

Wednesday March 2, 2022
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Virtual Meeting via Zoom

| | | | | | | |
|-------------------|-------------------|----------------|-------------------|---------------------------|----------------------|-----------------------|
| Members | Bob Tucker | Tom Gay | Matt Hayes | Sarah Raposa | Rich Di Iulio | Jessica Chabot |
| Attendance | Remote | Remote | Remote | Absent with Notice | Remote | Remote |

PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator

The meeting was called to order by Chairman Hayes at 7 pm.

Public Hearing Continuation - Medway Department of Public Works Water Treatment Facility Site Plan Decision

The Board is in receipt of the draft decision for the Medway Department of Public Works, Water Treatment Facility Site Plan. All representatives have been provided with the draft decision. There have been additional items submitted since the last meeting which are included into the record and noted in the decision. The most recent version of the decision is dated March 2, 2022. **(See Attached)**

The Board is in receipt of the following which was entered into the record: **(See Attached)**

- Email from Medway DPW Director Peter Pelletier dated 2.9.22 (sidewalk costs)
- Email from Tree Warden Steve Carew dated 2.11.22 (Oak tree)
- Letter from Jeff Watson Sergeant /Safety Officer dated February 15, 2022 (sight lines and signage)
- Letter from Jeff Watson Sergeant/Safety Officer dated February 16, 2022 (Oak Tree)

The draft decision was shown on the screen share.

Findings:

The following comments are noted within the findings section:

- Stay consistent referring to the project as a water treatment facility, not water quality treatment.
- Under Findings - #1 add the address of abutter to the north which is 15 Populatic Street.
- Conservation Commission met last week and will be voting on the Order of Conditions on March 10, 2022.
- Clarity that there will be 12 and not 14 employees.
- The parking requirement is a minimum of 11, however 17 spaces will be provided.

Vote on Findings:

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by Roll Call to approve the FINDINGS as revised.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | aye |
| Jessica Chabot | aye |
| Matt Hayes | aye |

Waivers:

The Board next discussed the waiver list.

#1: Section 204-5- Existing Landscape Inventory:

- The Board is comfortable waiving.

#2: Section 207-9B) 3)-Sidewalks:

- The Board is comfortable waiving.

#3: Section 207-11 A. 4. - Site Entrances and Exists (curbing)

The Town Manager has asked that the Board consider waiving the requirement for granite curbing at the driveway entrances requirement due to the added cost and potential damage which could be done to the vehicles. The majority of the members have no problem granting this waiver since there are currently no curbs at the noted location or along Populatic Street.

#4 Section 207-17 - Dumpsters and Recycling and Trash containers.

- The Board is comfortable waiving the requirement for dumpster enclosure.

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by roll call vote to grant the waivers for #1, #2, and #4.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | aye |
| Jessica Chabot | aye |
| Matt Hayes | aye |

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by roll call vote to grant the waiver for #3.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | nay |
| Jessica Chabot | aye |
| Matt Hayes | aye |

Conditions of Decision:

The Board reviewed the conditions of the decision. The following comments were made:

- The Board wants to see a photo of the proposed canopy structure. They would like language that the design of canopy needs to be reviewed by DRC.
- Parking will include the infrastructure for future electric vehicles.
- The selected cutting zone should be shown on plan.
- There should be painted stop lines at each stop signs.
- The flood plan and ground water protection language were added to decision.
- The occupancy permit section was clarified about what is expected to be done since it is a non-residential project.
- There was a recommendation to remove the reference for environmental standards since municipal projects are exempt.
- Snow storage removal will be revised to a timeframe which is a week based on recommendation of applicant.
- There will be language added that in lieu of using consultant Tetra Tech for construction inspection, the Town will rely on town professionals and project engineering consultants.
- The applicant will provide monthly project inspection reports and updates.
- Site plan completion date is five years.

Approval of Decision:

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by Roll Call to approve the decision with revisions.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | aye |
| Jessica Chabot | aye |
| Matt Hayes | aye |

Close Hearing:

On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted by Roll Call to close the hearing.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | aye |
| Jessica Chabot | aye |
| Matt Hayes | aye |

ADJOURN:

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by Roll Call to adjourn the meeting.

Roll Call Vote:

| | |
|-----------------------|------------|
| Bob Tucker | aye |
| Rich Di Iulio | aye |
| Jessica Chabot | aye |
| Matt Hayes | aye |

The meeting was adjourned at 8:05 pm.

Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Board Members

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

DRAFT – February 24, 2022

With bjs comments – February 28, 2022

And SAC edits – March 2, 2022

MAJOR SITE PLAN DECISION

Medway Department of Public Works – 19 Populatic Street with Waivers and Conditions

Decision Date: March 2, 2022

Name of Applicant/Permittee: Town of Medway Department of Public Works
Water & Sewer Division

Address of Applicant: 45B Holliston Street
Medway, MA 02053

Name/Address of Property Owners: Town of Medway
155 Village Street
Medway, MA 02053

Engineer: James E. Cray, P.E.
Wright Pierce
600 Federal Street, Suite 2151
Andover, MA 01810

Site Plan: *Populatic Water Treatment Plant*
Dated October 2021, last revised January 2022 Wright-Pierce, to be further
revised as specified herein

Location: 19 Populatic Street

Assessors' Reference: Map 71 Parcel 027

Zoning District: Agricultural-Residential II
Groundwater Protection Overlay District

I. PROJECT DESCRIPTION – The Applicant sought major site plan approval to construct a municipal water treatment facility at 19 Populatic Street, a 9.8 acre, Town owned property on the east side of Populatic Street in the Agricultural Residential II zoning district. The site is currently used by the Town as part of its public water supply operations and contains the Populatic Wells, a chemical feed building, an office building, a supply house and a garage, some of which will be demolished.

The Town plans to construct a 15,640 sq. ft. building which will include operations and office space for the Town’s DPW water personnel, a water quality treatment area, and garage space with capacity for up to 8 Town vehicles. The facility will treat blended raw water from three Town well sites (Populatic Street wells, Oakland Street well, and the Village Street well). Proposed site improvements include 17 parking spaces, landscaping, lighting, paved walkways, and stormwater management measures to comply with local and state policies. Also planned are outside locations for a transformer and generator, and dumpster for solid waste.

Primary access to the site will continue to be via the existing paved driveway off of Populatic Street, commonly referred to as Water Street. A new driveway off of Water Street will wrap around the rear of the building to a secondary and limited access from Populatic Street, south of the new building, for deliveries and fire department access when needed.

The site is bordered on the east by the Charles River, on the south by an electric transmission line corridor, on the west by Populatic Street, and on the north by residential property and fields.

The proposed use requires site plan review and approval pursuant to Section 3.5 of the *Bylaw*. The property is also subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance for a Land Disturbance Permit and an Order of Conditions, both from the Medway Conservation Commission

II. VOTES OF THE BOARD - After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on _____, 2022, on a motion made by _____ and seconded by _____, voted to _____ with WAIVERS and CONDITIONS a site plan for the development of a water quality treatment facility and associated site improvements at 19 Populatic Street, as shown on a site plan titled *Populatic Water Treatment Plant*, dated November, 2021, last revised January 2022, by Wright-Pierce of Andover, MA to be further revised as specified herein before endorsement and recording.

The motion was _____ by a roll call vote of ____ in favor and _____ opposed.

| Planning & Economic Development Board Member | Vote |
|---|-------------|
| Jessica Chabot | |
| Richard Di Iulio | |
| Matthew Hayes | |
| Robert Tucker | |

III. PROCEDURAL HISTORY

- A. November 28, 2021 - Site plan application and associated materials filed with the Board.
- B. December 17, 2021 – Site plan application and associated materials filed with the Medway Town Clerk

- C. December 14, 2021 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. December 14, 2021 - Public hearing notice mailed to abutters and parties of interest by certified sent mail.
- E. December 14, 2021 - Project documents and information loaded to the Board's web page.
- F. December 14, 2021 – Site plan information distributed to Town boards, committees and departments for review and comment.
- G. December 27, 2021 and January 4, 2022 - Public hearing notice advertised in the *Milford Daily News*.
- H. January 11, 2022 - The public hearing commenced. It was continued to February 8 and March 2, 2022 when a decision was rendered and the hearing was closed. On January 12 and February 9, 2022, public hearing continuation notices were filed with the Town Clerk and distributed to Town staff, boards and committees to request review comments.

IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS

- A. The application package for the proposed Medway DPW Water Quality Treatment facility included the following documents, plans, studies and information that were provided to the Board.
 - 1. Major Site Plan application dated November 9, 2021.
 - 2. *Populatic Water Quality Plan* site plan for 19 Populatic Street, dated November 2021, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings.
 - 3. Certified abutters list from the Medway Assessor's office dated September 28, 2021.
 - 4. Requests for Waivers from the *Site Plan Rules and Regulations*, prepared by Caron Environmental Consulting, LLC.
 - 5. *Project Narrative* including a *Development Impact Statement* dated November 8, 2021 prepared by Caron Environmental Consulting, LLC of Westminster, MA
 - 6. *Stormwater Management Plan, Populatic Water Treatment Plant*, dated October 2021, by Wright-Pierce.
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
 - 1. A certified abutters list from the Franklin Assessor's office dated December 1, 2021.
 - 2. Response letter dated January 25, 2022 from project engineer James Cray, P.E. of Wright-Pierce to the January 11, 2022 plan review comment letter from Tetra Tech.
 - 3. *Populatic Water Quality Plan* site plan for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of

- Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings.
 4. Revised *Project Narrative* and *Development Impact Report* dated January 25, 2021
 5. Additional Requests for Waivers, dated January 25, 2022, from the *Site Plan Rules and Regulations*
 6. *Construction Management Plan* by Wright-Pierce, dated January 25, 2022
 7. *Fire Truck AutoTurn Analysis (Sheet C-3)* by Wright-Pierce
 8. *Generator Sound Data Sheet* by Cummins
- C. Other documentation submitted to the Board during the course of the public hearing:
1. Tetra Tech plan review letters dated January 11, 2022 and February 2, 2022.
 2. Design Review Committee comment memorandum dated January 31, 2022
 3. Letter dated February 3, 2022 from Building Commissioner/Zoning Enforcement Officer Jack Mee
 4. Email dated February 8, 2022 from Deputy Fire Chief Michael Fasolino
 5. Email dated February 9, 2022 from DPW Director Pete Pelletier regarding sidewalk construction in Medway
 6. Email dated February 11, 2022 from Tree Warden Steven Carew
 7. Letters dated February 15 and 16, 2022 from Police Sergeant Jeff Watson

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- James Cray, P.E. project engineer for the Applicant
- Abutter Arthur Poulakis, 37 Populatic Street
- Chuck Samiotes on behalf of Arthur Poulakis
- Resident Jeffrey Brady, 18 Populatic Street
- Resident Liam McDermott, 39 Populatic Street
- Abutter Alicia Osborne-Stackpole, 15 Populatic Street.
- Pete Pelletier, Medway DPW Director
- Barry Smith, Medway DPW Water/Sewer Superintendent

Additionally, the following written comments were provided and entered into the record during the public hearing:

- Email dated January 6, 2022 from Chuck Samiotes on behalf of abutter Arthur Poulakis

VI. FINDINGS - The Board, at its meeting on March 2, 2022, on a motion made by _____ and seconded by _____, voted to _____ the following **FINDINGS** regarding the site plan application for the proposed water quality treatment facility at 19 Populatic Street. The motion was approved by a _____ vote of ____ in favor and ____ opposed.

Planning & Economic Development Board Member

Vote

Jessica Chabot
 Richard Di Iulio
 Matthew Hayes
 Robert Tucker

SITE PLAN RULES AND REGULATIONS FINDINGS – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following Findings in accordance with Section 204-8 of the *Site Plan Rules and Regulations*, as amended October 8, 2019, and Section 3.5 of the *Bylaw*:

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been reviewed by Town safety officials and the Board's Consulting Engineer and found to be acceptable. There should be little change to the volume and timing of traffic on Populatic Street to be generated by the new facility as the Medway DPW is consolidating the Water/Sewer division's operations taking place on the site into the new building. Traffic is presently and will continue to be generated by 14 employees, DPW vehicles, intermittent deliveries, and very occasional visitors. There is no backing out of vehicles onto a public way. Populatic Street is adequate to safely handle the traffic from the facility. Primary access to the property is from an existing driveway off of Populatic Street (known as Water Street). Landscape screening will be provided to buffer the site from the adjacent abutters to the north who use the Water Street "driveway" to access their property.*
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The site is located along a residential street and is adjacent to a utility easement corridor. Although the building is not residential in nature, its design and scale has been reviewed by the Design Review Committee and found to be appropriate for its use and setting and to align with the Medway Design Review Guidelines. The building will be well screened from vehicular traffic on Populatic Street and for residents on the west side of Populatic Street by a robust landscaping installation to be planted between the building and Populatic Street.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The building is oriented so that most of the parking will be located behind the building and away from the public's view from Populatic Street. The landscaping plan has been enhanced to provide a robust landscape treatment on the building's west façade facing Populatic Street. The northern façade of the building will be screened by landscaping to provide some buffering of the building for the adjacent neighbor to the north. Items such as the backup generator and aeration tower which may occasionally generate noise are located behind the building and thus the building serves as a buffer. The garage and roll-up doors were located on the back of the building so to not be visible from Populatic Street.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed building is accessible on all four sides via two driveways, Populatic Street,*

and an internal driveway that go around to the back of the building. The Fire Department has reviewed the site plan and fire truck turn analysis and has approved the site plan as proposed.

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

Both the site and the proposed stormwater drainage system have been reviewed by the Town's Consulting Engineer and the Conservation Commission for an Order of Conditions and a Land Disturbance Permit. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated. Stormwater will be managed on site. Trees will be removed for site preparation. However, a robust landscaping plan will be implemented. Grading on the site has been designed to prevent any loss in flood storage and will slightly increase flood storage on site. Upon project completion, most of the site's current operations will be consolidated into the new building, moving those operations further away from the Charles River.

- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed building will house 14 employees. Visitors to the property will be minimal and will include vendors and consultants. Due to the nature of its use, neither the building nor the site will be open to the general public. Other traffic will include delivery of supplies. The primary entrance/exit to the site on Populatic Street has a sight distance of more than 200 feet and does not create a hazard to abutters, vehicles, or pedestrians. Internal sidewalks will be installed to connect the parking areas to the building entrances.*
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *The designs for the new construction were prepared by a licensed architect and have been reviewed and are supported by the Design Review Committee. The site abuts the Charles River which will serve as key natural and scenic feature.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Engineer and has been revised to comply with the Zoning Bylaw. The lighting fixtures are wall mounted, downward facing with shields to minimize light impacts. No off-site light spillover will occur.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work area*

is reasonable. The Charles River and its riverfront buffer area are protected through the Conservation Commission's Order of Conditions.

OTHER FINDINGS

- 10) The property is located within the Town's Floodplain District and includes areas mapped as Flood Zone AE.
- 11) The property is also located in the Town's Groundwater Protection District. Section 5.6.3.E. 1. h of the *Zoning Bylaw* specifically indicates that "construction, maintenance, repair, and enlargement of drinking water supply related facilities" is a permitted use.
- 12) Parking - The 19 Populatic Street site plan shows 17 parking spaces (12 in the back and side and 5 near the front door). Section 7.1.1 (Off-Street Parking and Loading) of the *Zoning Bylaw* does not include a parking category to correspond to the proposed mixed uses at 19 Populatic Street (office, garage, and water quality treatment facility). Medway DPW believes that 17 parking spaces are adequate to accommodate the number of current and future employees and to park vehicles related to facility operations (DPW trucks, vans, etc.) Building Commissioner and Zoning Enforcement Officer Jack Mee has provided a letter dated 2-3-22 regarding parking on the subject site. Because of the mixed-use nature of the building, all areas of the building will not be occupied by employees. Nor is the building to be open to the public so the number of visitors will be very limited. Accordingly, Building Commissioner Mee has applied the parking standard for "business, professional and governmental office, bank" which requires 1 parking space for 300 sq. ft. to the administrative office area of the facility, which results in a minimum of 11 required parking spaces.

VII. WAIVERS from SITE PLAN RULES AND REGULATIONS – At its March 2, 2022 meeting, the Board, on a motion made by _____ and seconded by _____, voted to _____ waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a ____ vote of ____ in favor and ____ opposed.

Planning & Economic Development Board Member

Vote

Jessica Chabot
Richard Di Iulio
Matthew Hayes
Robert Tucker

SITE PLAN RULES AND REGULATIONS

Section 204-5. C. 3) Existing Landscape Inventory. The Existing Condition sheet(s) shall show all existing trees with a diameter of fifteen inches or more at four feet above grade and any tree that will be beneficial for screening purposes. Tree drip lines shall also be shown.

The Applicant seeks a waiver from this regulation to allow for showing only hardwood trees larger than 18" diameter on the plan and to not show the driplines of trees that are scheduled to remain. The site is heavily wooded and the available development area is quite limited due to

the property's proximity to the Charles River and wetland resources. Limiting the tree inventory to more substantial and only hardwood trees is reasonable in light of the site's conditions. ***For these reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

Section 207-9 B) 3) Pursuant to Section 3.5.4.1.3 of the Zoning Bylaw, sidewalks shall be provided along the entire frontage of the subject property along existing public ways.

The applicable Zoning Bylaw language requires an applicant to construct sidewalk along the subject site's frontage, or elsewhere in the community, or to provide a payment in lieu of sidewalk construction to the Town. The site's Populatic Street frontage is approximately 973 feet. The Applicant seeks a waiver from this requirement citing that there are no sidewalks presently on Populatic Street between Walker Street and the Franklin town line and further, that installing such a sidewalk would not really be beneficial or practical. As noted in the February 9, 2022 email communication from Medway DPW Director Pete Pelletier, the Town of Medway annually invests in sidewalk construction and maintenance which can be considered to serve as payment in lieu of sidewalk construction on the subject site. ***For this reason, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

Section 207-11 A. 4. Site entrances and exits shall be clearly delineated by vertical granite curbing or other approved materials along the entire radius of the opening, which shall extend at least 12 feet beyond each side along the gutter line of the road and at least the first 25 feet of a driveway, and which shall be sloped at the end to prevent a vertical obstruction to exist.

The Applicant has requested waiving of the curbing requirement and to not have any curbing at the driveway entrances, noting that there are no curbs along Populatic Street and at the site. The expense of granite curbing is also noted. Use of bituminous curb instead is not desired as it can be easily damaged.

Board Discussion - At its February 8 meeting, the Board provided feedback that it would not support this waiver request noting that granite holds up best for the lifetime of the project and given the use of the property with truck access. Town Manager Michael Boynton has asked that the Board reconsider its position on this particular waiver request out of concern for both the added cost on a very tight project budget and expected damage to Town vehicles from granite curbs.

Section 207-17. C. Dumpsters and recycling and trash containers shall be fully screened on all sides and to the full height of the dumpster or container by suitable fencing or enclosure and/or evergreen plantings.

The Applicant seeks a waiver from this requirement. The Applicant notes that the dumpster is located behind the building, out of public view, and is essentially screened by the building itself. Also noted is the challenge of snow plowing and the desire to easily relocate the dumpster temporarily when needed for maintenance. Further, there will be no public access to this area so there is no hazard by not screening or fencing the dumpster. ***For this reason, the Board***

Commented [BS1]: In this instance I'm not sure if the curb at the entrance radii makes sense since there is no curb along Populatic or proposed on the site. I also think there is little precedent for this situation since many Projects have had curb or berm in the interior of the site for that curb to connect into.

APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

VIII. CONDITIONS - The *Specific and General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a multi-family housing special permit, land disturbance permit, and site plan approval is subject to the following Conditions of Approval:

SPECIFIC CONDITIONS OF APPROVAL

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The tract(s) of land on which this proposed development will be located at 19 Populatic Street shall not be altered or used except:
 - a) as granted by this site plan decision;
 - b) substantially as shown on the site plan entitled *Populatic Water Quality Plan* site plan for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings, to be modified as specified herein;
 - c) in accordance with any subsequently approved field changes, modified plans or amendments to this special permit/site plan decision; and
 2. The tract of land and buildings comprising 19 Populatic Street shall not be used, sold, transferred or leased except in conformity with this site plan and shall not be further divided.
- B. **Plan Endorsement** - Within one-hundred and twenty days after the Board has filed its *Decision* with the Town Clerk, the site plan set for the Medway DPW Water Treatment Plant including building elevations, renderings, landscaping plan, and lighting plan shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan of Record*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds with this decision. All Plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee shall also provide a Certificate of No Appeal from the Town Clerk's office.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the January 2022 site plan shall be revised as follows:
1. Include the list of APPROVED Waivers from the *Site Plan Rules and Regulations*
 2. Add reference to the Stormwater Operations and Maintenance plan (sheet to be added to the plan set) to the Plan Index
 3. Add the specific plan revision date
 4. Add a signature box to include date of decision, date of endorsement, and lines for Board member signatures.

- D. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions and/or notes shall be made to the January 2022 site plan:
1. A sheet shall be added to the Plan set to display the approved stormwater design as approved by the Conservation Commission and the property's *Stormwater Operations and Maintenance Plan*.
 2. A drawing and details for the pre-fabricated storage canopy shall be reviewed by the Design Review Committee and included in the plan set.
 3. Add notes to indicate that the parking areas shall be constructed to include the necessary infrastructure to provide for future electric vehicle charging equipment.
 4. Add a signature box to include date of decision, date of plan endorsement, and lines for signatures of Board members.
 5. Show final plan date on each sheet.
 6. The location of snow storage areas shall be modified based on the final stormwater design as approved by the Conservation Commission. Also, the text indicating the location of snow storage areas shall be revised to be clearer and easier to read.
 7. Sheet C-4 shall be revised to include added landscaping to further screen the storage canopy at the northeast corner of the property.
 8. Fencing – Add a note and detail to specify that the chain link fencing is to be black, vinyl coated.
 9. Show a 15' no cut zone along the Populatic Street frontage.
 10. Indicate that the large oak tree on the east side of Populatic Street will be removed.
 11. Add property lines to the photometric plan.
- E. **Wetlands Protection** – Prior to plan endorsement, the Applicant is required to provide the Board with a copy of the *Order of Conditions* and a Stormwater Management/Land Disturbance Permit from the Medway Conservation Commission.
- F. **Recording of Plans and Documents**
1. The Plan of Record associated with this site plan approval is titled: *Populatic Water Quality Plan* site plan for 19 Populatic Street, dated November 2021, revised January 2022, prepared by James Cray, P.E. of Wright Pierce of Andover, MA including landscaping and lighting plans and architectural plans and renderings, to be further revised as specified herein and endorsed by the Board.
 2. No construction shall begin on the site and no building permit for any work shall be issued before this Site Plan Decision and the Plan of Record are recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board within thirty days of recording.
- G. **Conditions Pertaining to Flood Plain Protection District** – Portions of the site are located within the Town's flood plain district pursuant to Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA). The Applicant is required to comply with the provisions of Section 5.6.1 of the *Zoning Bylaw* for allowed and prohibited uses and activities.
- H. **Conditions Pertaining to Groundwater Protection District** – The site is located within the Town's groundwater protection district. The Applicant is required to comply with the

Commented [SA2]: Barbara recommends eliminating Conditions G and H. See her notes below.

Commented [BSA3]: Compliance with the zoning by-law is a requirement of the zoning by-law, not a condition of site plan approval. This is already covered in finding no. 10

provisions of Section 5.6.3 of the *Zoning Bylaw* for allowed uses and prohibited activities.

Commented [BSA4]: Same comment, finding no. 11.

- I. **Electric Vehicle Parking** – ~~Due to the size of the planned parking area, While~~ this ~~municipal~~ project is exempt from the *Zoning Bylaw* requirement (Section 7.1.1 E. 4.) to provide parking spaces with electric vehicle (EV) charging stations. ~~However,~~ the Applicant has agreed to include installation of the necessary infrastructure in the eastern parking area to allow for the future installation of EV charging stations as part of the infrastructure construction for this project.

- J. **Occupancy Permit** – Pursuant to Section 3.5.2.B of the *Zoning Bylaw*, ~~which provides:~~ “Unless specifically authorized by the terms of the site plan review decision, the Building Department shall not issue a final certificate of occupancy shall not be issued until the project has been completed in accordance with the approved and endorsed plan and the applicant has ~~completed~~ or satisfied all conditions of the site plan review decision.” ~~See General Condition M. Project Completion herein for the Board’s project completion requirements.~~ an occupancy permit may be issued when the following items, at a minimum, are installed in compliance with this Decision, the Plan of Record, and applicable by-laws and regulations:

Commented [SA5]: These edits recommended by Barbara.

- a) Driveway and parking area gravel sub-base
- b) Driveway area and parking area binder course
- c) Drainage system completed
- d) As-built plan of each stormwater facility with all critical elevations and details.
- e) Stop line pavement markings and stop sign.
- g) Provisions for fire prevention and protection.

Commented [SA6]: These are the standard ones used for residential projects. We may want to modify these to better match the nature of this project.

- K. **Signage** – Any future signage for this project shall comply with Section 7.2 Signs of the *Zoning Bylaw* and is subject to review by the Design Review Committee.

Commented [SA7]: Barbara recommends not including this condition. See her note below.

- L. **Landscape Maintenance** - The site’s landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the Plan of Record. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.

Commented [BSA8]: Compliance with zoning by-law is a requirement of the zoning by-law, not a condition of site plan approval.

GENERAL CONDITIONS OF APPROVAL

- A. **Applicability** – This permit shall apply to any successor in control or successor in interest of the subject property.
- B. **Other Permits** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits and approvals associated with this project. The contractor for the Permittee or assigns shall obtain, ~~pay~~ and comply with all other required Town permits.
- C. **Restrictions on Construction Activities** – During construction, all ~~local, state~~ and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

Commented [BSA9]: Do we require contractors to pay for town permits when it is a town facility?

Commented [BSA10]: This could be interpreted as applying the new environmental standards to this project, although it is exempt.

1. **Construction Time** - Work at the construction site 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 7:00 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.
2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel or dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
4. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.
5. **Construction Traffic and Parking** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.

F. **Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.

- G. **Right to Enter Property** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the 19 Populatic Street property at reasonable times during construction and with advance notice to the Permittee to inspect the site to evaluate for compliance with the terms and Conditions of this permit and the Plan of Record and while on site, may acquire any information, measurements, photographs, observations and/or materials deemed necessary for that evaluation.

- H. **Construction Oversight** - ~~Inspection by the Town's consulting engineer of infrastructure and utility construction, installation of site amenities including landscaping, and erosion controls and review of legal documents by Town Counsel is required.~~

1. **Construction Account**

Commented [BSA11]: Is 24 hours reasonable for the town where this is a site with limited access and the town has many other sites where snow removal is a higher priority for public safety reasons?

Commented [SA12]: Is an engineer going to provide oversight of the contractor's infrastructure construction, particularly of the stormwater facilities? Does the Town's contract with Wright-Pierce include this service?

SAC Note 3-2-22 - DPW has informed me that its consulting engineer, Wright-Pierce, will be inspecting infrastructure installation. Also, the Town's OPM (owner's project manager) is a civil engineer who will be providing oversight as well.

- a. ~~Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks – inspect the site during construction and installation, identify what site plan work remains to be completed, prepare surety estimates, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a Certificate of Site Plan Completion.~~
- b. ~~Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's consulting engineer.~~
- c) ~~Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board, until the road, stormwater system and other infrastructure are completed and the as-built plan and Certificate of Site Plan Completion has been granted.~~
- d) ~~Any funds remaining in the Permittee's construction inspection account after the Certificate of Site Plan Completion is issued shall be returned to the Permittee.~~

2. ~~**Pre-Construction Meeting** – At least seven days prior to the start of any site preparation or construction, the Permittee and its project engineer shall meet with the Town's consulting engineer, the Planning and Economic Development Coordinator, the Conservation Agent other Town staff as appropriate, the site contractors for a pre construction meeting. At or before the pre construction meeting, the Permittee shall provide the following information:~~

- ~~Any updates to the Construction Management Plan as specified in Section 204-3 II. of the Site Plan Rules and Regulations, including the export process for earth removal (truck routes and export duration).~~
- ~~copies of its National Pollutant Discharge Elimination System (NPDES) permit and its Stormwater Pollution Prevention Plan (SWPPP) for this project as filed with the U.S. EPA.~~
- ~~list of contacts with contact information for contractors, those responsible for compliance with this permit (Clerk of the Works), on site management, and erosion control inspector.~~

- ~~3.~~ 1. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved plan and improvements. Inspections shall occur at least on a monthly basis and shall start immediately once any work begins on the property. The Permittee's engineer shall prepare a written report of each inspection, including photographs, and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.

Commented [BS13]: Is this something we are going to have to do if there are no TT construction services on this project? I don't believe we did one for the DPW facility and we had no inspectional role on that project either.

I. On-Site Field Changes

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

J. Plan Modification

1. Proposed modifications (not including on-site field changes) to the Plan of Record shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent Conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the Plan of Record may be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to Plan of Record shall be subject to the same application and review process, including a public hearing, the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

K. Plan Compliance

1. The Permittee shall construct all improvements in compliance with the Plan of Record and any modifications thereto.

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

M. Project Completion

1. This approval shall lapse after two years of the grant thereof if construction has not begun except for good cause. The approved site plan shall be completed by the Permittee or its assignees within years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The Permittee's request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. *Certificate of Site Plan Completion* - The Permittee shall request a *Certificate of Site Plan Completion* from the Board as provided in Section 208-6 (C) of the *Site Plan Rules and Regulations*. The *Certificate* serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved site plan and any Conditions and modifications thereto, including the construction of any required on and off-site improvements.
 - a) Before issuing such Certificate, a Board member or the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.
 - b) To secure a *Certificate of Site Plan Completion*, the Permittee shall complete or provide the following items to the satisfaction of the Board:
 - i. receipts to document cleaning of the stormwater system
 - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
 - iii. removal of erosion controls
 - iv. full stabilization of the site
 - v. a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this permit, the Plan of Record and any modifications thereto; and
 - vi. an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications

Commented [SA14]: Sometimes, we use 1 year.

Commented [SA15]: Standard time is 2-3 years.

thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

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

IX. APPEAL

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

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

_____ by the Medway Planning & Economic Development Board: March 2, 2022

AYE:

NAY:

COPIES TO: Michael Boynton, Town Manager
Stephanie Carlisle, DPW Compliance Officer
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Pete Pelletier, Department of Public Works
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department
James Cray, Wright Pierce
Steven Bouley, Tetra Tech

Susan Affleck-Childs

From: Peter Pelletier
Sent: Wednesday, February 9, 2022 9:37 AM
To: Susan Affleck-Childs
Subject: Sidewalk Costs

Hi Susy

For sidewalk work in Medway the DPW has invested the following amounts for the years provided.

2018 - \$708,000

2019 - \$225,000

2020 - \$459,000

2021 - \$369,363

Anticipated 2022 - \$1,484,902 not sure if it matters but some of this is Grant money.

Thanks

Pete

Peter Pelletier
Director of Public Works
45B Holliston Street
Medway, MA 02053
Office: 508-533-3275
Mobile: 774-277-5712

Susan Affleck-Childs

From: Steve Carew
Sent: Friday, February 11, 2022 9:18 AM
To: Susan Affleck-Childs
Cc: Peter Pelletier; Sean Harrington; Barry Smith
Subject: Oak tree across from 18 Populatic St.

Hi Susy,

Pete Pelletier and I met at the site on Wednesday February 9, 2022 to inspect the tree in question. After completing the inspection, this tree needs to be added to the list for removal. The tree has numerous limbs in the canopy that are dead, the trunk of the tree is showing numerous cavities, the base of the tree has definite signs of insect damage and the tree is in very close proximity of the overhead utilities and the roadway. Due to these factors the tree does pose a high risk to the public safety and should be removed. Although Populatic St. is a scenic road in Medway, this tree will not require a public hearing for removal as it falls under public safety and is exempt per Massachusetts tree laws.

If you should have any questions or concerns regarding this matter please contact me.

Thank you,

Steven Carew

Parks Division Superintendent

Town of Medway

Office | (508) 533-3275

Cell | (508) 254-1127

Fax | (508) 321-4985

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record. The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.



Allen M. Tingley
Chief of Police

Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
Fax: 508-533-3216
Emergency: 911

February 15, 2022

To: Susan Affleck-Childs
Planning & Economic Development
Coordinator

From: Jeffrey W. Watson
Sergeant/Safety Officer
Medway Police Department

Ref: Populatic Water Treatment Plant

I have reviewed the Contract Drawings for Populatic Water Treatment Plant dated January 2022.

All sight lines and signage look good currently. I would recommend adding the painted stop line at all three stop sign locations.

If you have any other questions please contact me.



Allen M. Tingley
Chief of Police

Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

February 16, 2022

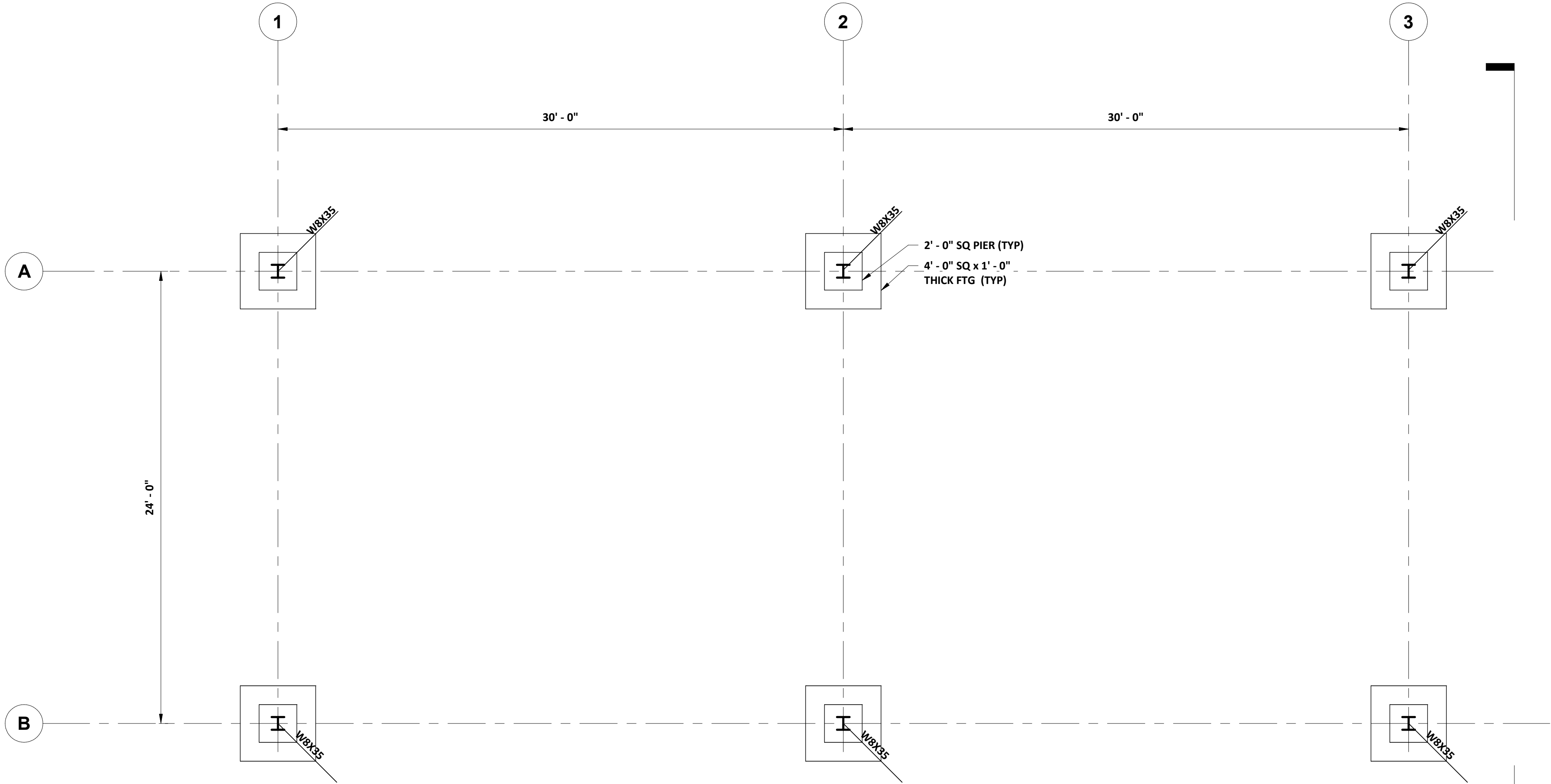
To: Susan Affleck-Childs
Planning & Economic Development
Coordinator

From: Jeffrey W. Watson
Sergeant/Safety Officer
Medway Police Department

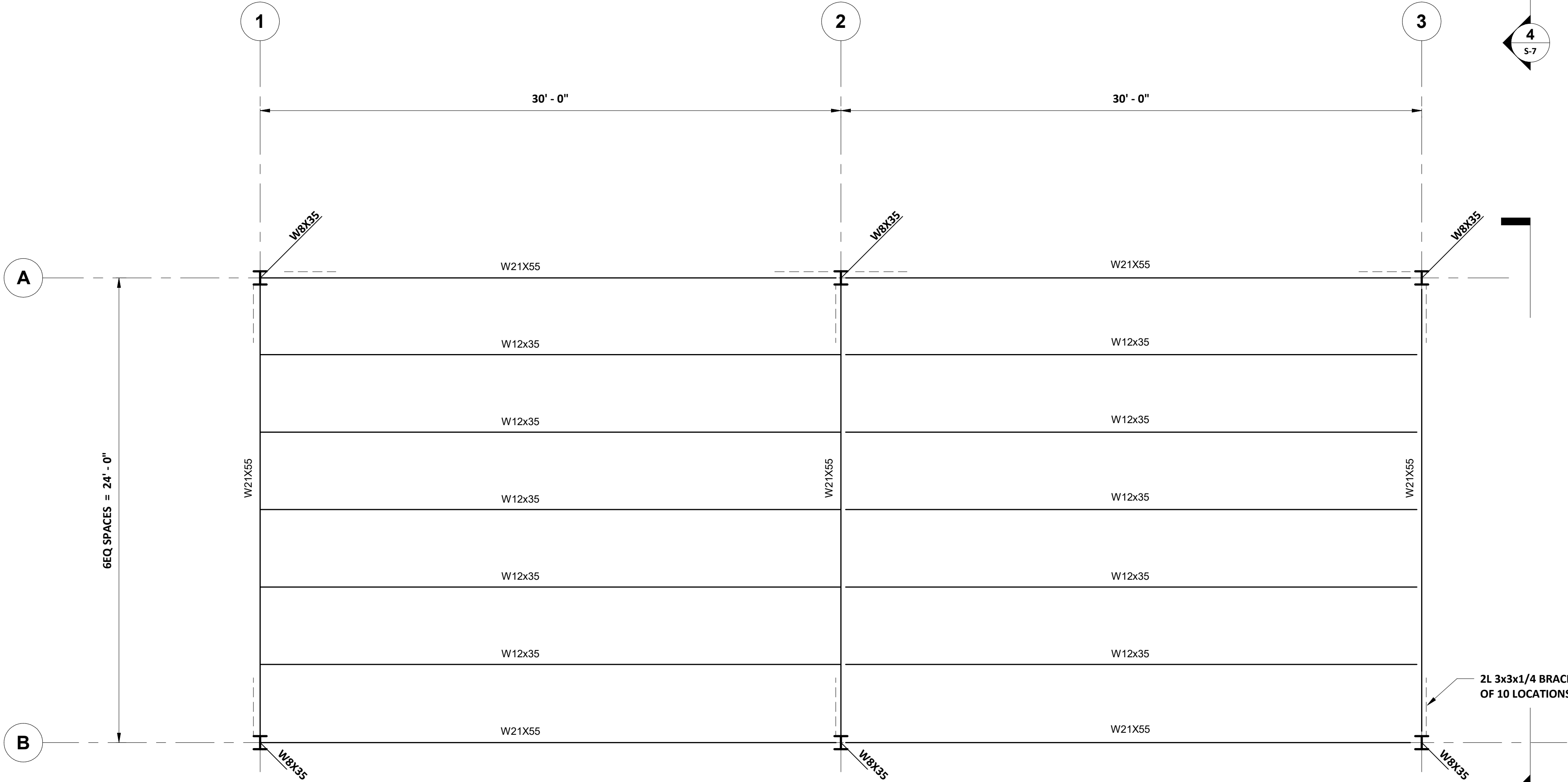
Ref: 19 Populatic Street Tree

I have looked at the tree located at 19 Populatic Street. It would be my recommendation that the town remove the tree. Unfortunately, the tree is no longer living, and, in this state, it poses a danger to vehicles as well as pedestrians.

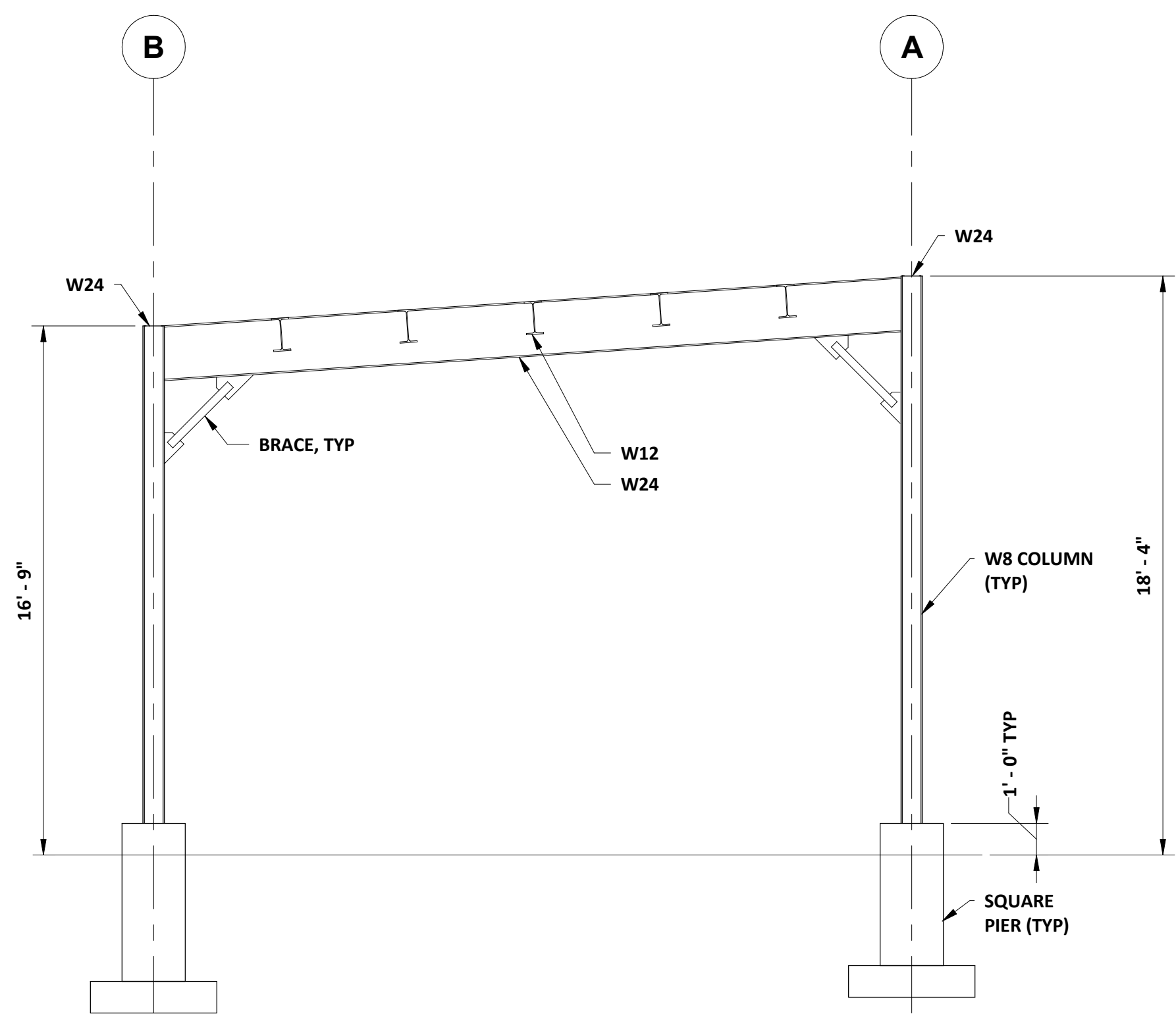
If you have any other questions, please contact me.



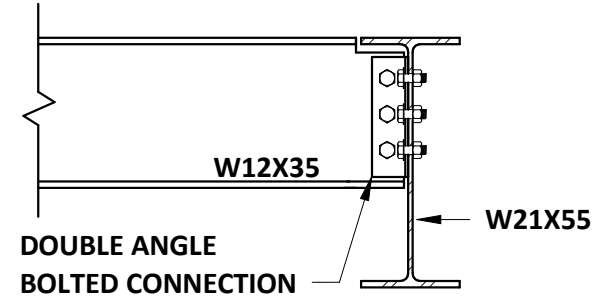
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



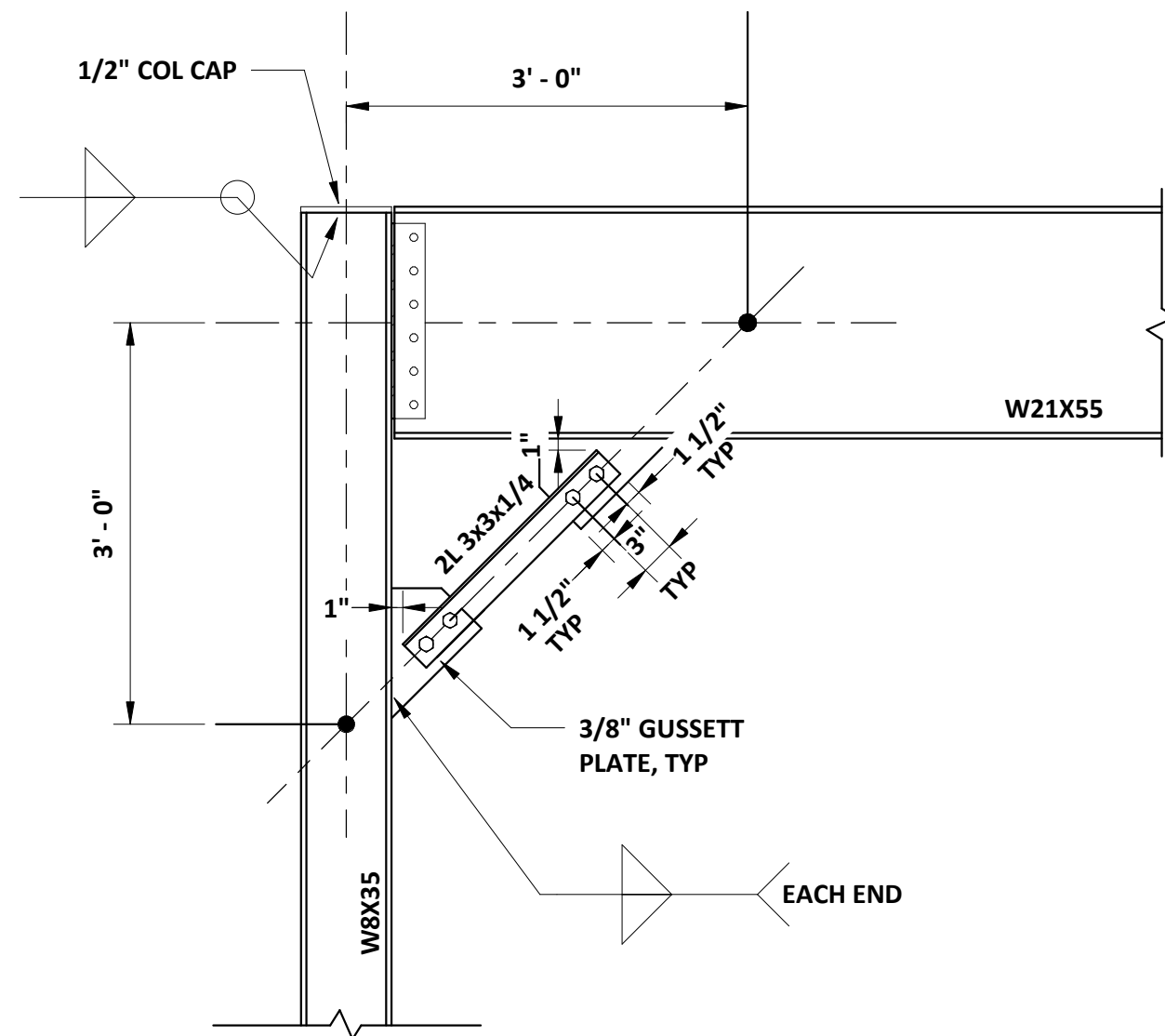
ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



SECTION 4
SCALE: 1/4" = 1'-0"



BEAM-BEAM CONNECTION DETAIL
SCALE: 3/4" = 1'-0"



BEAM-COLUMN BRACE CONNECTION
SCALE: 3/4" = 1'-0"

| REVISIONS | | APPD | DATE |
|--|--|------|------|
| NO | | | |
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| 2 | | | |
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| 4 | | | |
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| PROJECT NO: 20600 | | | |
| DESIGNED: R.C.Y.R. | | | |
| CAD COORD: B.JONES | | | |
| CAD: C.A.P.I.E.L. | | | |
| CHECKED: Checker | | | |
| DATE: | | | |
| APPROVED: Approver | | | |
| DATE: | | | |
| SUBMISSION: 95% INTERNAL REVIEW | | | |
| <div><div><div></div><div><div>WRIGHT-PIERCE</div><div>Revit: 978.416.8000 www.wright-pierce.com</div><div>600 FEDERAL STREET, SUITE 215L ANDOVER, MA 01810</div></div></div><div><div>MEDWAY, MASSACHUSETTS</div><div>POPULATIC WATER TREATMENT PLANT</div></div></div> | | | |
| DRAWING | | S-7 | |