

**Tuesday, January 26, 2021
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

REMOTE MEETING VIA ZOOM

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot
Attendance	X Remote	X Remote	X Remote	X Remote	X Remote	X Remote

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather inside in one place, no in-person attendance will be permitted at this meeting. Board members will attend the meeting via ZOOM. Meeting access for the public is also provided via ZOOM for the required opportunity for public participation in a public hearing. Information for participating via ZOOM is included at the end of this Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.

PRESENT VIA ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary
- Steve Bouley, Tetra Tech
- Barbara Saint Andre

PUBLIC COMMENTS:

- There were no public comments

PUBLIC BRIEFING - 149A Holliston Street Preliminary Subdivision Plan:

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

- Public Briefing Notice
- Preliminary Subdivision Plan Application
- Preliminary Subdivision Plan dated December 14, 2020 by Land Planning, Inc.
- Development Impact Report
- Susy Affleck-Childs plan review comments dated January 21, 2021
- Comment letter dated January 15, 2021 from abutter Michael Brady at 153 Holliston Street

The Board was informed that the preliminary subdivision plan was submitted by property owner/applicant Jainesio Ramos. The applicant's representative, Bill Halsing of Land Planning, used the ZOOM Share Screen feature to describe the project. He showed sheet 2 of the plan. This will be a private way subdivision. The plan shows an approximately 200' extension and realignment of the existing 12' driveway to a total length of 505 feet to be named Favor Road. It

will function as permanent private way with frontage for 3 house lots, including the existing house located on the property, and a drainage parcel. The extension portion of the roadway is proposed for 18' in width. The 12' width of the existing "driveway" would be maintained so as to not impact adjacent wetlands and vernal pool areas. The plan was prepared by Land Planning, Inc. of Bellingham, MA and is dated December 14, 2020. The site is 12.5 acres and includes 11.8 of forested land and 7.3 acres of wetlands. It is located in the AR-1 zoning district. The applicant intends to request two waivers from the *Subdivision Rules and Regulations*. One waiver request will to allow the existing driveway to remain at its current 12' width instead of widening it to the standard 18' width for a permanent private way. The other waiver request will be to not require 470' of the roadway to have Cape Cod berm. It was noted that the Conservation Commission will be handling the review of the proposed stormwater system.

There was discussion that this is an odd-shaped lot. The property is the result of an ANR plan approved in 1975 which created 2 buildable lots with Holliston Street frontage and a large left over parcel with 90' of frontage on Holliston Street. There is research underway to determine if a frontage variance was granted by the ZBA in 1975 to allow construction of the existing house on the property. Consultant Steve Bouley suggested that there be a gravel driveway to eliminate or reduce the amount of impervious surface. There should be swales and country drainage or rain gardens to limit the scale of the drainage parcel at the end of the roadway. There was a comment to move the new houses back to the setback line to limit the disturbance in the yards. There is concern about runoff with the gravel. The profile of the road is generally flat so this should not be a concern.

Mr. Ramos was present and asked if the Board would change its view if there were less homes. He also asked if the Board's opinion would change if the driveway width changed. It was noted that each house lot needs 180 feet of frontage. The Board is uncomfortable with the 12' width of the first portion of the road. Susy Affleck-Childs will go back and check on past practices for private way subdivisions. Andy Rodenhiser reported that he had talked with Fire Chief Jeff Lynch. Chief Lynch will provide comments and apologized for not submitting them for the meeting.

Abutter, Michael Brady was present via ZOOM and asked about the roadway width of 18 ft. He wanted clarification if this is for the whole road. Susy noted that the applicant is asking for a waiver on the width only for that portion presently comprising the 12' driveway.

There were no other comments from public. The applicant thanked the Board for their time.

MEDWAY PLACE Site Plan – Public Hearing Continuation:

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

- Public hearing continuation notice dated November 30, 2020 to continue the public hearing to January 26, 2021.
- Email dated January 11, 2021 from Attorney Gareth Orsmond on behalf of the applicant requesting continuation of the public hearing to the February 23, 2021 PEDB meeting.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by roll call to continue the hearing to February 23, 2021.

Roll Call Vote:

Matthew Hayes	aye
Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

The Board would like the applicant to come in next time if they want to continue the hearing again. The Board discussed that there needs to be consistency with all applicants who are continuing with six months of continuation and three months after that. A policy will be written up and adopted at a future meeting.

HARMONY VILLAGE - CONSTRUCTION SERVICES ESTIMATE:

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

- Tetra Tech construction services estimate dated 12-22-20 for the Harmony Village multi-family development at 218-220 Main Street.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by roll call to approve the Tetra Tech construction estimate for Harmony Village for \$19,326.00

Roll Call Vote:

Matthew Hayes	aye
Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

EVERGREEN VILLAGE FIELD CHANGE:

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

- Memo dated January 21, 2021 from Susy Affleck-Childs describing the field change circumstances and proposed supplemental landscaping.

Developer Maria Varrichione was present via ZOOM for the discussion. As the site prep work was being done, a 32-inch tree had to be removed which had previously been specified for preservation. The root of that tree was going to interfere with stormwater drainage. This was determined by Consultant Bouley and the Conservation Agent. The Evergreen special permit specifies how to handle mitigation for tree removal. The memo from Susy Affleck-Childs includes the details of the tree replacement formula and the resulting requirements. There is a proposal from the Permittee to add 14 trees and 12 shrubs. The landscape architect does not recommend adding anything more to the site. However, the proposal does not fully provide the needed amount to offset removal of the 32" tree. The "balance" will be provided via a contribution to the Town's Tree Fund in lieu of tree planting. The recommendation from the Tree Warden is for \$200 per tree per; this amounts to \$9,000 for this site. Susy Affleck-Childs recommended that the funds should be provided with the sale of the 4th house. Ms. Varrichione was agreeable with that.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by roll call to approve the Evergreen Village field change as presented with the requirement that the funds be paid to the Tree Fund with the conveyance of the 4th dwelling unit.

Roll Call Vote:

Matthew Hayes	aye
Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

CONSTRUCTION REPORT:

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

- Choate Trail Report #2 dated January 11, 2021.

Consultant Bouley communicated that a site visit was conducted with Medway Conservation Agent and the site contractor. The limits of tree clearing for the project were reviewed. The contractor flagged all trees.

Member Di Iulio communicated that there was a good amount of mud on Village Street in front of William Wallace Village. Consultant Bouley will investigate this.

ZONING BYLAW ARTICLES:

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

- Revised Accessory Family Dwelling Unit
- Revised Site Plan Review, adding in a new section on Façade Improvements
- Flood Plain
- Environmental Standards
- Cottage Cluster Development

Environmental Standards:

Dan Merriken and Ellen Rosenfeld were present via ZOOM. Member Gay explained that the Board took into consideration the comments shared during the last discussion (in November) and worked to figure out how to further revise the proposed amendments, specifically regarding the noise standards. It is still being discussed. The noise charts were shown and reviewed. What had been one chart was divided into two. The revisions had been provided to Ellen Rosenfeld and Dan Merrikin. Dan Merrikin appreciated the differentiation of receptors. Tom Gay mentioned that a third table will be added to address business to business.

The Board has a February 11, 2021 date for submittal of articles to the Board of Selectmen for the Spring town meeting. The public hearing would be in March 2021. Ellen Rosenfeld reported her noise consultant is fine with what has been provided. She stated that the Board did a great job on the noise bylaw. It has been well done and she will comply. Susy Affleck-Childs communicated that there have been some complaints about odor emanating from the marijuana cultivation facility at 2 Marc Road. Ellen will check into this.

The environmental standards document will be worked on further with Susy and Tom including business to business.

Accessory Dwelling Unit:

Barbara Saint Andre noted that she had reviewed the previous draft with the Zoning Board of Appeals. The only change the ZBA has recommended pertains to the criteria for a separate structure AFDU. The ZBA did not support the criteria regarding the amount of impervious surface, so that has been removed and is not included in the draft before the PEDB. This is what was agreed upon during the last PEDB meeting. Has the living space been defined adequately? It was recommended that “gross floor” exclude the basement for purposes of a detached AFDU. That revision will be made.

Flood Plain:

Barbara Saint Andre explained that the issue with this section of the ZBL is the various requirements for the flood plain regulations. The bylaw needs to be updated to address this and the language needs to be updated as required by the State for property owners to be eligible for flood insurance. The State has provided a model bylaw to use. There are flood plan maps provided by FEMA. There was a question about the term “permitted” and other places within the bylaw where it is used in a different context. This needs to be clarified. Does the term mean by right or special permit? Barbara will go to look at the old model to make sure we are consistent.

Site Plan:

The Board next reviewed revised site plan review language and changes discussed at the last meeting. There had been discussion about whether the existing language that municipal projects are subject to site plan review should be retained. Some Town staff had requested that municipal projects be exempt. The existing language was retained.

The Board had also discussed simplifying the administrative site plan review requirements and modifying which projects trigger that level of review. This draft shows a new section on Façade Improvement Review to be handled by the Design Review Committee with the same process currently used for sign review. This idea will be discussed at the next DRC meeting. Barbara communicated that we need to be sensitive to small businesses who make improvements to have to go through another layer of review. Barbara communicated that for the large projects the owners and developers anticipate a review process but small businesses making small improvements should not have to go through this full process and it holds people up. The Board needs to be aware of this. The town needs to be protected and the board needs to be reasonable.

Cottage Cluster:

The Board next reviewed the Cottage Cluster article. This needs to be further refined. The definition of cottage cluster was updated. The side setback issue will be further worked on. There was language added about the maximum height being 28 ft. The language was changed from “local neighborhood” to “adjacent neighborhood”. There was language added about common driveways, which was moved under cottage cluster standards. There was a question about the parking spaces that it needs to be within 300 ft. The clarification language would be that the parking spaces be “no greater than 300 ft. from an entrance”. The owners are responsible for the various services such as trash and stormwater management. In the multifamily section of the ZBL, where there is a historical home, the applicant needs to go through the procedure for

evaluation of historic merit via the demolition delay bylaw. It was recommended to include that language in these provisions as well.

ZBA PETITION: Signage for Electric Vehicle Charging Stations at Medway Commons

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

- Application from Volta Charging for use variance and variances for signage.

It was explained that 2 electrical vehicle charging stations have been installed at Medway Commons, 65 Main Street, in front of Shaw's. The stations include internally illuminated advertising signage, 9 sq. ft. per side. The stations have been stalled. The Town issued enforcement as the signs are not permitted. Volta Charging has submitted an application to the ZBA for a use variance for the vehicle charging stations and variances to allow signage on them. This is before the ZBA on February 3rd. The DRC will also review this at its next meeting. Susy Affleck-Childs noted that this form of signage is not authorized in the bylaw. This is essentially a small billboard. The complaint was that they did not go through the sign permit process. There is a concern that these were installed with only an electrical permit. There needs to be some rules about these type of signs in the parking and zoning regulations. The Board discussed the issue. Members are supportive of electric vehicle charging stations but not comfortable with allowing this extent of signage. The Board asked Susy to prepare a letter to the ZBA recommending against the variance requests.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to have a letter of opposition sent to the Zoning Board of Appeals.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

PEDB MEETING MINUTES:

January 12, 2021 PEDB Meeting: (See Attached)

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the PEDB meeting minutes of January 12, 2021.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

OTHER BUSINESS:

- The Master Plan proposals are due February 4, 2021.

- Administrative Site Plan application for a mini modular building at CVS was submitted. This is for COVID testing. This is for a 6-month period.
- Grant Application for the MassTrails grant application is being prepared. It seeks \$96,000 for a loop trail at the Adams Street Conservation Area. This is due at end of week. This will be an ADA compliant trail loop.
- Stefany Ohannessian, Administrative Assistant for the Community and Economic Development Department, will be the new Town Clerk when Mary Jane White retires in March. The job has been posted. There are over 130 applications. Interviews will be next week.
- There was a preconstruction meeting for the 40B apartment development at 39 Main Street.
- Exelon Site Plan Completion will be on the next agenda.
- Chairman Rodenhiser noted that the Town received a letter from the Norfolk Registry of Deeds indicating that real estate transactions in Medway during 2020 generated over \$155,000.00 for CPA. This is the amount which goes to the State and is reallocated out to the communities, like Medway, who are CPA communities.

FUTURE MEETING:

- Tuesday, February 9, 2020

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to adjourn the meeting.

Roll Call Vote:

Andy Rodenhiser	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

The meeting was adjourned at 10:15 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



January 26, 2021
Medway Planning & Economic Development Board
Meeting

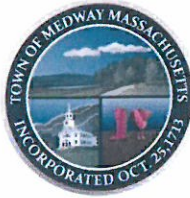
Public Briefing – Favor Road Preliminary
Subdivision Plan

UPDATED

- Public Briefing Notice
- Preliminary Subdivision Plan application
- Preliminary Subdivision Plan dated December 14, 2020 by Land Planning, Inc.
- Development Impact Report
- SAC review comments dated January 21, 2021
- Comment letter dated January 15, 2021 from abutter Michael Brady at 153 Holliston Street
- **Review comments dated January 26, 2021 from Conservation Agent Bridget Graziano**

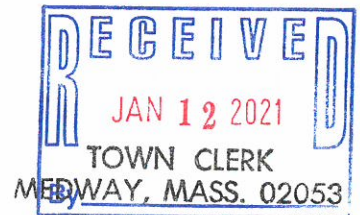
Board Members

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



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

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



PUBLIC BRIEFING NOTICE

Favor Road Preliminary Subdivision Plan – 149A Holliston Street
Tuesday, January 26, 2021

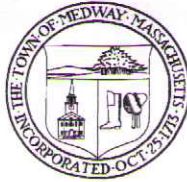
The Medway Planning & Economic Development Board has received an application from Jainesio Ramos, Jr. of Medway, MA for approval of a ***preliminary subdivision plan for a proposed 3 lot residential subdivision at 149A Holliston Street.*** Owned by Jainesio Ramos, Jr. the 12.5 acre site (*Medway Assessors Map 15, Parcel 004*) is located on the west side of Holliston Street in the Agricultural Residential I zoning district. The *Favor Road Preliminary Subdivision Plan* is dated December 14, 2020 and was prepared by Land Planning, Inc. of Bellingham, MA.

The plan shows the division of the subject property into three residential lots and one drainage parcel, all with frontage on the proposed permanent private way to be known as Favor Road, an approximately 505' long, permanent private roadway. The existing house at 149A Holliston Street will be incorporated into the 3 lot subdivision. Private water wells and septic service will be constructed. The property is heavily wooded and includes wetland resources and a vernal pool under the jurisdiction of the Conservation Commission.

The applicant and their representative will present the proposed Favor Road Preliminary Subdivision Plan to the Medway Planning and Economic Development Board on Tuesday evening, January 26, 2021 at 7:00 p.m. via a remote meeting on the ZOOM online meeting platform. The application, development impact report, and preliminary subdivision plan are on file with the ***Medway Town Clerk and at the Planning and Economic Development office at Medway Town Hall***, 155 Village Street, Medway, MA and may be inspected during regular office hours on Mondays from 7:30 a.m. to 5:30 p.m., Tuesday - Thursday from 7:30 a.m. to 4:30 p.m. and Fridays from 7:30 a.m. to 12:30 p.m. Face coverings are required to enter Town Hall. The plan and associated documents have also been posted to the Board's web page at:
<http://www.townofmedway.org/planning-economic-development-board/pages/recent-development-applications>.

Written comments may be forwarded to the Board at the above address or emailed to us at:
planningboard@townofmedway.org. Board members will review all submitted correspondence.

If you have any questions regarding this matter, please contact Medway Planning & Economic Development Coordinator Susan Affleck-Childs at 508-533-3291.



Planning & Economic Development Board - Town of Medway, MA
LAND SUBDIVISION – FORM B

Application for Approval of a Preliminary Subdivision Plan

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Subdivision Rules and Regulations.

Applying for a Preliminary Subdivision Plan is optional for residential subdivisions.

It is required for non-residential subdivisions.

The Town's Planning Consultant will review the Application and Preliminary Subdivision Plan and provide a recommendation to the Planning and Economic Development Board.

A copy of that review letter will be provided to you in advance of the meeting.

You or your duly authorized Agent/Official Representative is expected to attend the Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.

You should also consult with your Attorney regarding the Review of the Preliminary Plan.

_____, 20____

PRELIMINARY SUBDIVISION PLAN INFORMATION

Plan Title: Favor Road Subdivision

Plan Date: December 14, 2020

Prepared by:

Name: Norman G. Hill, PE; William Halsing, PLS

Firm: Land Planning, Inc.

Phone #: 508-966-4130

Email: Bellingham@landplanninginc.com

PROPERTY INFORMATION

Location Address: 149A Holliston Street

The land shown on the plan is shown on Medway Assessor's Map # 15 as Parcel # 004

Total Acreage of Land to be Divided: 12.5 acres

General Description of Property: mostly unimproved land with one existing dwelling

Medway Zoning District Classification: Agricultural-Residential-1

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

Yes ☒ No If yes, please name street: _____

Wetlands

Is any portion of the property within a Wetland Resource Area? x Yes No

Groundwater Protection

Is any portion of the property within a Groundwater Protection District? Yes ☒ No

Flood Plain

Is any portion of the property within a Flood Plain? x Yes No

The owner's title to the land that is the subject matter of this application is derived under deed from: Karlis Pakulis to Jainesio Ramos, Jr.

dated 5/5/2016 and recorded in Norfolk County Registry of Deeds, Book 34100
Page 453 or Land Court Certificate of Title Number _____

Land Court Case Number _____, registered in the Norfolk County Land Registry District
Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: Jainesio Ramos, Jr.

Mailing Address: 149A Holliston Street

Medway, MA

Name of Primary Contact: same as applicant

Telephone:

Office: 617-315-5204 Cell: 617-315-5204

Email address: prjuniorramos@gmail.com

 Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

PROPOSED SUBDIVISION INFORMATION

Subdivision Name: Favor Road Subdivision

This is a: x Residential Subdivision Non-Residential Subdivision

The plan shows the division of land into 3 building lots numbered 1, 2, 3 and
1 (stormwater lot) parcels not intended for building thereon.

The plan shows the following **existing** ways that are being proposed as lot frontage:

_____ as frontage for lot(s) _____
_____ as frontage for lot(s) _____

The plan shows the following **proposed new** ways that are being proposed as lot frontage:

Favor Road as frontage for lot(s) 1, 2, 3
_____ as frontage for lot(s) _____

_____ as frontage for lot(s) _____

Total Length of Proposed New Roadway(s) 500'

Are the new roads proposed to be public or private ways?

_____ Public x Private

Proposed Utilities:

_____ Town Water x Well

_____ Town Sewer x Septic

PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: same as applicant

Mailing Address: _____

Primary Contact: _____

Telephone:
Office: _____ Cell: _____

Email address: _____

CONSULTANT INFORMATION

ENGINEER: Land Planning, Inc.

Address: 167 Hartford Avenue, Bellingham, MA 02019

Primary Contact: William Halsing

Telephone:
Office: 508-966-4130 Cell: _____

Email address: Bellingham@landplanninginc.com

Registered P.E. License #: 31887

SURVEYOR: Land Planning, Inc.

Address: 167 Hartford Avenue, Bellingham, MA 02019

Primary Contact: William Halsing

Telephone:
Office: 508-966-4130 Cell: _____

Email Address: Bellingham@landplanninginc.com

Registered P.L.S. License #: 45274

DESIGNATED REPRESENTATIVE INFORMATION

Name: Land Planning, Inc.

Address: 167 Hartford Avenue, Bellingham, MA 02019

Primary Contact: William Halsing

Telephone: _____
Office: 508-966-4130 Cell: _____

Email address: Bellingham@landplanninginc.com

SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81L for approval of a Preliminary Subdivision Plan, herewith submits this application and Preliminary Subdivision Plan to the Medway Planning and Economic Development Board for review.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize William Halsing (Land Planning, Inc.) to serve as my Agent/Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Preliminary Subdivision Plan application.)

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Open Space and Design Review Committees to access the site during the plan review process.



Signature of Property Owner

12/18/20

Date

Signature of Applicant (if other than Property Owner)

Date

Signature of Agent/Official Representative

Date

PRELIMINARY SUBDIVISION PLAN FEES

Preliminary Subdivision Plan Filing Fee -
\$750 Advance on Plan Review Fee - \$750

Submit 2 separate checks each made payable to: Town of
Medway

**PRELIMINARY SUBDIVISION
PLAN APPLICATION
CHECKLIST**

- ☒ Two (2) original Preliminary Subdivision Plan applications (Form B)
- ☒ Two (2) full size copies of the Preliminary Subdivision Plan prepared in accordance with Section 5.6 and 5.7 of the *Medway Subdivision Rules and Regulations*
- ☐ Electronic Version of the Preliminary Subdivision Plan – Provide a flash drive or email plan to the PEDB office
- ☒ Certified Abutters List from the Medway Assessor's office – for 300 feet around the subject property
- ☒ Development Impact Report – Form F
- ☒ Preliminary list of expected Waiver Requests from the *Medway Subdivision Rules and Regulations*. Reference the specific sections.
- ☒ Preliminary Subdivision Plan Filing Fee (\$750) – Payable to Town of Medway
- ☒ Advance on Plan Review Fee (\$750) – Payable to Town of Medway

JAINESIO RAMOS-JUNIOR
149A HOLLISTON ST
MEDWAY, MA 020532412

1052

53-7353/2113

Dec. 18, 2020
Date

CHECK ARMOR
FRAUD PROTECTION

Pay to the
Order of Town of Medway \$750 ^{no}/₁₀₀
Seven hundred fifty and no/₁₀₀ Dollars

Photo
Safe
Deposit
Details on back

NB Needham Bank

For

⑆211373539⑆ 591069565⑆ 01052

JAINESIO RAMOS-JUNIOR
149A HOLLISTON ST
MEDWAY, MA 020532412

1053

53-7353/2113

Dec. 18, 2020
Date

CHECK ARMOR
FRAUD PROTECTION

Pay to the
Order of Town of Medway \$750 ^{no}/₁₀₀
Seven hundred fifty and no/₁₀₀ Dollars

Photo
Safe
Deposit
Details on back

NB Needham Bank

For

⑆211373539⑆ 591069565⑆ 01053

Preliminary Subdivision Plan

Favor Road Subdivision

(A Private Way)

149A Holliston Street
Medway, Massachusetts
December 14, 2020

Property Data:

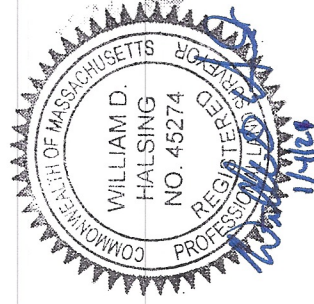
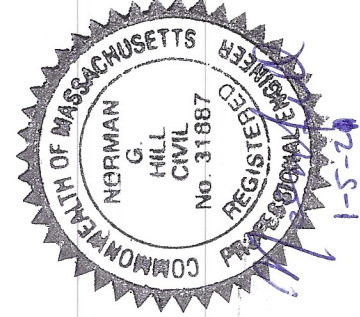
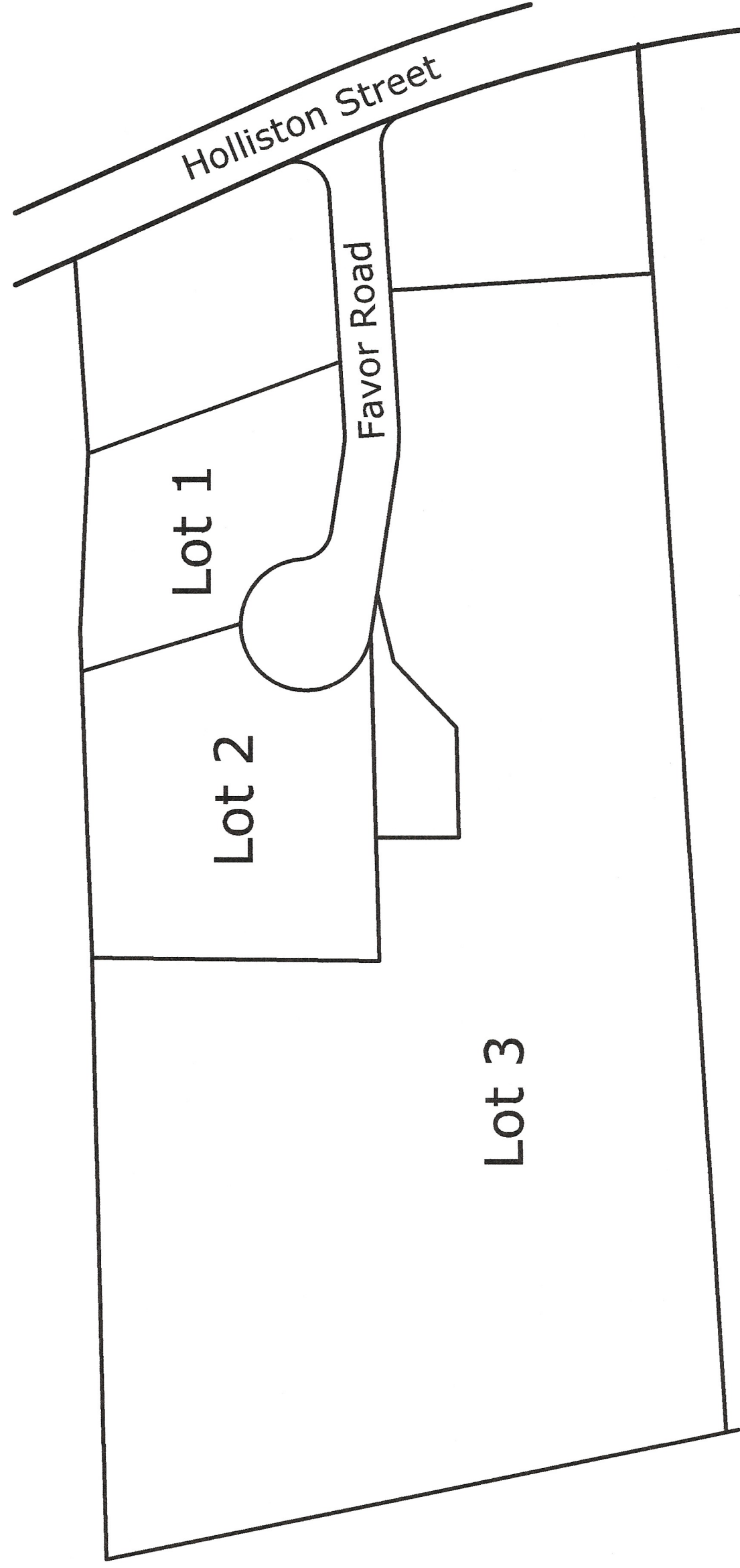
Owner:
Jainesio Ramos, Jr.

Deed Book 34:100 Page 453

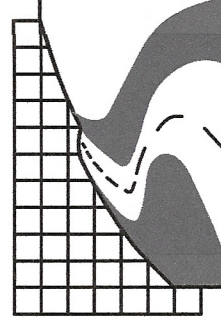
Assessor Map 15 Lot 004

Contents:

1. Cover Sheet
2. Locus Plan
3. Site Plan



REVISIONS			
No.	Date	Design	Checked
1			
2			
3			
4			
5			
6			
Field By:			
Designed By:		WDH	11/20
Drawn By:		WDH	11/20
Checked By:		NGH	11/20



Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

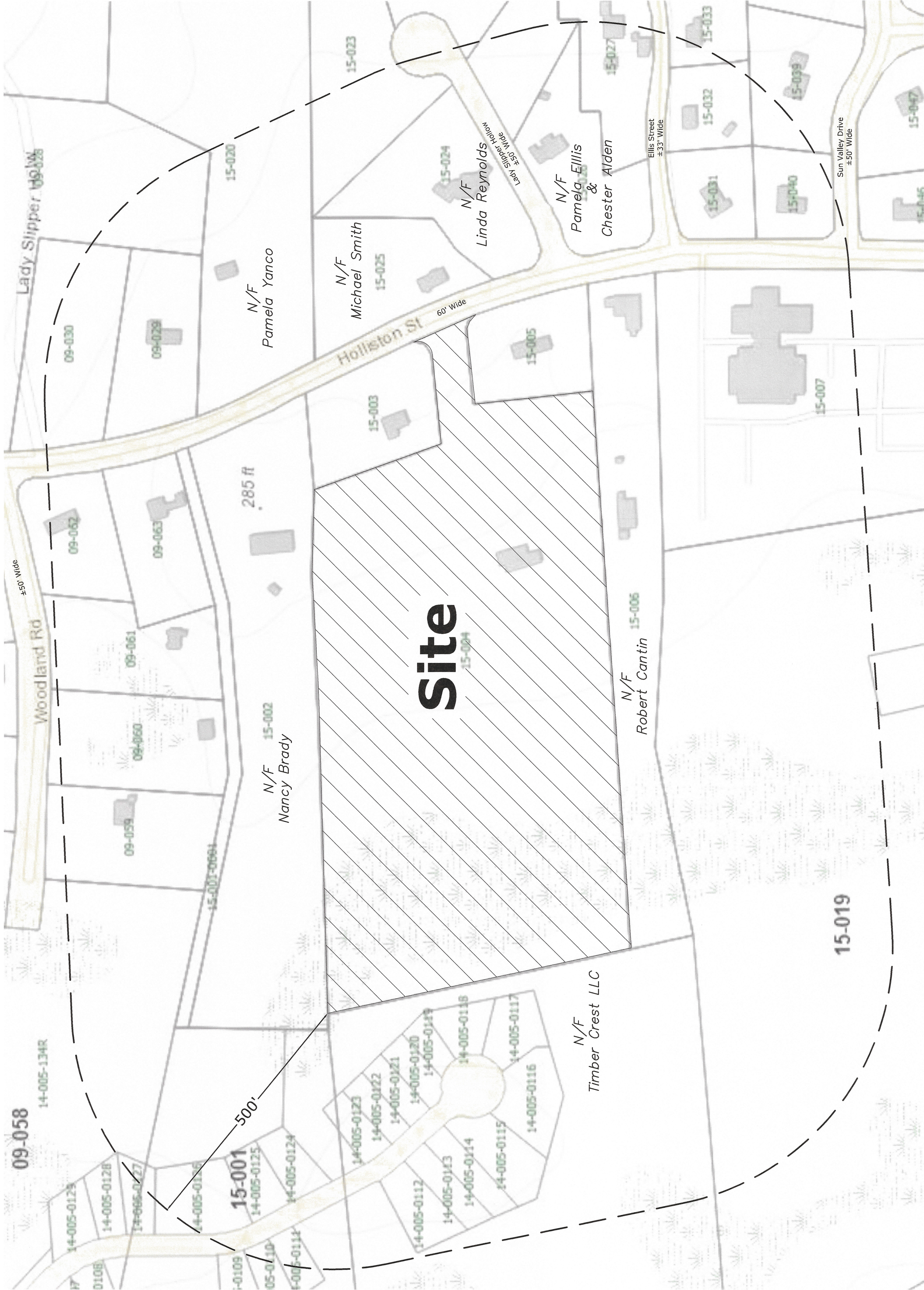
Bellingham
167 Hartford Ave.
Bellingham, MA 02019
508-966-4130

North Grafton
214 Worcester St.
N. Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144

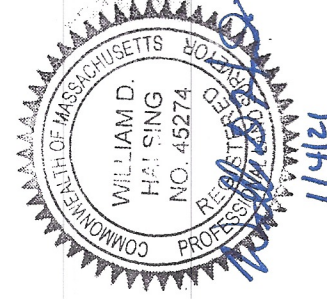
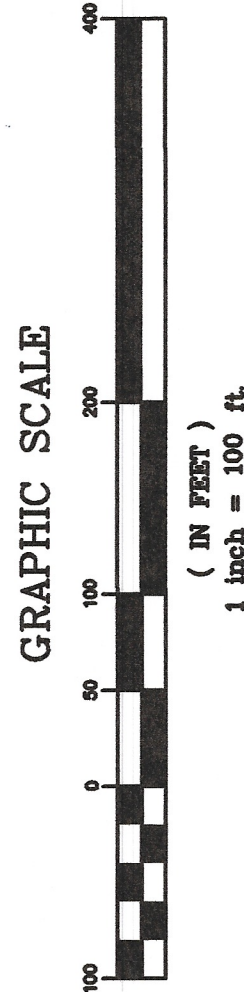
bellingham@landplanninginc.com

Date	Sheet No.
December 14, 2020	1
Job No.	B2340



Located at
149A Holliston Street
Medway, MA

Prepared for
Jainesio Ramos
149A Holliston Street
Medway, MA



REVISIONS			
No.	Date	Design	Checked
1			
2			
3			
4			
5			
6			
Field By:			
Designed By:		WDH	11/20
Drawn By:		WDH	11/20
Checked By:		NGH	11/20



North Grafton
214 Worcester St.
Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144

bellingham@landplanninginc.com

Date _____ Sheet No. _____

2	November 14, 2020
	B2340

ZONING DATA
ZONE: AR-1
MINIMUM REQUIREMENTS
AREA: 44,000 S.F.
FRONTAGE: 180'
FRONT YARD: 35'
SIDE YARD: 15'
REAR YARD: 15'

Lot 1
44,441± s.f.
LSF= 17.6
All upland

Lot 2
72,295± s.f.
LSF= 18.5
49,500± s.f. upland

Lot 3
Remaining Land
431,000± s.f.
LSF= 16.6
126,100± upland

Preliminary list of Waivers Requested:

Planning Board

Section 7.9.7 g) Width of pavement. Request a waiver of width of pavement between station 0+00 and station 4+70. The existing paved travelled way is approximately 12 feet wide. The intent is to have no unnecessary disturbance within the vernal pool resource area.

Section 7.10.2 Berm requirement. Request a waiver of the berm requirement between station 0+00 and station 4+70. The intent is to have no unnecessary disturbance within the vernal pool resource area and not to change existing stormwater runoff patterns.

Conservation Commission

Section 3.02 (3) Allow work within 25 feet of a bordering freshwater wetland

Section 6.03 Allow work within 100 feet of a vernal pool

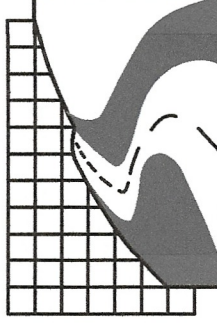
Legend

- Catch Basin
- Drain Manhole
- Sewer Manhole
- Contour Proposed
- Spot Grade Proposed
- Contour Existing
- Spot Grade Existing
- Utility Pole
- Water Gate Valve
- Hydrant
- Bound Found
- Drill Hole Found
- Iron Pin Found
- Proposed Bound
- Soil Test Pit

Notes:

- 8,700± square feet of vernal pool resource area to be altered.
- The existing culvert under the driveway is sufficient to carry a 75,000 pound fire truck
- Stormwater runoff from developed areas to be directed away from vernal pool as much as practicable
- New pavement to be 18 feet wide in roadway
- The existing paved driveway to be used as constructed up to the new pavement area
- No parking allowed on roadway pavement
- Elevations are based upon NAVD88 Datum
- Wetland Resource Areas are subject to an Order of Resource Area Delineation approved on July 29, 2019

Site Plan
Located at
149A Holliston Street
Medway, MA
Prepared for
Jainesio Ramos
149A Holliston Street
Medway, MA



Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

Bellingham
167 Hartford Ave.
Bellingham, MA 02019
508-966-4130

North Grafton
214 Worcester St.
N. Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144

bellingham@landplanninginc.com

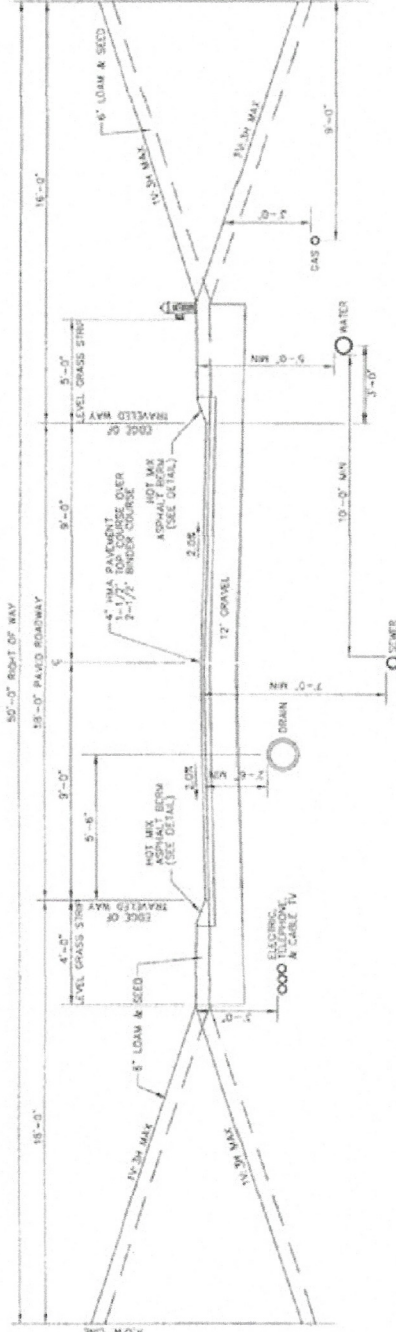
Date: December 14, 2020

Job No. B2340

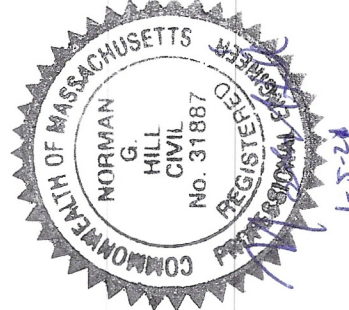
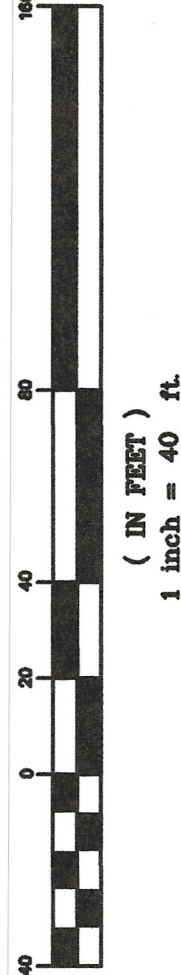
Sheet No. 3

PERMANENT PRIVATE ROADWAY TYPICAL SECTION

For New Section of Road



GRAPHIC SCALE



LAND SUBDIVISION - FORM F

Development Impact Report (DIR) PLANNING BOARD – Town of Medway, MA

OVERVIEW

The DIR is intended to serve as a guide to the applicant in formulating their development proposal, as well as a guide to the Planning Board in evaluating the proposed Subdivision Plan in the context of existing conditions and the Town's planning efforts. The DIR should be prepared as early in the design process as possible, even if certain aspects are unknown at that time.

The DIR seeks to raise the broad range of issues generally association with a subdivision development plan in a form and in language that is understandable to the layperson. The DIR shall identify and assess development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will help the Town plan ahead to provide adequate services in the future.

The DIR shall be filed with an application for approval of a Preliminary and a Definitive Subdivision Plan. It shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment of the surrounding area. In preparing the DIR, a systematic interdisciplinary approach shall be utilized to include professionals in the natural and social sciences and environmental design arts.

Date

1. Name of Proposed Subdivision: Favor Road Subdivision
2. Location: 149A Holliston Street
3. Name of Applicant (s): Jainesio Ramos, Jr.
4. Brief Description of the Proposed Project: A private way subdivision that will contain an existing dwelling and two proposed dwellings

5. Name of Individual Preparing this DIR William Halsing-Land Planning, Inc.

Address: 167 Hartford Avenue, Bellingham Phone: 508-966-4130

Professional Credentials: Professional Land Surveyor, Soil Evaluator

SITE DESCRIPTION6. Total Site Acreage: 12.5 acres

Approximate Acreage	At Present	After Completion
Meadow/brushland (<i>non-agricultural</i>)	-	-
Forested	11.8 ac	10.3 ac
Agricultural (<i>includes orchards, croplands, pasture</i>)	-	-
Wetlands	7.3 ac	7.3 ac
Water Surface Area	-	-
Flood Plain	4.3 ac	4.3 ac
Unvegetated (<i>rock, earth or fill</i>)	-	-
Roads, buildings and other impervious surfaces	0.25 ac	0.51 ac
Other (<i>indicate type</i>)	-	-
TOTAL		

7. Present permitted and actual land use by percentage of the site.

Uses	Percentage
Industrial	-
Commercial	-
Residential	6%
Forest	94%
Agricultural	
Other (specify)	

8. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *NOTE – Be sure to include overlay zoning districts.*

Zoning District	Percentage
Agricultural-Residential - 1	100%

9. Predominant soil type(s) on the site: Fine sandy loam**Soil Drainage***(Use the U.S. Soil Conservation Service's definition)*

Soil Type	% of Site
Well drained	
Moderately well drained	100%
Poorly drained	

10. Are there any bedrock outcroppings on the site? ☐ Yes ☒ No

If yes, specify: _____

11. Approximate percentage of proposed site with slopes between:

Slope	% of Site
0 – 10%	98%
10 – 15%	2%
Greater than 15%	-

12. In which of the Groundwater Protection Districts is the site located?

Zone(s) none

Proximity to a public well: >5000' feet

13. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (*Consult the Massachusetts Heritage Program and the Medway Conservation Commission for information.*) ☐ Yes ☒ No

If yes, specify: _____

14. Are there any unusual site features such as trees larger than 30 inches, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges?

☐ Yes ☒ No

If yes, specify: _____

15. Are there any established foot paths running through the site or railroad right of ways? ☐ Yes ☒ No

If yes, please specify: _____

16. Is the site presently used by the community as an open space or recreation area? ☐ Yes ☒ No

If yes, please specify: _____

17. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? ☐ Yes ☒ No

If yes, please specify: _____

18. Are there wetlands, lakes, pond, streams or rivers within or contiguous to the site? ☒ Yes ☐ No

If yes, please specify: there are 2 wetland areas and one vernal pool on the site

19. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? ☐ Yes ☒ No

If yes, please specify: _____

20. Has the site ever been used for the disposal of hazardous waste? Has a 21E study been conducted for the site? ☐ Yes ☒ No

If yes, please specify: _____

21. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? ☐ Yes ☒ No

If yes, please specify: _____

22. Does the project location contain any buildings or sites of historic or archaeological significance? (Consult with the Medway Historical Commission) ☐ Yes ☒ No

If yes, please describe: _____

23. Is the project contiguous to or does it contain a building located in a national register historic district? ☐ Yes ☒ No

If yes, please describe: _____

CIRCULATION

24. What is the expected average weekday traffic and peak hour volumes to be generated by the proposed subdivision?

Average weekday traffic	<25
Average peak hour volumes – morning	9
Average peak hour volumes - evening	9

25. Existing street(s) providing access to the proposed subdivision:

Please specify: Holliston Street

26. Existing intersection(s) within 1000 feet of any access to the proposed development. Please specify intersection names: 250' to Lady Slipper Hollow; 450' to Ellis Street; 770' to Sun Valley Drive; 900' to Woodland Road

27. Location of existing sidewalks within 1000 feet of the proposed site: corner of Ellis Street and Holliston Street (450'); Woodland Road (900')

28. Location of proposed sidewalks and their connection to existing sidewalks:
no sidewalks are proposed

29. Are there parcels of undeveloped land adjacent to the proposed site:

☐ Yes ☒ No

Will access to these undeveloped parcels be provided from the proposed subdivision?

☐ Yes ☒ No

If yes, please describe:

If no, please explain why: there is no developable land that is accessible from this site

UTILITIES AND MUNICIPAL SERVICES

30. What is the total number of dwelling units proposed? 2 new, 1 existing

31. What is the total number of bedrooms in the proposed subdivision? 12

32. Stormwater Management

A. Describe the nature, location and surface water body receiving current surface water of the site: wooded wetlands on the property

Describe the how the proposed stormwater management system will operate and how the existing stormwater patterns will be altered: The proposed runoff patterns will be similar to that existing. Any increase in stormwater runoff will be mitigated by a stormwater management system

B. Will a NPDS Permit be required? ☒ Yes ☐ No

33. Please estimate the response time of the Fire Department to this site:
(Please consult with the Fire Department): 6 minutes

34. Schools

A. Projected number of new school age children: 6

B. Distance to nearest elementary school: 1 mile

MEASURES TO MITIGATE IMPACTS - Please attach a brief description of the measures that have been taken during subdivision design and will be taken during subdivision construction for each of the following:

- 35. Maximize stormwater infiltration and groundwater recharge --As part of the Stormwater Engineering, infiltration will be provided per regulations
- 36. Prevent surface and groundwater contamination -- By meeting regulations and having adequate offset to groundwater, groundwater will be protected.
- 37. Reduce detrimental impacts to water quality -- see above
- 38. Maintain slope stability and prevent erosion--Slope stability and erosion prevention are an important part of all projects. As part of the final design, slopes will be temporally stabilized during construction with final stabilization being paving or vegetation.
- 39. Conserve energy -- The homes built will meet current energy requirements
- 40. Preserve wetlands -- All efforts to preserve wetlands will take place in the maximum extent practicable. The work within the vernal pool resource area and the 100 foot wetland buffer zone will be minimized (some waivers required from the Planning Board and Conservation Commission).
- 41. Preserve wildlife habitats, outstanding ecological or botanical features -- There are no records of endangered or rare species found on the current "Priority and Estimated Habitat" maps for this site.
- 42. Protect scenic views -- No scenic views were observed at the site.
- 43. Retain natural landscape features -- The natural landscape will be preserved to the greatest extent practicable.
- 44. Design street layouts to facilitate southern orientation of houses -- This is part of the design
- 45. Use curvilinear street patterns -- This is incorporated in the plan as much as reasonable with the environmental constraints of the property.
- 46. Promote pedestrian and bicycle access and safety -- The proposed street will user friendly for pedestrians and bicyclists.
- 47. Reduce the number of mature trees to be removed -- The number of trees to be removed will be minimized
- 48. Provide green belt/buffer areas -- The existing vegetation will be kept along

- the property lines for the new dwellings to the greatest extent practicable.
49. Preserve historically important structures and features on the site – No historically important items were observed in the area of construction.
 50. Retain natural valley flood storage areas – The area of lowest elevation of the property is not proposed to be developed
 51. Minimize the extent of waterways altered or relocated – No waterways are proposed to be relocated
 52. Reduce the volume of cut and fill – This is a positive goal for both the environment and the builder
 53. Minimize the visual prominence of man-made elements even if necessary for safety or orientation – The view from Holliston Street should remain very similar to the preconstruction view. No road work or tree removal is proposed in the first 300 feet of the access road
 54. Minimize municipal maintenance frequency and costs – The proposed subdivision is to be a permanent private way.
 55. Reduce building site frontages or driveway egresses onto primary or secondary streets - The private way addresses this issue

In describing each of the above, please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, please use graphic illustrations. Identify data sources, reference materials and methodology used to determine all conclusions.

Susan E. Affleck-Childs

Planning and Economic
Development Coordinator



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

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

MEMORANDUM

January 21, 2021

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Favor Road Preliminary Subdivision Plan – 149 A Holliston Street

I have reviewed the preliminary subdivision plan submitted by property owner/applicant Jainesio Ramos, Jr. of Medway, MA for 149A Holliston Street. The preliminary plan shows an approximately 200' extension and realignment of the existing 12' driveway to a total length of 505 feet. Favor Road will function as permanent private way with frontage for 3 house lots, including the existing house located on the property (built in 1977), and a drainage parcel. The extension portion of the roadway is proposed for 18' in width. The 12' width of the existing "driveway" would be maintained so as to not impact adjacent wetlands and vernal pool areas. The plan was prepared by Land Planning, Inc. of Bellingham MA and is dated December 14, 2020. The subject site is 12.5 acres and includes 11.8 of forested land and 7.3 acres of wetlands. It is located in the AR-I zoning district.

I have comments as follows:

Zoning

1. The lots shown appear to comply with the *Zoning Bylaw* requirements for minimum lot area, frontage, lot shape factor, and 50% uplands requirements.

Subdivision Rules and Regulations for Preliminary Subdivision Plans

2. Section 4.3.1 - The required submittals (application, preliminary subdivision plan, certified abutters list, and development impact report) have all been provided and the plan has been prepared and stamped by both a Professional Engineer and a Professional Land Surveyor.

3. Section 4.6.1. The name of the proposed subdivision (Favor Road), the boundaries, north arrow, date, scale, lend and title are all included on the plan set.

4. Section 4.6.2. The locus of the land on the plan is provided at a scale of 1" = 100'. Adjacent properties and all property lines of buildings within 500' are also shown on the Locus Plan.

5. Section 4.6.3. The names and addresses of property owner and applicant Jainesio Ramos and the engineer and surveyor from Land Planning, Inc. are shown in the lower right-hand corner of each of the three sheets of the preliminary subdivision plan set.
6. Section 4.6.4. The names of all abutters including those across adjoining ways (Holliston Street) are shown on the Locus Plan.
7. Section 4.6.5. The lines of the existing paved driveway and the proposed lines for its extension and evolution into Favor Road are shown on the Site Plan sheet. The plan depicts the retention of approximately 300' of the 12' wide paved driveway, removal approximately 60' of the existing paved driveway, the addition of approximately 205' of 18' wide paved roadway with a hammerhead turnaround, and paved driveways to the three houses.
8. Section 4.6.6 requires an Existing Conditions Sheet and specifies the items to be included. A separate Existing Conditions sheet has not been provided but considerable site information is shown on the Site Plan sheet of the submittal. Two wetland areas and one vernal pool are marked per a delineation approved by the Conservation Commission in July 2019 including the 25', 50' and 100' buffer zones. The Site Plan sheet shows the location of ten trees however the size of those trees is not specified. Do they a diameter of 1' or greater at 24" above grade? It also is not clear whether those trees are to be retained or removed. The boundary of the flood zone on the property is marked and is located more than 300' west of the planned location of the house on Lot 2. Approximately 120 linear feet of stone wall is shown within the cul-de-sac portion of the Favor Road right of way and the septic systems planned for Lots 1 and 2. Will the stone wall be retained or reconstructed elsewhere on the property.
9. Section 4.6.7. The proposed locations for the septic systems on the Lots 1 and 2 are shown. Is the existing house at 149A (Lot 3) served by sewer or septic? If septic, the location of the existing septic system serving the existing house on Lot #3 is not indicated. Proposed locations for private wells are not indicated. The proposed stormwater management facilities are shown and include a stormwater basin and swale which are to be located on a separate stormwater management parcel.
10. Section 4.6.8. The boundary lines of the proposed lots with calculations for total lot area, upland area and lot shape factors are shown. However, the plan does not indicate lot dimensions or the length of frontage for the 3 lots and drainage parcel on Favor Road.
11. Section 4.6.9. The site plan shows the 60' width of the adjacent Holliston Street. The Locus Plan shows the nearby streets located within 500' of the subject property – Woodland Road, Lady Slipper Hollow, Ellis Street, and Sun Valley Drive.
12. Section 4.6.10. The topography is shown in 2' intervals. The elevations are based on NAV88 datum.
13. Section 4.6.11. The proposed street name is Favor Road. The applicant will need to apply to the Medway Street Naming Committee for to discuss and secure approval of a street name.
14. Section 4.6.12. The boundaries and buffer zones (25', 50' and 100') around two wetland areas and a vernal pool are shown. Those delineations were approved by the Conservation Commission in July 2019 are considered to be valid for three years.

15. Section 4.6.14. The property's zoning classification (AR-I) and the boundaries of the flood plain are indicated on the Site Plan.

16. Section 4.6.15. It is not clear if there are any proposed cuts and fills in excess of 8' or disturbance to slopes of 25% or more.

Waiver Requests

17. The applicant has indicated his intent to apply for two waivers from the *Subdivision Rules and Regulations* at such time as a definitive subdivision plan is filed in the future. One waiver request will pertain to allowing the existing driveway to remain at its current 12' width instead of widening it to the standard 18' width of a permanent private way. The other request pertains to not requiring 470' of the roadway to have Cape Cod berm. The Board should ask the applicant to explain the reasons for the waiver requests. Please be prepared to provide some feedback to the applicant.

Other Matters

18. The Site Plan Notes indicate that 8,700 sq. ft. of vernal pool area will need to be altered. Further, the planned location of the two new houses are both within a 100' wetland buffer area. The project is definitely subject to review and permitting by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit, pursuant to state law and Medway General Bylaws. The Conservation Commission will handle review of the proposed stormwater system. The applicant has not yet filed with Conservation for those permits.

19. The 149A Holliston Street parcel is odd-shaped. It is a result of an ANR plan approved in 1975 which created 2 buildable lots with Holliston Street frontage (149 Holliston and 151 Holliston Street) and the large, left-over parcel with approximately 90' of frontage on Holliston Street. The existing house on 149A Holliston Street was constructed in 1977. Research is underway to locate a frontage variance that would have been granted in 1975-1977 by the ZBA to authorize construction of that house on a lot with less than the required frontage.

20. On January 12, 2021, Town staff were notified about this preliminary subdivision plan and informed of the January 26th date for the public briefing and discussion; review comments were requested. To date, no comments have been provided although I do expect to receive an email from Conservation Agent Bridget Graziano.

January 15, 2021

Town of Medway
Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Re: 149A Holliston Street Public Briefing Notice To Abutters

Hello,

As abutters to 149A Holliston Street, my family at 153 Holliston Street has received a public briefing notice concerning the Favor Road preliminary subdivision plan at 149A Holliston Street. I would like to express my concerns with the design documents and their adherence to Medway's by-laws and regulations as I have reviewed them:

1. Wetlands, Vernal Pools, and Lands Subject to Flooding or Inundation by Ground Water or Surface Water

The site plan, prepared by Land Planning, Inc., notes that (+/-) 8,700 square feet of vernal pool resource area is to be altered. (+/-) 8,700 square feet is a significant amount. Per the Rules and Regulations of the Medway Conservation Commission, "Any alteration of a vernal pool or the 100 foot buffer adjacent to any vernal pool is prohibited". The qualifications for waivers in Section 7, by my interpretation, are not met by any of the documents made available for this subdivision application. The Development Impact Report (DIR), prepared by the Applicant, includes Item 18 which further states that there are an additional two wetlands located on the site, while the site plan shows a stormwater management lot immediately adjacent to an area marked on the plan as wetland. According to Section 21.1 of the Wetlands Bylaw Article XXI 2014, "...no work shall be allowed within 25 feet of wetland resource areas identified in the By-Law (exclusive of the 100 foot buffer zone)". Further, "...no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following areas...", which include freshwater wetlands, vernal pools, lands subject to flooding or inundation by ground water or surface water, and lands within 100 feet of any of the aforementioned resource areas. Item 52 of the DIR states that reducing the volume of cut and fill "...is a positive goal for both the environment and the builder". Having a "positive goal" is optimistic for the builder when (+/-) 8,700 square feet of vernal pool area is at risk of being developed. Wetlands

encompassing surface areas of 5,000 square feet are afforded protection (Wetlands Bylaw Article XXI, Sec. 21.2), it would be prudent to grant the jeopardized (+/-) 8,700 square feet of vernal pool resources a similar protection. Again, the motions stated in the subdivision application do not appear to meet the qualifications required to waive the stipulations of Section 21.1, according to my review. New work in the 25 foot and 100 foot buffer zones includes the construction of an 18 feet wide paved roadway. Impermeable surfaces will contribute to additional runoff. Section 3.02(3) of the Conservation Commission Rules and Regulations, yet again, states that all activity, outside of maintenance of existing structures, within 25 feet of vegetated wetlands is not permitted. The (+/-) 8,700 square feet of vernal pool resources disturbed by this development is too significant in size to have no adverse effect upon the interests of the Conservation Commission. In reference to disturbing vernal pools and wetlands, the existing house and driveway are by now grandfathered in. Constructing two additional houses and an 18 feet wide roadway will needlessly exacerbate the existing conditions when a waiver can be withheld by the Commission.

2. Frontage

The length of the 149A Holliston Street lot adjacent to Holliston Street is well below the minimum 180 feet of frontage required for AR-1 lots as prescribed in Table 2 of the Medway Zoning Bylaw & Map. According to the definition of “Common Driveway” in the same set of regulations, “A privately owned driveway, paved or not, providing vehicular access between two or more buildings and a street...does not serve as legal frontage for a lot”, indicating that the proposed road, whether semantically construed as a private way or driveway is not feasible for the two proposed and one existing house. I could not find legal basis in the Town documents to support the construction of a road and two houses with such egregiously insufficient frontage, such as is possessed by the 149A Holliston Street lot.

3. Road Width

A 12 feet width roadway is very narrow, even with the understanding that the proposed way is a private road. Other private roads in Medway include New City Road, Brookside Road, and Applegate Road, all of which are greater than 18 feet in width and in some cases upwards of 20 feet in width. All are much wider than the proposed 12 feet of Favor Road. Due to its width, the proposed road more closely resembles a common driveway. See the definition and implications of a common driveway in Item 2 of this letter, the most serious of which is that the length of the not-yet-built way cannot serve as legal frontage for any of the proposed lots. Widening the 12 feet section of the way is not feasible, as work within the vernal pool resource area is not permitted in any Town regulation. Transitioning from the 12 feet section to the 18 feet section of the roadway will additionally create a bottle neck condition, with converging traffic posing a risk to pedestrians and bicyclists.

4. Pedestrian and Bicycle Access Safety

As an avid runner and alumni of the MHS track team, I take my life in my hands when I run on the dangerous, sidewalk-less section of Holliston Street between the corner of Ellis and Holliston Streets, and the Holliston town line. This area is the beginning and end of all my runs if I start at the most convenient, and not unreasonable, start point for me: my house at 153 Holliston Street. Item 34A of the DIR projects six school age children may live in the proposed development, but goes on to state in Item 46 that “The proposed street will

be user friendly for pedestrians and bicyclists” when “no sidewalks are proposed” within the subdivision (Item 28). I do not see how pedestrian or bicyclist safety can be promoted if no effort is made to accommodate for their inevitable presence on the roadway. School buses will likely stop at the outlet of the road onto Holliston Street, requiring the projected six school age children to walk down a narrow road (12 feet width to accommodate vehicles and pedestrians) in the dark, early-morning hours. Since the construction of a sidewalk would entail widening the roadway, a particularly difficult maneuver where it disturbs the vernal pool and its respective buffer zones, construction is not likely feasible. Per Section 3.5.4.I.3, with adequate means of pedestrian travel not provided, the Applicant is required to either construct an equivalent length of sidewalk elsewhere in Medway, make a payment in lieu of sidewalk construction to the Town, or a combination of both requirements.

5. Sites of Archaeological Significance

Item 22 of the DIR states that there are no buildings or sites of historic or archaeological significance. This claim is reiterated in Item 49 of the same application: “No historically important items were observed in the area of construction”. The site plan contradicts both arguments. A stone wall is shown between the two septic areas of Lots 1 and 2, and extends into the area specifying new pavement. The first goal in the Goals and Objectives for Land Use in the 2009 Medway Master Plan calls for the preservation of such stone walls. The site plan for this subdivision will lead to the destruction of visual landmarks of Medway’s historic agrarian past.

6. Continuation of Forest and Medway’s Character

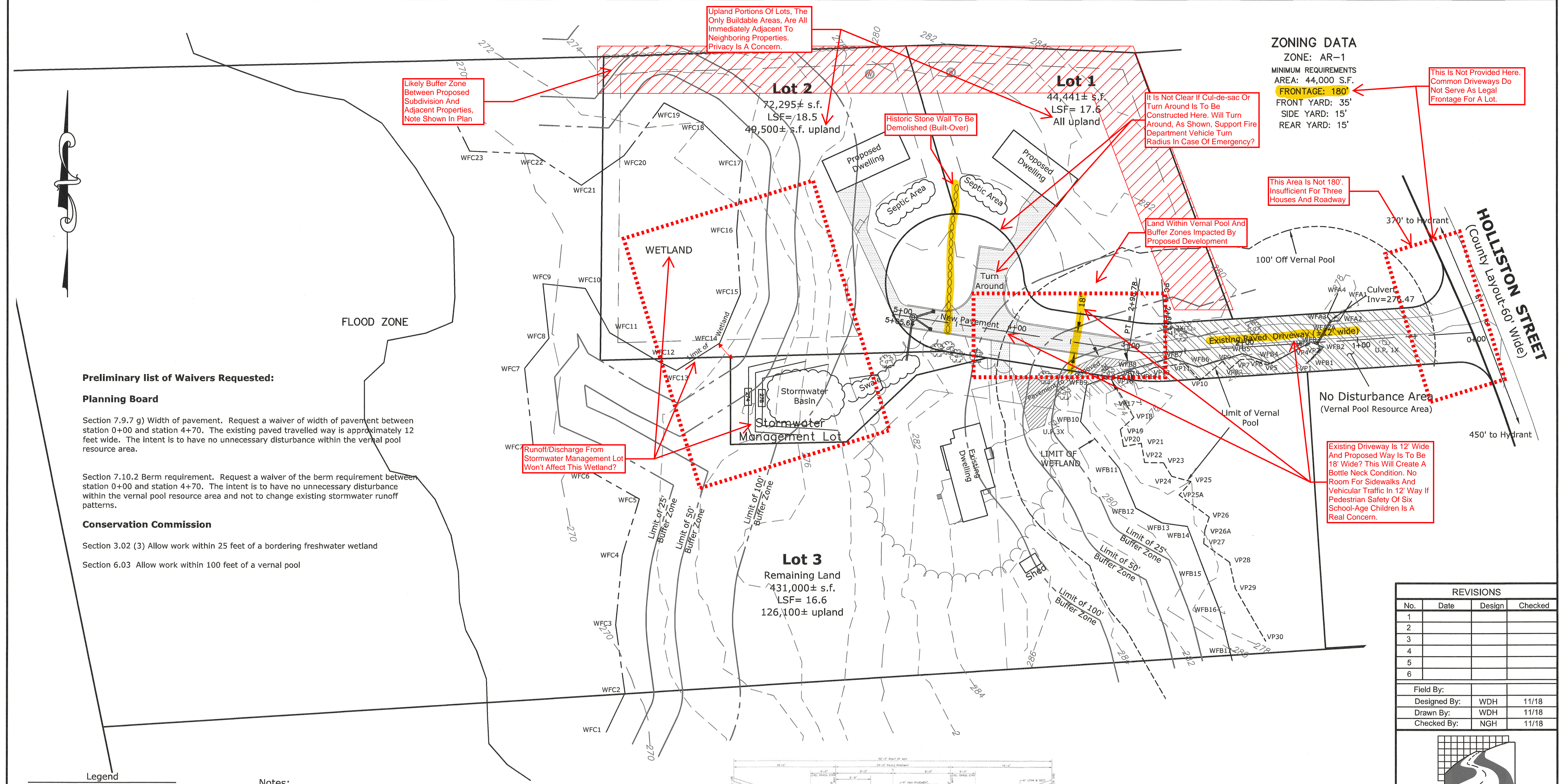
The Applicant’s response to Item 53 of the DIR, in reference to minimizing the visual prominence of man-made elements, expresses concern solely for the potential disturbance observable from Holliston Street. Item 48, the only instance where the privacy of the abutters is addressed, states that existing vegetation along the buffer lines will be maintained to the greatest extent possible. This vague claim is hardly reassuring when the only upland portions of the tracts proposed for development are immediately adjacent to the 151 and 153 Holliston Street properties. Goal 1 of the 2009 Medway Master Plan, referenced in Item 4 of this letter, expresses the Town’s interest in preserving the continuation of forest land to maintain the present rural character valued by Medway residents. At a time when more large-scale development is being constructed in the Town simultaneously than ever before (assisted living complex near 260 Village Street, apartment buildings behind Shaw’s Market, and the Timber Crest development – incidentally a large parcel of undeveloped land adjacent to the proposed 149A Holliston Street site, contradicting the Applicant’s response to Item 29 of the DIR), Medway is at great risk of losing the majority of its undeveloped forest land. To compound the impending insufficiency, a mere 5% of Medway’s total land is protected open space when the state median is 23% - nearly five times our amount (See the 2009 Medway Master Plan, Current Conditions). Despite the fact that 149A Holliston Street is privately held land and not open space, demonstrating concern for our Town’s severe lack of open space begins with not granting waivers to proposed subdivisions with dubious claims that the surrounding area will be minimally impacted.

On behalf of the 149A Holliston Street abutters, I appreciate your consideration of these items. We will be in attendance at the Zoom meeting on January 26, 2021 where the issue of this proposed subdivision will be discussed.

Respectfully submitted,

Michael Brady
153 Holliston Street

Attachments: 149A Holliston Street Subdivision Marked-Up Plans



Susan Affleck-Childs

From: Bridget Graziano
Sent: Tuesday, January 26, 2021 9:03 AM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser
Subject: 149A Holliston Street
Attachments: SKMBT_65419072901560.pdf; B2340 ANRAD R1.pdf

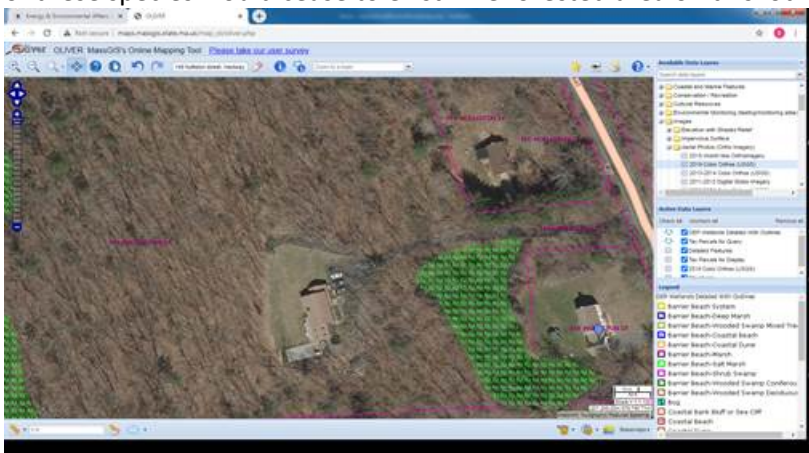
Planning and Economic Development Board Members,

The Conservation Commission issued an Order of Resource Area Delineation for this property, specifically relating to the vernal pool and other wetland resources. See attached. This is the delineation that PEDB will need to confirm is accurately depicted on the new plans being presented. As the staff for the Conservation Commission I am transmitting some comments and questions to PEDB;

1. the existing driveway and its width, is the existing wide acceptable to PEDB and Fire Department, if the roadway was proposed to be widen for purposes of this subdivision, there would be direct alterations not only to wetland resources but to a Vernal Pool itself. Alterations to Vernal Pools are prohibited under the State Regulations 310 CMR 10.57(2)(a)(5) and (6), if within BVW which this vernal pool is. This is called the vernal pool habitat zone, any locations within the BVW for 100'.

2. Applicant seems to be proposing the alteration of the vernal pool 100' No Disturb Zone, this is prohibited in Medway without an issued waiver from the Conservation Commission. Medway General Bylaw Section 21.2 (a) and its regulations Section 27 and Section 29. Section 27.03 performances standards require an alternatives analysis to the proposed project.

3. The overall concern with development in the vernal pool 100' buffer zone is the removal of trees, the loss of canopy can increase water temperatures and leave the pool area uninhabitable for the facilitative and obligate species that live in these pools. What makes these pools so important? The specialized habitat. Vernal pool area, fish free, and are home to a number of species which frog, salamanders, and fairy shrimp eat to grow and survive. Without these habitats, some of these species would cease to exist. The forested area on this lot is significant.



4. Time of Year construction (TOY) if work was allowed by the applicant meeting the performance standards and receiving a waiver from the Commission to perform work in the protected areas. Construction TOY should be strictly conditions and enforced.

5. Lot 1 is particularly concerning due to its closest proximity to the vernal Pool and that a portion of the site is within the 100' No Disturb Zone (for a VP). Light, noise and other factors can seriously change the breeding of these pools. Existing today is one home, now there is a proposal for 3 single family homes with regular active use of the driveway and land which is the terrestrial habitat of vernal pool species after they have completed their egg, juvenile cycle.

6. Section 23 of the Wetlands Regulations Vegetation Removal reviews the amount of tree proposed to be removed and requires mitigation. As the Agent, I am recommending a vegetation survey of the amount of trees to be removed. This is significant to the viability of the vernal pool and meet the performance standards to granting of a waiver of this section.

7. Has the applicant performed perc test for septic systems, how do we know the location of these without the test pits? The small approximately location of the septic leaves it open for addition concerns for further alteration within the vernal pool No Disturb Zone.

8. Has the applicant performed test pits for the proposed stormwater system?

9. This work will require a Land Disturbance Permit with the Conservation Commission, will the requirements of this Bylaw add additional impacts to the No Disturb Zones and buffer zones?

10. Recommend the use of permeable pavers for driveway/roadway.

11. Bordering Vegetation Wetland work within the 25' No Disturb Zone require waiver from the Commission for the construction of the roadway and removal of existing driveway.

12. If the subdivision was to be permitted it would be recommended to restore any locations of the 100' VP No Disturb Zone to forested habitat/ For example, the paved driveway to be removed.

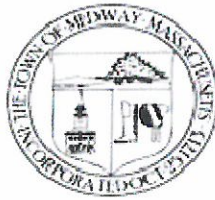
13. Other items like protective measures and mitigation requirements not shown here.

The Commission reserves the right to offer additional comments, when a more formal plan is presented.

Items missing, full proposed septic systems, decks, yards, landscaping, and final stormwater system design based on the requirements of the Land Disturbance Permit.

Bridget R. Graziano
Conservation Agent
Town of Medway
155 Village Street
Medway, MA 02053
(508)-533-3292

MEDWAY CONSERVATION COMMISSION



**Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053**

July 29, 2019

Jainesio Ramos
149A Holliston Street
Medway, MA 02053

Dear Mr. Ramos:

Enclosed please find the Order of Resource Area Delineation, DEP File No. 216-0935, issued by the Medway Conservation Commission on July 29, 2019, approving your proposal in response to your Abbreviated Notice of Resource Area Delineation filed with the Commission on May 28, 2019 for 149 A Holliston Street, Map 15 Lot 004. It is required that this document be recorded with the Norfolk County Registry of Deeds after the ten day appeal period from the date of issuance has elapsed. If you wish to have our office record the document, please send our office a check made payable to the Norfolk County Registry of Deeds for \$76.00 along with the original Order of Resource Area Delineation. Once the document is recorded please the Commission the recording information. All items may be sent to us at 155 Village Street, Medway, MA 02053.

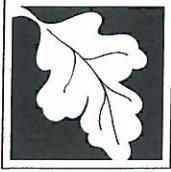
The Medway Conservation Commission staff would be glad to set up an appointment to review the findings with you. Our office is open Monday through Thursday 7:30 am – 4:30 pm and Friday 7:30 am - 12:30 pm or by appointment. You may contact the Conservation office with any questions you may have at (508) 533-3292.

Thank you,

A handwritten signature in blue ink, reading "Bridget R. Graziano".

Bridget R. Graziano, Conservation Agent
Medway Conservation Commission

Cc: DEP, central region



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area
Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

216-0935

MassDEP File Number

eDEP Transaction Number

Medway

City/Town

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Medway Conservation Commission
 1. Conservation Commission

2. This Issuance is for (check one):

- a. ☒ Order of Resource Area Delineation
 b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Jainesio

a. First Name

Ramos

b. Last Name

c. Organization

149 A Holliston Street

d. Mailing Address

Medway

e. City/Town

MA

f. State

02053

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

149 A Holliston Street

a. Street Address

15

d. Assessors Map/Plat Number

Latitude and Longitude

(in degrees, minutes, seconds):

Medway

b. City/Town

004

e. Parcel/Lot Number

d m s

f. Latitude

MA

c. Zip Code

d m s

g. Longitude

6. Dates: May 26, 2019

a. Date ANRAD filed

July 25, 2019

b. Date Public Hearing Closed

July 29, 2019R

c. Date of Issuance



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

216-0935

MassDEP File Number

eDEP Transaction Number

Medway

City/Town

A. General Information (cont.)

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Resource Area Delineation Plan located at 149 A Holliston Street, Medway, MA 7-23-19

c. Title

d. Date

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☒ Bordering Vegetated Wetlands
2. ☒ Other resource area(s), specifically:

a. Vernal Pool VP 1 through VP 30 with revisions

b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a.

c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

216-0935

MassDEP File Number

eDEP Transaction Number

Medway

City/Town

B. Order of Delineation (cont.)

3. ☐ The boundaries were determined to be inaccurate because:

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

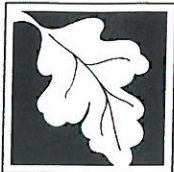
This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

216-0935

MassDEP File Number

eDEP Transaction Number

Medway

City/Town

E. Signatures

July 29, 2019

Date of Issuance

Please indicate the number of members who will sign this form.

David J. Blackwell *David J. Blackwell*
Signature of Conservation Commission Member

Keith Downing *Keith Downing*
Signature of Conservation Commission Member

Scott Salvo *SCOTT SALVO*
Signature of Conservation Commission Member

David A. Travelini *David A. Travelini*
Signature of Conservation Commission Member

1. Number of Signers 6
Erin Scanlon
Signature of Conservation Commission Member

KEN MCKAY
Signature of Conservation Commission Member

Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on 7/29/22 unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

a. Date

3. ☒ By certified mail, return receipt requested on

a. Date

7/29/19



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

Important:
When filling
out forms on
the computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

eDEP Transaction Number

City/Town

Recording Information

Prior to commencement of work, this Order of Resource Area Delineation must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

For:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

Date

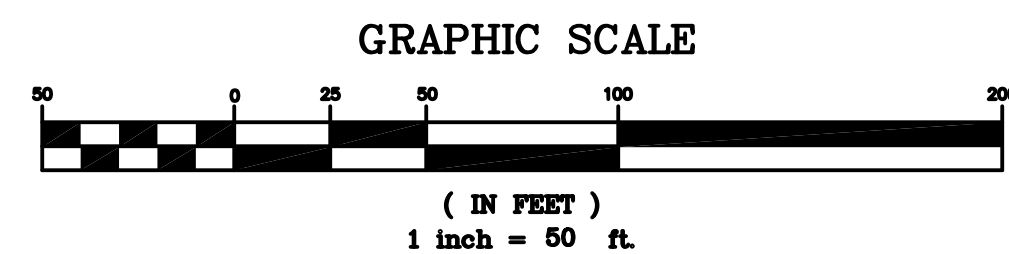
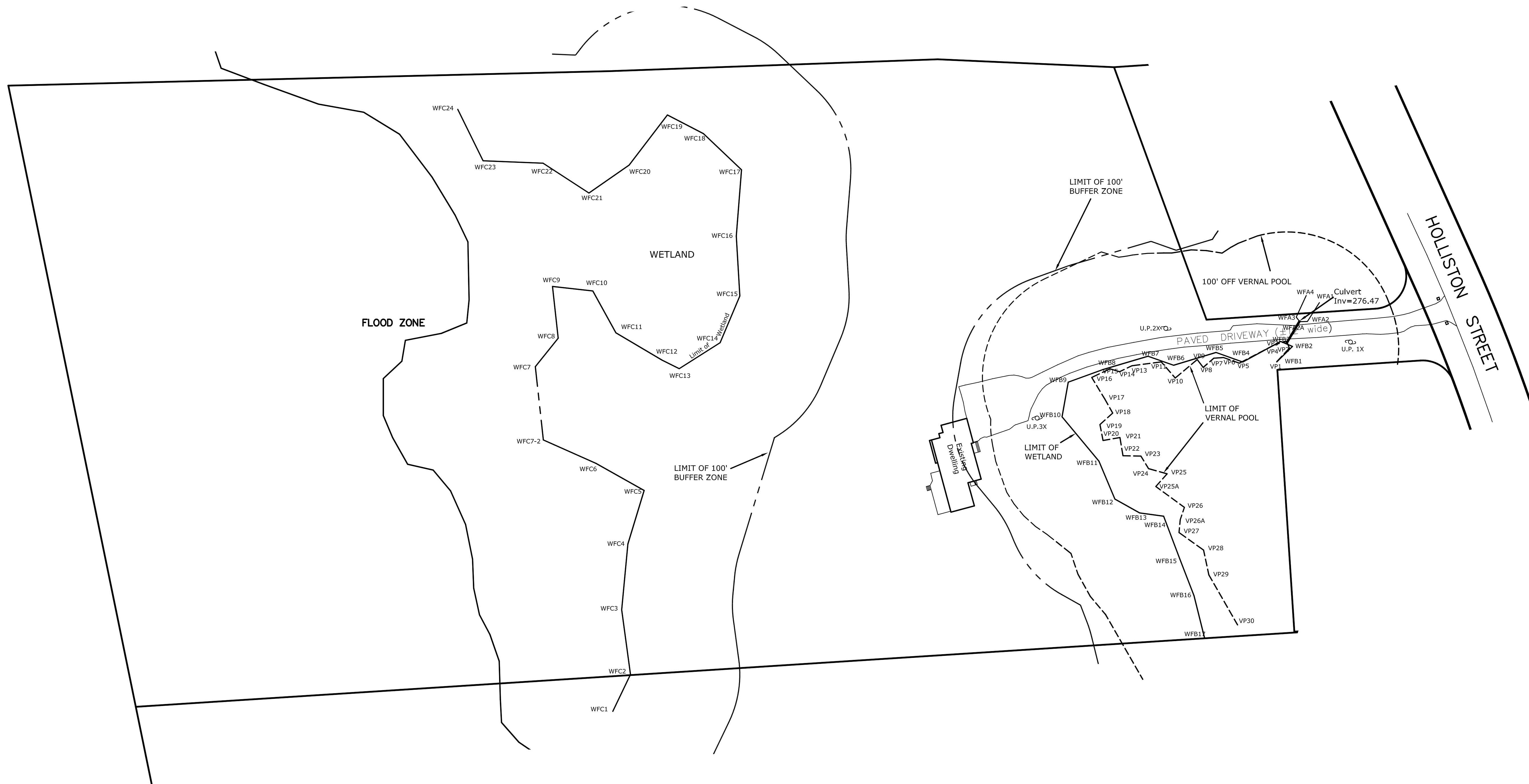
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

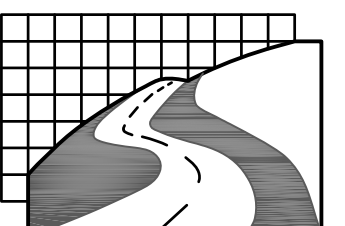
Signature of Applicant



**Resource Area
Delineation Plan**
Located at
**149A Holliston Street
Medway, MA**
Prepared for
Jainesio Ramos
**149A Holliston Street
Medway, MA**

REVISIONS			
No.	Date	Design	Checked
1	7/23/19	WDH	NGH
2			
3			
4			
5			
6			

Field By:			
Designed By:	WDH	11/18	
Drawn By:	WDH	11/18	
Checked By:	NGH	11/18	



Land Planning, Inc.
Civil Engineers • Land Surveyors
Environmental Consultants

Bellingham
167 Hartford Ave.
Bellingham, MA 02019
508-966-4130

North Grafton
214 Worcester St.
N. Grafton, MA 01536
508-839-9526

Hanson
1115 Main Street
Hanson, MA 02341
781-294-4144

bellingham@landplanninginc.com

Date	December 31, 2018	Sheet No.	1
Job No.	B2340		



January 26, 2021

**Medway Planning & Economic Development Board
Meeting**

**Medway Place Site Plan – Public
Hearing Continuation**

- Notice dated November 30, 2020 to continue the public hearing to January 26, 2021.
- Email dated January 11, 2021 from attorney Gareth Orsmond requesting a continuation of the public hearing to the February 23, 2021 meeting.

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

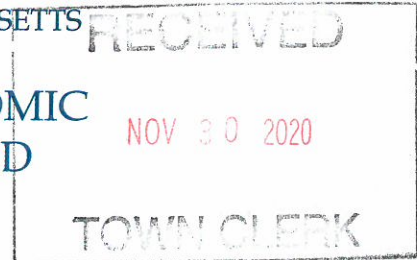


Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: planningboard
@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD



MEMORANDUM

CORRECTED - November 30, 2020

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

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

RE: **Public Hearing Continuation for Medway Place Shopping Plaza Site Plan**
98, 108 and 114 Main Street
Continuation Date – Tuesday, January 26, 2021 at 7:30 p.m.

At its November 24, 2020 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Medway Realty LLC of Boston, MA for approval of a site plan for proposed site improvements at the Medway Place shopping plaza to a Tuesday, January 12, 2021 at 7:30 p.m. The continuation was requested by the applicant.

This continuation is also made pursuant to Chapter 53 of the Acts of 2020, enacted April 3, 2020, which grants authority to Massachusetts planning boards to reschedule public hearings to a date not more than 45 days after termination of the COVID-19 state of emergency. Presently, there is no conclusion date for the Covid-19 emergency.

Proposed are a series of changes in the layout of and landscaping for the 446 space Medway Place parking lot as a result of the recently completed Route 109 improvement project. The proposed parking lot work will align the plaza's parking space layout with the Mass DOT constructed boulevard style main entrance. Also proposed are new stormwater management controls to treat stormwater collected from the parking lot before it is discharged to the Town's municipal storm drain system.

The site plan and landscaping revisions are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall. The information is also posted at the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan> ***The applicant intends to submit a revised plan for further Town review. Upon receipt, it will be uploaded to the Board's web site.*** Please don't hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Gareth Orsmond <gorsmond@PierceAtwood.com>
Sent: Tuesday, January 12, 2021 9:02 AM
To: Susan Affleck-Childs
Cc: Barbara Saint Andre
Subject: Medway Place - Continuation of Public Hearing on Site Plan Approval Application

On behalf of Medway Realty LLC, I would like to request that the public hearing on the above-referenced site plan approval application be continued to February 23, 2021.

Thank you for your courtesy.

Regards,
Gareth

Gareth Orsmond
PIERCE ATWOOD LLP

100 Summer Street
22nd Floor
Boston, MA 02110
PH 617.488.8181
FAX 617.824.2020

One New Hampshire Ave
Suite 350
Portsmouth, NH 03801
PH 617.488.8181
FAX 603.433.6372

gorsmond@PierceAtwood.com

BIO > Admitted in MA/NH

This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.



January 26, 2021

**Medway Planning & Economic Development Board
Meeting**

Harmony Village – Construction
Services Estimate

- Tetra Tech estimate dated 12-22-20



Harmony Village
PEDB Construction Administration Budget
December 22, 2020

Item No. ¹	Inspection	Visits	Hrs/Inspection ²	Rate	Total
1	Pre-Construction Meeting	1	6	\$139	\$834
2	Erosion Control Inspections	6	3	\$139	\$2,502
3	SWPPP Report Review/Correspondence	30	0.5	\$139	\$2,085
4	Clearing/Grubbing/Tree Protection	1	4	\$116	\$464
5	Subgrade/Staking/Rough Grading	1	4	\$116	\$464
6	Stormwater: Infrastructure	1	4	\$116	\$464
7	Stormwater: Basin (DB-1)	1	4	\$116	\$464
8	Stormwater: Basin (DW-1)	3	4	\$116	\$1,392
9	Stormwater: Basin (DW-2)	3	4	\$116	\$1,392
10	Site Subbase Gravel/Fine Grading	1	4	\$116	\$464
11	Binder Course Paving	1	6	\$116	\$696
12	Curb/Berm	1	4	\$116	\$464
13	Top Course Paving	1	6	\$116	\$696
14	Landscape/Plantings	1	6	\$116	\$696
15	Punch List/Bond Estimate ³	2	8	\$139	\$2,224
16	As-Built Review ⁴	1	4	\$161	\$644
17	Field Changes/Change Orders	1	8	\$161	\$1,288
18	Meetings	6	1	\$161	\$966
19	Admin	1	3	\$69	\$207
	Subtotal				\$18,406
	Expenses			5.0%	\$920
	TOTAL				\$19,326

Notes:

¹ Each item includes site visit, inspection and written report and is based on current TT/Medway negotiated rates through June 2021.

² If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation will be required.

³ This item includes a substantial completion inspection, punch list memo and bond estimate provided to the town. It also includes one final inspection to verify that comments from the list have been addressed and one revision to the list/estimate if required.

⁴ This item includes review of as-built plans and review letter.

Date Approved by Medway PEDB _____

Certified by: _____ **Date** _____

Susan E. Affleck-Childs
Medway PEDB Coordinator



January 19, 2021

**Medway Planning & Economic Development Board
Meeting**

Evergreen Village – Field Change

- Memo dated January 21, 2021 from Susy Affleck-Childs describing the field change circumstances and proposed supplemental landscaping

NOTE – This memo has been provided to Permittee Maria Varrichione and Tree Warden Steve Carew.

Susan E. Affleck-Childs

Planning and Economic
Development Coordinator



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

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

MEMORANDUM

January 21, 2021

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Evergreen Village Multi-Family – Field Change

Site construction at the Evergreen Village multi-family development has resulted in the removal of a 34” tree previously identified for preservation. Specific Condition J. of the Evergreen Village special permit decision addresses tree preservation as follows:

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. inches. 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.

Current Status: A 34-inch tree, previously identified for preservation, was removed during site preparation. Per the Evergreen decision, the following Tree Replacement Formula applies:

Tree radius squared x pi ÷ 2 = # of square inches of replacement trees

$17^2 \times 3.14 = 907.46 \div 2 = 453.73$ square inches of replacement trees.

454 square inches of replacement trees ÷ 7 sq. inches (per 3" caliper tree) = 65 replacement trees (3" caliper)

Permittee Maria Varrichione has proposed the following additional on-site plantings site as mitigation for the removal of the 34" tree. (See * items). The plan was developed with her landscape consultant. See attached. The landscape consultant recommends against any further on-site tree planting beyond the noted additions.

Planting Schedule					
Qty.	Key	Common Name	Botanical Name	Size	Remarks
TREES					
* 6	AC	Canadian Serviceberry	<i>Amelanchier canadensis</i>	3" Cal.	B&B
6	BA	Balsam Fir	<i>Abies balsamea</i>	8" Ht.	B&B
3	BP	Grey Birch	<i>Betula populifolia</i>	8" Ht.	B&B—Multi-stem
3	CA	Pagoda Dogwood	<i>Cornus alternifolia</i>	3" Cal.	B&B
2	CC	Hornbeam	<i>Carpinus caroliniana</i>	3" Cal.	B&B
* 3	CF	Flowering Dogwood	<i>Cornus florida</i>	3" Cal.	B&B
4	CK	'Cherokee Brave' Dogwood	<i>Cornus florida</i> 'Cherokee Brave'	3" Cal.	B&B
* 1	EJ	Eastern Juniper	<i>Juniperus virginiana</i>	3" Cal.	B&B 7'-8' Ht.
2	HT	'Tardiva' Hydrangea	<i>Hydrangea paniculata</i> 'Tardiva' treeform	#15pot	Container Grown
* 4	HU	Common Witchhazel	<i>Hamamelis virginiana</i>	3" Cal.	B&B 9'-10' Ht.
3	RM	Red Maple	<i>Acer rubrum</i>	3" Cal.	B&B
6	TG	'Green Giant' Arborvitae	<i>Thuja x plicata</i> 'Green Giant'	6" Ht.	B&B
SHRUBS					
* 2	HF	Golden St. John's-wort	<i>Hypericum frondosum</i>	24" Ht.	B&B
9	HQ	Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	24" Ht.	B&B
10	HV	Common Witchhazel	<i>Hamamelis virginiana</i>	24" Ht.	B&B
4	IV	Winterberry	<i>Ilex verticillata</i>	24" Ht.	B&B
7	HP	Golden Cup St. John's Wort	<i>Hypericum Hidcote</i>	24" Ht.	B&B
10	JE	Eastern Red Cedar	<i>Juniperus virginiana</i>	48" Ht.	B&B
6	JH	Creeping Juniper	<i>Juniperus horizontalis</i>	#7 Pot	Container Grown
7	JV	'Taylor' Red Cedar	<i>Juniperus virginiana</i> 'Taylor'	48" Ht.	B&B
10	PH	'Summerwine' Purple Ninebark	<i>Physocarpus opulifolius</i> 'Summerwine'	24" Ht.	B&B
4	SY	'Bloomerang' Lilac	<i>Syringa x Bloomerang</i>	#3 Pot	Container Grown
* 10	TC	Canadian Yew	<i>Taxus canadensis</i>	24" Ht.	B&B
12	VC	Highbush Blueberry	<i>Vaccinium corymbosum</i>	24" Ht.	B&B
13	VD	Arrowwood Viburnum	<i>Viburnum dentatum</i>	36" Ht.	B&B
3	VL	'Chicago Lustre' Viburnum	<i>Viburnum dentatum</i> 'Chicago Lustre'	36" Ht.	B&B
5	VO	Highbush cranberry	<i>Viburnum opulus</i>	36" Ht.	B&B
PERENNIALS					
6	HA	'Aureola' Hakone Grass	<i>Hakonechloa macro</i> 'Aureola'	#3 Pot	Container Grown
* REPRESENTS SUPPLEMENTAL PLANTINGS PER THE REMOVAL OF THE 34" CAL. TREE					
TOTAL= 14 TREES AND 15 SHRUBS					

14 Trees

6 Canadian Serviceberry trees	3" caliper	7 sq. inches/3" caliper tree x 6 = 42 sq. inches
3 Flowering Dogwood trees	3" caliper	7 sq. inches/3" caliper tree x 3 = 21 sq. inches
1 Eastern Juniper tree	3" caliper	7 sq. inches/3" caliper tree x 1 = 7 sq. inches
4 Common Witch Hazel trees	3" caliper	7 sq. inches/3" caliper tree x 4 = 28 sq. inches

12 Shrubs

2 Golden St. John's Wort shrubs	24" height
10 Canadian Yew shrubs	24" height

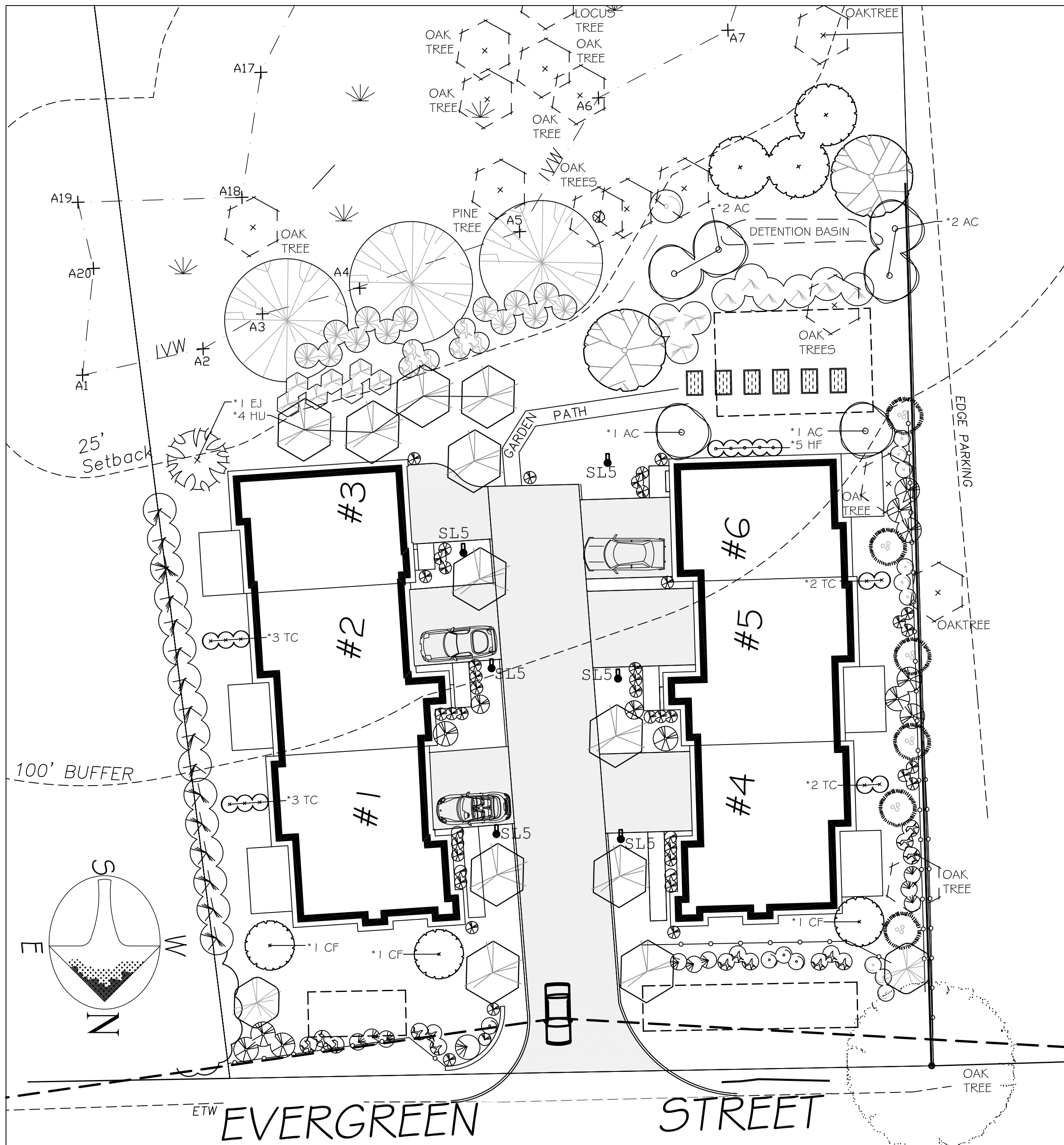
NOTE –Tree Warden Steve Carew has indicated that 2 shrubs = 1 tree in terms of tree replacement.

The above noted proposed additional plantings provide for the equivalent of 20 trees. With 65 trees replacement trees required, this results in a shortfall of 45 trees.

Tree Warden Steve Carew has advised that the Town's cost for a 2½" – 3" caliper tree is \$200. So, in addition to the above noted planting schedule, the Permittee must to provide a payment in lieu of tree planting in the amount of \$9,000 to the Town's Tree Fund (45 x \$200 = \$9,000).

The PEDB needs to decide when such payment should be provided and include such in your decision.

cc: Maria Varrichione



PLANT SCHEDULE - RECOMMENDED FOUNDATION PLANTINGS FOR BUILDING UNITS OUTSIDE THE 100' WETLAND BUFFER

'Buzz Midnight' Butterfly Bush	<i>Buddleia davidi</i> 'Buzz Midnight'	36" Ht.	B&B
'Blue Chip' Butterfly Bush	<i>Buddleia davidi</i> 'Blue Chip'	36" Ht.	B&B
'Dark Knight' Bluebeard	<i>Caryopteris x clandonensis</i> 'Dark Knight'	36" Ht.	B&B
'Golden Mops' Hinoki Cypress	<i>Chamaecyparis obtusa</i> 'Golden Mops'	36" Ht.	B&B
'Pearl Glam' Callicarpa	<i>Callicarpa sp.</i> 'Pearl Glam'	36" Ht.	B&B
'Ivory Halo' Dogwood	<i>Cornus alba</i> 'Ivory halo'	36" Ht.	B&B
'Gold Splash' Euonymus	<i>Euonymus fortunei</i> 'Gold Splash'	36" Ht.	B&B
'Lady Stanley' Rose of Sharon	<i>Hibiscus syriacus</i> 'Lady Stanley'	36" Ht.	B&B
'Little Quick Fire' Hydrangea	<i>Hydrangea paniculata</i> 'Little quick fire'	36" Ht.	B&B
'Limelight' Hydrangea	<i>Hydrangea paniculata</i> 'Limelight'	36" Ht.	B&B
'Sky Pencil' Holly	<i>Ilex crenata</i> 'Sky Pencil'	36" Ht.	B&B
'Blushing Knock out' Rose	<i>Rosa sp.</i> 'Blushing Knock Out'	36" Ht.	B&B
'Little Princes' Spirea	<i>Spirea japonica</i> 'Little Princes'	36" Ht.	B&B
'Blue Muffin' Viburnum	<i>Viburnum dentatum</i> 'Blue Muffin'	36" Ht.	B&B
'Shasta' Viburnum	<i>Viburnum plicatum</i> tomen. 'Shasta'	36" Ht.	B&B
'Hameln' Fountain Grass	<i>Pennisetum alopecuroides</i> 'Hameln'	#3 Pot	C.G.

PLANT SCHEDULE - RECOMMENDED FOUNDATION PLANTINGS FOR BUILDING UNITS WITHIN THE 100' WETLAND BUFFER

Shadlow. service berry	<i>Amelanchier canadensis</i> —single stem	36" Ht.	B&B
Sweet pepperbush	<i>Clethra alnifolia</i>	36" Ht.	B&B
Sweet fern	<i>Comptonia peregrina</i>	#3 Pot	C.G.
Grey Dogwood	<i>Cornus racemosa</i>	36" Ht.	B&B
Red Twig Dogwood	<i>Cornus sericea</i>	36" Ht.	B&B
Silky Dogwood	<i>Cornus amomum</i>	36" Ht.	B&B
Fothergilla	<i>Fothergilla major</i>	36" Ht.	B&B
Mountain pieris	<i>Pieris floribunda</i>	36" Ht.	B&B
Beach plum	<i>Prunus maritima</i>	36" Ht.	B&B
Rosebay Rhododendron	<i>Rhododendron maximum</i>	36" Ht.	B&B
Cananda yew	<i>Taxus canadensis</i>	36" Ht.	B&B
Maple leaf viburnum	<i>Viburnum acerifolia</i>	36" Ht.	B&B

Planting Schedule

Qty.	Key	Common Name	Botanical Name	Size	Remarks
TREES					
*	6	AC Canadian Serviceberry	<i>Amelanchier canadensis</i>	3" Cal.	B&B
	6	BA Balsam Fir	<i>Abies balsamea</i>	8' Ht.	B&B
	3	BP Grey Birch	<i>Betula populifolia</i>	8' Ht.	B&B—Multi—stem
	3	CA Pagoda Dogwood	<i>Cornus alternifolia</i>	3" Cal.	B&B
	2	CC Hornbeam	<i>Carpinus caroliniana</i>	3" Cal.	B&B
*	3	CF Flowering Dogwood	<i>Cornus florida</i>	3" Cal.	B&B
	4	CK 'Cherokee Brave' Dogwood	<i>Cornus florida</i> 'Cherokee Brave'	3" Cal.	B&B
*	1	EJ Eastern Juniper	<i>Juniperus virginiana</i>	3" Cal.	B&B 7'–8' Ht.
	2	HT 'Tardiva' Hydrangea	<i>Hydrangea paniculata</i> 'Tardiva'	#15pot	Container Grown
*	4	HU Common Witchhazel	<i>Hamamelis virginiana</i>	3" Cal.	B&B 9'–10' Ht.
	3	RM Red Maple	<i>Acer rubrum</i>	3" Cal.	B&B
	6	TG 'Green Giant' Arborvitae	<i>Thuja x plicata</i> 'Green Giant'	6' Ht.	B&B
SHRUBS					
*	2	HF Golden St. John's—wort	<i>Hypericum frondosum</i>	24" Ht.	B&B
	9	HQ Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	24" Ht.	B&B
	10	HV Common Witchhazel	<i>Hamamelis virginiana</i>	24" Ht.	B&B
	4	IV Winterberry	<i>Ilex verticillata</i>	24" Ht.	B&B
	7	HP Golden Cup St. John's Wort	<i>Hypericum Hidcote</i>	24" Ht.	B&B
	10	JE Eastern Red Cedar	<i>Juniperus virginiana</i>	48" Ht.	B&B
	6	JH Creeping Juniper	<i>Juniperus horizontalis</i>	#7 Pot	Container Grown
	7	JV 'Taylor' Red Cedar	<i>Juniperus virginiana</i> 'Taylor'	48" Ht.	B&B
	10	PH 'Summerwine' Purple Ninebark	<i>Physocarpus opulifolius</i> 'Summerwine'	24" Ht.	B&B
	4	SY 'Bloomerang' Lilac	<i>Syringa x Bloomerang</i>	#3 Pot	Container Grown
*	10	TC Canadian Yew	<i>Taxus canadensis</i>	24" Ht.	B&B
	12	VC Highbush Blueberry	<i>Vaccinium corymbosum</i>	24" Ht.	B&B
	13	VD Arrowwood Viburnum	<i>Viburnum dentatum</i>	36" Ht.	B&B
	3	VL Chicago Lustre' Viburnum	<i>Viburnum dentatum</i> 'Chicago Lustre'	36" Ht.	B&B
	5	VO Highbush cranberry	<i>Viburnum opulus</i>	36" Ht.	B&B
PERENNIALS					
	6	HA 'Aureola' Hakone Grass	<i>Hakonechloa macra</i> 'Aureola'	#3 Pot	Container Grown
REPRESENTS SUPPLEMENTAL PLANTINGS PER THE REMOVAL OF THE 34" CAL. TREE					
TOTAL=14 TREES AND 15 SHRUBS					

GENERAL SITE NOTES

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORKSCOPE PRIOR TO THE INTIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS, RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
- ALL WORK SHALL CONFORM TO LOCAL, COMMONWEALTH OF MASSACHUSETTS, AND OSHA STANDARDS AND GUIDELINES.
- LOCATION OF ALL EXISTING AND PROPOSED SERVICES ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL UTILITY SERVICE CONNECTION POINTS SHALL BE CONFIRMED INDEPENDENTLY BY THE CONTRACTOR IN THE FIELD PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- ALL UTILITY LOCATIONS ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE CONDUITS, PRODUCT PIPING, ETC. PRIOR TO COMMENCEMENT OF EXCAVATION OF ANY TYPE.
- ALL EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "DIG SAFE" (1-888-344-7233) 72 HOURS PRIOR TO ANY EXCAVATION ON THIS SITE. CONTRACTOR SHALL ALSO NOTIFY THE LOCAL DEPARTMENT OF PUBLIC WORKS TO MARK OUT THEIR UTILITIES.
- THE LIMITS OF WORK SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OR SITE CLEARING.
- ALL CONCRETE AND BITUMINOUS PATCH AREAS TO MATCH EXISTING GRADES.
- SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATION TO BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES.
- IN CASE OF DISCREPANCIES BETWEEN PLANS, THE SITE PLAN WILL SUPERCEDE IN ALL CASES. NOTIFY ENGINEER OF RECORD OF ANY CONFLICTS.

DIG SAFE NOTE:

UTILITIES ARE PLOTTED FROM FIELD LOCATION AND ANY RECORD INFORMATION AVAILABLE, AND SHOULD BE CONSIDERED APPROXIMATE. OTHER UTILITIES MAY EXIST WHICH ARE NOT EVIDENT OR FOR WHICH RECORD INFORMATION WAS NOT AVAILABLE. CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING. ALSO, CALL "DIG-SAFE" AT 1(888)344-7233 1(888)DIG-SAFE.

THE OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF RONALD TIBERI P.E.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

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

Lawrence Greene
LAWRENCE GREENE, RLA#1561

04/07/20
DATE

APPROVED BY PLANNING BOARD

DATE:



REVISIONS

No.	DATE	DESCRIPTION
1.	09/02/19	Town comments
2.	11/04/19	Town comments
3.	11/25/19	Plan edits
4.	12/31/19	Town comments
5.	01/21/20	Town comments
6.	04/02/20	Town comments
7.	12/02/20	Plan edits
8.	12/18/20	Town comments

PROPOSED SITE
LANDSCAPE PLAN
IN
MEDWAY, MASSACHUSETTS

EVERGREEN VILLAGE
22 EVERGREEN STREET

PREPARED FOR:
SAMPSON POND LLC
P.O. Box 5
MEDWAY MA 02053

PREPARED By: McCARTY ENGINEERING
42 JUNGLE ROAD
LEOMINSTER, MA 01453

DRAWING SCALE: 1 inch = 20 feet

PROJECT NUMBER: 2616

DATE: SEPTEMBER 2.2019



January 19, 2021
Medway Planning & Economic Development Board
Meeting

Construction Reports

- Choate Trail Field Report #2 dated January 11, 2021

FIELD REPORT

Project	Date	Report No.
Choate Trail – Copper Drive	1/11/2021	2
Location	Project No.	Sheet 1 of
42 Highland Street, Medway, MA	143-21583-20008	2
Contractor	Weather	Temperature
Bob Pace (Owner/General Contractor)	A.M. CLOUDY	A.M. 35°F
Rhino Construction (Site Contractor)	P.M.	P.M.

On Monday, January 11, 2021, Steven M. Bouley, PE from Tetra Tech (TT) and Bridget Graziano, Medway Conservation Agent 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.

- A. TT on-site with Bridget Graziano (Medway Conservation Agent) and Jamie Hryniewicz (Contractor) to inspect the limits of tree clearing for the Project. The contractor flagged all trees on-site larger than 10 inches and has staked and flagged the limits of clearing and Selective Cut Zones, staking was provided by a surveyor. We determined that the staked and flagged limit of the limit of clearing is consistent with the approved Plans and Decision for the project.
- B. We discussed that the Contractor will be on-site during the clearing to ensure the limits are properly conveyed to the clearing company. Additionally, we discussed protecting the root zones of the trees located on the limit of clearing line.
- C. Contractor shall install silt fence on the wetland side of the existing filter tubes at the wetland resource area.

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		Vib. Roller			
Drivers		Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.		Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Compact Track Loader		Bridget Graziano	Midway Conservation
		Pickup Truck					
		Tri-Axle Dump Truck					
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Steven M. Bouley, P.E.	11:00 A.M. – 12:00 P.M.

Project Choate Trail Way	Date 1/11/2021	Report No. 2
Location 42 Highland Street, Medway, MA	Project No. 143-21583-20008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

A. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. NEW ACTION ITEMS

A. Install silt fence on the wetland side of the existing filter tubes at the wetland resource area.

4. PREVIOUS OPEN ACTION ITEMS

A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

A. N/A



January 19, 2021

**Medway Planning & Economic Development Board
Meeting**

**Continued Discussion - Zoning Bylaw
Amendments**

- Revised Accessory Family Dwelling Unit
- Revised Site Plan Review, adding in a new section on Façade Improvements
- Flood Plain
- Environmental Standards
- Cottage Cluster Development

**2021 ATM AFDU amendments BJS revised draft 1-21-21
(based on 1-20-21 discussion with the ZBA)**

Article ____ To see if the Town will vote to amend the Zoning By-Law, Section 8.2., Accessory Family Dwelling Unit as follows, deleted language shown in ~~striketrough~~ and new language shown in **bold**:

8.2 ACCESSORY FAMILY DWELLING UNIT

A. **Purposes.** The purposes of this sub-section are to:

1. establish an option for the creation of ~~A~~accessory ~~F~~family ~~D~~dwelling units to provide suitable housing for a family member and/or a caregiver for a family member who is an occupant of the premises;
2. provide opportunities to support residents who wish to age in place; and
3. maintain the residential character of neighborhoods.

B. **Applicability.** The Board of Appeals may grant a special permit for an accessory family dwelling unit in accordance with this Section 8.2 and Table 1: Schedule of Uses.

C. **Basic Requirements.**

1. An accessory family dwelling unit shall be located within:
 - a. a detached single-family dwelling (principal dwelling unit); or
 - b. an addition to a detached single-family dwelling (principal dwelling unit); or
 - c. a separate structure on the same premises as a detached single-family dwelling (principal dwelling unit).
2. There shall be no more than one accessory family dwelling unit associated with a detached single-family dwelling (principal dwelling unit).
3. No accessory family dwelling unit shall have more than one bedroom, unless a second bedroom is authorized by the Board of Appeals pursuant to 8.2.C. 8. herein.
4. An accessory family dwelling unit shall not exceed 800 sq. ft. of gross floor area unless:
 - a. there is an existing detached accessory structure larger than 800 sq. ft. located on the same lot as a detached single-family dwelling (principal dwelling unit) and the Board of Appeals determines its use as an accessory family dwelling unit is in character with the neighborhood; or
 - b. authorized by the Board of Appeals pursuant to 8.2.C.8. herein.

5. There shall be at least one designated off-street parking space for the accessory family dwelling unit in addition to parking for the occupants of the detached single-family (principal dwelling unit). The off-street parking space shall be located in a garage or in the driveway, and shall have vehicular access to the driveway. The location, quantity and adequacy of parking for the accessory family dwelling unit shall be reviewed by the Board of Appeals to ensure its location and appearance are in keeping with the residential character of the neighborhood.
6. Occupancy of the single-family dwelling (principal dwelling unit) and accessory family dwelling unit shall be restricted as follows:
 - a. The owners of the property shall reside in one of the units as their primary residence, except for bona fide temporary absences due to employment, hospitalization, medical care, vacation, military service, or other comparable absences which would not negate the primary residency standard. For purposes of this Section, “owners” shall mean one or more individuals who hold legal or beneficial title to the premises.
 - b. The accessory dwelling unit and the detached single-family dwelling (principal dwelling unit) shall be occupied by any one or more of the following:
 - i. the owner(s) of the property
 - ii. the owner’s family by blood, marriage, adoption, foster care or guardianship
 - iii. an unrelated caregiver for an occupant of the detached single-family dwelling or the accessory family dwelling unit, who is an elder, a person with a disability, handicap or chronic disease/medical condition, or a child.

Prior to the Town’s issuance of a certificate of occupancy for the accessory family dwelling unit, the property owner shall submit to the Building Commissioner a notarized statement of the property owner’s relationship to the occupant of the dwelling unit not occupied by the property owner.

7. An accessory family dwelling unit shall be designed so as to preserve the appearance of the single-family dwelling (principal dwelling unit) and be compatible with the residential character of the neighborhood. Any new separate outside entrance serving an accessory family dwelling unit shall be located on the side or in the rear of the building.
8. **If the AFDU is located in a new, separate structure on the same premises as a detached single-family dwelling (principal dwelling unit), the following standards shall apply to the AFDU structure:**
 - a. The AFDU shall be clearly accessory and incidental to the principal dwelling unit.**
 - b. The AFDU shall be architecturally compatible with the principal dwelling unit.**
 - c. The AFDU shall not be located closer to the front lot line than the principal dwelling unit.**
 - d. In addition to the 800 square feet of gross floor area limitation set forth in subsection 8.2C.4, the gross floor area of the AFDU shall not exceed 50% of the gross floor area of the principal dwelling unit.**

89. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility or a chronic medical condition, the Board of Appeals may allow reasonable deviations from the Basic Requirements where necessary to install features in the accessory family dwelling unit to facilitate the care of, and access and mobility for, disabled and handicapped individuals and persons with limited mobility or a chronic medical condition. This may include, but is not limited to, authorizing a second bedroom in the accessory family dwelling unit.

D. Decision.

1. The Board of Appeals, in making its decision, shall make findings that all of the special permit criteria specified in Section 3.4 C. herein are met.
2. **Conditions, Limitations and Safeguards:** Special permits shall be subject to the conditions, limitations, and safeguards set forth in Section 3.4.D. herein subject to such exceptions as the Board of Appeals may deem appropriate. Every special permit shall include the following conditions:
 - a. Recording. The special permit shall be recorded with the Registry of Deeds prior to issuance of an occupancy permit for the accessory family dwelling unit.
 - b. Transfer of Ownership. If the new owner(s) desires to continue to exercise the special permit, they must, within thirty ~~(30)~~ days of the conveyance, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences, and that the accessory family dwelling unit is to be occupied by one of parties specified in C. 6. b. herein.
 - c. **Bi-Annual Certification.** The owner of the property shall provide a bi-annual certification to the Building Commissioner verifying that the unit not occupied by the owner is occupied by one of the parties specified in C. 6. b. herein or that the space is being used for another lawfully allowed use pursuant to this Bylaw.

And Amend **Section 2 Definitions** deleted language shown in ~~strikethrough~~ and new language shown in **bold**:

Accessory Family Dwelling Unit: A separate and complete housekeeping unit ~~contained within, or being an extension of, a single family dwelling~~ to accommodate additional family members **or caregivers** of a resident of the primary dwelling. **which is granted a special permit under Section 8.2.**

2021 ATM Site Plan Review BJS draft 1/21/2021

Article ____

To see if the Town will vote to amend the Zoning By-law, Site Plan Review, Section 3.5.3 as follows:

3.5.3. Applicability

A. Site plan review shall apply to the following:

1. Major Site Plan Review:

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which involves one or more of the following:
 - i. the addition of 2,500 square feet or more of gross floor area; or
 - ii. the addition of twenty or more new parking spaces
- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of twenty or more new parking spaces.
- c. The redesign of the layout⁴ or configuration of an existing parking area of forty or more parking spaces
- d. Construction of ground mounted solar photovoltaic installations of any size in any zoning district including solar canopy type systems in parking areas
- e. Removal, disturbance, and/or alteration of 20,000 square feet or more of existing impervious surface.

2. Minor Site Plan Review:

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which is not subject to Major Site Plan Review but which involves one or more of the following:
 - i. the addition of 1,000 to 2,499 square feet of gross floor area; or
 - ii. the addition of ten or more but less than twenty new parking spaces

- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces; or
 - c. The redesign of the layout ~~or~~ configuration of an existing parking area of twenty to thirty-nine parking spaces
 - d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3~~r~~ only to the extent allowed by law.
 - e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.
 - f. Installation of a wireless communication facility as defined in Section 8.7 of this Zoning Bylaw.
3. **Administrative Site Plan Review** - New construction or any alteration, reconstruction, renovation or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which is not subject to Major or Minor Site Plan Review but which involves one or more of the following:
- a. The addition of more than 500 but less than 1,000 square feet of gross floor area, or
 - ~~b. Exterior alteration or renovation of an existing building or premises, visible from a public or private street or way which includes any of the following: (Amended 5-13-19)~~
 - ~~i) installation or replacement of awnings~~
 - ~~ii) change in a building's exterior surface material~~
 - ~~iii) rearrangement or addition of windows or doors~~
 - ~~iv) façade reconstruction or replacement (Amended 5-13-19)~~
 - ~~v) roofing if the Building Commissioner determines the roof to be a distinctive architectural feature of the building~~
 - ~~e~~b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of up to nine new parking spaces
 - ~~e~~c. The creation of a new parking area involving the addition of up to nine new parking spaces
 - ~~e~~d. The redesign of the layout ~~or~~ configuration of an existing parking area of ten to nineteen parking spaces
 - ~~f~~e. A change in curb cuts ~~or~~ vehicular access to a site from a public way
 - ~~g~~f. Installation or alteration of sidewalks and other pedestrian access improvements
 - ~~h~~g. Removal of trees greater than 18 inches in diameter at four feet above grade

- ~~ih.~~ Installation of fencing or retaining walls
- ~~ji.~~ Outdoor placement of cargo containers, sheds, and/or membrane structures; the permanent installation of outdoor equipment; and/or the use of an outdoor area of 50 square feet or more for storage of ~~and~~ materials
- ~~kj.~~ Removal, ~~disturbance,~~ and/or alteration of 5,000 ~~to 9,999~~ 10,000 square feet of impervious surface
- ~~l.~~ ~~The conversion of a residential use to a permitted non-residential or mixed use~~
- ~~mk.~~ Reduction in the number of parking spaces
- ~~nj.~~ Installation of donation box

Commented [BSA1]: I believe this is covered by the other sections; if there is no external change, no reason for review.

4. Façade Improvement Review

- a. Applicability. This section shall apply to exterior alteration, reconstruction, or renovation of any multi-family, commercial, industrial, or institutional building which is not subject to Major, Minor, or Administrative Site Plan Review, where such alteration, reconstruction or renovation will be visible from a street and will include any of the following:
 - i) installation or replacement of awnings
 - ii) change in a building's exterior surface material
 - iii) rearrangement or addition of windows or doors
 - iv) façade reconstruction or replacement
- b. No building permit shall be issued for any exterior building alteration that is subject to this Section 3.5.3.A.4 unless an application for façade improvement review has been prepared in accordance with the requirements herein and unless such application has been reviewed by the Medway Design Review Committee and a written recommendation is provided to the Building Commissioner or the Design Review Committee has failed to act within thirty days as provided in Section 3.5.3.A.4.d.
- c. Before filing for a building permit with the Building Commissioner for the activities specified in Section 3.5.3.A.4, a facade improvement review application shall first be filed with the Community and Economic Development office for review by the Medway Design Review Committee for compliance with the Medway Design Review Guidelines. The submittal of the application shall be in form and format as specified by the Design Review Committee.
- d. The Design Review Committee shall meet with the applicant or its representative to review the proposed façade improvements within fifteen days of receipt of a complete façade improvement application (referred to herein as the application date) by the Community and Economic Development office. No later than thirty days from the application date, the Design Review Committee shall prepare and provide its written review letter with recommendations regarding the proposed façade improvements to the Building

Commented [BSA2]: We will need to be sure that there is a form ready to go.

Commissioner. Failure of the Design Review Committee to act within said thirty days shall be deemed a lack of opposition thereto. These deadlines may be extended by mutual agreement of the Design Review Committee and the applicant.

45. Relationship to Other Permits and Approvals.

a. If an activity or use requires major or minor site plan review and one or more special permits, the Board shall serve as special permit granting authority, except special permits under Section 5.5 Nonconforming Uses and Structures.

5.6 OVERLAY DISTRICTS

5.6.1 Flood Plain District

- A. **Purposes.** The purposes of the Flood Plain District are to ensure public safety by reducing threats to life and personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; eliminate costs associated with the response and cleanup of flooding conditions; and reduce damage to public and private property resulting from flooding waters.
- B. **Overlay District.** The Flood Plain District shall be deemed to be superimposed over other districts in this Zoning Bylaw. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection. In the event any regulations of this Flood Plain District are in conflict with the regulations of any other districts, the more restrictive regulation shall govern. The Town designates the Building Commissioner as the Town's floodplain administrator.
- C. **Applicability.** The Flood Plain District includes: All special flood hazard areas designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program as may be updated or revised. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Economic Development Board, Conservation Commission, Building Department and Board of Assessors. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated (FIS date.)
- D. **Definitions.** As used in this Section 5.6, the following terms shall have the following meanings:

Area of Special Flood Hazard: The land in the floodplain that is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

Commented [BSA1]: The sections from the model by-law are included in most instances in their original font and format for easy identification.

Commented [BSA2]: The edits in this paragraph are from model by-law, which has slightly different wording.

(Amended May 8, 2017)

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Development: Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

District: Floodplain district.

Federal Emergency Management Agency (FEMA): The agency that administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Hazard Boundary Map (FHBM): An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway: The channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities

Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

Historic Structure: any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Commented [BSA3]: New mandatory definitions are included from model by-law.

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

New Construction: For floodplain management purposes, new construction means structures for which the "start of construction" commenced on or after the effective date of the first floodplain management code, regulation, by-law, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, New Construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

One-Hundred-Year Flood: See Base Flood.

Recreational Vehicle: A vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Regulatory Floodway: See Floodway

Special Flood Hazard Area: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1 30, VE.

Commented [BSA4]: This is from Model by-law, seems to be only minor differences from our current by-law.

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building

Structure: As used in this Section and for floodplain management purposes, "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. ~~Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.~~

Commented [BSA5]: Not in model by-law, we should be defining terms for insurance purposes in a ZBL.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided

Zone A: an area of special flood hazard without water surface elevations determined.

The 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

Zone A1-30 and Zone AE (for new and revised maps): an area of special flood hazard with water surface elevations determined. The 100-year floodplain where the base flood elevation has been determined.

Zones B, C, and X: Areas identified in the Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

E. Base Flood Elevation and Floodway Data.

1. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty lots or five acres, whichever is the lesser, within unnumbered A zones. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
3. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to: FEMA Region 1 Risk Analysis Branch Chief, 99 High Street, 6th floor, Boston, MA 02110, copy to: Massachusetts NFIP State Coordinator, MA Dept. of Conservation and Recreation, 251 Causeway Street, Boston, MA 02114

- F. In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse: adjacent communities, NFIP State Coordinator (Department of Conservation and Recreation), and NFIP Program Specialist (FEMA Region 1).

G. Use Regulations.

1. Permitted Uses. The following uses shall be **permitted by right** in the Flood Plain District provided that the Conservation Commission has acted within the scope of its jurisdiction under G.L. c. 131, § 40.
 - a. Underlying **permitted** uses are allowed provided they meet the requirements of this Section 5.6.1 and the State Building Code dealing with construction in flood plains.
 - b. Uses directly related to the conservation of water, plants and wildlife.
 - c. Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
 - d. Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
 - e. Grazing and farming, including truck gardening and harvesting of crops.
 - f. Forestry and nurseries.
 - g. Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage, or sale of crops raised on the premises.
 - h. Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
 - i. Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
 - j. Access driveways to land outside the Flood Plain District not otherwise accessible.
 - k. Buildings lawfully existing prior to the adoption of these provisions.
2. All manmade changes to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with G.L. c. 131, § 40, and the following:
 - a. Sections of the State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).

Commented [BSA6]: As of right? Subject to special permit under K.1 below? Or should we use a different word?

Commented [BSA7]: What does "permitted" mean? Permitted by right, permitted by special permit, or both?

d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

4. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

5. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

6. Prohibited Uses. The following shall be prohibited in the Flood Plain District:

a. New construction of a building or structure except as otherwise provided in this Section 5.6.1;

b. Movement, alteration, or expansion of an existing building or structure so as to increase its ground coverage by more than a total of 20 percent; except as otherwise provided in this Section 5.6.1; ?

c. Dumping or filling or relocation of earth materials except as may be required for the uses permitted in Section 5.6.1 G (1) (h) (i) and (j).

d. Storage of road salt, fertilizer, manure, or other organic or chemical leachable material.

e. In Zone AE along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Commented [BSA8]: Not sure if this should be added here.

H. Subdivisions. All subdivision proposals shall be designed to assure that:

1. Such proposals minimize flood damage;

2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards.

4. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

I. Lot Area Allowance. If any portion of a lot in a single-family residence district (AR-1 and AR-II) is overlaid by the Flood Plain District, said portion may be used to meet the minimum lot area regulations of the single-family district. However, no building or structure shall be erected on the portion outside the Flood Plain District unless it contains suitable space for a building or structure, for installation of adequate sewage disposal facilities in accordance with Title V of the State Environmental Code, and for meeting the setback, frontage, and other dimensional requirements of this Zoning Bylaw, but in no case less than 10,000 square feet.

J. A lot with a dwelling existing thereon at the time of the adoption of this Zoning Bylaw shall not be deemed a non-conforming lot solely because any portion of it lies within the Flood Plain District.

K. **Special Permits.** The Board of Appeals may grant a special permit for any of the following upon finding that the purposes of the Flood Plain District have been met.

1. A special permit from the Board of Appeals shall be required for construction on any lot in a commercial or industrial district when a portion of the lot is overlaid by the Flood Plain District.
2. Determination of Flooding and Suitability.
 - a. The Board of Appeals may grant a special permit for a use **permitted** in the underlying district if the Board determines that:
 - i. The land is not subject to flooding or unsuitable because of drainage conditions;
 - ii. The proposed use of such land will not interfere with the general purposes for which the Flood Plain District has been established, and will not be detrimental to the public health, safety and/or welfare; and
 - iii. The proposed use or structure will comply with all other provisions of the underlying district within which the land is located.
 - b. The Board of Appeals shall refer such special permit applications to the Planning and Economic Development Board, Conservation Commission, and Board of Health for review and comment, and shall not act until these agencies have reported their recommendations or ~~forty~~thirty-five days have elapsed after such referral and no report has been received.
 - c. Any special permit granted hereunder shall be conditional upon receipt of all other permits or approvals required by local, state, or federal law.
3. No construction requiring a public utility, including electric, water, gas, and telephone lines or waste disposal or drainage facilities, shall be permitted unless the Board of Appeals determines that all such utilities are located, elevated, and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse, and other wastes and methods of providing drainage are adequate to reduce flood **hazards**.
4. Special permit application, review, and decision procedures shall be in accordance with Section 3.4 of this Zoning Bylaw and the rules and regulations of the Board of Appeals.

Commented [BSA9]: See Section G.1.a, which provides that uses "permitted" in the underlying district are "allowed". So why is a special permit needed? Is this intended to relate back to K.1 only?

Commented [BSA10]: Again, does this relate only to K.1 uses?

L. **Variances From Floodplain Bylaw.** A variance from this floodplain bylaw must meet the requirements set out by State law, and in addition may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

M. **Variance from State Building Code.** The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the any variance granted by that Board from the requirements for flood plain construction, and will maintain this record in the Town's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

M. The Town Medway requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

N. If any section, provision or portion of this by-law deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be ~~effective~~.

Commented [BSA11]: This section is one of the mandatory sections, but may not be needed as it is covered by section 1.6.

ENVIRONMENTAL STANDARDS

Revised 1-21-20

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 7.3 Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable odors: Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. **Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the tables below. In addition, maximum permissible sound levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

The charts below apply to both property lines and remote Sensitive Receptors.

Industrial to Industrial Properties

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	72
125	60	60
250	53	53
500	47	47
1000	43	43
2000	40	40
4000	37	37
8000	33	33
Overall Level (dBA)	52	52

Commented [SA1]: Tom and I discussed this section and came up with this approach to have two charts to address the previously raised concerns.

NOTE - Properties with industrial to industrial exposure at property lines may also be subject to industrial to residential exposures at remote Sensitive Receptors.

Industrial to Residential Properties

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

NOTE - Properties with industrial to residential exposure at property lines may also be subject to industrial to industrial exposures at both property lines and remote Sensitive Receptors.

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.

- 3) **Construction Noise.** 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 7:00 a.m. and shall cease no later than 6:00 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.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.

- c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.

2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.

b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.

1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:

- a) Immediate Impact Zone - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
 - b) Secondary Impact Zone - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.
- 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
- 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:
- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) **Field Olfactometry** - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) **Chemical Analysis** – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
- d) **Instrumental Odor Monitoring** – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
- e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

DRAFT Medway Cottage Cluster Zoning Bylaw
REVISED DRAFT – January 21, 2021

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 8.11 Cottage Cluster Development as follows:

Section 8.11 Cottage Cluster Development

A. Purposes. The purposes of Cottage Cluster Development are to;

1. provide a variety of smaller, more affordable housing choices, including single-family units, duplexes, and carriage houses, in order to meet the needs of a diverse population;
2. encourage new residential development types that foster community and a sense of place while allowing for flexibility in design based on site characteristics and context;
3. promote affordability and variety in housing design and site development while ensuring compatibility and integration with surrounding neighborhoods and land uses;
4. build community cohesion among Cottage Cluster residents through the design of internal pedestrian circulation, orientation of dwelling units, and inclusion of Courtyard(s);
5. provide common open space to be shared by Cottage Cluster residents
6. prioritize pedestrian connectivity and minimize the visual presence, noise, and impacts of vehicular traffic and parking.

B. Definitions. Where the following terms appear in this Section 8.11, they shall have the following meanings.

1. **Carriage House:** A small single-family dwelling located above an attached or detached garage structure in a Cottage Cluster Development.
2. **Community Building:** A building providing indoor and/or outdoor space available for use by all residents of the Cottage Cluster Development, including but not limited to a picnic shelter, tool shed, exercise room, lounge room for meetings, classes, or games, or child care room.
3. **Community Garden:** An open space designed as a collection of individual garden plots available to residents for horticultural purposes, including storage facilities for necessary equipment.
4. **Cottage:** A small detached, single-family dwelling unit with narrow massing.
5. **Cottage Cluster Development:** A Cottage Court or a cohesive grouping of Cottage Courts, carriage houses, and two family houses/duplexes. A Cottage Cluster Development may also include shared community garden plots, parking courts, and community buildings and facilities.
6. **Cottage Court:** A community collection of small private homes arranged around a common courtyard which takes the place of private yard space and becomes an important community-enhancing element of the site. Cottage Courts may also have shared community garden plots, parking courts, and recreation buildings and facilities.

Commented [BSA1]: Can some of these definitions be included in Section 2? Make them generally applicable?

Commented [SA2]: This definition is the same as used in the Oak Grove section of the ZBL.

Commented [SA3]: This definition is the same as used in the Oak Grove section of the ZBL.

Commented [SA4]: This is the almost the same definition as used in the Oak Grove section of the ZBL.

7. **Courtyard:** A courtyard (or court) is a common open space, often surrounded by a building or buildings, that is open to the sky. Courtyards may include a variety of passive recreational activities, community gardens, and other amenities for community gatherings.
8. **Exclusive Use Area:** A private open space or private yard associated with a private residence for passive recreational use including but not limited to landscaped areas, gardens, and seating. The Exclusive Use Area is not intended for public access or access by other residents of the Cottage Cluster.
9. **Maximum unit size:** A limit on the gross floor area of a residential unit, based on the total size of the original construction and any additions or other subsequent alterations, expressed as a square foot measurement.

Commented [SA5]: This is the same description as used in the Oak Grove section of the ZBL.

C. Applicability.

1. By Special Permit. The Planning and Economic Development Board may grant a special permit for a Cottage Cluster Development for up to eight dwelling units per acre for any tract of land in the AR-I, AR-II, and VR districts. A Cottage Cluster Development is subject to the requirements of site plan review, land disturbance permits, and all other generally applicable land use regulations.
2. Lots with legally pre-existing nonconforming buildings shall be eligible for a Cottage Cluster Development special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and density and dimensional requirements of this Section 8.11.

D. Affordable Housing. A Cottage Cluster Development is subject to Section 8.6 Affordable Housing of this Bylaw.

E. Use Regulations.

1. A Cottage Cluster Development special permit may provide for any or a combination of the following uses as determined by the Planning and Economic Development Board:
 - a. Carriage House
 - b. Cottage
 - c. Two Family House/Duplex
 - d. Community Building
2. A maximum of fifteen percent of the total number of dwelling units in a Cottage Cluster Development may be Carriage Houses.
3. A maximum of twenty-five percent of the total number of dwelling units in a Cottage Cluster Development may be Two Family Houses/Duplexes.

F. Density and Dimensional Regulations.

1. The dimensional regulations for Cottage Cluster Developments are given in Table X.X-1 and illustrated in Figure X.X-1. There are no minimum lot area, maximum lot coverage, or minimum open space requirements except for the required Courtyard under this Section.
2. The total square footage of a dwelling unit in a Cottage Cluster Development shall not be increased beyond the maximum dwelling unit size specified in Table X.X-1. Notation shall

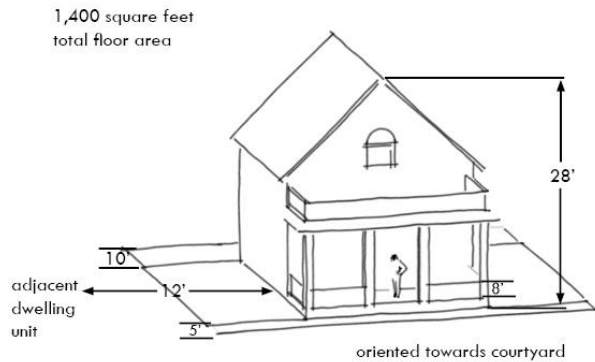
be placed on the title to any property for the purpose of notifying future owners of such limitation.

Table X.X-1: Dimensional Standards for Cottage Cluster Developments

Maximum dwelling unit size	<p>Cottage: one thousand square feet on first floor; fourteen hundred square feet total</p> <p>Carriage House: eight hundred square feet</p> <p>Two Family House/Duplex: two thousand square feet on first floor; twenty-eight hundred square feet structure total</p> <p>Maximum dwelling unit size does not include the basement area or the area of an attached or detached garage.</p>
Minimum lot frontage	Fifty feet
Maximum impervious coverage	Fifty percent
Distance between dwelling units within a Cottage Cluster Development	Minimum distance between buildings: twelve feet. The shared wall of a two family house/duplex is exempt.
Minimum building setback	<p>From property adjacent to the Cottage Cluster Development: twenty feet minimum.</p> <p>Front: five feet to porches; ten feet to porches of buildings wider than twenty-five feet. If the dwelling unit is oriented towards a Courtyard or other common space, the front setback shall be that space between the edge of the porch and the edge of the Exclusive Use Area where it meets the Courtyard or other common space.</p> <p>If the dwelling unit is oriented towards a roadway, the required standard setback of the underlying zoning district applies.</p> <p>Rear: ten feet, if the rear of a dwelling unit is adjacent to a parking area, alley, or other common space.</p> <p>Side: We still need to work on this based on the 1-19-21 discussion.</p>
Height	<p>Cottage: 28 feet</p> <p>Carriage House: 28 feet including the garage</p> <p>Two Family House/Duplex: 28 feet</p> <p>Other buildings or structures: 28 feet</p>

Commented [BSA6]: So no rear setback requirement otherwise; and no side setback requirement.

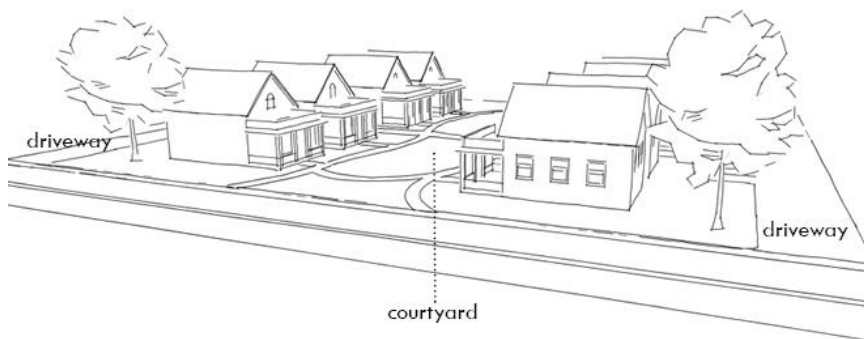
Figure X.X-1. Cottage Dimensions



G. Site Design

1. The primary development configuration of a Cottage Cluster Development shall be a Cottage Court. See [illustrative example in](#) Figure X.X-2 Cottage Court below. A minimum of seventy-five percent of the dwelling units in a Cottage Cluster Development must be developed within a Cottage Court, per Paragraph I herein. There is no limit to the number of Cottage Courts except as provided in the density limitations specified in Paragraph C.1 herein.
2. The secondary configuration of a Cottage Cluster Development may be developed in a manner that does not meet the Cottage Court standards of Paragraph H herein [including the addition of carriage houses and two family/duplexes.](#)

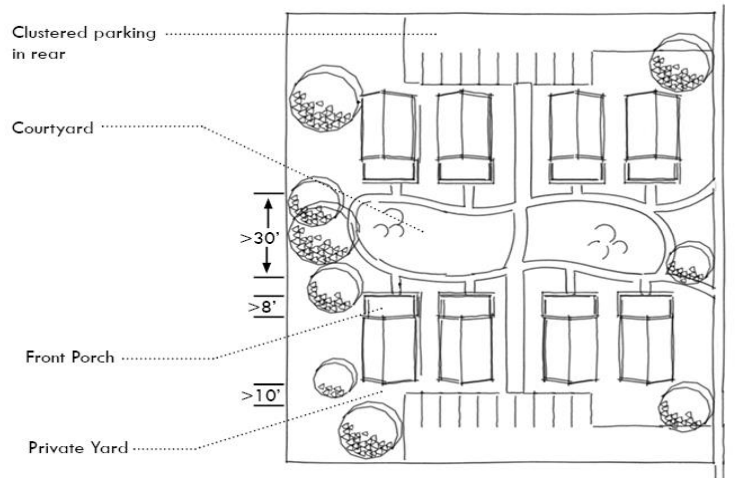
Figure X.X-2. Cottage Court



H. Cottage Court Standards

1. See Figure X.X.-3 Cottage Court Standards below.

Figure X.X-3. Cottage Court Standards



2. A Cottage Court shall be developed according to the following standards.
 - a. Size and Orientation
 - 1) Each Cottage Court shall have a minimum of four and a maximum of sixteen dwelling units.
 - 2) Every dwelling unit in a Cottage Court shall be oriented toward and have their front door opening to the Courtyard.
 - b. Courtyard
 - 1) Each Cottage Court shall have a Courtyard with a minimum dimension of thirty feet on all sides. Each Courtyard must be sized to provide at least four hundred square feet per dwelling unit. Parking areas, yard setbacks, spaces between buildings of less than fifteen feet or less in width, private open space, and driveways do not qualify as Courtyard space.
- ~~2) Lots containing dwelling units shall abut the Courtyard on at least one side.~~
~~2. Courtyards shall have dwelling units on at least two of its sides.~~
- ~~2)3) Courtyards shall be improved for passive recreational use, including but not limited to landscaped areas, picnic areas, and gardens. Courtyards may also include community amenities, including but not limited to seating, landscaping, walkways, trails, gazebos, barbecue facilities, covered shelters, play areas, and other similar features. Community buildings may be included in the required Courtyard but may not occupy more than ten percent of the minimum required Courtyard area.~~

~~3.4)~~ Courtyards shall be held in common ownership through a homeowners' or condominium association.

c. Exclusive Use Area

- 1) Open space for exclusive use shall be provided on the front, side, or rear of each dwelling unit. Each dwelling unit must be provided with a minimum of two hundred square feet of usable Exclusive Use Area, with no dimension less than ten feet. Such open space requirement may be met with a combination of space in the front, side, or rear locations of the dwelling unit.
- 2) The Exclusive Use Area shall be separated from the Courtyard by a walkway, landscaping, hedge, or fence. If a hedge or fence is provided, it shall not exceed three feet in height.

d. Front Porch

- 1) Each dwelling unit abutting a Courtyard must have a covered porch oriented toward the Courtyard.
- 2) Each front porch must have a minimum area of one hundred square feet and a minimum depth of eight feet.

e. Privacy - Dwelling units must be designed so that window placements do not allow residents in a dwelling to peer into the living space of adjacent dwellings closer than thirty feet apart. This can be accomplished by staggering window placements or by arranging dwellings with 'open' and 'closed' sides; the open side of a dwelling may have windows facing its own side or rear yard, and the closed side may have high windows, translucent windows, or skylights.

I. Cottage Cluster Development Standards

1. ~~Relation to adjacent local~~ neighborhood
 - a) Each dwelling unit that abuts a public right-of-way (not including alleys) and that does not abut a Courtyard must have a front façade oriented towards the public right-of-way.
 - b) Gated access to a Cottage Cluster Development is prohibited.
2. Design - Building design should incorporate features of traditional New England architecture, utilizing forms such as steeply pitched roofs, gables, or dormers and be consistent with the Medway *Design Review Guidelines*. Variety in building design among the cottages within a Cottage Cluster Development is required. High-quality exterior materials and architectural details consistent with the building's cottage style should be used to provide visual interest.
3. Walkability - Pedestrian connections are required between each building and public right of way, Courtyard, and parking area.
4. Community buildings and other features are encouraged subject to the following:
 - a) Must be clearly incidental in use and size to the dwelling units
 - b) Must be no greater than 28' in height one story in height
 - c) Must be commonly owned by the residents
 - e)d) Must be architecturally compatible with Cottage style

5. A common driveway may be administered as part of a homeowners' or condominium association. Alternatively, it may be jointly owned in fee or as an easement as specified on the deeds of the owners of the properties to which it provides access.

J. Parking Requirements

1. Number of Parking Spaces
 - a) Dwelling units less than eight hundred square feet: Minimum of one space per unit, maximum of one space per dwelling unit
 - b) Dwelling units greater than eight hundred square feet: Minimum of one space per unit, maximum of two spaces per dwelling unit only one of which may be located in a garage.
 - c) One guest parking space per four dwelling units.
 - d) Minimum and maximum parking space requirements shall include parking spaces in garages.
2. Location and Design
 - a) Parking requirements should be considered on the scale of the overall development, rather than on a unit-by-unit basis. Parking requirements may be met in clustered shared parking areas, along access alleyways, or in attached or detached garages. Each required parking space, not including guest spaces, must be located within three hundred feet of each entrance to the associated dwelling unit. Parking requirements may not be fulfilled by parking on a public street.
 - b) Parking for dwelling units abutting a Courtyard shall be located at the rear or side of the dwelling units. Garages, carports, surface parking, and driveways shall not be located between the Courtyard and the dwelling units.
 - c) Where dwellings have garages accessed by a front entrance located off of a public street, such garages must be set back from the front façade of the dwelling by a minimum of one foot and have a maximum of one garage door up to ten feet wide, not to exceed ten feet in width.
 - d) Surface parking areas should incorporate low impact development strategies to filter and minimize runoff. Parking areas may have gravel surfaces.
 - e) ~~A common driveway may be administered as part of a homeowners' or condominium association. Alternatively, it may be jointly owned in fee or as an easement as specified on the deeds of the owners of the properties to which it provides access.~~
3. Should we include something about "compliance" with Section 7.1.1 Off-Street Parking and Loading and/or specify a minimum parking space size?

I. Management - The applicant must prove to the Town, based upon review by the Planning and Economic Development Board, that there will be a suitable legally-binding system in place, such as a homeowners association agreement or condominium association agreement, to ensure proper maintenance and funding of shared facilities and services, including but not limited to trash management, Courtyard, open space, shared parking areas, communal storage, communal mailbox, alleys, community building, stormwater management, and other site amenities and improvements.

~~K. Common Water and Wastewater — A Cottage Cluster Development shall be served by a private central sanitary sewer system, central septic system, or by individual septic systems. All systems are subject to approval by the Board of Health and any other permitting authority of competent jurisdiction.~~

Commented [SA7]:

I expect most if not all of the dwellings will have a front entrance (courtyard side) and a back entrance. Does the parking space have to be located within 300' of both entrances or just one?

Commented [SA8]:

We agreed to remove this paragraph completely.

L.K. Conditions, Limitations and Safeguards - The Planning and Economic Development Board may waive criteria and require additional criteria, including but not limited to building standards and site design, based on compelling reasons of fire safety submitted by the Medway Fire Department Chief during the public hearing.

M.L. Special Permit Review Criteria - The Planning and Economic Development Board may grant a Cottage Cluster Development special permit upon finding that:

1. The proposed plan meets the requirements of the Cottage Cluster Development Bylaw;
2. The dwellings are sited and oriented in a complementary relationship to each other, the Courtyard, and the adjacent properties with respect to style, scale, mass, setback, proportions and materials;
3. The site plan, ingress, egress, and internal circulation is designed to prioritize safe and convenient pedestrian access;
4. Adjacent properties and nearby streets are protected and buffered from negative visual impacts of the development, if any, by landscaping or other site planning buffering techniques;
5. Adequate provisions for snow removal or on-site storage have been demonstrated; and
6. The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.

Commented [SA9]: Perhaps add another criteria about provision of adequate utilities and services.

NOTE

And to add the following to Section 8.6 Affordable Housing, B. Applicability as follows:

1. In applicable zoning districts, this Section shall apply to the following uses:
 - f. Cottage Cluster Development approved pursuant a Cottage Cluster Development special permit under Section 8.11 of this Zoning Bylaw.**

Commented [SA10]: QUESTION - Do you want to include provisions like we have in the multi-family section of the ZBL to address retaining existing historic structures and incorporating them into the development??



January 26, 2021
Medway Planning & Economic Development Board
Meeting

ZBA Petitions

- Application from Volta Charging for a variance from the sign regulations to allow for electric signage in two electric vehicle charging stations located at Shaw's, 65 Main Street. This type of signage is not authorized by the ZBL. The EV charging stations were installed several months ago without any sign permits. This petition will be heard at the 2-3-21 ZBA hearing.

January 7, 2021

Town of Medway
Zoning Board of Appeals
155 Village Street
Medway, MA 02053

RE: Application for Variances

Applicant: Volta Charging, LLC (“Volta” or the “Applicant”)

Site: Medway Commons Plaza, Shaw’s Parking Lot at 65 Main Street
(Assessor’s Parcels 41-023 and 41-024)

Zoning District: Central Business

Owner: Hidden Acres Realty I, LLC (c/o Shaws, Inc.)

Relief Requested: Variances from the terms of Section 5.2(A) of the Town of Medway Zoning Bylaw (hereinafter, the “Bylaw”) for the installation, operation and maintenance of two Electric Vehicle Charging Stations; and from the terms of Section 7.2.3 of the Bylaw for signs that are not expressly permitted pursuant to Section 7.2 of the Bylaw or exempted by Section 7.2.2 of the Bylaw and which are prohibited by the terms of Sections 7.2.3(B), 7.2.3(D), 7.2.3(K), 7.2.3(T), 7.2.4(C)(1), 7.2.4(D), 7.2.4(F)(5), 7.2.5(B)(1), and 7.2.5 Table 5 (maximum number of signs and internal illumination) of the Bylaw; all pursuant to Section 3.2(B)(4) of the Bylaw and Massachusetts General Laws Chapter 40A, Section 10, and such other relief as deemed necessary, all rights reserved.

Dear Honorable Members of the Town of Medway Zoning Board of Appeals:

On behalf of Volta, we are pleased to submit this letter to the Town of Medway Zoning Board of Appeals (the “Board”) in support of the application by Volta for variances for the installation, operation, and maintenance of two Electric Charging Stations, as well as signs incorporated into Volta’s charging stations at the Site. The following provides background information regarding the charging stations and addresses the applicable sections of the Bylaw.



BACKGROUND

Volta was founded in 2010 out of a passion for advancing electric transportation and since then Volta has mastered the art and science of developing cutting-edge electric vehicle charging networks. By providing seamless, simple and free charging experiences, Volta is accelerating the electric vehicle movement. Thoughtfully located along the paths of daily life, Volta chargers are the most heavily used in the charging industry. With the support of forward-thinking brand partners, Volta delivers free charging solutions to real estate owners, power to the electric vehicle community and impactful brand stories to everyone. www.voltacharging.com

The Volta charging station is a unique concept as it does not charge customers for the electricity but gives it away instead in order to encourage the use of electric vehicles. As the electricity ultimately must be purchased, Volta sells advertising space to brand name advertisers on the screens on its charging stations to generate the revenue needed to pay for the electricity. Notable advertising partners include Netflix, Jaguar, Alaska Airlines and Haagen Dazs. The advertisements shown on the screens are an integral part of the charging station and the electricity would not be available to give away to the public for free without them.

Volta currently has nearly 1,500 charging stations installed throughout the country including many here in Massachusetts in the following communities: Burlington, Barnstable, Marlborough, Northborough, Framingham, Natick, Boston, Wakefield and Belmont. Charging stations are typically situated near retailers such as grocery stores.

For example, charging stations were recently installed in front of a Star Market grocery store in Belmont, Massachusetts and the feedback has been terrific:

"I'm sure that you will be delighted to hear that the customer reception has been incredible! Yesterday as a user at one station pulled out, another customer pulled right in! This morning I was paged to the service desk to receive more accolades from a customer about how "Great Star Market is" to be on the forefront with these stations."
Steve Duran, Store Director, Belmont Star Market

"I just want to thank you for bringing free Electrical Vehicle charging stations to my local Star Market in Belmont, MA. It is very convenient for me and helps to get the word out that electric vehicles are practical as well as environmentally desirable. The charging units are conveniently placed within the parking lot and have been well maintained. I hope the program expands and would especially like to see units where I typically spend more time."
S. Harris, Electric Vehicle Owner, Belmont, MA

Volta is also proud of its commitment to assist local communities with displaying emergency messaging on its charging station screens. The Volta Response System allows participating Towns to show public service announcements and emergency messaging for free.



This community service allows towns to reach communities such as the elderly, without expending local government resources having signs or buying ad space. In fact, the Shaw's charging stations in Medway were running Covid messages from the CDC on their screens prior to the stations going off-line.

The clean energy impact from the Volta charging stations is immense:

- Powering over 73,000,000 free electric miles.
- To date, Volta has offset over 32,000,000 pounds of CO2.
- Total equivalent of over 369,000 trees planted.
- Volta charging stations are the most used in the charging industry.

THE SITE

Volta has two electric charging stations (not currently in operation) at the Medway Commons Plaza, Shaw's parking lot Site at 65 Main Street, capable of providing free electricity to the public for charging electric vehicles. The charging units measure 2.71' wide x 7.19' high. On each face of the unit, there is a screen for advertisements. The advertising screen measures 48" x 27". The ads are stationary and change every 8 seconds. The screens are backlit like a TV screen and target those on foot, not drivers. Out of an abundance of caution Volta follows an 8 second minimum advertisement loop which is the length recommended by the Federal Highway Administration.

The proposed signs will not have an adverse impact upon the aesthetics of the area. The charging stations are located within the parking lot near the existing Shaw's market grocery store and the commercial nature of the proposed signage is not inconsistent with that of the business advertisements already located within the plaza including; a lit sign above the door of a restaurant advertising pizza and Pepsi Cola; liquor store windows featuring separate lit signs advertising eight different types of beer; and two menu signs for the fast food drive through which appear to be internally lit. Furthermore, the light from the proposed signs will not significantly add to the overall amount of light in the plaza because, in addition to the light from existing buildings and other lit signs, there are many street lamps illuminating the parking area and driveways in the plaza.

As mentioned, the charging stations are located near the Shaw's grocery store, which is nearly 450 feet away from the closest public street or right of way. In between the charging stations and Main Street, there are existing buildings, street lights, signs and shrubbery. Given the distance to the street and the existing obstructions, the proposed signage will not be visible from any public road.



As evidenced by Section 7.1.1(E)(4) of the Bylaw, the Town of Medway has made a commitment to the accommodation of electric vehicles by requiring industrial, commercial and multi-family housing developments with fifteen or more spaces to provide a certain number of spaces with charging stations for electric vehicles. By installing charging stations in the existing commercial development, which has well over 100 parking spaces, Volta is assisting the Town's commitment by accommodating electric vehicles in a previously developed commercial plaza.

Approval of the design of the proposed signage will not create a concerning precedent in the Town of Medway. Specifically, the advertisements featured on the Volta screens do not necessarily advertise the charging stations themselves, but rather whatever product the advertiser is selling. The advertisements pay for the electricity offered at no charge to the public. This arrangement is unique as the advertisements pay for the electricity, but do not generate interest in the electricity proffered at the charging station. This differs from advertisements within the plaza and elsewhere throughout Town which seek to generate interest in the products for sale within the various businesses, but do not themselves pay for the products therein.

RELIEF REQUESTED

Volta respectfully requests variances from the terms of Section 5.2(A) of the Town of Medway Zoning Bylaw (hereinafter, the "Bylaw") for the installation, operation and maintenance of two Electric Vehicle Charging Stations, which are not a listed use in the Schedule of Uses; and from the terms of Section 7.2.3 of the Bylaw for signs that are not expressly permitted pursuant to Section 7.2 of the Bylaw or exempted by Section 7.2.2 of the Bylaw and which are prohibited by the terms of Sections 7.2.3(B)[signs advertising businesses not on the premises], 7.2.3(D)[illuminating devices], 7.2.3(K)[variable message signs], 7.2.3(T)[internal illumination], 7.2.4(C)(1)[changing signs], 7.2.4(D) [landscaping], 7.2.4(F)(5)[landscaping], 7.2.5(B)(1)[number of signs], and 7.2.5 Table 5 (maximum number of signs and internal illumination) of the Bylaw; all pursuant to Section 3.2(B)(4) of the Bylaw and Massachusetts General Laws Chapter 40A, Section 10, and such other relief as deemed necessary, all rights reserved. The Board is specifically empowered to grant the requested relief by Section 3.2(B)(4) of the Bylaw.

As will be further demonstrated by Volta by evidence submitted to the Board at the public hearing(s) in connection herewith, such relief is appropriate as the facility satisfies all pertinent provisions and standards contained in the Bylaw and Massachusetts General Laws for the granting of variances, to the extent required, all rights reserved, as enumerated below.

COMPLIANCE WITH SECTION 3.2 OF THE BYLAW AND MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 10



3.2(B)(4) To hear and decide petitions for variances in accordance with G.L.c.40A, Section 10, including variances authorizing a use or activity not otherwise permitted in a particular zoning district.

Volta submits this application pursuant to this provision of the Bylaw.

Section 10 The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

a. A literal enforcement of the provision of this By-law would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

Volta's hardship is a financial hardship. If the charging stations are not permitted to be on the parcel, Volta cannot offer free electricity to the public or generate the revenue necessary to pay for the electricity. The electricity offered at no charge to the public is paid for by selling advertising space on the signs built into each charging station. If the signs are not allowed to function, then Volta cannot offer the free electricity to the public and the clean energy benefits of Volta's electric charging stations will not be realized.

b. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

The hardship is owing to the shape and topography of the land and its use as a shopping plaza renders the proposed location uniquely suited for the electric charging stations as there is ample room and the existing parking lot is an appropriate location for new technology designed to charge electric cars. The signage will be consistent with the existing commercial signage within the existing shopping plaza. The size of the parcel, along with the existing buildings upon it, will screen the electric charging stations and their built-in signs from view from nearby roads, thereby preserving the aesthetic qualities of the Town of Medway.



- c. **Desirable relief may be granted without either:**
- (1) Substantial detriment to the public good; or**
 - (2) Nullifying or substantially derogating from the intent or purpose of this By-law.**

The proposed signs will not be a substantial detriment to the public good or nullify or substantially derogate from the intent or purpose of the Bylaw because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

COMPLIANCE WITH TOWN OF MEDWAY SIGN DESIGN REVIEW GUIDELINES

E. Signage Guidelines

The signage guidelines for commercial zones provide guidance in the design of signage that is functional and attractive. In addition to the Design Review Committee's (DRC) responsibilities to review signage for the Building Department, the DRC is available to provide design assistance for signage applicants that request additional assistance or design resources. Signage design must comply with the dimensional, usage, placement, and other regulations contained in the Sign Regulations of the Zoning Bylaw. The DRC is also available to review proposed master signage plans as part of a site plan or special permit review process. The guidelines focus on well-designed signage in the context of compliance with applicable regulations.

As the signs Volta proposes are not permitted by the Bylaw, Volta is applying for variance relief from the Board as an alternative to seeking the approval of the Design Review Committee.

- 1. Principles and Intentions - Signage for commercial uses or businesses should communicate a positive and clear identity for the establishment, be part of**



the building and façade design, harmonize with its surroundings, and respect Medway's New England village character.

The advertisements shown on the screens are an integral part of the charging station and the electricity would not be available to give away to the public for free without them. The advertisement screens are incorporated into the charging station units themselves. The proposed signs will not adversely impact the village character of the Town of Medway because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way.

- a) **Reinforce New England Village Character– Sign design should be appropriate to Medway's New England village character, including use of historic, muted colors; traditional-style sign face materials such as wood or wood composite; and lettering that is painted, gold foil stamped, carved dimensionally, vinyl cut, sand-blasted or etched, or metal channel cut.**

The proposed signs will not adversely impact upon the village character of the Town of Medway because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza.

- b) **Emphasize Legibility and Clarity – A sign should be readable, simple, and legible with careful consideration of the proportion of lettered and graphic areas to the overall size and location of the sign. Consideration should be given to the purpose and intended audience of the sign, whether vehicular or pedestrian. Signage should be concise and graphically balanced.**

The sign screens on the charging stations will measure 48" x 27" and will be proportioned for the intended audience of members of the public who access that area of the parking lot and are walking from their cars to the grocery store. The actual content of the signage is largely dependent upon the individual advertiser.



- c) **Define Hierarchy of Signage and Purposes – The most important sign should be most prominent on the site. The most important information on a sign should be the most prominent and emphasized component of the sign. Sign design should optimize communication of the name of the business.**

The main purpose of the advertisements appearing on the proposed signage is not to advertise the electric charging station units or the Shaw's, but to generate the revenue to pay for the electricity offered at the charging stations at no cost to the public.

2. Sign Harmony

- a) **Reinforce Compatibility with Context– Signs should be designed to be compatible with neighboring properties, storefronts and buildings. Compatibility should be considered through sign style, height, type, scale and location.**

The proposed signage will be compatible with neighboring properties as the charging station will be set back a great distance and will not be visible from the streets. The nature of the signage will not be inconsistent with the existing signage within the shopping plaza. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. The charging stations and advertising screens have crisp and attractive design elements as can be seen in the photos enclosed with this application.

- b) **Reinforce Compatibility with Residential Context – Where business uses are interspersed with residential uses, signs should be designed and located with sensitivity to the residential areas. Illumination should be designed to minimize impact on adjacent residences.**

The proposed signage will not be visible from any residential uses. The light from the proposed signs will not significantly increase the light generated by the existing businesses, signs, and streetlamps within the shopping plaza.

- c) **Coordinate Compatibility with Building Architecture – Sign design and placement should relate to and harmonize with the building architecture. Signs should not overwhelm or obscure building features.**



The proposed signs will be on screens on the charging station units and not on any buildings in the shopping plaza.

- d) **Complement Other Signs – Where a business or development has more than one sign, all signs should be designed to be compatible in terms of materials, color, lettering, style and logo use. Design and placement of multiple signs should reflect a clear hierarchy and coordinated overall visual effect.**

The proposed signage will be placed on the charging station units, consistent with the signage in the shopping plaza.

3. Sign Characteristics

- a) **Focus Signage Design and Readability – A sign should be readable, simple, and legible, with sign content that fits comfortably within the space it will occupy on the building. Generally, a sign's text and graphic elements should not occupy more than two-thirds of the sign panel area.**

The proposed signage will not occupy space on a building but will be incorporated into the charging station units.

- b) **Emphasize Signage Legibility – Signage typeface should also be simple and legible; ornate or unusual typefaces should be used only for emphasis and restricted to single words or short phrases. The use of both upper and lower case letters reinforces sign legibility.**

The signs will be within the screens provided on the charging station units. Actual sign content will be dependent upon the advertisers who purchase space on the screens.

- c) **Consider Signage Scale – Signs should be scaled to their use and intended viewer, be that the driving or walking public. Sign lettering and graphics should be clear, simple, and legible from a distance, under different lighting conditions. Scale of sign should be appropriate for its intended audience and its location on a building or site. For automobile-oriented signs, signs should be legible at posted driving limits.**

The proposed signage will be scaled to the intended viewers, primarily those who park their cars and walk to and from the grocery store.



- d) **Focus Signage Content – Signage messaging should be simple and brief to maximize a sign’s visibility and clarity. Signage should primarily communicate the name of the business or establishment through lettering, graphics or logos. In order to reinforce signage purpose, the following information should not be included on a primary sign: telephone numbers, business hours, website address, sale information, listing of goods and services, brand names carried, or credit cards accepted.**

The content of the individual signs on the charging unit screens will be dependent upon the individual advertisers who purchase space on the screens.

- e) **Use Signage Color – Signage color should complement building materials and color palette. Signage color should also consider signage legibility and readability from a distance during the day and night. High contrast between signage lettering and backgrounds helps increase legibility. Lighter colored lettering on darker backgrounds is recommended.**

The content of the individual signs on the charging unit screens will be dependent upon the individual advertisers who purchase space on the screens.

- f) **Coordinate Signage Materials – Signage materials should be selected for durability, ease of maintenance, and compatibility with building materials and design.**

The proposed signs will comply with this provision.

- 4. **Site Signage - Site signage includes any sign that is not attached to a building, but is part of the site design and layout to assist in the identification of the development, businesses, or wayfinding on the site.**

- a) **Integrate Signage Design with Landscape – Site signage should be integrated with site landscape design and be used to reinforce gateway locations and site entry points. Landscape plantings should be included to anchor and integrate signage into the site plan. Refer to Sign Regulations in the Zoning Bylaw.**



- b) **Coordinate Signage Placement** – Sign locations should consider lot characteristics in regard to roadway and access considerations, building location, views in and out of the property, pedestrian and vehicular circulation and vehicular safety and visibility. Refer to Sign Regulations in the Zoning Bylaw.
- c) **Coordinate Signage Style** – Free-standing signage should complement the overall character and design of other site and building components. Free-standing signage should be balanced and proportional. A lollipop sign, which is a single pole sign that has a disproportionately large top and overly slender support base, is discouraged. Incorporate elements of the building design into a free-standing sign design.
- d) **Define Multiple Tenant Directory Signage** – For multi-tenant developments, an internal site directory sign may be provided listing names of businesses and establishments. Directory signage should be clear and legible with the ability to conveniently change business names as tenants move in and out. Design of the sign should be consistent with other development signage.
- e) **Coordinate Wayfinding Signage** – Simple directional signage may be provided on the site to inform visitors of entries, parking areas, building names, numbers or other information. Wayfinding signage should be consistent and compatible with other development signage. Wayfinding signage should not obstruct or cause conflict with regulatory or traffic-related signage.

Though the proposed signage will not be attached to any building, it is not part of the site design and layout to assist in the identification of the development, the businesses within the development, or wayfinding on the site and these provisions do not apply to this Application.

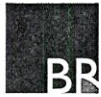
5. Building Signage - Building signage includes any sign that is attached to a building to provide identification of businesses.

- a) **Integrate Signage Design with Building** – Signs should integrate with the building on which they are placed, by considering the architectural style, character, or historic significance, rhythm and scale of façade features, and patterns of window and door openings. Particularly with older buildings, care should be taken not to obscure,



damage or otherwise interfere with design details and architectural features that contribute to the building's character.

- b) Coordinate Signage Placement – Signs should be designed for the specific building on which they will be placed, and for the specific location on the building. Signs should generally be centered within the wall area of the façade on which they will be located. Signs should not extend beyond the boundaries of the area of the building on which it will be mounted. Signs previously installed on other buildings or locations should not be used.**
- c) Define Multiple Tenant Building Signage– Multiple tenant or business signs on a building should have a consistent placement and be of a coordinated design. Using signage to reinforce or establish a rhythm, scale and proportion for a building is encouraged, especially where such elements are weak or absent in the building's architecture. A Master Signage Plan should be developed for multitenant developments to encourage a coordinated and compatible approach to signage according to the Sign Regulations.**
- d) Coordinate Secondary Signage– Window and door signage should be coordinated with the overall signage program and may include more detailed information that is not appropriate for larger signs. Window signage is generally directed toward the pedestrian viewer. Window signage should not dominate the glazed surface. Window signage and displays should not include the stockpiling of products or inventory inside the windows.**
- e) Design Awning Signage – Awning fabric should be opaque, and any awning signage should use cut or screen-printed letters or logos. Lettering and graphic elements should comprise no more than 30 percent of the total awning surface.**
- f) Integrate Sign Mounting – Projecting signage should be integrated into the design of the façade with attractive sign mounting hardware.**
- g) Complete Sign Location Preparation – The areas of the building to receive the sign should be prepared cleaned and painted prior to installation of the sign. Previously installed signs should be completely removed and any remnants or wall surface damage repaired and covered prior to the installation of a new sign.**



The proposed signage will not be attached to any building and does not assist in the identification of the businesses within the development and these provisions do not apply to this Application.

6. Sign Illumination - External signage illumination is encouraged and should be targeted only onto the sign, not onto adjacent buildings or towards vehicles or pedestrians.

The illumination of the proposed signage will be interior. The light from the sign will not significantly increase the existing light in the plaza produced by existing buildings, signs and streetlamps.

- a) **Focus Awning Sign Illumination – If a window awning sign is internally illuminated, only the sign letters, logo and ornamentation should be translucent. The background material should be opaque.**

The proposed signage is not Focus Awning Signage and this provision does not apply to this Application.

- b) **Limit Internal Sign Lighting – The preferred forms of internally lit signs are those using push-through graphics and text; standard channel letters, also called back-lit or halo-lit; and reverse channel letters with a halo effect. When signs other than channel letters are internally lit, only the sign copy (words/logo) should be illuminated. The sign background or field should be opaque and of a non-reflective material. Internally illuminated box cabinet signs are discouraged.**

Though the proposed signage will be internally back-lit, they will be consistent with other signage within the shopping plaza and will not be visible from the nearest streets.

- c) **Integrate Lighting Utilities – Raceways, conduits and other electrical components should be concealed from public view. When it is not possible to conceal, such utilitarian components should be painted to match the background of the wall on which they are mounted to reduce the visual impact.**

The proposed signage will comply with this provision.

- d) **Coordinate Signage Lighting Fixtures – External lighting fixtures that project the light from above the**



sign are strongly encouraged. Light fixtures should be simple and unobtrusive, and should not obscure the sign's message and graphics.

The proposed signage will not employ exterior lighting.

- e) Provide Consistent Lighting Levels – Lighting should provide a consistent and even wash of light across the sign.**

The screens of the charging units are internally lighted.

COMPLIANCE ALTERNATIVES

Section 1 (E) of the Sign Design Review Guidelines states, in pertinent part:

“It is difficult for *Design Review Guidelines* to predict all possible development or design scenarios or anticipate new trends, technologies or best practices. If specific *Guidelines* will not be followed by an applicant because they feel a better approach to reinforcing the Town's goals and principles exists for their individual development and design circumstances, a compliance alternative may be reached as an agreed upon method to comply with the intention of the *Guidelines*. This option provides a process to arrive at innovative design solutions that all parties agree will follow the intent of the *Guidelines*.”

The Volta charging stations and related advertisement screens certainly represent a new technology and trend in the provision of electricity for electric vehicles at no cost to the public. As mentioned previously, the advertisements displayed on the screens of the charging stations ultimately pay for the electricity which is made available at no charge to the public, providing greater amenities to the residents and visitors of the Town of Medway. Though internally lit, the signs do not “flash”, “blink”, or “flutter” but rather change every eight seconds. The square footage of the combined signage of the Volta charging station complies with the amount of sign surface area permitted by Table 5 of the Zoning Bylaw and the signs also comply with the height requirements of freestanding signs. Not only will the signage comply with the minimum setback of 10' from any street line, they will be located approximately 450' away from the nearest street line and will not be visible outside the shopping plaza. Volta respectfully asserts that its new charging technology and related advertisement screens, represent a trend towards cleaner energy, is the type of innovation which is referenced by Section 1(E) of the Guidelines, and that the distance of the charging stations from the street lines will satisfy the intentions of the Guidelines.

CONCLUSION

As evidenced by the materials submitted with this Application and as will be further demonstrated by the Applicant through evidence submitted to the Board at the public hearing(s)



Town of Medway
Zoning Board of Appeals
January 7, 2021
Page 15

in connection herewith, the proposed signage satisfies the intent and objectives of the Bylaw in light of the size of the parcel, the commercial nature of the shopping plaza, as well as the sign placement within the plaza. The charging station signage will minimize potential adverse impacts to the surrounding neighborhood and the Town of Medway as a whole as it will not be seen from the streets or neighboring parcels. Volta respectfully requests that the Board approve the design of the charging station signage and grant the requested variances.

Respectfully Submitted,

BROWN RUBNICK LLP

By: A large, stylized handwritten signature in black ink, written over a horizontal line.

Michael R. Dolan, Esq.



LIST OF EXHIBITS

1. Application Forms
2. Representative Authorization Form
3. Treasurer's Certification
4. Certified Abutters List
5. Plans
6. Legal Notice Billing Agreement
7. Photos
8. Filing Fee
9. Letter of Support – Energy and Sustainability Committee

63862477 v5-WorkSiteUS-036156/0001

TAB #1

GENERAL APPLICATION FORM



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): Volta Charging, LLC ("Volta")	Application Request(s):
Property Owner(s): Hidden Acres Realty I, LLC	Appeal <input type="checkbox"/>
Site Address(es): 65 Main Street Medway, MA 02053	Special Permit <input type="checkbox"/>
Parcel ID(s): 41-023 and 41-024	Variance <input checked="" type="checkbox"/>
Zoning District(s): CB (Central Business)	Determination/Finding <input type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
	Comprehensive Permit <input type="checkbox"/>
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:	

TO BE COMPLETED BY STAFF:

Check No.:

Date of Complete Submittal:

Comments:

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): Volta Charging, LLC Attention: Bryn Paslawski	Phone: 603-318-6643
	Email: bryn.Paslawski@voltacharging.com
Address: 155 De Haro Street, San Francisco, CA 94103	
Attorney/Engineer/Representative(s): Michael R. Dolan, Esq.	Phone: 401-276-2610
	Email: mdolan@brownrudnick.com
Address: Brown Rudnick LLP 10 Memorial Boulevard Providence, RI 02903	
Owner(s): Hidden Acres Realty I, LLC Attention: Cathy Ikeuchi	Phone: 925-226-5860
	Email: cathy.ikeuchi@albertsons.com
Mailing Address: 250 E. Parkcenter Boulevard Boise, ID 83706	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative

Date

Please refer to the Representative Authorization Form

Signature Property Owner (if different than Applicant/Petitioner)

Date

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw: 5.2(A); 7.2.3; 7.2; 7.2.2; 7.2.3 (B),(D),(K), and (T); 7.2.4(C)(1); 7.2.4(D); 7.2.4(F)(5); 7.2.5(B)(1); 7.2.5 Table 5; and 3.2(B)(4)	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Does the proposed use conform to the current Zoning Bylaw?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Present Use of Property: Shopping plaza. Proposed Use of Property: Charging station with built-in variable image signs in addition to existing shopping plaza.	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the property or are the buildings/structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Lot was created:	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected:	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines?	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Describe Application Request: Use variances from the terms of Section 5.2(A) of the Town of Medway Zoning Bylaw (hereinafter, the "Bylaw") for the installation, operation and maintenance of two Electric Charging Stations; and from the terms of Section 7.2.3 of the Bylaw for signs that are not expressly permitted pursuant to Section 7.2 of the Bylaw or exempted by Section 7.2.2 of the Bylaw and which are prohibited by the terms of Sections 7.2.3(B), 7.2.3(D), 7.2.3(K), 7.2.3(T), 7.2.4(C)(1), 7.2.4(D), 7.2.4(F)(5), 7.2.5(B)(1), and 7.2.5 Table 5 of the Bylaw; all pursuant to Section 3.2(B)(4) of the Bylaw and Massachusetts General Laws Chapter 40A, Section 10, and such other relief as deemed necessary, all rights reserved. Please refer to the supporting statements submitted herewith and incorporated herein by reference.			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			Electric Charging Station with built-in variable image signs
B. Dwelling Units		0	0
C. Lot Size	10,000		No change
D. Lot Frontage	N/A		No change
E. Front Setback	10'		No change
F. Side Setback	10' or 25' when abutting a residential district.		No change
G. Side Setback	10' or 25' when abutting a residential district.		No change
H. Rear Setback	25'		No change
I. Lot Coverage	80%		No change
J. Height	40'		7.19' AGL
K. Parking Spaces			No change
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to zoning@townofmedway.org and 4 paper copies to the Community & Economic Development Department.

VARIANCE FORM
**TOWN OF MEDWAY
ZONING BOARD OF APPEALS**

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

Site Address: 65 MAIN ST , MEDWAY, MA 02053

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Variance Decision Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

The hardship is owing to the shape and topography of the land and its use as a shopping plaza renders the proposed location uniquely suited for the electric charging stations as there is ample room and the existing parking lot is an appropriate location for new technology designed to charge electric cars. The signage will be consistent with the existing commercial signage within the existing shopping plaza. The size of the parcel, along with the existing buildings upon it, will screen the electric charging stations and their built-in signs from view from nearby roads, thereby preserving the aesthetic qualities of the Town of Medway.

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be personal hardship)

Volta's hardship is a financial hardship. If the charging stations are not permitted to be on the parcel, Volta cannot offer free electricity to the public or generate the revenue necessary to pay for the electricity. The electricity offered at no charge to the public is paid for by selling advertising space on the signs built into each charging station. If the signs are not allowed to function, then Volta cannot offer the free electricity to the public and the clean energy benefits of Volta's electric charging stations will not be realized.

3. State why desirable relief may be granted without substantial detriment to the public good.

The proposed signs will not be a substantial detriment to the public good or nullify or substantially derogate from the intent or purpose of the Bylaw because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

The proposed signs will not be a substantial detriment to the public good or nullify or substantially derogate from the intent or purpose of the Bylaw because the charging stations are located within the parking area of an existing shopping plaza, set back a distance from any street so that they will not be visible from any Town streets or public rights of way. Further, the signs will be located in the Central Business (CB) Zoning District where illuminated signage is expected and commonplace. Though the signs will be of a modern design and will not be of wood or other traditional materials, the materials of the signage will be consistent with the existing commercial signage within the existing shopping plaza. The charging stations provide a public benefit in the form of free electricity, which promotes the use of green energy.

January 13, 2021

Signature of Applicant/Petitioner or Representative

Date

Signature 1/13/2021

TAB #2



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 321-4890
Email: zoning@townofmedway.org
www.townofmedway.org

Representative Authorization Form

Board Members

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Tom Emero, Member
Brian Cowan, Associate
Member
Carol Gould, Associate
Member

I, Myles Ostroff as Authorized Agent certify that I am the owner of
the property and I am aware of and authorize the submission of this
application being submitted by my representative
Volta Charging, LLC.
All information submitted is accurate to my knowledge.

Hidden Acres Realty I, LLC

Property Owner Name

65 Main Street, Medway MA
02053

Property Address

617-431-1097

Telephone Number

41-023 and 41-024

Parcel ID

myles@charterrealty.com

Email Address

CB (Central Business)

Zoning District

Property Owner Signature

11/18/2020

Date

Please Note: This form must be returned to the Zoning Board of Appeals when submitting the application if being completed by a representative or it will be incomplete until this form is completed.

TAB #3

TREASURER/COLLECTOR CERTIFICATION



TOWN OF MEDWAY

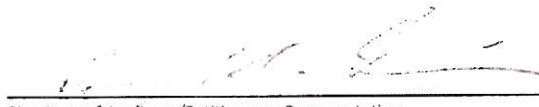
ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): Volta Charging, LLC ("Volta")
Property Owner(s): Hidden Acres Realty I, LLC
Site Address(es): 65 Main Street, Medway, MA 02053
Parcel ID(s): 41-023 and 41-024
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:


Signature of Applicant/Petitioner or Representative


Date

FOR TOWN HALL USE ONLY

To be filled out by the Treasurer/Collector:

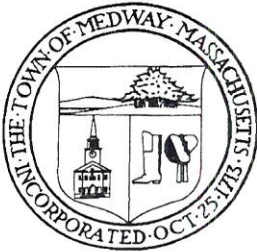
Date Reviewed

Medway Treasurer/Collector

Tax Delinquent: Y N

Comments:

TAB #4



TOWN OF MEDWAY
BOARD OF ASSESSORS
155 VILLAGE STREET
MEDWAY, MA 02053
PHONE: 508-533-3203 FAX: 508-321-4981
www.townofmedway.org



REQUEST FOR ABUTTERS

Date of Request: October 1, 2020
Property owner: Hidden Acres Realty I
Property location: 65 Main Street, Medway, MA 02053
Parcel (property) ID(S): 41-023 and 41-024

Please specify: 100', 300' or 500' from subject parcel: 300'

THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board
☒ Zoning Board of Appeals
☐ Conservation Commission
☐ Historical Commission

REQUESTER INFORMATION:

Name: Joseph Giammarco
Brown Rudnick LLP
Address: 10 Memorial Boulevard
Providence, RI 02903
Phone: 401-276-2609

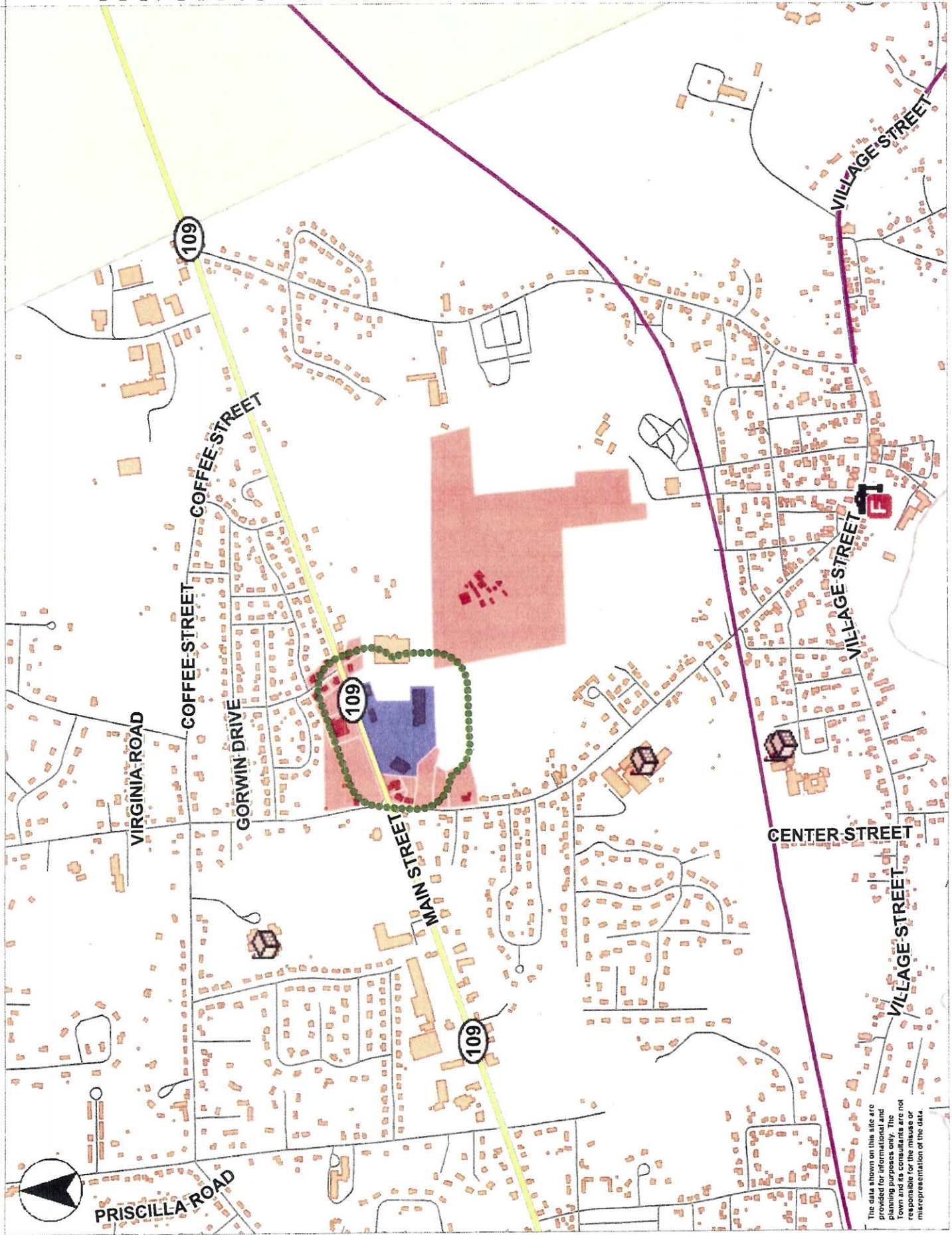
Email address: jgiammarco@brownrudnick.com

**Please Return to MEDWAY ZBA
Community and Economic Development Department**

THERE IS A FEE OF \$15.00 PER PARCEL DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE. THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS. ***IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU, YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.***



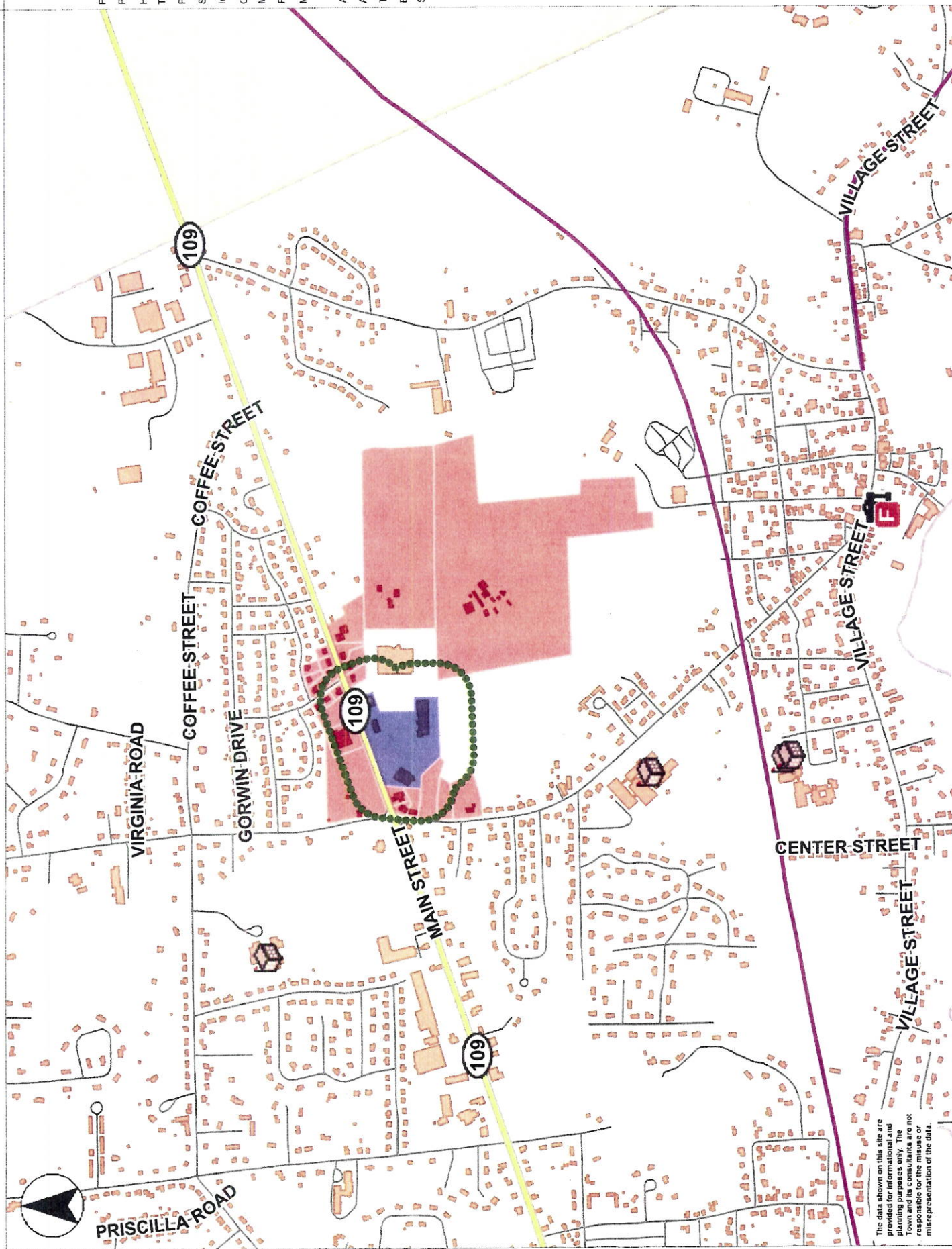
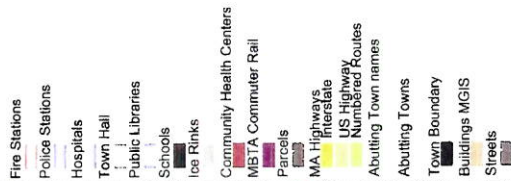
- Fire Stations
- Police Stations
- Hospitals
- Town Hall
- Public Libraries
- Schools
- Ice Rinks
- Community Health Centers
- MBTA Commuter Rail
- Parcels
- MA Highways
- Interstate
- US Highway
- Numbered Routes
- Abutting Town names
- Abutting Towns
- Town Boundary
- Buildings MGIS
- Streets



300' 41-023

Printed on 10/05/2020 at 01:28 PM

0 1600 3200 ft



Town of Medway, MA GIS

Parcel ID: 41-023
HIDDEN ACRES REALTY I,
ALBERTSONS COMPANIES
SHAWS INC 7430
P O BOX 800729
DALLAS, TX 75380-0729

Parcel ID: 40-065
WHITE PEARL LLC
76 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 40-068
HEAVNER JEFFREY S
70 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-007
ODONNELL DEIRDRE
ODONNELL THOMAS
64 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-020
TORREY SAMUEL S JR
TORREY SAMUEL S III
62 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-023-067A
HIDDEN ACRES REALTY I,
CHARTER MEDWAY II LLC
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-023-067D
HIDDEN ACRES REALTY I,
CVS #01852-02
ONE CVS DRIVE
WOONSOCKET, RI 02895

Parcel ID: 50-001
HIDDEN ACRES REALTY II,
CASSIDY DAVID L
86 HOLLISTON ST
MEDWAY, MA 02053

Parcel ID: 40-063
P & A REALTY TRUST
ALBERT & PAUL RAO/TRS
82 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 40-066
HIDDEN ACRES REALTY I,
CASSIDY DAVID L
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-005
LANDER CLIFFORD M
LANDER RACHAEL L WOLFF
3 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-008
FREIL REALTY II, LLC
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-021
MUCCI TRUSTEE ANGELO
MUCCI TRUSTEE FLORENCE
2 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-023-067B
HIDDEN ACRES REALTY I,
MCDONALDS CORPORATION
PO BOX 182571
COLUMBUS, OH 43218

Parcel ID: 41-025
FREIL REALTY I, LLC
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 50-001-0001
HIDDEN ACRES REALTY II,
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 40-064
NORMAN W GREENE REALTY
71 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 40-067
MORIN DEBORAH
72 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-006
MULLER KEVIN D
MULLER JILL C
1 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-009
FREIL REALTY II, LLC
C/O WALGREENS TAX DEPT
PO BOX 1159
DEERFIELD, IL 60015

Parcel ID: 41-022
WILLIAMS JOSHUA C
WILLIAMS KRISTINA A
4 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-023-067C
HIDDEN ACRES REALTY I,
CHARTER MEDWAY II LLC
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-026
CURRIVAN TRUSTEE SEAN M
SEAN M CURRIVAN
59 MAIN ST.
MEDWAY, MA 02053

Hidden Acres Realty II
David & James Cassidy
86 Holliston St
Medway, MA 02053



THIS IS A CERTIFIED ABUTTERS LIST FROM THE TOWN OF MEDWAY.
WE CERTIFY THAT AT TIME OF LAST ASSESSMENT, THE NAMES AND
ADDRESSES OF ALL PROPERTY OWNERS, ARE ACCURATE.

Office of the Board of Assessors

Date

Parcel ID: 41-023
HIDDEN ACRES REALTY I,
ALBERTSONS COMPANIES
SHAW'S INC 7430
P O BOX 800729
DALLAS, TX 75380-0729

Parcel ID: 40-065
WHITE PEARL LLC
76 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 40-068
HEAVNER JEFFREY S
70 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-007
ODONNELL DEIRDRE
ODONNELL THOMAS
64 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-010
PURCELL REBECCA L
PURCELL ROBERT
4 KAREN AVE.
MEDWAY, MA 02053

Parcel ID: 41-019
MCCAUL WILLIAM
MCCAUL ARLENE
60 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-022
WILLIAMS JOSHUA C
WILLIAMS KRISTINA A
4 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-023-067C
HIDDEN ACRES REALTY I,
CHARTER MEDWAY II LLC
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-026
CURRIVAN TRUSTEE SEAN M
SEAN M CURRIVAN
59 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-037
BOCZANOWSKI JOANNE
BOCZANOWSKI DEBORAH
43 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 40-063
P & A REALTY TRUST
ALBERT & PAUL RAO/TRS
82 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 40-066
HIDDEN ACRES REALTY I,
CASSIDY DAVID L
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-005
LANDER CLIFFORD M
LANDER RACHAEL L WOLFF
3 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-008
FREIL REALTY II, LLC
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-011
LEGER ERIKA R
LEGER DAVID S JR
6 KAREN AVE.
MEDWAY, MA 02053

Parcel ID: 41-020
TORREY SAMUEL S.JR
TORREY SAMUEL S III
62 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-023-067A
HIDDEN ACRES REALTY I,
CHARTER MEDWAY II LLC
75 HOLLY HILL LANE SUITE 305
GREENWICH, CT 06830

Parcel ID: 41-023-067D
HIDDEN ACRES REALTY I,
CVS #01852-02
ONE CVS DRIVE
WOONSOCKET, RI 02895

Parcel ID: 41-027
CURRIVAN TRUSTEE SEAN M
AKS IRREVOCABLE TRUST
36 ELLIS ST
MEDWAY, MA 02053

Parcel ID: 50-001
HIDDEN ACRES REALTY II,
CASSIDY DAVID L
86 HOLLISTON ST
MEDWAY, MA 02053

Parcel ID: 40-064
NORMAN W GREENE REALTY
71 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 40-067
MORIN DEBORAH
72 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-006
MULLER KEVIN D
MULLER JILL C
1 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-009
FREIL REALTY II, LLC
C/O WALGREENS TAX DEPT
PO BOX 1159
DEERFIELD, IL 60015

Parcel ID: 41-018
BELL TRUSTEE DOROTHY G
TENNEY FAMILY
58 MAIN ST.
MEDWAY, MA 02053

Parcel ID: 41-021
MUCCI TRUSTEE ANGELO
MUCCI TRUSTEE FLORENCE
2 RICHARD RD.
MEDWAY, MA 02053

Parcel ID: 41-023-067B
HIDDEN ACRES REALTY I,
MCDONALDS CORPORATION
PO BOX 182571
COLUMBUS, OH 43218

Parcel ID: 41-025
FREIL REALTY I, LLC
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053

Parcel ID: 41-028
GREEN JOHN J
53 MAIN REALTY TRUST
165 MAIN ST SUITE 307
MEDWAY, MA 02053

Parcel ID: 50-001-0001
HIDDEN ACRES REALTY II,
CASSIDY DAVID L
86 HOLLISTON ST.
MEDWAY, MA 02053



Joanne & Deborah Boczanowski
Parcel ID: 41-030
43 Main Street
Medway, MA 02053

William Beksha
Parcel ID: 41-029
51 Main Street
Medway, MA 02053

Joanne & Deborah Boczanowski
Parcel ID: 41-030
43 Main Street
Medway, MA 02053

William Beksha
Parcel ID: 41-029
51 Main Street
Medway, MA 02053

Joanne & Deborah Boczanowski
Parcel ID: 41-030
43 Main Street
Medway, MA 02053

William Beksha
Parcel ID: 41-029
51 Main Street
Medway, MA 02053

TAB #5

VOLTA

SHAW'S 65 MAIN STREET PHASE 1

65 MAIN ST
MEDWAY, MA 02053
NORFOLK COUNTY
BOSTON MARKET

VOLTA

155 DE HARO STREET
SAN FRANCISCO, CA 94103

Kimley»Horn

300 BAKER AVE SUITE 300
DALLAS, TEXAS 75201
Main: 781.328.0678 | www.kimley-horn.com
© 2018 Kimley-Horn & Associates, Inc.

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING STANDARDS AND SPECIFICATIONS, AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:
BOSTON MARKET BUILDING CODE 2017
BOSTON MARKET PLUMBING CODE 2017
BOSTON MARKET ELECTRICAL CODE 2017
BOSTON MARKET FIRE SAFETY CODE 2017

VOLTA PROPRIETOR TO INSTALL:
• ELECTRICAL SERVICE, PARALLEL PARKING AND ALL NECESSARY ELECTRICAL AND CIVIL ACTIVITIES
• PAINTING AND MARKING OF EXISTING PARKING SPACES AND INSTALLATION OF NECESSARY PARKING SIGNS

APPLICANT:
VOLTA
300 BAKER AVE SUITE 300
DALLAS, TEXAS 75201
CONTACT: JIM TAYLOR
PHONE: 781.328.0678
EMAIL: JIM.TAYLOR@VOLTAHQ.COM

PROPERTY INFORMATION:
265 PARK CENTER BLVD
BOSTON, MA 02128
CONTACT: CATHY KELLER
PHONE: 617.267.2800
EMAIL: CATHY.KELLER@BOSTONMA.GOV

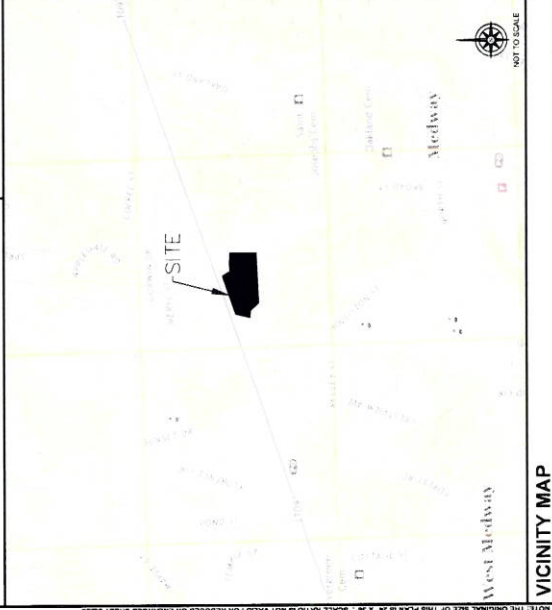
CIVIL ENGINEER:
KIMLEY-HORN & ASSOCIATES
300 BAKER AVE SUITE 300
DALLAS, TEXAS 75201
PHONE: 781.328.0678
EMAIL: BRIAN.BRYCE@KIMLEY-HORN.COM

ELECTRICAL ENGINEER:
KIMLEY-HORN & ASSOCIATES
300 BAKER AVE SUITE 300
DALLAS, TEXAS 75201
PHONE: 781.328.0678
EMAIL: JON.CHAMBERLAIN@KIMLEY-HORN.COM

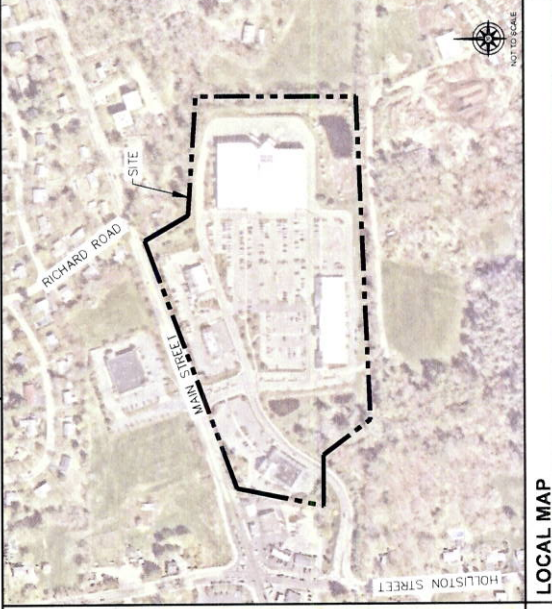
PROJECT MANAGER:
VOLTA
300 BAKER AVE SUITE 300
DALLAS, TEXAS 75201
PHONE: 781.328.0678
EMAIL: JACQUELYNE@VOLTAHQ.COM

CODE BLOCK

PROJECT DESCRIPTION



VICINITY MAP



LOCAL MAP

PROJECT TEAM

Sheet Number	Sheet Title
C0-00	Title Sheet
C1-00	General Notes
C2-00	Overall Site Plan
C3-00	Enlarged Site Plan
C3-01	Site Details
C3-02	Site Details
C3-03	Site Details
E1-00	Electrical One Line Diagram
E3-00	Electrical Notes & Details

SHEET INDEX

Know what's BELOW
CALL before you dig



CALL AT LEAST TWO WORKING
DAYS BEFORE YOU DIG

CONTRACTOR SHALL VERIFY ALL PLANS & EXISTING LOCATIONS
ON-SITE PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY
UNDERMINES BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY

DO NOT SCALE DRAWINGS

REV	DATE	DESCRIPTION
1	07/18/2019	ISSUED FOR PERMIT

ISSUED FOR
PERMIT



1. A SEAL FOR ANY PROFESSIONAL ENGINEER OR ARCHITECT MUST BE PLACED IN THE BOTTOM RIGHT CORNER OF THE SHEET.

SHAW'S 65 MAIN
STREET PHASE 1
65 MAIN ST
MEDWAY MA 02053

SHEET TITLE

SHEET NUMBER
C0-00

EROSION CONTROL NOTES:

1. STOCKPILE TOPSOIL, OR FILL MATERIAL, IS TO BE TREATED SO THE SEDIMENT RUN-OFF WILL NOT CONTAMINATE SURROUNDING AREAS OR ENTER NEARBY STREAMS.
2. EROSION CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO ANY EROSION OCCURRING. EROSION CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO STOCKPILE OPERATION.
3. CONSTRUCT SILT BARRIERS BEFORE BEGINNING GRADING OPERATIONS. FINAL GRADING IS COMPLETED (WITHIN 15 DAYS OF ACHIEVING FINAL GRADES) UNLESS OTHERWISE INDICATED. CONTRACTOR SHALL TAKE WATERWAYS MEASURES NECESSARY TO ESTABLISH PERMANENT SOIL STABILIZATION, STEEP SLOPES (GREATER THAN 3:1) AND EXPOSED EROSION PRONE AREAS.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESSES TO ALL AREAS (POV(S) WHERE ROADWAYS FREE OF TRACKED MUD AND DIRT. PROVIDE PROTECTION OR REMOVALS EXCEPT WHEN NECESSARY FOR GRADING PURPOSES.

07/18/201

- ISSUED FOR
PERMIT

- 
 IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS HE OR SHE IS A LICENSED PROFESSIONAL ENGINEER, TO PREPARE OR CAUSE TO BE PREPARED A PROFESSIONAL ENGINEERING DOCUMENT WITHOUT THE DIRECT SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.
- 01-B-14
- SHAW'S 65 MAIN STREET PHASE 1**
65 MAIN ST
MEDWAY MA 02053

GENERAL N

SHEET NUMBER

CO-01

[illegible]

Kimley»Horn
300 BAKER AVE SUITE 300
CONCORD, MA 01742
Main: 781.328.0676 | www.kimley-horn.com

REV	DATE	DESCRIPTION	BY
1	06/13/2019	C2000	EMM
2	07/02/2019	C2100a	EMM

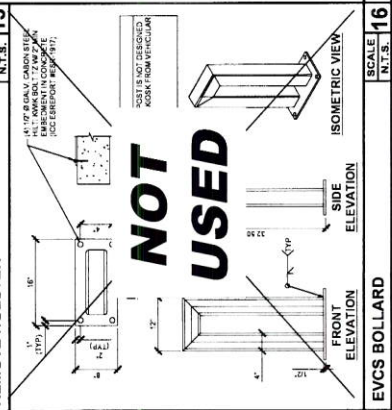
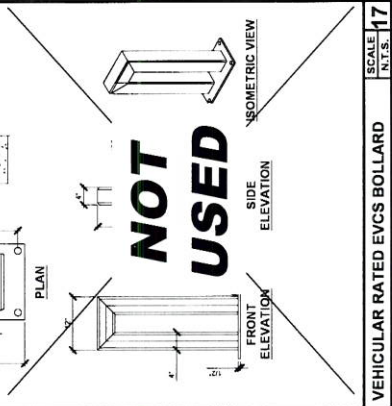
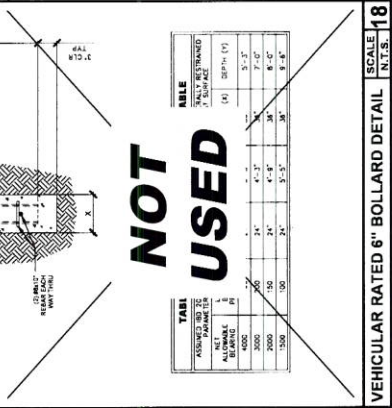
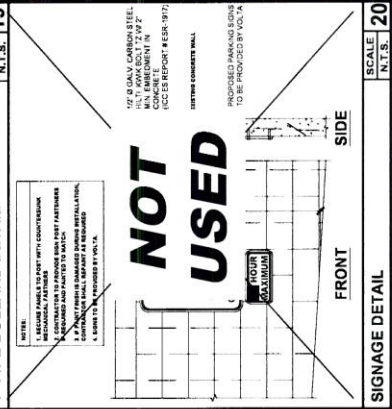
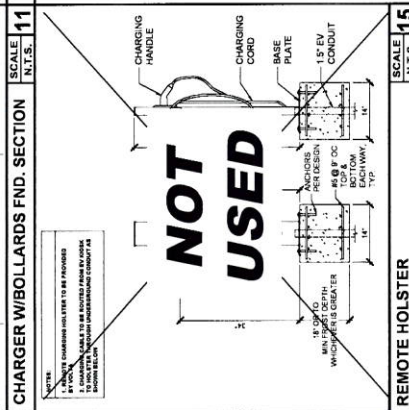
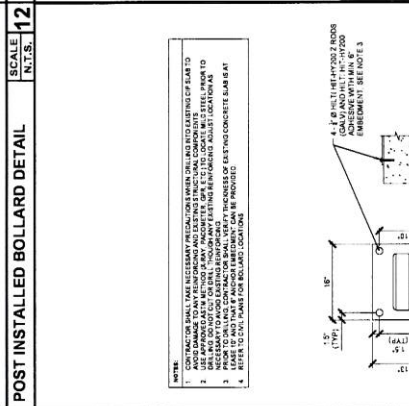
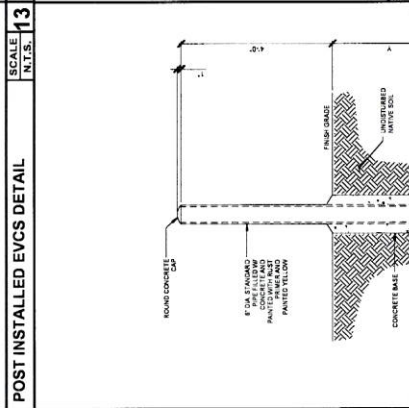
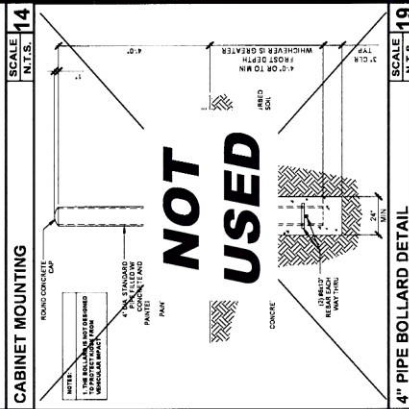
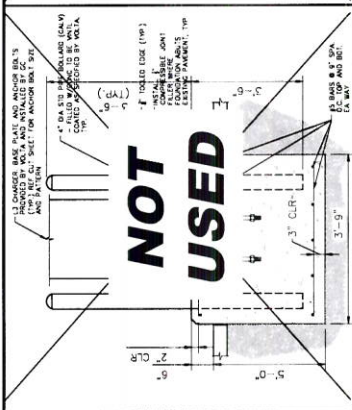
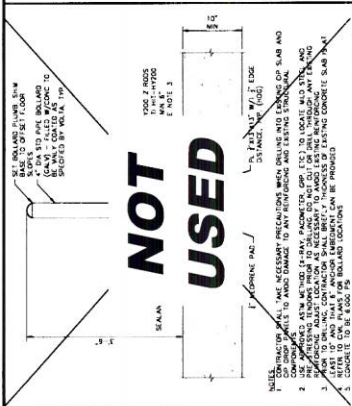
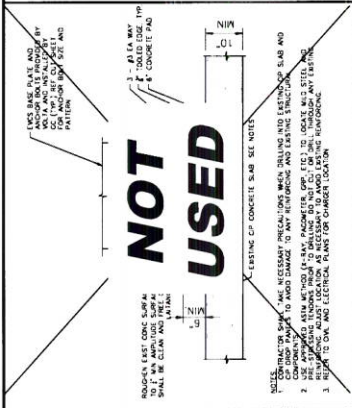
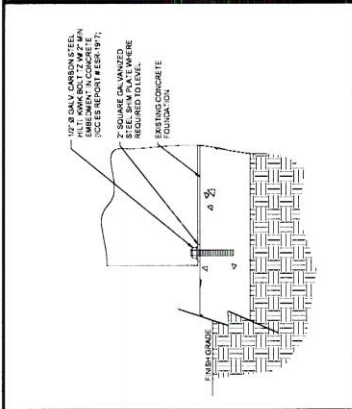
07/18/2019



SHAW'S 65 MAIN
STREET PHASE 1
65 MAIN ST
MEDWAY, MA 02053

SITE DETAILS

C3-01



NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE MAY NOT BE VALID FOR REDUCED OR ENLARGED SHEET SIZES

155 DE HARO STREET
SAN FRANCISCO, CA 94103

Kimley»Horn
300 BAKER AVE SUITE 300
CONCORD, MA 01742
Main: 781.328.0676 | www.kimley-horn.com

[illegible]

ISSUE DATE
07/18/2019

ISSUED FOR
PERMIT

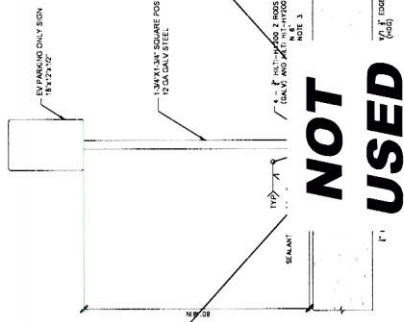


IT IS A VIOLATION OF LAW FOR ANY PERSON
UNLESS THEY ARE ACTING UNDER THE DIRECTION
OF A LICENSED PROFESSIONAL
ENGINEER TO ALTER THIS DOCUMENT

SHAW'S 65 MAIN
STREET PHASE 1
65 MAIN ST
MEDWAY, MA 02053

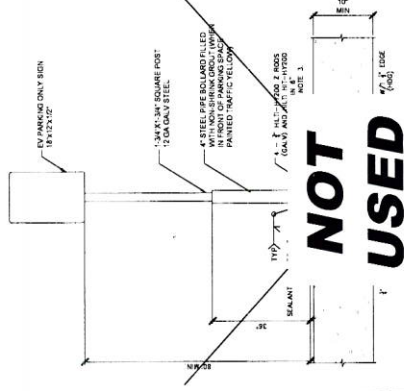
SITE DETAILS
SHEET TITLE

C3-02



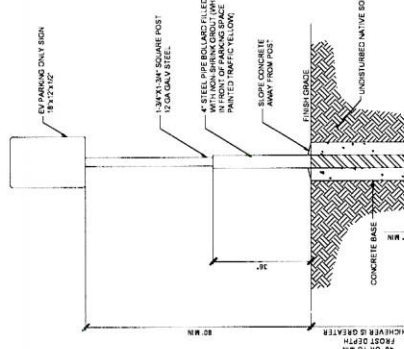
**NOT
USED**

- NOTES:**
1. SIGN TO BE GREEN (PANTONE 355C) WITH WHITE LETTERING AND MUST BE REFLECTIVE LETTERING.
 2. TO BE PLACED AT HEAD OF PARKING STALL
 3. POST MOUNTED OBJECTS PER SECTION 11B-307.3
 4. SIGN AND POST ARE NOT IMPACT RATED UNLESS OTHERWISE NOTED

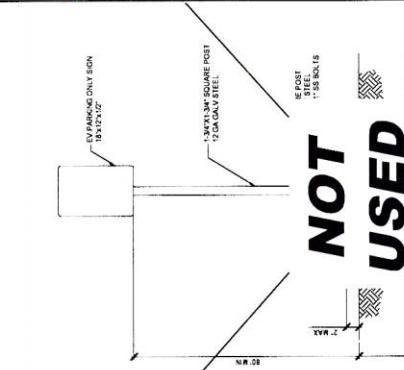


**NOT
USED**

- NOTES:
1. SIGN TO BE GREEN (PANTONE 355C) WITH WHITE LETTERING AND MUST BE REFLECTIVE LETTERING
 2. TO BE PLACED AT HEAD OF PARKING STALL
 3. POST MOUNTED OBJECTS PER SECTION 11B-307.3
 4. SIGN AND POST ARE NOT IMPACT RATED UNLESS OTHERWISE NOTED



- NOTES.**
1. SIGN TO BE GREEN (PANTONE 355C) WITH WHITE LETTERING AND MUST BE REFLECTIVE.
 2. TO BE PLACED AT HEAD OF PARKING STRIP.
 3. POST MOUNTED AT PER SECTION 188-207.3
 4. REFLECTIVE OR PAVEMENT OR WITH 2" CAN OVERHUNG ZONE.
 5. PARKING LOT PAVEMENT OR WITH 2" CAN OVERHUNG ZONE.
 6. REFER TO NOTES FOR ASSUMED GEOMETRIC PARAMETERS.
 7. THIS SIGN DESIGN ASSUMES GRADE 7-10 AND SPEED 15 MPH.
 8. AN EXPOSURE CATEGORY B1 IF EITHER OF THESE CONDITIONS ARE MET.
 9. OFFER BASED ON LOCATION. THE DESIGN MUST BE UPDATED BY A STRUCTURAL ENGINEER.

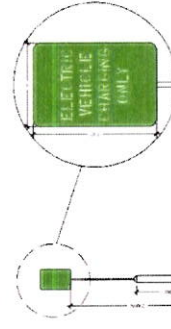


NOT USED

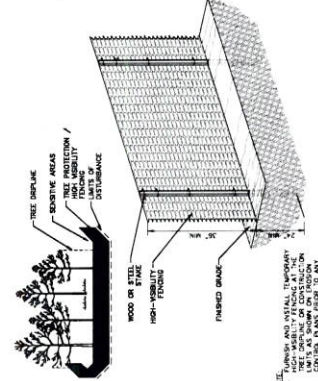
-
- The diagram shows a rectangular parking stall. The width of the stall is labeled as 12'. The length of the stall is labeled as 13'. The area of the stall is filled with a diagonal hatching pattern. To the right of the stall, there is a vertical dimension line labeled 12', indicating the width of the stall. Below the stall, there is a horizontal dimension line labeled 13', indicating the length of the stall. The stall is shown within a larger rectangular area, with a diagonal line extending from the bottom left corner of the stall towards the bottom right corner of the larger area.
- NOTES
- SIGN TO BE GREEN (PANTONE 355C) WITH WHITE LETTERING AND MUST BE REFLECTIVE LETTERING.
 - TO BE PLACED AT: HEAD OF PARKING STALL.
 - POST MOUNTED OBJECTS PER SECTION 119-307.3.
 - SIGN WITH WHITE LETTERING ON GREEN BACKGROUND.
 - LOCATION: EDGE OF PARKING LOT; PARKING AND 2' CAR OVERTAKE ZONE.



STANDARD EV STATIONS



NOTES:
- SIGN TO BE GREEN (PANTONE 355C) WITH WHITE LETTERING
AND MUST BE REFLECTIVE LETTERING.
- TO BE PLACED AT HEAD OF PARKING STALL WITHIN BOLLARD
POST MOUNTED SUBJECT TO PER SECTION 11B 307.2



NOTE:

1. FURNISH AND INSTALL TEMPORARY HIGH-VISIBILITY FENCING AT THE TREE OR UPLINE OR CONSTRUCTION LIMITS AS SHOWN ON EROSION CONTROL PLANS PRIOR TO ANY LAND DISTURBANCE.
2. WHEN POSSIBLE PLACE FENCE 25 FEET BEYOND THE DRAIN LINE.

SIGN POST DETAIL

POST INSTALLED SIGN POST

ED SIGN POST W/BOLLARD	S
------------------------	---

SCALE	22	POST

SCALE	2
-------	---

SIGN POST

CHARGING PEDESTAL DETAIL

TREE PROTECTION

CHARGING SIGN DETAIL

SIGN REQUIREMENTS

SCALE	28
N.T.S.	

[illegible]

155 DE HARO STREET
SAN FRANCISCO, CA 94103

Kimley»Horn
300 BAKER AVE SUITE 300
CONCORD, MA 01742
Main: 781.328.0676 | www.kimley-horn.com

[illegible]

ISSUE DATE
7/18/2019

PERMIT

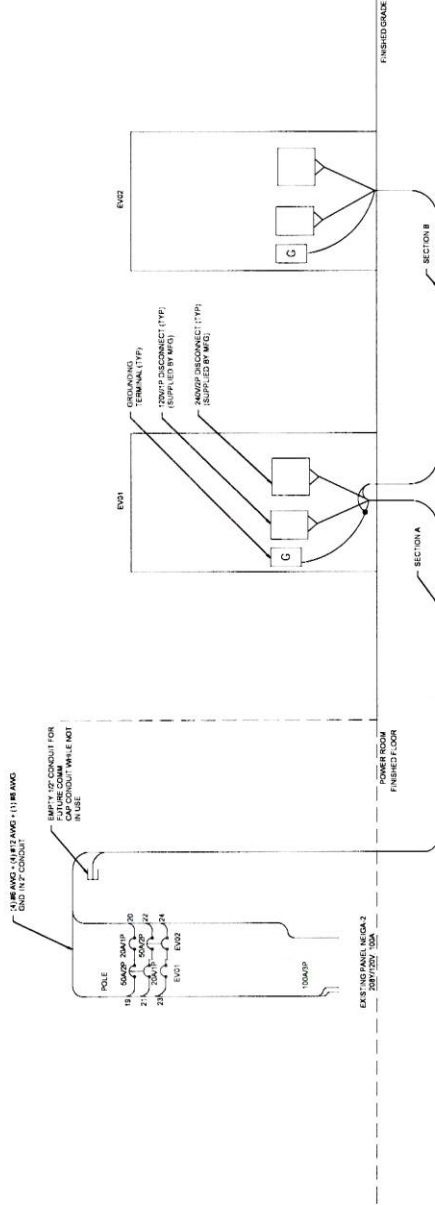


IT IS A VIOLATION OF LAW FOR ANY PERSON
UNLESS THEY ARE ACTING UNDER THE DIRECTION
OF A LICENSED PROFESSIONAL
ENGINEER OR A LICENSED PROFESSIONAL

SHAW'S 65 MAIN
STREET PHASE 1
65 MAIN ST
MEDWAY MA 02053

SHEET TITLE
ELECTRICAL ONE LINE
DIAGRAM

E1-00



NOTES

1. ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ON-SITE SHALL BE DONE IN ACCORDANCE WITH NATIONAL ELECTRIC CODE (NEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT THE TIME OF CONSTRUCTION.
2. UTILITY EQUIPMENT INSTALLATIONS AND PREP WORK SHALL BE COORDINATED WITH THE APPROPRIATE UTILITY ENGINEER AT TIME OF PRE-CONSTRUCTION MEETING TO ENSURE ACCURACY OF INSTALLATIONS.
3. ANY FUTURE DAMAGE DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR TO PRE-CONSTRUCTION CONDITIONS OR BETTER.
4. CONTRACTOR SHALL USE THIN CONDUITORS.
5. CONTRACTOR SHALL USE ENT INSIDE AND ABOVE GRADE, NOT SUBJECT TO DAMAGE UNDER. CONTRACTOR SHALL USE RGS OUTSIDE AND ABOVE GRADE. CONTRACTOR SHALL USE PVC SCHEDULE 40 BELOW GRADE.
6. ONE LINE DIAGRAM IS FOR INFORMATIONAL PURPOSES ONLY. SEE SHEETS C-100 & C-140 FOR EXISTING CONDUIT STUD UP LOCATIONS.
7. ALL CONTRACTED LOAD INFORMATION IS UNKNOWN. CONTRACTOR SHALL CALCULATE THE UNKNOWN LOAD VALUES BASED ON THE MAXIMUM DEMAND CONTINUOUSLY RECORDED OVER A MINIMUM 30 DAY PERIOD. MAXIMUM DEMAND SHALL BE RECORDED USING AN AMMETER OR POWER METER CONNECTED TO EACH PHASE OF THE FEEDER OR SERVICE. THE RECORDING SHALL REFLECT THE MAXIMUM DEMAND OF THE FEEDER OR SERVICE BEING TAKEN WHEN BUILDING OR SERVICE IS OCCUPIED. RECORDING SHALL INCLUDE MEASUREMENT OR CALCULATION OF THE 15-MINUTE EQUIVALENT LOAD THAT MAY BE PROVIDED IN NATURE DUE TO SEASONAL OR SIMILAR CONDITIONS.
8. THE CONTRACTOR SHALL SUBMIT CALCULATIONS AND COMPLETED LOAD SUMMARY TABLE FOR EXISTING PANEL, WEEDAS-2 TO THE ENGINEER FOR APPROVAL. THE CONTRACTOR SHALL NOT PROCEED WITH ANY MODIFICATIONS AND/OR ADDITIONS UNTIL WRITTEN

Voltage Drop Calculations					
Start Point	End Point	Ampere [A]	Voltage	Conductor Resistance (ohm/ft)	V.D. V.D. %
PANEL WING 2	F001	40	208	6	4.90 2.35
PANEL WING 2	F002	5	208	12	2.66 2.05
PANEL WING 2	F003	40	208	6	5.12 2.54

VOLTAGE DROP CALCULATIONS

Conduit Section	Conduit #	Conduit Size	Conduit Schedule*	Installation Method
A	1	2"	40#	Directional Bore
	2	1 1/2"	40#	Directional Bore
B	3	1 1/2"	40#	Directional Bore

CONDUIT SCHEDULE

[illegible]

PANEL SCHEDULE

ELECTRICAL ONE LINE DIAGRAM

[illegible]

TAB #6



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 321-4890
Email: zoning@townofmedway.org
www.townofmedway.org

Legal Notice Billing Agreement Form

Board Members

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Tom Emero, Member
Brian Cowan, Associate
Member
Carol Gould, Associate
Member

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Volta Charging, LLC ("Volta")

_65 Main Street

Applicant Name

Property Address

_401-276-2610

41-023 and 41-024

Telephone Number

_ Parcel ID

mdolan@brownrudnick.com

CB (Central Business)

Email Address

_ Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Applicant Signature

Date

1/7/21

Please Note: This form must be returned to the Zoning Board of Appeals when submitting your application

TAB #7

VOLTA

CONSTRUCTION PROJECT: Medway, MA

Site Address:	65 Main Street	Date Completed:	
VOLTA Contact:	Paul Zagami	Contractor Contact:	Brian Sullivan
VOLTA Email:	paulzagami@voltacharging.com	Contractor Email:	briansullivan@service.com
Station 01 Azimuth:	35 NE	Station #01 S/N:	P1903VKDN55M513

STATION #1 INSTALL PHOTO CHECKLIST:

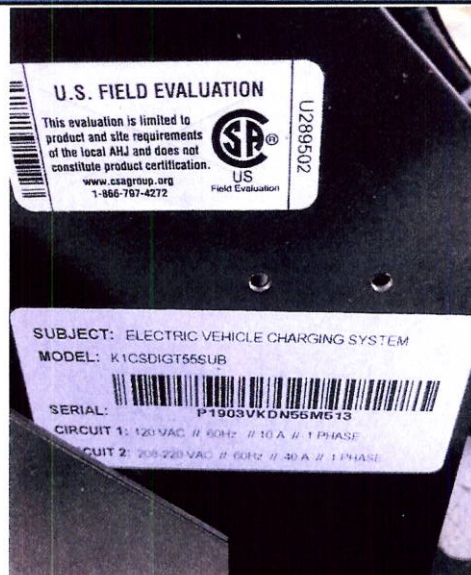
Station #1 Placement Overall (showing Background reference):



Station Front & Back:



Station Serial Number & CSA sticker:



STATION #2 INSTALL PHOTO CHECKLIST:

Station 02 Azimuth:

0 N

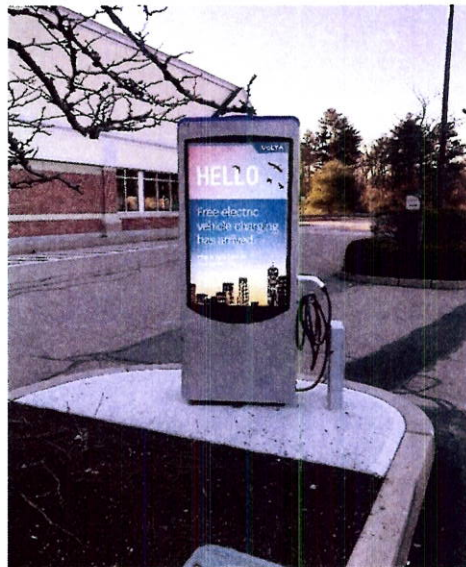
Station #02 S/N:

P1903VKDN55M516

Station #2 Placement Overall (showing Background reference):



Station Front & Back:



VOLTA

CONSTRUCTION PROJECT: Medway, MA

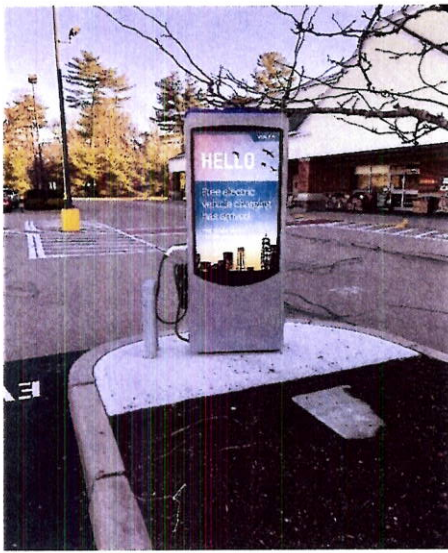
Site Address:	65 Main Street	Date Completed:	
VOLTA Contact:	Paul Zagami	Contractor Contact:	Brian Sullivan
VOLTA Email:	paulzagami@voltacharging.com	Contractor Email:	briansullivan@service.com
Station 01 Azimuth:	35 NE	Station #01 S/N:	P1903VKDN55M513

STATION #1 INSTALL PHOTO CHECKLIST:

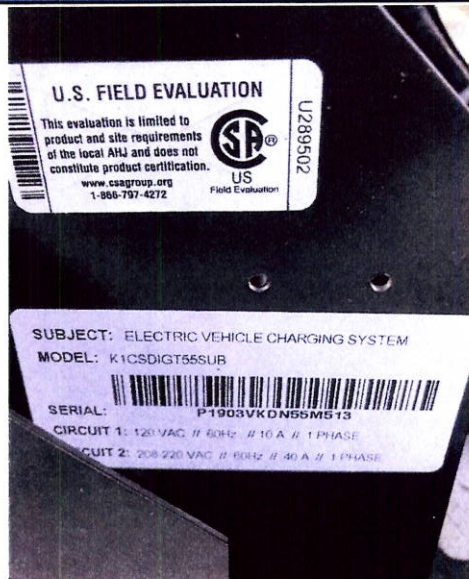
Station #1 Placement Overall (showing Background reference):



Station Front & Back:



Station Serial Number & CSA sticker:



STATION #2 INSTALL PHOTO CHECKLIST:

Station 02 Azimuth:

0 N

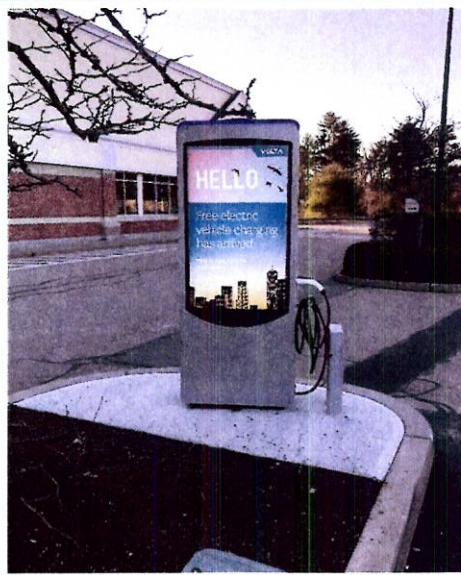
Station #02 S/N:

P1903VKDN55M516

Station #2 Placement Overall (showing Background reference):



Station Front & Back:



VOLTA - STATION OVERVIEW

Volta provides free, turnkey electric vehicle charging services. This modern amenity attracts the community as Volta's charging network draws 3x the number of visits to the property as compared to other charging networks.* Our stations have been installed in over 140 different municipalities across the U.S.

*Finn Research

VOLTA STATION BENEFITS

- Installation, equipment and maintenance is paid by Volta
- Charges all electric vehicles
- Electricity to charge community members' electric vehicle is free
- Free electricity supported through third party content on displays
- Charges up to 2 hours free with software that discourages abuse
- Volta stations are occupied 80% of the retail day
- Volta has provided over 60 million miles of free charging, replaced approximately 2.3 million gallons of gasoline and eliminated over 45 million pounds of CO2

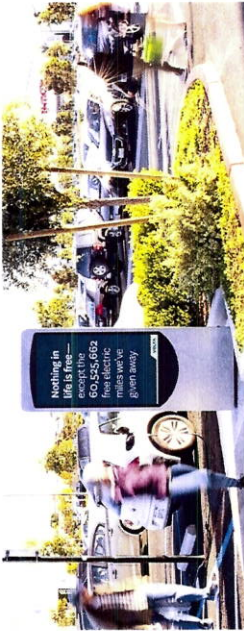
CHARGING UNIT INFORMATION

Single charging units
Size: H 86.25" x W 32.5" x D 12.75"
Display Size: H 48" x W 27"
Cord length: 20'

INSTALLATION REQUIREMENTS

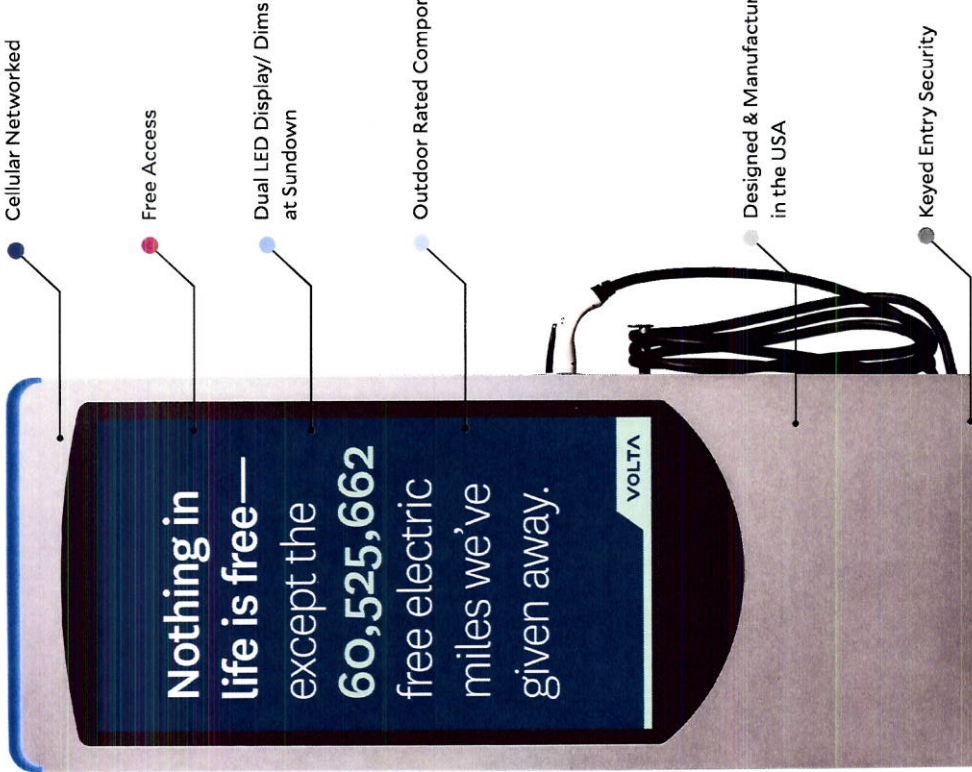
Power Type: 208/240VAC, 40A, 10 kW max
Plug: SAE J1772 compliant connector
Listings: UL® E354307
Conduit Diameter: 2"
Two Volta stations can share one 2" conduit

Volta's mission is simple: Accelerate electric vehicle adoption by building cutting-edge, free and inspiring vehicle charging networks.



Above is a typical Volta installation showing one of our charging stations in a parking area.

VOLTA



VOLTA

155 DE HARO STREET
SAN FRANCISCO, CA 94103

REV	DATE	DESCRIPTION	BY
1	06/30/2014	CONA	SPS
2	06/11/2014	CONA	SPS

ISSUE DATE

ISSUED FOR
PERMIT

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE AN ELECTRICIAN OR A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE

SHEET NUMBER

TAB #8

1060

BROWN RUDNICK LLP
ONE FINANCIAL CENTER
BOSTON, MA 02111

1-8/210

DATE January 6, 2021

PAY
TO THE
ORDER OF

Town of Medway

\$ 285.00

two hundred eighty-five and

00/100

DOLLARS

citibank

CITIBANK, N.A.

FOR Filing fee - MRD-36156-1

AMOUNTS OVER \$5000 REQUIRE TWO SIGNATURES



⑈00001060⑈ ⑆021000089⑆ 6796587210⑈

Details on back

Security Features

TAB #9

Board Members
Carey Bergeron, Chair
Lawrence Ellsworth, Member
Alex Siekierski, Member
Kristen Rice, Member
Jason Reposa, Member
Martin Dietrich, Member
David Travalini, Member
Stephanie Carlisle, DPW Staff Contact
John Foresto, Bd Sctmn Liaison
Bob Tucker, PEDB Liaison



Medway Public Library
26 High Street
Medway, MA 02053

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

ENERGY AND SUSTAINABILITY COMMITTEE

November 9, 2020

To: Town of Medway Zoning Board
From: Medway Energy and Sustainability Committee

RE: Volta Electric Vehicle Charging Stations

I am writing to express the Medway Energy and Sustainability Committee's support of granting a variance to Volta to keep the electric vehicle charging stations located in the Shaw's parking lot. Without the variance for the display screen, Volta will have to remove the stations.

MESC's mission is to advocate for achieving energy conservation, using renewable sources of energy, and to promote sustainability. Installation and use of these charging stations aligns with our mission. Having charging stations will promote the purchase and use of electric vehicles by offering free charging close to home. During our discussion we agreed that the light does not seem like it is bright enough to be a nuisance and that we fully support having more charging stations in town. In addition, we may be able to include public messaging along with the advertisements on the screen.

MESC is excited to see these charging stations and feel that they are a positive step towards a sustainable future for Medway.

Sincerely,

Carey Bergeron
Chair, Medway Energy and Sustainability Committee



January 26, 2021
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- January 12, 2021 PEDB meeting

NOTE – We do not yet have the minutes of this week's meeting. If I receive them from Amy, I will send them along to you on Monday.

**Tuesday, January 12, 2021
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot
Attendance	X Remote	X Remote	X Remote	X Remote	X Remote	X Remote

Pursuant to Governor Baker's Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.

PRESENT VIA ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary
- Steve Bouley, Tetra Tech
- Barbara Saint Andre, Director of Community and Economic Development

PUBLIC COMMENTS:

- There were no public comments

APPOINTMENT TO EDC:

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

- Memo dated January 8, 2021 to PEDB re: Appointment of Jennifer Kendall to EDC

Jennifer Kendall was present to express her interest in serving on the EDC and being reappointed. It was noted that Jennifer chairs the Cultural Council and her involvement with the EDC will provide great opportunities for collaboration.

On a motion made by Matt Hayes, seconded by Tom Gay, the Board voted by roll call to appoint Jennifer Kendall to the EDC for a term through June 30, 2022.

Roll Call Vote:

Bob Tucker aye
Andy Rodenhiser aye
Matt Hayes aye

Rich Di Iulio **aye**
Tom Gay **aye**

GOOD FEELS MARIJUANA SPECIAL PERMIT:

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

- Public Hearing Continuation Notice
- Memo dated January 5, 2021 from Jeff Komrower
- Letter dated January 4, 2021 from Bruce Straughan
- Email dated January 6, 2021 from Chris Menge
- Revised draft Special Permit Decision dated January 8, 2021

Present via ZOOM was Jason Reposa, applicant.

The Board was informed that all the information discussed at the last meeting on January 5, 2021 was incorporated into the decision. The applicant communicated that his attorney has reviewed the decision and is OK with it. References to the proposed use standards for noise and odors have been incorporated. There was clarification included regarding outdoor storage along with the hours of operation which will be 7:00 am to 8:00 pm seven days a week. There will be consistency with the zoning requirements in the area. There was also clarity on the transportation and delivery policy dated December 19, 2021. Abutter John Lally reviewed the draft decision and participated in the ZOOM meeting. He expressed his support for the decision and Mr. Reposa's business.

On a motion made by Tom Gay, seconded by Matt Hayes, the Board voted by roll call vote to approve the decision and conditions for the Registered Marijuana Establishment Special Permit for Good Feels, Inc. for 23 Jayar Road.

Roll Call Vote:

Bob Tucker **aye**
Andy Rodenhiser **aye**
Matt Hayes **aye**
Rich Di Iulio **aye**
Tom Gay **aye**

35 Milford Street – Request for Lot Release:

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

- Email dated December 14, 2020 from Patrick Larkin
- Copy of the Subdivision Covenant for the Knollwood Road subdivision.
- Proposed lot releases from 35 Milford Street

The parcel at 35 Milford was never released from Knollwood Road subdivision covenant since there was already a house on the lot at that time. This is a request to clear up the paperwork. Michael Larkin and applicant Cameron Bagherpour were part of ZOOM meeting to ask for release of those documents. A copy of the subdivision covenant from November 1988 and previously issued lot releases from December 1990 and July 1992 for the other subdivision properties were provided and reviewed. The applicant is not creating a new road.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to release 35 Milford Street (Subdivision Parcel A on Knollwood Road subdivision) from the subdivision covenant.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

Susy Affleck-Childs has board members to come into the office to sign the Release of Covenant.

MEDWAY GREEN COMPLETION CERTIFICATE:

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

- Medway Greens Completion Certificate dated January 8, 2021.

All of the funds and invoices have been paid and it is recommended to issue a Certificate of Completion for Medway Green Multi-Family Condominium Development.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to approve the Certificate of Completion for the Medway Green multi-family development.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

PEDB MEETING MINUTES:

January 5, 2021:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the PEDB meeting minutes of January 5, 2021.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

CONSTRUCTION REPORT:

Salmon:

The Salmon development has provided a drone flyover from mid-December which has been added to the Town's website. They will be going for occupancy permit in May 2021. They are moving along. There are residents who are putting deposits on units. They would like to do the top course before building the other single-family homes.

Choate Trail Subdivision - 42 Highland Street:

The trees have been marked in the field for clearing and preservation. There were some erosion control issues which needed to be fixed. There will be a six week turn around for completing the road.

MEDWAY MILL SITE PLAN:

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

- Public hearing Continuation Notice dated November 12, 2020
- Letter from Guerriere and Halnon dated December 30, 2020
- Letter from Guerriere and Halnon dated December 29, 2020 in response to the PGC review comments dated March 19, 2020
- Letter from Guerriere and Halnon dated December 29, 2020 in response to the Tetra Tech review comments dated July 9, 2020
- Revised Site Plan dated December 24, 2020 by Guerriere and Halnon
- Review letter from PGC Associates dated January 5, 2021 regarding the revised site plan.
- Review letter from Tetra Tech dated January 7, 2021 regarding the revised site plan.

The Board was informed that Mike Hassett from Guerriere and Halnon was present to address the letter which was submitted December 30, 2020 from Amanda Cavaliere. He presented the revised site plan via the ZOOM share screen option. The new parking layout minimizes disturbance within the 100 -200-foot riverfront area and still achieves the additional parking as originally intended. The revised layout decreases the amount of impervious area of both the entire project and the area within the riverfront by approximately 1,000 square feet. Consequently, there is also a reduction in the amount of stormwater mitigation required. A 22-foot side turnaround has been placed at the northern end of the parking area so vehicles do not need to back out of the lot to accommodate the flow of traffic in and out. A question was asked about the ADA sidewalk and compliance. They require an accessible walkway be provided. The proposed parking area will be positioned a minimum of 15 ft off the property line and the previously requested waiver is no longer needed. The stormwater management system has been redirected away from the roadway. The applicant will need another continuation for the hearing since the Conservation Commission still needs to address some items. The Board would like the handicap parking to be closer to the main building. The Board would still like the applicant to look at putting the parking lot underground. The applicant indicated that the cost for this is substantially higher. The landscaping sheet was also shown.

The photometric plan was reviewed. The light posts are located on the east side of the parking lot. Member Hayes suggested they be relocated to the west side of the parking lot and include shields to reduce the glare from the lights on the abutters to the west. The stormwater system has been designed for a 100-year storm. The pipe sizing is adequate. Consultant Bouley noted that the revised stormwater plan has not been discussed with Conservation Commission. (NOTE – That is scheduled for 1-28-21.) The basin meets all standards with the new layout and the applicant and engineers hope the Commission is comfortable with this layout. There will also

need to be an alternatives analysis on the stormwater to be provided to the Conservation Commission. Chairman Rodenhiser asked that the Board be provided a copy of the alternatives analysis when it is provided to the Conservation Commission.

The Board would also like a bigger buffer on the west side of the site for the abutters. There is a double row 6-foot-high fence and also a row of arborvitae plantings. This needs to be reviewed by the DRC. The fence should be non-reflective. It was suggested to make the landscaping more organic with varied and seasonal plantings.

The applicant would like to continue the hearing to February 9, 2021. The applicant will plan on going to the DRC on February 1, 2021. Amanda Cavalarrrie of Guerriere and Halnon arrived and confirmed their availability for a 2-1-21 DRC meeting and that they will meet with the Conservation Commission on January 28th. The applicant will also be “penciled in” for the February 23, 2021 PEDB meeting for decision.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to continue the hearing to February 9, 2021 at 7:00 pm.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

HARMONY VILLAGE:

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

- Public Hearing continuation notice dated December 9, 2020
- DRC review memo dated January 7, 2021
- Revised DRAFT Special Permit, Land Disturbance Permit and site Plan dated January 11, 2021.
- Further revised DRAFT Special Permit decision dated January 12, 2021 with edits by Barbara Saint Andre.

The Board is in receipt of the revised draft decision for the Harmony Village Multi-Family Special Permit and Site Plan with edits recommended by Barbara Saint Andre. This has been provided to the applicant.

The applicant Gary Feldman and Drew Garvin were present. The draft decision was posted using ZOOM’s Share Screen feature.

The following suggested edits were noted:

- Change all references from Harmony Estates to Harmony Village
- Received email from Dave Damico with comments about I & I which were turned into a condition.
- Village Street will be changed to Main Street

- Tree replacement formula was revised to include the more standard version. The applicant's landscaper advised that another 30-inch tree will need to be removed for site preparation and this was added to the calculations. The tree is over the driveway and is half dead and encroaches to the driveway. Per the formula, 1,059.50 square inches of tree replacement are needed. The site plan was posted via Share Screen. The applicant thinks this tree replacement amount is unrealistic. This issue was to go to the DRC for review. The DRC did so on January 4th and provided a letter that the landscaping plan provides adequate buffering and meets the design guidelines. The trees on the plan will grow and will provide canopy. The Board has no issue with the 30-inch tree coming down. The Board does not want the tree replacement formula and equation should be in the decision. The Board wants this topic to have further discussion. It was noted that the formula was used for the Choate subdivision and Evergreen Village decisions.

Waivers:

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted by Roll Call to approve the waivers as discussed and presented.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

Conditions: The Board next discussed conditions:

- Comments have been added about performance security and covenant. This was included in Section K which indicated that if a developer seeks an occupancy permit before completion or 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. Do not need a covenant but need bond or surety. This is not a subdivision so it does not need a covenant.
- The time of recording of the master deed is an issue for Town staff since the building permits are online and tied to map and parcel numbers. The map and parcel numbers are not assigned until the Assessor's office has proof of sale of units. This will need to be worked out internally. The declaration of trust will be recorded for condominium along with the master deed.
- Trees will be flagged for retention and if the contractor does not retain the designed trees, there will be plantings or a contribution to the tree fund.
- The O & M Plan will need to be recorded. The long term plans. This was also going to be added to the plans.
- There will be the inclusion of the language provided by Dave Damico re I & I.
- Addresses - The access will be from Harmony Lane. It was noted by Barbara to leave this to the Assessors.
- There is language about the preconstruction meeting.
- There needs to be a stormwater pollution plan.
- Remove #4 applicable guidelines and replace with language referencing the long term O & M plan.

- Perform an I & I Survey which could be a video inspection of system. This should be clarified with Dave.

Decision:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to approve the decision as written with the noted changes and conditions.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

Close Hearing:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to close the Harmony Village public hearing.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

ZONING FOR SPRING 2021 TOWN MEETING:

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

- 1-7-21 email from consultant Ted Brovitz
- DRAFT text of proposed new section 10 of the ZBL Central Business District

Consultant Brovitz was present via ZOOM to explain the first draft of proposed new CBD zoning amendments. This is the creation of a new Section 10 which integrates the existing Special Permit Mixed Use provisions of Section 5.4.1. This Section invokes some of the things from the Oak Grove Park zoning. Consultant Brovitz offered a collection of slides which he reviewed via Share Screen.

The following items have been addressed in the proposed new zoning:

- Definition of Mixed-Use Building.
- Establishment of Districts which would be Section 4. This would include the districts and also the zoning map. The boundaries of the Central Business District appear to be appropriate in terms of incorporating existing and potential future commercial and mixed-use development with sufficient transitional buffers from adjacent residential areas.
- Section 5. Use Regulations – This will include changes to Table 1 - Schedule of Uses.
- Section 5.4.1 Special Permits in the Central Business District for which some revisions were adopted at the Fall Town meeting has been relocated and integrated into the proposed new Section 10 - CBD Standards.

- Section 6. Dimensional Regulations – There will be a schedule of dimensional and density regulations included in Table 2.
- Section 7. General Regulations include Site Developments Standards with off-street Parking and Loading and Table 3.
- Section 8. Special Regulations will require affordable housing for mixed use development.

The Table of Uses was discussed and the following was recommended:

- C. Residential Uses – included was Multi-Family Building, Apartment Building, Rowhouses and Multifamily Developments. This would be allowed by Special Permit from the PEDB
- Add Mixed Use Development and Mixed /use Buildings in the CB district. This allows flexibility in types of residential and restrictions in the placement. This was passed at the Fall Town Meeting. This is a residential building which is primarily a mixed-use building. There is a concern about losing commercial space to residential. There has been no investment in this strip development for 20 years and is not investment driven. For a more tax base, we need to balance residential and commercial. Right now, in the Town of Wellesley there are vacant stores in retail and Church Street is completely vacant. Communities are looking at how to reinvigorate commercial strips.
- The Consultant has spoken with the owner of the Medway Plaza and he seems amenable to this. Conceptual plans have been drawn up.
- Consider Hotel and Motel and allow the possibility for them.
- Repair Shop would be by Special Permit but no outdoor storage would be allowed.
- Adult day care would be Special Permit for those working or living in or nearby the CBD.
- There was the inclusion of the vehicle fuel station with convenience store only for existing fuel station redevelopment with backwards gas station design standards. This is for something new not existing. Suggest to prohibit new gas stations. The goal is to provide the opportunity to reconfigure the existing stations but not allow new ones. Barbara Saint Andre suggested this could be considered spot zoning and the Board needs to be careful about this. Can the Board restrict the number of gas stations? This needs to be discussed with town counsel. Barbara recommends leaving this as prohibited. If they want to redevelop an existing site, the applicant should be able to confirm with the standards. The redevelopment of a site needs to be considered in the development standard section. This should not be addressed in the use table.
- The prohibition on drive-thrus was an amendment from 4 years ago to promote pedestrian activity. We should allow for curb side food pick-up. This could be addressed a site plan amenity in the Site Plan Rules and Regs.
- Lodge/Club was added as Special Permit use. The original thought was that it could not be mixed use. This would be over commercial and could be stand-alone also.
- Veterinarian hospital should be added as an allowed use in this area. There is only one place now in town where that can be built.
- The brewery classification is the volume. There is brew pub.
- Communal work space should be included. This is happening in cities. Trying to find a spot for inexpensive commercial space where one can walk to get lunch and a drink is a challenge. This is an office use and may not need its own category in the Use Table. This could be a great use for the buildings set far back. Ex. We Work/We Live.

Members felt it would be good to specifically authorize this use. This would need a definition and then add it to the table of uses.

- There was a suggestion that when a commercial lot abuts a residential property, there should be a larger setback with buffer.
- Minimum lot sizes may not be necessary as building types have lot size requirements. This would allow flexibility and allows development to only use as much land as actually needed.
- Frontage may not be necessary with more residential and mixed-use developments where the residential use could be at the rear on separate lots with an access street.
- There could be a combination of uses on a particular lot.
- Proposing amendments to the parking to allow flexibility.
- Allow buildings to be placed directly on the right on the right of way.
- Look at the plan which Gino Carlucci prepared a few years back with infill.
- There will be transitional buffer areas.
- Put language in the site plans rules and regulations to address new development vs. redevelopment.

The Board thanked Consultant Brovitz for providing such a comprehensive presentation. It was discussed that the Board hold a workshop meeting on January 19, 2021 to focus on zoning.

FUTURE MEETING:

- Tuesday, January 19, 2021

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to adjourn the meeting at 10:15 pm.

Roll Call Vote:

Andy Rodenhiser	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

The meeting was adjourned at 10:15 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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