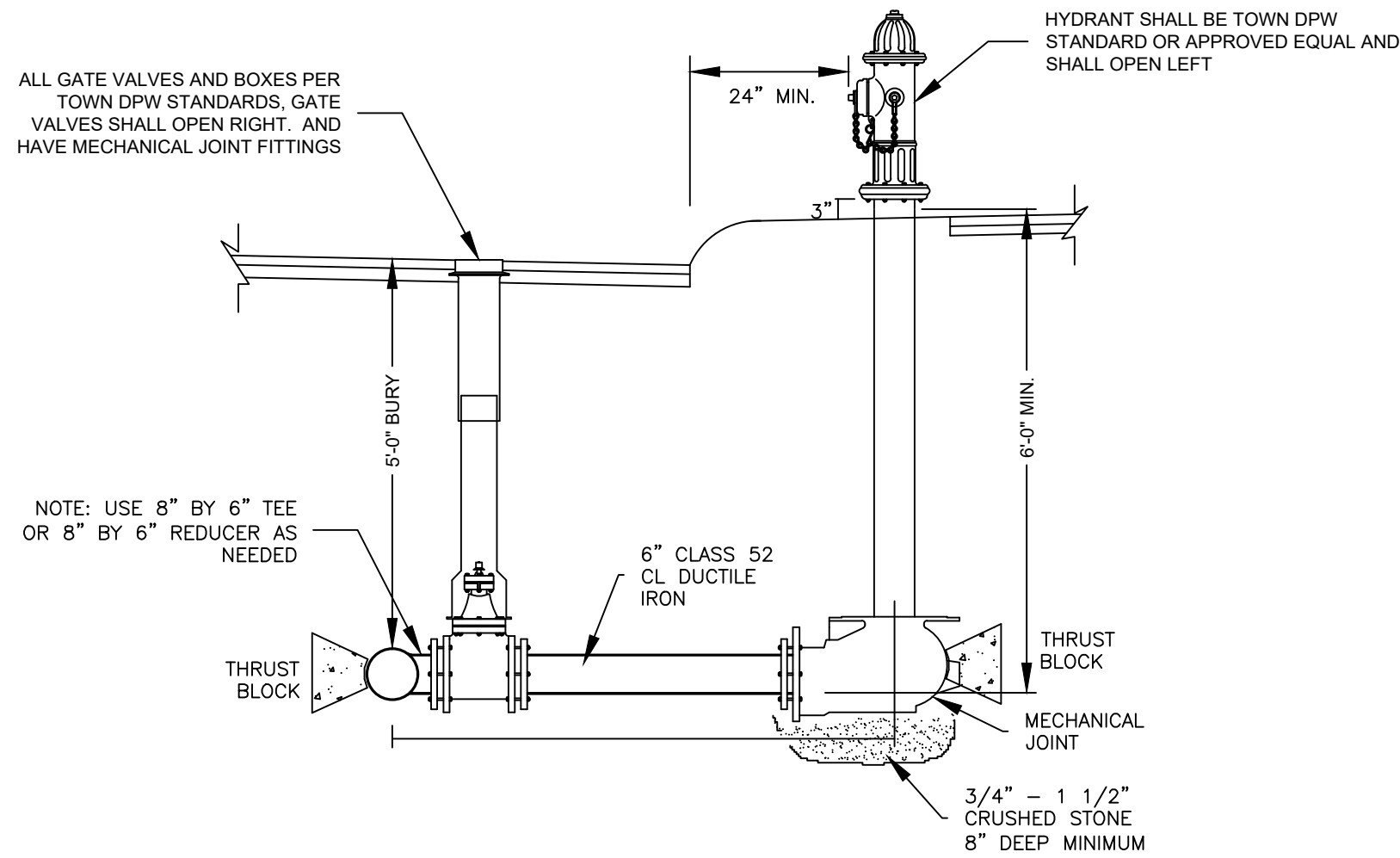
PLAN SCALE: AS NOTED



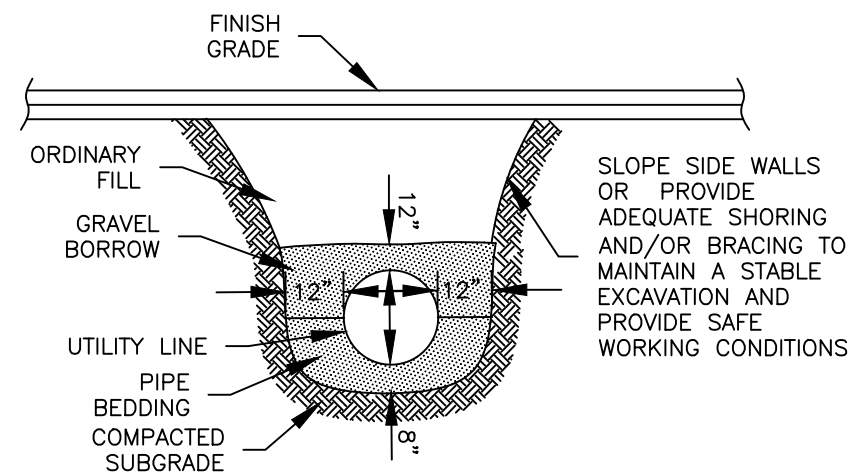
PLAN DATE: AUGUST 18, 2022

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
PROFILES & PLAN VIEW  
PLAN OF LAND IN  
MEDWAY, MA



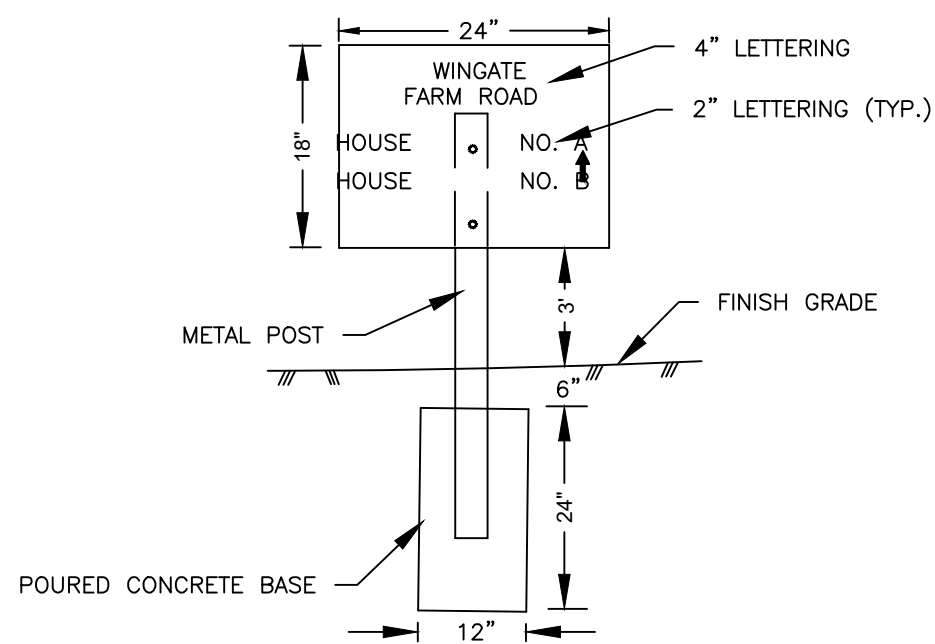


HYDRANT DETAIL  
NTS



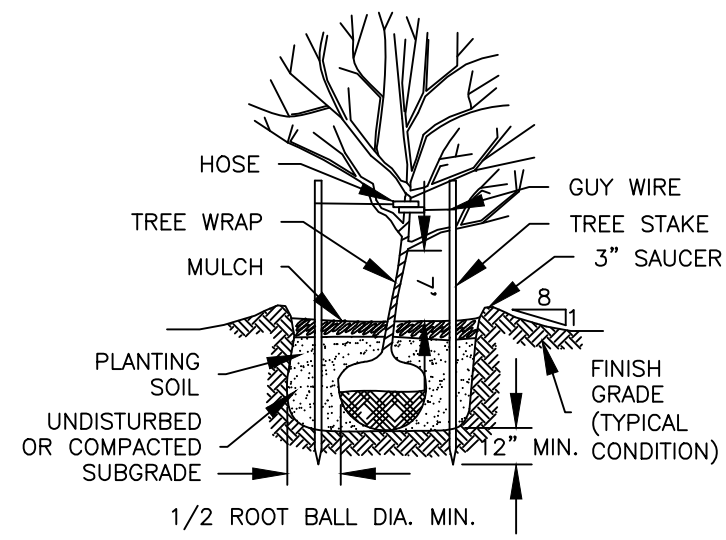
TYPICAL UTILITY TRENCH  
NTS

- NOTES:
1. 8" SAND CUSHION REQUIRED AT ALL LEDGE OR PIPE CROSSING.
  2. NO STONE GREATER THAN 6" TO BE PLACED OVER PIPE TO FINISH GRADE.
  3. NO STONE GREATER THAN 6" WITHIN 12" OF PIPE.
  4. ALL WATER PIPE SHALL BE CLASS 52, CEMENT LINED DUCTILE IRON PIPE.
  5. ALL DRAIN PIPE SHALL BE CLASS IV RCP PIPE.



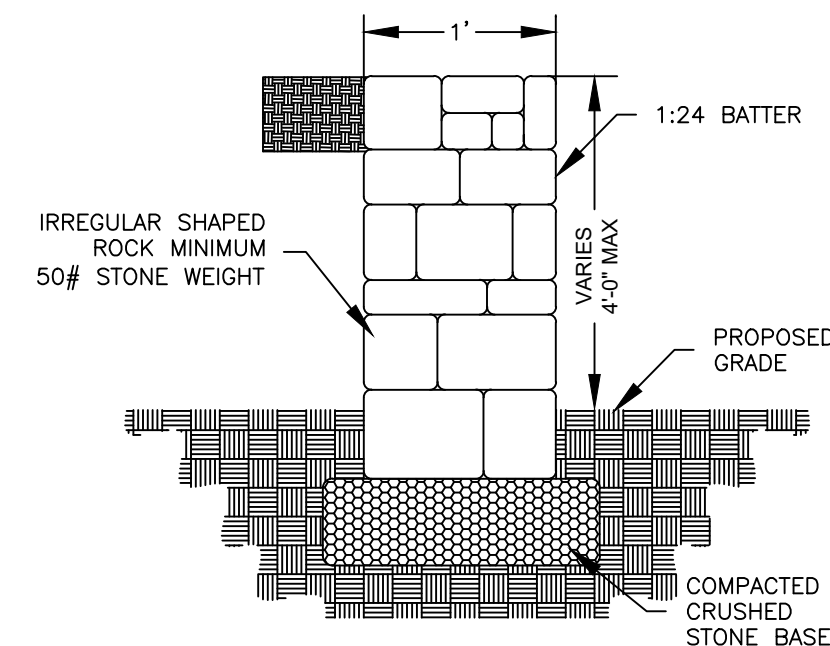
ACCESS SIGN DETAIL  
NTS

- NOTE: ALL LETTERING TO BE BLACK ON A NON-REFLECTING WHITE BACKGROUND, HOUSE SIGNS TO BE A MINIMUM OF 12" x 12" WITH SIMILAR LETTERING & DIRECTIONAL ARROW.

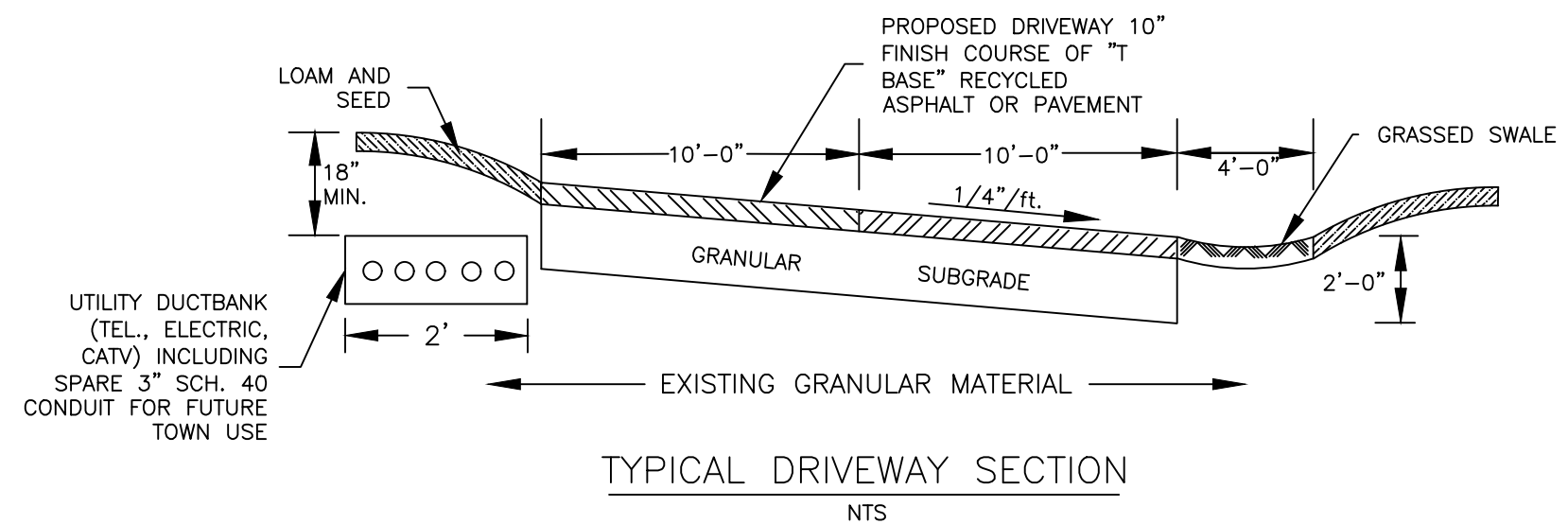


DECIDUOUS TREE PLANTING - STAKED  
NTS

- NOTE: ALL PROPOSED TREES SHALL BE A MINIMUM OF 12 FEET IN HEIGHT AND 3" CALIPPER (DIAMETER). DIAMETER OF TREES IS MEASURED AT A HEIGHT OF 12" TO 18" FROM FINISH GROUND.

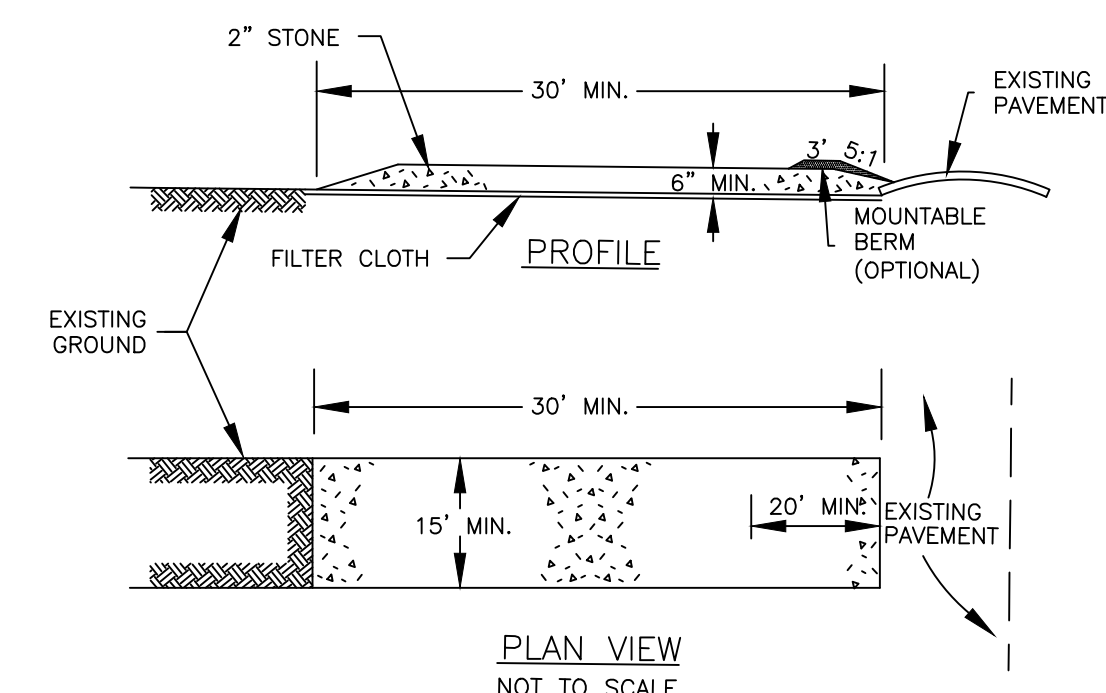


FRONT RETAINING WALL DETAIL  
NTS



- NOTES:
1. COMPACT "T-BASE" MATERIAL TO 95% DENSITY, WITH VIBRATORY ROLLER.
  2. TO BE SUPERELEVATED TOWARDS SWALE.

TYPICAL DRIVEWAY SECTION  
NTS



STABILIZED CONSTRUCTION ENTRANCE  
NTS

- CONSTRUCTION SPECIFICATIONS:
1. STONE SIZE: USE 2" DIAMETER STONE OR RECLAIMED/RECYCLED CONCRETE EQUIVALENT.
  2. LENGTH: RECOMMEND GREATER THAN 30 FEET WHERE PRACTICAL.
  3. THICKNESS: NOT LESS THAN 6 INCHES.
  4. WIDTH: 15 FEET MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR.
  5. FILTER CLOTH: SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO THE PLACING OF STONE.
  6. SURFACE WATER: ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WILL BE PERMITTED.
  7. MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
  8. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED.
  9. REMOVE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO PLACEMENT OF BITUMINOUS BASE COURSE.

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)



C-7

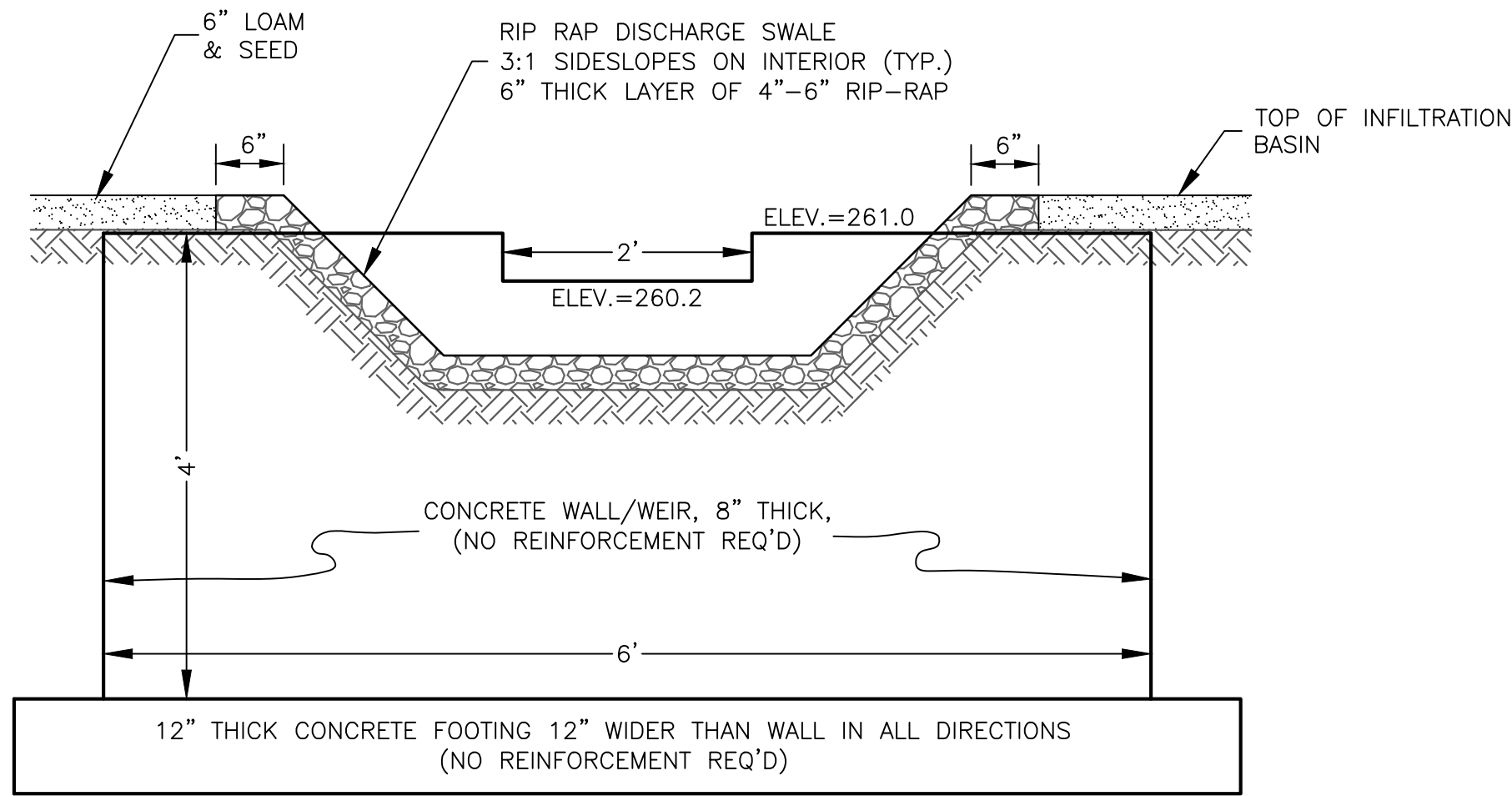
PLAN SCALE: N.T.S.

DATE	BY
2022-09-12	DJM
2022-04-30	DJM
REVISION	
UPDATES FOR LAND DIST. APPLICATION	
REVISIONS PER DECISION	

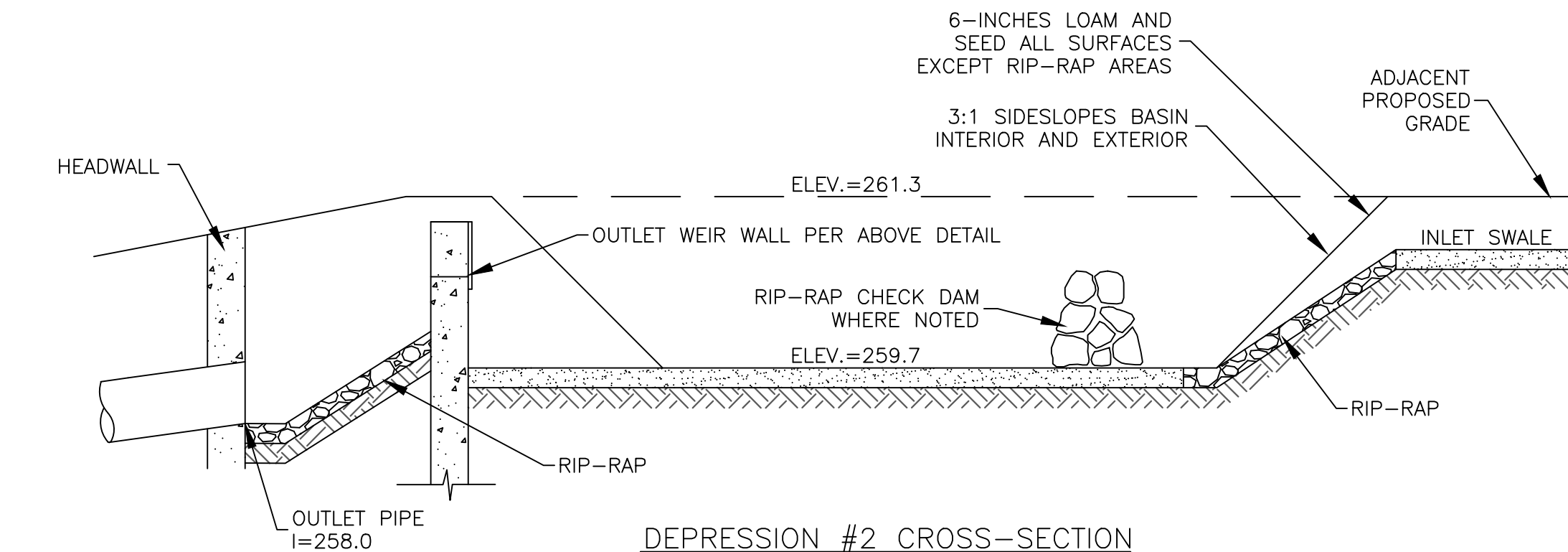
WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA

PROGRESS  
PRINT

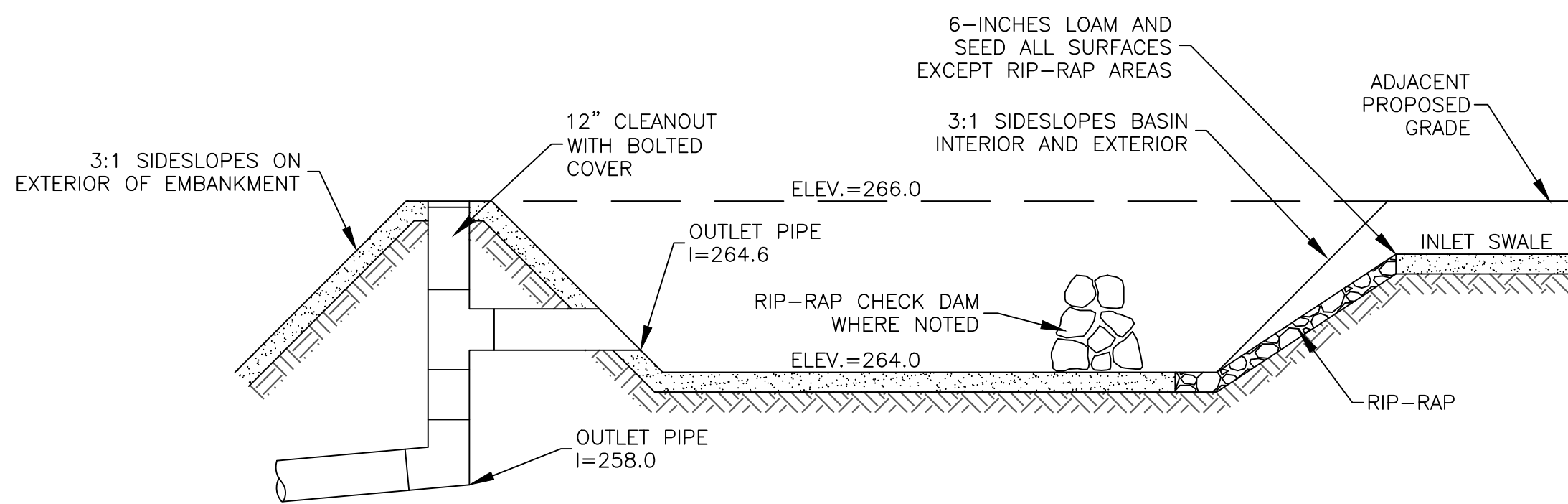




WEIR WALL DEPRESSION #2



DEPRESSION #2 CROSS-SECTION

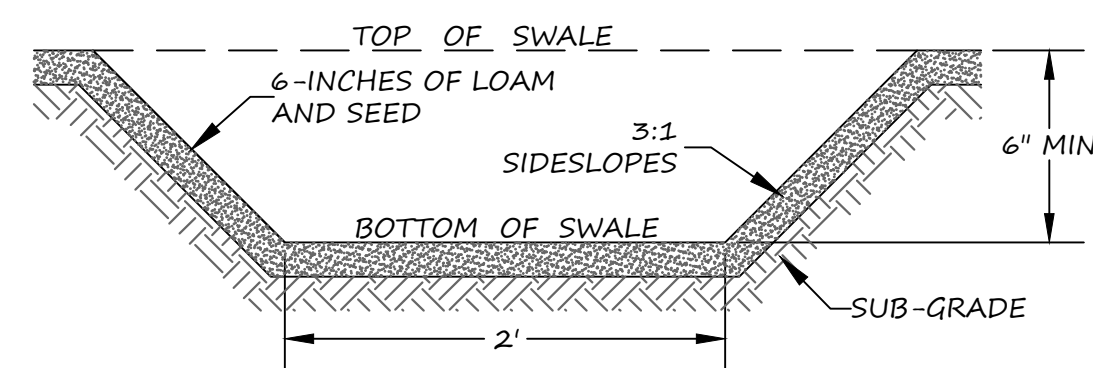


DEPRESSION #1 CROSS-SECTION

- NOTES:
- SEE GRADING SHEETS AND PROFILE SHEETS FOR SIZE OF INLETS AND OUTLETS, OUTLET STRUCTURE SPECIFICATIONS, ELEVATION OF BOTTOM OF BASIN, ELEVATION OF TOP OF BASIN, SLOPE OF SIDESLOPES, AND OTHER DIMENSIONAL REQUIREMENTS FOR EACH BASIN.
  - ALL TOPSOIL AND SUBSOIL BELOW THE BOTTOM OF THE BASIN SHALL BE REMOVED PRIOR TO BASIN CONSTRUCTION. FILL MATERIALS UNDER THE BASIN BOTTOM SHALL BE CLEAN GRAVEL. FILL FOR BERMS MAY BE SAND, LOAMY SAND OR SANDY LOAM. (TITLE V CLASSIFICATIONS).
  - BERM AREAS SHALL BE REMOVED OF ALL TOP AND SUB-SOIL AND OTHER UNSUITABLE SOILS. BERM CORE SHALL CONSIST OF ORDINARY BORROW INSTALLED IN 12-INCH LIFTS TO A MINIMUM 93% PROCTOR DENSITY.

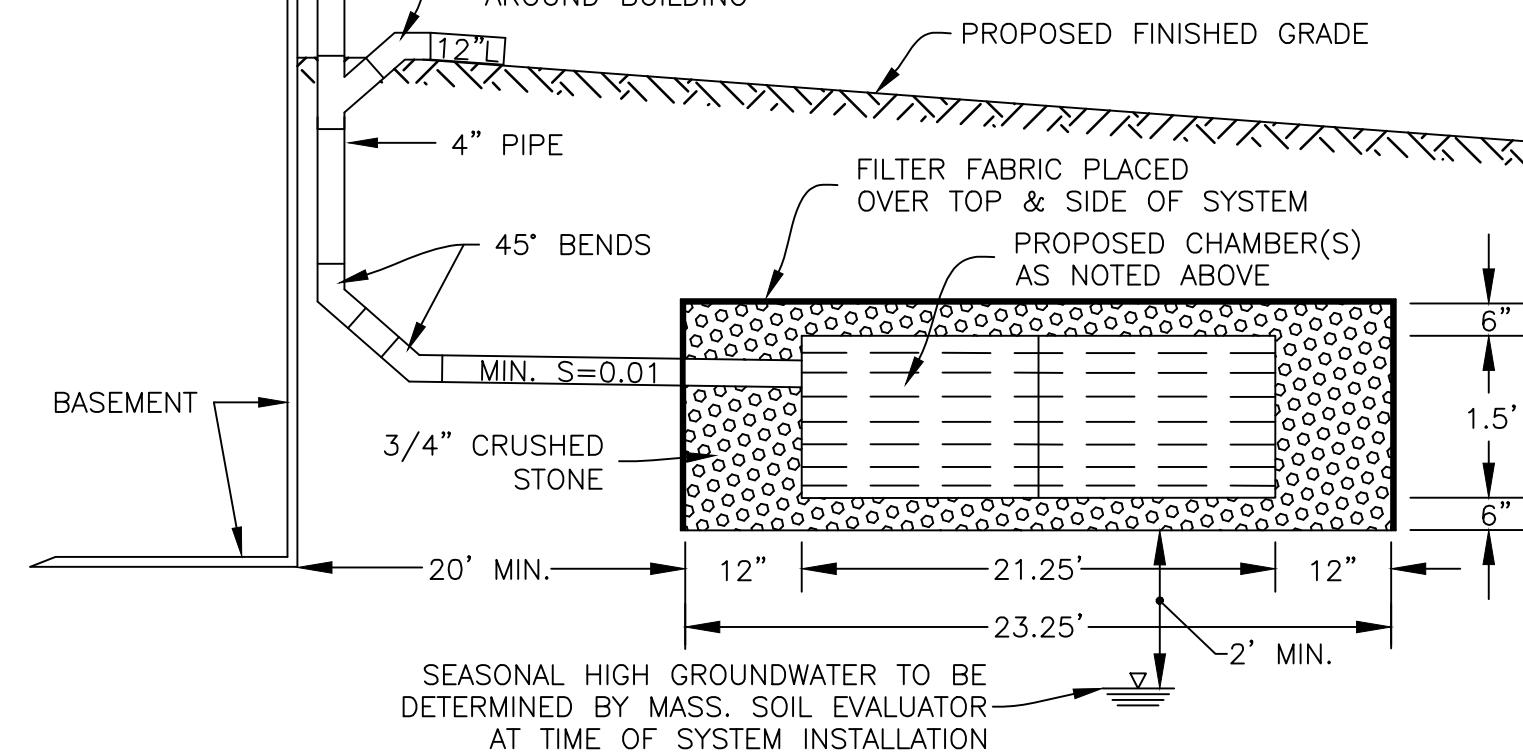
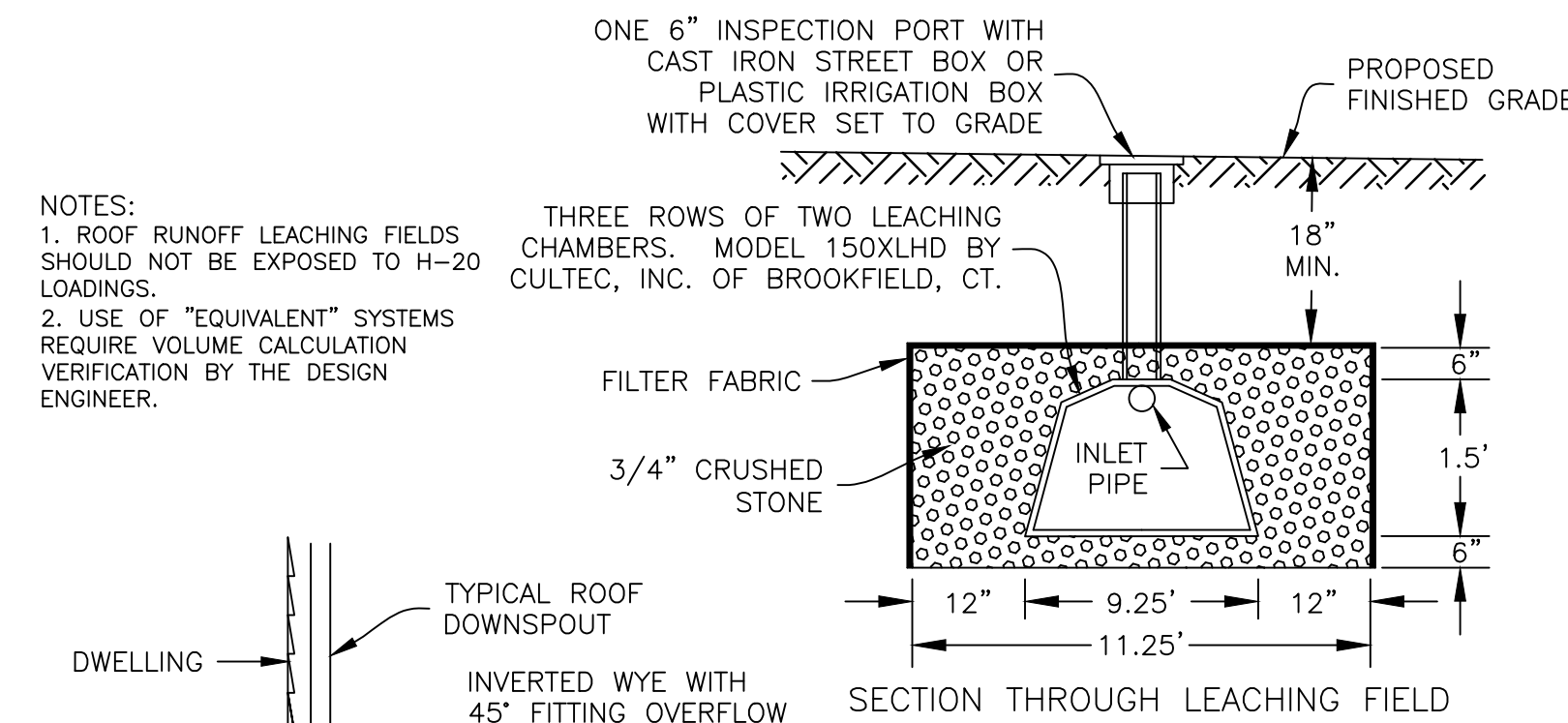
TYPICAL INFILTRATION DEPRESSION CROSS-SECTION

NOT TO SCALE



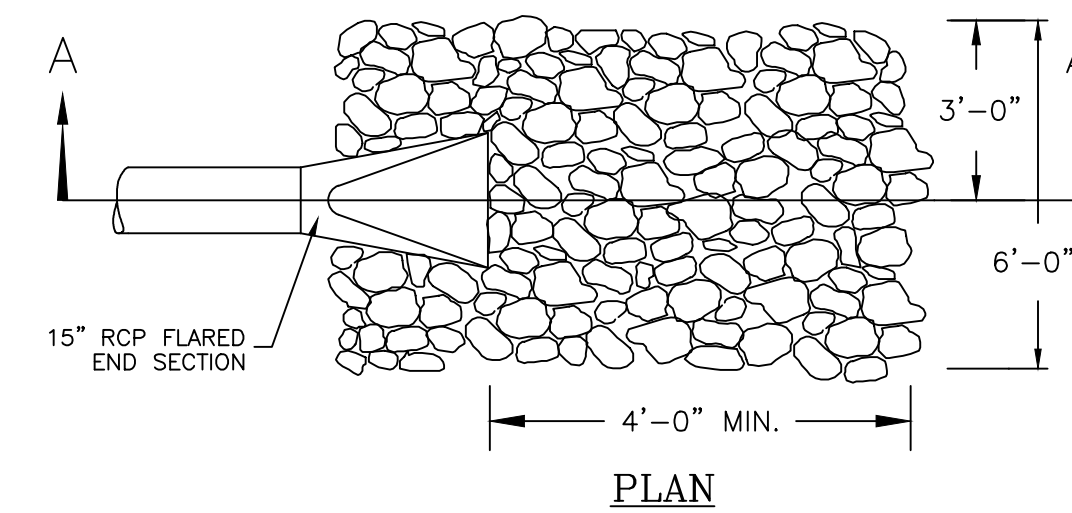
GRASS SWALE DETAIL

NOT TO SCALE

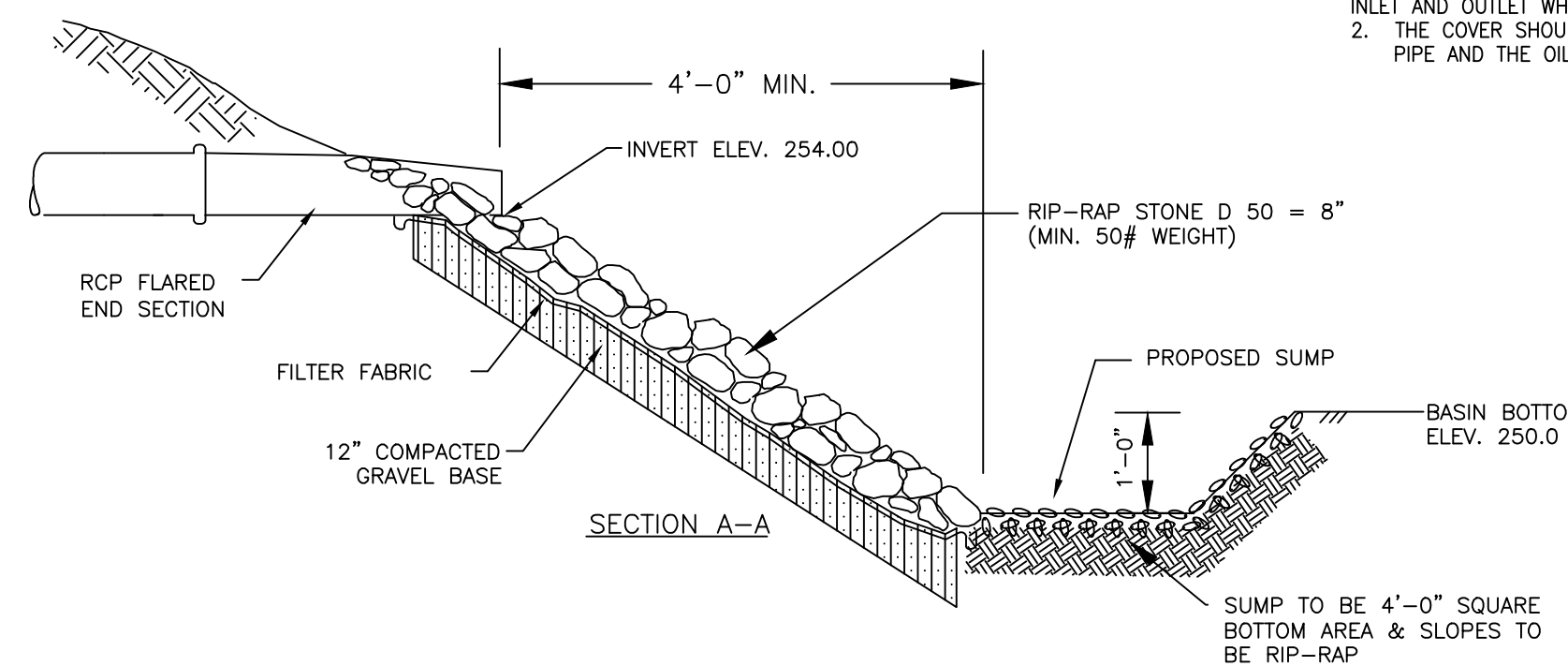


ROOF RUNOFF INFILTRATION FIELD

NOT TO SCALE

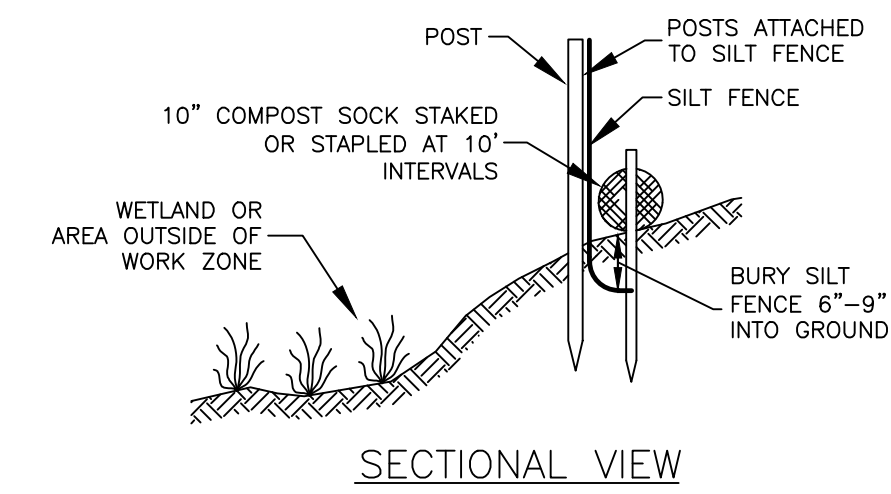


PLAN



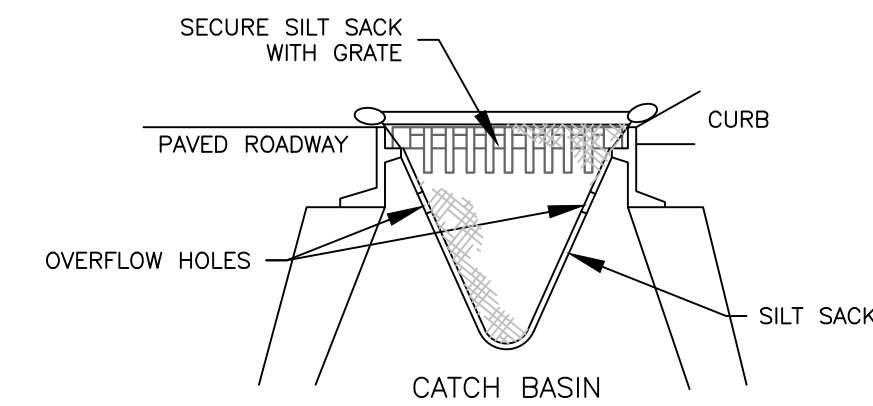
FLARED END OUTLET

NTS



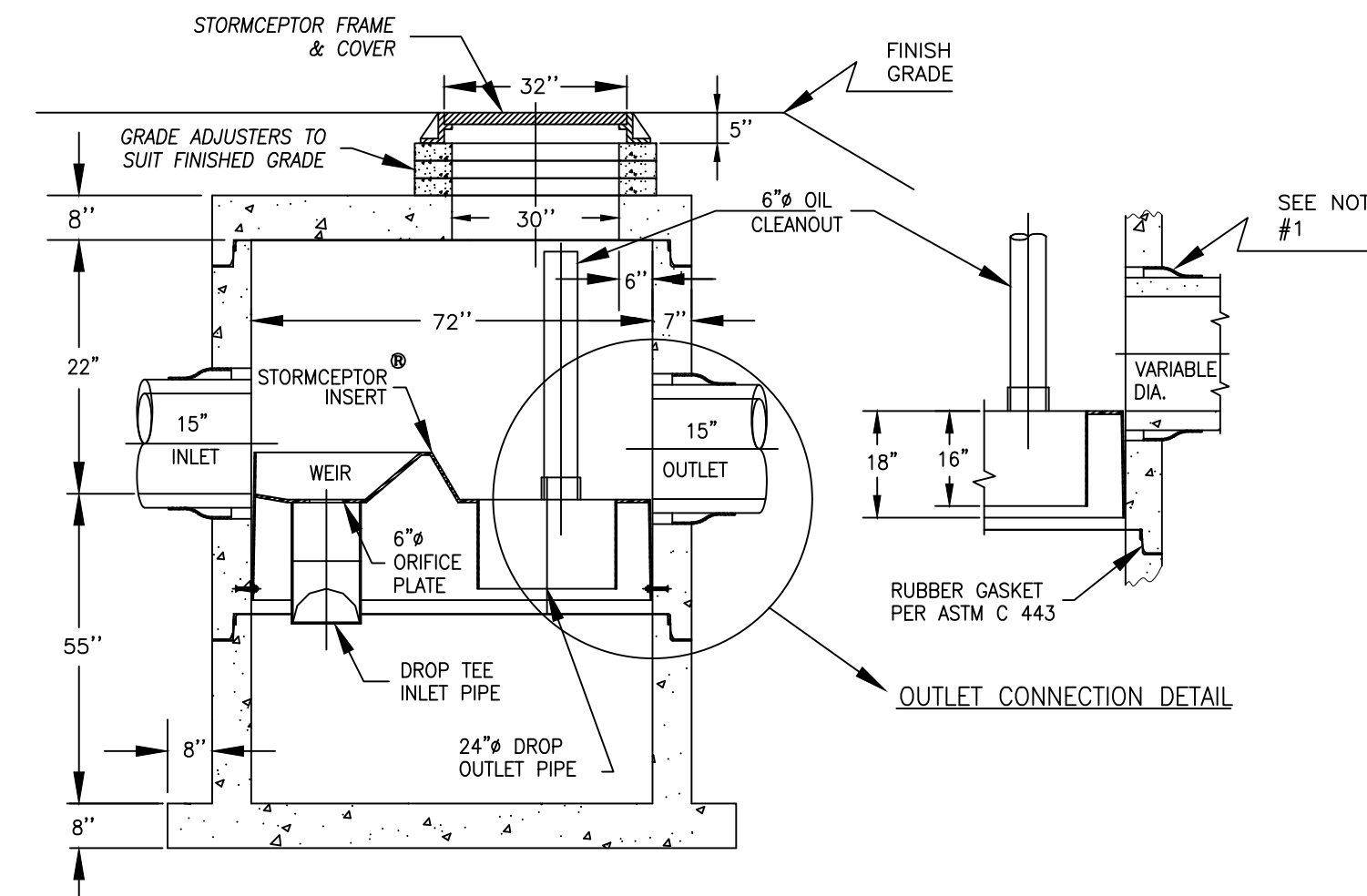
EROSION CONTROL  
DETAIL (COMPOST SOCK)

NOT TO SCALE



CATCH BASIN SILT SACK DETAIL

NOT TO SCALE



STORMCEPTOR DETAIL  
MODEL-STC900

- NOTE :
- THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
  - THE COVER SHOULD BE POSITIONED OVER THE OUTLET DROP PIPE AND THE OIL CLEANOUT PIPE.

PROGRESS  
PRINT

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK

DATE

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-8

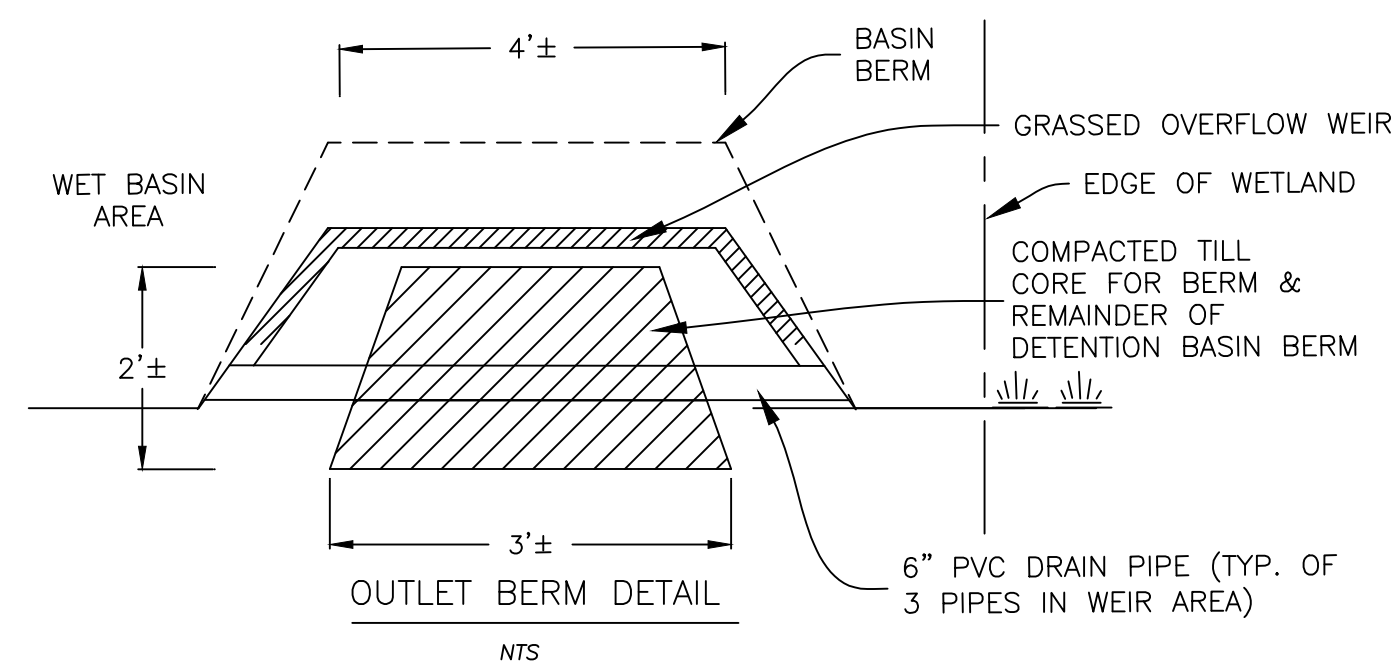
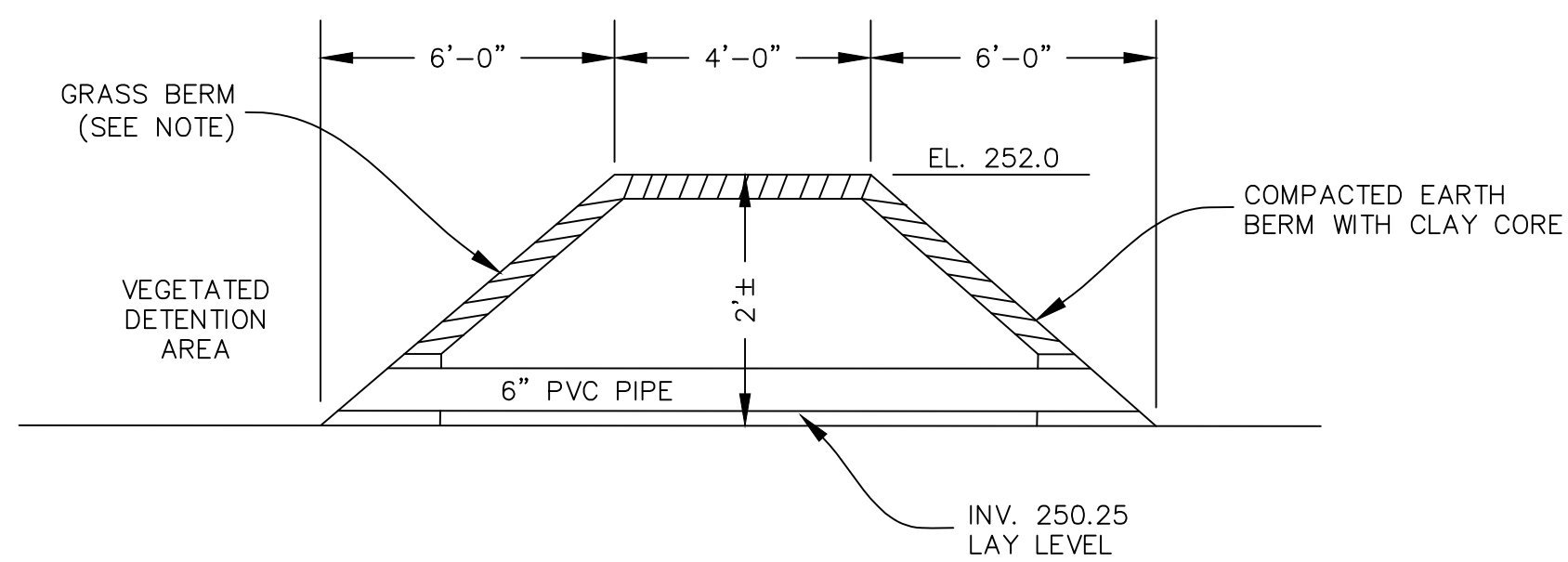


PLAN SCALE: N.T.S.

DATE	BY
2022-09-12	DJM
2022-04-30	DJM

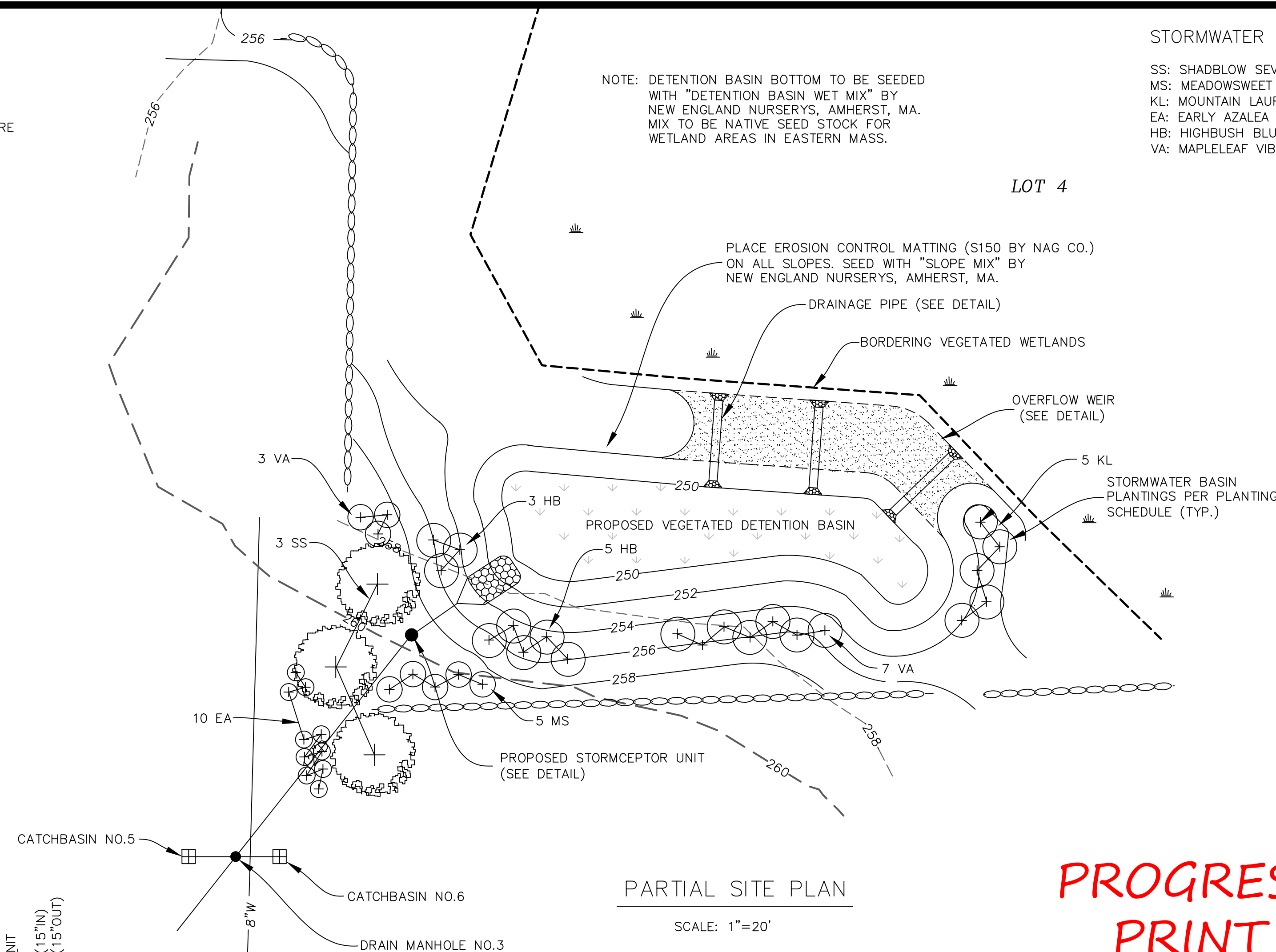
WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA





NOTE: CONTRACTOR TO GRADE BERM 2" BELOW GRADE AND LOAM & SEED ALL SIDES.

OVERFLOW WEIR DETAIL  
NTS



PARTIAL SITE PLAN

SCALE: 1"=20'

#### STORMWATER BASIN PLANTING SCHEDULE

SS: SHADBLow SEVICEBERRY (A. CANADENSIS): THREE 5' B&B  
MS: MEADOWSWEET (SPIREA LATIFOLIA): FIVE #2 POT  
KL: MOUNTAIN LAUREL (KALMIA LATIFOLIA): FIVE 2-2.5' B&B  
EA: EARLY AZALEA (R. ROSEUM): TEN #3 POT  
HB: Highbush BLUEBERRY (VACCINIUM CORYMBOSUM): EIGHT #3 POT  
VA: MAPLEAF VIBURNUM (VIBURNUM ACERIFOLIUM): TEN 18-24" B&B

FOR REGISTRY USE

NOT FOR CONSTRUCTION.  
ISSUED FOR REVIEW.

OWNER/APPLICANT  
EUGENE & KARYL WALSH  
168 HOLLISTON STREET  
MEDWAY, MA 02053

ZONING DISTRICT  
AR-1

ASSESSORS PARCEL  
MAP 9 PARCELS 34, 35, 36, 37

PLAN & DEED REFERENCE  
DEED: BOOK 25288, PAGE 92  
DEED: BOOK 35797, PAGE 582  
PLAN: BOOK 574 NO. 64

NOTE: THIS SUBDIVISION PLAN IS A MODIFICATION TO A PREVIOUSLY APPROVED SUBDIVISION BY CONSOLIDATED DESIGN GROUP INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 574 NO. 64 AND PLAN BOOK 575 NO. 78.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

APPROVED SEPTEMBER 27, 2022, SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY TRUSTEES OF THE WINGATE FARM REALTY TRUST DATED \_\_\_\_\_ AND RECORDED AT NORFOLK REGISTRY OF DEEDS, BOOK NO. \_\_\_\_\_, PAGE NO. \_\_\_\_\_.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE THE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

TOWN CLERK

DATE

DATE APPROVED: \_\_\_\_\_

DATE ENDORSED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAW.

PLAN SCALE: N.T.S.

PLAN DATE: AUGUST 18, 2022

REVISION	DATE	BY
UPDATES FOR LAND DIST. APPLICATION	2022-04-12	DJM
REVISIONS PER DECISION	2022-04-30	DJM

WINGATE FARM DEFINITIVE  
SUBDIVISION MODIFICATION  
DETAILS  
PLAN OF LAND IN  
MEDWAY, MA

DETENTION BASIN SECTION

SCALE: HOR 1"=10'  
VERT 1"=2'

730 MAIN STREET  
SUITE 2C  
MILLIS, MA 02054  
508-376-8883(o)

C-9



LEGACY  
ENGINEERING







## Susan Affleck-Childs

---

**From:** Bouley, Steven <Steven.Bouley@tetrattech.com>  
**Sent:** Friday, October 7, 2022 10:35 AM  
**To:** Susan Affleck-Childs  
**Cc:** Daniel Merrikin  
**Subject:** [External] Wingate Farm Final Plan Review

Hi Susy,

We reviewed the plans titled "Subdivision Modification Plan, Wingate Farm, A Private Way Definitive Subdivision Plan" dated August 18, 2022 with revisions through September 30, 2022 by Legacy Engineering, against the Decision dated September 27, 2022. We have the following comments:

Decision Review:

1. All items from the decision have been completed.

General Review:

2. The "latest revision" date shown on the cover should be revised to the final plan revision. It is inconsistent with the revision block date.

Please let me know if you need anything else, thanks.

Steve

**Steven M. Bouley, PE** | Project Manager

Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | [steven.bouley@tetrattech.com](mailto:steven.bouley@tetrattech.com)

**Tetra Tech** | *Leading with Science*® | INE

100 Nickerson Road | Marlborough, MA 01752 | [tetrattech.com](http://tetrattech.com)

*This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.*



Please consider the environment before printing. [Read more](#)



# **LAND SUBDIVISION - FORM G**

## ***Subdivision Covenant Under G.L. c. 41, section 81U***

### ***Planning and Economic Development Board – Town of Medway, MA***

October ,2022

This Covenant is granted pursuant to G.L. c. 41, section 81U by Karyl Walsh and Eugene Walsh, individually and as Trustees of Wingate Farm Realty Trust, (*record owner of the parcel of land shown on an approved definitive subdivision plan and including an equitable owner or purchaser on a purchase and sales agreement for the entire parcel or portion of the parcel of land shown on the approved subdivision plan*), with an address of 168 Holliston Street and Wingate Farm, Medway, MA 02053 (*hereinafter referred to as the "Owner"*) to secure the construction of ways and services in the Boundary Lane subdivision, approved by the Town of Medway Planning and Economic Development Board (*hereinafter referred to as the "Board"*) as subdivision approval authority under G.L. c.41, section 81U.

#### **PREAMBLE**

*WHEREAS*, on September 27, 2022, based on the owner's application dated April 28, 2022, and after a duly noticed public hearing(s), the Board approved a definitive subdivision plan showing three (3) house lots, which is entitled "Subdivision Modification Plan Wingate Farm, A Private Way Definitive Subdivision Plan located in Medway, Massachusetts, Owners: Eugene and Karyl Walsh, 168 Holliston Street, Medway, MA (508)-533-8440, Prepared By: Legacy Engineering, LLC, 730 Main Street, Suite 2C, Millis, MA 02054 August 18, 2022, Latest Revision: September 12, 2022."

*WHEREAS*, the approved definitive subdivision plan shows the subdivision of a parcel of land located at Holliston Street and Wingate Farm Road, Medway, Norfolk County, Massachusetts, (*hereinafter referred to as the "subdivision"*) and further described in a deed or deeds dated October 17, 2007 and February 14, 2018 and recorded at the Norfolk County Registry of Deeds in Book (s) 25288, Page(s) 92 and Book 35797, Page 582 respectively;

*WHEREAS*, M.G.L., ch. 41, section 81U requires the subdivision applicant to secure the construction of ways and the installation of municipal services in an approved subdivision before endorsing its approval on the approved definitive subdivision plan;

*WHEREAS*, the Owner has elected to secure a portion of the construction of ways and installation of municipal services in the subdivision by means of a Covenant as described in G.L. c. 41, section 81U;

*WHEREAS*, the Board has determined that the form of Covenant is sufficient to secure the construction of ways and installation of municipal services in the subdivision;

*WHEREAS*, the owner's construction of ways and installation of municipal services within the subdivision are subject to the requirements of M.G.L., ch. 41, sections 81K – 81GG (*the Subdivision Control Law*); the Planning Board's *Subdivision Rules and Regulations* applicable to this subdivision, the application submitted for approval of this subdivision, the Certificate of Approval and all conditions of approval of this Subdivision as set forth in the Appendix attached to and made an enforceable part of this Covenant; the recommendations, if any, of the Board of Health, the approved definitive subdivision plan, all conditions subsequent to approval of this subdivision due to any amendment, modification, or rescission of the approval of the definitive

subdivision plan, all of the provisions set forth in this Covenant and any amendments thereto; and the following additional documents; \_\_\_\_\_  
\_\_\_\_\_ (hereinafter referred to as "approval instruments");

NOW, THEREFORE, the Owner covenants as follows:

### **SECTION 1. INCORPORATION OF PREAMBLE**

The Preamble is incorporated into and is an enforceable part of this Covenant.

### **SECTION 2. EFFECTIVE DATE**

This Covenant shall be effective upon its execution, subject to endorsement of approval of the definitive subdivision plan by the Board and the recording or registering of the plan and this Covenant by the Owner.

### **SECTION 3. RUNS WITH THE LAND**

This Covenant shall run with the land and shall be binding on all subsequent parties who have any title, interest, or rights in and to the parcel of land subdivided, or a portion thereof. This Covenant shall operate as a restriction upon the land until release.

### **SECTION 4. OBLIGATIONS, DUTIES AND RIGHTS OF THE OWNER**

- A. The Owner shall not convey or transfer title to Lots 3 and/or 4 within this subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this Subdivision in accordance with the approval instruments, unless and until the Owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.
- B. The Owner shall not build upon Lots 3 and/or 4 within this Subdivision, except as otherwise provided in this Covenant, until the completion of the construction of the ways and installation of the municipal services for this Subdivision in accordance with the approval instruments, unless and until the owner provides the Board with another method of securing construction of the ways and installation of the municipal services deemed sufficient by the Board.
- C. The Owner shall complete construction of the ways and installation of the municipal services for this Subdivision no later than three years from this date.
- D. The Owner agrees and understands that failure to complete construction of the ways and installation of the municipal services by the agreed-upon date shall result in automatic rescission of approval of the definitive subdivision plan by the Board as provided in M.G.L., ch. 41, section 81W.
- E. The Owner agrees and understands that the Board will not release this Covenant in full, unless another method of security is provided, or until the ways and municipal services have been deemed by the Board to be constructed and installed in accordance with the approval instruments, which shall include demonstration of adequate construction and installation for six months prior to said release.
- F. No provision of this Covenant shall prevent the Owner from varying the method of securing the construction of ways and the installation of municipal services from time to time or



from securing by one, or in part by one and in part by another of the methods as provided in M.G.L., ch. 41, sections 81U, as long as the Board deems the method or methods chosen for securing the construction of ways and the installation of municipal services as sufficient.

G. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of the current owner or owners of this subdivision or portions thereof and the address of such owner or owners, except that lots released from the provisions of this Covenant are exempt. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

H. The Owner shall at all times provide the Board *forthwith (no more than 14 days after transfer of title)* with the name of any mortgagee or mortgagees of this subdivision or portions thereof and the address of such mortgagee or mortgages, except that lots released from the provisions of this Covenant are exempt. At the time of executing this Covenant, the mortgagee(s) of this subdivision is/are \_\_\_\_\_ whose address is \_\_\_\_\_. The Owner agrees and understands that failure to comply with this provision could result in rescission of approval of the definitive subdivision plan.

I. The Owner shall record or register the approved and endorsed definitive subdivision plan; this Covenant, upon its execution; and any certificates of release of this covenant, or portions thereof, at the Norfolk County Registry of Deeds and forthwith provide the Board with written evidence thereof. The Owner further agrees to pay the costs of such recordings.

#### **SECTION 5. MORTGAGEES AND SUCCEEDING OWNERS**

Nothing in this Covenant shall preclude the Owner from mortgaging the entire parcel of land, or a portion thereof, which constitutes this subdivision. If the mortgagee acquires title to the entire parcel of land, or a portion thereof, shown on the approved definitive subdivision plan, through foreclosure or by other means, such as accepting a deed in lieu of foreclosure, then the mortgagee and any succeeding owner of the land transferred by the mortgagee may sell any lot, subject to that portion of this Covenant which provides that no lot shall be built upon until the ways are constructed and the municipal services are installed to serve such lot. Said mortgagee and any succeeding Owner shall be subject to all other applicable provisions of this Covenant and any amendments thereto.

#### **SECTION 6. CONVEYANCE OF LAND OR LOTS SUBJECT TO COVENANT**

Nothing in this Covenant shall preclude the owner from conveying by a single deed, the entire parcel of land shown on the approved definitive subdivision plan, or all lots not previously released from the terms of this Covenant by the Board, so long as the deed provides that the land conveyed is subject to this Covenant, and any amendments thereto, with proper reference to the book and page where this covenant, and any amendments thereto are recorded or registered at the Norfolk County Registry of Deeds. A deed of any part of the Subdivision in violation of this Covenant, or any amendments thereto, shall be voidable by the grantee prior to the release of this Covenant no later than three years from the date of such deed.

#### **SECTION 7. BINDING EFFECT**

This Covenant, and any amendments thereto, shall be binding on the Owner, the Owner's agents and representatives, and any successors to the Owner's title interest, and rights in the parcel of land constituting this subdivision, including executors, administrators, devisees, heirs, successors and assigns of the Owner, until such time as the Board has issued a Certificate of Release signed by a majority of the members of the Board and such release has been recorded in the Norfolk County Registry of Deeds.

### **SECTION 8. USE OF TERMINOLOGY**

Use of the term "Owner" in this Covenant is for convenience only and should not be considered as a limitation on those parties who may be subject to and bound by the provisions of this Covenant and any amendments thereon. Use of the term "Planning Board or Board" in this Covenant is for convenience only and may include agents or representatives of the Medway Planning and Economic Development Board.

### **SECTION 9. APPOINTMENT OF AN AGENT**

If someone other than the Owner will represent the Owner, the Owner must designate such representative below.

Name of representative: None

Address of representative: \_\_\_\_\_  
\_\_\_\_\_

Telephone #: Days \_\_\_\_\_ Evenings \_\_\_\_\_

Relationship of representative to Owner: \_\_\_\_\_

In executing this Covenant, I hereby authorize the person or persons named above to represent my interest before the Board with respect to the subdivision that is the subject of this Covenant.

### **SECTION 10. AMENDMENTS**

This Covenant may be amended, in writing, only upon approval of the majority of the members of the Board.

### **SECTION 11. GOVERNING LAW**

This Covenant, and any amendments thereto, shall be governed by the laws of the Commonwealth of Massachusetts.

### **SECTION 12. SEVERABILITY**

If a court of competent jurisdiction determines that any provision of this Covenant is unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

[signature pages follow]

**OWNER**

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Duly authorized

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Duly authorized

\_\_\_\_\_  
Witness

**COMMONWEALTH OF MASSACHUSETTS**

Norfolk, SS.

October \_\_, 2022

On this \_\_\_\_\_ day of October, 2022, before me, the undersigned notary public, personally appeared Eugene Walsh and Karyl Walsh, Owner, or person duly authorized to execute this Covenant on behalf of the Owner, proved to me through satisfactory evidence of identification, which were driver's licenses, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

Accepted by:  
**PLANNING and ECONOMIC DEVELOPMENT BOARD**

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

Dated:

*COMMONWEALTH OF MASSACHUSETTS*

Norfolk, SS.

October ,2022

On this \_\_\_\_\_ day of October, 2022, before me, the undersigned notary public, personally  
appeared the above named \_\_\_\_\_

\_\_\_\_\_  
proved to me through satisfactory evidence of identification, which was \_\_\_\_\_

to be the person (s) whose name is signed on the preceding or attached document and  
acknowledged to me that \_\_\_\_\_ signed it voluntarily and for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:



## **ASSENT OF MORTGAGEE**

\_\_\_\_\_, the mortgagee of the parcel of land, or a portion thereof, constituting this subdivision at the time of execution of this Covenant, hereby consents to execution of this Covenant by the Owner, who is the mortgagor of the parcel of land subject to a certain mortgage deed dated May 14, 2015 and recorded at the Norfolk County Registry of Deeds in Book 33135, Page 168 and a mortgage deed dated \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_. This mortgagee also agrees to hold the mortgage subject to this Covenant and agrees that the mortgage shall be subordinate to the Covenant, which Covenant shall have the same status, force, and effect as through executed and recorded prior to the conveyance of the mortgage deed for the mortgagor-owner to the mortgagee.

## **MORTGAGEE**

\_\_\_\_\_  
Signature of Mortgagee

\_\_\_\_\_  
Date

By: \_\_\_\_\_

Its: \_\_\_\_\_

Duly Authorized

\_\_\_\_\_  
Witness

## **COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, SS. \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned notary public, personally appeared the above named \_\_\_\_\_, person duly authorized to execute this Covenant on behalf of the mortgagee, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that \_\_\_\_\_ signed it voluntary for its stated purpose.

\_\_\_\_\_  
Notary Public

My commission expires:

**APPENDIX**  
***(Certificate of Approval of the Definitive Subdivision Plan)***

DRAFT

**Board Members**

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Email: planningboard  
@townofmedway.org

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

RECEIVED TOWN CLERK  
SEP 28 '22 11:19

20 Day Appeal  
October 18, 2022

***CERTIFICATE OF ACTION***  
***Wingate Farm***  
***Modification to DEFINITIVE SUBDIVISION PLAN***  
***And Land Disturbance Permit***

**Decision Date:** September 27, 2022

**Location:** 168 Holliston Street and Wingate Farm Road

**Assessors' Reference:** Map 09, Parcels 037-0000, 036-0000, 035-0000, and 034-0000

**Parcel Size:** 5.77 acres

**Name/Address of Applicant:** Karyl and Eugene Walsh  
168 Holliston Street  
Medway, MA 02053

**Name/Address of Property Owner:**  
Karyl and Eugene Walsh  
Karyl and Eugene Walsh, Trustees of Wingate Farm Realty Trust  
168 Holliston Street  
Medway, MA 02053

**Engineer:** Legacy Engineering  
730 Main Street, Suite 2C  
Millis, MA 02054

**Land Surveyor:** Colonial Engineering, Inc.  
P.O. Box 95  
Medway, MA 02053

**Plan:** Subdivision Modification Plan – Wingate Farm dated August 18, 2022 by  
Legacy Engineering, Millis, MA, last revised September 12, 2022

**Zoning District:** Agricultural Residential I

**Members voting:** Matthew Hayes, Robert Tucker, Richard Di Iulio, Jessica Chabot

**Board Members**

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

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

***CERTIFICATE OF ACTION***  
***Wingate Farm***  
***Modification to DEFINITIVE SUBDIVISION PLAN***  
***And Land Disturbance Permit***

**Decision Date:** September 27, 2022

**Location:** 168 Holliston Street and Wingate Farm Road

**Assessors' Reference:** Map 09, Parcels 037-0000, 036-0000, 035-0000, and 034-0000

**Parcel Size:** 5.77 acres

**Name/Address of Applicant:** Karyl and Eugene Walsh  
168 Holliston Street  
Medway, MA 02053

**Name/Address of Property Owner:**  
Karyl and Eugene Walsh  
Karyl and Eugene Walsh, Trustees of Wingate Farm Realty Trust  
168 Holliston Street  
Medway, MA 02053

**Engineer:** Legacy Engineering  
730 Main Street, Suite 2C  
Millis, MA 02054

**Land Surveyor:** Colonial Engineering, Inc.  
P.O. Box 95  
Medway, MA 02053

**Plan:** Subdivision Modification Plan – Wingate Farm dated August 18, 2022 by  
Legacy Engineering, Millis, MA, last revised September 12, 2022

**Zoning District:** Agricultural Residential I

**Members voting:** Matthew Hayes, Robert Tucker, Richard Di Iulio, Jessica Chabot



**I. BACKGROUND:** The Wingate Farm subdivision was approved by a Planning Board decision issued on 5-23-2000. That decision was modified on 4-28-2005 and the corresponding modified Wingate Farm subdivision plan was endorsed on 11-8-2005 and recorded in October and November 2007 at the Registry of Deeds. That plan divided the property into 4 lots with a permanent private roadway known as Wingate Farm Road; one lot includes the existing single-family home at 168 Holliston Street. The modified subdivision approval from April 2005 required the subdivision to be completed by November 8, 2008. This time limit was extended four years due to the state's Permit Extension Act, to November 8, 2012. Considerable work has been undertaken to install the subdivision's utilities and stormwater infrastructure and roadway. However, the project is not complete, and the specified (and extended) completion deadline has expired.

**II. MODIFICATION DESCRIPTION:** The applicant requests an extension of time to complete the subdivision and has requested associated waivers from the Board's current *Subdivision Rules and Regulations*. The applicant has also requested that the Board waive its regulation allowing rescission of the subdivision if not completed in a timely manner, although this was determined to not be relevant given the issuance of this subdivision modification decision. During the course of the review process, a modified subdivision plan was prepared and reviewed by the Board.

## **II. PROCEDURAL SUMMARY:**

A. On March 31, 2021, the Planning and Economic Development Board received an application for approval of a modification to the Wingate Farm subdivision decision and plan. The application was filed with the Town Clerk the same date.

B. On May 10, 2021, the Board notified various Town boards and departments, including the Board of Health, of the public hearing on the proposed subdivision modification, provided copies of the plan, and requested review comments. The information was also posted to the Board's web page.

C. On May 25, 2021, the Board commenced a public hearing. The public hearing was duly noticed in the *Milford Daily News* on May 10 and May 13, 2021. The public hearing notice was posted with the Medway Town Clerk on May 4, 2021 and was sent by *Certified Sent Mail* on May 6, 2021 to abutters in Medway within 300 feet of the subject property and to parties of interest. The public hearing was continued to June 22, July 13, July 27, September 28, October 26, November 9, 2021; January 25, April 26, July 12, August 23, September 13, and September 27, 2022, when it was closed.

D. All members voting on this Certificate of Action were present at all sessions of the public hearing or have provided a certification pursuant to General Laws c. 39 section 23D.

- Certificate for Robert Tucker for 5-25-21 hearing
- Certificate from Matthew Hayes for 7-21-21 hearing

E. On September 12, 2022, the Applicant filed a Land Disturbance Permit Application with the Board.

**III. PUBLIC HEARING SUMMARY:** The public hearing and the Board's review of the proposed Wingate Farm subdivision were conducted over the course of 12 Board meetings, during which substantive information was presented and evaluated. The project was reviewed for compliance with the *Subdivision Rules and Regulations* dated April 26, 2005 which are currently in effect.

Specified below is a list of plan documents and support materials, public comments, consultant and Town departmental board review documents, and supplemental information which have been provided by the Applicant or placed on the record by the Planning and Economic Development Board. All information is on file in the Medway Planning and Economic Development office and is available for public review.

***Wingate Farm Definitive Subdivision Plan Modification Application Materials***

- *Application to Modify Previously Approved Subdivision Plan and/or Decision*
- *Wingate Farm Subdivision As-Built Plan* - Prepared by O'Driscoll Land Surveying, Inc. dated 2-22-2021
- *Requests for Waivers from Subdivision Rules and Regulations* – Prepared by applicant
- *CWV-UNIFLOW 3*
- *168 Holliston Street – VZ Conduit Sketch*
- *Applicant's Response dated 11-13-18 to Tetra Tech's punch list dated 12-7-17*

***Town Engineering Consultant Reviews***

- Steven Bouley, P.E. Tetra Tech – 12-5-2017 email re: sight distance
- Steven Bouley, P.E. Tetra Tech – 12-7-2017 punch list and bond estimate
- Steven Bouley, P.E. Tetra Tech – 3-23-2018 review letter
- Steven Bouley, P.E. Tetra Tech – 6-22-2021 email
- Steven Bouley, P.E. Tetra Tech – 9-24-2021 review letter
- Courtney Sudak, P.E. Tetra Tech – 11-8-21 review letter

***Supplemental Information Provided by Applicant's Consultants***

- Letter from Daniel Merrikin, P.E. Legacy Engineering dated July 19, 2021
- Letter from Legacy Engineering dated September 14, 2021
- Letter from Legacy Engineering dated October 12, 2021
- Stormwater Report dated August 18, 2022
- Letter from Legacy Engineering dated August 18, 2022
- Subdivision Modification Plan dated August 18, 2022
- Letter from Legacy Engineering dated September 8, 2022
- Letter from Legacy Engineering dated September 12, 2022
- Stormwater Report revised September 12, 2022
- Subdivision Modification Plan revised September 12, 2022
- Land Disturbance Application dated September 12, 2022

***Supplemental Information Entered into the Record by the Medway Planning and Economic Development Board***

- Wingate Farm Certificate of Action 4-28-2005
- Wingate Farm modified definitive Subdivision Plan endorsed 11-8-2005
- Wingate Farm subdivision chronology prepared by Susan Affleck-Childs, dated 12-6-2017
- Notes summarizing Applicant's request, prepared by Susan Affleck-Childs, dated 5-25-2021
- Compilation of PEDB Meeting Minutes from 2017 and 2018 when the Board discussed the status of the Wingate Farm subdivision
- Excerpt from Timber Crest 40B decision (3-23-2016) - Condition #35 regarding required Holliston Street roadway regrading improvements to address sight distances and safety.
- Green International Sight Distance letter dated 3-15-2017 regarding regrading work on Holliston Street for the Timber Crest development.
- Email communication dated 6-18-2021 from PEDB member Jessica Chabot
- Notes from 6-15-21 site visit by 3 PEDB members

***Professional Testimony***

- Steven Bouley, P.E. and Courtney Sudak, P.E. of Tetra Tech
- Daniel Merrikin, P.E., of Legacy Engineering

***Medway Departmental/Board Review Comments***

- Email dated 7-12-21 from Fire Chief Jeff Lynch

**IV. PROJECT EVALUATION CRITERIA** – Before taking action on a definitive subdivision plan, the Board shall evaluate the proposed subdivision according to the criteria as specified in Section 5.16 of the *Subdivision Rules and Regulations*. At the public hearing on September 27, the Board voted 4 to 0 to approve the Project Evaluation Findings below.

**5.16.1 Completeness and technical accuracy of all submissions.**

*FINDINGS – All submissions were reviewed by Town staff and/or the Town's Consulting Engineer. The Board's consulting engineer has reviewed the 2005 modified subdivision plan against the current Subdivision Rules and Regulations and has identified a number of ways in which the previously endorsed subdivision plan does not meet the current subdivision standards. The submitted revised subdivision plans, stormwater report and other documents remedy these deficiencies as discussed further herein.*

**5.16.2 Determination that the street pattern is safe and convenient, and that proper provision is made for street extension. The Board may disapprove a plan where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed ways within the subdivision.**

*FINDINGS – The Board finds that the proposed street pattern within the subdivision is safe and convenient. The layout has been reviewed by the Board's Consulting Engineer. Future roadway extension to adjacent property is not feasible so provisions to do so are not required. The roadway shown on the approved subdivision plan was designed to the Board's construction specifications for a permanent private way*

*subdivision road. The roadway width has been widened to 20 feet as requested by the Fire Chief.*

**5.16.3 Determination that development at this location does not entail unwarranted hazard to the safety, health, and convenience of future residents of the development or of others because of possible natural disaster, traffic hazard or other environmental degradation.**

*FINDINGS – The intersection sight distance (ISD) for traffic exiting Wingate Farm Road onto Holliston Street was reviewed by the Board’s consulting engineer. Looking north, the ISD is 260 feet. The South ISD is well in excess of 500 feet. These calculations do not take into consideration the required future Timber Crest improvements on Holliston Street (including a 3.8% downhill slope correction) which will further increase the northerly ISD at Wingate Farm Road. In addition, the existing shoulder grade immediately to the north of Wingate Farm Road will be lowered 2-3 ft. to achieve the ISD. The big oak tree will not be taken out. Consultant Sudak’s letter dated 9-8-21 indicates that the ISD will be met for the 35 m.p.h. posted speed limit on Wingate Farm Road.*

*With respect to Stopping Sight Distance (SSD), based on the AASHTO (American Association of State Highway Officials) formula, the recommended SSD for the posted 35 m.p.h. speed limit is 246 feet. To reinforce speed limits on the southbound Holliston Street travel lane, the applicant is willing to install reasonable signage including an intersection ahead warning sign and a radar speed display feedback sign. Also, the applicant is moving the roadway further north which is a safer location. Tetra Tech communicated that they continue to have concerns since this does not meet the AASHTO standard for stopping sight distance at the higher actual travel speeds on Holliston Street (vs. posted speeds) but what is proposed is reasonable for the three-lot subdivision. It was noted that the Board’s Subdivision Rules and Regulations indicate that intersection sight distances shall meet AASHTO standards. However, the Regulations only address stopping speed distances within a subdivision, not on the approaching streets.*

**5.16.4 Determination, based on the environmental impact analysis, where submitted, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan.**

*FINDINGS – Due to the small size of the subdivision, an environmental impact analysis is not required. The site is not within a Priority Habitat area. The previously approved design of the stormwater management facilities has been reviewed by the Town’s consulting engineer and does not comply with the current stormwater regulations and standards (Tetra Tech review letter dated 3-23-2018). However, the Applicant has provided a modified subdivision plan which does meet current standards. The project will result in a net increase of two single-family houses (three if Lot 2 is later developed). Significant trees on site that are not within the house footprints or infrastructure elements will be protected and retained. The Board finds that the subdivision does not cause substantial and irreversible damage to the environment*

**5.16.5 Determination that the roads and ways leading to and from the subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel for the projected volume of traffic. The Board may disapprove a plan**



**where it determines that dangerous traffic or unsafe conditions may result from the inadequacy of the proposed access or of any ways adjacent to or providing access to the subdivision.**

*FINDINGS – The subdivision site is accessed from Holliston Street, a major north-south arterial road in Medway. The Board finds that Holliston Street is adequate to provide emergency medical, fire and police protection as well as safe travel for the anticipated additional volume of traffic to be generated by the additional Wingate Farm residences. It is noted that the subdivision has the capacity for an additional three houses as shown on the 2005 subdivision plan, although the modified subdivision plans only create two new lots. The third new house lot may be created at a later date and the subdivision infrastructure design has given consideration to this potential. The plans have been reviewed by the Board’s Consulting Engineer and the Town’s safety and emergency personnel.*

**5.16.6 Conformity with all applicable requirements of the Medway Zoning Bylaw including but not limited to minimum area and frontage standards.**

*FINDINGS – The Board finds that the lots created by this plan conform to all applicable requirements of the Medway Zoning Bylaw, including minimum area and frontage requirements for the Agricultural Residential I zoning district.*

**5.16.7 Consistency with the purposes of the Subdivision Control Law.**

*FINDINGS – The Board finds that the subdivision is consistent with the purposes of the Subdivision Control Law*

**V. ADDITIONAL FINDINGS** - At the public hearing held on September 27, 2022 the Board voted 4 to 0 to approve the Additional Findings noted below.

- A. The original time period for project completion expired in November 2012. This includes the initial standard 3-year construction period plus 4 years of extensions through the Commonwealth’s Permit Extension Act.
- B. The Board’s consulting engineer has inspected the site and determined that the subdivision’s current as-built condition does not fully comply with previously approved and endorsed modified Wingate Farm Definitive Subdivision Plan (Tetra Tech review letter dated 12-7-2017) nor the current *Subdivision Rules and Regulations*. (Tetra Tech review letter dated 3-23-2018). Based on the information received from the consulting engineer, testimony at the public hearing, and observations during the site visit, and the revised subdivision plan, the Board finds that the proposed modification with the waivers granted complies with the current *Subdivision Rules and Regulations*.
- C. Land Disturbance Permit Findings** – After reviewing the application and information gathered during the public hearing and review process, the Board finds that the work proposed for construction of a three lot residential subdivision with the associated stormwater management system, utilities, parking and access was presented at a public hearing where the Applicant presented evidence sufficient to demonstrate that the proposed activity meets the provisions under Medway General Bylaw Article XXVI Stormwater Management and Land Disturbance. It is noted that the new stormwater management system design is based on the original four lots (one existing house and

three new houses). As such, should a fourth lot be created in the future by approval not required endorsement (G.L. c. 41, §81P), the Board finds that the stormwater management system accommodates it.

## **VI. ACTION ON REQUEST FOR WAIVERS OF SUBDIVISION RULES & REGULATIONS**

— The Planning Board granted a number of waivers in the original decision dated May 23, 2000. Those waivers were from the Board's November 21, 1978 regulations and are no longer relevant. The Board also granted a number of waivers in the modification decision dated April 28, 2005. Those waivers are from the Board's April 25, 2000 regulations, and, to the extent that any are still applicable, those waivers are hereby incorporated into this decision. The Applicant has requested additional waivers from the following sections of the *Subdivision Rules and Regulations*, dated April 26, 2005.

**Section 5.6.3 Use of NAVD88 Datum** – Applicant requests use of 1929 NGVD Datum.

**EXPLANATION** – The 1929 Datum was used previously for the original and modified definitive subdivision plan, so continuing to use the same Datum will avoid confusion. Also, the Board listed this as an approved waiver on the approved modified plan, although it was not reflected in the 2005 decision.

**FINDINGS** – The use of the previous Datum will provide consistency and requiring the change to the new datum would be an unnecessary expense. The waiver is granted as it is in the public interest and consistent with the purpose of the Subdivision Control Law.

\*\*\*\*\*

**Section 6.1.3 Time for Completion** - *An extension of time to complete the ways and improvements within the subdivision may be granted by the Board if there are mitigating circumstances. At least ninety days prior to the expiration of the three-year approval period, the Applicant and/or owner may request in writing to the Board an extension of time, if necessary, to complete the construction of subdivision roadways, etc. The developer shall submit a written request to the Board outlining the mitigating circumstances necessitating such extension request. An extension request shall constitute a modification of the approved Definitive Subdivision Plan and shall be processed in accordance with Section 6.2 herein. Any modification is subject to the Rules and Regulations in effect at the time the modification is sought. Prior to approving any extension of time, the Board will review and revise the amount of the bond deposit or other surety and the Applicant shall provide a new or revised security instrument prior to the Board's vote to approve the requested extension. An extension shall not exceed one year. Additional extensions after the first may be applied for but not until at least nine months have expired on the extension in effect.*

**EXPLANATION** – The completion deadline for the Wingate Farm subdivision was November 8, 2012. That date is based on the original standard 3-year time window for completion after plan endorsement (November 8, 2005 through November 8, 2008) which was extended four years as a result of the Commonwealth's permit extension statute after the Great Recession of 2008, thus automatically extending the completion deadline to November 8, 2012. The Applicant's request for an extension of time to complete the subdivision was not made before November 8, 2012. The Applicant first started talking

with the Planning and Economic Development Board in 2017 about an extension. The Applicant has requested a waiver from this particular regulation pertaining to the timetable for project completion.

The Applicant has provided written testimony documenting a series of mitigating circumstances in the lives of the Walsh family which halted project completion.

**FINDINGS** - The Board finds that an extension is warranted, and that the provisions of Section 6.1.3 requiring the filing 90 days prior to the expiration and requiring a new security instrument prior to the Board vote are not needed to safeguard the purposes of the Subdivision Control Law. The required subdivision surety will be provided in the usual course. The extension is in the public interest and consistent with the purpose of the Subdivision control Law and is granted

\*\*\*\*\*

**Section 6.2.1 Plan Modification** – The Applicant withdrew its request for this waiver at the public hearing of September 27, 2022, therefore no action was taken on it.

\*\*\*\*\*

**Section 6.3.1 Plan Rescission** – The Applicant withdrew its request for this waiver at the public hearing of September 27, 2022, therefore no action was taken on it.

\*\*\*\*\*

**Section 7.7.2.p** – Requirement for stormwater basins to be on a separate lot; applicant requests that stormwater basin be located on one of the lots, as shown on the plan, with an appropriate easement.

**EXPLANATION** – The Town Assessors have requested that the Board not approve subdivisions with separate parcels for stormwater infrastructure, as the taxes on these parcels often are not paid and become a burden on the Town.

**FINDINGS** – There will be a homeowners' association that will be responsible for the stormwater system, with an appropriate easement for accessing the stormwater basins. This will address the need to assure the stormwater basins are maintained. The waiver is granted as it is in the public interest and consistent with the purpose of the Subdivision Control Law.

\*\*\*\*\*

**Section 7.7.4.b** – Requirement for use of Class IV concrete drainage pipes. Applicant requests use of HDPE pipes where shown on the plan.

**EXPLANATION** – The outlet pipes for infiltration basin no. 1 are not conducive to concrete. HDPE is consistent with low impact design. Also, this is a private way subdivision, so the Town will not be responsible for any maintenance.

**FINDINGS** – The use of HDPE pipes is appropriate where shown for this subdivision. The waiver is granted as it is in the public interest and consistent with the purpose of the Subdivision Control Law.

\*\*\*\*\*

**ACTION ON WAIVERS** – At the public hearing held on September 27, 2022, the Board voted 4 to 0 to GRANT the above noted requests for waivers from the *Subdivision Rules and Regulations*.

**VII. DECISION** – At a duly called and properly posted meeting of the Medway Planning and Economic Development Board held on September 27, 2022, the Board voted 4 to 0 to GRANT the applicant’s requests to modify the previously endorsed site plan and modified subdivision certificate of action and to approve a Land Disturbance Permit MA, as shown on a plan titled *Subdivision Modification Plan, Wingate Farm, A Private Way Subdivision*, dated August 18, 2022, last revised September 12, 2022, prepared by Legacy Engineering, Inc. to be further revised as specified herein before endorsement and recording, subject to the following conditions.

### **VIII. CONDITIONS**

The prior decisions of the Board included a number of conditions, some of which have already been fulfilled or incorporated into the September 12, 2022 modified subdivision plan. The following conditions supersede any prior conditions imposed by the Board’s prior decisions, and are intended to be a complete and comprehensive list of all conditions for this subdivision.

- 1. Authorization** - The Wingate Farm subdivision plan shows three, single-family residential house lots, as well as a “Future Lot 2”. The stormwater management plan and other aspects of the subdivision plan take into account the possible future creation of Lot 2 and construction of a single family home thereon. The further division of any lots, other than the creation of “Future Lot 2”, shall require modification of this decision, although lot boundaries within the subdivision may be adjusted so long as no additional lots are created.
- 2. Completion Schedule** - The Permittee or its Assignee shall construct the roadway and all related infrastructure including the stormwater management system, and install all utilities as shown on the endorsed Definitive Subdivision Plan, to the satisfaction of the Planning and Economic Development Board, within three years of the date of endorsement of the plan. The time for such construction and/or installation may be extended upon the written request



of the applicant, for good cause shown, prior to the expiration of the three-year period, upon a vote of the majority of the Planning and Economic Development Board then present.

- 3. Plan Revisions** - Prior to plan endorsement, the Definitive Subdivision Plan, last revised September 12, 2022, shall be further revised as follows:
- The Erosion Control Plan shall include a graphical representation of the protections for storm drain inlets during construction.
  - The Erosion Control Plan shall include a graphical representation of the construction entrance.
  - The Erosion Control Plan shall include the location of stockpile areas during construction.
  - A sheet shall be added to the Plan set to display the property's Stormwater Operations and Maintenance Plan (Attachment A from the 9-12-22 revised Stormwater Report) and Cover Sheet index shall be revised to specify the additional plan sheet.
  - Revise the waiver list on the cover sheet to be consistent with this decision.
  - Revise language on the cover sheet to reference a new subdivision covenant to be prepared and recorded.
- 4. Documents to be Prepared and Approved Before Plan Endorsement** – Prior to plan endorsement, the Permittee shall provide the following documents for review, comments, amendment and approval by Town Counsel and the Board.
- Subdivision Covenant** – Prior to plan endorsement, the Permittee shall sign a Subdivision Covenant, on a form acceptable to the Planning and Economic Development Board, to secure construction of the ways and all related infrastructure and installation of utilities and services and any off-site mitigation measures as specified in the approved subdivision plan. Reference to the *Subdivision Covenant* shall be noted on the cover sheet of the Definitive Subdivision Plan. The *Subdivision Covenant* shall specify that the roadway and all relevant infrastructure including the stormwater management system shall be constructed and all utilities and services and any off-site mitigation measures shall be installed to the satisfaction of the Planning and Economic Development Board within three years of the date of plan endorsement. The Subdivision Covenant shall apply to Lots 3 and 4 as shown on the plan. This covenant will supersede the covenant that was accepted for the prior subdivision modification and is recorded at the Norfolk County Registry of Deeds at Book 25288, page 94.
  - Articles of Association or Incorporation** - Prior to plan endorsement, the Permittee shall provide a proposed Articles of Association or Incorporation establishing the Wingate Farm Homeowner's Trust for review and comment by Town Counsel. This document shall include provisions for membership by the owners of Lots 1, 3 and 4, management responsibilities, procedures for voting and fee assessment, and for the ownership and financial responsibility for the on-going maintenance, upkeep and repair of Wingate Farm including but not limited to snowplowing and sanding, the stormwater management system, and any associated landscaping.
  - Lot Deeds** – Prior to plan endorsement, the Permittee shall provide the proposed deeds to convey the reconfigured house lots for review and comment by Town Counsel. Each lot deed shall reference the endorsed *Definitive Subdivision Plan for Wingate Farm* and clearly state that the Wingate Farm Homeowner's Trust shall be responsible for the maintenance and upkeep of Wingate Farm as a permanent private road, the landscaping, and the stormwater drainage system. The deeds shall ensure that the owners of Lots 1, 3, and 4 will own to the centerline of Wingate Farm Road along their property's frontage.

- d. **Easements** – Prior to plan endorsement, the Permittee shall provide a proposed easement for the owners of Lot 1, 3 and 4 to grant an easement to the Wingate Farm Homeowner's Trust to maintain the stormwater drainage basin on Lots 1, 3 and 4, for review and comment by Town Counsel. The Permittee shall also provide drafts of other easements shown on the plan.

## 5. ***Plan Endorsement***

- a. Within sixty days after the Board has filed this decision with the Town Clerk, the Permittee shall submit a revised subdivision plan reflecting all Conditions and required revisions as specified herein, to the Planning and Economic Development Board and the Town's Consulting Engineer, for review and approval prior to plan endorsement. All conditions of this Certificate of Action requiring changes to the definitive subdivision plan must be addressed to the satisfaction of the Town's Consulting Engineer and the Planning and Economic Development Board before the Board will endorse the definitive subdivision plan. The time limit may be extended by mutual agreement of the Board and Permittee.
  - b. Prior to plan endorsement, the Permittee shall pay the balance of any outstanding plan review services by any outside consultants retained by the Planning and Economic Development Board. Prior to plan endorsement, and any form of surety reduction, proof is required from the Medway Town Treasurer/Collector that all real estate taxes and other municipal fees and charges are current for the properties included in this subdivision and for all property owned in Medway by the Permittee.
  - c. The endorsed plan shall bear the certification of the Town Clerk that twenty days have elapsed after the decision was filed in the Town Clerk's office and no appeal has been filed within said twenty-day period.
  - d. Within thirty days after plan endorsement, the Permittee shall provide the Town with two sets of the approved plan in 24" x 36" paper format. The Permittee shall also provide the approved plan in pdf format and CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp). The Permittee shall pay any reasonable associated costs, as may be determined by the Board of Selectmen, to update the Medway GIS/Assessor's maps relative to this subdivision.
6. ***Recording*** – The Permittee shall record this decision, the endorsed definitive subdivision plan, the subdivision covenant, and associated easements at the Norfolk County Registry of Deeds. Within thirty days of such recording, the Permittee shall provide proof of recording to the Planning and Economic Development Board. No construction shall begin on the site and no building permit shall be issued before these documents are recorded. The fee for recording or registering shall be paid by the Permittee.
7. ***Ownership of Wingate Farm***– There is no intention or expectation that the Town of Medway will ever accept the roadway as constructed pursuant to this plan.
8. ***Homeowner's Association*** - There shall be established a Wingate Farm Homeowner's Trust consisting of the owners of all lots in the subdivision to be responsible for the on-going maintenance, upkeep, and repair of the roadway including but not limited to snowplowing and sanding and for the stormwater detention and infiltration system, and related infrastructure located within the roadway right of way and easements including landscaping. Prior to endorsement, the Applicant shall provide a proposed Declaration of Protective

Covenants and Restrictions Governing Wingate farm, which shall apply to all present and future owners of the property included on the subdivision plan, to be reviewed and approved by Town Counsel and the Board. At a minimum, the Declaration shall include a requirement for the installation of light posts on each lot and may include other requirements as deemed appropriate by the applicant. The organizational documents shall specifically refer to the Long-Term Pollution Prevention Plan and associated Stormwater Operations and Management Plan included in the *Stormwater Report for Wingate Farm* dated August 18, 2022, last revised September 12, 2022, prepared by Legacy Engineering, Inc.

**9. *Maintenance Responsibility During Construction***

- a. The Permittee shall provide for snow plowing, sanding, and full maintenance of Wingate Farm throughout the entire construction process until the roadway is determined to be complete by the Board. The Permittee shall do nothing which would alter the drainage patterns or characteristics as shown on the approved plan.
- b. Construction is subject to the Storm Water Pollution Plan included in the most recent version of the *Stormwater Report for Wingate Farm* dated August 18, 2022, last revised September 12, 2022, prepared by Legacy Engineering, Inc. This document shall be included in all construction contracts, subcontracts and specifications dealing with the proposed work. The Permittee shall ensure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the Construction Period Operation and Maintenance Plan.
- c. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the Pre-Construction Meeting.
- d. Prior to the Pre-Construction Meeting and commencement of any activity on the site, the erosion control plan included in the endorsed plan set and the limit of work lines shall be staked. The location of erosion controls shall be adjusted, if necessary, during the first erosion control inspection.
- e. Immediately after installation of erosion controls, the Permittee shall notify the Board's consulting engineer to schedule a follow-up inspection to ensure that erosion controls and limits of work have been properly located and installed. No work shall be conducted until the Board's consulting engineer has inspected and approved the installation of the erosion controls.
- f. It shall be the responsibility of the Permittee to conduct monitoring, maintenance, and repair of erosion control measures, as well as to take any other additional measures necessary to control erosion from the site. The erosion control measures designated on the subdivision plan shall be considered a minimum standard for compliance.
- g. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.

**10. *Maintenance Responsibility Post Construction*** – As Wingate Farm shall be a permanent, private roadway, the ongoing maintenance responsibility for it, all associated infrastructure, landscaping, and the stormwater management system rests with the Wingate Farm Homeowner's Trust. The Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of the roadway, snowplowing, stormwater

system, sanding, etc. The Trust shall maintain the stormwater management system in accordance with the long-term stormwater operation and maintenance plan included with the stormwater report.

11. **Site Access** - Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site during construction for compliance with the endorsed subdivision plan and the provisions of this Decision.

12. **Construction Oversight**

- a. Construction Account

- 1) Inspection of roadway and infrastructure and utility construction, and installation of site amenities including landscaping by the Town's Consulting Engineer and review of legal documents by Town Counsel are required. Prior to plan endorsement the Permittee shall pay a construction services fee to the Town of Medway to establish a construction services account for such inspections and legal services. The amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the scope of the project. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction and installation, identify what site work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue authorize project completion.
    - 2) 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, for reasonable additional construction services until the road construction and stormwater drainage system and other utilities are completed and the as-built plan has been reviewed and determined to be satisfactory.
    - 3) Any funds remaining in the Permittee's construction inspection account after project completion shall be returned to the Permittee.

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

- c. 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 five days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

13. **Other Permits** – This permit 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.



14. ***Pre-Construction Meeting*** – At least seven days prior to the start of any site preparation or construction, a pre-construction meeting shall take place with the Town’s Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent, the developer, and site contractors. The construction schedule shall be reviewed and the procedures for inspections discussed. A copy of the final Stormwater Pollution Prevention Plan (SWPPP) as filed with the US Environmental Protection Agency shall be provided to the Town.
15. ***Restrictions on Construction Activities*** – During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall, at all times, use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
- a. *Construction Time* - Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. Monday through Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  - b. *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.
  - c. 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.
  - d. 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 and 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.
  - e. 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.
  - f. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Planning and Economic Development Board’s consulting engineer and maintained in good repair throughout the construction period.
  - g. *Construction Traffic and 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.
  - h. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3. Environmental Standards.

16. ***Traffic signage*** – To reinforce speed limits on the southbound Holliston Street travel lane, the applicant shall install an “intersection ahead” warning sign. In addition, should the Timber Crest development not have installed a radar speed display feedback sign on the southbound side of Holliston Street before occupancy of the first new home in Wingate Farm, the Applicant shall install such sign prior to the issuance of such first occupancy permit, subject to approval by the Medway DPW as to location and installation requirements.

17. ***Subdivision Performance Surety***

- a. ***Alternative Performance Security*** - At such time as the Permittee wishes to secure a release of the Subdivision Covenant for any lot, the security provided by the *Subdivision Covenant* shall be replaced by a subdivision surety in compliance with General Laws chapter 41 §81U and the Board’s *Regulations*, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel.
- b. ***Surety Amount*** - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town’s Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town’s Consulting Engineer of the cost to complete the work plus a 25% contingency.
- c. ***Surety Agreement*** - The Permittee shall enter into a surety agreement with the Planning and Economic Development Board as provided in the *Regulations* to define the obligations of the Permittee and the performance guarantee company including:
  - 1) the date by which construction shall be completed
  - 2) a statement that the agreement does not expire until released in full by the Board
  - 3) procedures for collection upon default.
- d. ***Adjustment of Performance Guarantee*** - At the Permittee’s written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust the performance guarantee, the Town’s Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to

complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus, a 25% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

- e. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

#### **18. *Compliance with Plan and Decision***

- a. All construction shall be as specified in the approved definitive subdivision plan and any modifications thereto and in full compliance with the *Subdivision Rules and Regulations* and all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act, the NPDES permit requirements, the Massachusetts Department of Environmental Protection Stormwater Management Policy requirements, MEPA requirements, the Massachusetts Wetland Protection Act (Chapter 131, Section 40, M.G.L.) and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- b. The Planning and Economic Development 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 this Decision.

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

- a. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout, or design of the endorsed plan.
- b. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. 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.

#### **20. *Modification of Plan and/or Decision***

- a. Proposed modifications to the plan or decision, not included on-site field changes, shall be subject to review by the Board.

- b. This approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as a subdivision plan modification.
- c. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed subdivision 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 Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.
- d. The Board shall issue its Modification Decision, file such with the Town Clerk and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved project. Any plan modifications shall be shown on the final as-built plan.

## 21. ***Landscape Maintenance***

- a. Any shrubs, trees, bushes, or other landscaping features shown on the Plan that die shall be replaced by the following spring.
- b. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner may conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time, subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

## 22. ***Project Completion*** – The Board shall determine project completion and refund and release the performance security once the Permittee has completed the following tasks to the Board's satisfaction:

- a. provided the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all site work has been completed in substantial compliance with the approved and endorsed Plan, and any modifications thereto; and
- b. submitted an As-Built Construction Plan prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts in accordance with the *Subdivision Rules and Regulations* in effect at the time the plans are submitted to the Board for review by the Town's Consulting Engineer and the Board's approval. The Permittee shall provide the final as-built plan in CAD format compatible with the Medway GIS and acceptable to the Medway Board of Assessors (ArcInfo shape file - .shp).
- c. paid the Town of Medway for any taxes and fees associated with these parcels or other property owned by the Permittee in the Town of Medway; and



- d. completed any mitigation measures specified in this subdivision certificate of action to the satisfaction of the Board.

## ***VII. APPEAL***

The Board and the Permittee have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee and notice of the Decision will be mailed to all parties in interest.

Any person aggrieved by the decision of the Board with respect to subdivision approval may appeal to the appropriate court pursuant to Massachusetts General Laws, ch 41, § 81BB, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk. Any person aggrieved by the decision of the Board with respect to the Land Disturbance permit under Article 26 of the General Bylaws may appeal to the appropriate court pursuant to Section 26.6.5 of the Bylaws.

[Signature page follows]

***Date of Action by the Planning and Economic Development Board:*** \_\_\_\_\_

By a vote of 4 to 0 , the Planning and Economic Development Board hereby **GRANTS** the Applicants, Karyl and Eugene Walsh, a ***MODIFICATION*** to the Wingate Farms Subdivision Definitive Plan and Certificate of Action approved May 23, 2000, as previously modified on April 28, 2005, and a Land Disturbance permit, for the Wingate Farms Subdivision located at 168 Holliston Street and Wingate Farm Road, to be constructed in accordance with this Certificate of Action, and subject to the ***CONDITIONS*** herein.

**Member:**

**Vote:**

**Signature:**

Matthew Hayes

\_\_\_\_\_

Robert Tucker

\_\_\_\_\_

Richard Di Iulio

\_\_\_\_\_

Jessica Chabot

\_\_\_\_\_

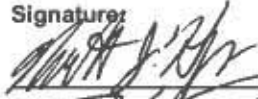
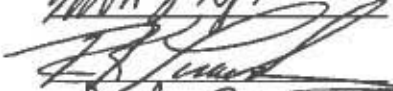

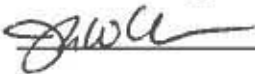
\_\_\_\_\_

***Date Signed:*** \_\_\_\_\_

***Copies to:*** Karyl and Eugene Walsh  
Michael Boynton, Town Manager  
Stephanie Carlisle, DPW Compliance Officer  
Bridget Graziano, Conservation Agent  
Chris Park, Assessor  
Jeff Lynch, Fire Chief  
Rindo Barese, Building Inspector  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Lt. Jeffrey Watson, Police Safety Officer  
Steve Bouley, Tetra Tech  
Dan O'Driscoll, O'Driscoll Land Surveying  
Dan Merrikin, Legacy Engineering

**Date of Action by the Planning and Economic Development Board:** 9/27/2022

By a vote of 4 to 0, the Planning and Economic Development Board hereby **GRANTS** the Applicants, Karyl and Eugene Walsh, a **MODIFICATION** to the Wingate Farms Subdivision Definitive Plan and Certificate of Action approved May 23, 2000, as previously modified on April 28, 2005, and a Land Disturbance permit, for the Wingate Farms Subdivision located at 168 Holliston Street and Wingate Farm Road, to be constructed in accordance with this Certificate of Action, and subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Matthew Hayes	Aye	
Robert Tucker	Aye	
Richard Di Iulio	Aye	
Jessica Chabot	Aye	

**Date Signed:** 9/27/2022





**November 22, 2022**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Site Plan Rules & Regulations**

- Proposed draft amendments to the *Site Plan Rules and Regulations* dated 11/18/2022. Based on edits provided by Susy, Barbara, Matt and discussion at the 11/8/22 PEDB meeting.

Please do an in-depth review of this draft in preparation for discussion Tuesday night. I also plan to ask Steve Bouley and new Building Commissioner Jonathan Ackley to review.

**SAC DRAFT – November 10, 2022**  
**Includes BJS Comments – 11/16/22**  
**Includes MH Comments – 11/8/22**  
**FURTHER EDITS – November 18, 2022**

# **TOWN OF MEDWAY**

## **Planning & Economic Development Board**

### **Rules and Regulations**

#### **Chapter 200 - Site Plans**

#### **Rules & Regulations for Submission, Review and Approval of Site Plans**

*Approved and Adopted by the Medway Planning Board  
April 14, 1998*

*Amended: April 28, 2000*

*Amended: March 13, 2001*

*Amended: November 1, 2001*

*Amended: July 9, 2002*

*Amended: December 3, 2002*

*Amended: October 8, 2019*

*Amended: \_\_\_\_\_*

#### **Medway Planning and Economic Development Board**

*Matthew J. Hayes, P.E., Chair*

*Robert K. Tucker, Vice-Chair*

*Sarah Raposa, A.I.C.P., Clerk*

*Jessica Chabot*

*Thomas A. Gay, Associate Member*

**Medway Planning and Economic Development Board  
Site Plan Rules and Regulations**

**TABLE OF CONTENTS**

**Commented [A1]:** Table of Contents will be revised at the very end.

<b>ARTICLE I – AUTHORITY</b>	<b>3</b>
201 – 1 Adoption	3
<b>ARTICLE II – GENERAL PROVISIONS</b>	<b>3</b>
202 – 1 Purpose	3
202 – 2 Scope of Site Plan Review	3
202 – 3 Requirement for Site Plan Review	3
202 – 4 Definitions	3
202 – 5 Waivers of <i>Site Plan Rules and Regulations</i>	4
202 – 6 Permit Coordination	4
202 – 7 Use of Forms	4
202 – 8 Validity	5
<b>ARTICLE III – SITE PLAN APPLICATION PROCEDURES</b>	<b>5</b>
203 – 1 Eligible Applicants	5
203 – 2 Pre-Application Review	5
203 – 3 Official Receipt of Site Plan Application	6
203 – 4 Completeness Review	6
203 – 5 Use of Outside Consultants	6
<b>ARTICLE IV – MAJOR SITE PLAN REVIEW</b>	<b>7</b>
204 – 1 Applicability	7
204 – 2 Town Clerk Submittals	7
204 – 3 Planning and Economic Development Board Submittals	7
204 – 4 Standards for Site Plan Preparation	12
204 – 5 Site Plan Contents	12
204 – 6 Review by Town Officials	16
204 – 7 Public Hearing	17
204 – 8 Decision	18
204 – 9 Appeal	21
204 – 10 Plan Endorsement	21
204 – 11 Recording	21
<b>ARTICLE V – MINOR SITE PLAN REVIEW</b>	<b>22</b>
205 – 1 Applicability	22
205 – 2 Town Clerk Submittals	22
205 – 3 Planning and Economic Development Board Submittals	22
205 – 4 Standards for Site Plan Preparation	23
205 – 5 Site Plan Contents	23
205 – 6 Review by Town Officials	25
205 – 7 Public Review	25
205 – 8 Decision	26
205 – 9 Appeal	26
205 – 10 Plan Endorsement	27

<b>ARTICLE VI – ADMINISTRATIVE SITE PLAN REVIEW</b>	<b>27</b>
206 – 1 Applicability	27
206 – 2 Designated Agent for Administrative Site Plan Review	27
206 – 3 Administrative Site Plan Submittals	27
206 – 4 Standards for Site Plan Preparation	28
206 – 5 Site Plan Contents	29
206 – 6 Review Process	30
206 – 7 Decision	30
206 – 8 Appeal	30
206 – 9 Plan Endorsement	30
<b>ARTICLE VII – DEVELOPMENT STANDARDS</b>	<b>31</b>
207 – 1 Design Principles	31
207 – 2 Site Design	31
207 – 3 Architecture	31
207 – 4 Energy Efficiency and Sustainability	31
207 – 5 Environmental Considerations	32
207 – 6 Erosion and Sediment Control	32
207 – 7 Site Clearing and Grubbing	32
207 – 8 Earth Filling and Grading	32
207 – 9 Pedestrian and Bicycle Access and Sidewalks	34
207 – 10 Paving	35
207 – 11 Traffic and Vehicular Circulation	35
207 – 12 Parking	37
207 – 13 Loading and Unloading	39
207 – 14 Stormwater Management	40
207 – 15 Water Supply and Sewage Disposal	40
207 – 16 Utilities	41
207 – 17 Solid Waste Removal	41
207 – 18 Outdoor Lighting	41
207 – 19 Landscaping	42
207 – 20 Site Amenities	45
207 – 21 Snow Removal	45
207 – 22 Outdoor Storage	45
<b>ARTICLE VIII – ADMINISTRATION</b>	<b>45</b>
208 – 1 Preconstruction	45
208 – 2 Site Maintenance During Construction	46
208 – 3 Construction Inspections and Reporting	46
208 – 4 Modification of Approved Site Plans and Decisions	47
208 – 5 Compliance	50
208 – 6 Project Completion	51
208 – 7 Post Construction Maintenance of Site Improvements	52
<b>ARTICLE IX – FEES</b>	<b>53</b>
209 – 1 Fee Structure	53
209 – 2 Payment of Fees	54
<b>APPENDIX A – Low Impact Development Resources</b>	<b>56</b>



# TOWN OF MEDWAY

## Planning and Economic Development Board

### Rules and Regulations

#### Chapter 200 - Site Plans

#### Rules & Regulations for Submission, Review and Approval of Site Plans

##### ARTICLE I AUTHORITY

s. **201 – 1 Adoption** - The Planning and Economic Development Board of the Town of Medway hereby adopts these *Rules and Regulations* to govern the submission, review, approval, and modification of site plans pursuant to Section 3.5.5 of the *Zoning Bylaw*.

##### ARTICLE II GENERAL PROVISIONS

s. **202 – 1 Purpose** – These *Rules and Regulations* provide for the uniform procedural and substantive requirements of Section 3.5 Site Plan Review of the *Zoning Bylaw*. Their purpose is to guide Applicants, Town officials and boards, and others involved in the preparation, processing and review of site plans and the issuance of site plan approval and modifications thereto. The purposes of these *Rules and Regulations* include the protection of the environment; compliance with federal and state stormwater standards; provision of vehicular, pedestrian, and bicyclist safety; protection of public health, welfare, and safety; to support the most appropriate use of land; to mitigate the deleterious effects of development; minimize climate change impacts; promote open space and use of best management practices. These *Rules and Regulations* address the process for submission, review and processing of site plan applications including the delegation of administrative review to the Board's designee for review of small-scale projects; site development standards; review and approval criteria; issuance of site plan approvals; project conditions, limitations, safeguards and mitigation measures; procedures for modifying approved site plans; and decisions and fees.

s. **203 - 2 Scope of Site Plan Review** –The *Zoning Bylaw* provides for three levels of Site Plan Review: Major Site Plan Review, Minor Site Plan Review, and Administrative Site Plan Review. See Section 3.5.3 of the *Zoning Bylaw* for applicability.

s. **202 - 3 Requirement for Site Plan Review** – No building permit shall be issued for any use, site, or building alteration, or other improvement subject to Section 3.5 of the *Zoning Bylaw* unless an application for Site Plan Review has been prepared in accordance with the requirements of these *Rules and Regulations*, and unless such application has been approved by the Planning and Economic Development Board or its administrative designee in the case of projects subject to Administrative Site Plan Review.

s. **202 – 4 Definitions** – Terms used in these *Rules and Regulations* shall have the meanings as set forth in the *Medway Zoning Bylaw* and G.L. c. 40A. Additional terms are defined below:

*Agent:* Individual(s) authorized by the Board to review plans and/or observe and inspect construction

*Alteration of Existing Parking Area:* Changes to an existing parking area that affect its function(s), such as ~~includes~~ installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting, landscaping or similar facilities, but does not include changes consisting solely of resurfacing, striping or restriping pavement markings on existing parking ~~or storage~~ areas.

*Board:* The Planning and Economic Development Board of the Town of Medway.

*Design Review Guidelines:* A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

*Developer:* The individual or organization which will carry out the approved and endorsed site plan.

*Development Project:* Any construction related to new or existing buildings/ and/or structures, and site improvements and infrastructure, including expansion, renovation, and upgrades.

*Earth Materials:* Soil, loam, gravel, sand, sod, topsoil, borrow, rock, peat, humus, clay, quarry stone and other similar earth materials.

*Land Disturbance Area (Limit of Work)* – The boundaries of the full extent of the area(s) of a site's existing vegetation and/or underlying soil to be altered or disturbed during a construction project by demolition, clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, construction, movement and stockpiling of topsoils, equipment and material storage, and other similar and related site work activities.

Redevelopment: ????

*Rules and Regulations:* Medway Planning and Economic Development Board *Rules and Regulations for Submission, Review and Approval of Site Plans.*

*Team:* Administrative Site Plan Review Team ~~established by the Town Administrator and the Board.~~

**Commented [A2]:** This incorporates language from the Stormwater/Land Disturbance Bylaw.

**Commented [A3]:** Do we want to differentiate between redevelopment projects where there is an existing building and site being updated or renovated vs. completely new sites?

#### **s. 202 – 5    *Waivers of Site Plan Rules and Regulations***

A.     The Board or the Team may grant waivers from strict compliance with these *Rules and Regulations* if it determines that:

- 1) the *Rule or Regulation* requested to be waived does not apply to the particular site or situation under review; or
- 2) that a waiver would permit a superior design; or
- 3) that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval as set forth herein; or
- 4) that a waiver is in the best interests of the Town; or

5) that a waiver is consistent with the purpose and intent of the *Zoning Bylaw* and these *Rules and Regulations*.

B. The Applicant for Site Plan Review shall submit a written request for waivers from the *Rules and Regulations* at the time of application on a Waiver Request form to be provided by the Board. Supplemental Waiver Requests may be submitted during the course of the Site Plan Review process. If an oral request for a waiver is made during the course of the Board's review, it shall also be submitted to the Board as a written request.

s. **202 – 6 Permit Coordination** – When a development project requires other permits from the Board such as a special permit, land disturbance permit, or a scenic road work permit, the Board's review may be consolidated and run concurrently.

s. **202-7 Use of Forms** – Reference is made throughout these *Rules and Regulations* to various administrative forms to be used by the Applicant and Board for the orderly and reasonable administration of these *Rules and Regulations*. These forms shall be developed and maintained by the Board and may be revised, updated, ~~diminished~~ or added to ~~as necessary~~ without a public hearing and formal amendment of these *Rules and Regulations*.

s. **202 - 8 Validity** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provisions which shall be held invalid. In all other respects these *Rules and Regulations* shall stand. In the event of a conflict between these *Rules and Regulations* and the *Zoning Bylaw*, the provisions of the *Zoning Bylaw* shall control.

### ARTICLE III SITE PLAN APPLICATION PROCEDURES

s. **203 - 1 Eligible Applicants** - An Applicant for Site Plan Review shall be as defined in the *Zoning Bylaw*. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall submit, as part of the application, a written certification executed by the record owner of the property that the application is submitted with the knowledge and consent of the record owner.

s. **203 - 2 Pre-Application Review**

A. **Consultation with Town Staff** – A pre-application consultation between a prospective Applicant and the Town's Community and Economic Development staff is recommended. The purpose of any pre-application consultation is to provide the Applicant with an opportunity to discuss the design concept of the proposed development during the early stages of the design process and to avoid unnecessary technical deficiencies in the application with a view toward promoting efficiency in the forthcoming processing and review of the proposed development project. However, Town staff are not responsible for assuring the accuracy, correctness or thoroughness of any preliminary application provided for review during a pre-application consultation. Any opinion given to the Applicant by employees of the Town during a pre-application consultation is advisory only and shall not be binding on the Board or the Town.

B. **Interdepartmental Project Review**

1) Prior to filing a site plan Application with the Board, prospective Applicants for Major Site Plan Review shall, and prospective Applicants for Minor Site Plan Review may, request that the Director of Community and Economic Development

schedule a meeting with the Applicant and the Town's interdepartmental project review team. The purpose of such meeting is for the Applicant to brief representatives of Town departments on the proposed project and to help the Applicant better understand the permitting procedures of various Town agencies. This meeting also allows Town officials to identify project issues and opportunities which may benefit from further municipal attention, coordination, or assistance.

- 2) *Scope of Town Staff Review* - Any opinion or information given to the Applicant by employee of the Town during the Interdepartmental [Review](#) Meeting shall be considered advisory only and shall not be binding on the Board or the Town.

C. ***Informal Pre-Application Meeting with the Board*** – Prior to filing a site plan Application with the Board, prospective Applicants for a Major or Minor Site Plan Review may request an informal, pre-application meeting with the Board to review conceptual plans and discuss permitting procedures. The requested pre-application meeting shall occur during a regularly scheduled Board meeting. This meeting provides the Applicant and the Board with the opportunity to:

- discuss the project's objectives, preliminary conceptual plan for the site, building design, and site amenities;
- review the Town's site plan review process and *Rules and Regulations*;
- identify possible requests for waivers from these *Rules and Regulations*;
- clarify what submittal items are required based on the scope of the project; and
- develop a preliminary schedule for application submittal and plan review.

Requests for a pre-application meeting with the Board shall be made through the Planning and Economic Development office. A pre-application meeting shall not serve as a substitute for any public hearing or meeting required for the development project. Any opinion or information given to the Applicant by an individual Board member or its consultants during a pre-application meeting shall be considered advisory only and shall not be binding on the Board or the Town.

[S. 203-3 Submittal of Site Plan Application – The Applicant and/or its designated representative shall file the site plan application and associated documents with the Planning and Economic Development office.](#)

~~[s. 203 – 3 Official Receipt of Site Plan Application](#) – The official site plan submission date is the date the site plan application is filed with the Board or Team, and the Town Clerk, and is deemed complete in accordance with [s. 203-4](#) of these *Rules and Regulations*, whichever is later.~~

[s. 203 - 4 Completeness Review](#) - The Board's Agent may, within **twenty-one days** of the date of receipt of a major or minor site plan application, reject the application upon a determination that it does not satisfy the submission requirements of these *Rules and Regulations*. The Board's Agent shall provide the Applicant with a written explanation as to the specific reasons for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* where the application is lacking. ~~The Board's Agent shall provide a notice of its determination to the Town Clerk.~~ When brought into conformity with the requirements of these *Rules and Regulations*, a site plan application previously deemed incomplete may be resubmitted for consideration by the Board without prejudice. Upon receipt of all required items, the application [package](#) shall be deemed complete, and ~~the Board's Agent shall file~~ [filed it](#) with the Town Clerk.

**Commented [A4]:** If we want to revise this, we will also need to amend the SP section of the ZBL.



s. 203 – 5 **Official Receipt of Site Plan Application** –The official site plan submission date is the date the site plan application is filed by the Planning and Economic Development office with the Town Clerk.

**s. 203 - ~~56~~ *Use of Outside Consultants***

- A. The Board or the Team may determine that the assistance of outside consultants such as engineers, lawyers, planners, urban or landscape design professionals, environmental consultants or other appropriate professionals is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. It is the Board's standard practice to do so. The Board or the Team may engage the services of outside consultants to assist in reviewing the application and associated project documents to ensure compliance with all relevant laws, bylaws, and regulations and to address technical, legal, or other issues. The Board or Team shall have full authority to select the outside consultants. If the Board or Team determines that such services are required, the Applicant shall pay a *Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations*.
- B. The minimum qualifications for outside consultants shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or in a related field.
- C. The Applicant may appeal the selection of a particular outside consultant to the Select Board, ~~of Selectmen~~. The grounds for such an appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. The Applicant shall identify the specific grounds which the Applicant claims constitute the conflict of interest or how the consultant does not meet the minimum required qualifications. If no decision is made by the Select Board ~~of Selectmen~~ within thirty days following the filing of an appeal, the Board's consultant selection stands.

## **ARTICLE IV MAJOR SITE PLAN REVIEW**

**s. 204 - 1 *Applicability*** – See Section 3.5.3 A of the *Zoning Bylaw*.

**s. 204 – 2 *Town Clerk Submittals*** - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Town Clerk during regular business hours:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all items as specified in s. 204 – 5 of these *Rules and Regulations*.

**s. 204 – 3 *Planning and Economic Development Board Submittals*** - The Applicant shall deliver in hand, or by registered or certified mail, the following submittals to the Board:

- A. The Major Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24" x 36") and one set of the site plan (11" x 17") prepared in conformance with these *Rules and Regulations* including all items as specified in s. 204 – 5 of these *Rules and Regulations*.

- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information wherever applicable:
- 1) current and proposed uses;
  - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
  - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
  - 4) projected water and sewer demand;
  - 5) expected number of employees and/or occupants;
  - 6) proposed hours of operation;
  - 7) existing and proposed means of vehicular and pedestrian access and egress;
  - 8) number of parking spaces required and how this number was determined;
  - 9) calculation of proposed lot coverage and impervious surface;
  - 10) timetable for project completion;
  - 11) proposed on and off-site mitigation measures;
  - 12) list of other required local, state, and federal permits needed for the project and the status of each; ~~and~~
  - 13) [use of low-impact design and nature-based techniques for stormwater management](#)
  - 14) [description of how the project has been designed to comply with the Medway Design Review Guidelines; and](#)
  - 15) [description of energy conservation and sustainability measures incorporated into the site and building design; and](#)
  - 16) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. One list and three sets of mailing labels of all parties in interest as defined in G.L. c. 40A, §11 within three-hundred feet of the subject site as appearing on the most recent tax records list maintained by the Assessor's office. The list shall be certified by the Board of Assessors of [Medway and](#) all applicable [adjacent](#) communities.
- E. One copy of all relevant approvals, land use permits, or decisions received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, Department of Public Works, etc.) and federal or state government agencies.
- F. A 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~~ three elements:

1) *Traffic Impact Assessment*

- a) A brief *Analysis* of existing traffic safety and capacity issues at the development site and a summary of anticipated traffic impacts as a result of the proposed development; or
- b) A full *Traffic Impact Assessment* is required if the project:
  1. proposes an additional twenty or more parking spaces; and
  2. contains frontage or proposes access on a public way; and
  3. includes uses expected to generate an additional one hundred trips to or from the site on an adjacent roadway during a peak hour based on the most recent edition of the Institute of Traffic Engineers publication *Trip Generation Manual*.

**Commented [A5]:** Please discuss this number. Perhaps increase it or establish a different amount for commercial/industrial projects vs. residential projects?

The Board may require an Applicant to prepare a full *Traffic Impact Assessment* even if the project does not meet all of the above criteria, if the Board finds that such information is necessary for it to complete its review.

- c) The *Traffic Impact Assessment* shall:
  1. document existing traffic volumes, capacities, controls, sidewalk and road conditions, roadway geometrics, hazards, and level of service on the site and streets adjacent to the site and intersections near the site including but not limited to conditions within one-quarter mile of the proposed project; and
  2. describe the volume and effect of projected traffic generated by the proposed project (total and peak hour) and post project level of service (LOS); and
  3. identify traffic management and structural improvements and mitigation measures, both on and off the site, to be taken to reduce adverse impacts of the proposed project on traffic. These could include but are not limited to demand management strategies, traffic control measures as well as capacity enhancements.
- d) A *Traffic Impact Assessment* shall be prepared under the supervision of a qualified and experienced person with specific training in traffic and transportation engineering with three or more~~several~~ years of experience related to preparing traffic studies for existing or proposed developments.

2) *Environmental Impact Assessment*

- a) An *Environmental Impact Assessment* shall be required if the project involves one or more of the following characteristics:
  1. proposes an additional thirty or more parking spaces; or

2. proposes a building footprint of fifteen thousand square feet or greater; or
  3. proposes to disturb twenty thousand square feet of land or greater; or
  4. proposes a project that is subject to the Town's *Stormwater and Land Disturbance Bylaw*.
- b) The *Environmental Impact Assessment* shall describe the impacts of the proposed development with respect to on-site and off-site environmental quality including:
1. ~~air and water quality; damage or threat to wetlands and floodplain;~~
  2. surface water and groundwater quality;
  3. ~~increases in impervious surfaces; flooding potential; and stormwater impacts;~~
  4. ~~increases in impervious surfaces;~~
  5. ~~potential for erosion and proposed or existing control measures;~~
  6. noise levels; vibration in compliance with Section 7.3.D of the Zoning Bylaw;
  7. air quality; harmful or noxious emissions; smoke; and odors in compliance with Section 7.3.D of the Zoning Bylaw
  8. damage or threat to wetlands and flood plain;
  9. ~~smoke;~~
  10. ~~odors;~~
  11. ~~vibration;~~
  12. waste disposal; ~~and~~
  13. ~~off-site environmental drainage impacts.~~
- c) Identify mitigation measures, both on and off the site, to be taken reduce adverse impacts of the proposed project on the environment.
- e) d) If the Applicant is required to file a full Massachusetts Environmental Policy Act (MEPA) certification with the Massachusetts Department of Environmental Protection, that document shall serve to replace the *Environmental Impact Assessment* as may be required herein.
- 3) *Neighborhood Impact Assessment*
- a) A *Neighborhood Impact Assessment* evaluates the impacts of the proposed development on ~~the any~~ adjacent residential neighborhood.
  - b) A *Neighborhood Impact Assessment* shall identify the project's impacts to:
    1. the neighborhood's visual, architectural, and historical character;
    2. the goals of existing community plans (master plan, open space plan, housing production plan, etc.) applicable to the neighborhood;
    3. the quality of life of its residents; and
    4. the expected demand for municipal services.
- c) Identify mitigation measures to be taken to reduce adverse impacts of the proposed project on adjacent residential neighborhoods.
- 4) ~~*Parking Impact Assessment*~~



- a) ~~A Parking Impact Assessment is required if the proposed project includes the addition of thirty or more parking spaces.~~
- b) ~~The Parking Impact Assessment shall document existing parking conditions, evaluate off site impacts of the proposed parking, and propose measures to mitigate any adverse parking impacts on the adjacent neighborhood.~~
- e) ~~The Parking Impact Assessment shall:~~
  - 1. ~~identify existing off site and on street neighborhood parking conditions including streets likely to be affected by the development;~~
  - 2. ~~identify the expected impact of proposed parking on the neighborhood; and~~
  - 3. ~~propose mitigation measures including screening, creative parking lot design, use of alternative paving materials, and planting of trees for shading and buffer.~~

**Commented [A6]:** Is this really needed? Incorporate into other sections.

#### G. Stormwater Documentation

- 1) Post-Construction Stormwater Management Plan (*see s. 207.14 of these Rules and Regulations*) including a Long-Term Stormwater Operation and Management Plan developed in accordance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance. This requirement applies even if the extent of land disturbance does not trigger the requirement for a Land Disturbance Permit.
- 2) One copy of a Stormwater Drainage Report prepared in conjunction with the Post-Construction Stormwater Management Plan. The report shall be prepared in accordance with the most current standards of the MA Department of Environmental Protection (DEP) Stormwater Management Policy and Handbook and in conformance with Medway General Bylaws, Article XXVI, Stormwater Management and Land Disturbance, Section 26.8. The drainage calculations shall be based on the rainfall data from the National Oceanographic and Atmospheric Administration (NOAA) Atlas 14+, as may be amended. The report shall also include phosphorus removal calculations.
- 3) For development projects with planned land disturbance of one acre or more, a DRAFT of a *Stormwater Pollution Prevention Plan* (SWPPP) to manage stormwater during construction. The SWPPP shall comply with the standard SWPPP requirements under the National Pollution Discharge Elimination System (NPDES) permitting program of the U.S. Environmental Protection Agency (EPA).
- 4) For development projects with planned land disturbance of less than one acre, a DRAFT of a stormwater pollution prevention plan (Mini-SWPPP) to manage stormwater during construction.

**Commented [A7]:** As recommended by Stephanie Carlisle

**Commented [A8]:** WE need some language to define a mini-SWPPP for small projects

- H. ~~A 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 CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed from or brought onto the site. Such areas shall be located as far from existing private and~~

**Commented [A9]:** Move this to Pre-Construction Meeting

~~public ways as practicable and visually screened to the maximum extent practicable from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.~~

- H. Earth Removal Calculations of the estimated volume of earth materials to be removed from the site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.

**Commented [A10]:** Do you want to require earth removal calculations his for all projects or only for those of a certain size?

NOTE - The extent of planned earth removal may be subject to the requirements of Article IX, Removal of Earth Products of the Medway *General Bylaws*.

- I. Earth Fill Estimates of the volume of earth materials to be brought on site which shall be prepared by and show the seal of a licensed Professional Engineer certified to practice in the Commonwealth of Massachusetts.

**Commented [A11]:** Do you want to require earth fill estimates for all projects or only for those of a certain size?

- K. Resource Areas Documentation - A copy of an Order of Resource Area Delineation (ORAD) from the Medway Conservation 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., or a written communication from the Conservation Agent that .....

- L. Property Ownership Documentation - A copy of the latest recorded deed to the property(s) comprising the proposed development site to document proof of ownership, or a purchase and sale agreement.

- M. Waivers - Requests for Waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form. A separate request form is needed for each waiver request.

- M. Noise Documentation - Information demonstrating that the development as proposed will comply with Section 7.3.D.2 of the Zoning Bylaw, including but not limited to:

**Commented [A12]:** How/who determines whether an applicant needs to submit a noise survey and plan?

1) Background Noise Survey – See Section 7.3 D. 2. c. 2) of the Zoning Bylaw

**Commented [A13R12]:** Isn't this part of the environmental impact report?

2). Noise Control, Abatement and Mitigation Plan – Section 7.3 D. 2, c. 3) of the Zoning Bylaw

- N. Odor Documentation - Information demonstrating that the development as proposed will comply with Section 7.3.D.4 of the Zoning Bylaw.

**Commented [A14]:** WE need to figure this out. Perhaps we could include similar language to what is in the ZBL re background noise surveys and mitigation plans. Also how/who to determine whether a project needs to provide an odor report.

- NO. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the internet. The email for such submittals is [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

**Commented [A15R14]:** Isn't this part of the environmental impact report?

- OP. A Major Site Plan Filing Fee as authorized by s. 209 – 1 A. of these *Rules and Regulations*.

- PQ. A deposit toward the Major Site Plan Review Fee as authorized by s. 209 – 1 B. of these *Rules and Regulations*.

s. **204 – 4 Standards for Site Plan Preparation**

- A. The site plan shall be prepared, stamped, signed, and dated by qualified professionals including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
- B. The site plan shall be drawn at a scale of one inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet or such other scale that has been approved in advance by the Board and that clearly and adequately represents the proposed improvements.
- C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- D. All site plan sheets shall be bound together in a complete set including building elevation plans.
- E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, the Board's signature block, including *Decision date* and plan endorsement dates, and a box for the Town Clerk's No Appeal Certification.
- F. The site plan shall be prepared in a manner and format acceptable for recording at the Norfolk County Registry of Deeds.

s. **204 – 5 Site Plan Contents** – To be considered complete, a major site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.

- A. *Cover Sheet* – The cover sheet shall include the 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 requested waivers from these *Rules and Regulations*, Board signature block for *decision date* Board and endorsement date, and a complete index of drawings., and a listing of ~~of~~ prior plan documents recorded at the Norfolk County Registry of Deeds. –
- B. *Site Context Sheet* which includes the following:
  - 1) A 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. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
  - 2) Abutters' names and property addresses with assessor's map/parcel references for properties within 300' of the development site.
  - 3) Lot lines with dimensions and easement areas for the development site.

- 4) Existing topography at two-foot intervals from USGS survey maps or actual land survey of the development site.
- 5) All easements (utility, conservation and other) and rights-of-way on the development site.
- 6) Zoning district boundaries including groundwater protection district, ~~and~~ flood plain zones, and multi-family overlay zones on the development site.

C. *Existing Conditions Sheet(s)*

- 1) The location of all *existing man-made features and infrastructure* on the site shall be delineated including but not limited to buildings and structures, streets, bridges, utility poles, utilities and underground infrastructure including water, gas, sewer, electric, cable, and telephone, fire hydrants and fire alarm boxes, wells, septic systems, ~~sanitary sewers~~, utility easements and other property encumbrances, sidewalks, driveways, trails, ~~farm roads~~, stone walls, fences, monuments, historic markers, ~~milestones~~, ~~wells~~, and stormwater drainage infrastructure including basins, sub-surface systems, leaching galleys, swales and other methods to dispose of stormwater; refuse and solid waste storage and disposal facilities, and all entrances and exits on the site and within one hundred feet of the site.
- 2) Location and delineation of all *existing natural features* of the development site including but not limited to ledge or rock outcroppings, cliffs, sinkholes, ditches, all wetland resources as defined by the Wetlands Protection Act and Article 21 of the Medway General Bylaw including their associated buffers per state and local laws, and natural drainage courses and swales.
- 3) An *Existing Landscape Inventory* including a “mapped” overview of existing landscape features and structures including the specific identification of existing trees with a diameter of fifteen inches or greater at four feet above grade and any trees that will be beneficial for screening, all in order to determine their value for preservation. Tree drip lines (the outermost circumference of a tree's canopy, from which water drips onto the ground) shall be shown or detailed in order to ensure trees are protected during construction.
- 4) Locations of all historically significant sites or structures on the site including but not limited to barns, other buildings, cellar holes, stone walls, earthworks, graves, any structure over fifty years of age, and any property listed on the National Register of Historic Places or included in a National Register Historic District, or recognized by the Massachusetts Historical Commission

**Commented [A16]:** Please review and discuss this. What size and type of trees should be inventoried? Just hardwoods? Also require Applicant to identify those trees expected to be removed for the project.

D. *Site Plan Information Sheets* – NOTE, site plan information sheets may be combined.

- 1) Location and dimensions of proposed buildings and structures including building setbacks from front, side, and rear lot lines.
- 2) Delineation of Land Disturbance Area and a calculation of the amount of area included therein.
- 23) *Site Grading* - Topography showing proposed grading contours at two-foot intervals, limit of work (area of disturbance), and limit of clearing.



- 34) *Parking Plan* - Location and dimensions of proposed parking, including lot line setbacks, loading, and unloading areas with traffic patterns, access lanes and curb radii. The Parking Plan shall be in conformance with the provisions of [Section 207-12 Parking of these Rules and Regulations](#), Section 7.1.1 [Off-Street Parking and Loading](#) of the *Zoning Bylaw* and include all items specified therein.
- 45) *Proposed Site Improvements* - Location and dimensions of proposed improvements and site amenities including but not limited to travel ways, roads, driveways, maneuvering spaces and aisles, fire lanes, parking areas, loading and unloading areas, utility boxes, curbs, curb cuts, wheel stops, bollards, bumpers, decorative and retaining walls, fences, outdoor lighting, open space areas, recreational areas, pedestrian areas, service entries, snow storage areas, facilities for waste disposal and storage, sidewalks, pedestrian and bike pathways with cross sections, design and materials details and dimensions, and easements.
- a) Applicants for projects located in the Central Business zoning District shall comply with Section 10 Central Business District Development Standards of the Zoning Bylaw and all such requirements shall be shown on the plan set. This may include applying for a special permit(s).
- b) Applicants for projects located in the Oak Grove Park Districts shall comply with Section 9 Oak Grove Park Districts of the Zoning Bylaw and all such requirements shall be shown on the plan set. This may include applying or a special permit(s).
- c) NOTE – Applicants may be required to provide sidewalks along the entire frontage of the subject property along existing public ways, pursuant to Section 3.5.4 Procedures for Site Plan Review of the Zoning Bylaw
- 56) *Erosion and Sediment Control Plan* – Erosion control measures shall be specified including sedimentation barriers, construction entrances, stabilizing materials to be used on site during and after construction, and temporary blocking of entrances when construction is not active. The *Erosion and Sediment Control Plan* shall be as specified in Section 26.7 of *Medway General Bylaws*, ARTICLE XXVI, Stormwater Management and Land Disturbance.
- NOTE – If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the Erosion and Sediment Control Plan shall be submitted to and be reviewed and acted on by the Conservation Commission and not to the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the *Medway General Bylaws*.
- 67) *Post-Construction Stormwater Management Plan* - The plan and the associated Long-Term Operations and Management Plan shall comply 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 Pollutant Discharge Elimination System (NPDES) requirements if applicable.

NOTE - If the proposed development also needs to file a Notice of Intent with the Medway Conservation Commission for an Order of Conditions, the above noted *Post Construction Stormwater Management Plan* shall be submitted to and be reviewed and acted on by the Conservation Commission and not the Board as specified in ARTICLE XXVI, Stormwater Management and Land Disturbance of the Medway *General Bylaws*.

8) Text of the Long-Term Stormwater Operations and Maintenance Plan

79) *Site 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 and internet service, sewage disposal, ~~and methods of solid waste storage and disposal.~~

810) *Landscape Plan*

a) A *Landscape Plan* shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

**Commented [A17]:** Need to discuss this and perhaps refine to allow for other suitable professionals to prepare a Landscape Plan?

b) The *Landscape Plan* shall be prepared as an overlay of the Existing Conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography to be retained, particularly existing trees with a diameter of eighteen inches or greater at four feet above grade.

**Commented [A18]:** Need to make this section consistent with requirements for the Existing Landscape Inventory in Section 204-5 C. 3).

c) The *Landscape Plan* shall indicate the areas of proposed excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a screened graphic used to represent expected tree canopy at maturity. See Section 207-19 herein regarding landscape materials.

d) The *Landscape Plan* shall specify a suitable maintenance program to ensure the viability and longevity of the landscape installation.

9) *Building Elevations and Architectural Plan* with dimensions and details of façade designs of each building from all directions including specifications on building style, architectural features, materials, and colors including awnings.

10) *Color Renderings* of the project and buildings shall be provided from at least four directions depicting proposed structures, signage, landscaping, site amenities, and common views of the completed project as viewed from a public way and adjacent properties. These shall include 3D views of the site, buildings, and site improvements.

11) *Building Layout or Floor Plan* with the use of all areas labeled.

12) *Entry and Exit to Structures.* All means of entry and exit (main, service, emergency and mechanical) from the building including steps and ramps,

designation of the primary entrance (front entrance) and loading docks and other access ways shall be shown.

- 13) *Site Amenities Details* for benches, bollards, planters, fences, walls, bike racks, seating areas, and any other forms of outdoor site amenities to be installed.
- 14) For multi-tenant developments, *Master Signage Plan* with preliminary proposed designs, locations, materials, dimensions, and lighting for:
  - a) the proposed development sign and all business identification signage, both freestanding and attached; and
  - b) standards for tenant signs; and
  - c) signage to identify surface stormwater infiltration basins with messages to prohibit the disposing of trash and debris in such basins.
- 15) *Lighting Plan* prepared in conformance with Section 7.1.2 of the *Zoning Bylaw*.
- 16) Horizontal sight distances on the public way(s) at all entrances and exits in both directions.
- 17) A table outlining the proposed development's conformance with the *Zoning Bylaw* requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, impervious coverage (existing and post-construction), and number of parking spaces including handicapped based on maximum seating capacity, number of employees or otherwise as provided in the *Zoning Bylaw*, and other items as appropriate for the applicable zoning district and proposed uses.
- 18) Locations of proposed fire hydrants, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.
- ~~19) Information quantifying on-site generation of noise and odors, if applicable.~~
- 20) Any proposed off-site roadway and traffic management improvements.
- 21) Any proposed off-site improvements to mitigate project impacts on abutting properties.

**s. 204 – 6 Review by Town Officials**

- A. Within fourteen days of the official site plan submission date, the ~~CED Board~~ shall ~~transmit~~ provide the site plan and associated documents to appropriate Town ~~the following~~ boards, departments, and committees, inform them of the public hearing schedule, and request their review and comments ~~preparation of an advisory report~~ to assist the Board with its review. For example:
- 1) Building Department
  - 2) Conservation Commission
  - 3) Fire Department
  - 4) Police Department
  - 5) Assessors' Office

- 6) Board of Health
- 7) Department of Public Works
- 8) Design Review Committee
- 8)9) Treasurer/Collector's Office
- 9)10) Select Board and Town Manager and
- 10)11) Other departments and committees as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee, Energy and Sustainability Committee, Historical Commission, and the Open Space Committee.

B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report review comments or recommendation to the Board. If no such comments report is are submitted to the Board within thirty days of the Board's request for comments, distribution, this shall be deemed lack of opposition thereto. The advisory report comments may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate, or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.

C. Review by Building Department – The Building Commissioner or his designee, shall review the application and associated materials for compliance with the Zoning Bylaw and provide a written communication to the Board, prior to the first public hearing date, to identify any current zoning violations existing at the site which shall be addressed through the site plan review process.

C. Review by Building Department – Pursuant to Section 3.5.4 F. of the Zoning Bylaw.

#### s. 204 –7 **Public Hearing**

- A. The Board shall conduct a public hearing on the major site plan application in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The public shall have the opportunity to be heard, in person, or by agent or attorney, or in writing during the hearing.
- B. *Public Notice* - The Board shall prepare the public hearing notice and post such notice in accordance with the provisions of G.L. c. 40A and the *Zoning Bylaw*. The Board shall notify all parties in interest of the time, date and location of the public hearing as provided in G.L. c. 40A, §11.
- C. *Appearance of Applicant at Public Hearing* – An Applicant may appear on his own behalf or be represented by a designated representative. It is the responsibility of the Applicant or the designated representative to present the site plan to the Board and public during the public hearing. Failure to appear at a public hearing could jeopardize approval of an application. In the absence of an appearance by the Applicant or designated representative, the Board shall decide the matter using the information it has received.
- D. The Board may continue the public hearing to other dates as may be needed.



- E. *Coordination with Other Permitting Authorities* – The Board shall make every reasonable effort to coordinate its review with other Town boards, committees or officials which have jurisdiction over other permits and approvals required for the project to proceed. If requested by the Applicant, coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to specific statutory decision requirements and that all such decision periods may not coincide.
- F. *Additional Information*
- 1) During the course of the public hearing, the Board may require the Applicant to provide additional information if it finds that such information is necessary to properly act upon the application in question.
  - 2) Any items or plan revisions submitted by an Applicant in support of a previously filed application shall be submitted to the Board no less than ten business days before the date of the continued public hearing. However, in no case shall the Board allow new evidence or testimony to be admitted after the public hearing is closed.
  - 3) The Board may enter information into the record of the public hearing including but not limited to reports of outside consultants, ~~and~~ comments from Town staff, boards and committees, [and resource or reference materials](#).
- G. The Board may keep the public hearing open during the preparation and deliberation of its *Decision*. However, the public hearing shall be closed after the Board's vote and before the *Decision* is filed with the Town Clerk.

**s. 204 – 8 Decision**

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its written site plan *Decision* with the Town Clerk within ninety calendar days from the official date of site plan application. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within the prescribed time period shall be deemed constructive approval of the application. ~~A copy of the Decision shall be provided to the Building Commissioner and other Town officials. This deadline schedule shall not apply to those instances where a project is also simultaneously seeking a special permit from the Board.~~
- B. *Deadline Extension* - The deadline by which the Board shall file its *Decision* may be extended upon mutual agreement of the Board and Applicant when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto. Notice of the Board's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Board to the Town Clerk.
- C. Before the Board begins its deliberations on the *Decision*, the Applicant shall provide the Board a written document specifically describing how the proposed development, as revised during the public hearing process, satisfies the site plan decision criteria established in s. 204 – 8 F. of these *Rules and Regulations*.
- D. *Decision Options* - The Board may approve, approve with conditions, limitations, safeguards, and mitigation measures, or disapprove a site plan application in accordance

**Commented [A19]:** Are you happy this timetable? If you want to increase it, you will also need to change the ZBL text.

with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

E. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the *Decision*.

**Commented [A20]:** This seems to require a vote of at least 3 members in order to grant site plan approval, even if only 3 members are voting.

F. *Approval Criteria Findings* – In making its *Decision*, the Board shall consider the following criteria as applicable to the particular proposal:

- 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 site features on abutting sites. The site plan meets the requirements of the Zoning Bylaw and these Regulations, except to the extent any Regulations are waived by the Board.~~
- 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.
- 3) ~~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 and improvements to reduce the visible intrusion of structures, parking areas, loading and off-loading areas, and outside facilities for the storage, handling, and disposal of sewage, refuse and other solid wastes ~~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.
- 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.
- 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and use throughout the site.
- 8) Design and construction minimize, to the extent reasonably practical, 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 impacts on waterways and environmental resource areas;
  - f) impacts on historic and cultural resources on the site or adjacent properties;
  - g) impacts on natural features such as hills, wooded areas, rock outcrops, wildlife habitat;
  - h) soil erosion and pollution; and

**Formatted:** Font: Italic

**Formatted:** Font: Italic

g) ~~noise.~~

- 9) Pedestrian ways, access driveways, loading and unloading areas and facilities, and vehicular and bicycle parking facilities are properly designed for public convenience, accessibility, and safety of customers, employees, and the general public.
- 10) ~~Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).~~
- 11) Lighting on the site complies with Section 7.1.2 of the Zoning Bylaw.
- 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.~~
- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated with various on-site and off-site measures. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.
- 14) ~~The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods. The extent of building and site design features to promote energy conservation, low-impact development practices, and sustainability.~~
- 15) ~~Off street loading facilities and methods for unloading vehicles, goods, 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 requirements. The project design utilizes low impact design and nature based stormwater management techniques where appropriate and feasible.
- 17) ~~The effects and the 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 G of these Rules and Regulations.~~

G. *Approval Conditions, Limitations & Safeguards* - In a *Decision* to approve a site plan, the Board may waive provisions of these *Rules and Regulations* in accordance with

s. 202-5 of these *Rules and Regulations*. The Board may also require plan modifications, conditions, mitigation measures, limitations, and safeguards which the Board finds are consistent with Town bylaws, regulations, and standards, which may include but are not limited to the following measures:

- 1) Plan revisions;
- 2) Site and building design modifications;
- 3) Controls on the location and type of access to the site and vehicular movement within the site;
- 4) Controls on the number, type, and time that service vehicles access the site;
- 5) Provision for open space or preservation of views;
- 6) Limitations on the hours of operation;
- 7) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening, or improvements related to the development;
- 8) Conditions to minimize off-site impacts and environmental quality during construction;
- 9) Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings, or other devices to mitigate adverse impacts;
- 10) Conditions to mitigate adverse impacts on the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage;
- 11) Compliance measures including but not limited to construction observation and inspection, performance guarantees, and as-built plan submittals;
- 12) *Mitigation Measures* – Pursuant to Section 3.5.4 I. of the *Zoning Bylaw*, the Board may require reasonable mitigation measures to offset adverse impacts of the development on the community including off-site improvements up to a maximum value of six percent of the total development cost of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals and controls, or municipal services, sufficient to service the development project. This may also include donation and/or dedication of land for necessary right-of-way improvements.
- 13) The Board ~~shall~~may include specific site maintenance requirements in the *Decision* including but not limited to construction timing, management of dust, rubbish and construction debris, maintenance of erosion and siltation control measures, maintenance of stormwater management facilities, daily site clean-up, tracking of construction materials off-site, and management of construction traffic.



H. *Distribution of Notice of Site Plan Decision* - The Board will prepare and mail a Notice of site plan *Decision* [by first class mail](#) to all parties in interest [after the Decision has been filed with the Town Clerk.](#)

s. **204 – 9 Appeal** - Any person aggrieved by the Board's *Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk, as provided in G.L. c. 40A, section 17.

s. **204 – 10 Plan Endorsement**

A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within ninety days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board for endorsement. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.

B. The Board shall not endorse a site plan until it is brought into compliance with the Board's *Decision* and the twenty-day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's site plan *Decision*.

C. If the Conservation Commission is the permitting authority for the Stormwater Management and Land Disturbance Permit required under Article XXVI of the Medway General Bylaws, the site plan presented for the Board's endorsement shall include the stormwater design as approved by the Conservation Commission. The Board will not endorse the site plan without such Conservation Commission approval.

D. The Applicant shall provide an original of the revised site plan for endorsement by the Board.

E. After endorsement, the Applicant shall provide two paper copies of the endorsed site plan to the Board. The Applicant shall also provide the endorsed plan in portable document format (PDF) format and in shape files compatible with MASS GIS requirements. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

s. **204 – 11 Recording** – The Applicant shall record the *Decision* with the endorsed site plan at the Registry of Deeds and submit evidence of such recording to the Board and the Building Commissioner. No construction shall be allowed to begin at the subject site until such recording verification is presented.

## **ARTICLE V. MINOR SITE PLAN REVIEW**

s. **205 - 1 Applicability** – See Section 3.5.3 A of the *Zoning Bylaw*.

s. **205 – 2 Town Clerk Submittals** - The Applicant shall deliver by hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours:

A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.

**Commented [A21]:** Most changes made to the major site plan section can also be made here, where applicable.

**Commented [A22]:** We should explore ways to make the minor site plan process simpler. Do all Development Standards apply? Can we reduce the application submittal requirements?

- B. One set of the Site Plan prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 5 of these *Rules and Regulations*.

s. 205 – 3 **Planning and Economic Development Board Submittals** - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Board:

- A. The Minor Site Plan Application form signed by the Applicant, property owner(s), and designated representative, if any, on a form provided by the Board.
- B. Two sets of the site plan (24” x 36”) and one set of the site plan (11” x 17”) prepared in conformance with these *Rules and Regulations* including all items as specified in s. 205 – 5. of these *Rules and Regulations*.
- C. One written *Project Narrative* regarding the proposed development. At a minimum, the Narrative shall include the following information:
  - 1) current and proposed uses;
  - 2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.;
  - 3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;
  - 4) projected water and sewer demand;
  - 5) expected number of employees and/or occupants;
  - 6) proposed hours of operation;
  - 7) existing and proposed means of vehicular and pedestrian access and egress;
  - 8) number of parking spaces required and how this number was determined;
  - 9) calculation of proposed lot coverage and impervious surface;
  - 10) timetable for project completion;
  - 11) proposed on and off-site mitigation measures;
  - 12) list of other required local, state, and federal permits and the status of each; and
  - 13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.
- D. A *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
  - 1) Describe the existing stormwater drainage patterns and system on the site; and
  - 2) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
  - 3) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

NOTE - During the course of its public review of the application, the Board may require more extensive drainage information as provided in s. 205-7. A of these *Rules and Regulations*.

- E. One list of all parties in interest as defined in G.L. c. 40A, §11 as appearing in the most recent tax records list. The list shall be certified by the Board of Assessors of all applicable communities.

- F. One copy of the latest recorded deed to the property(s) comprising the proposed development site.
  - G. One copy of all relevant approvals received to date from other Town boards and committees (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other federal and state government agencies.
  - H. Requests for waivers from these *Rules and Regulations* with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, provided on the Board's Site Plan Waiver Request form.
  - I. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)
  - J. A *Minor Site Plan Filing Fee* as authorized in s. 209-1 A. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
  - K. A deposit toward the *Minor Site Plan Review Fee* as authorized in s. 209 – 1 B. of these *Rules and Regulations* and as specified in the Board's *Fee and Bond Schedule*.
- s. 205 – 4 **Standards for Site Plan Preparation** – See s. 204 – 4 of these *Rules and Regulations*.
- s. 205 – 5 **Site Plan Contents** – To be considered complete, a minor site plan submitted pursuant to these *Rules and Regulations* shall include the information listed below.
- A. *Cover Sheet* - The cover sheet shall include the 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 requested waivers from these *Rules and Regulations*, Board Signature Block, and an index of drawings.
  - B. *Site Context Sheet*
    - 1) A 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. Scenic roads shall be noted. Streets, buildings, brooks, streams, rivers, wooded areas, protected open spaces, recreation fields, landmarks and public facilities shall be shown on the locus plan with sufficient clarity to be easily discernable.
    - 2) Abutters' names and addresses with assessor's references for properties within 300' of the development site.
    - 3) Lot lines with dimensions and easement areas for the development site.
    - 4) Existing topography at two-foot intervals from United States Geological Survey (USGS) survey maps or actual land survey of the development site.
    - 5) All easements (utility, conservation and other) and rights-of-way located on the development site.

- 6) Zoning district boundaries including groundwater protection district and flood plain zones on the development site.
- C. *Existing Conditions Sheet* – A plan showing all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land; freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission, all at a minimum scale of one inch equals one hundred feet.
- D. *Plot Plan*, certified by a land surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- E. *Site plan*, at a minimum scale of one-inch equals forty feet, showing the following:
- 1) Property boundaries, dimensions of the site and a north arrow;
  - 2) Proposed use(s) of land and buildings;
  - 3) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
  - 3) Design features of the construction or renovation of buildings (s) and structures, including building elevations, materials, colors, etc.;
  - 4) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
  - 5) Site grading;
  - 6) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
  - 7) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
  - 8) Horizontal sight distances on the public way(s) at all entrances and exits in both directions;
  - 9) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities and enclosures, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
  - 10) Erosion and sediment control measures;
  - 11) Stormwater management facilities as noted in s. 205 – 3 D. of these *Rules and Regulations*; and
  - 12) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

**s. 205 – 6 Review by Town Officials**

- A. Within fourteen days of the official site plan submission date, the Board shall transmit one copy of the site plan to the following boards, departments, and committees, inform them of the public review meeting with the Board, and request their review and preparation of an advisory report to assist the Board in its review.

- 1) Building Commissioner
- 2) Conservation Commission
- 3) Fire Department
- 4) Police Department
- 5) Assessor's Office
- 6) Board of Health
- 7) Department of Public Works
- 8) Design Review Committee
- 9) Others as determined to be appropriate depending on the nature of the project including but not limited to the Economic Development Committee and Historical Commission

- B. Said departments, boards, and committees may, at their discretion, evaluate the site plan and submit an advisory report or recommendation to the Board. If no report is submitted to the Board within fourteen days of distribution, this shall be deemed lack of opposition thereto. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board, committee or department has already taken or is taking regarding the project, and any recommended conditions or remedial measures needed to avoid, accommodate, or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- C. Review by Building Department - The Building Commissioner or his designee, shall review the application and associated materials for compliance with the *Zoning Bylaw* and provide a written communication to the Board, prior to the first public review date, to identify any current zoning violations existing at the site which shall be addressed through the site plan review process.

s. 205 – 7 **Public Review**

- A. *Board Review* - Within thirty calendar days of the official site plan submission date, the Board shall consider the proposed Minor Site Plan Application as an agenda item at a duly posted Board meeting at which the Applicant shall present their proposed site plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing. The Board may continue its review and consideration to other meetings as may be needed.
- B. *Abutter Notice* - At least fourteen days prior to the date of the public meeting, the Board shall send, by first class mail, a notice of the time, date and location of the public review meeting to all parties in interest as defined in G.L. c. 40A, §11. The notice shall include a brief description of the site plan project.
- C. *Public Review Notice* – At least fourteen days prior to the date of the public meeting, the Board shall file the public review notice with the Medway Town Clerk for official posting.
- D. *Additional Information* - The Board may require the Applicant to provide additional information, if necessary, to complete its review including more extensive drainage information (up to and including complete drainage system design and calculations) depending on the extent of the proposed site changes and the sensitivity of the site and its abutting properties. At the Board's discretion, it may require the Applicant to provide

**Commented [A23]:** If we are sending notice to abutters, why not just make it a public hearing?



a full stormwater drainage analysis and design as specified in s. 204-3 G. of these *Rules and Regulations*.

**s. 205 – 8 Decision**

- A. *Deadline to File Decision* - Following the Board's review, the Board shall prepare and file its *Minor Site Plan Decision* with the Town Clerk within sixty calendar days from the official date of site plan submission. Failure of the Board to take its final action by filing its *Decision* within such sixty-day period shall be deemed constructive approval of said application. A copy of the *Decision* will also be provided to the Building Commissioner and other Town officials.
- B. *Deadline Extension* – See s. 204-8 B. of these *Rules and Regulations*.
- C. The Board may approve, approve with conditions, limitations, safeguards, and mitigation measures or disapprove a site plan application in accordance with Section 3.5.4 G. of the *Zoning Bylaw*. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.
- D. *Voting* - An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the site plan *Decision*.
- E. *Approval Criteria Findings* – In making its site plan *Decision*, the Board shall consider the criteria as set forth in s. 204-8 F. of these *Rules and Regulations*.
- F. *Approval Conditions, Limitations and Safeguards* – See Section 204-8, G. of these *Rules and Regulations*.

**s. 205 – 9 Appeal** - Any person aggrieved by the Board's *Minor Site Plan Decision* may appeal to the appropriate court within twenty days of the date the *Decision* is filed with the Town Clerk as provided in G.L., c. 40A, section 17.

**s. 205 – 10 Plan Endorsement**

- A. In cases where the Board has approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the Board has filed its *Decision* with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's site plan *Decision*, before the Board endorses the site plan. The deadline for plan endorsement may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Board agrees thereto.
- B. The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty-day appeal period has elapsed following the filing of the *Decision* with the Town Clerk and the Clerk has notified the Board that no appeal has been filed. If an appeal is properly filed, plan endorsement shall not occur until after the court's decision sustaining the Board's *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement by the Board.
- D. The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

## ARTICLE VI. ADMINISTRATIVE SITE PLAN REVIEW

s. 206 - 1 *Applicability* – See Section 3.5.3 A of the *Zoning Bylaw*.

s. 206 – 2 *Designated Agent for Administrative Site Plan Review* – Pursuant to Section 3.5.4.J.1 5. A. 2. of the *Zoning Bylaw*, the ~~Town Administrator and the~~ Board ~~has~~ have established an *Administrative Site Plan Project Review Team* to be comprised of the following Town employees: Building Commissioner, Director of Community and Economic Development, and Planning and Economic Development Coordinator. The Team may consult with other Town employees and officials on a case-by-case basis depending on the nature of the proposed site plan project.

s. 206 - 3 *Administrative Site Plan Submittals*

A. **Town** Clerk Submittals - The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Town Clerk during regular business hours.

1. Administrative Site Plan Review Application form with original signatures.
2. One set of the site plan (24" x 36") prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. 206 – 5 of these *Rules and Regulations* plus an electronic version.

B. Community and Economic Development Department Submittals – The Applicant shall deliver in hand, or by registered or certified mail the following submittals to the Community and Economic Development Department during regular business hours.

1. Administrative Site Plan Review Application form with original signatures.
2. One set of the site plan (24" x 36") and three reduced size (11" x 17") sets of the site plan prepared in conformance with these *Rules and Regulations* including all applicable items as specified in s. 206 – 5 of these *Rules and Regulations* plus an electronic version.
3. One written *Project Description* of the proposed development including: current and proposed uses, proposed site improvements, construction, and demolition; existing and proposed means of vehicular and pedestrian access and egress; anticipated number of employees and occupants; methods and hours of operation; and timetable for project completion. The Project Description shall include but not be limited to building construction, renovation, paving, drainage, retaining walls, landscaping, refuse storage and disposal facilities, sidewalks, handicap access, site amenities, outdoor lighting, and proposed mitigation measures.
4. *Stormwater Drainage Evaluation* report signed and stamped by a Professional Engineer licensed in the Commonwealth of Massachusetts. This report shall:
  - a) Describe the existing stormwater drainage patterns and system on the site; and
  - b) Identify how the proposed site improvements will impact the existing stormwater drainage patterns and system; and
  - c) Describe the location and design of proposed stormwater management measures to be used for the on-site disposal of added surface water resulting from the proposed site changes.

**Commented [A24]:** Modify this to be comparable to any changes made to the submittal process for major and minor site plans.

5. One copy of all relevant approvals received to date from other Town boards and commissions (ZBA, Conservation Commission, Board of Health, Historical Commission, etc.) and other government agencies.
  6. A list of waivers being requested by the Applicant with specific reference to the applicable section(s) of these *Rules and Regulations* for which a waiver is requested, on a form provided by the Board.
  7. ALL APPLICATION MATERIALS (including forms, plans, reports, and attachments) SHALL ALSO BE SUBMITTED IN A SEARCHABLE ELECTRONIC FORMAT via email, on a portable electronic storage device, or to a central cloud repository on the web. The email for such submittals is [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)
  8. A *Site Plan Filing Fee* as authorized in s. 209 - 1 A. of these *Rules and Regulations* and as specified in the Board's *Fee Schedule*.
- C. Filing of the application and plan does not, of itself, constitute the official receipt date. The Team shall review the application for completeness and notify the Applicant of any missing items within five business days of submission. In such a case, the application will be deemed to not to have been submitted. Upon receipt of all required items, the application shall be deemed complete and filed with the Town Clerk.
- s. 206 - 4 **Standards for Site Plan Preparation**
- A. The site plan shall be prepared, stamped, signed, and dated by a qualified professional including a Registered Professional Engineer, a Registered Land Surveyor, a Registered Architect, and/or a Registered Landscape Architect or other professional, registered in the Commonwealth of Massachusetts.
  - B. The site plan shall be drawn at a scale of one-inch equals forty feet or one inch equals thirty feet or one inch equals twenty feet
  - C. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
  - D. All site plan sheets shall be bound together in a complete set including building elevation plans.
  - E. All site plan sheets shall contain a referenced north arrow, sheet number, plan dates and plan revision dates, name of project, name of plan, plan scale, legend, stamp of registered professional responsible for the content of said sheet, applicable notes, signature block, including *Decision* and plan endorsement dates, and the Town Clerk's no appeal certification
- s. 206 - 5 **Site Plan Contents** – In addition to information required in Sections 206-3 and 206-4, the site plan shall include:
- A. *Existing Conditions Sheet* – A plan showing name and address of owner, name and address of Applicant, name and address of engineer and other professional firms responsible for the plan, project street address, project Assessor's Map and Parcel number, zoning district classification, all bearings and distances of property lot lines and existing structures and buildings; topography; easements; existing uses of land;

freestanding signs; driveways, parking spaces and walkways; utilities; fences and walls; scenic roads; trash disposal facilities; impervious surfaces; significant landscape and natural features, and wetlands and other natural resources under the jurisdiction of the Medway Conservation Commission.

B. *Site plan* showing the following:

- 1) Property boundaries, dimensions of the site
- 2) Dimensions of proposed building(s) or other structures including height, setbacks from front, side and rear lot lines, total square footage of building area;
- 3) Site grading;
- 4) Locations and dimensions of any proposed easements, public or private rights-of-way, or other encumbrances;
- 5) All parking and loading areas, including surface parking lots, showing the number, location, and dimension of parking and loading spaces, driveways, travel aisles, sidewalks and the like;
- 6) Proposed site improvements including, but not limited to walls, fences, signs, utilities, trash disposal facilities, landscaping, utilities, lighting, utility boxes, snow storage areas, etc.;
- 7) Erosion and sediment control measures;
- 8) Stormwater management facilities; and
- 9) A table outlining the proposal's conformance with the zoning requirements including lot area, continuous frontage, lot depth, lot width, front, side, and rear setbacks, building height, lot coverages, gross floor area, open space calculations, and the number of parking spaces.

s. **206 - 6** *Review Process*

- A. Within fourteen calendar days of the official site plan submission date, the Team shall consider the administrative site plan application at a duly posted meeting at which time the Applicant may present its plan and the Team will review the submittals to determine if the application is complete. The Team may consult with other Town officials and committees, and seek the assistance of outside consultants, and continue its review and consideration to other meetings as may be needed. The Team may also request additional information from the Applicant.
- B. The Team shall provide the administrative site plan application to the Board.
- C. Pursuant to Section 3.5.4 J. c. Procedures for Administrative Site Plan Review of the *Zoning Bylaw*, the Building Commissioner, Board, or Team may advance review of an administrative site plan application to minor or major site plan status when the collective scope and/or quantity of the proposed activities is substantial enough to merit review by the Board.

s. **206 - 7** *Decision* - Following the Team's review, the Team shall prepare and file its *Administrative Site Plan Decision* with the Town Clerk within twenty-one calendar days from the official date of site plan submission. Failure of the Team to take its final action within the twenty-one-day period shall be deemed constructive approval of said application. The deadline by which the Team shall file its *Decision* may be extended upon mutual agreement when the Applicant or its designated representative requests such an extension in writing and the Team

agrees thereto. Notice of the Team's acceptance of the Applicant's request for a deadline extension shall be provided in writing by the Team to the Town Clerk. A copy of the *Decision* shall be provided to the Applicant.

s. **206 - 8 Appeal** - Any person aggrieved by the *Decision* of the Team for a site plan project subject to Administrative Site Plan Review may appeal such *Decision* to the Board in writing within twenty days after the *Decision* is filed with the Town Clerk. The appeal shall be considered as an agenda item at a duly posted meeting of the Board at which the Applicant's appeal shall be heard.

s. **206 - 9 Plan Endorsement**

- A. In cases where the Team approved or conditionally approved the proposed site plan, the Applicant, within sixty days after the *Decision* is filed with the Town Clerk, shall submit a final site plan reflecting all required changes, if any, to the Team to review for compliance with the *Decision*, before the Team endorses the site plan.
- B. The Team shall not endorse the site plan until it is brought into compliance with the provisions of the *Decision* and a twenty-day appeal period has elapsed following the filing of the *Decision* with the Town Clerk. If appeal is made, endorsement shall not occur until after the Board's *Decision* addressing the appeal of the Team's site plan *Decision*.
- C. The Applicant shall provide an original of the revised site plan for endorsement.
- D. The Team shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Building Commissioner, the Department of Public Works, the Assessor's office, and the Town's Consulting Engineer.

**ARTICLE VII. DEVELOPMENT STANDARDS** – Development projects requiring Site Plan Review shall be designed to comply with the following Development Standards. These standards are intended to achieve well designed projects without discouraging creative and/or innovative solutions to each site's particular features and challenges. Projects which do not meet these Development Standards are required to submit Waiver Requests with the application. See s. 202-5 of these *Rules and Regulations*.

s. **207 - 1 Design Principles**

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section B. Principles and Intentions
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section B. Principles and Intentions
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section B. Principles and Intentions

s. **207 – 2 Site Design**

- A. Commercial/Business Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section C. 1. Site Composition and C. 2. Building Orientation
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 –



Industrial Zone Guidelines, Sub-Section C. 1 Site Composition and C. 2. Building Orientation

- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section C. 1 Site Composition and Building Orientation

s. **207 – 3 Architecture**

- A. Commercial Zoning Districts – See *Medway Design Review Guidelines*, Section 2 - Commercial Zone Guidelines, Sub-Section D. Architectural Guidelines
- B. Industrial Zoning Districts - See *Medway Design Review Guidelines*, Section 3 – Industrial Zone Guidelines, Sub-Section D. Architectural Guidelines
- C. Residential Zoning Districts - See *Medway Design Review Guidelines*, Section 4 – Residential Zone Guidelines, Sub-Section D. Architectural Guidelines

s. **207 – 4 Energy Efficiency and Sustainability**

- A. New buildings should be positioned on the site to take advantage of the existing terrain and solar gains. Where possible, elongate the buildings on the east/west axis, maximize north and south exposures for daylighting, minimize east and west facing windows, and orient the most populated areas of a building to the north and south. Green roofs are encouraged.

B. *Energy Conservation – Development projects involving the construction or use of a building with 10,000 sq. ft. or more or containing ten or more residential units are encouraged to include a solar or other renewable energy system.*

Commented [A25]: Stronger language?

C. *What else do we want to include here?*

s. **207 - 5 Environmental Considerations**

- A. *General* - Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of water courses and water resources, topography, soil and noise shall be ~~reviewed~~ incorporated into the site design. The design of the proposed development shall minimize the destruction of trees and protect unique natural features. The site plan shall show measures to minimize any adverse impacts on these elements.

- B. *Low Impact Development (LID)* – Applicants shall incorporate Low Impact Development (LID) and nature-based management practices in site design and incorporate environmentally sensitive design principles in site improvements, stormwater management facilities, landscaping, and buildings when practicable. See Appendix A to these Rules and Regulations.

Commented [A26]: Stephanie Carlisle has asked for stronger language here.

- C. *Nuisance* - The proposed development shall comply with Section 7.3 Environmental Standards of the *Zoning Bylaw*.

- D. ~~*Energy Conservation – Development projects involving the construction or use of a building with 10,000 sq. ft. or more or containing ten or more residential units are encouraged to include a solar or other renewable energy system.*~~

s. 207 – 6 **Erosion and Sediment Control**

- A. Erosion and sediment control measures shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.7.
- B. The final slope of the land shall not exceed one foot vertical to three feet horizontal, unless retaining walls or other suitable stabilization methods as determined by the Board are provided.
- C. Permanent vegetation and other erosion control measures shall be installed as soon as possible after construction ends.
- D. All disturbed areas shall be permanently stabilized within six months of occupancy.

**Commented [A27]:** Matt says this is too late. What is better language?

s. 207 – 7 **Site Clearing and Grubbing** – See Section 7.4 of the *Medway Subdivision Rules and Regulations*.

s. 207 – 8 **Earth Filling & Grading**

- A. *Prohibited materials.* Solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive, or flammable materials, building materials, construction and demolition debris, glass, metal, toxic, infectious, radioactive, corrosive, or reactive materials or waste shall not be used as fill. Fill material shall have no concentration of oil or hazardous material, toxic substance, or infectious biological material greater than federal, state, or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. Fill material shall also be free from organic material such as trees, stumps, and garbage, and shall contain fifteen percent or less of total organic carbon by lab analysis.
- B. *Permitted fill materials.* Fill materials shall include only clean sand, gravel, clay, stone, quarried rock, topsoil, borrow, rock, sod, loam, peat, humus, or other subsurface products free from solid waste, with an aggregate size of twelve inches or less.
- C. *Final Cover.* The area within the limits of fill shall be established to meet the final cover as designed and, in all instances, shall prevent erosion from the site. Proposed pervious areas (i.e., lawn, landscape beds, pad sites, etc.) shall be covered with a minimum four inches of organic topsoil including soil amendments if required and shall be seeded and/or mulched to establish final cover. Where filling is incidental to proposed hardscaped areas (i.e., driveways, parking lots, patios, etc.), the fill material shall be covered with suitable base material meeting the specifications of the particular hardscape (i.e., gravel borrow and/or dense graded crushed stone for pavement sub-base).
- D. *Additional Conditions.* The Board may set reasonable conditions including but not limited to hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs, and trees to be planted. The Board may also impose requirements for monitoring the type and distribution of fill on the subject site and reporting on the quality and source of the fill materials.
- E. Development sites shall not be used for the temporary storage of fill materials intended for use elsewhere.

**Commented [A28]:** Should we establish a testing requirement similar to conservation commission?

F. Projects involving site filling in excess of two thousand cubic yards shall submit a Soil Management Plan to the Planning and Economic Development office prior to the pre-construction meeting for review by the Town's Consulting Engineer. The Soil Management Plan shall include the following:

- a) Agreement that bills of lading in the form specified by the Board will be exclusively used for the transport and acceptance of earth materials for fill;
- b) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
- c) Procedures for verification of fill material origin and acceptance;
- d) Record keeping practices;
- e) Site security, fill operation inspection and site control;
- f) Transport routes, times and days of operation, locations of equipment parking and storage, and duration of fill activities;
- g) Qualifications of applicant personnel responsible for adhering to the soil management plan;
- h) Erosion, dust and stormwater controls and inspection and maintenance thereof;
- i) Effects of the filling on groundwater recharge;
- j) Quality assurance and quality control procedures including testing protocols
- k) Emergency response and notification procedures, including telephone numbers and contact individuals and firms;
- l) Total proposed earth material fill volume;
- m) Daily personnel procedures and operation management procedures, including types, numbers, locations, and hours of operation of any processing equipment on site;
- n) Environmental monitoring plan to maintain protection of human health, public safety, welfare, and the environment during and following fill operations; and
- o) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.

**Commented [A29]:** Should we establish a testing requirement similar to conservation commission?

G. *Earth Removal.* NOTE – Development projects may also be subject to Medway General Bylaws, ARTICLE IX, Removal of Earth Products, administered by the Medway [Select Board](#) ~~of Selectmen~~.

s. 207 – 9 *Pedestrian & Bicycle Access and Sidewalks*

~~A. Pedestrian and Bicycle Access~~

[A.](#) [Pedestrian](#) ways shall be provided within the site to connect buildings with parking areas, other buildings, and site amenities.

**Commented [A30]:** What term do we want to use? Pedestrian ways or sidewalks?

~~2)B.~~ For pedestrian safety and site design enhancement, on-site crosswalks between parking areas and the building (s) and where possible, on adjacent roadways shall be provided and have a change in materials and/or color, texture, or pattern.

~~3)C.~~ Pedestrian and bicycle circulation shall be maximized on and off site and shall be separated from motor vehicle circulation as much as practicable. Safe pedestrian and bicycle access to the site shall be provided by walkways or other means which ensure protection and separation from vehicular traffic.

~~4)D.~~ Existing pedestrian ways shall be maintained or improved.

5)E. Where no pedestrian ways exist, the Applicant shall create safe and convenient pedestrian ways and connections between streets, the proposed development, surrounding neighborhoods, adjacent commercial developments, and other surrounding uses.

6)F. Curbing adjacent to sidewalks shall be vertical granite or concrete.

7)G. **Sidewalks** and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

**Commented [A31]:** Matt suggests we include language to reference PROWAG. <https://www.access-board.gov/prowag/>

~~B.~~ ~~Sidewalks~~

4)H. Five-foot-wide sidewalks shall be provided, ~~within parking areas~~. Where sidewalks abut parking areas, the sidewalk width shall be increased by two feet to accommodate vehicular bumper overhangs so as to not impede foot traffic.

2)I. For buildings where tenants wish to use interior site sidewalks for temporary outdoor display purposes, sidewalks shall be increased in width such that at least five feet is maintained for pedestrian passage.

3)J. Pursuant to Section 5.5.4. I, c. of the *Zoning Bylaw*, sidewalks ~~may be required shall to~~ be provided along the entire frontage of the subject property along existing public ways.

K. Bicycle racks shall be provided pursuant to the *Zoning Bylaw*, Section 7.1.1.Off-Street Parking and Loading, I. Bicycle Parking.

#### s. 207 – 10 Paving

A. ~~Drive aisle paving materials — Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus and provided with an all weather and structurally stable driving surface.~~

**Commented [A32]:** Not needed. This duplicates Section 207-11 B. 4

~~B. Off street loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.~~

s. 207 – 11 **Traffic and Vehicular Circulation** - The site plan must address safety and convenience of vehicular and pedestrian movement within the site as well as in relation to adjacent streets, properties, or improvements.

A. *Site Access - Curb Cuts, Entrance and ~~Egress~~ Driveways*

**Commented [A33]:** What terminology is best? Driveways or drive aisles. We need to be consistent throughout.

- 1) The site shall be evaluated as a whole to determine the number of curb cuts to be allowed.
- 2) Curb cuts on public ways shall be minimized.
  - a) Curb cuts for commercial properties shall be limited to one per street frontage unless compelling safety benefits or other siting considerations are demonstrated by the Applicant or if the scale of the development merits multiple curb cuts to ensure suitable access for safety and emergency vehicles.
  - b) Wherever possible, existing driveways should be combined.

- c) All proposed curb cuts within a commercial district or for commercial properties shall be designed to enhance traffic flow on major streets and to minimize additional traffic circulation on neighboring residential streets in order to maximize safe vehicular movement and pedestrian safety.
- 3) Site entrance and exit driveways shall have an unobstructed paved width of at least twenty feet.
- 4) Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved material along the entire radius of the opening. [Curbing](#) shall extend at least twelve feet beyond each side along the gutter line of the road and at least the first twenty-five feet of a driveway and shall be sloped at the end to prevent a vertical obstruction to exist.
- 5) The site design shall allow vehicles to enter, park and exit the property without difficulty. Arrows, signs, and/or pavement markings to control the traffic flow may be required. Consideration shall be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. Passenger vehicles and delivery vehicles should be segregated where possible.
- 6) Where possible and as appropriate to site conditions, curb cuts shall be aligned with curb cuts on the opposite side of the road to create common junctions.
- 7) Curb cuts shall be located and designed so as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.
- 8) Where a site occupies a corner of two intersecting roads, curb cuts shall be located at the maximum distance practicable from the intersection. At a minimum, a curb cut shall be located at least fifty feet from the point of tangency of the intersection.
- 9) Driveways shall be located so as to afford maximum safety, convenient [ingress](#) [access](#) and egress, and minimize conflict with the flow of off-site traffic.
- 10) Driveways shall be located to maximize sight distances where the proposed driveway meets an existing way. Sight distances for turning movements to and from the development shall meet current minimum AASHTO standards and shall be clearly shown on the site plan.
- 11) Left-hand egress turns should be minimized.
- 12) Driveways should intersect the road at an angle of ninety degrees.
- 13) No part of any driveway shall be located within fifteen feet of a side property line when the property abuts a residential use or zone.
- 14) The slope of the paved entrance way should not exceed two percent for the first twenty-five feet measured perpendicular from the front property line. The angle of approach and egress from a site shall not exceed a one foot drop in twenty feet of length.
- 15) Driveways shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway.



- 16) The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus, and shall be constructed of a hard, all-weather, and structurally stable driving surface to support at least 75,000 pounds.
- 17) *Emergency Vehicle Access* - The site shall be designed to provide adequate accessibility by fire, police, and emergency personnel, equipment, and vehicles to each building. The access shall be maintained and kept in passable condition at all times. Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the National Fire Protection Association (NFPA 1) Fire Code.

B. *Internal Site Circulation and Parking Lot* Drive Aisles

- 1) Where possible, adjoining parcels shall have unified access and promote inter-parcel circulation. Provisions should be made for safe and convenient traffic movement to connect sites with adjacent commercial sites.
- 2) The perimeter of drive aisles shall be bounded with vertical granite curb or other approved material.
- 3) Internal drive aisle width – Two-way drive aisles shall be twenty-four feet wide. The width of one-way drive aisles shall be twenty feet. Drive aisles shall extend a minimum of five feet beyond the last parking space in any dead-end parking row.
- 4) Drive aisle materials – Asphalt or cement concrete or other durable materials shall be used for drive aisle paving. Drive aisles shall be designed so that stormwater, dirt, gravel, stones, or other materials will not wash onto adjacent public or private streets from the driveway. The surface of driveways shall be designed and maintained to support the loads of the Fire Department's apparatus and provided with an all-weather and structurally stable driving surface. Driveways shall be constructed to support at least 75,000 pounds.
- 5) Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within the site with emphasis on the layout of parking and off-street loading and unloading areas, and the movement of people, goods, and passenger and delivery vehicles on access roads, on drive aisles, and between buildings or structures within the site.
- 6) Fire lanes (road, path, or other passageways) developed to allow passage of fire apparatus and access to the buildings on the site shall be provided in accordance with Medway Fire Department regulations and recommendations. The number of required fire lanes shall depend on the size of the building. Fire lanes shall be clearly marked and posted.
- 7) When the driveway, drive aisles or roadways are more than 150' in length, provisions shall be made for fire and emergency apparatus to turn around.
- 8) The turning radius for internal driveways, drive aisles and roadways must be approved by the Medway Fire Department and shall accommodate the Department's largest and longest apparatus.

**Commented [A34]:** What terminology is best? Driveways or drive aisles?

**Commented [A35]:** Ask for input from Fire Department

- C. *Mitigation* - The Board may require the Applicant to provide mitigation where project-related increased traffic volume will create unsafe, or poor level of service conditions based on findings of the traffic study. Mitigation measures [may](#) include but are not limited to the implementation of turning lanes, traffic signal installation and improvements, roadway improvements, sidewalks, and acceleration and deceleration lanes.

s. **207 – 12 Parking**

- A. Parking shall be provided in full compliance with Section 7.1.1 of the *Zoning Bylaw*.
- B. To the maximum extent possible, parking shall be located to the side and rear of the site. Placement of parking areas should not be near a high volume of traffic where parking movements can obstruct traffic flow. Parking shall not create a hazard to abutters, vehicles, or pedestrians. Where parking is proposed adjacent to the street, plantings or appropriate fencing shall be incorporated to screen parking areas and reduce their visual impact.
- C. *Pedestrian Protection* - Pedestrian walkways through parking areas may require protection (*barriers or bollards*) or crosswalk striping.
- D. *Designated Parking Areas* – Areas for [compact small](#) vehicles and motorcycles may be shown.
- E. *Asphalt Surface* - Parking areas shall have durable, all-weather paved surfaces. Hot mix asphalt surfacing shall be a minimum of three and one-half inches over eight inches of gravel borrow or as required by site conditions.
- F. Adverse impacts of parking on abutters, residents or businesses in the area shall be mitigated.
- G. *Parking Spaces*
- 1) *Number of spaces* - See Section 7.1.1 D. of the *Zoning Bylaw* – Table 3 Schedule of Off-Street Parking Requirements and Section 7.1.1.I. regarding bicycle parking requirements.
  - 2) *Parking space design*
    - a) Dimensional Standards – See Section 7.1.1 E. 3. of the *Zoning Bylaw*. All handicap parking spaces shall comply with state and federal regulations.
    - b) Angle parking - In the event site constraints limit drive aisles to one-way travel, angled parking may be permitted. The Applicant shall provide analysis that proper maneuverability through the site can be achieved, stalls are of proper length to limit overhang into the drive aisle, and proper lane width is designed to provide suitable reverse turning movements. Pull through angle parking stalls shall not be allowed. [See Section 207-11 B. 3 of these Rules and Regulations.](#)
  - 3) *Location*
    - a) The location of parking spaces shall not impede proper traffic flow or the maneuvering of other vehicles. Parking spaces shall not be located in

fire lanes or within twenty feet of building entrances, building exits, emergency access points, loading and unloading areas, pedestrian ways, and locations for fire hydrants, and sprinkler and standpipe connections.

- b) Parking spaces shall not be located within fifteen feet of the front, side, and rear property lines.
- c) Parking spaces shall be located such that a vehicle backing out of a space does not impede traffic entering from a private or public street within the first fifty feet of the driveway entering the site.
- d) ~~Drive aisles shall have a minimum paved width of twenty-four feet and provide for two-way traffic and shall extend a minimum of five feet beyond the last parking space in any dead-end parking row.~~

#### H. Curbing

- 1) The perimeter of the parking area shall be bounded with vertical granite curb or other approved material, ~~bituminous concrete curb, or cement concrete curb~~ to delineate the parking lot and collect and direct stormwater runoff.
- 2) All curbing shall have a minimum radius of three feet and shall transition tangentially. No protruding angle points shall be allowed.

#### I. Electric Vehicle Charging Stations –

1) Shall comply with Section 7.1.1.E.4 of the Zoning Bylaw. ~~Industrial, commercial, and multifamily housing sites with fifteen or more parking spaces shall provide parking spaces with electric vehicle charging stations for employee, customer and resident use. The quantity of such parking spaces shall be as follows:~~

<del>Total # of</del> Parking Spaces	<del># of Electric</del> Vehicle Parking Spaces
<del>15–25</del>	<del>1</del>
<del>26–50</del>	<del>2</del>
<del>51–75</del>	<del>3</del>
<del>76–100</del>	<del>4</del>
<del>101–150</del>	<del>5</del>
<del>151–200</del>	<del>6</del>
<del>201–300</del>	<del>7</del>
<del>301–400</del>	<del>8</del>
<del>401–500</del>	<del>9</del>
<del>501–1000</del>	<del>2% of total</del>

2. The Board may also require the additional provision of electric vehicle ready parking spaces.

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

Formatted: Justified, Indent: Left: 0", Hanging: 0.25"

s. **207 – 13 Loading and Unloading** - At the time of erection of any principal building or enlargement of any principal building ~~or the establishment of any activity on open land~~, there shall be created adequate off-street loading and unloading areas as follows:

- A. One or more off-street loading and unloading areas shall be provided for any business that is regularly serviced by delivery vehicles so that adequate areas are provided to accommodate all delivery vehicles expected at the premises at any one time.
- B. The location of off-street loading and unloading areas and facilities shall be designed with an adequate ~~on-site off-street~~ vehicular maneuvering area so that it will not be necessary for delivery vehicles to use a public way to maneuver into a loading or unloading space and so that egress from such spaces will not require backing onto a public way.
- C. Loading and unloading areas shall in all cases be on the same lot as the use they are intended to serve unless there is common ownership of an adjacent property. In no case shall the required loading and unloading areas be part of the area used to satisfy the parking requirements of the *Zoning Bylaw*, and these Rules and Regulations.
- D. Loading and unloading areas should be located at either the side or rear of each building to be removed from view and to mitigate noise impacts.
- E. Loading and unloading areas shall be designed to avoid traffic conflicts with vehicles which use the site or adjacent sites.
- F. Each loading and unloading area shall not be less than twelve feet in width and not less than sixty-five feet in length. Height clearance shall not be less than fourteen feet.
- G. Loading and unloading areas and spaces shall not encroach on parking spaces or maneuvering space nor shall they obstruct access to fire hydrants, sprinkler connections, or fire ~~or emergency~~ vehicle lanes.
- H. ~~Off-street~~ Loading and unloading areas and the associated maneuvering areas shall be paved with hot mix asphalt, or other satisfactory hard surface paving.
- I. Loading and unloading areas shall not face any residential area.
- J. Loading and unloading areas are prohibited on the front façade of any building.
- K. All trash storage, service, and loading ~~and trash storage~~ areas viewable from a public way or from an adjacent residential area shall be screened by one or a combination of a masonry, ~~a or a~~ wood appearing screen, or evergreen plantings to reduce their visual impact.

s. **207 – 14 Stormwater Management**

- A. The Post-Construction Stormwater Management Plan and its associated Long-Term Operation and Maintenance Plan shall comply with ARTICLE XXVI Stormwater Management and Land Disturbance of the Medway *General Bylaws*, Section 26.8, the current Massachusetts Stormwater Management Standards, and the DEP Stormwater Management Handbook Volumes I and II.

**Commented [A36]:** Should we also reference private ways?

**Commented [A37]:** Is this length appropriate for all situations?

**Commented [A38]:** Need to be sure this is up to date.

- B. Low Impact Development (LID) – Applicants shall incorporate Low Impact Development (LID) management practices in designing the stormwater management system. See Appendix A to these *Rules and Regulations* for resource information.
- C. Infiltration basins shall be designed to be integrated into the site’s topography and natural features such that the basin contours are softened, and a naturalized appearance is achieved.
- D. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide means to properly inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal “forebay” or pre-treatment chamber row which will allow treatment of first flush runoff (the first 1” of any rainstorm) prior to discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- E. Infiltration measures shall be provided to mitigate post development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Metal roofs shall be properly treated prior to infiltration if located within critical areas listed in the DEP Stormwater Management Handbook.
- F. Headwalls that are visible from a roadway or driveway shall be fabricated to have a natural stone appearance to the satisfaction of the Board.
- G. See *s. 207 – 19 E* of these *Rules and Regulations* for landscaping requirements around stormwater detention and retention areas.

**Commented [A39]:** See language added earlier

***s. 207 - 15 Water Supply and Sewage Disposal***

- A. *Water Supply* - Unless proven to be unfeasible, projects requiring site plan approval shall connect to the public water supply distribution system, except that connection to the public water supply system for on-site irrigation of landscaping is not permitted. Wells are permitted through the Board of Health. The locations of any proposed wells shall be shown on the site plan. Water connections shall be in accordance with regulations of the Medway Department of Public Works. Any needed water line extensions shall be at the Applicant’s expense.
- B. *Sewage Disposal* – The proposed method of sanitary sewage disposal for all buildings and uses shall be shown on the site plan. It shall meet the applicable Town regulations for sewage disposal systems and connections whether it is an on-site septic system (Medway Board of Health) or is connected to the Town’s municipal sewer system (Medway Department of Public Works). The Town of Medway currently prohibits extensions of the Town’s municipal sewer system beyond that in existence on March 9, 2015.
- C. *Fire Hydrants* –Applicants are strongly encouraged to meet with Medway Fire officials early on in the site design process to incorporate provisions of the NFPA 1 Fire Code pertaining to the quantity and type of fire hydrants for the site.

**Commented [A40]:** Add something about water re-use to promote sustainability.

**Commented [A41]:** Matt suggests we add something about pumping stations



s. 207 – 16 Utilities

- A. All electric, telephone, cable TV, and other on-site utilities shall be located underground.
- B. Permanently installed generators shall be positioned on cement pads, be located to the rear of the site, and shall be fully screened or bermed to mitigate noise and appearance.
- C. Utilities shall be installed in accordance with Section 7.6 Utilities of the *Medway Subdivision Rules and Regulations*.
- D. Architectural features shall be incorporated into the building design to screen rooftop HVAC and other utilities.

**Commented [A42]:** Matt indicates that more info is needed here re private utility and requirements

s. 207 – 17 Solid Waste Removal - Dumpsters, Trash and Recycling Containers and Enclosures

- A. The Town does not provide solid waste removal services for commercial, industrial, and multi-family or mixed-use development projects.
- B. Dumpsters and recycling and trash containers and enclosures shall be located to the rear of the site such that their view from streets is minimized.
- C. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing or enclosure and/or evergreen plantings. The size of enclosure shall be large enough to accommodate both trash and recycling containers and include sufficient space around and between the containers enclosed therein to be easily maneuvered for pick-up.
- D. Multi-tenant developments shall incorporate the use of shared trash compactors.
- E. Egress to dumpsters and trash containers shall provide for the efficient removal of trash with a minimum of backing up required by service vehicles.

s. 207 - 18 Outdoor Lighting

- A. Outdoor lighting shall comply with Section 7.1.2 of the *Zoning Bylaw*.
- B. ~~For new construction, n~~ No overhead wiring for outdoor lighting is permitted.
- C. Light fixture design should comply with the *Medway Design Review Guidelines*.

s. 207 – 19 Landscaping

- A. *General* - Landscaping enhances the site, provides a pleasing environment, and reduces the visual impact of the site on the surrounding areas. The Board requires that the Applicant provide sufficient landscape treatment to create adequate buffering for neighboring properties and provide positive visual impacts as provided herein. The preservation of existing trees and vegetation where feasible and appropriate in lieu of or in addition to new landscaping as required herein is permitted and encouraged.
- B. *Landscape Buffers* - The use of proportionally sized landscaped buffers and berms between the street and structures, between the street and parking areas, between the site and its neighbors, and throughout parking lots is encouraged to provide for more immediate visual screening and improved topographical variation.

**Commented [A43]:** Matt questions this language. Improvements needed!

- 1) Landscape buffers between the street and parking areas are required. Tree-lined sidewalks at the street front shall be included. Plantings along the front property line and access roads shall take into consideration sight distance criteria. Planting of new or replacement trees every twenty-five feet along both sides of an access road is required. The Board may waive this requirement in favor of the preservation of existing site trees.
- 2) Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.

#### C. Parking Areas

- 1) Internal landscape planted divisions (*islands and peninsulas*) shall be constructed within all parking areas containing **ten** or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade.
  - a) A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.
  - b) The ends of parking aisles that have more than fifteen parking spaces in length shall incorporate ~~enclosing enclosed~~ landscape islands at both ends of the rows. The width of such landscaped islands shall be at least four feet. ~~at the ends.~~
  - c) Where the length of parking aisles exceeds twenty-five spaces, ~~intermediary intermediate~~ landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.
  - d) At least one deciduous shade or canopy tree of a minimum **three inches caliper** with a height of not less than twelve feet above grade shall be provided for every six parking spaces. Only trees providing shade to the parking area shall be counted as meeting this requirement. The Board may waive this requirement in favor of the preservation of existing site trees.
- 2) Landscaping shall also be provided around the perimeter of all parking areas to prevent direct views of parked vehicles from streets and sidewalks, ~~avoid minimize~~ spillover light, glare, ~~or noise or exhaust fumes~~ onto adjacent properties, and to provide parking areas with a reasonable measure of shade. Such vegetation shall be no less than five feet high at the time of planting.
- 3) Parking entrances at curb cuts shall be landscaped with a combination of trees, shrubs, and flowering plants. These areas may also be used for signage pursuant to Section 7.2.4 F. 5 of the *Zoning Bylaw*. No trees or shrubs shall be planted in a manner that would obstruct sight line visibility for vehicles entering and exiting a site. The maximum height of vegetation, except trees, at full growth or any

**Commented [A44]:** Matt questions this size. Maybe increase?

**Commented [A45]:** Matt would like the Board to discuss this size.

other physical object within the Sight Distance Triangles of a curb cut shall not exceed three feet in height.

- 4) To the maximum extent feasible, plant materials used in landscaped islands and in the perimeter of parking areas shall be native, drought resistant, pest tolerant, salt tolerant, hard for Zone 6, and non-invasive species as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group. See item F. below.
- 5) Landscaped areas should be designed to receive and accommodate stormwater runoff in accordance with the *Massachusetts DEP Stormwater Handbook* through the use of rain gardens and bio-retention areas.

D. *Screening and Buffers* – Where disturbance on the site is necessary beyond the building footprint, parking and access areas, or where the Board determines that additional plantings are needed to achieve four seasons of screening, the Landscape Plan shall include landscape plantings, berms, and/or manmade hardscape structures such as fences, stone walls and trellises sufficient to immediately screen one-hundred percent of the HVAC equipment, utilities, dumpsters, storage areas, truck loading areas, machinery, utility buildings, and accessory structures etc. from the view at any perimeter point on the site. The proposed plantings shall be of sufficient maturity to immediately integrate the building and site into its surroundings. The scale, extent and density of such landscape and hardscape treatment shall be determined by the size of the building, the extent of planned disturbance to the site's existing landscape, the adjacent uses, and the need for additional screening.

E. *Landscaping Around Stormwater Infiltration Basins* – Substantial landscaping shall be provided around stormwater detention and retention basins and shall be included in the design of the stormwater drainage system to the satisfaction of the Board. For screening purposes and to minimize the visual impact of stormwater basins, such landscaping should include two staggered rows of suitable trees and shrubs. Landscaping shall be designed to not obstruct access to the stormwater basins for maintenance purposes.

F. *Landscape Materials Requirements* – To the maximum extent feasible, all landscaping shall be native, drought resistant, pest tolerant, salt tolerant, hardy for Zone 6, and non-invasive as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.  
Trees shall be non-invasive, deciduous hardwoods.

**Commented [A46]:** Suggest we ask Conservation Agent to review and recommend.

The following hardwood tree species are preferred; recommended:

- 1) Red Oak - *Quercus borealis*
- 2) Pin Oak - *Quercus palustris*
- 3) Scarlet Oak - *Quercus coccinea*
- 4) Red Maple - *Acer rubrum*
- 5) Sugar Maple - *Acer saccharum*
- 6) Thornless Honey Locust - *Gleditsia triacanthos intemiss*
- 7) London Plane Tree
- 8) Ginko (*Fruitless male*)
- 9) Swamp White Oak
- 10) Zelcova
- 11) Sweetgum (*Rotundiloba/fruitless*)

12) Linden

Smaller variety trees:

13) Crab Apple (*if insect and disease resistant*)

14) Kousa Dogwood

15) Serviceberry

16) Hendge Maple

Evergreen species:

17) Norway Spruce

18) Hemlock

19) Capitata Yew

20) Cedar

The Applicant may propose alternative trees that may be better choices for the particular site based on proximity to utility lines, sidewalks and pavement, area available for root growth, tolerance to salt, rooting characteristics, resistance to disease and insects, tolerance to root pruning, branching habit, fruit and seed production, maintenance needs or other reasons. The Board may seek the advice of the Medway Tree Warden to evaluate alternative tree proposals.

G. *Tree Preservation* - Wherever feasible, existing trees of fifteen inches or more in diameter as measured four feet above finish grade should be preserved.

H. *Tree Replacement* – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish ~~grave~~ grade that are to be removed from the site shall be replaced with new trees on the site. Add text for a formula for tree replacement.

**Commented [A47]:** WE need to work out a formula for tree replacement

I. *Tree Size* –New and replacement trees shall have a diameter of at least an average of two and one-half inches as measured four feet above finish grade and shall be a minimum of twelve feet in height.

J. ~~*Landscape Requirements* – To the maximum extent feasible, all additional landscaping shall be drought resistant, pest tolerant, non-invasive species as identified in *The Evaluation of Non Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group. Tree species should be native and hardy for Zone 6.~~

K. *Irrigation* – On-site wells, cisterns to capture rainfall, or private watering service is required to maintain landscaping installations. The Town does not permit connection to the Town's water service for landscape irrigation. Well locations shall be shown on the site plan and are subject to approval of the Medway Board of Health.

**Commented [A48]:** Do you want to revisit this requirement?

s. **207 – 20 Site Amenities**

A. When incorporated as part of a site plan or included as mitigation measures, the selection of types and materials for fencing, retaining walls, gates, benches, planters, bike racks, seating areas, and other site amenities should comply with the *Medway Design Review Guidelines*.

B. Proposed hardscape features and materials such as fences and stone walls shall be compatible with the design of the building. Vehicle sight lines shall not be affected by such landscape features or built hardscapes.

s. **207 - 21 Snow Removal** – The site shall be designed to accommodate adequate snow storage for snow that is removed from the paved areas. The snow storage area(s) shall be located and graded such that the runoff from melting snow shall not enter the public way or wetland resource areas. Stored snow shall not affect visibility and sight distance of vehicles entering and exiting the site. Snow storage areas shall safely accommodate a minimum volume equal to six inches over the entire site area subject to snow removal. The Board may condition a site plan decision to require removal of excess snow off-site.

s. **207 – 22 Outdoor Storage** – To the maximum extent possible, outdoor storage of materials, goods, and equipment if permitted, shall be screened from view from adjacent and nearby streets and properties by suitable fencing and/or evergreen plantings, and in accordance with *Zoning Bylaw* regulations. Check *Table 1 Schedule of Uses* of the *Zoning Bylaw* for areas where outdoor storage is permitted.

## **ARTICLE VIII ADMINISTRATION**

s. **208 – 1 Preconstruction Meeting** - Prior to the commencement of any site work (earth removal, clearing of vegetation, mobilization of construction equipment, etc.) for an approved Major or Minor Site Plan project, the Developer, the site general contractor, and other representatives of the Developer shall attend a preconstruction meeting with the Town's Consulting Engineer, Planning and Economic Development Coordinator, Building Commissioner, Department of Public Works Director, Conservation Agent, or their designees, and other Town staff as may be determined appropriate.

- A. The Developer or general contractor shall request the pre-construction meeting at least one week prior to commencing any site work on the property by contacting the Planning and Economic Development office.
- B. The Developer shall provide a detailed construction schedule, copies of other permits or approvals, and emergency contacts list.
- C. If applicable to the project, the Developer shall provide a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required by the U.S. Environmental Protection Agency (EPA) to the Town at or prior to the pre-construction conference.
- D. For projects involving the filling or removal of earth materials in excess of two thousand cubic yards, a schedule for the removal and import of earth materials shall be provided. This schedule shall state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each vehicle, the travel routes to be taken by the vehicles, and the approximate proposed hours of operation for such activities. A description of the clearing procedures to be used shall also be provided. Travel routes may be restricted by the Town.

E. For projects involving more than two thousand cubic yards of fill, the Developer shall provide a *Soil Management Plan*. See Section 207-8 F. Earth Filling and Grading of these *Regulations* for details.

F. A *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 CMP shall identify areas for parking, staging, and stockpile areas for construction materials and earth removed



from or brought onto the site. Such areas shall be located as far from existing private and public ways as practicable and visually screened to the maximum extent practicable from such ways and surrounding residences or other buildings. The CMP shall note hours of construction and deliveries associated with construction.

**s. 208 – 2 Site Maintenance During Construction**

- A. The developer and contractors shall comply with the Sediment and Erosion Control Plan included in the site plan set. *See s. 204-5, D. 5 of these Rules and Regulations.*
- B. Any construction site is required to have a stone mat construction entrance for a minimum of fifty feet or as site constraints allow. The stone mat shall be maintained regularly to allow for proper reduction of sediment tracking onto adjacent roadways. In events where excessive mud is generated at the site, wheel washing stations may be required to further prevent sediment tracking onto Town ways.
- C. Construction of the approved development shall not create any significant emission of light, noise, dust, fumes, odors, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impacts without suitable mitigation measures and remedies.
- E. The Applicant or his successor shall maintain, in a manner satisfactory to the Board, the site improvements, infrastructure and amenities and provide for the repair of all such improvements. Maintenance shall commence during the construction and continue until approval of the as-built plan. Such maintenance shall include snow removal and upkeep of the stormwater management facilities.
- F. Poor site maintenance, lack of active project management, not following SWPPP requirements, and/or the construction phase Operations and Maintenance plan, failure to respond to corrective actions prescribed by the Board or consulting engineer, may be reasons for the Board to withhold its recommendation authorization of a building or occupancy permits.
- G. Upon completion of all work on the site, the Developer shall remove from the site and adjoining property, all temporary structures, all surplus material, debris, tree stumps, loose rocks, silt fences and synthetic erosion control measures unless authorized by an Order of Conditions to be left in place, and any such rubbish which may have accumulated during construction, and shall leave the work site in a neat and orderly fashion.

**s. 208 – 3 Construction Inspections and Reporting**

- A. The Board may determine site inspections of the infrastructure and site improvements and the ongoing maintenance of such are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is the Board's standard practice to do so. Such inspections shall be performed by the Town's Consulting Engineer, Town staff, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction of the development due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board's endorsement of the plan. *See s. 209 – 1. C. of these Rules and Regulations.*

- B. The Developer or its representative shall notify the Town's Consulting Engineer at least 48 hours in advance of needed inspections.
- C. Site plan projects with a land disturbance area of one acre or more are required to provide copies of all required SWPPP inspection reports and corrective action reports to the Board and the Consulting Engineer for review during the construction term of the project.

s. **208 – 4 Modification of Approved Site Plans and Decisions** - Construction work shall comply with the approved site plan, unless the Developer requests approval of a modification to the site plan and/or *Decision* and such approval is provided pursuant to any one of the methods specified below:

A. *On-Site Field Changes* - During construction, the Developer may be authorized to make limited, minor, on-site field changes to an approved site plan project 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 the *Zoning Bylaw* or these regulations or conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout, or design of the endorsed site plan.

- 1) Prior to undertaking such field changes, the Developer and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field 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.
- 2) The Board shall prepare a Field Change Decision to document whether the field change is authorized. The Decision may include suitable conditions. The Field Change Decision shall be provided to the Developer and the Building Commissioner. Any approved field change shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plan.
- 3) The Board may determine that a proposed field change or a combination of field changes are such that the proposal warrants consideration as a plan modification. If so, the modification shall be handled in accordance with the provisions for reviewing and approving the corresponding category of site plan modification by the Board.

B. *Major Site Plan Projects*

- 1) *Plan Modification*

- a) Proposed modifications (not including on-site field changes) to a previously approved major site plan shall be subject to review by the Board.
  - b) Plan modifications include, but are not limited to, the following, if deemed significant by the Town's Consulting Engineer:
    - 1. Changes in the design of the stormwater management facilities
    - 2. Changes in the location, dimensions and composition of buffer areas and screening measures
    - 3. An increase in the size of a building footprint in excess of 10%
    - 4. An increase in the height of a building
    - 5. A change in the location of a building on the site
    - 6. A change in the location and quantity of curb cuts (access and egress points)
    - 7. A change in the layout of parking
    - 8. An increase in the quantity of parking
  - c) The request for a *Modification* to a previously approved major site plan shall be subject to the same application and review process including a public hearing as provided in ARTICLE IV – Major Site Plan Review of these *Rules and Regulations* including the payment of plan modification filing fee and plan review fee. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Developer. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.
- 2) *Decision Modification* – If the Developer proposes a modification to the original *Decision* for a major site plan including any specific condition thereof, the Board shall conduct a public hearing on the proposed change. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

C. *Minor Site Plan Projects*

- 1) *Plan Modification*
  - a) The Developer shall submit a letter to the Building Commissioner and the Board describing the proposed changes to a previously approved minor site plan project and the reasons for the proposed modifications. If proposed modifications to a previously approved minor site plan project are such that the changes would result in the development meeting the criteria for Major Site Plan Review pursuant to Section 3.5.3.A.1. of the *Zoning Bylaw*, the modification shall be handled in accordance with the provisions for reviewing and approving a *Modification* to a Major Site Plan project as specified in s. 208 – 4 B. of these *Rules and Regulations*.

- b) Modifications of minor site plan projects, other than insubstantial field changes as provided in Section 3.5.2.C of the Zoning Bylaw, require review by the Board as an agenda item during a public meeting. The request for a modification to a previously approved minor site plan shall be subject to the same application and review process for Minor Site Plan Review as described in ARTICLE V. - MINOR SITE PLAN REVIEW of these *Rules and Regulations*, including the payment of fees. A written *Modification Decision* shall be prepared by the Board and filed with the Town Clerk, Building Commissioner, and the Town's Consulting Engineer. Any modifications shall be made a permanent part of the approved site plan record and shown on the as-built plan presented for project completion.
- 2) *Decision Modification* – If a modification is needed to the original *Decision* for a previously approved minor site plan project, the Board may review and act on the proposed modification at a public meeting without a public hearing. Any application for a modification to the previously issued *Decision* shall be filed with the Board along with the modification filing fee. Any decision modification approved by the Board shall be filed with the Town Clerk, provided to the Building Commissioner, the Town's Consulting Engineer, and the Developer, and made a permanent part of the project record.

D. *Administrative Site Plan Projects*

- 1) *Plan Modification*
  - a) Proposed modifications to a previously approved administrative site plan project shall be subject to *Administrative Review* as described in ARTICLE VI – ADMINISTRATIVE SITE PLAN REVIEW of these *Rules and Regulations*. The Developer shall follow the same application and review process as provided herein including the payment of fees. Any modifications approved by the Team shall be made a permanent part of the approved site plan record. A written Administrative Site Plan Modification *Decision* shall be prepared by the Team and filed with the Town Clerk.
  - b) The Team may determine that a proposed modification to a previously approved administrative site plan project is such that the change would result in the development meeting the criteria for *Minor or Major Site Plan Review*. If so, the modification shall be handled in accordance with the provisions for reviewing and approving those categories of site plan by the Board.
  - c) The Applicant may appeal an *Administrative Site Plan Modification Decision* to the Board within twenty days of the date the *Decision* was filed with the Town Clerk.
- 2) *Decision Modification* – If a modification is requested to the original Administrative Site Plan Decision for an administrative site plan project, the Team shall review and act on the proposed modification. A written *Decision* shall be filed with the Town Clerk.

- E *Modification Expenses* - Whenever additional reviews by the Board, its staff or consultants, or the Team are necessary due to proposed modifications, the Developer shall be billed and be responsible for the supplemental costs incurred including site plan filing fees, plan review fees, and all costs associated with another public hearing including legal notice. 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. Supplemental fees must be paid in full before the Board approves site plan modifications.

**s. 208 – 5 Compliance**

- A. *Construction Inspection* – The Board may determine site inspections are necessary to ensure that the development project is constructed to comply with the approved site plan and *Decision*. It is their standard practice to do so. These shall be performed by Town staff, the Board’s consultant or Agent, or a Board member. The Board may determine that the assistance of outside consultants is needed to monitor construction due to the size, scale, or complexity of the approved project or because of its impact on the Town. If the Board determines that such consultant services are required, the Applicant shall pay a Construction Services fee prior to the Board’s endorsement of the plan. See s. 209 – 1. C. of these *Rules and Regulations*.

- B. *Occupancy Permit* - See Section 3.5.2 of the *Zoning Bylaw*.

- C. *Performance Security*

- 1) If a Developer seeks an occupancy permit before completion of the approved site improvements, the Developer may request that the Board accept a deposit of funds or other form of security acceptable to the Board and the Treasurer/Collector sufficient to assure the satisfactory completion of site improvements, landscaping and amenities, and all off-site mitigation measures as shown on the approved plan. Whether to accept such security in lieu of completion of the project shall be determined by the Board in its sole discretion.
- 2) The Board shall determine a reasonable and sufficient amount to cover the Town’s cost to complete the work if the Developer fails to do so. The Town’s Consulting Engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The estimate shall also include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Developer fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount. A performance security agreement shall be executed by the Developer, the Board, and the surety.

**s. 208 – 6 Project Completion**



- A. *Construction Deadline* - Site plan approval shall lapse after two years of the grant thereof, which shall not include such time required to pursue or await the determination of an appeal under s. 204-9 or s. 205-9 of these *Rules and Regulations*, if construction has not commenced except for good cause. Upon receipt of a written request by the Developer filed at least thirty days prior to the date of expiration, the Board shall consider the request at a public meeting and may grant an extension for good cause. Such extension shall not exceed two years beyond the original expiration date of the site plan approval.
- B. *As-Built Plans*
- 1) Developers of *Major and Minor Site Plan Projects* shall provide an as-built plan stamped by a Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, which shall show actual as-built locations and conditions and any plan modifications authorized by the Board. See Section 6.7 of the *Medway Subdivision Rules and Regulations* for as-built plan requirements. The as-built plan shall be accompanied by a certification from a Registered Professional Engineer that the site has been developed in substantial conformance with the approved site plan.
  - 2) Developers of Administrative Site Plan Projects shall provide an as-built plan showing the as-built locations of the constructed site work.
- C. *Certificate of Site Plan Completion: Major and Minor Site Plan Projects*
- 1) Before the Board issues a *Certificate of Site Plan Completion*, the following items must be completed or provided to the satisfaction of the Board:
    - a) Receipts to document cleaning of the stormwater system
    - b) A signed statement from the Developer and/or Owner committing to the ongoing maintenance of the stormwater management facilities per the Post Construction Stormwater Management Plan and replacement of landscaping.
    - c) Removal of erosion controls
    - d) Full stabilization of the site
    - e) Off-site improvements
  - 2) Upon completion of all required improvements as shown on the approved Site Plan, including any off-site mitigation measures, the Developer's engineer shall submit a letter verifying completion to the Board. The letter shall certify that the project, as constructed, substantially conforms to the approved site plan and that any provisions of the *Decision* including construction of any required on and off-site improvements have been completed.
  - 3) The Board's Agent ~~or a Board member~~ shall conduct a final inspection of the site within thirty days of the filing of the Developer's engineer's letter with the Board and provide a written report and punch list to the Board and Developer identifying any remaining work to be completed.
  - 4) The Board shall determine if all work has been completed in substantial conformance with the Site Plan approval. The Board may consult with its Consulting Engineer, the Conservation Commission, Department of Public

Works, Building Commissioner, Treasurer/Collector and other Town boards, committees, and departments to help it determine whether the project is complete and all obligations to the Town are fulfilled including payment of taxes and fees. If so, the Board, at its next regularly scheduled meeting, shall sign a *Certificate of Site Plan Completion* to document that the project as constructed has been completed, in its opinion, in conformance with the approved site plan and any conditions, including construction of any required on and off-site improvements. If a *Certificate of Site Plan Completion* is not signed, a complete list of work to be completed on or off-site in compliance with the approved site plan and *Decision* shall be provided to the Developer.

D. *Certificate of Site Plan Completion: Administrative Site Plan Projects*

- 1) Upon completion of all required improvements as shown on the approved Site Plan, the Developer shall contact the Community and Economic Development office to request a *Certificate of Site Plan Completion*.
- 2) A Team member or the Board's Agent shall inspect the site to determine if the project has been completed in substantial conformance with the approved scope of work and all conditions. The Team may consult with other Town boards, committees, and staff to help with its determination. If so, the Team, shall sign a *Certificate of Site Plan Completion*. If not, a complete list of work to be completed in accordance with the approved site plan and *Decision* shall be provided to the Developer.

s. **208 – 7 Post Construction On-Going Maintenance** – The Owner shall maintain site amenities, landscape installations, and stormwater management facilities in good condition throughout the life of the facility and to the same extent as shown on the endorsed site plan and in accordance with the approved long term stormwater operations and maintenance plan including reporting requirements. Failure to carry out the long-term stormwater operations and maintenance plan is a violation of the site plan permit. Trees, shrubs, bushes, and other landscape features shown on the plan which die or become diseased shall be replaced by the following planting season.

## ARTICLE IX FEES

s. **209 – 1 Fee Structure** – The Board shall adopt a *Fee Schedule*, which shall specify the amount of filing and other applicable fees.

A. *Site Plan Filing Fee* - A non-refundable *Site Plan Filing Fee* as specified in the Board's *Fee Schedule* shall be remitted to the Board at the time the site plan application is filed with the Board.

B. *Site Plan Review Fee*

- 1) *Applicability* – A *Site Plan Review Fee* shall be established by the Board or the Team for review of the site plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred to retain outside consultant(s) to assist in the review of the proposed project. The *Site Plan Review Fee* shall not be a fixed amount but will vary depending on the nature and scale of the project and the expected costs to be incurred. See the Board's *Fee Schedule*.

- 2) *Fee Payment* - The Applicant shall remit a deposit toward the *Site Plan Review Fee* at the time the site plan application is submitted pursuant to the Board's *Fee Schedule*. The balance shall be remitted by the Applicant upon receipt of an invoice from the Board or the Department of Community and Economic Development prior to the substantive review of the application by the outside consultants, and before the public hearing or meeting commences. Failure to pay the full *Site Plan Review Fee* before the public hearing or meeting begins may delay the public review process and constitute grounds for denial of the proposed site plan.
- 3) *Additional Review Fees* – If the expense of the consultant(s)' review of the site plan exceeds the original estimate or if the services of additional outside consultants be required after the initial *Site Plan Review Fee* has been expended, the Applicant shall be required to pay all additional fees incurred to cover the cost of additional reviews. A new estimate for additional plan review services shall be prepared and remitted to the Applicant. The Applicant's failure to pay plan review fees in their entirety shall constitute grounds for the Board or the Team to deny approval and endorsement of the plan.

C. *Construction Services Fee*

- 1) *Applicability* – The Board may establish a *Construction Services Fee* for the reasonable costs to be incurred by the Board to retain outside consultant(s) to assist in the inspection of the construction and on-going maintenance of the development's infrastructure and the review of any legal documents associated with performance security and project completion. The *Construction Services Fee* shall not be a fixed amount but will vary with the scale of the project and the expected costs to be incurred by the Board.
- 2) *Fee Payment* - The Applicant shall remit the *Construction Services Fee* to the Board before the site plan is endorsed. Failure to pay the *Construction Services Fee* shall constitute grounds for the Board to not endorse the site plan.
- 3) *Additional Fees* – If the expense of the consultant(s)' services exceed the original estimate, or if the services of additional outside consultants be required after the initial *Construction Services Fee* has been expended, the Developer shall be required to pay all additional fees incurred to cover the additional cost. The Board shall prepare a new estimate for additional construction services and remit an invoice to the Developer for payment.

D. *Other Costs and Expenses* - All expenses for professional plan reviews, ancillary report reviews, supplemental studies, advertising, publication of notices, and all other expenses in connection with Site Plan Review and construction including plan or decision modification fees shall be borne by the Applicant and/or Developer.

s. **209 – 2** *Payment of Fees*

- A. Fees paid shall be by check made payable to the **Town of Medway** and submitted to the Planning and Economic Development office.
- B. When the *Site Plan Review Fee* and *Construction Services Fee* are received by the Board or the Team pursuant to this section, they shall be deposited with the Town

Treasurer/Collector in special accounts for these purposes established pursuant to G. L. c. 44, Section 53G. Expenditures from the special account may be made without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific project or projects for which a fee has been or will be collected. Accrued interest may also be spent for this purpose.

- C At the completion of the project, any excess amount in the plan review and construction accounts, including interest, attributable to a specific project shall be repaid to the Applicant or Developer or their successor in interest. Upon request, a final report of said account shall be made available. For the purpose of these *Rules and Regulations*, any person or entity claiming to be the Applicant's successor in interest shall provide the Board or the Team with documentation establishing such succession in interest.

\*\*\*\*\*

These *Site Plan Rules and Regulations* were adopted by a [majority](#) vote of the Medway Planning and Economic Development Board following proper legal notice published twice in the *Milford Daily News* and a copy thereof filed with the Town Clerk. These amended *Rules and Regulations* take effect on the date of the filing of the approved document with the Town Clerk.

**Originally adopted:** April 14, 1998  
**Amended:** April 25, 2000  
**Amended:** March 13, 2001  
**Amended:** November 1, 2001  
**Amended:** July 9, 2002  
**Amended:** December 3, 2002  
**Amended:** October 8, 2019  
**Amended:** \_\_\_\_\_

**Attest:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

\_\_\_\_\_  
Date



## **Medway Planning and Economic Development Board Rules & Regulations for Submission, Review and Approval of Site Plans**

### **APPENDIX A – Low Impact Development Resources**

<https://www.mass.gov/low-impact-development>

<https://www.mass.gov/service-details/smart-growth-smart-energy-toolkit-modules-low-impact-development-lid>

<https://www.mapc.org/resource-library/low-impact-development-toolkit/>

<http://www.lid-stormwater.net/background.htm>

<https://www.massaudubon.org/our-conservation-work/advocacy/shaping-the-future-of-your-community/saving-land-water-money-with-lid>

<https://lowimpactdevelopment.org/>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/BMPRetrofit.pdf>

<https://www.mass.gov/files/documents/2017/11/03/Low%20Impact%20Development%20%28LID%29%20for%20developers.pdf>

<https://www.wbdg.org/resources/low-impact-development-technologies>

<https://www.epa.gov/sites/production/files/2015-09/documents/bbfs3cost.pdf>